



**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**

**June 14, 2022**

**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, June 14, 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 arrived at 8:10 a.m.  
Director Anthony Bianco  
Director John Aguilar

*Absent:* Director Peter Nelson

*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. Items removed or continued from the Agenda
- B. Emergency items added to the Agenda
- C. Changes to the order of the Agenda

No changes to the agenda; no emergency items added.

**4. PUBLIC COMMENT**

No Public Comment received.

**5. SPECIAL PRESENTATION & RECOGNITIONS**

A. Employee recognition for the month of June 2022

**Retirement(s)**

- Michael Dietrick, Chief Inspector, 20 years (attending)

**6. CONSENT CALENDAR**

- A. Administration – Approve payment of Fiscal Year 2021-22 Desert Valleys Builders Association membership dues in the amount of \$1,375
- B. Administration – Approve payment of Fiscal Year 2022-23 American Public Works Association dues in the amount of \$925
- C. Clerk of the Board – Approve Minutes of the May 24, 2022, Regular Meeting of the Coachella Valley Water District Board of Directors
- D. Engineering – Authorize the General Manager to execute the Southern California Edison Added Facilities Agreement for Substation 2 at Water Reclamation Plant No. 10
- E. Engineering – Approve and authorize the General Manager to execute an Agreement to sell a portion of APN 673-020-004 to Outdoor Resorts/Palms Springs Owners Association and adopt Resolution No. 2022-17, declaring a portion of parcel of land to be exempt surplus land under the Surplus Land Act.
- F. Finance – Approve and authorize the General Manager to execute the Second Amendment to the Professional Services Agreement with NewGen Strategies and Solutions, LLC, in the amount of \$115,283 for a Five-year Cost of Service Study on Sanitation Services
- G. Finance – Fiscal Year 2022 Budget to Actual Financial Report for the Quarter Ending March 31, 2022
- H. Finance – Approve the Proposed Employee Travel Policy

- I. Information Systems – Authorize a Consulting Agreement Task Order with CGR Management Consultants LLC for Assistance with Implementation of the SCADA Master Plan in Fiscal Year 2023

***On a motion by Director, John Aguilar second by Director, Anthony Bianco***, the board approved the Consent Calendar items 6A through 6G.

Approved by the following roll vote:

**Ayes:** Aguilar, Bianco, Powell

**Noes:** None

**Absent:** Estrada, Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 3-0**

## 7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

No items pulled from Consent Calendar for discussion.

## 8. ACTION CALENDAR

### Administration

- A. **Consider adoption of Resolution No. 2022-18, a Resolution establishing a policy for Board members to request items for future agendas and a process for board meeting presentations by external parties**

**RECOMMENDED ACTION:** Adoption of Resolution No. 2022-18, establishing a policy for Board members to request items for future agendas and a process for board meeting presentations by external parties

***On a motion by Director, John Powell second by Director, Castulo Estrada***, the board adopted Resolution No. 2022-18, a Resolution establishing a policy for Board members to request items for future agendas and a process for board meeting presentations by external parties.

Approved by the following roll vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

### Clerk of the Board

- B. **Approve resolutions calling for an election for three seats of the Coachella Valley Water District Board (CVWD) of Directors and**

**requesting consolidation with the Counties of Riverside, Imperial, and San Diego for the General District Election on November 8, 2022**  
**RECOMMENDED ACTION:** Approve the following actions related to the upcoming election of three seats of the CVWD Board of Directors:

- Adopt Resolution No. 2022-19 Calling for an Election for three seats of the Board of Directors on November 8, 2022, with the County of Riverside
- Adopt Resolution No. 2022-20 Calling for an Election for one seat of the Board of Directors on November 8, 2022, with the County of Imperial
- Adopt Resolution No. 2022-21 Calling for an Election for one seat of the Board of Directors on November 8, 2022, with the County of San Diego
- Adopt Resolutions Nos: 2022-22, 2022-23 and 2022-24 notifying the County Registrar of Voters of said counties, that candidates are responsible for paying for publication costs of candidate statements and statements will be limited to 200 words; and
- Approve necessary expenditures associated with the Elections up to the budgeted FY 2023 amount of \$300,000

***On a motion by Director, Anthony Bianco second by Director, John Aguilar,*** the board approved the following actions:

