



**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**

**July 12, 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, July 12, 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  
Director John Aguilar  
Director Peter Nelson

*Absent:* Vice President Cástulo R. Estrada  
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. No changes to the order of the agenda

**4. PUBLIC COMMENT**

No Public Comment received.

**5. SPECIAL PRESENTATION & RECOGNITIONS**

A. Employee recognition for July 2022.

The Board recognized employees for years of service.

**6. CONSENT CALENDAR**

A. Administration – Amendment to CVWD Board Resolution No. 2022-29 (Colorado River Water Conservation Program Rules and Regulations), Part 3 (Grower Application), Section 3-2 (CVWD Determination of Historical Baseline of Water Use)

B. Clerk of the Board – Minutes of the June 28, 2022 Regular Meeting of the Board of Directors

***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, Powell, Nelson

**Noes:** None

**Absent:** Bianco, Estrada

**Abstain:** None

**Recuse:** None

**Motion Passed:** 3-0

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

None pulled.

**8. ACTION CALENDAR**

**Engineering**

A. **Authorize the Solicitation of Bids for the Construction of the Reservoir 7101-2 Project**

**RECOMMENDED ACTION:** Authorize the solicitation of bids for the construction of the 1.0-million-gallon Reservoir 7101-2 Project located in the unincorporated community of North Shore.

***On a motion by Director, John Aguilar second by Director, Peter Nelson***, the board approved and authorized the solicitation of bids for the

construction of the 1.0 million gallon Reservoir 7101-2 Project, located in the incorporated community of North Shore.

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson

**Noes:** None

**Absent:** Bianco, Estrada

**Abstain:** None

**Recuse:** None

**Motion Passed: 3-0**

## Finance

B. **Adopt Resolutions Establishing Fiscal Year 2022-23 Assessment District Assessments and Community Facilities District Special Taxes**

**RECOMMENDED ACTION:** Adopt proposed Resolutions Nos: 2022-31 and 2022-32, which will provide for the following: Collection of funds required to meet debt service and other administrative obligations for Assessment Districts (ADs) 33, 68, and 70; and Collection of funds required to meet maintenance, repair, replacement, and other administrative obligations for Community Facilities District (CFD) No. 102; and request the County of Riverside to levy and collect such taxes on behalf of Community Facilities District No. 102.

*On a motion by Director, John Aguilar second by Director, Peter Nelson*, the Board adopted proposed Resolutions Nos: 2022-31 and 2022-32, which will provide for the following: Collection of funds required to meet debt service and other administrative obligations for Assessment Districts (ADs) 33, 68, and 70; and Collection of funds required to meet maintenance, repair, replacement, and other administrative obligations for Community Facilities District (CFD) No. 102; and request the County of Riverside to levy and collect such taxes on behalf of Community Facilities District No. 102

Approved by the following roll vote:

Ayes: Aguilar, Powell, Nelson

**Noes:** None

**Absent:** Bianco, Estrada

**Abstain:** None

**Recuse:** None

**Motion Passed: 3-0**

## Operations

C. **Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Tri-Palm Estates and Country Club**

**RECOMMENDED ACTION:** It is recommended that the Board of Directors approve and authorize the General Manager to execute the Nonpotable Water Agreement for Tri-Palm Estates and Country Club (Tri-Palm).

***On a motion by Director, Peter Nelson second by Director, John Aguilar,*** the board approved and authorized the General Manager to execute the Nonpotable Water Agreement for Tri-Palm Estates and Country Club (Tri-Palm).

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson

**Noes:** None

**Absent:** Bianco, Estrada

**Abstain:** None

**Recuse:** None

**Motion Passed: 3-0**

- D. **Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Palm Royale Country Club Homeowners Association**

**RECOMMENDED ACTION:** It is recommended that the Board of Directors approve and authorize the General Manager to execute the Nonpotable Water Agreement for Palm Royale Country Club Homeowners Association (Palm Royale).

***On a motion by Director, John Aguilar second by Director, Peter Nelson,*** the board approved and authorized the General Manager to execute the Nonpotable Water Agreement for Palm Royale Country Club Homeowners Association (Palm Royale).

## **9. INFORMATIONAL ITEMS AND REPORTS**

- A. Written Communications to the Board as filed

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

- A. Board General Comments
- Directors Nelson and Aguilar had no report.
  - Director Powell commented on the city of Ranch Mirage turf rebate program and its partnership with Coachella Valley Water District.
- B. Board Requests for Future Agenda Items - None

## 11. BOARD MEETING REPORTS

### A. Meetings and Conference Reports

1. June 29, 2022 California Caucus Colorado River Board preparation for California Natural Resources Agency, Bureau of Reclamation discussions webinar (Director Nelson)
2. June 30, 2022 California Colorado River Board, Bureau of Reclamation, California Natural Resources Agency discussions (Director Nelson)
3. June 30, 2022 USDA Pre-Meeting (Director Estrada)

### B. Approval of per diem for meetings reported

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

Approved by the following vote:

**Ayes:** Aguilar, Powell, Nelson

**Noes:** None

**Absent:** Bianco, Estrada

**Abstain:** None

**Recuse:** None

**Motion : 3-0**

## 12. REPORTS

- A. General Manager, Jim Barrett provided and update on COVID numbers and reported the District has seen an increase in cases.
- B. Counsel, Jeff Ferre provided an update on a recent Court of Appeal case regarding whether economic factors should be taken into account in Endangered Species Act decisions. Counsel Ferre also discussed potential state legislation which would expand the availability of training for state court judges in the area of water law where said judges may be assigned water-related cases.
- C. Departments – None

## 13. 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: Receipt of Claim: Howard Jarvis Taxpayers Association

- B. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Dos Santos De Sa & Cheng v. CVWD (Imperial County Superior Court Case No. ECU001562)
  
- C. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Araujo, Dos Santos, Carvalho v. CVWD (US District Court, Southern District Case No. 20 CV-1800-AJB LL)

#### 14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting back to Open Session. Counsel Jeff Ferre reported that on ***a motion by Director Aguilar, Second by Director Nelson***, the Board voted 3-0 to deny a claim filed by Howard Jarvis Taxpayers Association.

#### 15. ADJOURNMENT

There being no further business, President Powell adjourned the meeting at 9:05 a.m. The next regular scheduled meeting will be on Tuesday, July 28, 2022, at 8:00 a.m. at CVWD's Coachella Campus located at 51501 Tyler Street, Coachella.