

DIVISION 1
Patrick O'Dowd
Director

DIVISION 2
Anthony Bianco
Director

DIVISION 3
John Powell
President

DIVISION 4
Peter G. Nelson
Director

DIVISION 5
Castulo Estrada
Vice President



**OFFICIAL MINUTES
REGULAR MEETING OF THE
COACHELLA VALLEY WATER
DISTRICT**

BOARD OF DIRECTORS

February 12, 2019

Steve Robbins
Administration Building
Board Chambers

75-515 Hovley Ln.
East Palm Desert

www.cvwd.org

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President John Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:00 a.m., Tuesday, February 12, 2019, at the office of the District in Palm Desert, California. President Powell led the Pledge of Allegiance

2. ROLL CALL

Present: President John P. Powell, Jr.
Vice President Cástulo R. Estrada
Director Anthony Bianco
Director G. Patrick O'Dowd
Director Peter Nelson

Staff Present: Jim Barrett, General Manager
Jeff Ferre, Counsel
Sylvia 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. Changes to the order of the Agenda
 - Item 15b will be discussed before 15a, following Closed Session.

4. PUBLIC COMMENT

No public comment received.

5. APPROVAL OF THE CONSENT CALENDAR

President Powell requested that Item 5E be pulled so that action could be taken separately and before such action, he could recuse himself. On a **motion by Director Nelson, second by Director O'Dowd**, the Board approved the remainder of the Consent Calendar.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- A. Approved minutes of the January 22, 2019 regular meeting of the Coachella Valley Water District Board of Directors.
- B. Approved minutes of the January 30, 2019, special meeting of the Coachella Valley Water District Board of Directors.
- C. Authorized the General Manager to execute the Esri Enterprise License Agreement (ELA), Amendment No. 2, to extend the Existing ELA three additional years in the amount of \$165,506 annually, for a total cost of \$496,518.
- D. Approved and authorized additional funds in the amount of \$52,303 for the Whitewater Groundwater Replenishment Facility Intake Improvement Project.
- E. **PULLED FOR DISCUSSION** - Approve and authorize the General Manager to execute an agreement for Acquisition of Real Property - Easement with Salammbo, LLC; and authorize expenditures in the total amount of \$23,768.

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

Prior to consideration of this matter, President Powell stated that he would be recusing himself from this matter due to the location of the project to a real property interest and although this interest would not likely rise to the level of a conflict, he would be recusing himself out of an abundance of caution and to avoid even the appearance of a conflict. President Powell left the dais and the Boardroom during consideration of this matter.

- 5 E. Approve and authorize the General Manager to execute an agreement for Acquisition of Real Property - Easement with Salammbo, LLC; and expenditures in the total amount of \$23,768.

On a **motion by Director O'Dowd, second by Director Nelson**, the Board approved and authorized the General Manager to execute an agreement for Acquisition of Real Property - Easement with Salammbo, LLC; and authorized expenditures in the total amount of \$23,768.

Approved by the following vote:

AYES: Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT/RECUSED: Powell

Motion Passed: 4-0

7. PRESENTATIONS AND RECOGNITIONS

A. Employee Recognition

Anniversary

- Steve Bigley, Director of Environmental Services, 30 years

8. INFORMATIONAL REPORTS

A. Written Communications – on file.

B. Informational Reports to the Board

- Nonpotable Water Quarterly Update, presentation by Olivia Bennett, Non-Potable Operations Water Manager.
- Transition to CVWD's Administration of Recycled Water, presentation by Olivia Bennett, Non-Potable Operations Water Manager.
- Overview of the 2019 Outreach Campaign, presentation by Katie Evans, Director of Communication & Conservation.
- 2nd Quarter FY 2019 Strategic Planning Update, presentation by Robert Cheng, Assistant General Manager

9. ACTION ITEMS

A. Expansion of assistance provided to Customers impacted by government shutdowns.

Following a presentation by Scott Burritt, Customer Service Manager, the Board discussed the expansion of assistance to customers, impacted by the government shutdown.

On a **motion by Director Estrada, second by Director Bianco**, the Board approved expansion of assistance to customers, impacted by the government shutdown.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

B. Approve CIP Budget Amendments for Domestic Water, General District, Sanitation, Non Potable Water, Stormwater, and West Replenishment Capital Improvement Funds.

Following a presentation by Carrie Oliphant, Director of Engineering, the Board discussed the CIP budget amendments.

