

DIVISION 1
John Aguilar
Director



Steve Robbins
Administration Building
Board Chambers

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President

MINUTES
REGULAR MEETING OF THE
COACHELLA VALLEY WATER
DISTRICT
BOARD OF DIRECTORS

75515 Hovley Lane
Palm Desert, CA

www.cvwd.org

February 22, 2022

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:02 a.m., Tuesday, February 22, 2022 at the office of the District in Palm Desert, California. The Pledge of Allegiance was led by President Powell

2. ROLL CALL

Present: President John P. Powell, Jr
Vice President Cástulo R. Estrada
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson

Absent: None

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia M. Bermudez, Clerk of the Board

3. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA

In accordance with the section 54954.2 of the Government Code additions to the agenda require a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the Agenda.

- A. No item(s) removed or continued from the Agenda
- B. No emergency item(s) added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

No public comment received.

5. APPROVAL OF THE CONSENT CALENDAR

Consent calendar items are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

- A. Affirmed Resolution No. 2021-43, and findings related to the State of Emergency due to COVID-19 and authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953.
- B. Approved minutes of the Coachella Valley Water District Board of Directors February 8, 2022 meeting
- C. Accepted and filed General Manager's Report of Activities January 2022
- D. Accepted and filed General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of January 2022
- E. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of January 2022
- F. Authorized Purchase of Computer Hardware from Sidepath Inc. in the amount of \$165,061.89 for the New SCADA System at Two Wastewater Reclamation Plants

On a motion by Director Nelson second by Director Bianco, the Board approved the Consent Calendar as presented.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled from discussion.

7. INFORMATIONAL REPORTS

- A. Written Communications Received – none received
- B. Informational Reports to the Board
 - i Fiscal Year 2022 Financial Report for the Quarter Ending December 2021, presentation by Karrie Swaine, Controller
 - ii Grant / Loan Funding Opportunities, presentation by Karrie Swaine, Controller.

8. ACTION ITEMS

- A. **Approve solicitation of bids for the construction of monitoring wells for the Salt and Nutrient Management Plan Phase 1, Specification No. 2022-008, and WRP 2 Monitoring Wells Project Specification No. 2021-34.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed the solicitation of bids for the construction of monitoring wells for the Salt and Nutrient Management Plan Phase 1, Specification No. 2022-008, and WRP 2 Monitoring Wells Project Specification No. 2021-34.

On a motion by Director Aguilar second by Director Powell, the Board approved the solicitation of bids for the construction of monitoring wells for the Salt and Nutrient Management Plan Phase 1, Specification No. 2022-008, and WRP 2 Monitoring Wells Project Specification No. 2021-34.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar

NOES: Nelson

ABSENT: None

Motion Passed: 4-1

- B. **Approve and authorize the General Manager to execute Change Order No. 19 with the County of Riverside for CVWD's portion of costs to upsize the existing 12-inch diameter pipe in Hammond Road to an 18-inch diameter pipe for the Avenue 66 Grade Separation Project.**

Following a presentation by Dan Ruiz, Engineer Manager, the Board discussed Change Order No. 19 with the County of Riverside for CVWD's portion of costs to upsize the existing 12-inch diameter pipe in Hammond Road to an 18-inch diameter pipe for the Avenue 66 Grade Separation Project.

On a motion by Director Nelson second by Director Bianco, the Board approved and authorized the General Manager to execute Change Order No. 19 with the County of Riverside for CVWD's portion of costs to upsize the existing 12-inch diameter pipe in Hammond Road to an 18-inch diameter pipe for the Avenue 66 Grade Separation Project.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

C. **Approve and authorize the General Manager to execute the First Amendment to the Thousand Palms Capital Partners Development Agreement - Tract No. 30784 for revised well site requirements.**

A presentation was made by Dan Ruiz, Engineer Manager. Mr. Tim Graham from Thousand Palms Capital Partners then provided public comment. The Board then discussed the first amendment to the Thousand Palms Capital Partners Development Agreement - Tract No. 30784 for revised well site requirements.

