

DIVISION 1
Patrick O'Dowd
Director



**CVWD's Coachella
Office Forbes
Auditorium**

DIVISION 2
Anthony Bianco
Director

**51-501 Tyler Street
Coachella**

DIVISION 3
John Powell
President

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

www.cvwd.org

DIVISION 4
Peter G. Nelson
Director

June 26, 2018

DIVISION 5
Castulo Estrada
Vice President

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, June 26, 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 arrived late at 8:18 AM
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 items were removed or continued from the Agenda
- B. No emergency items were added to the Agenda

C. No changes were made to the order of the Agenda

4. PUBLIC COMMENT

No public comment received.

5. APPROVAL OF THE CONSENT CALENDAR

Director Estrada pulled item 5J for discussion; on a motion by Director Nelson, seconded by Director Bianco, the Board approved the remainder of the Consent Calendar.

Approved by the following vote:

AYES: Bianco, Powell, Nelson, Estrada

NOES: None

ABSENT: O'Dowd

Motion Passed: 4-0

- A. Approved minutes of the June 12, 2018 Regular Meeting of the Coachella Valley Water District Board of Directors.
- B. Accepted and Filed the General Manager's Report of Activities during the month of May 2018.
- C. Accepted and Filed the General Manager's Report of Authorizations, Executions, and Acceptances of Documents during the month of May 2018.
- D. Accepted and Filed the Secretary's Report of Written Instruments, Accepted and Recorded during the month of May 2018.
- E. Adopted a Levy of \$.10 per \$100 of Assessed Value (AV) for the Fiscal Year 2019 Tax Roll for both Riverside and Imperial Counties and Adopted Resolutions Fixing Rates of Taxation; Resolution No. 2018-16 for Imperial County and Resolution No 2018-17 for Riverside County.
- F. Approved and authorized the General Manager to award On-Call Contract for Pump and Well Maintenance Services to South West Pump & Drilling, Inc., in an Amount Not-To-Exceed \$225,000 Annually.
- G. Approved and authorized the General Manager to execute the Consulting Agreement Task Order with CGR Management Consultants LLC for Assistance with Implementation of the SCADA Master Plan in Fiscal Year 2019.
- H. Approved payment for State Water Contractors Membership Dues, Bay-Delta Fund and Energy Fund.
- I. Approved and authorized the General Manager to execute Task Order No. 3 to the Professional Services Agreement with Lee & Ro, Inc. to provide additional engineering services for the Lift Station 81-01 Rehabilitation Project, in the amount of \$35,611.
- J. *PULLED* - Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Motorcoach Country Club
- K. Authorized an increase in the amount of \$56,525 to the Professional Services Agreement with Aurigo Software Technologies, Inc. to issue a

task order in the amount of \$94,500 for integration with existing CVWD systems, adding a resource management module and a contingency fee.

- L. Approved payment to Desert Valleys Builders Association in the amount of \$1,375 for membership dues.
- M. Established Fiscal Year 2018-19 Appropriations Limit and Approved Resolution No. 2018-19, Establishing the Appropriations Limit of the District for Fiscal Year 2018-19.

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

5. J Approve and authorize the General Manager to execute the Nonpotable Water Agreement for Motorcoach Country Club.

Following a presentation by Olivia Bennet, Nonpotable Water Manager, the Board discussed the nonpotable water agreement for Motorcoach Country Club.

On a motion by Director Estrada, seconded by Director Nelson, the Board approved and authorized the General Manager to execute the Nonpotable Water Agreement for Motorcoach Country Club.

Approved by the following vote:

AYES: Bianco, Powell, Nelson, Estrada

NOES: None

ABSENT: O'Dowd

Motion Passed: 4-0

7. PRESENTATIONS AND RECOGNITIONS

- A. Centennial Recognitions
 - i Members of Growing Coachella Valley, presented a Centennial Proclamation to CVWD President John Powell.

8. INFORMATIONAL REPORTS

- A. Written Communications – on file
- B. Informational Reports to the Board
 - i Introduction of Interns by departments
 - Dan Ruiz, Engineering Manager introduced Pang-Hsiang Yang.
 - Katie Evans, Director of Communication & Conservation introduced Jesse Hernandez and Helen Foronda (not present)
 - Armando Rodriguez, Engineering Manager introduced electrical engineering intern Alex Beyma.
 - ii Robert Cheng, Assistant General Manager, provided an update on the Strategic Planning FY 2018, Q3.
 - iii Katie Evans, Director of Communication & Conservation, provided an update on Impact of Long-Term Conservation Legislation.

9. ACTION ITEMS

- A. Award Construction Contract to Downing Construction, Inc., for the Rancho Los Cerritos Drive Water Main Replacement Project, Specification No. 2017-94, and additional expenditures for a total request of \$900,000.

Following a presentation by Dan Ruiz, Engineering Manager, the board discussed a construction contract with Downing Construction, Inc., for the Rancho Los Cerritos Drive Water Main Replacement project.

