



BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
ENGINEERING WORKSHOP**

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq. and
under the provisions of Assembly Bill 361 and BCVWD Resolution 2021-16*

**Thursday, October 28, 2021 - 6:00 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

COVID-19 NOTICE

This meeting of the Board of Directors is open to the public who would like to attend in person. COVID-19 safety guidelines are in effect pursuant to the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards and the California Department of Public Health Recommendations

- **Face coverings are mandatory for unvaccinated persons and must be properly worn over the nose and mouth at all times**
- **Face coverings are recommended for fully vaccinated persons indoors**
- **Maintain 6 feet of physical distancing from others in the building who are not in your party**
- **There will be no access to restrooms in the building**

TELECONFERENCE NOTICE

*The BCVWD Board of Directors will attend in person at the BCVWD Administrative Office **and/or** via Zoom Video Conference*

To access the Zoom conference, use the link below:

<https://us02web.zoom.us/j/84318559070?pwd=SXlzMFZCMGh0YTFIL2tnUGlpU3h0UT09>

*To telephone in, please dial: **(669) 900-9128***

*Enter Meeting ID: **843 1855 9070***

*Enter Passcode: **113552***

*For Public Comment, use the “**Raise Hand**” feature if on the video call when prompted, if dialing in, please **dial *9 to “Raise Hand**” when prompted*

Meeting materials are available on the BCVWD’s website:

<https://bcvwd.org/document-category/regular-board-agendas/>

BCVWD ENGINEERING WORKSHOP – OCTOBER 28, 2021

Call to Order: President Slawson

Roll Call - Board of Directors

Pledge of Allegiance: President Slawson

Invocation: Director Hoffman

Teleconference Verification

Roll Call

Public Comment

	President Daniel Slawson
	Vice President Lona Williams
	Secretary Andy Ramirez
	Treasurer David Hoffman
	Member John Covington

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted

At this time, any person may address the Board of Directors on matters within its jurisdiction which are not on the agenda. However, state law prohibits the Board from discussing or taking action on any item not listed on the agenda. Any non-agenda matters that require action will be referred to Staff for a report and possible action at a subsequent meeting. **Please limit your comments to three minutes.** Sharing or passing time to another speaker is not permitted.

ACTION ITEMS

Action may be taken on any item on the agenda. Information on the following items is included in the full Agenda Packet.

- 1. Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a 2/3 vote of the legislative body, or if less than 2/3 of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
 - Item(s) to be removed or continued from the Agenda
 - Emergency Item(s) to be added to the Agenda
 - Changes to the order of the agenda
- 2. Consider Setting a Date for a Public Hearing and Adoption of Ordinance 2021-02: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2021-01** (pages 6 - 12)
- 3. Resolution 2021-__:** Adopting Policy 5095 District Residences and Facility Emergency Policy and Amending the District's Policies and Procedures Manual (pages 13 - 19)
- 4. Resolution 2021-__:** Adjustment to the Fiscal Year 2021 Operating Budget for Electricity - Wells (pages 20 - 22)
- 5. Antonell Court Pipeline Replacement Project Cost Update and Notice of Completion** (pages 23 - 25)

6. **Approve Additional Expenditures for the previously Approved Pipeline Relocation Project for Beaumont Master Drainage Plan (MDP) Line 16, Award Contract for Pipeline Relocation Project for MDP Line 16, and Approve Operated Equipment Rental Funds for MDP Line 16 Phase II Pond Bank and Tank Site Grading** (page 26)
7. **Consider Issuance of Grading Water for Upcoming Development Within Fairway Canyon Master Planned Community (Tract 31462 – Phase IVB)** (pages 27 - 39)
8. **Consideration of Request for Update of *Will-Serve Letter* for Previously Approved Development – Noble Creek Estates (Riverside County Assessor’s Parcel Nos. 400-250-010 & 400-250-012 and Annexation of Riverside County Assessor’s Parcel No. 400-250-010 – a portion of Noble Creek Vistas Specific Plan) located in the City of Beaumont** (pages 40 - 91)
9. **Request for *Will-Serve Letter* for Riverside County Assessor’s Parcel Nos. 419-150-026 & 419-150-027 located on Highland Springs Avenue, north of 6th Street (Further Defined as 675 & 695 Highland Springs Avenue) in the City of Beaumont** (pages 92 - 98)
10. **Status of Grant Writing Consultant Townsend Public Affairs, Inc. and Contract update** (pages 99 - 120)
11. **Continued Review of California Drought Conditions, District Urban Water Management Plan Drought Restrictions and BCVWD Resolution 2014-05 Regarding Issuance of Will-Serve Letters and Other Drought Response** (pages 121 - 164)
12. **Consideration of Attendance at the Association of California Water Agencies Annual Fall Conference (Pasadena) November 30 – December 2, 2021** (pages 165 - 180)
13. **Consideration of Attendance at Upcoming Events and Authorization of Reimbursement and Per Diem** (pages 181 - 190)
14. **Status of Local Emergency regarding the Impact of the Respiratory Illness Pandemic COVID-19 pursuant to Resolution 2020-07** (No Staff Report)
15. **Status of Declared Local Emergencies related to Fires**
 - a. **Impact of the Apple Fire pursuant to Resolution 2020-17** (No Staff Report)
 - b. **Impact of the El Dorado Fire pursuant to Resolution 2020-20** (No Staff Report)
16. **Reports for Discussion**
 - a. **Directors’ Reports**

In compliance with Government Code § 53232.3(d), Water Code § 20201, and BCVWD Policies and Procedures Manual Part II Policies 4060 and 4065, directors claiming a per diem and/or expense reimbursement (regardless of pre-approval status) will provide a brief report following attendance.

 - o **Riverside County Water Task Force October 22, 2021 – Directors Ramirez, Slawson, and Williams**

- b. Directors' General Comments
- c. General Manager's Report
- d. Legal Counsel Report

17. Action List for Future Meetings

- Water supply for BCVWD and the region
- Matrix for delivery of recycled water
- Legal Counsel report on changes in Proposition 218
- Legal update on drought conditions in the west
- Maintenance costs at 800-hp well sites
- Policy on rotation of Board President

18. Announcements – *In compliance with Assembly Bill 361, BCVWD Board and Committee meetings may be held via Teleconference only. Meetings listed below will be held both in-person at the BCVWD Administrative Office AND via Zoom teleconference unless otherwise indicated:*

- Finance and Audit Committee Meeting: Thursday, Nov. 4, 2021 at 3 p.m.
Open to the public in the Conference Room at the BCVWD Administration Building
- Regular Board Meeting: Wednesday, Nov. 10, 2021 at 6 p.m.
- District offices will be closed Thursday, Nov. 11 in observance of Veterans Day
- Personnel Committee Meeting: Monday, Nov. 15, 2021 at 5:30 p.m.
- Finance & Audit Committee Special Meeting: Monday, Nov. 22, 2021 at 3 p.m.
Open to the public in the Conference Room at the BCVWD Administration Building
- Engineering Workshop: Monday, Nov. 22, 2021 at 6 p.m. (Note date change due to holiday)
- District offices will be closed Thursday, Nov. 25 in observance of Thanksgiving Day
- Finance and Audit Committee Meeting: Thursday, Dec. 2, 2021 at 3 p.m.
Open to the public in the Conference Room at the BCVWD Administration Building
- Collaborative Agencies Meeting: Wednesday, Jan. 5, 2022 at 5:00 p.m.
In-person meeting at the Beaumont Library

19. Closed Session

- a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54947
Title: General Manager

20. Report on Closed Session

21. Consideration and Possible Action Regarding Proposed Changes to Contract, Salary, and / or Fringe Benefits of General Manager

22. Adjournment

NOTICES

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office. Materials may also be available on the District's website: www.bcvwd.org.

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Board Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Board Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.org or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING

On or before October 25, 2021, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54954.2(a)).



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 2

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Consider Setting a Date for Public Hearing and Adoption of Ordinance 2021-02: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2021-01

Staff Recommendation

Direct staff as desired.

Background

The BCVWD Policy and Procedures Manual, Part II, Section 13J states that *per diem fees shall be reviewed by the Board annually in October each year, with said increase (if any) to be effective January 1 of the next calendar year.* Compensation was set at a rate of \$260 per Ordinance 2021-01 adopted by the Board on January 28, 2021, effective April 1, 2021. Prior to that, the per diem compensation had not been increased since the adoption of Ordinance 2007-01 on December 12, 2007.

Water Code Section 20200 et. seq. provides authorization for members of the governing Board to receive compensation for each day's service rendered as a member of the Board, not to exceed a total of 10 days per month. The Water Code allows the Board to increase the per diem rate by Ordinance following a required public hearing. The increase may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment.

The per diem rate is per day of service, not per meeting. A Director may attend one or more meetings during a day, but will be eligible for only one per diem compensation. Payment of per diems is regulated by the BCVWD Policy and Procedures Manual, Part II, Section 13.

Also in 2020, the Board adopted Resolution 2020-25, establishing eligibility for health insurance benefits for directors beginning January 1, 2021.

Summary

The item before the Board is the annual consideration of per diem fees as required by District policy. In preparation for Board consideration, an updated analysis of comparable agencies has been prepared and is attached herewith (Attachment A). Compensation may be increased by any desired amount up to a maximum of \$273 (1 year at 5 percent maximum allowable by law = \$13, added to the current \$260).

Should the Board decide to consider increasing the per diem, it may do so by holding a public hearing at a regular meeting to adopt a new ordinance superseding Ordinance 2021-01 which set compensation at \$260 per day for a maximum of 10 days per calendar month.



For comparison, the cumulative rate of inflation¹ August 2020 to August 2021 has been approximately 5.3 percent.

Per the requirements of Water Code Sections 20201 – 20203, the Board will need to hold a public hearing prior to considering the ordinance. Should it be the desire of the Board, the hearing could be held at the November 22, 2021 Board meeting or at a future regular meeting after publication of the required notice.

The Ordinance would go into effect a minimum of 60 days after adoption, or on a date set by the Board.

Fiscal Impact

The FY 2022 budget would include the estimated cost of Director per diems based on activity in 2021. Staff estimates an increase in costs of \$3,692 per year if the per diem is increased to \$273.

Table 1 - Per Diem Calculation for FY 2022*

Budgeted Meetings by Type	# of Meetings	# of Directors	Total Meetings	Annual per diem cost at \$260	Annual per diem cost at \$273
Regular Meetings	24	5	120	\$ 31,200	\$ 32,760
Standing Committees (2)	24	2	48	\$ 12,480	\$ 13,104
Ad Hoc Committees (3)	24	2	48	\$ 12,480	\$ 13,104
Mandatory training, conferences, and additional meetings			68	\$ 17,680	\$ 18,564
			284	\$ 73,840	\$ 77,532
			Total Meetings	FY 2021 per diem total	Proposed FY 2022 per diem total

* Table 1 is for per diem costs for regular meetings, committees, and ad hoc committees only and does not estimate other meetings attended by directors. Fully burdened calculation takes into account benefit costs to the District including Workers' Compensation, Medicare, and Social Security. The per diem estimate does not include any additional meetings the Board Members may attend.

Attachment(s)

- Analysis of agency per diem compensation
- California Water Code Sections 20202 et. seq.
- Ordinance 2021-01

¹ U.S. Bureau of Labor Statistics: <https://www.bls.gov/opub/ted/2021/consumer-price-index-rose-5-3-percent-over-the-year-ending-august-2021.htm>

PRINT VERSION		EXHIBIT A - DIRECTOR PER DIEM COMPARISON - OCTOBER 2021								
TABLE A		This info was not updated								
	SORTED BY PER DIEM AMOUNT LOW TO HIGH	PER DIEM 2019	PER DIEM 2020	PER DIEM 2021	MAX DAYS	# FTEs	# WATER CONN	BUDGET \$MIL	Miles from BCVWD	NOTES
	Beaumont-Cherry Valley WD	\$ 200.00	\$ 200.00	\$ 260.00		36	19,000	\$ 16.5		
1	Mission Springs Water District (Desert Hot Springs)	\$ 100.00	\$ 100.00	\$ 100.00	10	49	13,161	\$ 17.1	30	Water and wastewater
2	Indian Wells Valley (Ridgecrest)	\$ 110.25	\$ 115.76	\$ 121.55	BY LAW	30	12,000	\$ 11.9	143	Per diem auto increase 5%
3	Lakeside (San Diego County)	\$ 125.00	\$ 125.00	\$ 125.00		14	7,000	\$ 9.0	103	
4	Rainbow Municipal (South of Temecula)	\$ 150.00	\$ 150.00	\$ 150.00	6	57	8,200	\$ 36.4	56	Mtgs limited to those assigned. Water, Wastewater
5	Lake Hemet Municipal Water	\$ 150.00	\$ 150.00	\$ 150.00	6	52	14,500	\$ 13.5	17	Water. Wastewater lines only
6	Olivenhain (Encinitas)	\$ 150.00	\$ 150.00	\$ 150.00	10	91	28,724	\$ 66.4	75	Water and wastewater
7	Rincon del Diablo (Escondido)	\$ 160.00	\$ 160.00	\$ 160.00	10	21	8,000	\$ 20.5	66	Water, wastewater and fire
8	La Puente (West Covina)	\$ 155.11	\$ 155.11	\$ 162.87	8	14	2,550	\$ 4.1	62	Per diem auto increase 5%
9	Yucaipa Valley Water District	\$ 140.72	\$ 162.69	\$ 170.82	10	74	12,434	\$ 27.9	10	Water & wastewater
10	Hi-Desert Water District (Yucca Valley)	\$ 175.00	\$ 175.00	\$ 175.00	10	45	10,648	\$ 8.3	41	Water and wastewater
11	East Valley Water District (Highland)	\$ 175.00	\$ 175.00	\$ 175.00	10	68	21,613	\$ 39.2	20	Water & wastewater
12	West Valley Water Dist (Rialto)	\$ 161.70	\$ 169.79	\$ 178.27	10	63	21,676	\$ 30.1	31	Water only. Automatic 5% annual per diem increase
13	Rowland Water District (La Puente)	\$ 185.00	\$ 185.00	\$ 185.00	10	37	13,500	\$ 27.0	59	
14	Vista Irrigation Dist (Escondido, Oceanside)	\$ 200.00	\$ 200.00	\$ 200.00	10	89	28,688	\$ 53.4	89	
15	Rancho California Water District			\$ 200.00	10	157	45,218	\$ 76.0	39	
16	El Toro (Lake Forest / Laguna Woods)	\$ 219.00	\$ 219.00	\$ 219.00	10	60	9,568	\$ 22.7	74	
17	Cucamonga Valley Water District			\$ 250.00	10	128	37,461	\$ 103.0	45	
18	Desert Water Agency			\$ 389.75		85	23,000	\$ 38.8	34	State Water Contractor
	Average, not incl BCVWD	\$ 157.12	\$ 159.49	\$ 181.24						
	Average, incl. BCVWD	\$ 159.80	\$ 162.02	\$ 185.38						
	Median, not incl BCVWD	\$ 155.11	\$ 155.11	\$ 172.91						
	Median, incl. BCVWD	\$ 160.00	\$ 160.00	\$ 175.00						



