

COACHELLA VALLEY POWER AGENCY MEETING AGENDA

**SEPTEMBER 29, 2025
3:30 p.m.**

**Coachella Valley Water District
Steve Robbins Administration Building Training Room
75515 Hovley Lane East
Palm Desert, CA 92260**

Members of the public may use the following link for listening access and ability to address the Coachella Valley Power Agency's Board of Directors when called upon:

<https://us02web.zoom.us/j/89850512386?pwd=hNvLMjuzKO36TB9tsaZVTHIGE6vI82.1>

**Dial In: +1 669 900 9128 US
Webinar ID: 898 5051 2386
Password: 590306**

**IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION,
PLEASE CALL 760-346-1127.**

Members of the public are encouraged to submit comment in connection with the Coachella Valley Power Agency meeting by email to: cvag@cvag.org by 5:00 p.m. on the day prior to the Board meeting. Members of the public joining the meeting by Zoom can provide comment by using the “raise hand” feature or hitting *9 on the phone keypad.

As a convenience to the public, CVPA provides a call-in and internet-based option for members of the public to virtually observe and provide public comments at its meetings. Please note that, in the event of a technical issue disrupting the call-in or internet-based options, the meeting will continue unless otherwise required by law.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

1. **CALL TO ORDER** – Chair Waymond Fermon, Councilmember, City of Indio

2. **ROLL CALL**

A. **Member Roster**

P4

3. **PLEDGE OF ALLEGIANCE**

4. **AGENDA MODIFICATIONS (IF ANY)**

5. **PUBLIC COMMENTS ON AGENDA ITEMS**

This is the first of two opportunities to address the Board. Any person wishing to address the Coachella Valley Power Agency on items appearing on this agenda may do so at this time. Please limit comments to 3 minutes. At the discretion of the chair, additional public comment time and/or opportunities during the meeting may be granted.

6. **BOARD MEMBER / EXECUTIVE DIRECTOR COMMENTS**

7. **CONSENT CALENDAR**

A. **Approve the minutes from the meeting of July 28, 2025**

P5

B. **Authorize the Board Chair and/or Executive Director to execute an engagement letter with Best Best & Krieger LLP to continue providing legal services to CVPA**

P8

C. **Adopt Resolution No. 2025-01, affirming approval of CVPA’s 2025-26 Fiscal Year Budget**

P15

7.1 **ITEMS HELD OVER FROM CONSENT CALENDAR**

8. **DISCUSSION / ACTION**

A. IID Funding for Coachella Valley’s Electrical Infrastructure Needs – Emmanuel Martinez **P19**

Recommendation: Adopt Resolution No. 2025-02 to authorize the Chair and/or Executive Director to support and advocate for a policy by the Imperial Irrigation District (IID) that establishes their commitment to contribute 20 percent of its funds towards eligible Coachella Valley energy infrastructure projects, including supporting a retroactive application of such approved policy towards identified projects in the City of Indio via the Indio Electric Financing Authority

B. Funding CVPA’s Electrical Infrastructure Needs – Emmanuel Martinez **P23**

Recommendation: Approve Resolution 2025-03 directing the CVPA Executive Director to submit a proposal to the Imperial Irrigation District (IID) per the requirements of the CVPA-IID Cooperation Agreement for purposes of conducting a nexus study for a development impact fee for electrical infrastructure; and to release a request for proposals for a development impact fee and related nexus study for electrical infrastructure needs in the Coachella Valley

9. INFORMATION

a) Board Attendance Record **P28**

b) New location of CVPA’s public meetings **P29**

10. PUBLIC COMMENTS ON NON-AGENDA ITEMS

This is the second of two opportunities to address the Board. Any person wishing to address the Board on items not appearing on this agenda may do so at this time. Please limit comments to 2 minutes. At the discretion of the Chair, additional public comment time and/or opportunities during the meeting may be granted.

11. ANNOUNCEMENTS

The next meeting of the CVPA Board of Directors will be held at 3 p.m. on Monday, December 1, 2025, at the Coachella Valley Water District, Steve Robbins Administration Building Training Room, 75515 Hovley Lane East, Palm Desert, 92260.

12. ADJOURNMENT

COACHELLA VALLEY POWER AGENCY

BOARD MEMBER ROSTER

Voting Members	Seat on Board	Representative
City of Indio	Chair	Waymond Fermon Councilmember
City of La Quinta	Vice Chair	Linda Evans Mayor
County of Riverside	Director	V. Manuel Perez Supervisor
Staff Support		
Tom Kirk <i>CVAG Executive Director</i>		
Emmanuel Martinez <i>CVAG Assistant Director – Energy & External Affairs</i>		

ITEM 7A

Coachella Valley Power Agency Meeting Minutes July 28, 2025

1. CALL TO ORDER

The meeting of the Coachella Valley Power Agency (CVPA) was called to order by Chair Waymond Fermon, City of Indio, at 3 p.m. at the Coachella Valley Association of Governments' (CVAG) conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert.

2. ROLL CALL

Roll call was taken, and it was determined that a quorum was present.