On a motion by Director Nelson, seconded by Director Estrada, the board approved awarding of a contract to Downing Construction Inc., as the lowest responsive bidder, in the amount of \$771,174; and

- authorized the General Manager to execute a Construction Contract to Downing Construction, Inc., for the Rancho Los Cerritos Drive Water Main Replacement Project, Specification No. 2017-94
- approved the following additional expenditures, for a total request of \$900,000:
 - project management and engineering \$15,000
 - CVWD inspection and soils testing \$25,000
 - CVWD forces \$20,000
 - Construction Contingency \$68,826

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. Reject All Submitted Proposals for Utility Bill Processing, Payment and Data Management Services, Procurement Solicitation 2018-07.

Following a presentation by Armando Rodriguez, Engineering Manager, the board discussed the rejection of all bids submitted for the utility bill processing, payment and data management services, procurement solicitation 2018-07.

On a motion by Director Bianco, seconded by Director O'Dowd, the board authorized the rejection of all submitted bids for the utility bill processing, payment and data management services, procurement solicitation 2018-07.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. Resolution of the Board of Directors of the Coachella Valley Water District authorizing implementation of the provisions of Section 414(h)(2) of the Internal Revenue Code of Tax Deferred Employee Retirement Contributions to the Coachella Valley Water District 401(a) Retirement Plan.

Following a presentation by Heidi Keeran, Human Resources Director, the board discussed provisions of Section 414(h)(2) of the Internal Revenue Code of Tax Defer Employee Retirement Contributions to the Coachella Valley Water District 401(a) Retirement Plan.

On a motion by Director Nelson, seconded by Director Bianco, the board approved Resolution No. 2018-19, a resolution authorizing the implementation of the provisions of section 414(h)(2) of the Internal Revenue Code to tax defer Employee Retirement contribution to the Coachella Valley Water District 401(a) retirement plan.

Approved by the following vote:

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

NOES: None

ABSENT:

Motion Passed: 5-0

- D. Authorize Prepayment of Fiscal Year 2018-19 of the Unfunded Accrued Liability (UAL) of California Public Employees Retirement System (CalPERS).

Following a presentation by Thomas Rice, Interim Controller, the board discussed the prepayment of fiscal year 2018-19 of the unfunded accrued liability (UAL) of California Public Employees Retirement System (CalPERS).

On a motion by Director O'Dowd, seconded by Director Nelson, the board approved and authorized the prepayment of fiscal year 2018-19 of the unfunded accrued liability (UAL) of California Public Employees Retirement System (CalPERS), in the amount of \$8,885,064.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- E. Adopt a Resolution Establishing Fiscal Year 2018-19 Assessment District Assessments and Community Facilities District Special Taxes.

Following a presentation by Thomas Rice, Interim Controller, the board discussed resolutions establishing Fiscal Year 2018-19 Assessment District Assessments and Community Facilities District Special Taxes.

On a motion by Director Nelson, seconded by Director Bianco, the board approved Resolution No. 2018-20, a resolution establishing Assessment Districts Assessments for fiscal year 2018-19 and Resolution No. 2018-21, a resolution ordering the filing of Community Facilities District No. 102, Fund Number 68-5820, Special Tax Levy due in fiscal year 2018-19, with the Riverside County Auditor-Controller's office.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

F. California WaterFix-Related Actions for CVWD, Including Support of and Participation In Project, Adopt CEQA Determination, and to Authorize the General Manager to Execute the Gap Funding Agreement and the Design and Construction Authority Joint Powers Agreement.

Following a presentation by Robert Cheng, Assistant General Manager, the board discussed CVWD's support of and participation in California WaterFix.

On a motion by Director Nelson, seconded by Director O'Dowd, the board adopted Resolution No. 2018-22 Authorizing Support Of And Participation In California WaterFix And Authorizing The General Manager To Negotiate, Execute And Deliver Various Implementation Agreements And Related Documents. As a result of adopting the Resolution, the board made the following findings and determinations:

1. Coachella Valley Water District endorses DWR's approval of the WaterFix.
2. As a responsible agency, Coachella Valley Water District:
 - a) has considered DWR's certified Final EIR and the impacts of the project as disclosed and analyzed in the Final EIR,
 - b) adopts DWR's Finding of Fact with respect to each potentially significant impact of the project,
 - c) adopts DWR's Statement of Overriding Considerations in view of potentially significant and unavoidable impacts, and
 - d) adopts DWR's Mitigation Monitoring and Reporting Program.
3. The Board authorizes and approves the Coachella Valley Water District's participation in the gap funding and authorizes the General Manager to execute the Agreement for the Advance or Contribution of Money to the Department of Water Resources

by Coachella Valley Water District for Preconstruction Planning Costs of the California WaterFix, a Facility of the State Water Project in an amount not to exceed \$1,512,132.00.

4. The Board authorizes and approves the Coachella Valley Water District's participation in the Delta Conveyance Design and Construction Joint Power Authority and authorizes the General Manager to execute the Joint Power Agreement Forming the Delta Conveyance Design and Construction Joint Powers Authority.

