



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**

September 13, 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 8:15 a.m., Tuesday, September 13, 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
Director Anthony Bianco
Director Peter Nelson

Absent: Director John Aguilar

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. CONSENT CALENDAR

- A. Administration – Approve payment of Fiscal Year 2022-23 CalDesal annual dues in the amount of \$1,000
- B. Clerk of the Board – Approve the Minutes of the August 23, 2022, Coachella Valley Board of Directors Regular Meeting
- C. Engineering – Adopt Resolution No. 2022-49 to Offer to Purchase Riverside County Tax Defaulted Properties, and approval of Budget Amendment Resolution No. 22-23-01
- D. Engineering – Approve and authorize the General Manager to execute Lease Amendment No. 1 to the Lease Agreement with Indian Ridge PUD Homeowners Association and Indian Ridge Homeowners Association for a dog park on CVWD owned parcel
- E. Environmental Services – Adopt Resolution No. 2022-50, Authorizing Submittal of a Grant Application and Execution of a Funding Agreement for the Coachella Valley Mountains Conservancy Proposition 1 Grant Program
- F. Human Resources-Risk – Approve the premium renewals for the employee health insurance and benefit premiums for Calendar Year 2023 (CY2023)

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved the Consent Calendar items 5A through 5F as presented.

Approved by the following roll vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

6. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

No items pulled.

7. ACTION CALENDAR

Engineering

- A. **Approve the Request for Proposals (RFP) for the Pre-Selection of Blower Equipment for the Water Reclamation Plant No. 7 Aeration Improvements Project, Specification No. 2022-22**

RECOMMENDED ACTION: Approve the request for proposals (RFP) for the pre-selection of blower equipment for the Water Reclamation Plant No. 7 (WRP-7) Aeration Improvements Project (Project). The RFP will establish equipment specifications and require the submission of a guaranteed maximum price for the blower equipment. CVWD anticipates that it will execute a Letter of Intent with the chosen manufacturer on or around November 2022 for assignment to the construction contract to be chosen at a later date.

On a motion by Director, Peter Nelson second by Director, Castulo Estrada, the board approved the request for proposals (RFP) for the pre-selection of the blower equipment for the Water Reclamation Plant No. 7 (WRP-7) Aeration Improvements Project (project). The RFP will establish equipment specifications and require the submission of a guaranteed maximum price for the blower equipment.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

- B. **Award a Construction Contract to The Van Dyke Corporation in the amount of \$255,889 for the Highway 86 Transmission Main, Lincoln Street Project, Specification No. 2022-29, approve Budget Amendment Resolution No. 22-23-02, and approve additional expenditures for a total request of \$413,000**

RECOMMENDED ACTION: Approve the following actions related to the Highway 86 Transmission Main, Lincoln Street Project (Specification No. 2022-29), and award a construction contract to The Van Dyke Corporation (Van Dyke).

On a motion by Director, Anthony Bianco second by Director, Castulo Estrada, the board approved the following actions related to the Highway 86 Transmission Main, Lincoln Street Project, Specification No. 2022-29:

- Awarded the Construction Contract to The Van Dyke Corporation (Van Dyke), for the Highway 86 Transmission Main, Lincoln Street Project (Specification No. 2022-29), in the amount of \$255,889, located west of Highway 86 and south of 84th Avenue
- Authorized the General Manager to execute the construction contract with The Van Dyke Corporation for the Highway 86 Transmission Main, Lincoln Street Project (Specification No. 2022-29)

- Authorized the General Manager to execute a purchase order with CVWD's on-call aggregate supplier, West Coast Sand & Gravel, Inc., to provide and deliver the rip rap material for the slope protection to the project site in the amount of \$96,565 since this will result in cost savings of approximately \$38,000 compared to the bid price submitted by Van Dyke
- Approved Budget Amendment Resolution No. 22-23-02
- Approved the following additional expenditures for a total cost of \$413,000:
 - CVWD Project Management and Engineering - \$10,000
 - Task Order with Dahl Consultants for Engineering Support Services - \$5,630
 - CVWD Inspection Services -\$20,800. Inspection services for this project will be provided by CVWD inspection staff and/or CVWD's on-call inspection firms.
 - Task Order with RMA Companies for soils testing services - \$3,025
 - Construction Contingency (5.4 %) - \$21,091