On a motion by Director Powell second by Director Nelson, the Board approved and authorized the General Manager to execute the first amendment to the Thousand Palms Capital Partners Development Agreement - Tract No. 30784 to document that the conveyance of the well site will be deemed to be compliance with the well site obligation and the well site requirements under the Agreement and that the other well site requirements under the Agreement will be waived. **Approved by the following roll call vote:**

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

D. **Approve the Seventh Amendment To General Manager Employment Agreement to incorporate a cost of living adjustment and performance goals for calendar year 2022.**

Jeff Ferre, Counsel provided an oral report of the final action recommendation as required under the Brown Act requirements related to executive compensation.

On a motion by Director Aguilar second by Director Powell, the Board approved the Seventh Amendment To General Manager Employment Agreement to incorporate a cost of living adjustment and performance goals for calendar year 2022.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

9. **BOARD COMMENTS AND REPORTS**

A. Board Member General Comments

- Director Estrada requested an update from the General Manager on the American Rescue Plan Spending (ARPA) Funding through the County of Riverside

- B. Meetings and Conference Reports
- i January 4, 2022 Agua Caliente Mediation Zoom meeting (Director Estrada)
 - ii January 26, 2022 Golf and Water Task Force meeting (Director Bianco)
 - iii January 27, 2022 Salton Sea Authority Board of Directors meeting (Director Estrada)
 - iv January 27, 2022 Legislative Committee meeting (Director Estrada)
 - v February 9, 2022 Colorado River Board meeting (Directors Nelson) ***Director Estrada did not attend*
 - vi February 10, 2022 Coachella Valley Conservation Commission meeting (Director Bianco)
 - vii February 10, 2022 CVAG Energy and Environmental Resources Committee meeting (Director Bianco)
 - viii February 14, 2022 Finance Committee meeting (Directors Aguilar and Estrada)
 - ix February 15, 2022 Board Study Session - Sanitation
 - x February 16, 2022 to February 17, 2022 Urban Water Institute's Virtual 2022 Spring Conference - The Art and Science of Water (Directors Nelson and Aguilar)
 - xi February 17, 2022 Oasis Mobile Home Park meeting with Supervisor Manuel Perez (Director Estrada) ***meeting was rescheduled*

Other Meetings Reported

- xii. February 3, 2022 Meeting with Riverside County representatives regarding the proposed North Lake Project (Director Estrada)
- xiii. February 5, 2022 Community outreach town hall with Salton Sea Authority and County of Riverside regarding North Lake Project (Director Estrada)
- xiv. February 10, 2022 Working group meeting for the North Lake Project (Director Estrada)
- xv. February 11, 2022 Principals Meeting related to Agua Caliente mediation (Directors Powell and Estrada)
- xvi. February 11, 2022 7 Basins State Principals Meeting (Director Nelson)
- xvii. February 15, 2022 Bureau of Reclamation Colorado River Basin Agricultural Community Listening Session (Director Nelson)
- xviii. February 16, 2022 Zoom meeting with counsel regarding Agua Caliente mediation (Directors Powell and Estrada)
- xix. February 17, 2022 Desert Valley Builders Association (DVBA) monthly board meeting (Director Powell)

xx. February 18, 2022 Bureau of Reclamation Update to Method of Developing 5-Year Colorado River System Projections Meeting (Director Nelson)

- C. Approval of per diem for meetings reported
On a motion by Director Nelson second by Director Aguilar,
the Board approved per diem for meetings reported.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

10. STAFF REPORTS

- A. General Manager, Jim Barrett provided a brief update related to the ARPA funds through the County of Riverside; provided an update on COVID numbers and vaccination status of CVWD staff.
- B. Counsel, Jeff Ferre reported on the Governor's SMARTER Plan and the role of monitoring wastewater to detect COVID strains.
- C. Departments – no reports.

11. CLOSED SESSION AGENDA


- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION - Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:20-cv-00174-JGB-SPx
- B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION - Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:13-cv-00883-JGB (SPx)
- C. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION - Pursuant to Government Code § 54956.9 (a) Coachella Valley Water District vs. Imperial Irrigation District, County of Riverside Superior Court, Case No. INC 1208959
- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 Two (2) Cases

12. RECONVENE


- A. Report out of Closed Session
President Powell reconvened the meeting into Open Session and reported there were no reportable actions.

13. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 11:06 a.m. The next regular scheduled meeting will be on Tuesday, March 8, 2022, at 8:00 a.m.



Sylvia M. Bermudez, MMC
Clerk of the Board



John Powell, Jr., Board President
Coachella Valley Water District