

DIVISION 1
Patrick O'Dowd
Director



DIVISION 2
Anthony Bianco
Director

CVWD's Coachella
Office Forbes
Auditorium

DIVISION 3
John Powell
President

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

51501 Tyler Street
Coachella

DIVISION 4
Peter G. Nelson
Director

www.cvwd.org

DIVISION 5
Castulo Estrada
Vice President

May 22, 2018

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

President Powell called the regular meeting of the Board of Directors of the Coachella Valley Water District to order at 8:00 a.m., Tuesday, May 22, 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 arrived at 8:25 AM

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 to be removed or continued from the Agenda
- B. No emergency Item(s) to be added to the Agenda
- C. Changes to the order of the Agenda; moved item 9Bii before the Public Hearing, item #9.

4. PUBLIC COMMENT

Chris Clarke, of the National Parks Conservation Association provided an update on the Cadiz Water Project.

5. APPROVAL OF THE CONSENT CALENDAR

On a motion by Director Bianco, seconded by Director O'Dowd, the Board approved the Consent Calendar.

Approved by the following vote:

AYES: O'Dowd, Bianco, Powell, Estrada

NOES: None

ABSENT: Nelson

Motion Passed: 4-0-1

- A. Approved and authorized the General Manager to execute the Nonpotable Water Agreement for Oasis Country Club.
- B. Approved and authorized the General Manager execute the On-Call Maintenance Contract to TE Roberts, Inc. in an Amount Not-To-Exceed \$300,000 Annually for the Irrigation Distribution System, Request for Proposals No. 2018-20; total not to exceed request of \$600,000.
- C. Accepted and Filed the Secretary's Record of Written Instruments for the month of April 2018.
- D. Accepted and Filed the General Manager's Report of Activities for the month of April 2018
- E. Accepted and Filed the General Manager's Report of Authorizations, Executions, and Acceptances of Documents for the month of April 2018.
- F. Approved Minutes of the May 8, 2018 CVWD Board Meeting
- G. Approved payment of the American Public Works Association dues for 2018-19, in the amount of \$1,031.25

6. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDAR

No items pulled for discussion.

7. PRESENTATIONS AND RECOGNITIONS

- A. Centennial Recognitions
 - i Chris Hoyer, Chapter President and Golf Course Superintendent at Bermuda Dunes Country Club presented President Powell and the Board with a proclamation, congratulating CVWD on its 100th anniversary.

8. PUBLIC HEARING

- A. Conduct a Public Hearing to Consider Approval of Replenishment Assessment Charges for the Mission Creek Subbasin Area of Benefit, West Whitewater River Subbasin Area of Benefit, and East Whitewater River Subbasin Area of Benefit.

Thomas Rice, Financial Analyst and Interim Controller, made a presentation to the Board on the Replenishment Assessment Charges for the Mission Creek Subbasin Area of Benefit, West Whitewater River Subbasin Area of Benefit, and East Whitewater River Subbasin Area of Benefit.

Mission Creek Subbasin Area of Benefit

President Powell declared the public hearing open concerning a proposed replenishment assessment charge (“RAC”) to be levied within the Mission Creek Subbasin Area of Benefit. No public comment was received and it was reported that no written communications had been submitted. President Powell then declared the public hearing to be closed and stated that he would entertain a motion for adoption of a resolution levying a proposed increased RAC, which would be effective July 1, 2018.

No such motion was made. As a result, under Water Code Section 31632, the replenishment program and RAC currently in effect shall continue at the same rate of assessment.

In order to clarify for the record that this was indeed the intent of the Board, a motion was made by Director Bianco seconded by Director Estrada, to acknowledge that the replenishment program and RAC currently in effect will continue at the same rate of assessment, as provided for under Water Code Section 31632.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

West Whitewater River Subbasin Area of Benefit

President Powell declared the public hearing open concerning a proposed RAC to be levied within the West Whitewater River Subbasin Area of Benefit. Public comment was received from the following individuals:

- Drew Kerr, Sunnylands Grounds, superintendent
- Dave Fulton, Founder, Desert Christian Academy
- Jim Schmid, The Lakes Country Club, director of operations

It was reported that no written communications had been submitted. President Powell then declared the public hearing to be closed and stated that he would entertain a motion for adoption of a resolution levying a proposed increased RAC, which would be effective July 1, 2018.

