



# COACHELLA VALLEY WATER DISTRICT

*Established in 1918 as a public agency*

## **BOARD PRESIDENT**

*John P. Powell Jr.*

**DIVISION 3**

## **VICE PRESIDENT**

*Castulo R. Estrada*

**DIVISION 5**

## **OFFICIAL MINUTES REGULAR MEETING OF THE COACHELLA VALLEY WATER DISTRICT BOARD OF DIRECTORS**

**April 26, 2022**

[www.cvwd.org](http://www.cvwd.org)

## **DIRECTOR**

*John Aguilar*

**DIVISION 1**

## **DIRECTOR**

*Anthony Bianco*

**DIVISION 2**

## **DIRECTOR**

*Peter G. Nelson*

**DIVISION 4**

### **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, April 26, 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 Peter Nelson

*Absent:* Director Anthony Bianco

*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 items removed or continued from the Agenda
- B. No emergency items added to the Agenda
- C. Changes to the order of the Agenda; Finance items were heard last.

**4. PUBLIC COMMENT**

No public comment received.

**5. CONSENT CALENDAR**

- A. Affirm 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. Approve Minutes of April 12, 2022, Coachella Valley Water District Board of Directors meeting.
- C. Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents during the month of March 2022
- D. Approve payment of 2022 annual dues for National Water Resources Association (NWRA) - Municipal Caucus in the amount of \$525
- E. Accept and file General Manager's Report of Activities March 2022
- F. Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of March 2022
- G. ***PULLED FOR DISCUSSION*** - Authorize the General Manager to execute a Special Domestic Water and Stormwater System Installation Agreement with The H.N. and Frances C. Berger Foundation for the Coachella Valley Arena.

***RECOMMENDED ACTION:*** Approve Consent Calendar items 5A through 5G.

***On a motion by Board Member Peter Nelson second by Board Member John Aguilar,*** the board approved Consent Calendar items 5A through 5F; item 5G was pulled for discussion.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion : 4-0**

**6. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION**

- 5 G. Authorize the General Manager to execute a Special Domestic Water and Stormwater System Installation Agreement with The H.N. and Frances C. Berger Foundation for the Coachella Valley Arena.  
**RECOMMENDED ACTION:** Approve and authorize the General Manager to execute a Special Domestic Water and Stormwater System Installation Agreement with The H.N. and Frances C. Berger Foundation for the Coachella Valley Arena

***On a motion by Board Member John Aguilar, second by Board Member Peter Nelson,*** the board approved and authorized the General Manager to execute a Special Domestic Water and Stormwater System Installation Agreement with The H.N. and Frances C. Berger Foundation for the Coachella Valley Arena.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion : 4-0**

## 7. OTHER BOARDS ACTIONS - PUBLIC FACILITIES CORPORATION

*\*Recessed as the Board of Directors; Convened as the Public Facilities Corporation*

- A. **Approval and Adoption of the Resolution and Agreements related to the Certificate of Participation (COP) Series 2022 for the North Indio Regional Flood Control Project Phase 2**

**RECOMMENDED ACTION:** Adopt Resolution and Agreements related to the Certificate of Participation (COP) Series 2022 for the North Indio Regional Flood Control Project, Phase 2.

***On a motion by Board Member, Peter Nelson second by Board Member, John Aguilar,*** the Public Facilities Board approved Resolution No. PFC2022-01 and Agreements related to the Certificate of Participation (COP) Series 2022 for the North Indio Regional Flood Control Project, Phase 2

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

***Recessed as the Public Facilities Corporation; Reconvened as the Board of Directors***

## 8. ACTION CALENDAR

## Engineering

- A. **Authorize the Solicitation of Bids for Construction of the Sewer Pipeline Rehabilitation for Palm Desert and Thousand Palms Project, Specification 2021-17**

**RECOMMENDED ACTION:** Authorize the solicitation of bids for construction of the Sewer Pipeline Rehabilitation for Palm Desert and Thousand Palms Project (Project).