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

Environmental Services

- C. **Approve and authorize the General Manger to execute Two Five-Year Joint Funding Agreements with the United State Geological Survey for Water Resources Investigations for Water Years 2023 through 2027**

RECOMMENDED ACTION: Authorize the General Manger to execute two five-year joint funding agreements (JFAs) with the United States Geological Survey (USGS) for continuing cooperative water resources investigations during Water Years 2023 through 2027.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board approved and authorized the General Manager to execute two five-year joint funding agreements (JFAs) with the United States Geological Survey (USGS) for continuing cooperative water resources investigations during Water Years 2023 through 2027.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

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

Finance

- D. **Adopt Resolution No. 2022-51 for the Repayment Contract with US Bureau of Reclamation (USBR) for the Extraordinary Maintenance Costs of the Replacement of the Distribution System from the Coachella Branch of the All-American Canal (Irrigation Lateral Replacement) for \$60,931,425**

RECOMMENDED ACTION: Adopt Resolution No. 2022-51 and authorize the General Manager to execute the Repayment Contract with USBR for the 10 Irrigation Lateral Replacement Projects estimated at \$60,931,425.

On a motion by Director, Peter Nelson second by Director, John Powell, the board adopted Resolution No. 2022-51, for the Repayment Contract with the US Bureau of Reclamation (USBR) for the Extraordinary Maintenance Costs of the Replacement of the Distribution System from the Coachella Branch of the All-American Canal (Irrigation Lateral Replacement) for \$60,931,425, and authorized the General Manager to execute the Repayment Contract with USBR for the 10 Irrigation Lateral Replacement Projects.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

Operations

- E. **Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Tamarisk Country Club**

RECOMMENDED ACTION: Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Tamarisk Country Club (Tamarisk).

On a motion by Director, Castulo Estrada second by Director, Peter Nelson, the board approved and authorized the General Manager to execute a nonpotable water agreement with Tamarisk Country Club.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

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

Service & Communication

- F. **Approve an increase the Conservation Program Payments budget in the amount of \$3 million to fund additional rebate program participation**

RECOMMENDED ACTION: Approve an increase to the Conservation Program Payments budget in the amount of \$3 million to fund additional rebate program participation.

On a motion by Director, Peter Nelson second by Director, John Powell, the board approved an increase to the Conservation Program payments budget in the amount of \$3 million to fund additional rebate program participation.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

8. PUBLIC HEARINGS

- A. **Public Hearing Relating to the Cove Public Water System Public Health Goal Report**

RECOMMENDED ACTION: Conduct a public hearing to solicit public input on the report on state and federal public health goals for domestic water served to the Cove Public Water System and direct staff to continue evaluating future advancements in water treatment to identify technology capable of meeting all drinking water Public Health Goals (PHGs) and Maximum Contaminant Level Goals (MCLGs) and that would be economically feasible to implement.

Following a presentation by staff, Board President Powell opened the public hearing to receive input. No public input was received. President Powell closed the public hearing.

On a motion by Director, Peter Nelson second by Director, Anthony Bianco, the board voted to accept and file the Cove Public Water System Public Health Goal Report and directed staff to continue evaluating future advancements in water treatment to identify technology capable of meeting all drinking water Public

Health Goals (PHGs) and Maximum Contaminant Level Goals (MCLGs) and that would be economically feasible to implement.

Approved by the following vote:

Ayes: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

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

- Director Estrada requested a brief update from staff on Chromium 6.
- Director Nelson requested regular updated data illustrating conservation efforts and accomplishments of California. Directors Powell and Bianco had no report.

- B. Board Requests for Future Agenda Items – None requested.

