



8:00 A.M. OPERATIONS CENTER - 1200 SOUTH GENE AUTRY TRAIL – PALM SPRINGS – CALIFORNIA

*Pursuant to Assembly Bill 361 (AB361), there will be no public location for attending in person. This meeting will be held virtually because state and local officials recommend measures to promote social distancing. Members of the public who wish to participate may do so by calling in at:*

**Toll Free: (866) 899-4679  
Access Code: 112-618-885**

**or Via Computer:  
<https://www.gotomeeting.com/meeting/join-meeting>  
9-digit Meeting ID: 112618885**

*Members of the public who wish to comment on any item within the jurisdiction of the Agency or any item on the agenda may submit comments by emailing [sbaca@dwa.org](mailto:sbaca@dwa.org) or may do so during the meeting. Comments will become part of the Board meeting record. Board members and staff will be participating in this meeting via teleconference.*

***\*In order to reduce feedback, please mute your audio when you are not speaking.***

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE** **BLOOMER**
2. **ROLL CALL** **BACA**
3. **PUBLIC COMMENT:** Members of the public may comment on any item not listed on the agenda, but within the jurisdiction of the Agency. In addition, members of the public may speak on any item listed on the agenda as that item comes up for consideration. Speakers are requested to keep their comments to no more than three (3) minutes. As provided in the Brown Act, the Board is prohibited from acting on items not listed on the agenda
4. **CONSENT CALENDAR ITEMS:** Items listed under the Consent Calendar are considered to be routine and will be acted upon by one motion of the Board without discussion. There will be no separate discussion on these items unless a Board Member requests a specific item to be discussed and/or removed from the Consent Calendar for separate action.
  - A. Approve minutes of the November 16, 2021 Board Meeting
  - B. Approve minutes of the November 28, 2021 Special Board Meeting
  - C. Receive and File – Minutes of the November 18, 2021 Conservation & Public Affairs Committee Meeting
  - D. Receive and File - Minutes of the December 2, 2021 Executive Committee Meeting
  - E. Receive and File – Memo on November 18, 2021 State Water Contractors' Meeting
  - F. Request Authorization to Continue Virtual Board and Committee Meetings for Another 30 Days Based Upon a Determination That In-Person Meetings Would Pose a Risk to Public Health (Per AB 361)
  - G. Request Authorization for General Manager to Execute the Indio Sustainable Groundwater Management Act Memorandum of Understanding Supplement 3 for the United States Geological Services Subsidence Study
  - H. Request Adoption of Resolution No. 1266 Adopting an Amended Conflict of Interest Code
  - I. Request Approval for General Manager to Execute Ninth Amendment to Tolling & Waiver Agreement with DWR
5. **ACTION ITEM:**
  - A. Request Board Decision on Customer Appeal – Ori Dekel **JOHNSON**

**6. PUBLIC HEARINGS:**

- A. Request to Adopt Resolution No. 1267 Adopting the 2022 Indio Subbasin Water Management Plan Update Sustainable Groundwater Management Act (SGMA) Alternative Plan **METZGER**
- B. Request to Adopt Resolution No. 1268 Adopting the 2022 Mission Creek Subbasin Alternative Plan Update in Compliance with the Sustainable Groundwater Management Act **METZGER**

**7. GENERAL MANAGER'S REPORT**

**KRAUSE**

**8. DISCUSSION ITEM:**

- A. Legislative Annual Report **REEB**
- B. Director's Report on ACWA Fall Conference Attendance **BLOOMER, CIOFFI, STUART**

**9. DIRECTORS COMMENTS/REQUESTS**

**10. CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al  
(Two Cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: Mission Springs Water District vs. Desert Water Agency
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Bonnie Kessner, et al vs. Desert Water Agency, et al
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: AT&T vs. County of Riverside

**11. RECONVENE INTO OPEN SESSION – REPORT FROM CLOSED SESSION**

**12. ADJOURN**

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting is asked to contact Desert Water Agency's Assistant Secretary of the Board, at (760) 323-4971, at least 48 working hours prior to the meeting to enable the Agency to make reasonable arrangements. Copies of records provided to Board members that relate to any agenda item to be discussed in open session may be obtained from the Agency at the address indicated on the agenda.

**DECLARATION OF POSTING**

Pursuant to Government Code Section 54954.2, I certify that this agenda has been posted at least 72 hours prior to the meeting on the Agency's website at [www.dwa.org](http://www.dwa.org) and at the Agency's main office, 1200 South Gene Autry Trail, Palm Springs, CA.



Sylvia Baca, MMC  
Assistant Secretary of the Board