*On a motion by Board Vice President, Castulo Estrada second by Board Member, John Aguilar*, the board authorized the solicitation of bids for construction of the sewer pipeline rehabilitation for Palm Desert and Thousand Palms Project, Specification 2021-17.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion : 4-0**

- B. **Authorize the Second Funding Agreement with US Bureau of Reclamation (USBR) for the Mid-Canal Storage Project**

**RECOMMENDED ACTION:** Authorize the General Manager to execute a second Funding Agreement for the Mid-Canal Storage Project that outlines the responsibilities between the Coachella Valley Water District and the United States Bureau of Reclamation (USBR) for funding of Environmental Compliance and Review and Oversight of Design and Construction of the Mid-Canal Storage Project, including a \$74,352 deposit payable to USBR.

*On a motion by Board Member, Peter Nelson second by Board Member, John Aguilar*, the board approved and authorized the General Manager to execute a second Funding Agreement for the Mid-Canal Storage Project that outlines the responsibilities between the Coachella Valley Water District and the United States Bureau of Reclamation (USBR) for funding of environmental compliance and review and oversight of design and construction of the Mid-Canal Storage Project, including a \$74,352 deposit payable to USBR.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None  
**Motion :** 4-0

### **Environmental Services**

- C. **Presentation of the 2022-2023 Engineer's Report on Water Supply and Replenishment Assessment for the Mission Creek Subbasin, West Whitewater River Subbasin, and East Whitewater River Subbasin Areas of Benefit**

**RECOMMENDED ACTION:** Staff recommends that the Coachella Valley Water District (CVWD) Board of Directors (Board) acknowledge receipt of the 2022-2023 Engineer's Report on Water Supply and Replenishment Assessment (2022-2023 Engineer's Report) for the Mission Creek Subbasin, West Whitewater River Subbasin, and East Whitewater River Subbasin Areas of Benefit (AOBs) pursuant to State Water Code Section 31631.

*On a motion by Board Member, Peter Nelson second by Board President, John Powell*, the board accepted and acknowledged receipt of the 2022 Engineer's Report on Water Supply and Replenishment Assessment (2022-2023 Engineer's Report) for the Mission Creek Subbasin, West Whitewater River Subbasin, and East Whitewater River Subbasin Areas of Benefit (AOBs) pursuant to State Water Code Section 31631.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion :** 4-0

### **Finance**

- D. **Authorize the Resolution to approve the Preliminary Official Statement (POS) and Other Documents related to the Certificate of Participation (COP) Series 2022 for the North Indio Regional Flood Control Project Phase 2 for the Stormwater Fund**

**RECOMMENDED ACTION:** Authorize the Resolution to approve the Preliminary Official Statement (POS) and Other Documents related to the Certificate of Participation (COP) Series 2022 for the North Indio Regional Flood Control Project Phase 2 for the Stormwater Fund

*On a motion by Board Member, John Aguilar second by Board Member, Peter Nelson*, the board approved Resolution 2022-15 authorizing the Preliminary Official Statement (POS) and Other Documents related to the Certificate of Participation (COP) Series 2022

for the North Indio Regional Flood Control Project Phase 2 for the Stormwater Fund.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## 8. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

## 9. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Director Nelson reported on a letter to the Board regarding the 7 Basins States; also reported on the Family Farm Alliance, Colorado River Principles and asked if CVWD has plans to support.
- Director Aguilar thanked staff for attending a neighborhood community meeting in Cathedral City and stated the community was very appreciative of the information.
- Director Estrada asked if staff could provide an update on Chromium 6.