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WATER CODE - WAT

DIVISION 10. FINANCIAL SUPERVISION OF DISTRICTS [20200 - 20220] (*Division 10 added by Stats. 1943, Ch. 371.*)

CHAPTER 2. Compensation of Water District Directors [20200 - 20207] (*Chapter 2 added by Stats. 1984, Ch. 186, Sec. 1.*)

20200. As used in this chapter, "water district" means any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. "Water districts" include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, water agencies, and public utility districts formed pursuant to Division 7 (commencing with Section 15501) of the Public Utilities Code.

(*Amended by Stats. 2007, Ch. 213, Sec. 5. Effective January 1, 2008.*)

20201. Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(*Amended by Stats. 2005, Ch. 700, Sec. 27. Effective January 1, 2006.*)

20201.5. Reimbursement for expenses of members of a governing board of a water district is subject to Sections 53232.2 and 53232.3 of the Government Code.

(*Added by Stats. 2005, Ch. 700, Sec. 28. Effective January 1, 2006.*)

20202. In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of 10 days in any calendar month.

(Amended by Stats. 1989, Ch. 111, Sec. 1.)

20203. Any water district described in Section 20201 is authorized to adopt ordinances pursuant to this chapter. No ordinance shall be adopted pursuant to this chapter except following a public hearing. Notice of the hearing shall be published in a newspaper of general circulation pursuant to Section 6066 of the Government Code.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20204. An ordinance adopted pursuant to this chapter shall become effective 60 days from the date of its final passage. The voters of any water district shall have the right, as provided in this chapter, to petition for referendum on any ordinance adopted pursuant to this chapter.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20205. If a petition protesting against the adoption of the ordinance is presented to the governing board of the water district prior to the effective date of the ordinance, the ordinance shall be suspended and the governing board shall reconsider the ordinance.

If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election. If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20206. If the governing board does not entirely repeal the ordinance against which a petition is filed, the governing board shall submit the ordinance to the voters either at a regular election or a special election called for the purpose. The ordinance shall not become effective unless and until a majority of the votes cast at the election are cast in favor of it. If the ordinance is not approved by the voters, no new ordinance may be adopted by the governing board pursuant to this chapter for at least one year following the date of the election.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20207. Except as otherwise provided in this chapter, the provisions of the Elections Code applicable to the right of referendum on legislative acts of districts shall govern the procedure on ordinances against which a petition is filed.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

ORDINANCE 2021-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAUMONT - CHERRY VALLEY WATER DISTRICT PROVIDING FOR COMPENSATION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT AND SUPERSEDING ORDINANCE 2007-01

WHEREAS, Section 20201 of the California Water Code states that compensation to be received by the governing board of a water district may be increased each calendar year in an amount equal to 5 percent following the operative date of the last adjustment; and

WHEREAS, the Board of Directors of the Beaumont-Cherry Valley Water District last increased its compensation pursuant to Water Code Section 20200 et. seq. on December 12, 2007; and

WHEREAS, a duly noticed public hearing was held on January 28, 2021 to receive and consider public comments regarding the adoption of an ordinance to amend the per diem compensation for the members of the Beaumont-Cherry Valley Water District Board of Directors; and

WHEREAS, this Ordinance was presented to the Board of Directors and was reviewed thoroughly and found to be acceptable to the Board,

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

1. Ordinance 2007-01 and all other previously enacted ordinances providing for Board of Directors compensation are hereby superseded by this Ordinance.
2. Director compensation shall be \$260 for each day's service rendered (per diem) as a Director on behalf of the District.
3. The payment of Director compensation shall be governed by the Beaumont-Cherry Valley Water District Policies and Procedures Manual, Part II, Section 13.
4. In no event shall members of the Board of Directors receive compensation for more than ten (10) days' service in any calendar month, pursuant to Water Code Section 20202.
5. This Ordinance will take effect on April 1, 2021, which is at least sixty (60) days from the date of adoption pursuant to Water Code Section 20204.
6. If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby.
7. The Recording Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation within the District.

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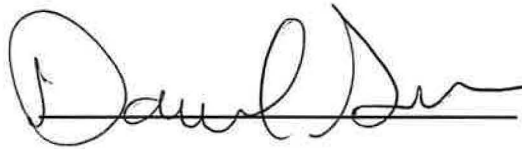
ADOPTED this 28th day of January, 2021, by the following vote:

AYES: Covington, Ramirez, Slawson, Williams

NOES: Hoffman

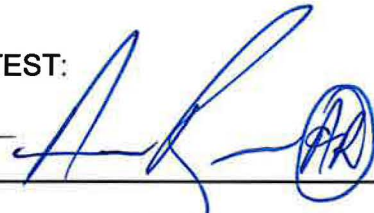
ABSTAIN:

ABSENT:



Director Daniel Slawson, President of the Board of Directors of the
Beaumont-Cherry Valley Water District

ATTEST:



Director Andy Ramirez, Secretary to the Board of Directors of the
Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 3

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Resolution 2021-__ : Adopting Policy 5095 District Residences and Facility Emergency Policy and Amending the District's Policies and Procedures Manual**

Staff Recommendation

Adopt Resolution 2021-__ Adopting Policy 5095 District Residences and Facility Emergency Policy and amending the District's Policies and Procedures Manual.

Background

The Personnel Committee reviewed the District Residences and Facility Emergency Policy (hereinafter, the "Policy") and samples of the Housing Agreement and directed staff to prepare revisions that assure transparency and represent the interests of both the employees residing in the District-owned residences (employee-occupants, or EOs) and those employees not in residences. Legal Counsel has reviewed and provided input which has been incorporated into the Policy and the Employment and Occupancy Agreement (EOA).

The Board of Directors reviewed the policy and attachments at its meetings of July 14, 2021 and October 13, 2021 and made several revisions which are incorporated herein in Exhibit A.

Summary

Per direction at the Board meeting of October 13, 2021, the following terms were added to or revised on the EOA and Policy document:

- Insurance requirements and details were updated and copied to both the policy document and the Employee-Occupancy Agreement template
- Limitations regarding guests were reiterated under the section related to RVs
- The effective date of the Resolution will be 90 days from the date of adoption

Fiscal Impact

The fiscal impact to the District should be net zero over time as the collected fees are calculated to cover all ongoing housing maintenance activities.

Attachments

1. Resolution 2021-__ Amending the District Residences and Facility Emergency Policy
2. Proposed District Residences and Facility Emergency Policy 5095

Staff Report prepared by Lynda Kerney, Administrative Assistant

RESOLUTION 2021-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BEAUMONT-CHERRY VALLEY WATER DISTRICT ADOPTING
POLICY 5095: DISTRICT RESIDENCES AND FACILITY
EMERGENCY POLICY AND AMENDING THE DISTRICT'S
POLICIES AND PROCEDURES MANUAL**

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, in response to recommendations from the Riverside County Grand Jury, the Board of Directors adopted a District Residences and Facility Emergency Policy on March 11, 2009; and

WHEREAS, the Board of Directors desires to implement a new numbering system to the District Policies and Procedures Manual for organization and clarity; and

WHEREAS, upon significant review and discussion, the Personnel Committee of the Board of Directors recommended revision of the District Residences and Facility Emergency Policy; and

WHEREAS, the Board of Directors has carefully reviewed and considered the policy revision attached hereto as Exhibit A, finds the policy relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that

- The BCVWD Policies and Procedures Manual is hereby revised to include Policy 5095 attached hereto as Exhibit A
- Policy 5095 will become effective 90 days from the date of adoption.

ADOPTED this _____ day of _____, _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment: Exhibit A - Policy 5095

POLICY TITLE: DISTRICT RESIDENCES AND FACILITY EMERGENCY POLICY**POLICY NUMBER: 5095**

5095.1 **Purpose.** BCVWD owns and maintains domestic water facilities and associated structures located in Edgar Canyon and other properties within the City of Beaumont, the community of Cherry Valley, and unincorporated areas within Riverside and San Bernardino Counties.

5095.2 **Properties.** District-owned residence properties include 4 separate residence dwelling units in close proximity to water system facilities necessary for the provision of water service, including but not limited to wells, pipelines, reservoirs, and other facilities necessary for delivery of water. These facilities are located in remote locations in the District-owned watershed area.

5095.3 **Emergency Capability.** It is critical that the District have the capability to respond to emergencies or other problems which may arise at any time at the remotely located water system facilities.

5095.4 Local Emergencies include:

1. Acts of vandalism
2. Security breaches
3. Power failures
4. Operational failures
5. Floods
6. Fires
7. Earthquakes
8. Monitor damage caused by wildlife
9. Other natural or human-caused emergencies

5095.5 **Regional Emergencies.** It is also necessary to have the capability to respond to regional emergencies, in conjunction with other public agencies, in order to provide mutual response to a major and/or natural disaster.

5095.6 **Practicality.** The housing of District personnel in said residences is the most practical alternative to provide emergency and safeguarding services to remote water facilities.

5095.7 **Non-Employee Occupancy.**

1. In the event that it is determined by the General Manager that a District-owned Residence does not require occupancy by a BCVWD employee for the above-stated purposes, whether on a long- or short-term basis, a District-owned Residence may be leased to a private or public agency tenant on a 12-month basis at fair market value.

2. The District's needs shall be evaluated by the General Manager after 11 months following the date of execution of the lease, and a determination made as to whether to offer a 12-month renewal of the lease.

3. If a District-owned Residence will be leased to a private party, all of the landlord-tenant laws of the State of California will apply, and a California Association of Realtors standard Residential Lease Agreement form shall be used along with appropriate disclosures and District rules as outlined in the District's Employment and Occupancy Agreement.

5095.8 **Occupancy of District-Owned Residences.** Occupancy of District-owned residences is provided for the convenience of BCVWD.

1. The Employee-Occupant is required to accept this lodging as a condition of employment.
2. Management will determine which employees are eligible for occupancy of District-owned residences based on organizational criteria, such as the employee's job functions, availability of residences, and the qualifications of the employee.
3. Employment and Occupancy Agreements for District-owned residences are provided to Employees with the experience and qualifications necessary to perform required duties in order to safeguard the District's facilities and respond to emergencies or other potential problems that may arise
4. Upon selection and prior to moving into a District-owned residence, Employee shall enter into an Employment and Occupancy Agreement as provided by the District.
5. Employees residing in District-owned residences shall pay a monthly maintenance fee which will accrue to pay for major maintenance expenses of the residence. The monthly maintenance fee will contain an annual escalator equal to the District annual cost-of-living adjustment up to a 3 percent maximum to be triggered at the 12-month anniversary date of the Employment and Occupancy Agreement.
6. Upon selection and prior to moving into a District-owned residence, Employee shall furnish to the District a reasonable security deposit based on 3 times the amount of the monthly maintenance fee. The security deposit is fully refundable upon move-out, unless deductions are necessary for:
 - a. Default on payment of the monthly maintenance fee
 - b. Default on reimbursement for electric or propane service
 - c. Damage in excess of normal wear and tear
 - d. Cleaning due to excessive filth / trash / debris

5095.8 **Responsibilities.**

1. The General Manager or their designee will prepare a Scope of Work to be performed by Employees living in District-owned residences, to be designated Exhibit A to the Employment and Occupancy Agreement.
2. The primary responsibilities of the Employee-Occupant residing in a District-owned residence include but are not limited to:
 - a. Safeguarding property and facilities from trespassers and potential vandalism
 - b. Monitoring property and facilities daily
 - c. Responding immediately to facilities nearest the residence in the event of a natural disaster or other emergency
3. Management will provide procedures for the Employee-Occupant to follow for situations that may occur, to be included in the Scope of Work document
4. Oversight of the responsibilities of the Employee-Occupant will be assigned to the Employee-Occupant's immediate supervisor.

5095.9 **Occupancy.**

1. Occupancy by the Employee is not a benefit of employment but is required due to the need for oversight of BCVWD property.

2. During Employee's employment, Employee-Occupant's immediate family (spouse or Registered Domestic Partner, and their children) may occupy said Residence. Employee is required to advise the District of any updates to the list of occupants.

