



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
8:00 AM**

May 10, 2022

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, May 10, 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 arrive late at 8:30 a.m.
Director Anthony Bianco
Director John Aguilar
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 items removed or continued from the Agenda
- B. No emergency items added to the Agenda
- C. No changes to the order of the Agenda

4. PUBLIC COMMENT

Brad Anderson of Rancho Mirage, provided comments related to item 6C.

5. SPECIAL PRESENTATION & RECOGNITIONS

A. The Board recognized employees for the month of April and May 2022

6. CONSENT CALENDAR

A. Approve Minutes of the April 26, 2022, Regular Meeting of the Coachella Valley Water District Board of Directors.

B. Approve and authorize the General Manager to execute a Third Amendment to the Professional Services Agreement with V&A Consulting Engineers, Inc. in the amount of \$49,863 for Engineering Services during Construction

C. Approve and authorize the General Manager to execute an Agreement with Porcupine Properties, LLC to terminate Storage Tank Easements

D. Approve payment of Fiscal Year 2022 - 23 Urban Water Institute, Inc. Public Member dues in the amount of \$1,250

E. Support Colorado River Principles Adopted by Family Farm Alliance Board on March 11, 2022

On a motion by Board Member Aguilar, second by Board Member Bianco, the board approved the Consent Calendar.

Approved by the following roll vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

8. ACTION CALENDAR

Engineering

A. **Authorize the Solicitation of Bids for Construction of the Fiscal Year 2020-2021 Non-Potable Water Pipeline Connection Projects**
RECOMMENDED ACTION: Authorize the solicitation of bids for construction of the Fiscal Year (FY) 2020-2021 Non-Potable Water Pipeline Connection Projects (Project).

On a motion by Board Member Bianco, second by Board Member Aguilar, the board approved the solicitation of Bids for construction of the Fiscal Year 2020-2021 Non-Potable Water Pipeline Connection Projects.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson

Noes: None

Absent: Estrada

Abstain: None

Recuse: None

Motion Passed: 4-0

Environmental Services

- B. **Authorization to Publish and Mail Notices of Public Hearings for Proposed Increases to the Replenishment Assessment Charges in the West and East Whitewater River Subbasin Areas of Benefit for Fiscal Year 2022-2023**

RECOMMENDED ACTION: Authorize publication and mailing of the notices of public hearings to consider increases to the Replenishment Assessment Charges (RACs) in the West and East Whitewater River Subbasin Areas of Benefit (AOBs) for fiscal year (FY) 2022-2023.

The Board directed staff to return at a special meeting within the next week with additional information and options for RAC amounts to be proposed at upcoming public hearings.

Finance

- C. **Adopt Resolution 2022-16 to Authorize Acceptance and Execution of the Urban and Multibenefit Drought Relief Grant Program and authorize the 2022 Memorandum of Understanding for Integrated Regional Water Management in the Colorado River Basin Funding Area**

RECOMMENDED ACTION: Staff recommends that the Board of Directors: (1) adopt the resolution to authorize acceptance and execution for the Urban and Multibenefit Drought Relief Grant Program and (2) authorize the General Manager to execute the 2022 Memorandum of Understanding (MOU) for Integrated Regional Water Management (IRWM) in the Colorado River Basin Funding Area (CRFA).

On a motion by Board Member Bianco second by Board Member, Aguilar, the board adopted Resolution No. 2022-16, authorizing the acceptance and execution of the Urban Multibenefit Drought Relief Grant Program and authorized the 2022 Memorandum of Understanding for Integrated Regional Water Management in the Colorado River Basin Funding Area.

Approved by the following vote:
Ayes: Aguilar, Bianco, Powell, Nelson, Estrada
Noes: None
Absent: None
Abstain: None
Recuse: None
Motion Passed: 5-0

Operations

- D. **Approve and authorize the General Manager to Execute the Nonpotable Water Agreement for Jack Ivey Ranch Homeowners Association**

RECOMMENDED ACTION: Approve and authorize the General Manager to Execute the Nonpotable Water Agreement for Jack Ivey Ranch Homeowners Association

On a motion by Board Member Bianco, second by Powell, the board approved and authorized the General Manager to execute the Non-Potable Water Agreement for Jack Ivey Ranch Homeowners Association.

Approved by the following vote:
Ayes: Aguilar, Bianco, Powell, Nelson, Estrada
Noes: None
Absent: None
Abstain: None
Recuse: None
Motion Passed: 5-0

9. PUBLIC HEARINGS

- E. **Conduct a Public Hearing to Consider Adoption of Sanitation Rates and Charges for Fiscal Years 2023 to 2027.**

RECOMMENDED ACTION: Staff recommends that the Board of Directors adopt the proposed Sanitation rates and charges for fiscal years 2023 to 2027.

Geoffrey Kiehl, Director of Finance and Karrie Swaine, Controller, provided a presentation on the proposed sanitation rates and charges for FYs 2023-2027.

President Powell opened the public hearing to receive input concerning a proposed ordinance adopting the proposed sanitation rates and charges for FYs 2023-2027. 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, which have been followed in accordance with the requirements of Proposition 218. No public comments were received.

