

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**

*CVWD's Coachella Office
Forbes Auditorium*

51-501 Tyler Street
Coachella

www.cvwd.org

March 27, 2018

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, March, 27, 2018, at the office of the District in Coachella, 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

Absent: None

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

3. ADDITIONS/DELETIONS/ADJUSTMENTS TO THE AGENDA

- A. No item(s) were removed or continued from the Agenda
- B. No emergency Item(s) added to the Agenda
- C. Changes to the order of the Agenda – President Powell moved Item No. 7- Presentations before Consent Calendar.

4. PUBLIC COMMENT

Reed Diehl of La Quinta commented on the District's application process for areas outside of ID1.

5. APPROVAL OF THE CONSENT CALENDAR

President Powell pulled items 5E and 5F for discussion.

On a motion by Director Nelson, seconded 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 March 13, 2018 Coachella Valley Water District Board of Directors Meeting.
- B. Accepted and Filed the General Manager's Report of Activities during the month of February 2018.
- C. Accepted and Filed the General Manager's Report of Authorizations, Executions, and Acceptances of Documents during the month of February 2018.
- D. Accepted and Filed the Secretary's Record of Written Instruments Accepted and Recorded during the month of February 2018.
- E. (Item Pulled) Approve the Mailing of Proposition 218 Notice for the East Whitewater River Subbasin Area of Benefit Replenishment Fund and Proposed Rate Increase Notices for the East Whitewater River Subbasin, West Whitewater River Subbasin, and Mission Creek Subbasin Areas of Benefit Replenishment Funds.
- F. (Item Pulled) Approved the Water Supply Assessment and Water Supply Verification for the Oxford Properties Cultivation Center Project.

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

5. E. Approve the Mailing of Proposition 218 Notice for the East Whitewater River Subbasin Area of Benefit Replenishment Fund and Proposed Rate Increase Notices for the East Whitewater River Subbasin, West Whitewater River Subbasin, and Mission Creek Subbasin Areas of Benefit Replenishment Funds.

Following a presentation by Zoe Rodriguez, Water Resource Associate, the Board discussed the mailing of the Proposition 218 Notice for the East Whitewater River Subbasin Area of Benefit Replenishment Fund and Proposed Rate Increase Notices for the East Whitewater River Subbasin, West Whitewater River Subbasin, and Mission Creek Subbasin Areas of Benefit Replenishment Funds.

Action 1:

On a motion by Director O'Dowd, seconded by Director Nelson, the Board approved the mailing of the Proposition 218 Notices for the East Whitewater River Subbasin Area of Benefit to all record owners of property upon which the proposed charges may be imposed and to all customers of record liable for the payment of the charges. The notice will satisfy Proposition 218 provisions, Replenishment Fund and proposed rate increase notices for the East Whitewater River Subbasin.

*Approved by the following vote:***AYES:** Powell, O'Dowd, Nelson**NOES:** Estrada, Bianco**ABSENT:** None**Motion Passed: 3-2****Action 2:**

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved mailing of notices of the proposed increase in the Replenishment Assessment Charges to all record producers in the East Whitewater River Subbasin, West Whitewater River Subbasin, and Mission Creek Subbasin Area of Benefit. The notice will satisfy the State Water Code provisions.

*Approved by the following vote:***AYES:** Powell, O'Dowd, Nelson**NOES:** Estrada, Bianco**ABSENT:** None**Motion Passed: 3-2****Action 3:**

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved the publication of an announcement of the proposed rate increases and the date and time of the public hearing in the Desert Sun.

*Approved by the following vote:***AYES:** Powell, O'Dowd, Nelson**NOES:** Estrada, Bianco**ABSENT:** None**Motion Passed: 3-2**

5. F. Approval of the Water Supply Assessment and Water Supply Verification for the Oxford Properties Cultivation Center Project.

Following a presentation by Michael Nusser, Water Resource Associate, the Board discussed the Water Supply Assessment and Water Supply Verification for the Oxford Properties Cultivation Center Project. The Board requested additional information from staff and asked they return with additional information and confirmation of the numbers. As a result, this matter was pulled and will be brought back to the Board at a future meeting.

7. PRESENTATIONS AND RECOGNITIONS

A. Employee Recognitions

The Board recognized the following employees:

Longevity

- Rick Valdez - Electrical Electrician IV, 30 years

Retirements

- Robert Cheng, Assistant General Manager, 5 years
- Francisco Lara - Equipment Operator I, 22 years

- Oscar Rodriguez - Computer Programmer, 13 years

- B. 100 Year Acknowledgements
 - i Presentation of Centennial Presentation to Coachella Valley Water District by Assemblymember Eduardo Garcia

8. INFORMATIONAL REPORTS

- A. Written Communications – none received
- B. Informational Reports to the Board
 - i CalWater Fix Update by Robert Cheng, Assistant General Manager

9. ACTION ITEMS

- A. Approval of the Legislative Platform for CVWD.
Following a presentation by Kristen Johnson, Communication Specialist, the Board discussed the Legislative Platform for CVWD.

On a motion by Director Nelson, seconded by Director O’Dowd, the Board approved the Legislative Platform for CVWD.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

10. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments

Director Nelson announced he would not be staying for closed session discussions.