Members Present

Councilmember Waymond Fermon, *Chair*
Mayor Linda Evans, *Vice Chair*
Supervisor V. Manuel Perez

Member Jurisdiction

City of Indio
City of La Quinta
County of Riverside

3. PLEDGE OF ALLEGIANCE

Supervisor V Manuel Perez led the board in the Pledge of Allegiance

4. AGENDA MODIFICATIONS (IF ANY)

None

5. PUBLIC COMMENTS ON AGENDA ITEMS

None

6. BOARD MEMBER/EXECUTIVE DIRECTOR COMMENTS

Executive Director Tom Kirk reported that he would be meeting with the City Managers from Indio and La Quinta as well as Riverside County's Executive Office before every meeting to set agendas and discuss priority items.

Vice Chair Evans announced that the intersection of Washington Street and Highway 111 will be fully closed for 24 hours beginning at 5:00 p.m. on Wednesday, July 30, to accommodate repaving work.

7. CONSENT CALENDAR

IT WAS MOVED BY MAYOR EVANS AND SECONDED BY SUPERVISOR PEREZ TO

- A. Approve the minutes from the meeting of June 12, 2025**

- B. Authorize the establishment of signature cards and designation of signatories for CVPA investment and banking accounts**
- C. Approve establishing the Coachella Valley Power Agency's regular meeting schedule for Fiscal Year 2025-26**

THE MOTION CARRIED WITH 3 AYES.

Councilmember Fermon	Aye
Mayor Evans	Aye
Supervisor Perez	Aye

7.1 ITEMS HELD OVER FROM CONSENT CALENDAR

None

8. DISCUSSION / ACTION

A. Presentation: Overview of Coachella Valley infrastructure needs and opportunities

Jamie Asbury, Imperial Irrigation District's General Manager, introduced Cameron Butcher, outside consultant for IID, who provided a PowerPoint presentation explaining infrastructure needs and areas for opportunities in the Coachella Valley.

Member discussion ensued with Ms. Asbury and Mr. Butcher answering questions from the Board regarding particular service areas, such as Avenue 58, and timing on projects.

No action was taken as this was an informational only item.

B. Cooperation Agreement with Imperial Irrigation District

Emmanuel Martinez, Assistant Director of Energy & External Affairs, presented the staff report.

Lengthy member discussion ensued regarding possible amendments to the cooperation in the areas of venue location for disputes and a termination clause for agreement.

IT WAS MOVED BY SUPERVISOR PEREZ AND SECONDED BY VICE CHAIR EVANS TO FINALIZE A COOPERATION AGREEMENT WITH IID ONCE STAFF WORKED WITH IMPERIAL IRRIGATION DISTRICT STAFF TO INCLUDE AMENDMENTS TO THE AGREEMENT ADDRESSING VENUE FOR COURT DURING DISPUTE RESOLUTIONS, AMENDMENTS TO AGREEMENT, AND AN EARLY TERMINATION PROVISION.

THE MOTION CARRIED WITH 3 AYES.

Councilmember Fermon	Aye
Mayor Evans	Aye
Supervisor Perez	Aye

C. Initiate one or more revenue options to sustain CVPA's budget

Mr. Martinez presented the staff report providing an overview of the different options staff has explored for revenue. This included initiating planning and coordination with the Imperial Irrigation District for the establishment and collection of a surcharge to cover the administrative and operational costs or initiating the establishment of membership contributions on CVPA member jurisdictions.

Member discussion ensued regarding the options presented.

After a lengthy discussion, the Board agreed upon a split shared cost of \$166,000 from the CVPA member jurisdictions to cover the \$500,000 CVPA budget that has been approved in June.

IT WAS MOVED BY MAYOR EVANS AND SECONDED BY SUPERVISOR PEREZ TO APPROVE THE SPLIT SHARED COST OF \$166,000 PER CVPA MEMBER JURISDICTIONS TO COVER THE \$500,000 BUDGET FOR FISCAL YEAR 2025-26

THE MOTION CARRIED WITH 3 AYES.

**Councilmember Fermon
Mayor Evans
Supervisor Perez**

**Aye
Aye
Aye**

9. INFORMATION

a) Board Attendance Record

This item was included in the agenda packet for members' information.

10. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

11. ANNOUNCEMENTS

The next CVPA Board meeting will be held on Monday, August 25, 2025, at 3 p.m. at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260.

11. ADJOURNMENT

There being no further business, Chair Fermon adjourned the meeting at 4:20 p.m.

Respectfully submitted,

Elysia Regalado, Deputy Clerk

ITEM 7B

Coachella Valley Power Agency September 29, 2025

STAFF REPORT

Subject: **Extend Engagement with Best Best & Krieger for Legal Services**

Contact: Emmanuel Martinez, Assistant Director – Energy & External Affairs
 (emartinez@cvaq.org)

Recommendation: Authorize the Board Chair and/or Executive Director to execute an engagement letter with Best Best & Krieger LLP to continue providing legal services to CVPA

Background: At the CVPA first meeting in June, the Board approved an engagement with Best Best & Krieger LLP (BBK) to provide legal services for an initial 100 days. To ensure CVPA has legal representation to address contractual, policies, and risk management, among others, staff is requesting the Board authorize the continued legal services with BBK, which also serves as the legal counsel to the Coachella Valley Association of Governments (CVAG) and other agencies. Legal services can be terminated at any time and CVPA will only be responsible for expenses accrued.

