



**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**

**DIRECTOR**  
*John Aguilar*  
**DIVISION 1**

**DIRECTOR**  
*Anthony Bianco*  
**DIVISION 2**

**DIRECTOR**  
*Peter G. Nelson*  
**DIVISION 4**

**June 28, 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, June 28, 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 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**

No Public Comment.

**5. CONSENT CALENDAR**

- A. Administration – Accept and file General Manager’s Report of Activities May 2022
- B. Administration – Accept and file General Manager’s Report of Authorizations, Executions, and Acceptance of Documents during the month of May 2022
- C. Administration – Approve and authorize payment for State Water Contractor Member Dues, Bay-Delta Fund, Energy Fund, and Delta Conveyance Project Fund budget for fiscal year 2022-23 (FY23) in the amount of \$273,802
- D. Administration – Approve and authorize payment for the Six Agency Committee budget for fiscal year 2022-23 (FY23) in the amount of \$442,650
- E. Clerk of the Board – 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
- F. Clerk of the Board – Minutes of the May 18, 2022, Special Meeting of the Board of Directors and minutes of the June 14, 2022 Regular Meeting of the Board of Directors
- G. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of May 2022
- H. Engineering – Approve and authorize the General Manager to execute a Consent to Assignment Agreement for Centennial Bank
- I. Engineering – Approve and authorize the General Manager to execute the Reimbursement Agreement with the City of Cathedral City for Valve and

Manhole Adjustments in the amount of \$157,180, and approve additional expenditures for a total request of \$173,490

- J. Engineering – Approve and authorize the General Manager to execute the Joint Community Facilities Agreement between CVWD and GID Espana, LLC for the Espana Development, and execute related documents to the Agreement and adopt Resolution No. 2022-30.
- K. Engineering – Approve Budget Amendment for the North Indio Regional Flood Control Project - Phase 2 (Specification 2020-56; Project No. SW2201)
- L. Engineering – Approve and authorize the General Manager to execute a Confirmation of Assignment with NCP Verano LLC
- M. Operations – Approve and authorize the General Manager to execute Task Order No. 10 to the Professional Services Agreement with NexGen Utility Management, Inc., in the amount of \$137,520 for additional services for the implementation of the Asset Management Program, execute Task Order No. 10 to the Professional Services Agreement with Black & Veatch, in the amount of \$70,205 for support services, and approve additional expenditures for a total request of \$250,000

***On a motion by Director, John Aguilar second by Director, Peter Nelson***, the board approved the Consent Calendar.

Approved by the following roll vote:

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

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** None

**Motion Passed: 5-0**

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

No items pulled from the Consent Calendar.

## **7. OTHER BOARDS ACTIONS – OASIS BOARD**

- A. Authorize the General Manager to execute a Check Request for the Imperial Irrigation District in the amount of \$2,575,316.80, and Change Order No. 8 to Sukut Construction, LLC in the amount of \$199,613 for the Oasis In-Lieu Recharge Project - Phase II (Specification No. 2020-36), and approve additional expenditures for a total request of \$3,054,929.80

***On a motion by Director, John Aguilar second by Director, Castulo Estrada***, the board approved and authorized the General Manager to execute a check request for the Imperial Irrigation District in the amount of \$2,575,316.80 and Change Order No. 8 to Sukut Construction, LLC in the amount of \$199,613 for the Oasis in Lieu Recharge Project, Phase II, Specification No. 2022-36, and approved additional expenditures, for a total request of \$3,054,929.80.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Estrada

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** Bianco, Nelson

**Motion Passed: 3-0**

## 8. ACTION CALENDAR

### Administration

- A. **Authorize and approve the adoption and administration of a Colorado River Water Conservation Program for 2022 & 2023**  
**RECOMMENDED ACTION:** Authorize the implementation of a Colorado River Water Conservation Program (Program) for calendar years (CY) 2022 and 2023 through the approval of Resolution No. 2022-29, which includes (1) Approval and Adoption of the Coachella Valley Water District Colorado River Water Conservation Program (Program); (2) Approval and Authorization for the General Manager to execute the Forbearance and Conservation Program Agreement between Coachella Valley Water District and The Metropolitan Water District of Southern California (MWD); (3) Approval of the Colorado River Water Conservation Program Rules and Regulations and conditional authorization of the General Manager to administer the Program; and (4) determination that these actions are exempt from the California Environmental Quality Act (CEQA).