A motion was made by Director Nelson to approve staff’s recommendation of a 10% (Option B) increase to \$158.18 for the West Whitewater RAC. The motion died for lack of a second. No further motion was made.

As a result, under Water Code Section 31632, the replenishment program and RAC currently in effect shall continue at the same rate of assessment.

In order to clarify for the record that this was indeed the intent of the Board, a motion was made by Director Bianco, seconded by Director O'Dowd, to acknowledge that the replenishment program and RAC currently in effect will continue at the same rate of assessment, as provided for under Water Code Section 31632.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

East Whitewater River Subbasin Area Of Benefit

President Powell announced that it was the time and place for the public hearing as authorized under Water Code Section 31630 through 31639 and also under the requirements of Proposition 218 for a proposed RAC maximum rate schedule for the East Whitewater River Subbasin Area of Benefit for fiscal years 2018-2019, 2019-2020, 2020-2021, 20201-2022, and 2022-2023.

Board Clerk Bermudez explained that the procedures under Proposition 218 have been followed including the mailing of notices to record owners of property and tenants directly liable for the payment of the proposed charges for the proposed fiscal years.

President Powell then declared the public hearing to be open. Public comment was received from the following individuals:

- Jim Schmid, The Lakes Country Club, director of operations
- Emmanuel Martinez, Council Member, City of Coachella

It was announced that the District had received 48 written protests, which was less than a majority of the parcels, which would be affected by the proposed RAC fiscal year schedule. Therefore, the Board could proceed to consider adoption of the proposed five-year RAC fiscal year schedule.

A motion was made by Director Estrada, seconded by Director Bianco, to not adopt a five-year schedule of maximum RAC's for fiscal years 2018-2019 through and including 2022-2023.

Approved by the following vote:

AYES: O'Dowd, Bianco, Estrada

NOES: Powell, Nelson

ABSENT: None

Motion Passed: 3-2

As a result of no action on the proposed RAC schedule, nor adoption of any resolution to thereby set an increased RAC for fiscal year 2018-2019, the provisions of Water Code Section 31632 will apply. Therefore, the replenishment program and RAC currently in effect shall continue at the same rate of assessment.

In order to clarify for the record that this was indeed the intent of the Board, a motion was made by Director Nelson, seconded by Director Powell, to acknowledge that the replenishment program and RAC currently in effect will continue at the same rate of assessment, as provided for under Water Code Section 31632.

Approved by the following vote:

AYES: Bianco, Powell, Nelson, Estrada

NOES: O'Dowd

ABSENT: None

Motion Passed: 4-1

9. INFORMATIONAL REPORTS

- A. Written Communications
- B. Informational Reports to the Board
 - i Fiscal 2018 Budget vs. Actual Report July 1, 2017 through March 31, 2018.
 - ii Presentation of the Indio and Mission Creek Subbasin Annual Reports for Water Year 2016-2017 in Accordance with the Sustainable Groundwater Management Act, presentation by Michael Nusser, Water Resources Associate.
 - iii Nonpotable Water Quarterly Update.

10. ACTION ITEMS

- A. Approval and authorization for the General Manager to execute Professional Services Agreements for On-Call Biennial Hydrogeological, Groundwater Modeling, Water Management Planning, and Engineer's Report on Water Supply and Replenishment Assessment Services.
Following a presentation by Michael Nusser, Water Resources Associate the Board discussed Professional Services Agreements for On-Call Biennial Hydrogeological, Groundwater Modeling, Water Management Planning, and Engineer's Report on Water Supply and Replenishment Assessment Services.

