



# COACHELLA VALLEY WATER DISTRICT

*Established in 1918 as a public agency*

## **BOARD PRESIDENT**

*John P. Powell Jr.*

**DIVISION 3**

## **VICE PRESIDENT**

*Castulo R. Estrada*

**DIVISION 5**

# **OFFICIAL MINUTES BOARD OF DIRECTORS REGULAR MEETING**

**June 25, 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 8:00 a.m., Tuesday, June 25, 2024, at the office of the District in Coachella, California.

President Powell also made disclosures and confirmed with Director Nelson that the Brown Act requirements for teleconference meetings have been followed for Director Nelson's participation in the meeting from the following location: 401 Pine Street, Shafter, CA.

### **2. ROLL CALL**

Present: Board President John Powell  
Director John Aguilar  
Director Anthony Bianco  
Director Peter Nelson

Absent: Vice President Castulo Estrada

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. Emergency items added to the Agenda

C. Changes to the order of the Agenda

**4. PUBLIC COMMENT**

No public comment was received.

**5. SPECIAL PRESENTATION & RECOGNITIONS**

- A. Employee Recognition for April and May 2024  
***Anniversaries***

Mark Young, Irrigation Water Specialist, 30 Years  
Pablo Altamirano, WRP Operator II, 20 Year (not attending)

**6. CONSENT CALENDAR**

- A. Administration – Accepted and filed the General Manager's Report of Authorizations, Executions, and Acceptance of Documents for May 2024
- B. Administration – Accepted and filed the General Manager's Report of Activities for May 2024
- C. Clerk of the Board – Accepted and filed the Secretary's Report of Written Instruments Accepted and Recorded during the month of May 2024
- D. Clerk of the Board – Approved Minutes of the June 11, 2024, Regular Meeting of the Coachella Valley Water District Board of Directors
- E. Engineering – Authorizes the General Manager to Execute a Change Order with Downing Construction, Inc. for the Adams Street Water Main Replacement Project (Specification No. 2022-41) for Additional Pavement Restoration and Related Costs, and approve additional expenditures for a total request of \$250,000

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

Approved by the following roll vote:

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

**Noes:** None

**Absent:** Estrada

**Motion Passed: 4-0**

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

**8. ACTION CALENDAR**

## Administration

- A. **Approve Resolution No. 2024-17, modifying previously adopted CVWD's Colorado River Water Conservation Program under Resolution No. 2024-08, to expand program to include land fallowing of non-permanent crops for Calendar Years 2025 and 2026 (total volume of up to 20,000 acre-ft).**

**RECOMMENDED ACTION:** It is recommended that the Board of Directors approve Resolution No. 2024-17, modifying the Colorado River Water Conservation Program (Program) as adopted under Resolution No. 2024-08, to include the following actions for Calendar Years (CYs) 2025 and 2026: Adopt CVWD's Revised Program Rules and Regulations to expand the program to include fallowing of non-permanent crops; Authorize the General Manager or his delegated representatives to administer the modified Program through CVWD's Conservation Program Grower Agreements with participants; Make a determination that this action is exempt from the California Environmental Quality Act (CEQA)

***On a motion by Director, Peter Nelson second by Board President, John Powell,*** the board approved Resolution No. 2024-17, modifying previously adopted CVWD's Colorado River Water Conservation Program to expand the program to include land fallowing of non-permanent crops for calendar years 2025 and 2026 (total volume of up to 20,000 acre-ft), to include the following actions for Calendar Years (CYs) 2025 and 2026:

- adopted CVWD's Revised Program Rules and Regulations to expand the program to include fallowing of non-permanent crops
- authorized the General Manager or his delegated representatives to administer the modified Program through CVWD's Conservation Program Grower Agreements with participants
- made a determination that this action is exempt from the California Environmental Quality Act (CEQA)

Approved by the following roll vote:

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

**Noes:** None

**Absent:** Estrada

**Motion Passed: 4-0**

## Clerk of the Board

- B. **Approve Resolutions calling for an election for two seats of the Board of Directors and requesting consolidation with the County of Riverside for the November 5, 2024 General Election**  
**RECOMMENDED ACTION:** Approve the following actions in connection with the November 5, 2024, consolidated General District Election in the County of Riverside: Approve Resolution No. 2024-18, Calling for An Election for two (2) seats of the Coachella Valley Water District Board of Directors on November 5, 2024, with the County of Riverside; Approve

Resolution No. 2024-19, Notifying the County Registrar of Voters of Riverside County, 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 November 5, 2024, consolidation General District Election in the County of Riverside.

***On a motion by Director, John Aguilar second by Board President, John Powell***, the board approved the following actions, related to the November 5, 2024, General Election:

- Approved Resolution No. 2024-18, Calling for an Election for two (2) seats of the Coachella Valley Water District Board of Directors on November 5, 2024, with the County of Riverside
- Approved Resolution No. 2024-19, Notifying the County Registrar of Voters of Riverside County, 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 November 5, 2024 consolidation of the General District Election in the County of Riverside.