3. Maximum occupancy of District-owned residences is 2 persons per bedroom.

4. Employee may have guests in the residence for not more than 14 consecutive days or 30 days total in one calendar year, and no more than 2 guests at any one time. At no time may the maximum occupancy be exceeded. The same guest(s) or person(s) shall not exceed 3 stays per year.

5. Employee may have up to 2 pre-approved indoor pets in the residence. Other domestic animals may be considered if the property is appropriate (i.e., horses). Pets to be maintained indoors shall be subject to an additional Pet Deposit.

6. All animals in residence on BCVWD property are governed under Title 6 of the Riverside County Code or Title 3, Division 2 of the San Bernardino County Code and must be approved by BCVWD prior to locating them at the residence.

7. Copies of proper vaccination records must be submitted to the District for all animals prior to locating them on the premises.

8. Employee-Occupant must procure liability insurance that includes coverage of dogs or other animals on the premises and add BCVWD as an additional insured.

9. Vehicles. It is the intention of the District to limit the parking of vehicles on the properties so as to avoid aesthetic nuisance.

a. Passenger vehicles and trucks may be parked on the property.

b. All vehicles must be in operable condition, currently registered in the State of California to the Employee-Occupant, their spouse, or licensed driver residing on the property. Valid registration tags must be displayed.

c. No commercial vehicles other than the Employee-Occupant's assigned District vehicle, or other by permission of the General Manager only

d. Recreational Vehicles (RVs). One RV of any size may be parked on the property.

i. The RV may be occupied by no more than 2 persons on a temporary basis (not to exceed 14 days in a 30-day period).

ii. The RV must be in compliance with all applicable County ordinances.

iii. The RV must be in operable condition, currently registered in the State of California with current valid registration tags displayed.

e. Boats, ATVs, personal watercraft, trailers, golf carts and other vehicles are limited to one such vehicle on the property and must be parked as much as possible to be out of sight from the street.

f. Variances to the above policies may be made at the discretion of the General Manager. All variance requests must be submitted in writing to the General Manager.

5095.10 Utilities.

1. Provided by BCVWD free of charge to the residence:

a. Septic tank service and routine related maintenance (normal wear and tear)

i. Employee-Occupant must acknowledge that the residence is on a septic system and agree to properly use and care for the system including drains and laterals.

ii. Employee-Occupant must acknowledge receipt of the guide "Do's and Don'ts of the Septic System" and understanding of the information

- iii. Adverse use such as grease buildup, drainage of excessive household chemicals, or flushing of non-biodegradables are not covered by District maintenance and repairs are the responsibility of the Employee-Occupant
 - b. Pest Control.
 - i. Pest control shall be provided upon request as needed for interior of residence and garage.
 - ii. Pest control shall be provided upon recommendation by annual inspection as needed.
2. To be reimbursed by the Employee-Occupant to the District. Employee shall be responsible for payment within 15 days of presentation of invoice or bill by the District:
 - a. Propane gas
 - b. Electricity
3. To be established and provided by Employee-Occupant at their discretion:
 - a. Telephone service
 - b. Internet service
 - c. Television (cable or satellite)
4. Trash removal. There is no trash pick-up service for the residence. Employee-Occupant will be responsible for daily removal of trash to an appropriate waste management site. Residence trash may be disposed of in dumpsters at District facilities.
5. Water. A charge equivalent to the cost of 8 units of water representing indoor household use, inclusive of any pass-through charges (imported water, electrical, etc.) and meter fees as adopted by the Board as current rates will be included in the calculation of the monthly maintenance fee.

5095.11 Maintenance: BCVWD responsibility:

1. BCVWD shall perform or cause to be performed by a qualified contractor an inspection of the Residence and property to determine any maintenance needs every three years or as determined by the General Manager.
2. Unless repair or replacement of property is deemed to be the result of negligence or misuse by the Employee or occupants otherwise beyond normal wear and tear (in which case, Employee will be held responsible for payment in full of all costs associated with restoration of the property), BCVWD shall be responsible for the interior, exterior and replacements as specified below:
 - i. All residence structural items including but not limited to joists, roof members and shingles, foundation, gutters and downspouts, window frames and glass, doors, and associated hardware.
 - ii. All appliances purchased and installed by BCVWD.
 - iii. All fencing, gates, locks, and associated hardware.
 - iv. Exterior maintenance: roof repair, wood trim, and siding.
 - v. All major plumbing repairs including but not limited to piping, valves, drain lines, septic system, and faucets.
 - vi. All internal and external electrical which was previously installed by BCVWD (conduit and associated hardware and switches, circuit breakers, attached lighting fixtures).

- vii. All items integral to residence or garage structure or design, including but not limited to, framing, roof, drywall, foundation, window frames and glass, and doors and associated hardware.
- viii. Maintenance, repair and/or replacement of air conditioner and/or heating unit, and associated hardware, duct work, and electrical.
- ix. Maintenance, repair and/or replacement of propane fuel tank, and associated hardware and piping.

5095.12 Insurance.

1. BCVWD shall carry and maintain, at BCVWD's sole cost and expense, at all times during the term of the Employment and Occupancy Agreement, with respect to the premises, broad form General Public Liability Insurance for Bodily Injury and Property Damage in the amount of \$1,000,000 per person, \$3,000,000 per occurrence. The policy may contain and aggregate limit not less than the occurrence limit. The required limits may be satisfied by a combination of primary policy and an excess or umbrella policy.

2. All insurance required pursuant to the express provisions of the Employment and Occupancy Agreement shall provide that coverage shall not be revised, canceled, or reduced until at least 30 days written notice of such revision, cancellation or reduction shall have been given to Employee.

3. The comprehensive general liability insurance to be maintained by BCVWD pursuant to this section shall name the Employee-Occupant as additional insured.

4. Employee-Occupant shall maintain at their sole cost and expense and provide proof of insurance including coverage for Personal Property (if possible / discretionary) and Liability which shall include coverage for dogs or other animals if applicable. Coverage should be sufficient to include household furniture and furnishings, including without limitation art, silverware, dishes, antiques, personal clothing, jewelry, and items of similar nature. Employee-Occupant understands, acknowledges and agrees that neither the forgoing assets nor any other property of Employee-Occupant shall be covered under an insurance policy held by BCVWD. The Insurance policy shall be issued under the name of the Employee-Occupant and BCVWD named additional insured.

5095.13 Termination of Employment and Occupancy

1. Employee's right to use and occupy a District-owned residence is a condition of employment, subject to review, and is on a periodic basis.

2. Upon termination of employment, the right is also terminated.

3. Occupancy of the District-owned residence may be terminated at any time by BCVWD with or without cause upon 45 days' written notice.

4. Vacation of premises will occur on the earlier of:

a. 45 days following written notice from BCVWD to vacate the residence; or

b. 30 days following the date upon which Employee's employment with BCVWD is terminated.

5. Removal of Employee-Occupant's personal property from residence: Personal property of value greater than \$700 left at the District residence after vacation of the premises will be considered abandoned and may be removed to a storage site. The Employee-Occupant will be charged a daily reasonable cost for said storage. Following 60 days after vacation of the premises, all personal property will be considered abandoned and will be disposed of. Any fixtures installed by the Employee-Occupant become the property of the District.



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 4

STAFF REPORT

TO: Finance and Audit Committee
FROM: Finance and Administrative Services
SUBJECT: **Resolution 2021-__:** **Adjustment to the Fiscal Year 2021 Operating Budget for Electricity - Wells**

Staff Recommendation

Approve a mid-year adjustment to the Fiscal Year 2021 Operating Budget for Electricity - Wells in the amount of \$511,000.

Background

Under District policy, the General Manager may exercise discretion in the administration of the approved budget to respond to changed circumstances, provided that any single modification more than \$50,000 shall require approval by the Board.

District staff notes that the Budget Variance Expense Report for 2021 shows that the Electricity - Wells line item has nearly exceeded the adopted annual budget amount of \$1,816,800 as of September 30, 2021. At this time, staff identifies that due to unexpected increase in water consumption and related energy cost to produce said water has resulted in the need for a budget amendment.

Increased water sales have occurred, the associated SCE pass through charges collected, and the cost to produce said water has resulted in increased cost. Therefore, there is a need to allocate the appropriate funding per the recommendation. District staff further identifies that the increased electric cost will be somewhat offset by budgetary savings in other line items, such as State Project Water Purchases, GL 01-40-410-500501.

District staff has historically budgeted purchases for electricity for well pumping based upon annual projected well production plus or minus any anticipated or known rate increase from SCE.

This Staff Report serves to summarize anticipated electric costs associated with well pumping above the 2021 budgeted amount and staff's request for a mid-year budget adjustment to meet the revised estimated total purchase through the end of 2021.

Analysis

District staff has prepared an analysis of two possible scenarios of projected remaining electric costs for well pumping between October and the end of 2021 to project the necessary budget adjustment which is being requested.

Table 1 sets forth an estimated budgetary need of \$510,394 to project October-December 2021 based on 2020 increased cost. Table 1 reflects the more conservative scenario based on the 2020 costs amount plus the increase compared to 2019.

Table 2 sets forth an estimated budgetary need of \$392,010 to cover October-December 2021 based on average cost of 2019 and 2020.



**Table 1 – Projected Remaining 2021 Electricity Costs for Well Pumping
Based on 2020 Increased Cost
(Period of October 1, 2021 – December 31, 2021)**

Remaining Monthly Cost of Electricity for Well Pumping	October	November	December	Total
2020 Cost (a)	\$ 190,838	\$ 149,014	\$ 61,223	\$ 401,075
2019 Cost (b)	\$ 149,740	\$ 92,300	\$ 140,905	\$ 382,945
Increase (Decrease) in 2020 Cost over 2019 Cost (a)-(b)	27%	61%	-57%	5%
Estimated Additional Cost (c)	\$ 52,378	\$ 91,563	\$ (34,622)	\$ 109,319
Estimated Total Cost (a) + (c)	\$ 243,216	\$ 240,577	\$ 26,601	\$ 510,394

**Table 2 – Projected Remaining 2021 Electricity Costs for Well Pumping
Based on Average Cost of 2019 and 2020
(Period of October 1, 2021 – December 31, 2021)**

Remaining Monthly Cost of Electricity for Well Pumping	October	November	December	Total
2020 Cost	\$ 190,838	\$ 149,014	\$ 61,223	\$ 401,075
2019 Cost	\$ 149,740	\$ 92,300	\$ 140,905	\$ 382,945
Average of 2020 and 2019 Cost	\$ 170,289	\$ 120,657	\$ 101,064	\$ 392,010
Estimated Additional Total Cost	\$ 170,289	\$ 120,657	\$ 101,064	\$ 392,010

Summary

Board approval is requested to make a transfer of \$511,000 from Capital Replacement reserve funds accounts to account for the projected cost of the 2021 estimated water electricity costs for well pumping above the budgeted amount. This 2021 Mid-Year Budget Adjustment is recommended to be presented by the Finance and Audit Committee to the Board for consideration.

Fiscal Impact

Board Approved 2021 Operating Budget Expenses	\$18,773,017
Mid-year adjustment for GL 01-40-410-501101 Electricity - Wells	\$511,000
Amended 2021 Operating Budget Expenses	\$19,284,017

Staff further identifies that at the Regular Meeting of the Board of Directors on August 11, 2021, the Board amended the pass-through Southern California Edison Power Charge to \$0.42 per hundred cubic feet to reflect the true cost of electricity to pump and deliver water to the consumer. Staff had done an analysis of Southern California Edison (SCE) rate increases and the net effect. Through 2020 with the SCE rate increases, the District was in arrears, and the plan is to track this over time and use smoothing with the net effect being to charge 10 cents more per unit of sale for electricity than the 32 cents being charged previously.

Attachments

Resolution 2021-__: Authorizing an Amendment to the Fiscal Year 2021 Operating Budget

Staff Report prepared by William Clayton, Senior Finance and Administrative Analyst

RESOLUTION 2021-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
AUTHORIZING AN AMENDMENT TO THE FISCAL
YEAR 2021 OPERATING BUDGET**

WHEREAS, at its meeting on December 14, 2020, the Board of Directors of the Beaumont-Cherry Valley Water District approved Resolution 2020-25 Adopting the Annual Operating and Capital Improvement Budget for the Fiscal Year Ending Dec 31, 2021; and

WHEREAS, the Board of Directors has carefully reviewed the proposed amendments and finds it necessary and appropriate to balance and amend the 2021 approved District operating budget as designated below; and

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District:

1. That \$511,000 is moved from the District's Capital Replacement Reserve to the Operating Budget for Electricity – Wells, 01-40-410-501101
2. That the 2021 Fiscal Year Budget amendment described above in Item 1 is hereby incorporated into the adopted Fiscal Year 2021 budget as adopted on December 14, 2020 by Resolution 2020-25 of the Beaumont-Cherry Valley Water District.
3. The District's General Manager is authorized to take all necessary actions to implement the provisions of the amended FY 2021 Budget as adopted by this Resolution without further Board action.
4. The General Manager is directed to implement the intent of this Resolution as soon as reasonable following applicable procedures. The expenditure amounts designated as amended for FY 2021 are hereby appropriated and may be expended by the departments or funds for which they are designated.

ADOPTED this _____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 5

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Antonell Court Pipeline Replacement Project Cost Update and Notice of Completion**

Staff Recommendation

Authorize the General Manager to file the Notice of Completion for the Antonell Court Pipeline Replacement Project with the Riverside County Assessor – County Clerk – Recorder.