***On a motion by Director, Peter Nelson second by Director, John Aguilar***, the board approved Resolution No. 2022-29, authorizing implementation of the Colorado River Water Conservation Program (Program) for calendar year (CY) 2022 and 2023, which includes the following:

1. approval and adoption of the Coachella Valley Water District Colorado River Water Conservation Program
2. authorization for the General Manager to execute the Forbearance and Conservation Program Agreement between Coachella Valley Water District and Metropolitan Water District of Southern California (MWD)

3. approval of Colorado River Water Conservation Program Rules and Regulations and conditional authorization for the General Manager to administer the Program
4. determined that these actions are exempt from the California Environmental Quality Act (CEQA)

Approved by the following vote:

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

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** None

**Motion Passed: 5-0**

## Engineering

- B. **Authorize the General Manager to execute a Professional Services Agreement with Dokken Engineering for the Airport Boulevard/Valley View Water Transmission Main Project in the amount of \$987,039, execute a Task Order with Woodard and Curran in the amount of \$102,339, and approve additional expenditures for a total request of \$1,220,000**

**RECOMMENDED ACTION:** Approve and authorize the General Manager to execute the attached Professional Services Agreement (PSA) with Dokken Engineering (Dokken), in the amount of \$987,039 for the design of the Airport Boulevard/Valley View Water Transmission Main Project (Project). This request also includes authorizing the General Manager to execute a task order with Woodard and Curran in the amount of \$102,339 to prepare an Initial Study/Mitigated Negative Declaration Addendum (IS/MND Addendum) for the portion of the project located generally along 57th Avenue between Airport Boulevard and Pierce Street. Lastly, this request includes the following expenditures: CVWD Project Management and Engineering - \$75,000 Contingency (4.8%) - \$55,622 The total cost of this request is \$1,220,000

***On a motion by Director, Peter Nelson second by Director, John Aguilar,*** the board approved the following actions related to the design of the Airport Boulevard/Valley View Water Transmission Main Project:

1. authorized the General Manager to execute a Professional Services Agreement (PSA) with Dokken Engineering in the amount of \$987,039 for the design of the Airport Boulevard/Valley View Water Transmission Main Project
2. authorized the General Manager to execute Task Order No. \*\* with Woodward and Curran in the amount of \$102,339 to prepare an Initial Study/Mitigated Negative Declaration Addendum (IS/MND Addendum) for the portion of the project located generally along 57th Avenue between Airport Boulevard and Pierce Street.

3. authorized the following additional expenditures, for a total cost of \$1,222,000:

- CVWD Project Management and Engineering \$75,000
- Contingency (4.8%) \$55,622

Approved by the following vote:

**Ayes:** Aguilar, Bianco, Nelson, Estrada

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** Powell

**Motion Passed: 4-0**

- C. **Authorize the General Manager to execute Task Order No.1 to the Professional Services Agreement with Aspen Environmental Group in the amount of \$77,186 for the Thousand Palms Flood Control Project and approve additional expenditures for a total request of \$85,186**

**RECOMMENDED ACTION:** Authorize the General Manager to execute Task Order No.1 to the Professional Services Agreement with Aspen Environmental Group in the amount of \$77,186 to finalize the environmental permitting and documentation required for the Thousand Palms Flood Control Project and approve a 10% contingency in the amount of \$8,000 for a total request of \$85,186.

***On a motion by Director, Anthony Bianco second by Director, John Aguilar,*** the board approved and authorized the General Manager to execute Task Order No. 1 to the Professional Services Agreement with Aspen Environmental Group in the amount of \$77,186 to finalize the environmental permitting and documentation required for the Thousand Palms Flood Control Project, and approved a 10% contingency in the amount of \$8,000, for a total request of \$85,186.

Approved by the following vote:

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

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** None

**Motion Passed: 5-0**

## Finance

- D. **Adopt the FY 2023 Operating and Capital Improvement Budget for \$481.1 million**

**RECOMMENDED ACTION:** Staff recommends that the Board of Directors adopt the FY 2023 Operating and Capital Improvement Budget for \$481.1 million.

***On a motion by Director, John Aguilar second by Director, Peter Nelson***, the board adopted the FY 2023 Operating and Capital Improvement Budget for \$481.1 million, based on Scenario 3 related to the Rates for Domestic Water Service.