- B. Board Requests for Future Agenda Items – none

## 10. BOARD MEETING REPORTS

- A. **Meetings and Conference Reports**

- i March 24, 2022, Salton Sea Authority Board Meeting (Director Estrada)
- ii March 25, 2022, Joint Press Conference with Congressman Raul Ruiz (Director Estrada)
- iii March 30, 2022, Joint Water Policy Advisory Committee Meeting (Director Estrada)
- iv March 31, 2022, Legislative Committee Meeting (Director Estrada)
- v March 31, 2022, 30<sup>th</sup> Annual Senior Inspiration Awards (Director Estrada)
- vi April 2, 2022, WELL 2022 Central Valley Conference (Director Estrada)

- vii April 11, 2022 Meeting with Assemblymember Garcia regarding AB 2041 (Director Estrada) **\*\*did not attend**
- viii April 13, 2022, Colorado River Board Meeting (Director Nelson)
- ix April 13, 2022, to April 14, 2022, WaterNow Alliance's 2022 Tap into Resilience Summit (Director Estrada)
- x April 14, 2022, Coachella Valley Conservation Commission Meeting (Director Bianco)
- xi April 14, 2022, Coachella Valley Association of Governments Energy and Environmental Resources Committee Meeting (Director Bianco)
- xii April 14, 2022, Desert Valleys Builders Association Board Meeting (Director Powell) **\*\*did not attend**
- xiii April 19, 2022, State Water Regional Control Board meeting to discuss Saint Anthony Project (Director Estrada)
- xiv April 22, 2022, Press Conference with Assemblymember Garcia to announce \$23.4 million State Water Resources Control Board Grant (Director Estrada)

***Additional meetings reported:***

- xv April 4, 2022 California Caucus Zoom meeting (Director Nelson)
  - xvi April 8, 2022 7 Basin States Principals Virtual Meeting with USBR and Dept. of Interior regarding the 7 Basin States response (Director Nelson)
  - xvii April 11, 2022 Meeting with CVWD staff in preparation for the 4/19/22 State Water Resources Control Board Meeting (Director Estrada)
  - xviii April 14, 2022 Imperial Irrigation District Coachella Valley Energy Commission Meeting (Director Powell)
  - xix April 19, 2022 the 7 Basin States Principals Virtual Meeting with USBR and Dept. of Interior regarding the 7 Basin States response (Director Nelson)
  - xx April 20, 2022 PrimeGov Training (Director Powell)
  - xxi April 20, 2022 the 7 Basin States Principals Virtual Meeting with USBR and Dept. of Interior regarding the 7 Basin States response (Director Nelson)
  - xxii April 21, 2022 the 7 Basin States Principals Virtual Meeting with USBR and Dept. of Interior regarding the 7 Basin States response (Director Nelson)
  - xxiii April 21, 2022 Meeting with Cadiz (Directors Powell and Estrada)
  - xxiv April 25, 2022 California Farm Water Meeting (Director Nelson)
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- B. Approval of per diem for meetings reported

**RECOMMENDED ACTION:** Approve per diem for meetings reported.

*On a motion by Board Member, Peter Nelson second by Board Member, John Aguilar*, the board approved per diem for meetings reported.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson, Estrada

**Noes:** None

**Absent:** Bianco

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## 11. REPORTS

- A. **General Manager**

General Manager, Jim Barrett provided COVID updates to the Board.

- B. **Counsel**

Counsel Jeff Ferre reported on the Governor's Executive Order and the corresponding action to be taken by the State Water Resources Control Board to issue regulations regarding the requirement that water suppliers enact stage 2 conservation measures.

- C. **Departments**

Steve Bigley, Director of Environmental Services provided an update on Chromium 6

## 12. 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 (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Coachella Valley Water District v Imperial Irrigation District, Case, Los Angeles County Case No. 22STCV00356
- D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 Two potential cases
- E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 One Potential Case

### **13. RECONVENE**

- A. Report out of Closed Session

The Board reconvened into open session. Counsel Jeff Ferre reported on closed session item 13 D, on a motion by Director Aguilar, and a second by Director Nelson, the Board took action to authorize the initiation of litigation against General Motors in regard to defects in purchased trucks. The motion passed 5-0. There was no other reportable action.

### **14. 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 11:29 a.m. The next regular scheduled meeting will be on Tuesday, May 10, 2022, at 8:00 a.m. in Palm Desert.