President Powell closed the public hearing. The Clerk noted for the record that the Notice of Public Hearing and the proposed rate increase was given by direct mail to the property owners and tenants of real property who may be directly liable to pay the charges for domestic water and by legal publication in the Desert Sun. The Clerk also noted that 106,632 notices were sent, and 97,360 parcels were identified that could be affected by the proposed rate increase. In this instance, a majority protest would exist if the District received 48,680 written protests prior to the close of the public hearing. Prior to the close of the public hearing, the District received thirty-seven (37) written protests from qualifying owners and tenants of the identified parcels.

It was determined by Clerk Bermudez, that a majority protest was not present under the requirements of the Proposition 218, and as a result, the Board could then consider the proposed ordinance.

On a motion by Board Member Nelson second by Board Member, Powell, the board continued the consideration of the proposed ordinance and the proposed rates to a special meeting within the next week which was scheduled for May 18, 2022 at 1:30 pm.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

10. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

11. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Director Nelson reported on the snow over the weekend; California Farm Water Coalition published WSJ ad related to food security in the United States and drought conditions; asked the General Manager regarding the \$64.8 million awarded to CVWD by the Bureau of Reclamation.
- Director Aguilar had no report.

- Director Bianco thanked staff for clarification of infrastructure loans that must be paid back versus grants.
- Director Estrada had no report.
- Director Powell also commented on the infrastructure monies and the difference in loans versus grants.

B. Board Requests for Future Agenda Items – None

12. BOARD MEETING REPORTS

Meetings and Conference Reports

1. April 14, 2022 Coachella Valley Conservation Commission Meeting (Director Bianco)
2. April 14, 2022 Coachella Valley Association of Governments Energy and Environmental Resources Committee Meeting (Director Bianco) ****Did not attend***
3. April 26, 2022 Extra-Territorial Service Provisions Discussion (Directors Powell and Aguilar)
4. April 27, 2022 Discussion with staff regarding projects (Directors Aguilar and Estrada)
5. April 28, 2022 IID CVEC Energy Infrastructure Tour (Director Estrada)
6. April 28, 2022 Salton Sea Authority Board Meeting (Director Bianco)
7. May 3, 2022 State Water Board Racial Equality Action Plan Development – Visioning Retreat (Director Estrada)
8. May 3, 2022 Coachella Valley Irrigated Lands Coalition Meeting
9. May 4, 2022 Board Study Session – FY 2023 Budget

Additional meetings reported

10. April 1, 2022 Basin States Principals Coordination Committee Zoom call with US Bureau of Reclamation and Department of Interior (Director Nelson)
11. April 6, 2022 Speaker at the Salton Sea Summit (Director Nelson)
12. April 14, 2022 7 Basin States Principals Coordination Committee Zoom call with US Bureau of Reclamation and Department of Interior (Director Nelson)
13. May 7, 2022 Cathedral City Neighborhood Meet-up meeting to discuss the sewer project in Cathedral City (Director Aguilar)

B. Approval of per diem for meetings reported

On a motion by Board Member, Anthony Bianco second by Board Member, John Aguilar, the board approved per diem for meetings reported.

Approved by the following vote:

Ayes: Aguilar, Bianco, Powell, Nelson, Estrada

Noes: None
Absent: None
Abstain: None
Recuse: None
Motion Passed: 5-0

13. REPORTS

- A. General Manager, Jim Barrett introduced Andrea McCullough, Communications Officer; reported he watched a special meeting of the cities of La Quinta, Indio and Coachella regarding the Indio proposal, that would allow for the cities and unincorporated areas of the county that would allow for a surcharge to the Imperial Irrigation District (IID) bill to create a fund for new substations, upgrades to existing and potentially transmission and generation capacity to IID; provided a COVID update for CVWD.
- B. Counsel, Jeff Ferre had no report.
- C. Departments – no reports.

14. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) CDWR Water Operations Cases, Judicial Council Coordination Proceeding No. 5117, The Metropolitan Water District of Southern California, Mojave Water Agency, Coachella Valley Water District, San Gorgonio Pass Water Agency, and Municipal Water District of Southern California, petitioners/plaintiffs v. California Department of Fish and Wildlife and California Department of Water Resources, respondents/defendants; California Natural Resources Agency, real party in interest, Fresno County Superior Court Case No. 20CECG01347.
- 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. 5:20-cv-00174-JGB-SPx
- C. 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)

15. RECONVENE

A. Report out of Closed Session

President Powell reconvened the meeting back into open session. Counsel Jeff Ferre stated that the only reportable action was in regard to item 14A. It was then reported that on a ***motion by President Powell, second by Director Aguilar***, with a **5-0 vote** the board authorized the General Manager to sign a letter of support from the Class 8 State Water Contractors, requesting the State Water Resources Control Board (SWRCB) to move the Voluntary Agreements forward as an alternative to the Bay Delta Water Quality Control Plan.

There were no reportable actions for items 14B and 14C.

16. ADJOURNMENT

There being no further business, President Powell adjourned the meeting at 10:35 a.m. The next regular scheduled meeting will be on Tuesday, May 24, 2022 at 8:00 a.m. at CVWD's Coachella Campus.