- Adopted Resolution No. 2022-19 Calling for an Election for three seats of the Board of Directors on November 8, 2022, with the County of Riverside
- Adopted Resolution No. 2022-20 Calling for an Election for one seat of the Board of Directors on November 8, 2022, with the County of Imperial
- Adopted Resolution No. 2022-21 Calling for an Election for one seat of the Board of Directors on November 8, 2022, with the County of San Diego
- Adopted Resolutions Nos: 2022-22, 2022-23 and 2022-24 notifying the County Registrar of Voters of said counties, that candidates are responsible for paying for publication costs of candidate statements and statements will be limited to 200 words; and
- Approved necessary expenditures associated with the Elections up to the budgeted FY 2023 amount of \$300,000

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## Engineering

- C. **Authorize the Solicitation of Bids for Construction of the Palm Desert Groundwater Replenishment Project, Phase 2 and the Whitewater River Stormwater Channel Bank Slope Protection Adjacent to WRP 10**

**RECOMMENDED ACTION:** Authorize the solicitation of bids for construction of the Palm Desert Groundwater Replenishment Project, Phase 2 and the Whitewater River Stormwater Channel Bank Slope Protection Adjacent to WRP 10 (Project).

*On a motion by Director, John Aguilar second by Director, John Powell*, the board approved and authorized the solicitation of bids for construction of the Palm Desert Groundwater Replenishment Project, Phase 2 and the Whitewater River Stormwater Channel Bank Slope Protection Adjacent to WRP 10 (Project).

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

- D. **Approve and authorize the General Manager to Award a Professional Services Agreement to Albert A. Webb Associates, in the amount of \$584,034 for the Lift Station 80-03 Upgrade Project, and approve additional expenditures for a total request of \$692,437**

**RECOMMENDED ACTION:** Approve and authorize the General Manager to execute a Professional Services Agreement with Albert A. Webb Associates, in the amount of \$584,034 for the design of the Lift Station 80-03 Upgrade Project (Project) and authorize additional soft project costs in the amount of \$108,403 for a total Project authorization of \$692,437.

*On a motion by Director, Anthony Bianco second by Director, John Aguilar*, the Board approved and authorized the General Manager to execute a Professional Services Agreement with Albert A. Webb Associates, in the amount of \$584,034 for the design of the Lift Station 80-03 Upgrade Project (Project) and authorized additional soft project costs in the amount of \$108,403 for a total Project authorization of \$692,437.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

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

### **Environmental Services**

- E. **Approve and authorize the General Manager to execute Task Order No. 7 to the Professional Services Agreement with Woodard & Curran for Fiscal Year 2022-2023 Program Management for the Coachella Valley Regional Water Management Group**  
**RECOMMENDED ACTION:** Authorize the General Manager to execute Task Order No. 7 to the Professional Services Agreement (PSA) with Woodard & Curran in the amount of \$116,280.00 to provide Fiscal Year (FY) 2022-2023 Program Management for the Coachella Valley Regional Water Management Group (CVRWMG) from July 1, 2022, through June 30, 2023.

*On a motion by Director, Anthony Bianco second by Director, Castulo Estrada*, the Board authorized the General Manager to execute Task Order No. 7 to the Professional Services Agreement (PSA) with Woodard & Curran in the amount of \$116,280.00 to provide Fiscal Year (FY) 2022-2023 Program Management for the Coachella Valley Regional Water Management Group (CVRWMG) from July 1, 2022, through June 30, 2023.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed:** 4-0

- F. **Approve and authorize the General Manager to execute Task Order No. 8 to the Professional Services Agreement with Woodard & Curran for Coachella Valley Regional Water Management Group Proposition 1 Round 2 IRWM Implementation Grant Support**  
**RECOMMENDED ACTION:** Authorize the General Manger to execute Task Order No. 8 to the Professional Services Agreement (PSA) with Woodard & Curran in the amount not to exceed \$117,720.00 for Coachella Valley Regional Water Management Group (CVRWMG) Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant Support, and authorize staff to submit a Proposition 1 Round 2 Implementation Grant application on behalf of the CVRWMG.

*On a motion by Director, Castulo Estrada second by Director, Anthony Bianco*, The Board authorized General Manager to execute Task Order No. 8 to the Professional Services Agreement (PSA) with Woodard & Curran in the amount not to exceed \$117,720.00 for Coachella

Valley Regional Water Management Group (CVRWWMG) Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant Support and authorized staff to submit a Proposition 1 Round 2 Implementation Grant application on behalf of the CVRWWMG.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## Finance

- G. **Adopt a State Water Project (SWP) levy of \$0.11 per \$100 Assessed Value (AV) for the Fiscal Year 2023 Tax Roll for both Riverside and Imperial Counties and Adopt Resolutions Fixing Rates of Taxation Required by the Counties of Riverside and Imperial**  
**RECOMMENDED ACTION:** Staff recommends that the Board of Directors adopt a SWP levy of \$0.11 per \$100 of Assessed Value (AV) for the Fiscal Year 2023 Tax Roll for both Riverside and Imperial Counties and approval of Resolution No. 2022-25 and Resolution No. 2022-26.

