



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

January 24, 2023

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Coachella Valley Water District Board of Directors to order at 8:00 a.m., Tuesday, January 24, 2023, at the office of the District in Coachella, California.

2. ROLL CALL

Present: Board President John Powell
Vice President Castulo Estrada
Director John Aguilar
Director Anthony Bianco
Director Peter Nelson arrived at 8:12 a.m.

Absent: None

Staff Present: General Manager Jim Barrett
General Counsel Jeff Ferre
Clerk 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. No items were removed or continued from the Agenda

B. No emergency items were added to the Agenda

C. No changes made to the order of the Agenda

4. PUBLIC COMMENT

No public comment received.

5. SPECIAL PRESENTATION & RECOGNITIONS

- A. Employee Recognitions for January 2023
Retirements
- Theresa Salazar, Accounts Receivable Technician, 22 years (*not attending*)
 - Roni Ramos, Source Control Coordinator, 14 years (*not attending*)

6. CONSENT CALENDAR

- A. Administration – Accept and file the General Manager's Report of Activities for November 2022
- B. Administration – Accept and file the General Manager's Report of Activities for December 2022
- C. Administration – Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents for the month of November 2022
- D. Administration – Accept and file General Manager's Report of Authorizations, Executions, and Acceptance of Documents for the month of December 2022
- E. Clerk of the Board – Approve Minutes of the January 10, 2023, CVWD Board of Directors Meeting
- F. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of November 2022
- G. Clerk of the Board – Accept and file the Secretary's Report of Written Instruments Accepted and Recorded during the month of December 2022

On a motion by Director, Anthony Bianco second by Director, John Aguilar, the board approved the Consent Calendar as presented.

Approved by the following roll vote:

Ayes: Powell, Estrada, Aguilar, Bianco

Noes: None

Absent: Nelson

Motion Passed: 4-0

7. ITEMS PULLED FROM CONSENT CALENDAR FOR DISCUSSION

No items pulled from Consent Calendar for discussion.

8. ACTION CALENDAR

Administration

- A. Resolution No. 2023-02 adopting updated bid opening and evaluation procedures

RECOMMENDED ACTION: Rescind Resolution No. 2003-196 and adopt Resolution No. 2023-02, a resolution of the Coachella Valley Water District Board of Directors Adopting Updated Bid Opening and Evaluation Procedures.

Item was continued to February 14 meeting, pending revisions.

Engineering

- B. **Authorize the General Manager to execute a Special Domestic Water System Installation Agreement with Innovative Automotive Holdings, LLC for an automobile dealership and service center**

RECOMMENDED ACTION: Authorize the General Manager to execute a Special Domestic Water System Installation Agreement with Innovative Automotive Holdings, LLC for an automobile dealership and service center.

On a motion by Director, John Aguilar second by Vice President, Castulo Estrada, the board approved and authorized the General Manager to execute a special domestic water system installation agreement with Innovative Automotive Holdings, LLC for an automobile dealership and service center.

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

Human Resources

- C. **Approval of a two-year Defined Benefit and Compensation Plan on behalf of Confidential, At-Will, and/or Unrepresented Coachella Valley Water District Employees**

RECOMMENDED ACTION: Approve and authorize the General Manager to enter into a two-year Defined Benefit and Compensation Plan on behalf of Confidential, At-Will, and/or Unrepresented Coachella Valley Water District Employees.

On a motion by Director, Anthony Bianco second by Board President, John Powell, the board approved and authorized the General Manager to enter into a two-year Defined Benefit and Compensation Plan on behalf of Confidential, At-Will, and/or Unrepresented Coachella Valley Water District Employees.

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

9. ORDINANCE(S) FOR ADOPTION

- A. **Repeal District Ordinance 1425.13, (An Ordinance Providing for the Employment and Classification of District Employees, Fixing Compensation Therefore, and Other Purposes, and Repealing all ordinance in conflict therewith), in its entirety and Adopt District Ordinance 1442 (An Ordinance Providing for the Employment, Classification, and Compensation of Coachella Valley Water District Employees)**

RECOMMENDED ACTION: Repeal Ordinance 1425.13 in its entirety and adopt Ordinance 1442 as proposed.

On a motion by Director, John Aguilar second by Vice President, Castulo Estrada, the board repealed Ordinance No. 1425.13 and adopted a new ordinance, Ordinance No. 1442, An Ordinance Providing for the Employment, Classification, and Compensation of the Coachella Valley Water District Employees.

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

10. INFORMATIONAL ITEMS AND REPORTS

- A. Written Communications to the Board – on file.

11. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- A. Board General Comments

- Directors Aguilar and Bianco had no report.
- Director Nelson – Reported that snowpack is at about 130. SWP will announce the updated allocation on Friday, January 27, which will include the latest water/snowpack data.
- President Powell – Will complete the LAFCO nomination paperwork for Vice President Estrada, to run for the eastern special district seat.
- Vice President Estrada – thanked President Powell for the nomination to the eastern county special district seat on Riverside LAFCO. Noted there are two vacant seats, one for eastern county and one for western county.

- B. Board Requests for Future Agenda Items
No requests for future agenda items.

12. BOARD MEETING REPORTS

A. Meeting and Conference Reports

- i. December 14, 2022 to December 16, 2022 Colorado River Water Users Association Conference (Director Estrada)
- ii. December 14, 2022 Metropolitan Water District (MWD) and CVWD Lunch Meeting (Director Estrada)
- iii. December 14, 2022 MWD – Partnerships on the River Reception (Director Estrada)
- iv. December 15, 2022 San Diego County Water Authority and CVWD Lunch Meeting (Director Estrada) ***meeting cancelled*
- v. December 22, 2022 Prep Call with staff regarding call with Congressman Ruiz on funding for Valley View Project (Director Estrada)
- vi. December 22, 2022 Call with Congressman Ruiz regarding funding for Valley View Project (Director Estrada)
- vii. January 3, 2023 Salton Sea Authority Personnel Committee Meeting (Director Estrada)
- viii. January 5, 2023 Coachella Valley Golf and Water Summit Discussion (Director Nelson)
- ix. January 10, 2023 Installation of MWD New Board Chair Adán Ortega, Jr. (Director Estrada)
- x. January 11, 2023 Colorado River Board Meeting (Director Nelson) ***Director Estrada did not attend.*
- xi. January 11, 2023 Coachella Valley Golf & Water Summit (Directors Powell and Nelson)
- xii. January 12, 2023 Coachella Valley Conservation Commission (Director Bianco)
- xiii. January 12, 2023 Desert Valley Builders Association Board Installation Dinner (Director Powell)
- xiv. January 18, 2023 Conference Call between staff, Director Estrada & Syrus Devers (Director Estrada)
- xv. January 18, 2023 Disadvantaged Community Infrastructure Task Force Meeting (Directors Powell and Estrada)
- xvi. January 19, 2023 Press Conference w/Congressman Ruiz regarding Community Project Funds (Director Estrada) ***did not attend*

Additional Meetings Reported

- xvii. January 19, 2023 Coachella Valley Irrigated Lands Coalition (CVILC) (Directors Powell and Nelson)
- xviii. January 23, 2023 California Caucus Meeting (virtual) (Director Nelson)
- xix. January 20, 2023 Meeting with Water Education for Latino Leaders (WELL) (Director Estrada)
- xx. January 21, 2023 Tour Water Education for Latino Leaders (WELL) of Salton Sea, Box Canyon and Polanco Park (Director Estrada)

- xxi. January 22, 2023 Interview Water Education for Latino Leaders (WELL) regarding Colorado River and Coachella Valley water supply (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

Approved by the following vote:

Ayes: Powell, Estrada, Aguilar, Bianco, Nelson

Noes: None

Absent: None

Abstain: None

Recuse: None

Motion Passed: 5-0

13. REPORTS

- A. General Manager, Jim Barrett provided on update on COVID data.
- B. Counsel, Jeff Ferre provided an update on the Freedom Foundation v State of California case and the expanding obligations under the California Public Records Act.
- C. Departments- None

14. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION - Pursuant to Government Code § 54956.9 (a) Name of Case: Rancho Mirage Mobile Home Community, LP., v. Coachella Valley Water District, Ninth Circuit Court of Appeal Case No. 22-55212
- B. 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):
- C. 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)
- D. 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)
- E. 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)

- 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, PSC 1905977 (SWP Validation FY2020):
- 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, PSC 2003606 (RAC Validation FY2021)
- 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, PSC 2003702 (SWP Validation FY2021)
- 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, CVRI 2103373 (RAC Validation FY2022)
- 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, CVPS 2102910 (SWP Validation FY2022)
- 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, CVRI 2203038 (RAC Validation FY2023)
- 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, CVRI 2203364 (SWP Validation FY2023)
- 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, Case No. CVRI 2204484 (Canal Validation FY2023)
- N. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9.
One (1) Case.

- O. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: General Manager

15. RECONVENE

- A. Report out of Closed Session

President Powell convened the meeting to open session and reported there were no reportable actions.

16. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 11:10 a.m. The next regularly scheduled meeting is on Tuesday, February 14, 2023, at 8:00 a.m. at the Steve Robbins Administration Building, Palm Desert.