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved and authorized the General Manager to execute Professional Services Agreements for On-Call Biennial Hydrogeological,

Groundwater Modeling, Water Management Planning, and Engineer's Report on Water Supply and Replenishment Assessment Services.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- B. Changes and Revisions to the CVWD Conservation Rebate Programs.
Following a presentation by Katie Evans, Director of Communication & Conservation, the Board discussed the proposed changes to the current conservation rebate program.

On a motion by Director O'Dowd, seconded by Director Nelson, the Board approved the changes and revisions, with the removal of cap of number of toilets replaced to the CVWD Conservation Rebate Program.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- C. Letter of opposition of AB 2065 Unless Amended.
Following a presentation by Kristen Johnson, Legislative Specialist, the Board discussed a letter of opposition of AB 2065.

On a motion by Director O'Dowd, seconded by Director Nelson, the Board approved a letter of opposition of AB 2065, unless amended.

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

- D. Resolutions Calling for an Election for three seats of the Board of Directors and requesting consolidation with the Counties of Riverside, Imperial, and San Diego for the General District Election on November 6, 2018.

Following a presentation by Sylvia Bermudez, Clerk of the Board, the Board discussed resolutions calling for consolidation of the District election with the Counties of Riverside, Imperial, and San Diego for the General District Election on November 6, 2018.

On a motion by Director Nelson, seconded by Director Bianco, the Board approved and adopted the following resolutions:

- Resolution No. 2018-09, A resolution ordering an election, requesting the Riverside county elections to conduct the election and requesting consolidation of the election and specifications of the election order of Coachella Valley Water District
- Resolution No. 2018-10, A resolution ordering an election, requesting the San Diego county elections to conduct the election and requesting consolidation of the election and specifications of the election order of Coachella Valley Water District
- Resolution No. 2018-11, A resolution ordering an election, requesting the Imperial county elections to conduct the election and requesting consolidation of the election and specifications of the election order of Coachella Valley Water District
- Resolution No. 2018-12, A Resolution of the Board of Directors of Coachella Valley Water District notifying the Riverside County Registrar of Voters of that candidates will pay for publication of statement of qualification
- Resolution No. 2018-13, A Resolution of the Board of Directors of Coachella Valley Water District notifying the Imperial County Registrar of Voters of that candidates will pay for publication of statement of qualification
- Resolution No. 2018-14, A Resolution of the Board of Directors of Coachella Valley Water District notifying the San Diego County Registrar of Voters of that candidates will pay for publication of statement of qualification

Approved by the following vote:

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

NOES: None

ABSENT: None

Motion Passed: 5-0

11. ORDINANCES FOR ADOPTION

- A. Amend Working Rules and Regulations Ordinance 1425.9.
Following a presentation by Heidi Keeran, Director of Human Resources, the Board discussed the amendments to Ordinance 1425.9.

On a motion by Director Nelson, seconded by Director Estrada, the Board approved amendments to the Working Rules and Regulations Ordinances, and adopted Ordinance No. 1425.10.

Approved by the following roll-call vote:

AYES: Powell, Estrada, Bianco, Nelson

NOES: None

ABSENT: O'Dowd

Motion Passed: 4-0-1

12. BOARD COMMENTS AND REPORTS

A. Board Member General Comments

- Director Nelson commented on 5% increase in water for this year's State Water Project allocation
- Director O'Dowd had no report
- Director Bianco thanked staff's ongoing efforts in seeking alternate options for long-term financing
- Director Estrada no report
- President Powell commented on article regarding lack of representation on IID Board for the Coachella Valley area