Approved by the following vote:

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

**Noes:** None

**Absent:** None

**Abstain:** None

**Recuse:** None

**Motion Passed: 5-0**

- E. **Continuing Appropriation of Funds Prior to Adoption of the Fiscal Year 2023 Operating and Capital Improvement Budget**  
**RECOMMENDED ACTION:** Staff recommends that the Board of Directors approve a minute order authorizing the General Manager to continue the expenditure of funds for normal and necessary operations, including but not limited to, capital items and other contractual obligations previously authorized by the Board at a level not to exceed FY 2022 appropriations.

The Board did not take action on this item as this matter was rendered moot due to passage of FY 2023 Budget in Item 10D.

## 9. ORDINANCE(S) FOR ADOPTION

- A. **Adopt Ordinance 1399.16 Fiscal Year 2023 Domestic Water Service Rates.**

**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, Anthony Bianco***, the board approved scenario 3, which includes no rate increase related to the Fiscal Year 2023 Rates for Domestic Water Services.

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
- B. Informational Presentation(s) to the Board
  - Information Systems – Kim Kennedy, provided an update to the Board on the SCADA Master Plan

## **11. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS**

- A. Board General Comments
  - Director Nelson commented on the June Election for seats on the Imperial Irrigation District Board of Directors.
  - Directors Aguilar, Bianco, Estrada and Powell had no report.
- B. Board Requests for Future Agenda Items

## **12. BOARD MEETING REPORTS**

- A. Meetings and Conference Reports
  1. May 31, 2022 California Agencies Caucus Meeting (Director Nelson)
  2. June 15, 2022 Colorado River Board of California Meeting (Directors Nelson and Estrada)
  3. June 15, 2022 Six Agency Committee Meeting (Director Nelson)
  4. June 15, 2022 Colorado River Authority Meeting (Director Nelson)
  5. June 20, 2022 Desert Valley's Builders Association Meeting (DVBA) (Director Powell)
  6. June 21, 2022 Tour of Water Reclamation Plant No. 10 Facility (Director Powell)
  7. June 22, 2022 Colorado River Conservation Program Update (Directors Powell and Nelson)
  8. June 23, 2022 Salton Sea Authority Board Meeting (Director Bianco)
  9. June 23, 2022 Annual DVBA Membership Appreciation Night (Director Powell)
  10. June 27, 2022 California Farm Water Coalition Meeting (Director Nelson)



### **Additional meetings reported**

11. June 5-6, 2022, 7 Basin States Coordinating Committee (Director Nelson)
  12. June 9-10, 2022, 7 Basin States Meeting in San Diego with California, Arizona and Nevada (Director Nelson)
  13. June 15, 2022, Meeting with representatives from Twenty-Nine (29) Palms and City of La Quinta (Director Powell)
  14. June 16-17, 2022, 7 Basin States Meeting in Denver, Co. (Director Nelson)
  15. June 22, 2022, Meeting with Salton Sea Authority (SSA) staff to discuss membership dues (Director Bianco)
  16. June 24, 2022, River Operations Meeting with Bureau of Reclamation and Basin States (Director Nelson)
  17. June 27, 2022, Meeting with Bureau of Reclamation (Director Nelson)
  18. June 15, 2022, Meeting with representatives from Twenty-Nine (29) Palms and City of La Quinta (Director Powell)
  19. June 16-17, 2022, 7 Basin States Meeting in Denver, Co. (Director Nelson)
  20. June 22, 2022, Meeting with Salton Sea Authority (SSA) staff to discuss membership dues (Director Bianco)
  21. June 24, 2022, River Operations Meeting with Bureau of Reclamation and Basin States (Director Nelson)
  22. June 27, 2022, Meeting with Bureau of Reclamation (Director Nelson)
- B. Approval of per diem for meetings reported

***On a motion by Director, Anthony Bianco second by Director, Peter Nelson***, 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 provided updates on COVID.
- B. Counsel, Jeff Ferre had no report
- C. Departments – No reports.

**14. CLOSED SESSION AGENDA**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9  
One Case
  
- B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9  
One Case

**15. RECONVENE 9:00 AM**

- A. Report out of Closed Session

**16. ADJOURNMENT**

There being no further business, President Powell adjourned the meeting at 10:40 a.m. The next regular scheduled meeting will be on Tuesday, July 12, 2022, at 8:00 a.m. at CVWD's Steve Robbins Administration Building, in Palm Desert