Approved by the following roll call vote:

AYES: O'Dowd, Powell, Nelson

NOES: None

ABSENT: None

ABSTAINED: Estrada, Bianco

Motion Passed: 3-0-2

10. ORDINANCES FOR ADOPTION

- A. Amend Ordinance No. 1403.1, An Ordinance of the Coachella Valley Water District Establishing a Schedule of Special Charges for Miscellaneous Services.

Following a presentation by Carrie Oliphant, Assistant Director of Engineering, the board discussed amendments to Ordinance No. 1403.1, relating to special charges for miscellaneous services.

On a motion by Director Estrada seconded by Director O'Dowd, the board approved Ordinance No. 1403.2, an Ordinance of the Coachella Valley Water District Establishing a Schedule of Special Charges for Miscellaneous Services, to reflect changes to some fees per Attachment A.

Approved by the following roll call vote:

AYES: O'Dowd, Powell, Nelson, Estrada

NOES: Bianco

ABSENT: None

Motion Passed: 4-1

11. BOARD COMMENTS AND REPORTS

- A. Board Member General Comments
 - Directors Nelson, O'Dowd, Bianco, and Estrada had no report.
 - Director Powell reported on requests for sponsorship from Ellen Hanak, Center Director of the Public Policy Institute of California,
- B. Meetings and Conference Reports
 - i June 12, 2018 Salton Sea Management Plan 10-Year Plan Committee Meeting (Director O'Dowd)

- ii June 13, 2018 Colorado River Board Meeting (Director Nelson)
- iii June 14, 2018 Coachella Valley Conservation Commission Meeting (Director Bianco)
- iv June 14, 2018 Meeting regarding Ian James' Public Records Act Request (Directors Powell and Nelson)
- v June 14, 2018 Desert Valleys Builders Association Board of Directors Meeting (Director Powell) **** meeting did not occur**
- vi June 14, 2018 8th Annual DVBA Member Appreciation Event (Director Powell) **O'Dowd did not attend**
- vii June 15, 2018 BB&K's Preparing for Changes in the "Vested Rights Doctrine" Understanding Plan Design and Option Webinar (Director Nelson)
- viii June 19, 2018 Disadvantaged Communities Infrastructure Task Force Meeting (Directors Powell and Estrada)
- ix June 20, 2018 Association of California Water Agencies Executive Director Selection Committee Meeting (Director O'Dowd)
- x June 21, 2018 Audio and Visual Committee Meeting (Directors Nelson and O'Dowd)
- xi June 21, 2018 City of Palm Desert/CVWD Triannual Meeting (Directors Powell and Bianco)
- xii June 25, 2018 California Farm Water Coalition Meeting (Director Nelson)
- xiii June 25, 2018 Coachella Valley Association of Governments 2018 General Assembly (Directors Powell and O'Dowd)

Additional meetings reported:

- June 14, 2018 Meeting with Phil Rosentrater of Salton Sea Authority and accountants for SSA to review budget issues (Director O'Dowd)
- June 18, 2018 Meeting with Torres Martinez Tribe representatives and SSA representatives to discuss the Wetlands project (Director O'Dowd)
- June 19, 2018 Meeting with Brian Nestande regarding MOU between Imperial County and Riverside County on the North Lake Project (Director O'Dowd)
- June 20, 2018 Ribbon Cutting ceremony of Mecca's first pharmacy (Director Bianco)

C. Approval of per diem for meetings reported.

On a motion by Director Nelson, seconded by Director Bianco, the board approved payment of per diem for meetings reported.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies

No meetings reported.

12. STAFF REPORTS

- A. General Manager – Jim Barrett, reported on CSDA ballot; announced the new finance director Geoffrey Kiehl, would start on July 9.
- B. Counsel – no report
- C. Departments – none

13. CLOSED SESSION AGENDA

- A. 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 Number: CV-08-0500045; CV-98-0500043; CV-01-0500018; CV-01-0500043
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9
One Potential Case
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9
Receipt of claim: Claimant Randall Roberts
- D. 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. EDCV 13-883 JGB

14. RECONVENE

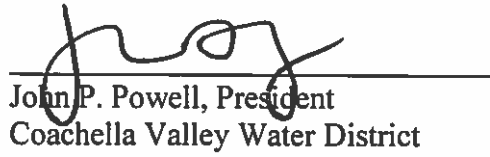
- A. Report out of Closed Session
A report out of closed session was made as follows: On a motion by Director Nelson, seconded by Director Estrada, the Board took action to reject the claim submitted by Mr. Roberts to the extent the claim seeks to contest payments made to the District on or after May 31, 2017. The motion passed 4-0 with Director Bianco absent.

15. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 12:04 PM. The next regular meeting is scheduled for Tuesday, July 10, 2018 in Palm Desert, California.



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



John P. Powell, President
Coachella Valley Water District