On a **motion by Director Nelson, second by Director Estrada**, the approved the CIP budget amendments for domestic water, general district, sanitation, non-potable water, stormwater, and west replenishment capital improvement funds.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. Authorize Budget Amendment for the Fillmore Street Irrigation Ditch Project in the amount of \$1,610,876 to reconcile budget and finalize project.

Following a presentation by David Wilson, Engineer Manager, the Board discussed the budget amendment for the Fillmore Street Irrigation Ditch project.

On a **motion by Director Nelson, second by Director Estrada**, the Board approved a budget amendment for the Fillmore Street Irrigation Ditch Project in the amount of \$1,610,876 to reconcile budget and finalize project.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. Authorize State Water Project Contract Extension Amendment (Amendment) Related Actions, Including Adopt Findings in the Department of Water Resources' Certified Final Environmental Impact Report and to Authorize General Manager to Execute the Amendment.

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the State Water Project Contract extension amendment related actions.

On a **motion by Director Nelson, second by Director O'Dowd**, the board approved Resolution No. 2019-04 and authorized the General Manager to execute the State Water Project Contract Extension Amendment (Amendment) Related Actions, Including Adopted Findings in the Department of Water Resources' Certified Final Environmental Impact Report.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

- E. Approval of Lower Basin Drought Contingency Plan Agreement and Drought Contingency Plan Implementation Agreement Concerning Colorado River Drought Contingency Management and Operation.

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the Lower Basin Drought Contingency Plan Agreement and Drought Contingency Plan Implementation Agreement, concerning the Colorado River drought contingency management and operation.

On a **motion by Director Nelson, second by Director O'Dowd** the Board approved Resolution No. 2019-05 and authorized the General Manager to execute the Lower Basin Drought Contingency Plan Agreement and Drought Contingency Plan Implementation Agreement Concerning Colorado River Drought Contingency Management and Operation.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

10. ORDINANCES FOR ADOPTION

- A. Amendments to Ordinance No. 1302.3, an Ordinance establishing a Landscape and Irrigation System Design Criteria.

Following a presentation by Katie Evans, Director of Communication & Conservation, the Board discussed, amendments to Ordinance 1302.3.

On a **motion by Director O'Dowd, second by Director Nelson**, the Board approved Ordinance 1302.4, an Ordinance establishing a Landscape and Irrigation System Design Criteria.

Approved by the following roll-call vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

11. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments
No Board member comments

- B. Meetings and Conference Reports

i January 23, 2019 Golf and Water Task Force Meeting (Director Bianco) ****Director O'Dowd participated via teleconference**

- ii January 24, 2019 Association of California Water Agencies (ACWA) Board team building and strategic business plan workshop (Director O'Dowd)
- iii January 24, 2019 Salton Sea Authority Board of Directors Meeting (Director Estrada)
- iv January 25, 2019 ACWA Executive Committee Meeting (Director O'Dowd)
- v January 25, 2019 ACWA Board of Directors Meeting (Director O'Dowd)
- vi January 25, 2019 Conference Call with Lobbyist Chris Kahn to review February 6th testimony (Director Estrada)
- vii January 25, 2019 The Living Desert Board of Trustees & Advisory Council Meeting (Director Bianco)
- viii January 25, 2019 Integrated Regional Water Management and Human Right to Water Meeting (Director O'Dowd)
- ix January 28, 2019 Board Study Session on Canal Irrigation Rules & Regulations and SCADA Master Plan Progress Report (Directors Powell, Nelson, O'Dowd and Bianco)
- x January 28, 2019 Salton Sea Authority Finance Committee Meeting (Director O'Dowd)
- xi January 29, 2019 Infrastructure Funding Working Group Conference Call (Director O'Dowd)
- xii January 29, 2019 Agency's Manager's Conference Call regarding DCP Status (Director Nelson)
- xiii January 30, 2019 Special Board Meeting
- xiv January 31, 2019 ACWA Region 9 Board Meeting (Director O'Dowd)
- xv January 31, 2019 Conference call with Chris Harris (CRB) and Assistant General Manager Robert Cheng regarding DCP Status (Director Nelson)
- xvi February 1, 2019 ACWA Federal Affairs Conference Call (Director O'Dowd)
- xvii February 1, 2019 ACWA State Legislative Committee Meeting (Director O'Dowd)
- xviii February 4, 2019 Growers' Meeting (Directors Powell and Estrada)
- xix February 5-6, 2019 Safe and Affordable Drinking Water Assembly Joint Hearing (Directors O'Dowd and Estrada)
- xx February 6, 2019 Basin States Principals DCP Check-in Call (Director Nelson)
- xxi February 8, 2019 City of Rancho Mirage/CVWD Triannual Meeting (Directors O'Dowd) ****Estrada did not attend**