BBK is a reputable firm that provides services to various cities and agencies in the region and has a wealth of experience with energy-related issues. Prior to CVPA's launch, BBK provided legal advice to CVAG staff as it helped the Imperial Irrigation District's Coachella Valley Energy Commission (CVEC) navigate policy discussions and the formation of a new joint powers agency.

Moving forward, CVPA staff needs specialized legal services for CVPA-related agreements entered into between to help achieve the goals of the CVPA. As such, legal services will be needed for contractual, regulatory and procurement matters that are unique to CVPA and any other energy projects or programs. The recommended letter of engagement is similar to the one approved by the Board in June and identifies CVPA matters being handled by Ryan M.F. Baron, a BBK Partner. Mr. Baron is the legal counsel for a number of Community Choice Aggregation programs, including Desert Community Energy (DCE), and performs legal services for the City of Coachella's electric municipal efforts.

Considering the extensive legal work that BBK has performed on energy-related matters, staff recommends the CVPA Board continue the direct engagement with BBK by authorizing the letter of engagement, which is attached to this staff report. This approach is similar to the one maintained by CVAG, DCE and the Coachella Valley Conservation Commission (CVCC), which also contracts with CVAG for staffing. BBK has surveyed its client list for potential conflicts and there are no existing conflicts. Legal expenses are on a time and materials basis. Any budget savings related to legal services will revert back to CVPA and/or its members agencies.

Fiscal Analysis: The letter of engagement authorizes legal expenses on an as-needed, time and materials basis. The hourly rates range from \$195 to \$380, depending on the BBK staff

involved. These rates are consistent with the rates charged to CVAG and DCE. CVPA's adopted Fiscal Year 2025-26 budget included an amount of \$100,000 for legal services, and this amount is also included in the budget update being presented as part of the September agenda packet. Since July 1, BBK has billed CVPA \$788.80 for legal services.

Should legal costs approach the budgeted amount, staff would return to the Board for direction.

Attachment: Letter of engagement



Ryan M. F. Baron
Partner
(949) 263-6568
ryan.baron@bbklaw.com

September 17, 2025

Via Email

Tom Kirk, Executive Director
Coachella Valley Power Authority
Palm Desert, CA 92260

Dear CVPA Board of Directors and Executive Director Kirk:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP is pleased to represent Coachella Valley Power Authority ("CVPA") as a continuation of our representation of the Coachella Valley Association of Governments and Desert Community Energy. This letter constitutes our agreement setting the terms of our representation. If you want us to represent you and agree to the terms set forth in this letter, after you review the letter please sign it and return the signed copy to us.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

An attorney-client relationship requires mutual trust between the client and the attorney. It is understood that communications exclusively between counsel and the client are confidential and protected by the attorney-client privilege.

To also assure mutuality of trust, we have maintained a conflict of interest index. The California Rules of Professional Conduct defines whether a past or present relationship with any party prevents us from representing you. Similarly, you will be included in our list of clients to ensure we comply with the Rules of Professional Conduct with respect to you.

We have checked the following names against our client index: Coachella Valley Power Authority, County of Riverside, City of Indio, City of La Quinta, and Imperial Irrigation District. Based on that check, we can represent you. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

YOUR OBLIGATIONS ABOUT FEES AND INDIVIDUAL RATES

Our rates are as follows:

Partners and Of Counsel	\$380
Associates:	\$307
Paralegals, Clerks & Analysts	\$195

Best Best & Krieger LLP | 18101 Von Karman Avenue, Suite 1000, Irvine, California 92612
Phone: (949) 263-2600 | Fax: (949) 260-0972 | bbklaw.com

The rates set forth herein shall be adjusted on July 1st, of each calendar year for cost of living as shown by the U.S. Department of Labor in its All Urban Consumers Index as set forth for the Riverside-San Bernardino-Ontario Area.

The billing policies are described in the memorandum attached to this letter, entitled “Best Best & Krieger LLP’s Billing Policies.” Considering our past representation of DCE through CVPA, to the extent of any conflict with the Billing Policies attached herein and the Billing Policies in our CVPA engagement, the CVPA Billing Policies will prevail (with the exception of any fees or costs that may change from time-to-time). You should consider the Billing Policies memorandum part of this agreement as it binds both of us. For that reason, you should read it carefully.

INSURANCE

We understand that you are not now insured or have any insurance that may cover potential liability or attorneys’ fees in this case. If you think you may have such insurance, please notify me immediately.

We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd’s of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that such new matters will be the subject of a new signed supplement to this agreement. Similarly, this agreement does not cover and is not a commitment by either of us that we will undertake any appeals or collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

CIVILITY IN LITIGATION

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines. In our experience, the reciprocal extension of such courtesies saves our clients’ time and money. By signing this letter you will be confirming your approval of this practice in your case.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached Billing Policies memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.

CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.

