



**NOTICE OF SPECIAL MEETING
OF THE BEAUMONT CHERRY VALLEY DISTRICT
BOARD OF DIRECTORS**

To the Directors of the Beaumont Cherry Valley Water District:

Notice is hereby given that a Special Meeting of the Board of Directors of said District to be held Thursday, **April 30, 2009 at 7:00 p.m.** at the Beaumont Cherry Valley Water District's Administrative Offices located at 560 Magnolia Avenue, Beaumont, California 92223.

The agenda for said meeting is attached.

Dated: April 29, 2009

Dr. Blair Ball

Dr. Blair Ball, President of the
Board of Directors of the
Beaumont Cherry Valley Water District



**BEAUMONT CHERRY VALLEY WATER DISTRICT
AGENDA
SPECIAL MEETING OF THE BOARD OF DIRECTORS
Thursday, April 30, 2009 at 7:00 PM
560 Magnolia Avenue, Beaumont, CA 92223**

CALL TO ORDER, PRESIDENT BALL

PLEDGE OF ALLEGIANCE, DIRECTOR ROSS

INVOCATION, DIRECTOR WOLL

ROLL CALL, BLANCA MARIN

PUBLIC INPUT

PUBLIC COMMENT: Anyone wishing to address the Board of Directors on any matter not on the agenda of this meeting may do so now. Anyone wishing to speak on an item on the agenda may do so at the time the Board considers that item. All persons wishing to speak must fill out a "Request to Speak" form and give it to the Secretary at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. Sharing or passing time to another speaker is not permitted. Please do not repeat what was said by a previous speaker except to note agreement with that speaker. Thank you for your cooperation.

ACTION ITEMS

1. ADOPTION OF THE AGENDA

ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

2. RESOLUTION 2009-07, AMENDING RESOLUTION 2008-02 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT DEDICATING A REVENUE SOURCE FOR REPAYMENT OF STATE WATER RESOURCES CONTROL BOARD STATE REVOLVING FUND

ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

3. APPROVAL OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FORMS IN COMPLIANCE WITH FEDERAL AUTHORITIES TO BE ELIGIBLE TO RECEIVE STIMULUS FUNDING

ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

4. ACCEPT THE RESIGNATION OF DIRECTOR MARQUEL DOPP FROM THE BEAUMONT CHERRY VALLEY WATER DISTRICT AND DETERMINE THE PROPER COURSE OF ACTION FOR NAMING A REPLACEMENT

ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

5. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL (ONE MATTER)

- a. Pursuant to Government Code Section §54957.6 (b)(1) – Public Employees Performance Evaluation (General Manager) – Preliminary Consideration Only
 - The purpose of this portion of the Closed Session is for the Board members to discuss and/or select criteria and to discuss the fact gathering mechanism for said evaluation process.

6. OPEN SESSION: Report on Closed Session (Legal Counsel)

7. ACTION LIST

8. ADJOURNMENT

ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

** Information included in the agenda packet

Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please call Blanca Marin Executive Assistant, at (951) 845-9581 Ext. 23 for assistance so the necessary arrangements can be made.

The agenda material for this meeting is available to the public at the District’s Administrative Office which is located at 560 Magnolia Avenue, Beaumont, CA 92223. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate inspection at the same location.

RESOLUTION No. 2009-07
AMENDING 2008-02
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
BEAUMONT CHERRY VALLEY WATER DISTRICT
DEDICATING A REVENUE SOURCE FOR REPAYMENT OF ANY AND ALL STATE
REVOLVING FUND FINANCING ON THE REGIONAL RECYCLED WATER DISTRIBUTION
SYSTEM

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its recycled water system, including certain pipelines, pump stations, reservoirs and other infrastructure (the "Project"); and

WHEREAS, the District intends to finance the construction of the Project with moneys (Project Funds") provided as a Financial Assistance by the State of California, acting by and through the State Water Resources Control Board (the "Board"); and

WHEREAS, the Board requires that each financial assistance recipient establish one or more dedicated sources or revenue for repayment of the Financial Assistance; and

WHEREAS, a dedicated source of revenue can be user charges or other sources

NOW THEREFORE the Board of Directors of the Beaumont Cherry Valley Water District does hereby resolve, order and determine as follows:

1. The District hereby dedicates its net revenue to assure repayment of the State Revolving Fund Financing on the Regional Recycled Water Distribution System
2. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board

The foregoing resolution was adopted by the Board of Directors of the Beaumont Cherry Valley Water District at its meeting held on the 30th of April, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST;

APPROVED AS TO FORM;

Ryan Woll, Secretary to the
Beaumont Cherry Valley Water District
and the Board of Directors thereof

Dr. Blair Ball, President of the
Beaumont Cherry Valley Water District
and the Board of Directors thereof



MEMORANDUM

Date: April 30, 2009
TO: Board of Directors
FROM: Anthony Lara, Assistant General Manager
SUBJECT: Compliance with Federal Authorities to be Eligible to Receive Stimulus Funding

Attached for your review and approval please find information regarding the American Recovery and Reinvestment Act of 2009 (ARRA) Provisions.