Additional Meetings Reported:

- January 24, 2019, Supervisor V. Manuel Perez swearing in ceremony (Director Nelson)

- February 1, 2019 Teleconference meeting with Commissioner Berman Federal Register Notice (Director Nelson).
- February 7, 2019 Dinner meeting with Director O'Dowd and Lisa Moore, Imperial Irrigation District lobbyist (Director Nelson)

C. Approval of per diem for meetings reported
On a **motion by Director Bianco, second by Director Nelson**, the Board approved per diem for meetings reported.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

NOES: None

ABSENT: None

Motion Passed: 5-0

12. STAFF REPORTS

- A. General Manager – no report
- B. Counsel – no report
- C. Departments – no report

13. CLOSED SESSION AGENDA

- A. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 - Agency negotiator: Jay Trinnaman, Robert Cheng and Fran Neilon - Employees' organization: Association of Supervisory Support Evaluation Team (ASSET)
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code section 54956.9 (d) (1)
Name of Case: California Department of Water Resources v. All Persons Interested in the Matter of the State Water Project Water Supply Contract Amendments etc., Sacramento Superior Court Case No. 34-2018-00246183.
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; Significant exposure to, and initiation of, litigation pursuant to paragraphs (2) and (4) of subdivision (d) of Government Code Section 54956.9 - One (1) potential case
- D. 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) potential case
- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: General Manager
- F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: General Counsel

14. RECONVENE

- A. Report out of Closed Session

President Powell reconvened the meeting back into Open Session. Counsel Jeff Ferre reported the board took action on item 13B, with a **motion by Director Nelson, second by Director O'Dowd** 5-0 vote, to authorize the filing of Answer in the court proceedings which involve the state water project

No additional actions to report for other closed session items and item F was deferred.

15. OTHER BUSINESS

A. Discussion of proposed mechanism for revenue and cost sharing for Oasis.

President Powell offered the floor to Randal Roberts who had requested the opportunity to provide general public comment even though he had not been present during the Public Comment portion of the meeting. In addition, Mr. Roberts provided written correspondence and provided public comment on the Oasis project.

This item was considered after item B. Prior to consideration of this matter, Directors Nelson and Bianco left the dais and the Board room since they are recused from consideration of this matter. Based on the previous re-qualification process (in regard to financial interests and conflicts of interest), President Powell was present during consideration of this matter.

Following a presentation by Jim Barrett, General Manager, the Board discussed the proposed revenue and cost sharing for Oasis. No action was taken by the Board.

B. Approve Resolution No. 2019-06, A resolution expressing Support for federal funding under the 2018 Farm Bill to facilitate conservation reserve enhancement programs in the Coachella and Imperial Valleys.

Following a presentation by Robert Cheng, Assistant General Manager, the Board discussed the resolution in support of the 2018 Farm Bill. Director Nelson requested changes to No. 3, to read: *Encourages the Department of Agriculture to use available authorities under the 2018 Farm Bill to enter into a cooperative agreement with the California Natural Resources Agency, or all local authorities, for the purpose of carrying out conservation reserve enhancement programs in the Coachella and Imperial Valleys.*

On a motion by Director Nelson, second by Director O'Dowd, the Board approved Resolution No. 2019-06, A resolution expressing support for federal funding under the 2018 Farm Bill to facilitate conservation reserve enhancement programs in the Coachella and Imperial Valleys.

Approved by the following vote:

AYES: Powell, Estrada, Bianco, O'Dowd, Nelson

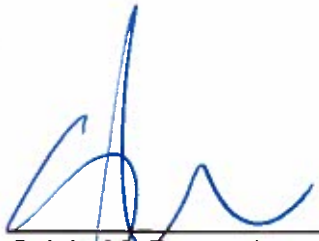
NOES: None

ABSENT: None


Motion Passed: 5-0

16. ADJOURNMENT

There being no further business before the Board, President Powell adjourned the regular meeting of the Coachella Valley Water District Board of Directors at 11:59 AM. The next regular scheduled meeting will be on Tuesday, February 26, 2019, in Coachella.



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



John P. Powell, President
Coachella Valley Water District