Background

At the May 27, 2021, Board Meeting, District staff identified approximately 550 linear feet (LF) of 6" pipeline within Antonell Court between Pennsylvania Avenue and Cherry Avenue which required replacement. District staff proposed to replace said pipeline to mitigate the increased risk of water loss from any potential disturbance and leakage during and/or after the City of Beaumont's (City) Annual Citywide Street Rehabilitation and Maintenance 2020/2021 Project, as well as to address ongoing and anticipated maintenance concerns with regards to the City's moratorium on pavement cuts to improved streets. At said meeting, the Board of Directors approved expenditures in an amount not to exceed \$200,000 for construction of the pipeline replacement project.

The Project was identified to implement a hybrid construction approach, for which the District completed in-house design, provided pipeline materials, appurtenances, and inspection activities, and solicited bids for contractor-provided construction services for installation of the pipeline and water service laterals and meters only as well as temporary pavement repair (contractor scope limited solely to labor associated with construction activities).

District staff ordered pipeline materials, appurtenances, and Class II Base backfill material for the project. Material costs for the project were in the amount of approximately \$80,400.

On August 26, 2021, the General Manager executed a contract in the amount of \$110,595.00 with Merlin Johnson Construction, Inc. for the replacement of the existing 6" waterline with approximately 550 LF of 8" ductile iron pipe waterline and temporary asphalt pavement repair.

At the August 26, 2021, Board Meeting, District staff was granted authorization for additional expenditures in the amount not to exceed \$45,000.00 for additional work which would be required to remove the existing waterline in Antonell Court and backfill the trench with Class II base in order to ensure the structural integrity of the subgrade material beneath the pavement and avoid any potential displacement of the pavement over the location after street reconstruction. Additional work for the project also included backfilling the newly constructed waterline with control density fill (slurry backfill) under the existing concrete spandrels in Antonell Court. Costs related to the additional work for construction of the Project increased the construction cost in the amount of \$43,983.00.



Summary

Project costs are summarized in Table 1, below:

Table 1 – Antonell Court Total Project Costs	
<i>District Supplied Items & Description</i>	<i>Total Costs</i>
Potable Pipeline Materials	\$80,398.98
District Staff Labor	\$1,722.56
District Supplied Sub Total:	\$82,121.54
<i>Contractor Related Efforts</i>	<i>Contract Amount</i>
Award Construction Contract	\$110,595.00
Change Order No. 1 (Add'l work described above)	\$43,983.00
Total Approved Contractor Budget:	\$154,578.00
Overall Project Costs To Date (Rounded):	\$236,700.00
Overall Project Approved Budget:	\$245,000.00

Construction activities related to contract work has been completed. District staff identifies that all costs associated with District field labor have been totalized in Table 1. Additional billing associated with District field staff labor/inspections is anticipated to be minimal. Contractor labor has been fully invoiced to the District.

At this time, District staff is requesting that the Board of Directors authorize the General Manager to file the Notice of Completion for the Project with the Riverside County Assessor – Clerk – Recorder.

Attachments

1. Antonell Court Pipeline Replacement Project Notice of Completion – Attach Item

Staff report prepared by Daniel Baguyo, Civil Engineering Assistant

NOTICE OF COMPLETION

To: Riverside County Assessor-County Clerk-Recorder Date: _____, 20____
2720 Gateway Drive
Riverside, California 92507 Work Order No.: _____

Owner: Beaumont-Cherry Valley Water District Date of Completion: _____
560 Magnolia Avenue
Beaumont, California 92223

OWNER'S ESTATE OF INTEREST:

Easement _____ Fee Title _____ Encroachment Permit _____

Other (describe) DOMESTIC WATER PIPELINE

CONTRACTOR:

Name: MERLIN JOHNSON CONSTRUCTION, INC

Address: P.O. BOX 777, MENTONE, CA 92359

TITLE OF PROJECT: ANTONELL COURT PIPELINE REPLACEMENT PROJECT

DESCRIPTION OF PROJECT: CONSTRUCTION OF ANTONELL COURT REPLACEMENT PIPELINE (Approx. 550 LF of 8" Ductile Iron Pipe Waterline)

DESCRIPTION OF SITE (LOCATION): ANTONELL COURT, CITY OF BEAUMONT, CA

ASSESSOR'S PARCEL NUMBER: _____

Final payment will be made to the above contractor no sooner than thirty-five (35) days from the recording date of this Notice of Completion, except where otherwise provided for by law.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on _____, 20__ at _____, California.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

By: _____

Printed Name: _____

Title: _____



Item 6

Beaumont Master Drainage Plan Line 16

The staff report for this item will be available on Monday, October 25



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 7

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Consider Issuance of Grading Water for Upcoming Development Within Fairway Canyon Master Planned Community (Tract 31462 – Phase IVB)

Staff Recommendation

No recommendation. Information only.

Background

At the October 24, 2019 Engineering Workshop, District staff identified a request for grading water from SDC Fairway Canyon, LLC. This request was for grading activities associated with a portion of Fairway Canyon Phase IV (identified as Phase IVA). The developer was allotted a maximum flow of 800 gallons per minute (gpm), so long as the District's ability to service existing rate payers was not affected. The grading activities associated with Phase IVA were completed around September 2020.

At its December 14, 2020 meeting, the Board discussed the provision of grading water to the next portion of Fairway Canyon Phase IV (identified as Phase IVB, Planning Area [PA] 21B and 22), and was advised of capacity concerns. At that time, staff notified the Board that the developer may not complete the grading operations for Phase IVB within the allotted six-month period.

A Grading Water Letter was issued for the requested water, and during the winter-early spring of 2021, grading commenced at the site. The ongoing operation was allotted 800 gpm of flow (max). For a portion of the grading period, the District restricted grading activities when Well 29 experienced operational issues, prioritizing water for the District's customers. Grading in Phase IVB was completed in August / September 2021.

Discussion

Recently, SDC Fairway Canyon, LLC sold the remaining Phase IV areas of Fairway Canyon to Meritage Homes, LLC. Meritage Homes, LLC has requested grading water from the District to further grading activities for Fairway Canyon Phase IV (PA18); the work is expected to be completed in approximately twenty-eight (28) weeks.

The current activity for PA 18 totals 188 units (111 units in Tract 31462-16, 77 units in Tract 31462-26) of the complete project of 3,300 homes. To date, 2,098 homes have been constructed or are currently under construction (see Figure 1 – Overall Fairway Canyon Site Map). Phase IV is the final phase of the development, however is being further phased due to its size.

Of note, the overall phase (Phase IV) does not have an active "Will Serve Letter" with the District.

Staff recognizes that on October 19, 2021 Governor Gavin Newsom's proclamation of a state of emergency regarding drought conditions was extended to Riverside County. This extended the Governor's call for statewide voluntary reduction in water use by 15 percent to Riverside County.



Prior to October 19, 2021, Riverside County, among other southern counties, was not included in the declared state of emergency as proclaimed for the majority of the State of California, beginning between April and July 2021. This proclamation states that the California Water Board, at its discretion, may also supplement the requested voluntary 15 percent conservation by prohibiting certain wasteful water practices. The Governor's proclamation of a state of emergency is included in Figure 4, attached.

Mitigation measures determined in the District's adopted 2020 Water Shortage Contingency Plan (WSCP) have not yet been implemented, and staff intends to authorize the water use. If drought conditions are enacted by the Board of Directors, grading activities may be curtailed in accordance with the 2020 WSCP. The District's 2020 WSCP states that when the District undergoes a 50 percent (and greater) reduction in normal, "long-term" averaged supply, potable water for construction will be prohibited and non-potable (or recycled water when available) may be used, as determined by the Board of Directors.

District staff has drafted a letter which would conditionally provide water to the developer for continued grading activities for Fairway Canyon Phase IV (PA 18). This letter indicates that provision of water may begin on November 1, 2021; the letter would expire on May 30, 2022 (30 weeks).

Staff will continue to have periodic conference calls with the developer to discuss ongoing system constraints and anticipated developer grading water needs.

This item is for informational purposes only.

Fiscal Impact:

None. The developer will pay all rates and fees associated with metered water use associated with grading of Tract 31462 – Phase IV (PA 18).

Attachments

Figure 1 – Fairway Overall Canyon Site Map

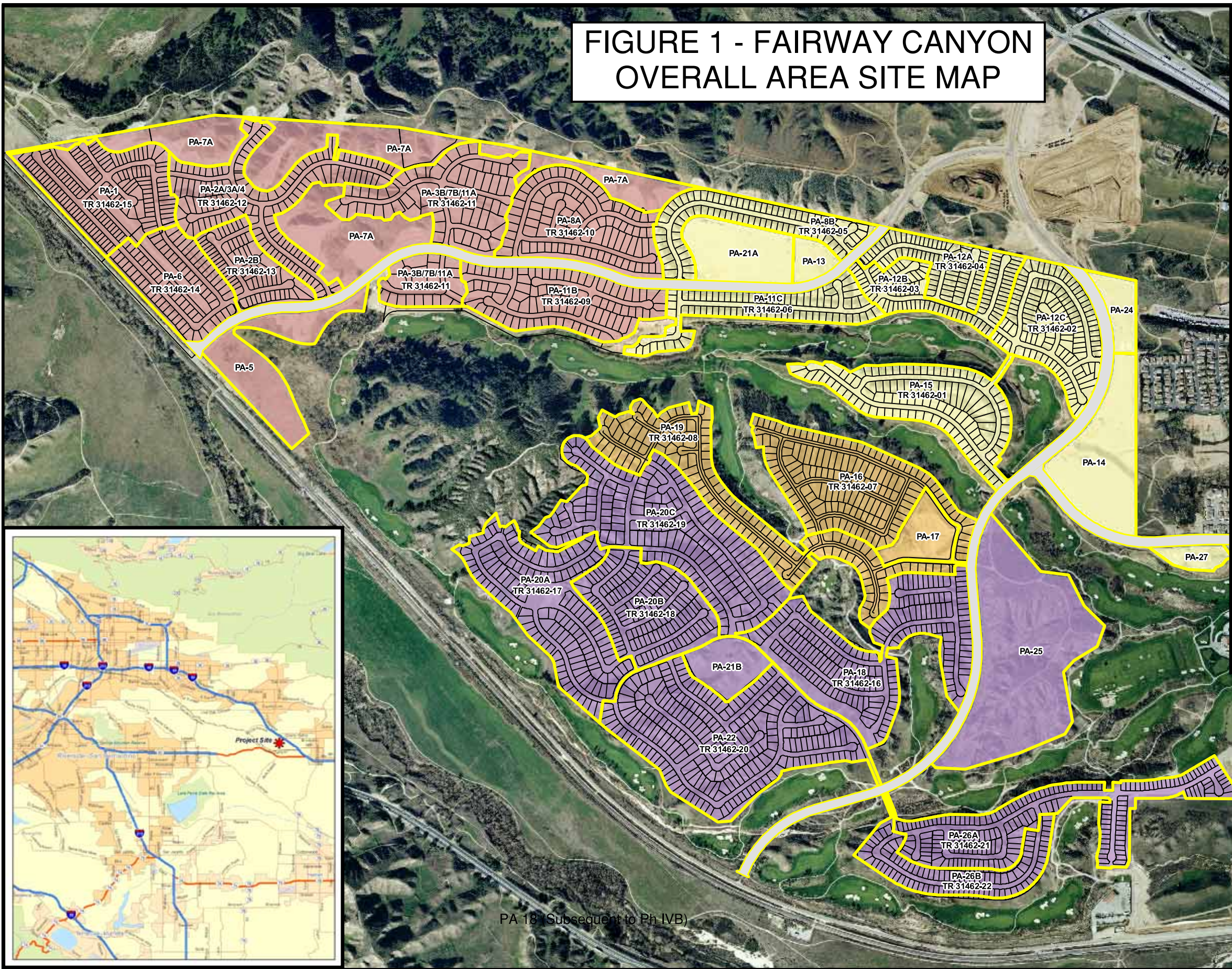
Figure 2 – Fairway Canyon Grading Status Map

Figure 3 – Draft Conditional Letter for Provision of Grading Water for Fairway Canyon – Phase IV (PA 18)

Figure 4 – State of California Proclamation of a State of Emergency

Staff report prepared by Daniel Baguyo, Civil Engineering Assistant and Mark Swanson, Senior Engineer