Director O’Dowd had no report.

Director Bianco thanked Robert Cheng, Assistant General Manager for his assistance when first coming onto the CVWD Board and congratulated him on his new position.

Director Estrada mentioned he was happy to see Director Nelson and on his recovery; also thanked Robert Cheng, Assistant General Manager for all of his help and assistance; and reported on the upcoming Press Conference with Assemblymember Eduardo Garcia focusing on AB 2060 and the work of the Disadvantaged Communities Infrastructure Task Force.

President Powell reported he has prepared a 15-point response to recent correspondence in the press regarding the Board’s actions.
- B. Meetings and Conference Reports
 - i March 14, 2018 Association of California Water Agencies (ACWA) Legislative Symposium (Director O’Dowd) ****did not attend**
 - ii March 14, 2018 Colorado River Board Meeting (Director Nelson)
 - iii March 14, 2018 Imagine H2O Water Gala 18 (Director O’Dowd) ****did not attend**

- iv March 15, 2018 Desert Valleys Builders Association Networking Night (Director O'Dowd) ****did not attend**
- v March 19, 2018 Imperial Dam Advisory Board Meeting (Director Bianco) ****meeting was cancelled**
- vi March 19, 2018 City of Rancho Mirage/CVWD Triannual Meeting (Directors Powell and O'Dowd)
- vii March 20, 2018 Grants Oversight Committee Meeting (Director Estrada) ****did not attend**
- viii March 21, 2018 Board Study Session on Replenishment Assessment Charge Rates (Directors Powell, O'Dowd, Bianco)
- ix March 22, 2018 to March 23, 2018 California Water Policy Conference 27 (Director O'Dowd)
- x March 23, 2018 ACWA State Legislative Committee Meeting (Director O'Dowd)
- xi March 26, 2018 Joint Water Policy Advisory Committee Meeting (Directors Powell, Bianco, Estrada, and O'Dowd)

Additional Meetings added

- March 20, 2018 Rancho Mirage Chamber of Commerce Meeting (Director O'Dowd)
- March 20, 2018 Disadvantaged Communities Infrastructure Task Force Meeting (Directors Powell and Estrada)
- March 22, 2018 Meeting with General Manager and Assistant General Manager regarding RAC (Director Nelson)
- March 22, 2018 Meeting with Assemblymember Eduardo Garcia (Director Estrada)
- March 23, 2018 Meeting with Engineer Manager, Armando Rodriguez re: San Antonio Del Desierto Sewer Extension Project (Director Estrada)
- March 26, 2018 ACWA Region 9 Conference Call (Director O'Dowd)

- C. Approval of per diem for meetings reported.
On a motion by Director O'Dowd, seconded 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

- D. Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies.
No Oversight Board meetings reported.

11. STAFF REPORTS

- A. General Manager, Jim Barret reported the recruitment for the Finance Director would close by end of the week and the Controller recruitment

would be handled by the incoming Finance Director; the Assistant General Manager recruitment will close on April 20th; and thanked Robert for his service and wished him well on his new position as General Manager at Bellflower-Somerset Mutual Water Company.

- B. Counsel, Jeff Ferre had no report.
- C. Departments
 - Robert Cheng, Assistant General Manager provided a presentation to the Board on the ICS impacts on Lake Mead elevations.
 - Katie Evans, Director of Communications and Conservation reported CVWD's 100-year celebration has been scheduled for November 4, 2018 at The Living Desert.

12. CLOSED SESSION AGENDA

Director Nelson left prior to the beginning of Closed Session discussions.

- A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraphs (2) of subdivision (d) of Government Code Section 54956.9: Receipt of Claim – Grimmway Enterprises, Inc.; Received 03/06//2018
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Name of Case: Worker's Compensation – Settlement Authority Request for Compromise and Release Claim Numbers: CV-13-001070; CV-14-001002; CV-14-001016; CV-14-001017; CV-06-0500044; CV-07-0500001; CV-08-0500026; CV-08-0500027; CV-08-0500029 (WCAB ADJ9141891; ADJ9141892; ADJ9141893; ADJ651965; ADJ341241; ADJ3484356; ADJ3784356; ADJ2492664)
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Government Code section 54956.9 (d) (1) Name of case: Mission Springs Water District v. Desert Water Agency and Coachella Valley Water District, Case No. PSC 1600676
- D. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Pursuant to Government Code § 54956.9 (a) Name of Case: Downing Construction, Inc. v. Coachella Valley Water District Riverside Superior Court Case No. PSC 1705018.
- E. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Pursuant to Government Code § 54956.9 (a)

Name of Case: Downing Construction, Inc. v. Coachella Valley Water District
Riverside Superior Court Case No. PSC 1606232

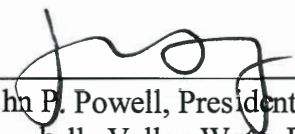
13. RECONVENE

A. Report out of Closed Session

President Powell reconvened the meeting back into open session and announced there were no reportable actions from Closed Session.


14. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 11:13 a.m.



John P. Powell, President
Coachella Valley Water District

ATTEST:



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