THANK YOU

On a personal note, we are pleased that you have selected Best Best & Krieger LLP to represent CVAG. We look forward to a long and valued relationship with you and appreciate your confidence in selecting us to represent you in this case. If you have any questions at any time about our services or billings, please do not hesitate to call me.

If this letter meets with your approval, please sign and date it, and return the original to us by October 15, 2025.

Sincerely,



Ryan M. F. Baron
of BEST BEST & KRIEGER LLP

RMB:pa

AGREED AND ACCEPTED:

By: _____

Dated: _____

BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department (accounts.receivable@bbklaw.com). Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

INVOICE AND PAYMENT OPTIONS

Best Best & Krieger strives to meet our clients' needs in terms of providing a wide variety of invoice types, delivery and payment options. Please indicate those needs including the preferred method of invoice delivery (Invoice via Email; or USPS). In addition, accounts.receivable@bbklaw.com can provide a W-9 upon request and discuss various accepted payment methods.

FEES FOR PROFESSIONAL SERVICES

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. All legal services are billed in one-tenth of an hour (0.10/hour) or six-minute increments. Our attorneys are currently billed at rates from \$260 to \$1085 per hour, and our administrative assistants, research assistants, municipal analysts, litigation analysts, paralegals, paraprofessionals and law clerks are billed at rates from \$145 to \$350 per hour for new work. These rates reflect the ranges in both our public and our private rates. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel: BBK may employ the services of non-attorney personnel under the supervision of a BBK attorney in order to perform services called for in the legal services agreement. The most common non-attorney

personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, litigation analysts, and specialty consultants. The client agrees that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request.

FEES FOR ELECTRONICALLY STORED INFORMATION ("ESI") SUPPORT AND STORAGE

BBK provides Electronically Stored Information ("ESI") services for matters requiring ESI support, which are matters with a document population over 1GB – typically litigation or threatened litigation matters. BBK provides services for basic ESI processing and storage at the following rates per month based on the number of gigabytes of data ("GB") processed and stored:

1GB -250GB: \$10 per GB
251GB - 550GB: \$8 per GB
551GB - 750GB: \$6 per GB
751GB - 1TB: \$4 per GB

The amount BBK charges for basic processing and storage of ESI allows BBK to recover the costs of providing such services, plus a net profit for BBK. BBK believes that the rates it charges for processing and storage are lower than comparable services available from third party vendors in the market. If you wish to contract separately with a third party vendor for processing and storage costs, please notify PracticeSupportServices@bbklaw.com in writing. BBK also provides advanced ESI processing services at hourly rates for personnel in its Litigation Support Group. A copy of BBK's current rates for such services will be provided on request.

FEES FOR OTHER SERVICES, COSTS AND EXPENSES

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

ADVANCE DEPOSIT TOWARD FEES AND COSTS

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

MONTHLY INVOICES AND PAYMENT

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our trust account.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

CHANGES IN FEE ARRANGEMENTS AND BUDGETS

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP

ITEM 7C

Coachella Valley Power Agency September 29, 2025

STAFF REPORT

Subject: Affirming the Budget for Fiscal Year 2025-26

Contact: Emmanuel Martinez, Assistant Director – Energy & External Affairs
(emartinez@cvag.org)

Recommendation: Adopt Resolution No. 2025-01, affirming approval of CVPA's 2025-26 Fiscal Year Budget

Background: As outlined in Section 3.12.5 of the CVPA JPA agreement, Board approval is required to adopt an annual budget or resolution. At the CVPA Board' first meeting in June 2025, the Board approved a \$500,000 budget for the first year of operation of the CVPA. However, in approving the revised budget, the drafted resolution for the June meeting did not reflect the final approved budget. Resolution No. 2025-01 affirms the approval of the budget approved in June.

The June vote came after the Board's review of a recommended \$1.07 million budget presented by staff. The Board's approved budget eliminated a line item related to consultant expenses for a surcharge and developer impact fee development, and limited legal expenses to 100 days.

Staff recommends adopting Resolution 2025-01 to formally confirm the adopted budget. As has been reported, the budget establishes spending parameters, increases public transparency, and is required for auditing purposes, among others. Staff time and other expenses identified in the budget are only incurred on an as needed basis. Therefore, any budget savings will be credited to each of the CVPA member agencies. Currently, expenses are well below the respective line items. As CVAG is currently transitioning to its new enterprise resource planning tool, to-date expenditures will be available sometime after the first quarter of the fiscal year. At a future meeting, staff will provide a budget-to-actual report to update the board on actual expenditures to ensure the budget is managed accordingly.

As detailed in a separate agenda item, staff is recommending the Board direct the Executive Director to release a request for a proposals related to a Developer Impact Fee Nexus Study. The study will help create a fee schedule that can simplify the process for serving new development and increase certainty and transparency for developers. Staff has worked closely with CVPA's technical advisory group, which is comprised by the city managers and the executive officer of the CVPA's member agencies, before recommending this nexus study be considered.

The estimated cost to conduct a regional DIF Nexus Study is estimated to be \$200,000. Costs related to consultants that could do this work were eliminated from the budget that was approved in June 2025. Should the Board move forward with the study, staff would return to the Board at a future meeting with a revised budget and revenue options to cover the projected consultant expenses.