FIGURE 1 - FAIRWAY CANYON OVERALL AREA SITE MAP



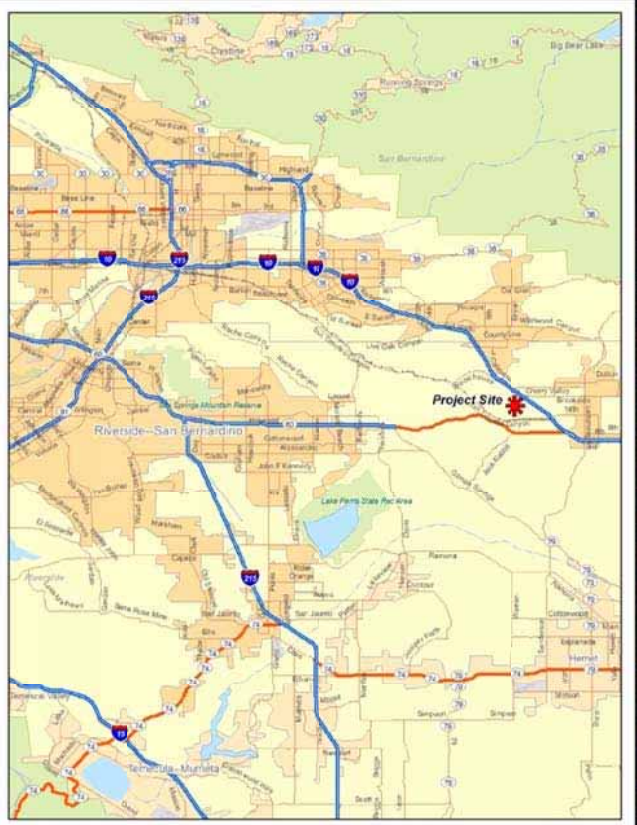
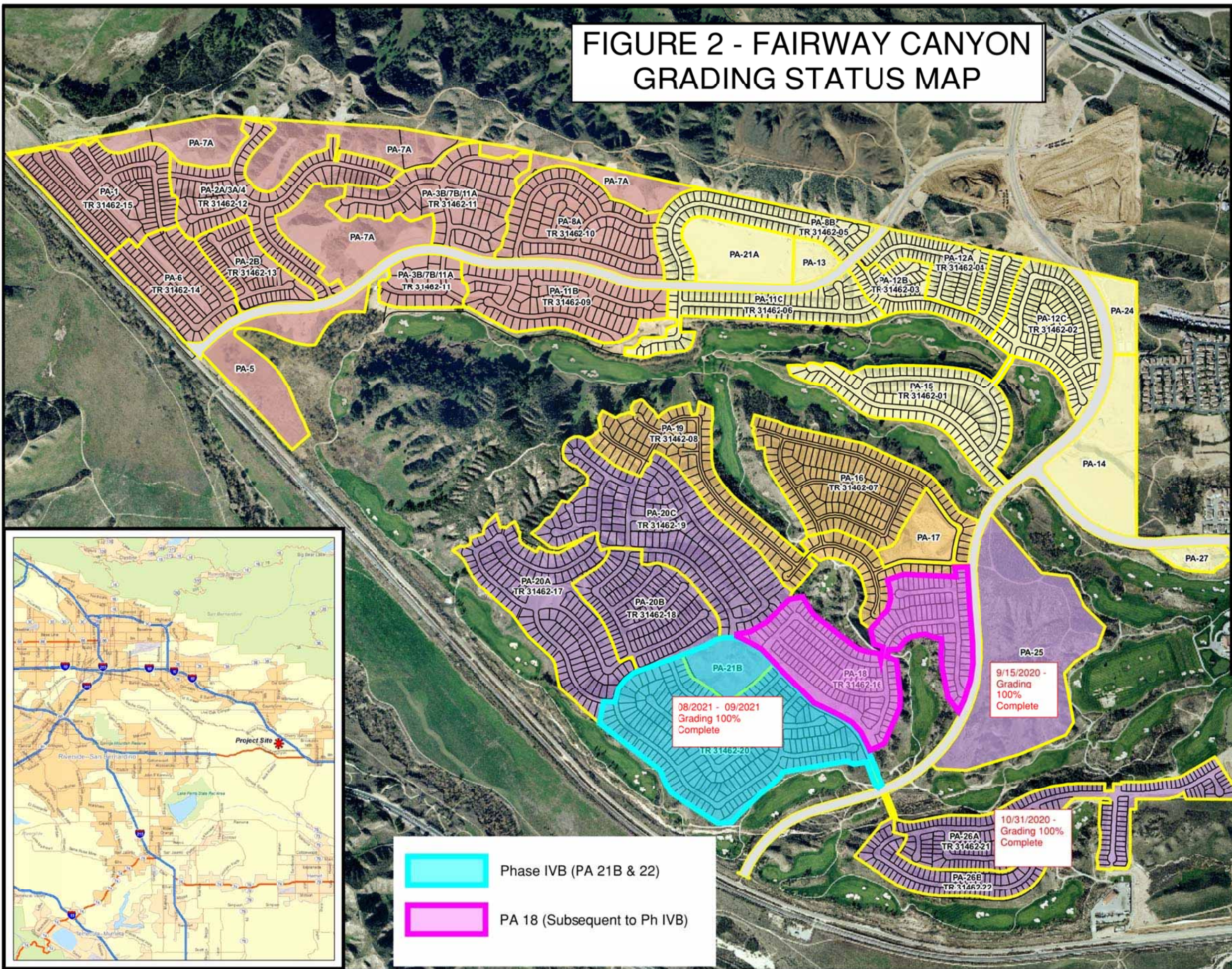
SUNCAL OAK VALLEY PLANNING AREA SUMMARY 11/21/04						
Phase	Planning Area	PROPOSED PLAN				
		Acreage	Avg. Lot Size	Dwell. Units	Land Use	Min. Pad Dimensions
1	8B	18.28	7,408	79	Medium	55 x 100
1	11C	19.63	8,470	79	Medium	60 x 100
1	12A	12.80	5,641	76	Medium	42 x 100
1	12B	14.32	6,549	87	Medium	42 x 100
1	12C	25.03	9,246	118	Medium	50 x 100
1	14	28.50		175	Mixed Use	
1	15	27.53	8,803	107	Medium	65 x 100
1	13	4.06			Park	
1	21A	14.48			School	
1	24	6.47			Park	
	SubTotal	171.10	SubTotal	721		
2	16	50.00	7,677	148	Medium	60 x 100
2	19	25.23	9,471	127	Medium	70 x 100
2	17	7.53			Park	
2	27	5.67			Commercial	Rec Center
	SubTotal	88.43	SubTotal	275		
3	1	24.89	6,945	133	Medium High	42 x 100
3	2A,3A,4	29.42	7,300	137	Medium	50 x 100
3	2B	12.36	7,127	63	Medium High	38 x 100
3	5	22.80			Park	
3	6	18.79	9,337	74	Medium	60 x 100
3	8A	29.42	10,869	92	Medium	65 x 100
3	3B/7B/11A	37.78	17,031	83	Low	80 x 120
3	11B	31.72	10,196	87	Medium	70 x 100
3	23A/23B	99.59			Open Space	
3	7A	54.14			Open Space	
3	25	51.10		517	High	
	SubTotal	412.01	SubTotal	1186		
4	18	47.13	6,399	188	Medium	50 x 100
4	20A	37.65	8,963	130	Medium	60 x 100
4	20B	24.46	6,852	126	Medium High	42 x 100
4	20C	47.59	9,652	171	Medium	65 x 100
4	21B	8.08			Park	
4	22	55.29	7,884	236	Medium	55 x 100
4	26A	35.66	5,002	178	Medium High	42 x 100
4	26B	18.21	6,187	89	Medium	50 x 100
	SubTotal	274.07	SubTotal	1118		
	35A	5.80			Commercial	
	35B	24.58			Commercial	
	SanTim RW	10.37				
	SubTotal	40.75				
	Total Area	986.36	Total D.U.'s	3300		

Legend

Phases

- Phase 1
- Phase 2
- Phase 3
- Phase 4

FIGURE 2 - FAIRWAY CANYON GRADING STATUS MAP



Phase IVB (PA 21B & 22)
 PA 18 (Subsequent to Ph IVB)

08/2021 - 09/2021
Grading 100%
Complete

9/15/2020 -
Grading 100%
Complete

10/31/2020 -
Grading 100%
Complete

SUNCAL OAK VALLEY						
PLANNING AREA SUMMARY 11/21/04						
Phase	Planning Area	PROPOSED PLAN				
		Acreage	Avg. Lot Size	Dwell. Units	Land Use	Min. Pad Dimensions
1	8B	18.28	7,408	79	Medium	55 x 100
1	11C	19.63	8,470	79	Medium	60 x 100
1	12A	12.80	5,641	76	Medium	42 x 100
1	12B	14.32	6,549	87	Medium	42 x 100
1	12C	25.03	9,246	118	Medium	50 x 100
1	14	28.50		175	Mixed Use	
1	15	27.53	8,803	107	Medium	65 x 100
1	13	4.06			Park	
1	21A	14.48			School	
1	24	6.47			Park	
	SubTotal	171.10		721		
2	16	50.00	7,677	148	Medium	60 x 100
2	19	25.23	9,471	127	Medium	70 x 100
2	17	7.53			Park	
2	27	5.67			Commercial	Rec Center
	SubTotal	88.43		275		
3	1	24.89	6,945	133	Medium High	42 x 100
3	2A,3A,4	29.42	7,300	137	Medium	50 x 100
3	2B	12.36	7,127	63	Medium High	38 x 100
3	5	22.80			Park	
3	6	18.79	9,337	74	Medium	60 x 100
3	8A	29.42	10,869	92	Medium	65 x 100
3	3B/7B/11A	37.78	17,031	83	Low	80 x 120
3	11B	31.72	10,196	87	Medium	70 x 100
3	23A/23B	99.59			Open Space	
3	7A	54.14			Open Space	
3	25	51.10		517	High	
	SubTotal	412.01		1186		
4	18	47.13	6,399	188	Medium	50 x 100
4	20A	37.65	8,963	130	Medium	60 x 100
4	20B	24.46	6,852	126	Medium High	42 x 100
4	20C	47.59	9,652	171	Medium	65 x 100
4	21B	8.08			Park	
4	22	55.29	7,884	236	Medium	55 x 100
4	26A	35.66	5,002	178	Medium High	42 x 100
4	26B	18.21	6,187	89	Medium	50 x 100
	SubTotal	274.07		1118		
	35A	5.80			Commercial	
	35B	24.58			Commercial	
	SanTim RW	10.37				
	SubTotal	40.75				
	Total Area	986.36		Total D.U.'s	3300	

Legend

Phases

- Phase 1
- Phase 2
- Phase 3
- Phase 4



<http://www.bcvwd.org>

Board of Directors

David Hoffman
Division 5

John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
Division 1

Figure 3

Beaumont-Cherry Valley Water District

Phone: (951) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

October 28, 2021

Mike Rust
Meritage Homes of California
5 Peters Canyon, Suite 130
Irvine, CA 92606

Subject: Grading Water Request for Fairway Canyon – Phase IV (PA 18)

Beaumont-Cherry Valley Water District (BCVWD) understands that Meritage Homes, LLC is requesting water from BCVWD for upcoming grading activities for Fairway Canyon – Phase IV (PA 18). See Figure 1 for the limits of work.

BCVWD will conditionally provide water for grading water activities beginning November 1, 2021 for a flow rate of up to approximately 800 gallons per minute (gpm) during the cooler 2021/2022 Winter/Early Spring season.

District staff has identified to the District Board of Directors that Meritage Homes, LLC intends to commence grading activities on or about November 1, 2021 at the District's October 28, 2021 Engineering Workshop.

District staff further understands that SDC Fairway Canyon, LLC may desire as much as 1,000 gpm/day, however the District is currently serving other construction demands and obligations to the City of Banning which presents a significant demand on the BCVWD system; District staff identifies that existing demands and obligations as well as the requested grading water may be affected by drought conditions in California. BCVWD identifies that BCVWD should be able to provide a single point of connection to supply Meritage Homes, LLC for grading activities (grading water supply) at a location near the intersection of Mickelson Drive and Tukwet Canyon Boulevard, as set forth herein under the following conditions and so long as all District well and reservoir facilities remain operational and in service and overall system demands are satisfied.

The following items identify BCVWD's delivery requirements and anticipated system constraints which are subject to change based upon actual BCVWD system operational requirements:

- Maximum grading water instantaneous flow rates provided by BCVWD shall be no greater than 800 gpm, provided from BCVWD's 2650 pressure zone. The delivered water, at any flow rate, may need to be provided during the SCE time of use (TOU) "peak rate" periods of operation of Well 29 (or other BCVWD wells in combination), therefore Meritage Homes, LLC may be responsible for covering the on-peak energy rates for Well 29 and or a combination of other wells in the event grading water is provided.
- BCVWD identifies that the District may be able to meet your requested water delivery rates after early spring and possibly until on or about May 30, 2022, in the event that your estimates that the bulk of the earthwork activities and associated high water demands will occur between November 1, 2021 and April 1, 2022. However, BCVWD



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Division 2

Andy Ramirez
Division 1

reserves the right to reduce and/or suspend water deliveries at any time (without notice) to maintain system pressure and adequate water supply to the District ratepayers and deliver water obligations to the City of Banning. BCVWD's typical operating hours are during SCE off-peak electricity hours (winter use period) for Well 29 which are from 9 pm to 4 pm.

BCVWD reserves the right to:

- Shut off grading water deliveries to Meritage Homes, LLC in the event of an operation issue within BCVWD's system. BCVWD staff will notify Meritage Homes, LLC at the time of the shutdown.
- Suspend grading water deliveries, if Well 29 or other critical BCVWD Well(s) go out of service or are shut down due to activities by others beyond the BCVWD's control such as Public Safety Power System (PSPS) shutdowns.
- Suspend grading water deliveries, if Well 29 is off and BCVWD water storage in the 2650 pressure zone reservoir is low.
- Suspend grading water deliveries in the event of a water system emergency (e.g. line break, fire, etc.).
- Reduce (throttle) grading water delivery flow rates, as necessary to maintain BCVWD water system service pressures.
- Suspend all water deliveries related to grading activities according to the District's 2020 Water Shortage Contingency Plan (WSCP). The WSCP provides opportunity for the Board to implement water shortage mitigation measures. The WSCP identifies six (6) water shortage levels
 - Upon declaration of a water Shortage Level 5 or greater, construction activities utilizing potable water will be prohibited.
 - Grading activities may be allowed (as determined by the Board of Directors) if recycled water or non-potable water is used.
- Curtail any and all water deliveries related to grading activities.

BCVWD will not be responsible for any interruptions to flows, nor their impacts to any and all construction activities impacted by such interruptions.

BCVWD requires the following:

- The grading connection shall be equipped with a certified backflow device and field tested at time of installation. Certification to be provided by Meritage Homes, LLC or the Contractor prior to start of service and annually thereafter.
- The temporary meter requested is to be a 6" or 8" which the District does not stock in inventory, therefore Meritage Homes, LLC or the Contractor shall supply the temporary meter. Proof of calibration of the temporary meter shall be provided to the District prior to start of service and annually thereafter.

