

THE PUBLIC IS INVITED

COACHELLA VALLEY WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS

AGENDA – January 24, 2012, Tuesday, 9:00 a.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – Regular meeting of January 10, 2012

COMMENTS FROM AUDIENCE -- This is the time set aside for public comment on any matter on the consent calendar or on items not appearing on the agenda. Please come to the podium and limit your remarks to three (3) minutes and give your name and address.

ORDER OF BUSINESS

1. WRITTEN COMMUNICATIONS

2. REPORTS

A. General Manager's Reports

1) Dues

- Association of Metropolitan Water Agencies

2) General Manager's Report of activities for December 2011

3) General Manager's report of authorizations, executions and acceptances of documents for December 2011

B. Secretary's record of written instruments accepted and recorded during the month of December 2011

C. Meetings

1) Community Associations Institute meeting of January 13, 2012

2) State Water Contractors' meetings of January 18 and 19, 2012

3. Board Members', General Manager-Chief Engineer's and Counsel's comments

Dr. Forbes Auditorium  
Coachella Office  
85-995 Avenue 52, Coachella  
[www.cvwd.org](http://www.cvwd.org)

4. CONSENT CALENDAR—Consent calendar items are expected to be routine and noncontroversial, to be acted upon by the board of directors at one time without discussion. If any board member requests that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.
  - A. Second Amendment to Settlement Agreement with City of Indio and the Indio Water Authority

(End of Consent Calendar)
5. OTHER BUSINESS
  - A. Grant of Easement to Desert Water Agency for a discharge pipeline, section 19-3-4
  - B. Offer to purchase year 2011 Riverside County tax-defaulted land
  - C. Certification of the Subsequent Program Environmental Impact Report (SPEIR) for the 2010 Coachella Valley Water Management Plan Update (2010 Plan Update); Adoption of the 2010 Plan Update; Adoption of Environmental Findings of Fact including Statements of Overriding Considerations pursuant to the California Environmental Quality Act; and Adoption of a Mitigation Monitoring and Reporting Program
6. ORDINANCES FOR ADOPTION
  - A. Ordinance providing for the employment and classification of District employees, fixing compensation therefore, and other purposes (Working Rules and Regulations Ordinance)
7. RECESS TO CLOSED SESSION
  - A. Conference with legal counsel—anticipated litigation  
Significant exposure to litigation pursuant to Government Code subdivision (b) of Section 54956.9: Two potential cases
  - B. Conference with legal counsel—existing litigations  
Pursuant to Government Code subdivision (a) of Section 54956.9
    - 1) QSA Cases JCCP No. 4353
    - 2) Name of Case: Bobbie Ray Preckwinkle, Stephen Rice and Chad Siva v. Coachella Valley Water District, Case No. EDCV05-626 VAP (SGLX)
    - 3) Landmark Properties, U.S., Inc., v. Coachella Valley Association of Governments, Case No. INC 071351
    - 4) State Water Project Cases
      - a. County of Butte v. California Department of Water Resources, Butte County Superior Court Case No. 144283
      - b. Plumas County et al. v. California Department of Water Resources, Butte County Superior Court Case No. 144282

7. RECESS TO CLOSED SESSION, *continued*

- c. Solano County Water Agency et al. v. State of California Department of Water Resources, Sacramento Superior Court Case No. 34-2008-00016338
  - d. Central Delta Water Agency et al. v. Department of Water Resources, et. al., Case No. 34-2010-80000561
  - e. Alameda County Flood Control and Water Conservation District Zone 7 v. State of California DWR/05AS01775
- 5) Southern California Edison Company v. Coachella Valley Water District and ARB, Inc., Case No. INC 080654
  - 6) Gail Reitz and John Harmon v. Dave Marshall, Bill Taylor, Remax Realty, Douglas Ecklund and CVWD, Case No. INC 10002966
  - 7) The Westin Mission Hills Resort & Villas v. The Coachella Valley Water District, Zim Industries, Inc., dba Bakersfield Well & Pump Company, Case No. INC 082398
    - a. Defendant, The Westin Mission Hills Resort and Villas' Cross-Complaint for Indemnity and Contribution Elliot J. Fearnley, plaintiff, v. The Westin Mission Hills Resort and Villas, defendant; The Westin Mission Hills Resort and Villas, Cross-complainant, v. The Coachella Valley Water District; Zim Industries, Inc., dba Bakersfield Well & Pump Company; Southern California Edison Company; Utiliquet, LLC, cross-defendants, Case No. RIC 541 753
  - 8) Julian Delgado and Jack Jennings v. CVWD, Case No. INC 10005523
  - 9) People of the State of California v. Martindale, et al., Case No. INC 10005929
  - 10) Lexington Insurance Company, Beazley Group, Beaufort Group, Argo International, CV Starr/Lloyds, CV Starr/Steadfast, Allied World, Federal Insurance Company, and Liberty Mutual Insurance, as subrogees for Felcor Lodging Trust dba Renaissance Esmeralda Resort vs. CVWD, Case No. RIC 10016693
  - 11) Quorum Realty Fund V, LLC v. CVWD, Case No. INC 10009866
  - 12) Ferguson Fire & Fabrication, Inc., v. CVWD Case No. INC 1104436
  - 13) CVWD v. Chapula, Escobar-Diaz, Case No. INC090120
  - 14) Barrett v. Coachella Valley Water District, Case No. ECU06714

8. RECONVENE
  - A. Report on closed session
9. ADJOURNMENT

Next scheduled Board meeting is February 14, 2012, at the *CVWD's Palm Desert Administration Facility located at 75-515 Hovley Lane East, Palm*

Writings relating to open session agenda items distributed to the Board of Directors less than 72 hours prior to a regular meeting are available for public inspection at the Coachella Valley Water District's offices located at 85-995 Avenue 52, Coachella; and 75-515 Hovley Lane East, Palm Desert, California.

**Assistance for those with disabilities:** If you have a disability and need accommodation to participate in the meeting, please call Julia Fernandez, Board Secretary, at (760) 398-2651, extension 2217, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Fernandez may also be contacted in writing at the Coachella Valley Water District, Post Office Box 1058, Coachella, California 92236.

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.