



**BOARD PRESIDENT**

*John P. Powell Jr.*  
**DIVISION 3**

**VICE PRESIDENT**

*Castulo R. Estrada*  
**DIVISION 5**

**OFFICIAL MINUTES  
BOARD OF DIRECTORS  
REGULAR MEETING**

**October 08, 2024**

[www.cvwd.org](http://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**

Board President Powell called the regular meeting of the Coachella Valley Water District Board of Directors to order at 8:03 a.m., Tuesday, October 8, 2024, at the office of the District in Palm Desert, California. President Powell also made disclosures and confirmed with Director Aguilar that the Brown Act requirements for teleconference meetings have been followed for Director Aguilar’s participation in the meeting from the following location: Sheraton Kauai Resort Villas, 2440 Hoonani Road, Koloa, HI. Due to technical difficulties with the virtual connection, Director Aguilar left the meeting at 9:26am.

**2. ROLL CALL**

Present: Board President John Powell  
Vice President Castulo Estrada  
Director John Aguilar dropped off at 9:26 a.m.  
Director Peter Nelson

Absent: Director Anthony Bianco

Staff Present: General Manager Jim Barrett  
General Counsel Jeff Ferre  
Clerk of the Board Sylvia Bermudez

**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. Late breaking item added to the agenda

- 1) Pursuant to Government Code Section 54954.2, the Board added one item to Closed Session: Conference with Legal Counsel, Anticipated Litigation, initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9. Upon the advice of special legal counsel, it was



recommended to add this late breaking item as it was determined there was a need for the board to consult with special legal counsel and that need arose after the posting of the agenda.

**On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada**, the board approved adding the late breaking item of anticipated litigation for closed session under Government Code Section 54954.2.

Approved by the following roll vote:

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

**Noes:** None

**Absent:** Bianco

**Motion Passed: 4-0**

C. Changes to the order of the agenda

**4. PUBLIC COMMENT**

No public comment received.

**5. CONSENT CALENDAR**

A. Clerk of the Board – Approve minutes of the September 24, 2024, Regular Meeting of the Coachella Valley Water District Board of Directors

B. **PULLED** - Operations – Authorize the purchase of a Torchmate Plasma Cutting Table from Lincoln Electric in the amount of \$150,629.

C. Operations – Authorize the execution of a Purchase Order utilizing the County of Los Angeles Master Purchase Agreement for the purchase of 50 Motorola APX1500 Mobile Radios from Motorola Solutions Inc in the amount of \$189,065.

**On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada**, the board approved Consent Calendar items 5A and 5C; item 5B was pulled for discussion.

Approved by the following roll vote:

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

**Noes:** None

**Absent:** Bianco

**Motion Passed: 4-0**

**6. ITEM(S) PULLED FROM CONSENT CALENDAR FOR DISCUSSION**

5 B. Operations – Authorize the purchase of a Torchmate Plasma Cutting Table from Lincoln Electric in the amount of \$150,629.



**On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada**, the board approved the purchase of a Torchmate Plasma Cutting Table from Lincoln Electric in the amount of \$150,629.

Approved by the following roll vote:

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

**Noes:** None

**Absent:** Bianco

**Motion Passed: 4-0**

## 7. ACTION CALENDAR

### Administration

- A. **Adopt Resolution No. 2024-38, for actions related to the Delta Conveyance Project 1) make CVWD-specific California Environmental Quality Act findings, and 2) approve additional project-related funding for calendar years 2026 and 2027 in an amount not to exceed \$11,340,000.**

**RECOMMENDED ACTION:** Approve Resolution No. 2024-38 for the following actions related to the Delta Conveyance Project (DCP):

**On a motion by Board President, John Powell second by Vice President, Castulo Estrada**, the board approved Resolution No. 2024-38, with amendment to section 6 of the Resolution, to state that District approval is contingent on an affirmative vote from the Metropolitan Water District of Southern California to fund its share of the DCP work during this period.

Approved by the following roll vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

- B. **Approve the California Colorado River Contractors Forbearance Agreement for 2024 to 2026 Conservation Agreements Under the Lower Colorado Conservation and Efficiency Program.**

**RECOMMENDED ACTION:** It is recommended that the Board of Directors (Board) authorizes the General Manager to execute the California Colorado River Contractors Forbearance Agreement with The Metropolitan Water District of Southern California (MWD), Imperial Irrigation District (IID), Palo Verde Irrigation District (PVID), and the City of Needles for conservation of Colorado River water through conservation agreements through the Lower Colorado Conservation and Efficiency program (LC Conservation Program) of



up to 1,194,163 acre-feet (af) to remain in Lake Mead for the benefit of the system from 2024 to 2026. This agreement will terminate May 31, 2027.