In previous communications with James Garcia from the State Water Resources Control Board, it was determined that the District must comply with the ARRA provisions to be eligible to receive stimulus funding through the SRF Program.

Attached, are two versions of the certification: one for projects receiving ARRA Funds and the other for projects not receiving ARRA Funds. The suggestion is to review and sign both documents just in case the District's Projects get funded by a typical SRF (not ARRA) loan.

Recommendation: That the Board approve and sign both certifications.

**Certification of Compliance
With Federal Laws and Authorities -
{Projects Applying for American Reinvestment and
Recovery Act of 2009 (ARRA) Funding}**

American Reinvestment and Recovery Act of 2009 Requirements

1. **Timeline Absolute:** The Recipient understands that, should the Recipient fail to start construction prior to the date specified in its financing agreement, repayment of any and all Project Funds disbursed to the Recipient will be due and payable immediately.
2. **Buy American:** Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board, the Recipient shall not use Project Funds to purchase iron, steel, and manufactured goods produced outside of the United States. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board, the Recipient hereby certifies that all iron, steel, and manufactured goods used in the Project were produced in the United States.
3. **Waste, Fraud, & Abuse:** The Recipient shall prevent fraud, waste, and the abuse of Project Funds.
4. **Whistleblower Rights Notice.** The Recipient shall post notice of the rights and remedies provided to state and local government and contractor whistleblowers as set forth in Section 1553 of ARRA and shall ensure that its contractors and subcontractors on the Project post such notices.
5. **Reports:** In addition to the reports specified in this Agreement, the Recipient may be asked for weekly reports related to the goals of ARRA, including jobs created or saved or other information. The Recipient agrees to provide such reports in an expeditious fashion.
6. **Land or Easement Acquisition:** The Recipient shall not use Project Funds for the purchase of land, easements, or interests in land.
7. The Recipient shall pay at least federal and/or state prevailing wages.

Environmental Authorities

1. Archeological and Historical Preservation Act of 1974, Pub. L. 86-523, as amended, Pub. L. 93-291 16 USC § 469a-1.
2. Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended.
3. Clean Air Act, Pub. L. 84-159, as amended.
4. Coastal Barrier Resources Act, Pub. L. 97-348, 96 Stat. 1653; 16 USC § 3501 et seq.
5. Coastal Zone Management Act, Pub. L. 92-583, as amended; 16 USC § 1451 et seq.
6. National Environmental Policy Act, Pub. L. 91-190
7. Endangered Species Act, Pub. L. 93-205, as amended; 16 USC § 1531 et seq.
8. Environmental Justice, Executive Order 12898.
9. Floodplain Management, Executive Order, 11988 as amended by Executive Order 12148.
10. Protection of Wetlands, Executive Order 11990, as amended by Executive Order No. 12608.

11. Farmland Protection Policy Act, Pub. L. 97-98; 7 USC § 4201 et seq.
12. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended.
13. National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 80 Stat. 917 (1966) 16 USC § 470 et seq.
14. Safe Drinking Water Act, Pub. L. 93-523, as amended; 42 USC § 300f et seq.
15. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 82 Stat. 913; 16 USC § 1271 et seq.
16. Essential Fish Habitat Consultation. Pub. L. 94-265, as amended, 16 USC § 1801 et seq.
17. Recycled Materials. Executive Order 13101; Section 6002 Resource Conservation and Recovery Act – 42 USC § 6962.

Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372/ 42 USC § 3331 et seq.
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368; 40 CFR Part 31.
3. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655
4. Contractors, Subcontractors, Debarment and Suspension, Executive Order 12549; 2 CFR Part 1532. The Excluded Parties List System can be found at <http://www.epls.gov>.
5. Drug-Free Workplace Act, Pub. L. 100-690.
6. New Restrictions on Lobbying, Section 319 of Pub. L. 101-121.
7. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, EO 13202, as amended by EO 13208.
8. Hotel and Motel Fire Safety Act of 1990 (PL 101-391, as amended). Recipients may search <http://www.usfa.dhs.gov/applications/hotel/>.
9. Records and financial reporting (40 CFR Part 31).
10. Copyright: 40 CFR Part 31.

Social Policy Authorities

1. Age Discrimination Act of 1975, Pub. L. 94-135; 42 USC § 6102.
2. Race Discrimination: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352.1; 42 USC § 2000d, 40 CFR Part 7.
3. Sex Discrimination: Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act); 33 USC § 1251, 40 CFR Part 7.