11. BOARD MEETING REPORTS

- A. Meetings and Conference Reports

- i. August 2, 2022, Conference Call – Hauled water check-in with Leadership Council (Director Estrada)
- ii. August 4, 2022, Preparation Call for Principals meeting (Director Estrada)
- iii. August 11, 2022, Conference Call with state regarding draft NLP Supply Assessment Review (Director Estrada)
- iv. August 24, 2022, Eastern Coachella Valley Task Force Meeting (Director Estrada)
- v. August 24 to August 25, 2022, Urban Water Institute’s Annual Water Conference (Director Nelson)
- vi. August 25, 2022, Salton Sea Authority Board Meeting (Director Estrada)
- vii. August 25 to August 27, 2022, Seven Basin States Meeting (Director Nelson)

- viii. August 26, 2022, NL Pilot Project Conference Call to discuss water supply assessment and review CVWD data (Director Estrada)
- ix. August 29, 2022, Annual Board Interview with Auditor (Director Powell)
- x. August 29, 2022, Media Engagements with Wade Crowfoot (Director Nelson)
- xi. August 31, 2022, Preparation Call for Water Education for Latino Leaders (WELL) Water Workshop (Director Estrada)
- xii. September 6, 2022, WELL UnTapped Legislative Water Workshop (Directors Powell, Bianco and Estrada)
- xiii. September 6, 2022, State of California: Save our Water Press Conference (Director Estrada)
- xiv. September 8, 2022, Salton Sea North Lake Pilot Water Supply Meeting (Director Estrada)

Additional Meetings Reported

- xv. September 7, 2022, CA Agencies Meeting on Economics of Water Conservation (Director Nelson)
- xvi. September 8, 2022, Meeting with consultant and staff regarding upcoming strategic planning workshops (Director Powell)
- xvii. September 8, 2022, Imperial Irrigation District Agricultural Advisory Committee Meeting (Director Nelson)
- xviii. SAFER Advisory Group Meeting (Director Estrada)

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: Powell, Estrada, Bianco, Nelson

Noes: None

Absent: Aguilar

Abstain: None

Recuse: None

Motion Passed: 4-0

12. REPORTS

- A. General Manager, Jim Barrett – provided an update on COVID.
- B. Counsel, Jeff Ferre – reported on EPA’s Support Plan for water systems, to provide assistance for dealing with, identifying and preventing cybersecurity issues and to prevent threats to public water systems to prevent further vulnerabilities and risk assessments; and on the EPA’s proposed ruling on PFOS, with a 60-day time period for public comment. Ruling is

regulated by circa law, enabling liability designation to those in chain of command/control of PFOS materials.

C. Departments

- Steve Bigley, Director of Environmental Services provided a brief report on Chromium 6.
- Dan Charlton, Assistant General Manager provided a brief report on the GeoTab and recent weather events.

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. Two (2) cases
- B. 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)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) (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)
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Coachella Valley Water District v. General Motors, LLC, a Delaware Limited Liability Company, et al. Riverside Superior Court Case No.: CVPS2202994
- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Rancho Mirage Mobilehome Community, LP v. Coachella Valley Water District, United States Court of Appeals, Ninth Circuit Case No. 22-55212.
- F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1825310 (SWP Mandate):
- G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code §54956.9 (a) Name of Case: Howard

Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1904943 (Canal)

- H. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, RIC 1905897, Fourth District Court of Appeal Case Nos. E079712 and E079078 (RAC Mandate)
- I. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 1904774, Fourth District Court of Appeal Case No. E078411 (MVP Lawsuit)
- J. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 1905977 (SWP Validation FY2020):
- K. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 2003606 (RAC Validation FY2021)
- L. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, PSC 2003702 (SWP Validation FY2021)
- M. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2103373 (RAC Validation FY2022):
- N. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVPS 2102910 (SWP Validation FY2022)
- O. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2203038 (RAC Validation FY2023)

- P. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9 (a) Name of Case: Howard Jarvis Taxpayers Association v. Coachella Valley Water District, CVRI 2203364 (SWP Validation FY2023)

- Q. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 - Agency Negotiator: Jay Trinnaman, Scott Hunter, Dan Charlton, Bill Walters, Chris Chaffin - Employees' Organization: Coachella Valley Water District Employee Association (CVWDEA). ****not discussed.***

14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting back to Open Session and reported there were no reportable actions from Closed Session.

15. ADJOURNMENT

There being no further business to discuss. President Powell adjourned the meeting at 11:50 a.m. The next regular scheduled meeting will be on Tuesday, September 27, 2022, at 8:00 a.m. at CVWD's Coachella Campus, 51501 Tyler Street, Coachella, CA.