The conditions set forth herein are contingent upon review with the Board of Directors at the October 28, 2021 Engineering Workshop.

This letter expires on May 30, 2022 or if grading operations have ceased for 30 days. If grading operations for Phase IV (PA 18) have not been completed by the date indicated above, further (and/or remaining) grading activities will need to be identified to District staff and the Board of Directors prior to the District's provision of additional water.



Beaumont-Cherry Valley Water District

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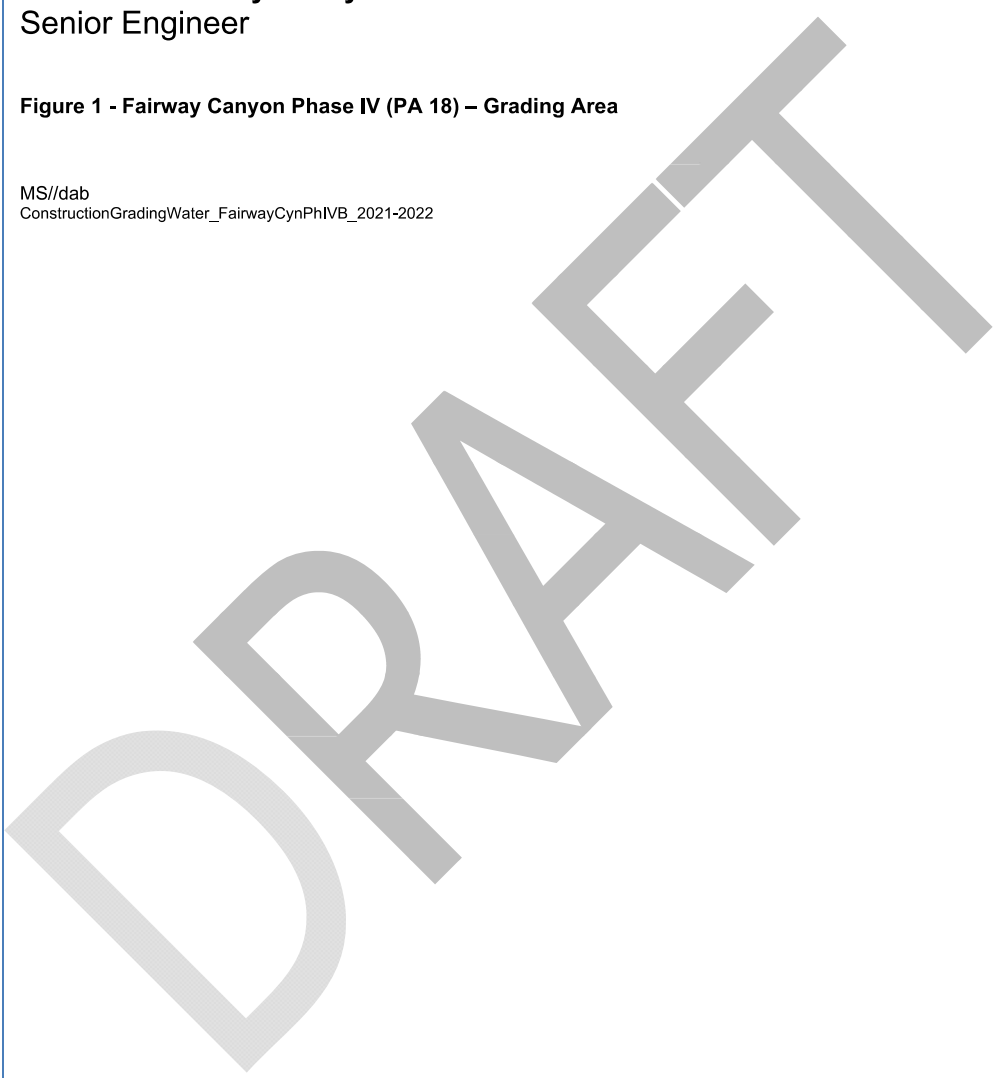
Should you have any questions, please contact me at the office at (951) 845-9581, extension 218 or via email at mark.swanson@bcvwd.org.

Sincerely,

Mark Swanson, PE
Beaumont-Cherry Valley Water District
Senior Engineer

Figure 1 - Fairway Canyon Phase IV (PA 18) – Grading Area

MS//dab
ConstructionGradingWater_FairwayCynPhIVB_2021-2022



Board of Directors

David Hoffman
Division 5

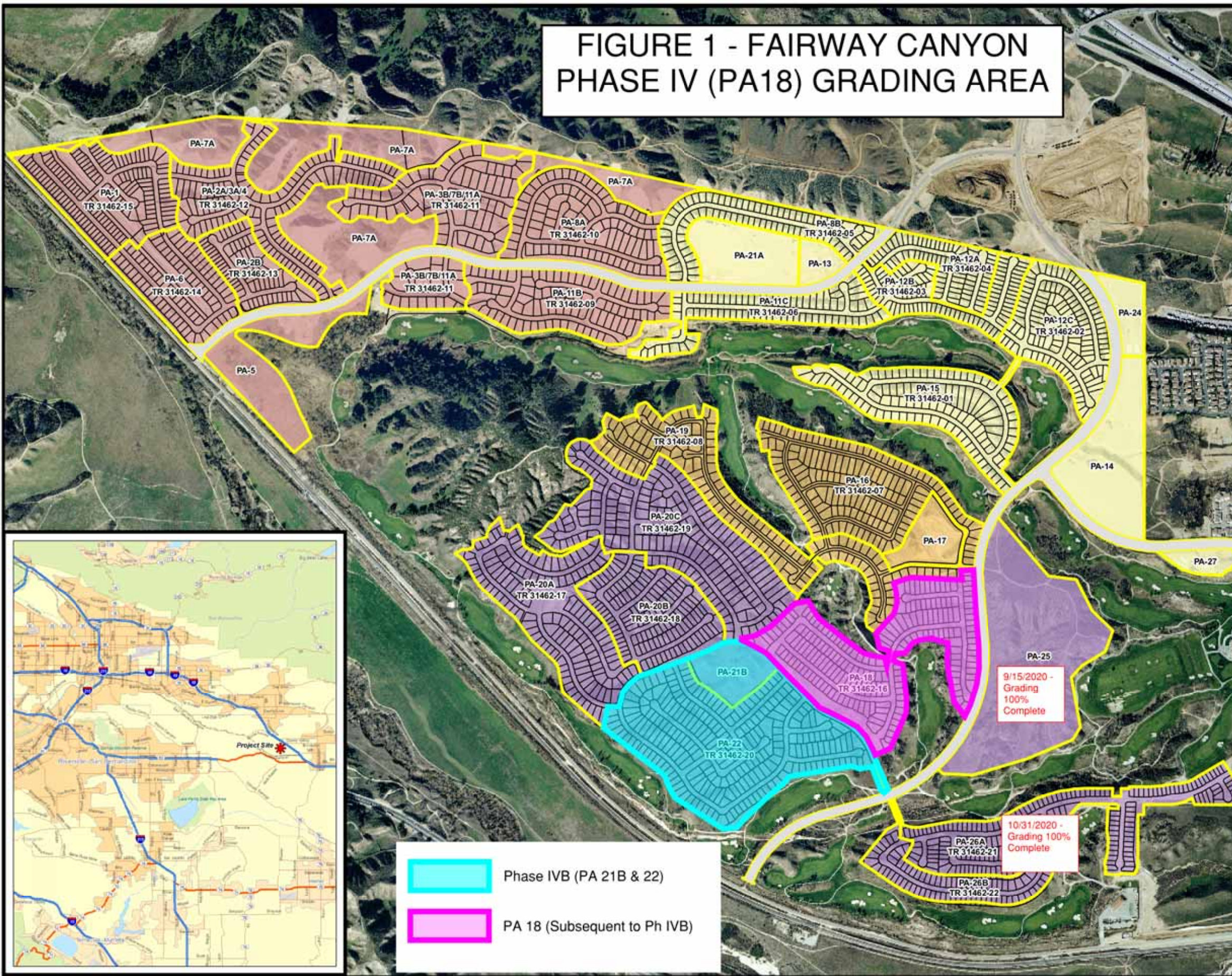
John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
Division 1

FIGURE 1 - FAIRWAY CANYON PHASE IV (PA18) GRADING AREA



 Phase IVB (PA 21B & 22)
 PA 18 (Subsequent to Ph IVB)

9/15/2020 - Grading 100% Complete

10/31/2020 - Grading 100% Complete

SUNCAL OAK VALLEY						
PLANNING AREA SUMMARY 11/21/04						
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1	24	6.47			Park	
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	SubTotal	40.75				
	Total Area	986.36	Total D.U.'s	3300		

Legend

Phases

- Phase 1
- Phase 2
- Phase 3
- Phase 4

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State and extreme or exceptional drought in most of the State; and

WHEREAS the meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS on April 12, 2021, May 10, 2021, and July 8, 2021, I proclaimed states of emergency to exist in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Marin, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, due to severe drought conditions; and

WHEREAS since my July 8, 2021 Proclamation, sustained and extreme high temperatures have increased water loss from reservoirs and streams, increased demands by communities and agriculture, and further depleted California's water supplies; and

WHEREAS the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura are now experiencing severe drought conditions; and

WHEREAS long-term weather forecasts for the winter rainy season, dire storage conditions of California's largest reservoirs, low moisture content in native vegetation, and parched soils, magnify the likelihood that drought impacts will continue in 2022 and beyond; and

WHEREAS the increasing frequency of multiyear droughts presents a significant risk to California's ability to ensure adequate water supplies for communities, agriculture, and fish and wildlife; and

WHEREAS the most impactful action Californians can take to extend available supplies is to re-double their efforts to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of my July 8, 2021 Executive Order N-10-21; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions to ensure the protection of health, safety, and the environment; and

WHEREAS under Government Code Section 8558(b), I find that the conditions caused by the drought, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under Government Code Section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code Section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State due to drought in the remaining counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, such that the drought state of emergency is now in effect statewide.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The orders and provisions contained in my April 21, 2021, May 10, 2021, and July 8, 2021 Proclamations remain in full force and effect, except as modified herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
3. Operative paragraphs 3, 5, 6, and 10 of my July 8, 2021 Proclamation are withdrawn and replaced with paragraphs 4 through 8 below.
4. Consistent with the policies stated in Water Code Section 1011.5(a), local agencies are encouraged to take actions to coordinate use of their available supplies and to substitute an alternate supply of groundwater from existing groundwater wells for the unused portion of surface water that the local agency is otherwise entitled to use. For actions taken pursuant to this paragraph, the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are suspended for any (a) actions taken by state agencies pursuant to this paragraph, (b) actions taken by a local agency where the state agency with primary responsibility for implementing the directive concurs that local action is required, and (c) permits or approvals necessary to carry out actions under (a) or (b). The entities implementing this paragraph shall maintain on their websites a list of all activities or approvals that rely on the suspension of the foregoing Water Code provisions.



5. To support voluntary approaches where hydrology and other conditions allow, the State Water Resources Control Board (Water Board) shall expeditiously consider water transfer requests. For purposes of carrying out this paragraph, the following requirements of the Water Code are suspended:
 - a. Section 1726(d) requirements for written notice and newspaper publication, provided that the Water Board shall post notice on its website and provide notice through electronic subscription services where interested persons can request information about temporary changes; and
 - b. Section 1726(f) requirement of a 30-day comment period, provided that the Water Board shall afford a 15-day comment period.
6. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the drought. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the drought. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
7. To proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
8. To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, local water suppliers are directed to execute their urban Water Shortage Contingency Plans and agricultural Drought Plans at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year. Suppliers shall ensure that Urban and Agricultural Water Management Plans are up to date and in place.
9. The Water Board may adopt emergency regulations, as it deems necessary, to supplement voluntary conservation by prohibiting certain wasteful water practices. Wasteful water uses include:
 - a. The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard-surfaced areas, except in cases where health and safety are at risk.
 - b. The use of potable water that results in flooding or runoff in gutters or streets.

- c. The use of potable water, except with the use of a positive shut-off nozzle, for the individual private washing of motor vehicles.
 - d. The use of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.
 - e. The use of potable water for irrigation of ornamental turf on public street medians.
 - f. The use of potable water for street cleaning or construction purposes, unless no other source of water or other method can be used or if necessary, to protect the health and safety of the public.
 - g. The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds which utilize recycled water.
10. The California Department of Food and Agriculture, in collaboration with other relevant state agencies, shall evaluate water efficiency measures implemented in California agriculture over the past several years and develop a report with recommendations on how to further increase efficiencies.
11. The Office of Emergency Services shall provide assistance under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, title 19, section 2900 et seq., as appropriate to provide for, or in support of, the temporary emergency supply, delivery, or both of drinking water or water for sanitation purposes.
12. For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 5, 6, and 9, the environmental review by state agencies required by the California Environmental Quality Act in Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought.

For purposes of carrying out the directive in operative paragraph 4 and 7, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of October 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State





**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 8

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Consideration of Request for Update of *Will-Serve Letter* for Previously Approved Development – Noble Creek Estates (Riverside County Assessor’s Parcel Nos. 400-250-010 & 400-250-012 and Annexation of Riverside County Assessor’s Parcel No. 400-250-010 – a portion of Noble Creek Vistas Specific Plan) located in the City of Beaumont

Staff Recommendation

Consider the request for update of *Will-Serve Letter* for a previously approved development located between Oak Valley Parkway and Brookside Avenue and west of Beaumont Avenue, identified as **Riverside County Assessor’s Parcel Nos. 400-250-010 & 400-250-012** and Annexation of **Riverside County Assessor’s Parcel No. 400-250-010** within the City of Beaumont, subject to payment of all fees to the District and securing all approvals from the City of Beaumont and:

- A. Approve the request for update of *Will-Serve Letter* for Riverside County Assessor’s Parcel Nos. 400-250-010 & 400-250-012 and Annexation of Riverside County Assessor’s Parcel No. 400-250-010 for Water Service for a term of one year or;
- B. Deny the request for update of *Will-Serve Letter* for Water Service

Background

The Project (Noble Creek Estates) is located between Oak Valley Parkway and Brookside Avenue, west of Beaumont Avenue within the City of Beaumont, CA. This project is more specifically identified as Riverside County Assessor’s Parcel Nos. (APN) 400-250-010 & 400-250-012 and the Project is depicted on Attachment 1 (Site Map) and consists of 185 single-family homes.