**On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada**, the board approved and authorized the General Manager to execute the California Colorado River Contractors Forbearance Agreement with Metropolitan Water District of Southern California (MWD), Imperial Irrigation District (IID), Palo Verde Irrigation District (PVID), and the City of Needles for 2024 to 2026 Conservation Agreements under the Lower Colorado Conservation and Efficiency Program.

Approved by the following roll vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

### Engineering

- C. **Authorize the solicitation of bids for the construction of the WRP 10 T1 Filter Assessment and Repair Project, Specification 2021-31**  
**RECOMMENDED ACTION:** Authorize the solicitation of bids for the construction of the WRP 10 T1 Filter Assessment and Repair Project (Project), Specification 2021-31.

**On a motion by Vice President, Castulo Estrada second by Director, Peter Nelson**, the board authorized the solicitation of bids for the construction of the WRP 10 T1 Filter Assessment and Repair Project, Specification 2021-31.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

- D. **Authorize Updates to Slope Protection Requirements within the Stormwater Section of the Development Design Manual**  
**RECOMMENDED ACTION:** authorize updates to the slope protection requirements within the stormwater section of the Development Design Manual.

**On a motion by Vice President, Castulo Estrada second by Director, Peter Nelson**, the board approved the updates to the slope protection requirements within the stormwater section of the Development Design Manual.

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None



**Absent:** Aguilar, Bianco  
**Motion Passed: 3-0**

**Operations**

- E. **Purchase Agreements with Northern Digital Inc., (NDI) and Integrated Power System (IPS) for Programmable Logic Controller (PLC) Panels for the PLC Upgrade Project, Phase III**

**RECOMMENDED ACTION:** Authorize the General Manager to execute Purchase Agreements with Northern Digital, Inc. (NDI) and Integrated Power System (IPS) in the amounts of \$325,709 and \$377,248, respectively, for Programmable Logic Controller (PLC) Panels for the PLC Upgrade Project, Phase III (Project).

**On a motion by Director, Peter Nelson second by Vice President, Castulo Estrada,** the board approved the following actions related to the Programmable Logic Controller (PLC) Upgrade Project, Phase III:

- authorized the General Manager to execute purchase agreements with Northern Digital, Inc., (NDI) and Integrated Power System (IPS) in the amounts of \$325,709 and \$377,248, respectively
- authorized the General Manager to execute a Professional Services Agreement (PSA) with NDI for professional consulting services in the amount of \$ 273,920
- approved additional contingency expenditures of \$33,123 for a total request of \$1,010,000

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

**8. INFORMATIONAL ITEMS AND REPORTS**

A. Written Communications to the Board as filed – None

B. Informational Presentations to the Board

I. Informational item: Year-end recap of 2023/24 California legislative session

**9. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS**

A. Board General Comments

Director Estrada acknowledged the annual employee recognition dinner and is happy to see it return in December of this year.



B. Board Requests for Future Agenda Items – None

## 10. BOARD MEETING REPORTS

A. Meetings and Conference Reports

- i. September 25, 2024, Golf & Water Task Force Meeting (Director Powell)
- ii. September 25-27, 2024, Colorado River Symposium – Bridging Divides for a Resilient Future (Director Nelson)
- iii. September 26, 2024, ACWA Live Webinar – Regulated Drinking Water Contaminants in California: Protecting Public Health & Financial Resilience (Director Aguilar)
- iv. September 30, 2024, Agua Caliente Principals Meeting (Directors Powell and Estrada)

### **Additional Meetings Reported**

- v. October 1, 2024, Section 5 Contractors Call (Director Nelson)

B. Approval of per diem for meetings reported

***On a motion by Vice President, Castulo Estrada second by Director, Peter Nelson, the board approved per diem for meetings reported.***

Approved by the following vote:

**Ayes:** Powell, Estrada, Nelson

**Noes:** None

**Absent:** Aguilar, Bianco

**Motion Passed: 3-0**

## 11. REPORTS

- A. General Manager, Jim Barrett reported a check in with the Board regarding 2024 goals will be scheduled for the 10/22 board meeting.
- B. Counsel, Jeff Ferre, had no report.
- C. Departments
  - Carrie Oliphant, Director of Engineering, introduced Rob Scholl, Engineering Manager.
  - Sylvia Bermudez, Clerk of the Board, introduced Janet Martinez, Deputy Clerk of the Board.

## 12. CLOSED SESSION AGENDA



- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to Government Code Section 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)
  
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to Government Code Section 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)

**13. RECONVENE**

- A. Report out of Closed Session  
President Powell reconvened the meeting to open session and announced there were no reportable actions. The anticipated litigation item added as a late breaking item was not discussed as it was determined that the situation no longer required consultation with special legal counsel.

**14. ADJOURNMENT**

There being no further business to discuss, Board President Powell adjourned the meeting at 10:54 a.m. The next regular meeting is scheduled for Tuesday, October 22, 2024, at 8:00 a.m. at the District's Coachella office.