Fiscal Analysis: The Fiscal Year 2025-26 Budget represents the financial plan for the CVPA and is foundational to establishing its operational capabilities. The \$500,000 budget would allow CVPA initiate operations and support administrative and planning functions. Should the Board move forward with approved the release of Developer Impact Fee Nexus Study, which is being recommended under a separate agenda item, staff would return to the Board with details on how to address the increased budget.

The approved budget allocates \$100,000 for legal services to draft and review agreements, project documents, and instruments related to funding, compliance, and risk management. Under a separate agenda item, staff is recommending an engagement letter for Best Best & Krieger LLP for services to be rendered beyond the 100-day limit previously adopted from June 12, 2025.

To support administration and management functions, the budget includes \$60,000 in general and administrative overhead costs on \$290,000 in salaries and benefits for a total of \$350,000 for personnel and non-personnel expenses under the administrative reimbursement agreement with CVAG. These costs include staff time, related benefits, direct travel, training expenses, and other associated costs. They also cover a proportional share of general and administrative overhead, such as supplies, materials, rent, and utilities. These costs are incurred under the staffing agreement with the Coachella Valley Association of Governments (CVAG). This resource-sharing model helps minimize costs by leveraging existing CVAG staff and office leases, for example, and only charging the proportional share of expenditures incurred by the CVPA.

The budget presented in June to the Board had to be converted to the CVPA chart of accounts. This conversion has led to some categories being realigned for better accuracy in actual-to-budget reporting, though the overall figures remain unchanged.

At the meeting in July, the board considered funding streams to cover the first-year operational costs and unanimously approved the equal split between the three CVPA members of the \$500,000, which is \$166,666. CVAG staff have already sent the invoices to each member agency for their equal contribution and are currently in process of receiving payment.

Attachments:

1. Resolution 2025-01
2. Approved Budget for Fiscal Year 2025-26

RESOLUTION NO. 2025-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
COACHELLA VALLEY POWER AGENCY
APPROVING FISCAL YEAR 2025-26 ANNUAL BUDGET**

THE BOARD OF DIRECTORS OF COACHELLA VALLEY POWER AGENCY DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Whereas the Coachella Valley Power Agency (CVPA) is a joint powers authority established in May 2025 for the purpose of addressing representation and electrical service needs of the Coachella Valley communities served by the Imperial Irrigation District;

Whereas under Section 3.12.5 of the CVPA Joint Powers Agreement the Board of Directors is to approve an annual budget for the next following fiscal year;

Whereas this budget pertains to the fiscal year that runs from July 1, 2025, through June 30, 2026;

Whereas the CVPA Fiscal Year 2025-26 Budget was presented to the Board of Directors at a duly noticed public meeting for its consideration, approval and adoption; and

Whereas the CVPA Board of Directors adopted a \$500,000 budget at its inaugural meeting in June 2025.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors hereby affirms adoption of the the CVPA Fiscal Year 2025-26 Budget.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Coachella Valley Power Agency held on this September 29, 2025.

SIGNED:

ATTEST:

Waymond Fermon, Chair
Coachella Valley Power Agency

Tom Kirk, Secretary
Coachella Valley Power Agency

AYES:

NAYS:

ABSENT:

ABSTAIN:

Coachella Valley Power Agency

FY2025–26 Budget

	Budget
Revenues / Funding Source	
Membership Dues	500,000
Total Revenues / Funding Source	500,000
Expenditures / Expenditure	
Legal Services	100,000
Consultants	50,000
CVAG Admin Reimbursement	
Personnel	290,000
Non-Personnel	60,000
Total Expenditures / Expenditure	500,000
Net Total	(0)

The budget adopted in June had to be converted to the CVPA chart of accounts which was then under creation. This conversion has led some categories being realigned for better accuracy in actual-to-budget reporting, though the overall figures remain unchanged.

ITEM 8A

Coachella Valley Power Agency September 29, 2025

STAFF REPORT

Subject: IID Funding for Coachella Valley's Electrical Infrastructure Needs

Contact: Emmanuel Martinez, Assistant Director – Energy & External Affairs
(emartinez@cvag.org)

Recommendation: Adopt Resolution No. 2025-02 to authorize the Chair and/or Executive Director to support and advocate for a policy by the Imperial Irrigation District (IID) that establishes their commitment to contribute 20 percent of its funds towards eligible Coachella Valley energy infrastructure projects, including supporting a retroactive application of such approved policy towards identified projects in the City of Indio via the Indio Electric Financing Authority

Background: The Coachella Valley continues to face significant challenges related to electrical infrastructure capacity, reliability, and funding – and addressing them will inevitably take a variety of steps. The Imperial Irrigation District has already initiated actions to address the energy infrastructure needs in the Coachella Valley. Currently IID is working with the County of Riverside, the City of La Quinta, and the City of Indio on their respective energy infrastructure needs and is in the process of developing cost-share agreements that include these agencies as well as private stakeholders. The proactive approach by IID on negotiating the project-by-project agreements demonstrates IID's commitment towards ensuring the availability of distribution energy capacity to facilitate immediate growth pressures in the Coachella Valley.