B. Meetings and Conference Reports

- i May 7, 2018 Colorado Basin May Water Supply Webinar (Director Nelson)
- ii May 8, 2018 to May 11, 2018 Association of California Water Agencies (ACWA) Spring Conference (Director O'Dowd)
- iii May 9, 2018 Agricultural Water Advisory Group (AWAG) Meeting (Director Powell)
- iv May 9, 2018 CalPers Unfunded Liability Conference Call with District staff (Director Nelson)
- v May 10, 2018 Desert Valley Builders Association (DVBA) Meeting (Director Powell)
- vi May 14, 2018 Board Study Session - CalPers Liability Buy Down (Directors Powell, Bianco, O'Dowd, and Nelson)
- vii May 15, 2018 Grants Oversight Committee Meeting (Director Estrada) **** did not attend**
- viii May 15, 2018 Disadvantaged Communities Infrastructure Task Force Meeting (Director Estrada)
- ix May 16, 2018 City of Indian Wells/CVWD Triannual Meeting (Directors Powell and Estrada)
- x May 16, 2018 DVBA PWG Lunch featuring "Air Quality Overview" in the Coachella Valley (Director O'Dowd)
- xi May 16, 2018 Desert Recreation District/CVWD Meeting (Directors Powell and Estrada)
- xii May 17, 2018 Public Finance Committee Meeting (Directors Powell and Nelson)
- xiii May 17, 2018 City of Cathedral City/CVWD Meeting regarding Mobile Home Sewer Rate Increases (Director O'Dowd)
- xiv May 17, 2018 DVBA and Desert Welcome Joint Networking Night (Director Powell)
- xv May 18, 2018 Building Industry Association (BIA) Elected Officials Luncheon (Director O'Dowd)

Additional Meetings Reported

- May 11, 2018 Ethics Training (Director Estrada)

C. Approval of per diem for meetings reported

On a motion by Director Nelson, seconded by Director O'Dowd, the Board approved per diem for meetings reported.

Approved by the following vote:

AYES: Powell, Estrada, O'Dowd, Nelson

NOES: None

ABSENT: Bianco

Motion Passed: 4-0-1

- D. Reports Oversight Boards of the Successor Agencies of the Redevelopment Agencies
No reports.

13. STAFF REPORTS

- A. General Manager, Jim Barrett reported on the following:
- Staff is working with First Tee, regarding leaks in their irrigation system; and has reminded them a settlement has not been reached with the State Water Resources Control Board regarding the previous spill.
 - Comments from residents of Desert Horizons regarding use of nonpotable water for irrigation of common areas; staff is meeting with the HOA of Desert Horizons on the issue.
 - Informed the Board, the Service department would be closed on Sunday, May 28th and Monday, May 29th in observance of the Memorial Day holiday
 - Announced Robert Cheng, would be returning to CVWD this week in his previous capacity of Assistant General Manager.
- B. Counsel, Jeff Ferre reported on proposed legislation, which would establish an administrative hearing office within the State Water Resources Control Board.
- C. Departments
- Kristen Johnson, Legislative Specialist reported CVWD had received a request from Ed Muznik, General Manager at Hi-Desert Water District, for a letter of support to amend tax code to allow sanitation and water agencies to be exempt from sales tax on purchase of chemicals used to treat wastewater.
 - Received a request from California Special Districts Association regarding a letter in support of SB 929, which would require all special districts to have a website.

14. CLOSED SESSION AGENDA

- A. 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


- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code section 54956.9 (d) (1) Name of case: James Monge vs. Coachella Valley Water District; Case No. PSC1800066
- C. 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 - Discussion to report back the execution of a 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)
- D. 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 – Discussion to report back the execution of a Compromise and Release; Claim Numbers: CV-18-001043; (WCAB ADJ11233101)
- E. 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 – Discussion to report back the execution of a Stipulations with Request for Award (Stip) Claim Numbers: CV-12-0500021; (WCAB ADJ8009772)

15. RECONVENE

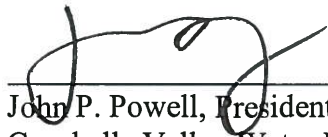
- A. Report out of Closed Session
President Powell reconvened the meeting back into Open Session and announced there were no reportable actions.

16. ADJOURNMENT

There being no further business to discuss, President Powell adjourned the meeting at 11:14 a.m. The next regular meeting is scheduled for Tuesday, June 12, 2018 in Palm Desert, California.



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



John P. Powell, President
Coachella Valley Water District