*On a motion by Director, John Aguilar second by Director, Castulo Estrada*, the board adopted the State Water Project (SWP) levy of \$0.11 per \$100 Assessed Value (AV) for the Fiscal Year 2023 Tax Roll for both Riverside and Imperial Counties and approved Resolution Nos: 2022-25 and 2022-26.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

- H. **Approve Resolution 2022-27 related to Extending the Bank of the West (BOTW) Revolving Credit Agreement, with amendments through fiscal year 2025.**  
**RECOMMENDED ACTION:** Staff recommends that the Board of Directors approve Resolution 2022-27 and authorize the General Manager to execute documents related to extending the revolving credit agreement with the Bank of the West, including lowering the amount from \$75 Million to \$25 Million.

***On a motion by Director, John Aguilar second by Director, Anthony Bianco***, the board adopted Resolution No. 2022-27 and authorized the General Manager to execute documents related to the revolving credit agreement with Bank of the West, including lowering the amount of \$75 million to \$25 million.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

### **Human Resources**

- I. **Authorization to purchase Property and Liability Insurance coverage for Fiscal Year 2022-2023.**

**RECOMMENDED ACTION:** It is recommended that the Board of Directors authorize the General Manager to secure the property and liability insurance coverage through the District's Insurance Brokers, Willis Towers Watson, for Fiscal Year 2022-2023, for an amount up to \$2,521,813, which includes a 5% contingency. It is also recommended to provide authority to select alternative carriers should any of the insurers amend or withdraw its quote prior to the July 1, 2022, renewal.

***On a motion by Director, Anthony Bianco second by Director, John Aguilar***, the board approved and authorized staff to secure the property and liability insurance coverage through the District's Insurance Brokers, Willis Towers Watson for Fiscal Year 2022-23, for an amount up to \$2,521,813 which includes a 5% contingency; and authorized staff to select alternative carriers should any of the insurers amend or withdraw its quote, prior to July 1, 2022.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

### **Information Services**

- J. **Award a Design-Build Agreement with Western A/V for the Design, Installation, and Support of a Board Room Audio/Visual Upgrade**

**RECOMMENDED ACTION:** Award a design-build agreement with Western A/V for the design, implementation, and support of audio/visual



hardware and software necessary to upgrade existing audio/visual (A/V) systems in the CVWD Palm Desert Board Room and associated facilities in the Administration Building, including the training room, the atrium, the Board conference room, and at CVWD's option, four additional conference rooms (Administration, Engineering, Finance, and Human Resources); and authorize the General Manager to execute with Western A/V. The agreement will have a three-year term, with a two-year option to extend, for a maximum of five years, in an amount of \$847,048, including a 15% contingency allocation.

***On a motion by Director, Anthony Bianco second by Director, John Aguilar***, the board approved awarding of a design-build agreement with Western A/V for the design, implementation, and support of audio/visual hardware and software necessary to upgrade existing audio/visual (A/V) systems in the CVWD Palm Desert Board Room and associated facilities in the Administration Building, including the training room, the atrium, the Board conference room, and at CVWD's option, four additional conference rooms (Administration, Engineering, Finance, and Human Resources); and authorized the General Manager to execute with Western A/V. The agreement will have a three-year term, with a two-year option to extend, for a maximum of five years, in an amount of \$847,048, including a 15% contingency allocation.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## 9. ORDINANCE(S) FOR ADOPTION

### A. **Adopt Ordinance 1399.16 - Fiscal Year 2023 Rates for Domestic Water Services**

**RECOMMENDED ACTION:** Staff recommends that the Board of Directors adopt Ordinance No. 1399.16 related to the Fiscal Year 2023 Rates for Domestic Water Services.

***On a motion by Director, John Powell second by Director, John Aguilar***, the board tabled the matter to June 28, 2022 and directed staff to return with additional information.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

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

**B. Adopt Ordinance 1437.1 - Fiscal Year 2023 Canal Water Service Rates**

**RECOMMENDED ACTION:** Staff recommends that the Board of Directors adopt Ordinance No. 1437.1 related to the Fiscal Year 2023 Canal Water Service Rates.

*On a motion by Director, John Aguilar second by Director, John Powell*, the board adopted Ordinance No. 1437.1, an ordinance related to the Fiscal Year 2023 Canal Water Service Rates.