As CVPA develops its work plan, funding efforts for meeting the mid- and long-term energy of the Coachella valley may be supplemented through funding mechanisms that include regional Development Impact Fee (DIF) Nexus Study as detailed in a separate agenda item. In parallel, the City of Indio, through the Indio Electric Financing Authority (IEFA), has taken proactive steps to fund critical infrastructure projects via a surcharge mechanism. These collective efforts to secure adequate funds towards electrical infrastructure have resulted in the advancement of several substation projects that are essential to supporting growth and maintaining service reliability.

As part of continued coordination of efforts, CVPA staff have had initial conversations with IID about establishing a standard contribution policy, whereby IID would commit to funding 20 percent of the cost of energy distribution projects in the Coachella Valley and Imperial Valley. IID has notified CVPA staff that it is already proactively developing a draft of an IID contribution policy. The policy is in development and undergoing IID internal review. Once the policy is available for review and comment, and with adoption of this resolution, CVPA will work with IID to provide input to ensure the contribution would apply to projects initiated by CVPA, IEFA, and other local jurisdictions, helping to reduce the financial burden on cities and developers.

It would be up to IID to enact any formal policy, and such a concept is in its infant stages. Staff is recommending that the CVPA Chair and Executive Director be authorized to advocate for, and support, any such policy efforts by IID. CVPA staff would note that such an IID policy would enhance regional equity and improve project feasibility by reducing upfront costs for cities and developers. It also would support coordinated planning efforts with CVPA, jurisdictions and agencies. With this authorization, CVPA staff would also collaborate with IID staff to refine the policy framework and incorporate the contribution assumption into the DIF Nexus Study, if authorized separately by the Board.

Fiscal Analysis: There is no direct fiscal impact to CVPA associated with this action. However, supporting the 20% contribution policy may result in reduced infrastructure costs for CVPA member agencies and improved cost-sharing across the region.

Attachment: Resolution No. 2025-02

RESOLUTION NO. 2025-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF COACHELLA VALLEY POWER AGENCY SUPPORTING AN 20 PERCENT CONTRIBUTION POLICY BY IMPERIAL IRRIGATION DISTRICT TOWARDS ELIGIBLE ENERGY INFRASTRUCTURE PROJECTS

THE BOARD OF DIRECTORS OF COACHELLA VALLEY POWER AGENCY DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

WHEREAS, the Coachella Valley Power Agency (CVPA) was established to promote coordinated planning, regional funding strategies, and enhanced local governance to address energy infrastructure challenges in the Coachella Valley; and

WHEREAS, the Coachella Valley is experiencing rapid growth, resulting in increased demand for reliable and expanded electrical infrastructure, particularly in underserved and high-growth areas; and

WHEREAS, the Imperial Irrigation District (IID) is the primary energy provider for the eastern Coachella Valley and plays a critical role in supporting infrastructure development to meet regional energy needs; and

WHEREAS, the CVPA recognizes the importance of a formal and transparent funding framework to support energy distribution infrastructure projects that benefit the region's growth and economic development goals; and

WHEREAS, the CVPA supports the establishment of a formal policy by IID to contribute 20 percent of total project costs for eligible energy distribution infrastructure projects within the Coachella Valley and the Imperial Valley; and

WHEREAS, such a policy would:

- Reduce financial barriers for cities and developers undertaking critical infrastructure projects;
- Promote transparency and consistency in project funding;
- Complement existing efforts, including those led by the CVPA and the Indio Electric Financing Authority (IEFA);

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. CVPA Supports the establishment of a 20% contribution policy by the Imperial Irrigation District for eligible energy infrastructure projects in the IID energy service territory;
2. CVPA encourages IID to adopt and implement this policy in coordination with local agencies and stakeholders;
3. CVPA commits to continued collaboration with IID to ensure energy infrastructure keeps pace with regional growth and demand; and
4. Directs CVPA staff to communicate this resolution to the IID Board of Directors and offer assistance in advancing this initiative.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Coachella Valley Power Agency held on this September 29, 2025.

SIGNED:

ATTEST:

Waymond Fermon, Chair
Coachella Valley Power Agency

Tom Kirk, Secretary
Coachella Valley Power Agency

AYES:

NAYS:

ABSENT:

ABSTAIN:

ITEM 8B

Coachella Valley Power Agency September 29, 2025

STAFF REPORT

Subject: Funding CVPA's Electrical Infrastructure Needs

Contact: Emmanuel Martinez, Assistant Director – Energy & External Affairs
(emartinez@cvag.org)

Recommendation: Approve Resolution 2025-03 directing the CVPA Executive Director to submit a proposal to the Imperial Irrigation District (IID) per the requirements of the CVPA-IID Cooperation Agreement for purposes of conducting a nexus study for a development impact fee for electrical infrastructure; and to release a request for proposals for a development impact fee and related nexus study for electrical infrastructure needs in the Coachella Valley

Background: Addressing the electrical infrastructure needs in the Coachella Valley is a key priority and objective of the CVPA. As the Coachella Valley continues to increase its energy demand due to population growth, electrification and climate change, new distribution energy infrastructure is needed to serve the new load and maintain adequate service levels. To meet current energy needs, IID is currently working with key stakeholders, such as the County of Riverside, the City of Indio, and the City of La Quinta, to carry out key infrastructure projects, including developing cost-share agreements. This collaborative effort is welcomed as it has not been uncommon to hear reports of projects that cannot move forward due to constraints in the distribution system or due to stringent – and costly – conditions imposed by IID. Developers are conditioned to pay for a substation, which can cost tens of millions of dollars. As a result, projects get delayed or simply rendered unfeasible. Though cost-sharing agreements with future developments are possible, uncertainties regarding timing, project approvals, and financing, to name a few, make the risk unbearable.