Noble Creek Estates is part of the larger specific plan Noble Creek Vistas Specific Plan (NCVSP) which was approved by the City of Beaumont (City) in 2005. The original project scope of the approved Specific Plan has changed since the initial approval which includes 965 dwelling units and the number of proposed residential lots has been reduced or associated land entitlements were changed. Specifically, the land proposed for TTM 28988 (the Fiesta Development Company portion of the original project) was purchased and developed (Recharge Ponds) by the San Geronio Pass Water Agency (SGPWA) for groundwater recharge and will no longer be developed as residential. This purchase resulted in a reduction of approximately 200 single-family homes related to the overall Specific Plan.

During the project development process, the NCVSP Environmental Impact Report (EIR) was challenged in court and as part of the May 31, 2006 “Settlement Agreement” with Cherry Valley



Pass Acres and Neighbors and the Cherry Valley Environmental Planning Group, the project developers were required to dedicate 15 acres of land to be used to construct a recharge facility along the Noble Creek. The Settlement Agreement goes on to state Beaumont-Cherry Valley Water District is responsible for the construction and maintenance of the recharge facility.

The Developer shall work cooperatively with the District to ensure flood and erosion protection needed for the development functions effectively with future planned District recharge facility operations identified in the settlement agreement.

The catalyst for the reduction in residential lots was a judgement issued by the Superior Court for the State of California which set a maximum of 648 residential lots to be developed (see Attachment 2 - Settlement Agreement - No. RIC 427282).

Since the issuance of the initial WSL for the overall Specific Plan, much of the overall project has changed. Over the past several years, the District has been working with the Developer of Tentative Tract Map (TTM) 29267, originally proposed as 333 single-family homes; however TTM 29267 now proposes 274 single-family homes.

Noble Creek Vistas Specific Plan originally envisioned approximately 965 dwelling units, which was issued a “Will Serve Letter” from the District on April 30, 1999 (Attachment 3). The Specific Plan was approved by the City in 2005. As part of the original will serve process, the District did prepare a Plan of Service in March 2002 with an amendment prepared in December 2002. The subsequent Plan of Service for the Noble Creek Vistas project included three (3) separate developments (Tentative Tracts) identified above in Table 1.

TABLE 1 – ORIGINAL NOBLE CREEK VISTAS SPECIFIC PLAN DEVELOPMENTS		
Tentative Tract Map No.	Project Development Name	Number of Residential Lots Originally Proposed
28988	Fiesta Development	201
29267	Noble Creek Meadows	333
29522	Noble Creek Estates	298
Other	N/A	133
Total Lots		965

On October 12, 2021, the General Manager, signed the update of “Will Serve Letter” (Attachment 4) for the Noble Creek Meadows Tract 29267 which identifies a reduction in lotting from 333 lots to 274 lots without going to the Board for approval due to Resolution 2019-09 (see Attachment 5 – Resolution 2019-09).

On May 11, 2021, JPMB Investments, LLC (Applicant) requested an update of “Will Serve Letter” (Attachment 6 – TTM 29267 “Will Serve Letter”) for Noble Creek Estates and has been working with District staff to clarify project requirements and LAFCO annexation activities and requirements. The Applicant has scheduled and attended meetings with District staff and has discussed the preliminary design for the development project.



TABLE 2 – NOBLE CREEK VISTAS SPECIFIC PLAN DEVELOPMENTS			
Tentative Tract Map No.	Project Development Name	Original Lotting	Current Number of Residential Lots Anticipated
28988	Fiesta Development	201	No Development (Existing SGPWA Recharge Basins)
29267	Noble Creek Meadows	333	274
Not Yet Assigned	Noble Creek Estates	298	185
Other	N/A	133	Unknown
Total Lots		965	459

The District prepared a “Plan of Service” for Noble Creek Vistas Specific Plan in December 2002, originally envisioned as 965 residential units, 20 acres of middle school and 50 acres of open space for the entire project area (three tentative tract maps). The NCVSP was listed as 648 units (demand inclusive of parks and landscaping) in the District’s 2015 Urban Water Management Plan (UWMP) update and is identified as 648 units in the 2020 UWMP. Based on the proposed development identified in the October 14, 2020 staff report for TTM 29267 (Noble Creek Meadows), the remaining proposed residential lots was 572, however with the now proposed 185 residential lots for the Noble Creek Estates, the total development is estimated to be 459 lots.

A portion of Noble Creek Estates (APN 400-250-012) was included in an annexation of a larger set of land parcels related to the NCVSP that were annexed into the District’s Service Area Boundary under LAFCO Annexation 2005-51-5 in 2007. The remaining parcel, APN 400-250-010, was not annexed into the District and will be required to go through the LAFCO Annexation process. During the review of the parcel boundaries, District staff identified one (1) parcel (APN 400-250-011) within the Noble Creek channel that is not annexed into the District and will eventually need to be annexed into the District. Through conversations with the Developer, District staff was informed that the remaining parcel is apparently owned by the City of Beaumont.

The original project NCVSP was previously provided a “Will Serve Letter” from the District, the majority of the project area was annexed into the District’s Service Area Boundary, District engineering and plan check fees have been made by the Developer as part of the original project activity.

Upon Board approval, of the updated “Will Serve Letter,” District staff will update fees and deposits that the Applicant will be required to pay.

The requested “Will Serve Letter” update will require domestic (potable) water service also non-potable (recycled) water service as part of the development. The Applicant will be required to secure the final project approvals from the District and the City of Beaumont for the project area prior to construction.



Conditions:

Prior to final project development the following conditions must be met:

1. The Applicant shall enter into a water facilities extension agreement and pay all fees associated with the domestic and non-potable water services for the proposed development. The Applicant shall also pay all fees related to extension of facilities and fire service facilities including any facilities improvements that may be necessary to meet property service requirements and/or the City of Beaumont fire protection conditions and/or fire flow requirements.
2. The Applicant shall pay front footage fees along all property frontages where facilities are currently installed.
3. The Applicant shall connect to the non-potable water system for irrigation supply. To minimize the use of potable water, the District requires the applicant conform to the City of Beaumont Landscaping Ordinances and Zoning Requirements and/or County of Riverside Landscaping Ordinances (as applicable) which pertain to water efficient landscape requirements and the following:
 - a. Landscaped areas which have turf shall have “smart irrigation controllers” which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall and automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes. Orchard areas, if any, shall have drip irrigation.
 - b. Landscaping in non-turf areas should be drought tolerant consisting of planting materials. Irrigation systems for these areas should be drip or bubbler type.
4. The Applicant shall prepare plans in accordance with District Standards showing all required domestic water system and non-potable water system improvements. Said plans shall be approved by the District prior to construction.
5. The Applicant shall conform to all District requirements and all City of Beaumont requirements.

Fiscal Impact:

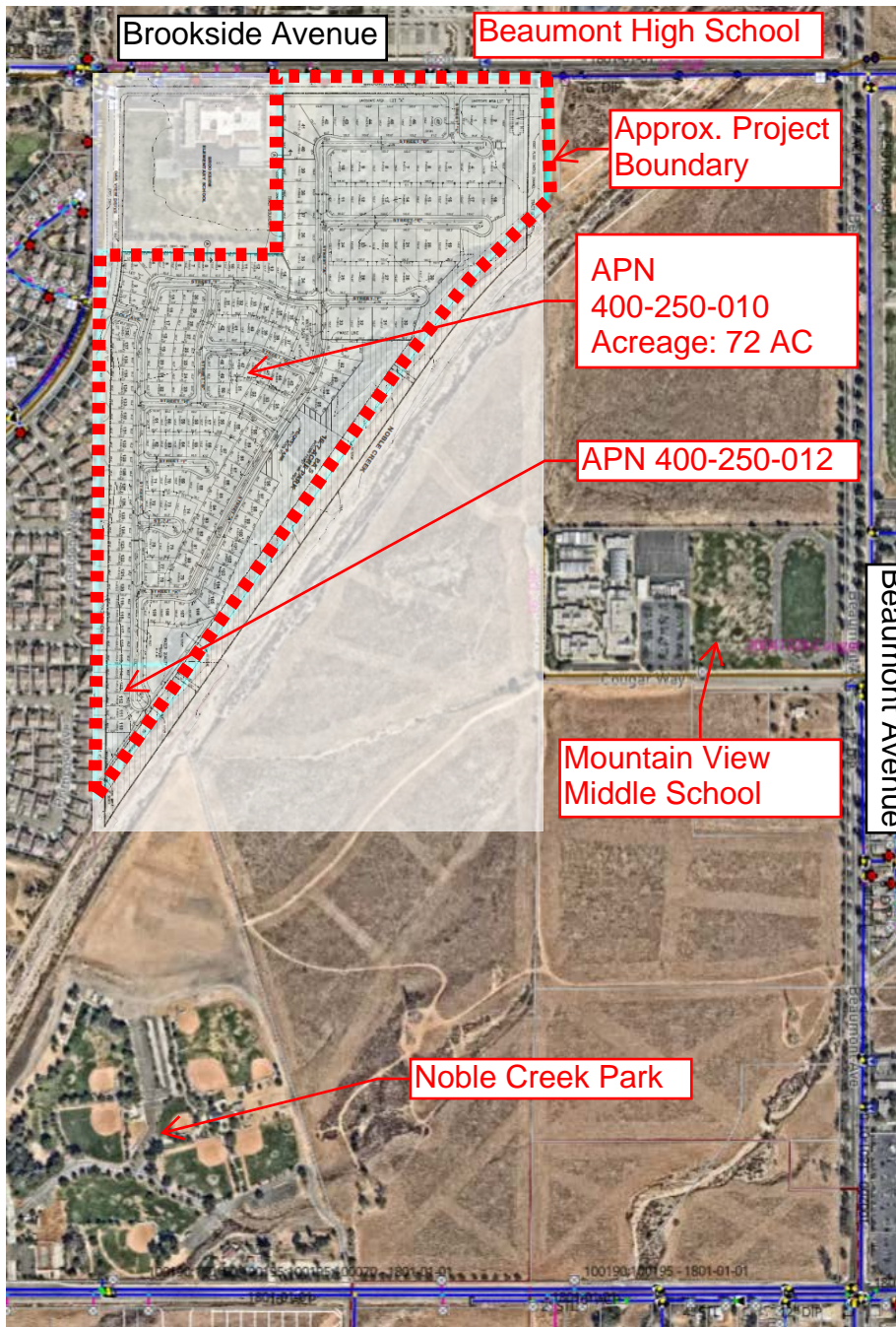
None. All fees and deposits will be paid by the Applicant prior to providing service.

Attachments:

1. Noble Creek Estates – Site Map
2. Settlement Agreement – No. RIC 427282
3. April 30, 1999 Will Serve Letter
4. October 12, 2021 Update of “Will Serve Letter”
5. Resolution 2019-09
6. May 11, 2021 – Request for Update of “Will Serve Letter”
7. Conceptual Development Plan

Prepared by Aaron Walker, Development Services Rep.

ATTACHMENT 1 – NOBLE CREEK ESTATES



ATTACHMENT 2 - SETTLEMENT AGREEMENT - RIC 427282

FILED

RECEIVED
JUN 21 2006
COURT CLERK

LAW OFFICES OF ROBERT C. GOODMAN
ROBERT C. GOODMAN (State Bar No. 111554)
ANN M. BLESSING (State Bar No. 172573)
177 Post Street, Suite 750
San Francisco, CA 94108
Telephone: (415) 777-2210
Facsimile: (415) 777-2215

Attorneys for Petitioners Cherry Valley
Pass Acres and Neighbors and Cherry Valley
Environmental Planning Group

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

Riverside Branch

CHERRY VALLEY PASS ACRES AND
NEIGHBORS, a California non-profit
corporation; and CHERRY VALLEY
ENVIRONMENTAL PLANNING GROUP, a
California non-profit corporation,

Petitioners,

v.

CITY OF BEAUMONT, a municipal
corporation;

Respondent.

No. RIC 427282

Case Filed Under the Environmental Quality
Act

**NOTICE OF ENTRY OF SETTLEMENT
AGREEMENT AND FINAL STIPULATED
JUDGMENT**

TAHITI GROUP; JACK D. VANDER
WOUDE; LEONARD B. OLINGER;
LEONARD B. OLINGER TRUST; JOSEPH
DIAMOND; BEATRICE DIAMOND; NOBLE
CREEK MEADOWS; DIANE C. ONEY as
trustee of the D. DONALD LONIE, JR.
FAMILY TRUST; R. F. BIANCHI TRUST;
ALLIED GROUP, INC.; and ROES 100
through 200, inclusive,
Real Parties in Interest

1 PLEASE TAKE NOTICE that on May 31, 2006, the Court approved and entered the
2 attached Settlement Agreement and Final Stipulated Judgment.