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed:** 4-0

## 10. PUBLIC HEARINGS

**A. Adoption of Resolution 2022-28 Adopting Level 2 Demand Reduction Actions as Outlined in the District's Water Shortage Contingency Plan, and as Required by the State Water Resources Control Board's Drought Emergency Rulemaking.**

**RECOMMENDED ACTION:**

- Conduct a public hearing to receive written and verbal comments regarding the proposed declaration of a Shortage Level 2 as described on CVWD's Water Shortage Contingency Plan (WSCP); and
- Adopt proposed Resolution 2022-28 declaring a water shortage level 2 as described in CVWD's WSCP, implementing all of the demand reduction items identified in the WSCP relating to a water shortage level 2, and prohibiting the use of potable water for irrigation of non-functional turf

President Powell opened the public hearing to receive public input regarding the adoption of Level 2 Demand Reduction Actions, as outlined in the District's Water Shortage Contingency Plan. Prior to the receipt of public testimony, Clerk of the Board Bermudez provided information regarding the notice and hearing procedures. President Powell opened the floor for public comment. Ms. Callimanis provided public comment during the hearing. There were no other speakers. President Powell closed the public hearing.

The Board discussed the resolution declaring a water shortage level 2, as described in the District's Water Shortage Contingency Plan.

**On a motion by Director, John Aguilar second by Director, John Powell,** the board adopted Resolution No. 2022-28, a Resolution declaring a water shortage level 2 as described in CVWD's WSCP, implementing all of the demand reduction items identified in the WSCP relating to a water shortage level 2, and prohibiting the use of potable water for irrigation of non-functional turf.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Estrada

**Noes:** Bianco

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 3-1**

## 11. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board as filed

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

- A. Board General Comments

- Directors Aguilar, Estrada and Powell had no report.
- Director Bianco requested a change to the Board meeting schedule for 2022; the Board will go dark on Tuesday, August 9 and meet on Tuesday, August 23.

- B. Board Requests for Future Agenda Items – None

## 13. BOARD MEETING REPORTS

- A. Meetings and Conference Reports

1. May 24, 2022 Pre-meeting discussion regarding Oasis Mobile Home Park Stakeholder Meeting (Director Estrada)
2. May 25, 2022 Oasis Mobile Home Park Stakeholder Meeting (Director Estrada)
3. May 25, 2022 Golf and Water Task Force Meeting (Directors Powell and Bianco)
4. May 26, 2022 Salton Sea Authority Board Meeting (Directors Bianco and Estrada) **\*Bianco did not attend**

5. May 31, 2022 California Agencies Caucus Meeting (Director Nelson)
  6. May 31, 2022 Meeting with Belk Farms (Director Powell)
  7. June 1, 2022 Meeting with representatives with cities of La Quinta and Indio and CVWD (Directors Powell, Estrada)
  8. June 7, 2022 Finance Committee Meeting (Directors Estrada and Aguilar)  
June 7, 2022 Discussion with staff regarding WSA/WSV (Director Aguilar)
  9. June 9, 2022 2022 Safer Advisory Group Meeting (Director Estrada)
  10. June 9, 2022 Coachella Valley Conservation Commission Meeting (Director Bianco) \* **did not attend**
  11. June 9, 2022 CVAG Energy and Environmental Resources Committee Meeting (Director Bianco) \* **did not attend**
  12. June 9, 2022 Desert Valleys Builders Association Board Meeting (Director Powell) \***Meeting was rescheduled to different date**
  13. June 10, 2022 Mission Springs Water District Regional Water Reclamation Facility Groundbreaking (Director Aguilar)
- B. Approval of per diem for meetings reported

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

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Powell, Estrada

**Noes:** None

**Absent:** Nelson

**Abstain:** None

**Recuse:** None

**Motion Passed: 4-0**

## 14. REPORTS

- A. General Manager, Jim Barrett provided updates on COVID stats for CVWD; reported on Riverside LAFCO's election; attended a Bureau of Reclamation meeting of the Lower Basin States Principals in San Diego on Friday, June 10; and mentioned he emailed a link to the Board of the Senate Committee on Energy & Natural Resources hearing to examine short and long term solutions to extreme drought in the Western U.S.
- B. Counsel, Jeff Ferre reported on pending legislation related to teleconference meeting requirements.
- C. Departments- No departmental reports.

## **15. 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  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

## **16. RECONVENE**

- A. Report out of Closed Session

President Powell reconvened the meeting to Open Session and announced there were no reportable actions.

## **17. ADJOURNMENT**

There being no further business, President Powell adjourned the meeting at 11:40 a.m. The next regular scheduled meeting will be on Tuesday, June, 28, 2022 at 8:00 a.m. at CVWD's Coachella Office