To help facilitate the funding of infrastructure to meet mid- and long-term needs of the Coachella Valley, CVPA staff is recommending a study to analyze the current and future electrical infrastructure needs and provide options regarding funding mechanisms, such as a Development Impact Fee (DIF). Such a study will establish the legal and factual connection between new development and the need for additional infrastructure as well as a calculation of fee amounts to cover the cost.

Purpose of a Development Impact Fee

A development impact fee (or DIF) is a one-time monetary charge local governments collect to fund public improvements and facilities required to serve new development. Cities collect this fee to help fund water, sewer, parks, and transportation facilities, among others. The Mitigation Fee Act governs the development impact fees. As such, any fee imposed must adhere to the requirements of the act, primarily to ensure that there is a rational and justifiable nexus between

the fee being collected and the service rendered. Adoption of a fee also creates annual reporting requirements to ensure public transparency regarding the fee and its use for associated projects. The adoption of the fee is also subject to public hearings.

A request for proposals (RFP) for a DIF nexus study would be a first step in determining a fee for electrical infrastructure improvements. At a high level, the study helps to determine the infrastructure needs and costs, and calculates the fee based on the projected impact. Such a fee can be customized to account for financial contributions made by other stakeholders. For instance, Riverside County is taking lead to work with IID and other private stakeholders on funding a substation north of Interstate 10 in the Thousand Palms area. As such, staff would shape the scope of work in the request for proposals to ensure that any recommended CVPA DIF incorporates financial commitments already made for electrical improvements to ensure there is no double-dipping or duplication of fees.

If approved by the Board, staff would release a RFP and then return to the Board with a recommended consultant. The proposed study aims to identify and recommend funding mechanisms for electrical infrastructure improvements within CVPA's jurisdiction. The RFP seeks to address critical infrastructure needs driven by population growth, aging systems, and increasing energy demands.

Staff has coordinated an initial RFP framework in close coordination with the technical advisory committee, which includes the city managers of the cities of La Quinta and Indio, and the Executive Office of the County of Riverside. The scope of work in the request for proposals would be shaped for the selected consultant to analyze various funding scenarios and associated recommendations. For example, the consultant will analyze the development of a fee that is specific to a sub-area of a city, which could be a specific geographic area that stands to benefit from improved electrical service. Also, a fee that is specific City of La Quinta and the County of Riverside. Lastly, a regional uniform fee that is consistent throughout the CVPA/Coachella Valley area.

The recommended scope of work also includes for the consultant to analyze various scenarios that include non-CVPA jurisdictions,. By including non-CVPA members, the Nexus Study can inform options for a regional uniform fee that applies to the Cities of Coachella, Indian Wells, Rancho Mirage and Palm Desert. Although these jurisdictions are not a part of CVPA, staff would note that it is prudent to take this opportunity to analyze the fee scenarios inclusive of non-CVPA members impacted by the need to increase energy service levels. This effort can help inform these cities, and, should they become CVPA members in the future, help ensure a seamless transition into any standing DIF program that may be established by CVPA. Staff has reached out to the city managers of non-CVPA member cities inform them of the intent to include them in the study and to also help determine cost-share participation.

Should the CVPA move forward with proposals soliciting, the selected consultant will be responsible for project management coordination; data collection and analysis; an infrastructure needs assessment; and drafting a nexus study, including recommendations, fee tables and implementation strategies. There also would be community engagement throughout the process. Staff recommends the CVPA Executive Director be authorized to release the RFP. If approved, staff anticipates returning to the Board no later than early 2026 to hire a consultant. A study can be completed for review by mid-2026, with possible Board adoption by the third quarter of 2026 and implementation beginning at the same time.

Based on the Cooperation Agreement between IID and CVPA, a project proposal submitted to IID must be accompanied by an approved resolution. Once a resolution is approved, CVPA

could submit to IID as a formal Proposal Application under Section 4.0 of the agreement, requesting IID's participation in conducting a Nexus Study for a DIF. Once submitted, IID has 60 days to evaluate the proposal but could take additional time if needed and will communicate with CVPA as such. Following its evaluation, IID will then make a determination related to the feasibility of implementing the proposal. Per the agreement, the determinations made by IID after the proposal review can be feasible, feasible with modifications, or infeasible.

Staff recommends the Board adopts Resolution 2025-03 and directs the Executive Director to release a request for proposals for the DIF Nexus Study.

