

DIVISION 1
John Aguilar
Director



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

CVWD's
Coachella Campus
Forbes Auditorium

51501 Tyler Street
Coachella, CA 92236

www.cvwd.org

March 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 8:00 a.m., Tuesday, March 22, 2022 at the office of the District in Coachella, 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 that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

- A. Approved Resolution No. 2022-10, extending the use of the provisions found in Government Code Section 54953(e), and findings related to the State of Emergency due to COVID-19 that authorize the continued use of remote teleconferencing provisions pursuant to AB 361 and Government Code Section 54953
- B. Approved the minutes of the March 8, 2022 CVWD Board of Directors regular meeting
- C. Accepted and filed the General Manager's Report of Activities February 2022
- D. Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of February 2022
- E. Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of February 2022
- F. Approved the Rancho Mirage Chamber of Commerce 2022 Annual Membership Dues in the amount of \$525
- G. **PULLED** - Approve Resolution No. 2022-11 to Authorize the General Manager to execute documents related to the Funding with the Department of Water Resources (DWR) from the Budget Act of 2021, Item 210-101-000 (Senate Bill [SB] 170 for the 30" Transmission Main along Avenue 66 to Mecca and the Eastern Coachella Valley (DW2105)
- H. Approved Resolution No. 2022-12 to authorize the General Manager to execute the application and related documents for grant funding with the United States Department of Agriculture (USDA) for the Monroe Street-Avenue 64 Project (SA1905)
- I. Approved Resolution No. 2022-13 for Submission of a Grant Application with the United States Bureau of Reclamation (USBR) WaterSMART – Applied Science Grant

On a motion by Director Bianco second by Director Nelson, the Board approved the Consent Calendar, with exception of 5G.

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

5G. Approve Resolution No. 2022-11 to Authorize the General Manager to execute documents related to the Funding with the Department of Water Resources (DWR) from the Budget Act of 2021, Item 210-101-000 (Senate Bill [SB] 170 for the 30” Transmission Main along Avenue 66 to Mecca and the Eastern Coachella Valley (DW2105).

Following a presentation by Karrie Swaine, Controller, the Board considered a resolution authorizing the general manager to execute documents related to the funding with the Department of Water Resources (DWR) from the Budget Act of 2021.

On a motion by Director Estrada second by Director Aguilar, the Board approved Resolution No. 2022-11 authorizing the General Manager to execute documents related to the Funding with the Department of Water Resources (DWR) from the Budget Act of 2021, Item 210-101-000 (Senate Bill [SB] 170 for the 30” Transmission Main along Avenue 66 to Mecca and the Eastern Coachella Valley (DW2105).

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

7. PRESENTATIONS AND RECOGNITIONS

RETIREMENTS

The Board recognized the following employee(s):

- Connie Carrillo - Customer Service Representative II, 14 years

8. INFORMATIONAL REPORTS

A. Written Communications Received

B. Informational Reports to the Board

- i Process to Implement Water Shortage Contingency Plan, presentation by Scott Burritt, Director of Service and Communication.

Staff will return at a future board meeting with options for implementation of conservation measures such as a potential landscape rebate program.

9. ACTION ITEMS

- A. **Certify the California Environmental Quality Act (CEQA) Addendum No.1 to the North Indio Flood Control Project Mitigated Negative Declaration (MND) and authorize staff to file a Notice of Determination.**

Following a presentation by William Patterson, Environmental Supervisor, the Board discussed certification of the California Environmental Quality Act (CEQA) Addendum No.1 to the North Indio Flood Control Project Mitigated Negative Declaration (MND).

On a motion by Director Nelson second by Director Aguilar, the Board approved and certified the California Environmental Quality Act (CEQA) Addendum No.1 to the North Indio Flood Control Project Mitigated Negative Declaration (MND) and authorized staff to file a Notice of Determination.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. **Certify the Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Plan, and authorize staff to file a Notice of Determination to complete the California Environmental Quality Act (CEQA) review process for the Avenue 66 Trunk Sewer Project.**

Following a presentation by William Patterson, Environmental Supervisor, the Board discussed the Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Plan.

On a motion by Director Powell second by Director Estrada, the Board approved and certified the Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Plan, and authorized staff to file a Notice of Determination to complete the California Environmental Quality Act (CEQA) review process for the Avenue 66 Trunk Sewer Project.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. **Authorize staff to proceed with long-term financing plans to fund the North Indio Flood Control Project (SW2201).**

Following a presentation by Karrie Swaine, Controller and PFM Consultant Darren Hodge, the Board discussed long-term financing plans to fund the North Indio Flood Control Project (SW2201).

On a motion by Director Nelson second by Director Bianco, the Board authorized staff to proceed with financing plans to

secure long-term funding (\$60 million) to minimize the near term inflationary burden on the Stormwater Fund associated with the North Indio Flood Control Project Phase 2. The Preliminary Official Statements (POS) and other supporting documents for formal approval of such funding will be presented to the Board for approval in April 2022.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

D. **Approve the public notice of accumulated unclaimed monies through December 31, 2018 and up to the amount of \$23,506.09, and authorize the use of the unclaimed monies for the Domestic, Canal and Sanitation Funds.**

Following a presentation by Karrie Swaine, Controller, the Board discussed the public notice of accumulated unclaimed monies through December 31, 2018 and up to the amount of \$23,506.09, and authorize the use of the unclaimed monies for the Domestic, Canal and Sanitation Funds.