4. Disability Discrimination: Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250); 29 USC § 794, 40 CFR Part 7.
5. Equal Employment Opportunity, Executive Order 11246.
6. Participation of Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements.
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590.
8. Anti-Lobbying Provisions (40 CFR Part 34). Borrower agrees to submit certification and disclosure forms as requested by the State Water Resources Control Board or the USEPA.
9. Anti-Litigation Provisions (2 CFR 220, 225, or 230).

CERTIFICATION

I certify that _____
(Municipality)
has, or will, comply with the above list of federal laws and authorities.

Name and Signature of Authorized
Representative or Designee

Date

4/13/09: D:\L&G Docs\AppendixK-ComplianceWithFedAuthorities.doc

**Certification of Compliance
With Federal Laws and Authorities
{Projects NOT Applying for American Reinvestment
and Recovery Act of 2009 (ARRA) Funding}**

Environmental Authorities

1. Archeological and Historical Preservation Act of 1974, Pub. L. 86-523, as amended, Pub. L. 93-291 16 USC § 469a-1.
2. Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended.
3. Clean Air Act, Pub. L. 84-159, as amended.
4. Coastal Barrier Resources Act, Pub. L. 97-348, 96 Stat. 1653; 16 USC § 3501 et seq.
5. Coastal Zone Management Act, Pub. L. 92-583, as amended; 16 USC § 1451 et seq.
6. National Environmental Policy Act, Pub. L. 91-190
7. Endangered Species Act, Pub. L. 93-205, as amended; 16 USC § 1531 et seq.
8. Environmental Justice, Executive Order 12898.
9. Floodplain Management, Executive Order, 11988 as amended by Executive Order 12148.
10. Protection of Wetlands, Executive Order 11990, as amended by Executive Order No. 12608.
11. Farmland Protection Policy Act, Pub. L. 97-98; 7 USC § 4201 et seq.
12. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended.
13. National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 80 Stat. 917 (1966) 16 USC § 470 et seq.
14. Safe Drinking Water Act, Pub. L. 93-523, as amended; 42 USC § 300f et seq.
15. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 82 Stat. 913; 16 USC § 1271 et seq.
16. Essential Fish Habitat Consultation. Pub. L. 94-265, as amended, 16 USC § 1801 et seq.
17. Recycled Materials. Executive Order 13101; Section 6002 Resource Conservation and Recovery Act – 42 USC § 6962.

Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372/ 42 USC § 3331 et seq.
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368; 40 CFR Part 31.
3. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655

4. Contractors, Subcontractors, Debarment and Suspension, Executive Order 12549; 2 CFR Part 1532. The Excluded Parties List System can be found at <http://www.epls.gov>.
5. Drug-Free Workplace Act, Pub. L. 100-690.
6. New Restrictions on Lobbying, Section 319 of Pub. L. 101-121.
7. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, EO 13202, as amended by EO 13208.
8. Hotel and Motel Fire Safety Act of 1990 (PL 101-391, as amended). Recipients may search <http://www.usfa.dhs.gov/applications/hotel/>.
9. Records and financial reporting (40 CFR Part 31).
10. Copyright: 40 CFR Part 31.

Social Policy Authorities

1. Age Discrimination Act of 1975, Pub. L. 94-135; 42 USC § 6102.
2. Race Discrimination: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352.1; 42 USC § 2000d, 40 CFR Part 7.
3. Sex Discrimination: Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act); 33 USC § 1251, 40 CFR Part 7.
4. Disability Discrimination: Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250); 29 USC § 794, 40 CFR Part 7.
5. Equal Employment Opportunity, Executive Order 11246.
6. Participation of Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements.
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590.
8. Anti-Lobbying Provisions (40 CFR Part 34). Borrower agrees to submit certification and disclosure forms as requested by the State Water Resources Control Board or the USEPA.
9. Anti-Litigation Provisions (2 CFR 220, 225, or 230).

CERTIFICATION

I certify that _____
 (Municipality)
 has, or will, comply with the above list of federal laws and authorities.

 Name and Signature of Authorized
 Representative or Designee

 Date

D:\L&G Docs\AppendixK-ComplianceWithFedAuthorities.doc

April, 8, 2009

County of Riverside, Board of Supervisors
Jeff Stone, Chairman
Marion Ashley, Vice-Chairman
Bob Buster, Supervisor
John F. Tavaglione, Supervisor
Roy Wilson, Supervisor

RECEIVED
APR 24 2009

BY:.....

Beaumont Cherry Valley Water District
Chuck Butcher, General Manager

Blair Ball, Board President
Stella Parks, Vice-President
Ryan Woll, Secretary
Ken Ross, Treasurer

To the Citizens of the Beaumont Cherry Valley Water District,

Dear Sirs, After thoughtful consideration I have decided to resign as a Director for the Beaumont Cherry Valley Water District. Due to my employment with the County of Riverside and other obligations, I do not feel that I have sufficient time to best represent the constituents within my district. It has been a pleasure to serve in this capacity.

Respectfully,



Marquel Dopp