Approved by the following vote:

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

**Noes:** None

**Absent:** Estrada

**Motion Passed: 4-0**

## **Finance**

- C. **Approve Resolution to Establish Accounts Payable (AP) Account and Affirm Authorized Signatories for Coachella Valley Water District.**

**RECOMMENDED ACTION:** Approve Resolution No. 2024-20, establishing a third operating bank account with US Bank, and affirm authorized signatories for all Coachella Valley Water District operating accounts with US Bank.

***On a motion by Director, Anthony Bianco second by Director, John Aguilar***, the board approved Resolution No. 2024-20, Establishing a third operating bank account with US Bank, and affirm authorized signatories for all Coachella Valley Water District operating accounts with US Bank.

Approved by the following vote:

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

**Noes:** None

**Absent:** Estrada  
**Motion Passed:** 4-0

### **Human Resources**

**D. Authorization to Purchase Property & Liability Insurance Coverage for Fiscal Year 2024-2025.**

**RECOMMENDED ACTION:** Authorize the General Manager to purchase the property and casualty coverage through the District's insurance brokers, Alliant Insurance Services, Inc., for Fiscal Year 2024-2025 in an amount up to \$3,601,744, which includes a 2.5% contingency, and approve Budget Amendment Resolution No. 23-24-011. Staff is also seeking authorization to select alternative carriers should an insurer amend or withdraw their quote prior to the July 1, 2024 renewal.

***On a motion by Director, Anthony Bianco second by Director, John Aguilar,*** the board approved the following actions, related to the purchase of property & liability insurance coverage for fiscal year 2024-2025:

- Authorized the General Manager to purchase the property and casualty coverage through the District's insurance brokers, Alliant Insurance Services, Inc., for fiscal years 2024-2025 in an amount up to \$3,601,744, which includes a 2.5% contingency
- Approved Budget Amendment Resolution No. 23-24-011, and;
- Authorized staff to select alternative carriers should an insurer amend or withdraw their quote prior to the July 1, 2024 renewal.

Approved by the following vote:

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

**Noes:** None

**Absent:** Estrada

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

## **11. BOARD MEETING REPORTS**

- A. Meetings and Conference Reports

- i. June 12, 2024, 2:2 Meeting with City of Rancho Mirage (Directors Powell and Aguilar)
- ii. June 12, 2024, Colorado River Board Meeting (Director Nelson)
- iii. June 12, 2024, Six Agency Committee Meeting (Directors Estrada and Nelson)
- iv. June 12, 2024, Meeting with CVWD staff, Syrus Devers and Assemblymember Garcia to discuss Chrom-6 Bill (Director Estrada)
- v. June 13, 2024, Coachella Valley Conservation Commission (CVCC) Meeting (Director Bianco)
- vi. June 13, 2024, Energy and Sustainability Committee Meeting (Director Bianco)
- vii. June 20, 2024, Salton Sea Authority Meeting (Directors Estrada and Aguilar)
- viii. June 20, 2024, Meeting with CVWD staff and City of Cathedral City (Director Aguilar)
- ix. June 24, 2024, California Farm Water Coalition (Director Nelson)

**Additional Meetings Reported**

- x. June 17, 2024, DVBA Board Meeting (Director Powell)
- xi. June 17, 2024, Meeting with Robert Cheng to discuss Colorado River Board process and the role of the executive director (Director Nelson)
- xii. June 20, 2024, Meeting with CVWD staff to discuss landowner delivery review on short and long-term deliveries in the Oasis area (Director Nelson)
- xiii. June 21, 2024, Sites Authority Meeting (Zoom) (Director Nelson)

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

Approved by the following vote:

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

**Noes:** None

**Absent:** Estrada

**Motion Passed: 4-0**

- 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:** Powell, Aguilar, Bianco, Nelson

**Noes:** None  
**Absent:** Estrada  
**Motion Passed:** 4-0

## **12. REPORTS**

- A. General Manager, Jim Barrett provided an update to the board on updates and migration of email accounts and issues with Board members accessing email.
- B. Counsel, Jeff Ferre, reported on recent court rulings that impact an initiative that will be kept off the November ballot and a court ruling that enjoined soil investigation activities in connection with the Delta Conveyance Project.
- C. Departments – None

## **13. CLOSED SESSION AGENDA**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: RAC Rates Howard Jarvis Taxpayers Association v. Coachella Valley Water District, et al., Riverside Superior Court Case No's: SWP tax case in the trial court (RIC1825310); Canal appeal (4th DCA No. E0819996); RACS SLAPP appeal (4th DCA No. E079079); New domestic rate challenges: (CVRI2305843, CVRI2305795); FY 23 challenges (CVRI2203038, CVRI2203364, CVRI2204484); FY 24 challenges (CVRI2304311, CVRI2304703, CVRI2305556)
- 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- 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
- D. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION (Gov. Code. § 54956.9)  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:  
Two (2) Potential Cases

## **14. RECONVENE**

- A. Report out of Closed Session  
President Powell convened the meeting into Open Session and announced there were no reportable actions.

**15. ADJOURNMENT**

There being no further business to discuss, Board President Powell adjourned the meeting at 10:12 a.m. The next regular meeting is scheduled for Tuesday, July 9, 2024, at 8:00 a.m. at the District's Palm Desert office.

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Sylvia M. Bermudez, MMC  
Clerk of the Board  
Coachella Valley Water District

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