On a motion by Director Bianco, second by Director Nelson, the Board approved the following actions related to accumulated unclaimed monies through December 31, 2018:

- printing of a public notice of accumulated unclaimed monies through December 31, 2018 up to the amount of \$23,506.09;
- authorized the use of the unclaimed monies for the Domestic, Canal and Sanitation Funds; and
- authorized the Director of Finance to execute the appropriate documents on behalf of CVWD

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

E. **Approve and authorize the preparation and mailing of Proposition 218 Notices for the Proposed Sanitation Rate Increases for Fiscal Year 2023 through 2027, and File and Receive the Cost of Service Study Report for Sanitation Rates.**

Following a presentation by Geoffrey Kiehl, Director of Finance, the Board discussed the preparation and mailing of Proposition 218 notices for the scheduled hearing and possible adoption of the proposed sanitation rate increases for FY 2023-2027.

On a motion by Director Estrada, second by Director Nelson, the Board approved and authorized the preparation and mailing of Proposition 218 Notices for the scheduled hearing and possible adoption of the Proposed Sanitation Rate Increases for Fiscal Year 2023 through 2027, and File and Receive the Cost of Service Study Report for Sanitation Rates

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

10. ORDINANCES FOR ADOPTION

A. Adopt Ordinance 1399.15 amending Regulations Governing Domestic Water Service.

Following a presentation by Adam McWey, Management Analyst, Board President Powell opened the public hearing.

President Powell opened the public hearing to receive public testimony regarding adoption of Ordinance 1399.15, an ordinance amending regulations governing domestic water service. Prior to the receipt of public testimony, President Powell, Clerk of the Board Bermudez, and General Counsel Ferre provided information regarding the notice and hearing procedures. There were no public testimony. President Powell closed the public hearing.

On a motion by Director Aguilar second by Director Estrada, the Board approved and adopted Ordinance 1399.15 amending Regulations Governing Domestic Water Service.

Approved by the following roll call vote:

AYES: Powell, Estrada, Bianco, Aguilar, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

11. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- The Board members had no general reports.

B. Meetings and Conference Reports

- i March 9, 2022 Colorado River Board of Director's meeting (Directors Nelson and Estrada)
- ii March 10, 2022 California Agencies Pre-Lower Basin States Discussion Zoom meeting (Director Nelson)
- iii March 10, 2022 Coachella Valley Irrigated Lands Coalition meeting (Directors Nelson & Powell)

- iv March 11, 2022 Lower Basin States/Federal Representatives meeting (Director Nelson)
- v March 11, 2022 Interview with Water Alliance (Director Estrada)
- vi March 16, 2022 Disadvantaged Community Infrastructure Task Force meeting (Directors Powell and Estrada) **Powell did not attend.*
- vii March 18, 2022 Water Education Foundation Colorado River Tour - Speaker (Director Nelson)

Other meetings reported

- viii. March 11, 2022 Tour of Desert Shores Channel Restoration Project (Director Bianco)
- ix. March 12, 2022, Arbor Day event with (Director Estrada)
- x. March 14, 2022 Caucus (Director Nelson)
- xi. March 15, 2022 Meeting with Secretary of California Natural Resources Wade Crowfoot, CVWD General Manager Jim Barrett, Salton Sea Authority, County of Riverside Supervisor's office, and Alianza regarding West Shores Project & North Lake Pilot Project (Director Estrada)
- xii. March 17, 2022 Agua Caliente Mediation Principals Meeting (Director Powell and Estrada)
- xiii. March 18, 2022 Meeting with CVWD staff, EPA Regional Administrator Region 9, Martha Guzman and representatives from the County of Riverside regarding the east valley water systems (Director Estrada)
- xiv. March 21, 2022 conference call meetings with CVWD staff regarding upcoming 03/25 press conference with Congressman Raul Ruiz (Director Estrada)

- C. Approval of per diem for meetings reported
On a motion by Director Bianco second by Director Nelson,
 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

12. STAFF REPORTS

- A. General Manager, Jim Barrett reported on the following: March 18 meeting with Secretary Wade Crowfoot, California Natural Resources; reported on an email regarding the Draft Chromium-6 MCL; reported on the 2022 Special District Selection Committee Ballot; President Powell to sign the ballot on behalf of CVWD; and provided an update on COVID numbers, vaccination status and pending policy.

- B. Counsel, Jeff Ferre reported on two pending bills: AB 2449 (Rubio) and AB 1944 (Lee), both related to open and public meetings for local agencies, and changes to existing requirements under the Brown Act which would permit some degree of virtual participation even after the current California state of emergency is ultimately lifted.
- C. Departments – None

13. CLOSED SESSION AGENDA

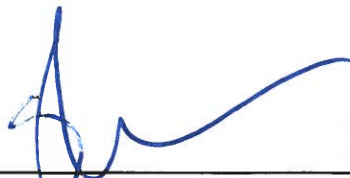
- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:20-cv-00174-JGB-SPx
- B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION Pursuant to Government 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-ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9

14. RECONVENE


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

15. 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 11:49 a.m. The next regular scheduled meeting will be on Tuesday, April 12, 2022, at 8:00 a.m. in Palm Desert.



Sylvia M. Bermudez, MMC
Clerk of the Board
Coachella Valley Water District



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