Fiscal Analysis: The cost of the DIF Nexus Study is anticipated to be approximately \$200,000. Based on the costs of similar studies conducted in the area. These costs were not included in the existing budget, but staff will bring forward recommendations for how to cover the costs at a future meeting.

Attachment: Resolution No. 2025-03

RESOLUTION NO. 2025-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF COACHELLA VALLEY POWER AGENCY SUPPORTING CONDUCTING OF A NEXUS STUDY FOR A DEVELOPER IMPACT FEE FOR ELECTRICAL IMPROVEMENTS AND TO SUBMIT A FORMAL PROPOSAL APPLICATION TO IMPERIAL IRRIGATION DISTRICT

THE BOARD OF DIRECTORS OF COACHELLA VALLEY POWER AGENCY DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

WHEREAS, the Coachella Valley Power Agency (CVPA) was formed pursuant to the Joint Powers Agreement dated May 1, 2025, to address regional energy infrastructure challenges through coordinated planning, funding strategies, and enhanced local governance; and

WHEREAS, CVPA and the Imperial Irrigation District (IID) entered into a Cooperation Agreement dated September 2, 2025, to formalize their commitment to collaborate in support of shared goals, including the development and implementation of energy infrastructure proposals that are fair, equitable, and consistent with regional needs; and

WHEREAS, the Cooperation Agreement provides a framework for CVPA to submit Proposals to IID for evaluation and potential implementation, including those related to the generation and distribution of electric services within the boundaries of CVPA; and

WHEREAS, the Coachella Valley is experiencing rapid growth, resulting in increased demand for electrical infrastructure capacity and reliability, and a Developer Impact Fee (DIF) would provide a sustainable and equitable funding mechanism to support future infrastructure needs; and

WHEREAS, CVPA seeks to initiate a Nexus Study to establish a legally defensible DIF framework, and recognizes that IID's participation is essential to ensure the study reflects accurate infrastructure costs, operational realities, and aligns with IID's obligations and standards;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Coachella Valley Power Agency hereby:

1. Approves the submission of a Proposal Application to IID requesting its participation in a Nexus Study for a Developer Impact Fee to support electrical infrastructure projects within the Coachella Valley;
2. Requests that IID evaluate the Proposal in accordance with Section 4.0 of the Cooperation Agreement and, if deemed feasible, collaborate with CVPA to scope, fund, and conduct the Nexus Study;
3. Commits to working in good faith with IID to ensure the study is consistent with industry standards, technically and economically feasible, and aligned with the Cooperation Goals;
4. Directs CVPA staff to transmit this resolution and accompanying Proposal Application to IID and to engage in quarterly or special meetings as required under the Cooperation Agreement to advance this initiative.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Coachella Valley Power Agency held on this September 29, 2025.

SIGNED:

ATTEST:

Waymond Fermon, Chair
Coachella Valley Power Agency

Tom Kirk, Secretary
Coachella Valley Power Agency

AYES:

NAYS:


ABSENT:

ABSTAIN:

ITEM 9a

CVPA ATTENDANCE ROSTER JUNE 2025- JULY 2026

CVPA JURISDICTION	JUN	JUL	AUG	SEP	OCT	NOV(Dec)	DEC	JAN	FEB	MAR	APR	MAY	JUN
Indio	✓	✓	-				-					-	
La Quinta	✓	✓	-				-					-	
Riverside County	✓	✓	-				-					-	

Absent	
No Meeting	-
Present	✓

ITEM 9B

Coachella Valley Power Agency September 29, 2025

STAFF REPORT

Subject: New location of CVPA's public meetings

Contact: Erica Felci, Deputy Executive Director (efelci@cvag.org)

Recommendation: Information

Background: For decades, the Coachella Valley Association of Governments (CVAG) has held its public meetings at the Parkview building located at 73-710 Fred Waring Drive in Palm Desert. The same location has been used for the CVPA and the Coachella Valley Conservation Commission (CVCC), which CVAG also staffs.

The Parkview building is owned by the City of Palm Desert. In 2024, Palm Desert staff notified CVAG that it would be demolishing the Parkview building to make space for the City's new library that is being built adjacent to Civic Center Park. The City also agreed to build a new conference room space for CVAG as part of the library's construction.

In the interim, CVAG staff sought to find an alternative meeting location. CVAG staff previously notified committee members and the public that CVAG anticipated moving its meetings to the Colorado Regional Water Quality Control Board. Over the summer, CVAG learned the partnership would not be possible as logistics could not be worked out with the State.

Thankfully, the Coachella Valley Water District (CVWD) has agreed to have CVAG host its public meetings at CVWD's Steve Robbins Administration Building Training Room, 75515 Hovley Lane East in the City of Palm Desert. CVAG and CVCC have larger-than-most governing boards, and the room is equipped to accommodate this need. The first meeting at the new location was the August meeting of CVAG's Transportation Committee. CVAG staff has posted the new location on its websites and also reached out to member jurisdictions to notify them of the change.

Fiscal Analysis: CVWD is providing the meeting room at no cost to CVAG. Coordination of public meetings is covered under existing staff time. Minor equipment purchases, such as additional microphones, may be necessary and would be covered under the Executive Director's spending authority and existing budget.