3 Dated: June 16, 2006
4

5 LAW OFFICES OF ROBERT C. GOODMAN

6
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8 By: _____

9 ROBERT C. GOODMAN
10 Attorneys for Petitioners
11 Cherry Valley Pass Acres and Neighbors
12 and Cherry Valley Environmental
13 Planning Group
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LAW OFFICES OF ROBERT C. GOODMAN
ROBERT C. GOODMAN (State Bar No. 111554)
ANN M. BLESSING (State Bar No. 172573)
177 Post Street, Suite 750
San Francisco, CA 94108
Telephone: (415) 777-2210
Facsimile: (415) 777-2215

FILED
RIVERSIDE COUNTY

MAY 31 2006

Attorneys for Petitioners Cherry Valley
Pass Acres and Neighbors and Cherry Valley
Environmental Planning Group

By *[Signature]*

L. Martin
Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
Riverside Branch

CHERRY VALLEY PASS ACRES AND
NEIGHBORS, a California non-profit
corporation; and CHERRY VALLEY
ENVIRONMENTAL PLANNING GROUP, a
California non-profit corporation,

Petitioners,

v.

CITY OF BEAUMONT, a municipal
corporation;

Respondent.

No. RIC 427282

Case Filed Under the Environmental Quality
Act

**SETTLEMENT AGREEMENT AND
FINAL STIPULATED JUDGMENT**
[Cal. Pub. Res. Code §§ 21167.4(c), 21168.5;
Cal. Civ. Proc. Code § 1085]

Trial Date: April 7, 2006

BY FAX

TAHITI GROUP; JACK D. VANDER
WOUDE; LEONARD B. OLINGER;
LEONARD B. OLINGER TRUST; JOSEPH
DIAMOND; BEATRICE DIAMOND;
NOBLE CREEK MEADOWS; DIANE C.
ONEY as trustee of the D. DONALD LONIE,
JR. FAMILY TRUST; R. F. BIANCHI
TRUST; ALLIED GROUP, INC.; and ROES
100 through 200, inclusive,

Real Parties in Interest

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SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

1 This Settlement Agreement and Final Stipulated Judgment is entered into by and between
2 Petitioners CHERRY VALLEY PASS ACRES AND NEIGHBORS and CHERRY VALLEY
3 ENVIRONMENTAL PLANNING GROUP (collectively "Petitioners") on the one hand, and on
4 the other hand Respondent CITY OF BEAUMONT ("City") and Real Parties in Interest NOBEL
5 CREEK MEADOWS, LLC, erroneously sued herein as NOBLE CREEK MEADOWS, TAHITI
6 GROUP and JACK D. VANDER WOUDE; OLINGER RIVERSIDE LIMITED
7 PARTNERSHIP, erroneously sued herein as LEONARD B. OLINGER and LEONARD B.
8 OLINGER TRUST; DIAMOND RIVERSIDE LIMITED PARTNERSHIP, erroneously sued
9 herein as JOSEPH DIAMOND and BEATRICE DIAMOND; and FIESTA DEVELOPMENT, as
10 successor in interest to Diane C. Oney as Trustee of the D. Donald Lonie Jr. Family Trust and
11 BEK Consulting Engineers, Inc., (collectively "Real Parties in Interest"). Petitioners, City, and
12 Real Parties in Interest are referred to collectively as "the Parties." The settlement and judgment
13 relate to the petition Petitioners filed under the California Environmental Quality Act ("CEQA")
14 on March 17, 2005 ("the Action"), concerning a proposed 965 unit residential development in
15 Beaumont, California, which the developers currently call "Noble Creek Vistas" ("the Project").

16 RECITALS

17 A. Petitioners are California non profit corporations located in Cherry Valley
18 California.

19 B. City is the lead agency for the Project that is the subject of the petition.

20 C. OLINGER RIVERSIDE LIMITED PARTNERHSIP, DIAMOND RIVERSIDE
21 LIMITED PARTNERSHIP, NOBEL CREEK MEADOWS, LLC., and FIESTA
22 DEVELOPMENT, as successor in interest to Diane C. Oney as Trustee of the D. Donald Lonie
23 Jr. Family Trust and BEK Consulting Engineers, Inc., own the property which comprises the
24 Project which is the subject of this action, as identified more specifically on Exhibit A, attached
25 hereto.

26 D. TAHITI GROUP, JACK D. VANDER WOUDE are proponents of the Project.

27 E. On or about February 15, 2005 the Beaumont City Council certified the Noble
28 Creek Vistas Specific Plan EIR, approved certain Conditions of Approval, adopted a Statement of

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1 Overriding Considerations, and filed a Notice of Determination with the Riverside County
2 Recorder in connection with the Project. On March 17, 2005, Petitioners filed this Action
3 challenging City's certification of the EIR and approval of the Project.

4 F. Each of the Parties believes that it is in their best interest and in the public interest
5 to settle this case without further litigation.

6 **AGREEMENT**

7 NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises
8 and agreements contained herein, and for other good and valuable consideration the receipt and
9 sufficiency of which is hereby acknowledged, it is agreed as follows:

10 1. Jurisdiction. This Court has jurisdiction of the subject matter of the Action and each of
11 the Parties hereto.

12 2. Modifications. This Agreement, upon being executed by all the parties and approved
13 by the Court, shall constitute binding and enforceable modifications of the Conditions of
14 Approval issued by the City on February 15, 2005, for the Project.

15 City and Real Parties in Interest commit to the following modifications to the Conditions
16 of Approval for the Project:

17 A. The Project will contain no more than 648 residential units, each of which shall be
18 a detached single family home.

19 B. At least 50% of all homes backing up on Brookside Avenue and 50% of all homes
20 backing up on Beaumont Avenue will be single story homes.

21 C. At least 25% of all lots backing up on Brookside Avenue and at least 25% of all
22 lots backing up on Beaumont Avenue will be minimum 15,000 square feet in size.
23 The remainder of lots backing up on those two streets will be a minimum 10,000
24 square feet in size.

25 D. All homes will be constructed and certified under the California Green Builder
26 program as described on the California Green Builder website,
27 www.cagreenbuilder.org., as of March 10, 2006. Real Parties shall provide
28 Petitioners with a copy of all communications with the California Green Builder

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1 program regarding the Project within five (5) days of sending or receipt, including
2 without limitation the completed California Green Builder Application form and
3 the California Green Builder Project Certificate. City shall not issue any
4 certificates of occupancy for the Project until the Project has received the
5 California Green Builder Project Certificate.

6 E. There will be a 40 foot landscape buffer from the western edge of the Beaumont
7 Avenue right of way to the Project boundary, with a berm along the project wall,
8 and a meandering sidewalk within the landscape buffer, as reflected in the diagram
9 attached as Exhibit C.

10 F. There will be a permeable surface in a 25 foot radius around the deodar cedar trees
11 (except in those areas on the street side of the trees in which there is a distance of
12 less than 25 feet to the street).

13 G. The 11 foot right of way along the west side of Beaumont Avenue shall be
14 designated a landscape right of way.

15 H. There will be a landscape buffer along the southern edge of Brookside Avenue
16 right of way to the Project boundary. The width of the buffer will be 38 feet.
17 There will also be a landscape buffer along the southern edge of Noble Creek
18 Parkway. The width of this buffer will range from 18 to 38 feet to accommodate
19 Noble Creek as it crosses Brookside Avenue, as reflected in the diagram attached
20 as Exhibit D.

21 I. The landscape buffers and landscape right of way described above will utilize
22 drought resistant plants consistent with City landscape standards. The landscape
23 buffers, landscape right of way and deodar cedars shall be maintained by the
24 Community Facilities District ("CFD") that is being established in accordance
25 with the Project Conditions of Approval. Should the CFD be dissolved for any
26 reason, the Project Conditions of Approval will require that there be a
27 Homeowners Association (consisting of all homeowners within the Project) that
28 will become activated upon the dissolution of the CFD and which will have

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responsibility for the landscape and tree maintenance described in this Paragraph 2, as well as all other obligations of the CFD, in perpetuity.

J. Each of the modifications identified in this Paragraph 2 shall be reflected in the modified Project Conditions, attached hereto as Exhibit B, and summarized in a notification of this settlement in the form attached as Exhibit E, which shall be recorded against the properties that comprise the Project such that they will run with the land and be binding on future owners.

K. Within 15 days of the effective date of this Agreement, City will take action to modify the Project Conditions of Approval and Project Specific Plan to reflect the modifications set forth in this section.

3. Additional Commitments of the City and Real Parties in Interest. City and Real Parties in Interest agree to do the following:

A. City and the Real Parties in Interest will provide Petitioners with advance notice of all significant events and/or actions proposed to be taken by the City relating to the Project, including without limitation, submission of subdivision maps, improvement plans, and any other submissions relating to the Project requiring City review and/or approval.

B. Real Parties in Interest will provide access to and dedicate approximately 15 acres of land to the City for use by the Beaumont Cherry Valley Water District ("Water District") to construct recharge facilities along the Noble Creek. As a condition of such dedication, City will require that such land not be fenced and that such land will be made available for recreational purposes. The Water District will construct and maintain the recharge facilities in the manner similar to those on its property located along the east side of Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard. If the Water District does not accept the gift of land referred to in this paragraph, the land will be given to the Beaumont Cherry Valley Recreation and Parks District to be used as parkland, to be maintained by the CFD.

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- C. Real Parties will comply with the Conditions of Approval and all City Code requirements in connection with construction of parks and open space on the Project. The specific location and size of the parks will be finalized upon the preparation of the tract maps for individual tracts comprising the Project.
- D. The City shall not issue any certificates of occupancy for the Project until the improvements contemplated by the Specific Plan to the following streets and intersections have been completed: the intersections of Beaumont Avenue and Oak Valley Parkway, Beaumont Avenue and Cougar Way, Beaumont Avenue and Brookside Avenue and Beaumont Avenue and Cherry Valley Boulevard. Specifically, the improvements will result in compliance with the level of service required in the mitigation measures approved by the City for the Project
- E. Real Parties in Interest and City agree to maintain the deodar cedar trees along the west side of Beaumont Avenue through the CFD referenced in paragraph 2I, above, and to replace trees that die with deodar cedar trees. The City will maintain the deodar cedar trees along the east side of Beaumont Avenue upon the completion of the annexation proceedings, whereby the area is annexed into the City, and replace trees that die with deodar cedar trees.
- F. Real Parties in Interest agree to retain a certified arborist to study the condition of the deodar cedar trees along Beaumont Avenue from Oak Valley Parkway to Cherry Valley Boulevard, and recommend ways to improve their condition and prolong the longevity of the trees. Petitioners will participate in the study of the deodar cedar trees through the selection of the arborist who will perform the study. If the Real Parties in Interest and Petitioners cannot agree on an arborist, each will select an arborist, and the two selected arborists will in turn select the arborist who will perform the study. Petitioners shall have an opportunity to review and comment on a draft of the arborist's study and recommendations and provide comments regarding same. Petitioners shall have no approval authority over the

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1 recommendations of the arborist. The selection of the arborist and the study are to
2 commence within 60 days of the execution of the settlement agreement.

3 4. Monetary Payments and Dismissal.

4 A. Within 15 days of the effective date of this Agreement Real Parties in Interest shall
5 pay to Petitioners and its attorneys, Law Offices of Robert C. Goodman, the sum
6 of \$225,000 as compensation for Petitioners' attorneys fees, costs, expenses and
7 other efforts in prosecuting the Action.

8 B. The obligation of the Real Parties in Interest to make the monetary payment
9 required by this Paragraph 4 are joint and several.

10 C. Petitioners shall dismiss this action within 10 days of the receipt of the settlement
11 funds.

12 5. Effective Date. This Agreement shall become effective on the date it is filed with the
13 Riverside County Superior Court.

14 6. Commitments of the Petitioners. As long as City and the Real Parties in Interest are in
15 compliance with this Agreement and the modified Project Conditions of Approval and Project
16 Specific Plan they will not: (a) oppose the Project, the annexation proceedings or the tentative tract
17 maps submitted by the individual property owners; and (b) will not institute any further actions or
18 challenges to the Project either under their own names or under the name of any other organization
19 or through their members.

20 7. No Admission, Denial of Liability. This Agreement and the payments and other terms
21 provided for herein are made, executed, given and accepted as part of a compromise and
22 settlement of disputed claims. No provision(s) of this Agreement, nor any acceptance of the
23 benefits thereof, by or on behalf of any of the Parties hereto shall be construed or deemed to be
24 evidence of an admission of fact, matter, thing or liability of any kind to any other Party.

25 8. Notice. All notices concerning this agreement shall be in writing, shall be deemed given when
26 received, and shall be delivered by mail, facsimile or overnight delivery to:

27 Petitioners:
28 Patsy Reeley

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Cherry Valley Acres & Neighbors
P.O. Box 3257
Beaumont, California 92223

Walt Beckman
Cherry Valley Environmental Planning Group

Cherry Valley, CA 92223

With a copy to:
Robert C. Goodman
177 Post Street, Suite 750
San Francisco, CA 94108

City:
City of Beaumont
c/o Ernest Egger
550 East 6th Street
Beaumont, CA 92223

With a copy to:
Joseph Aklufi
Aklufi & Wysocki
3403 Tenth Street
Suite 610
Riverside, CA 92501

Real Parties in Interest:
Nobel Creek Meadows, LLC
c/o Jack D. Vander Woude
P.O. Box 5441
San Bernardino, CA 92412

With a copy to:
Leonard Polyakov
Newmeyer & Dillion, LLC
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Vien Tran
Fiesta Development
470 E. Harrison Street
Corona, CA 92879-1314

Olinger Riverside Limited Partnership
c/o Dr. Leonard Olinger
462 N. Linden Drive
Beverly Hills, CA 90212

1 With a copy to:
2 Roger H. Howard
3 Christensen, Miller, et al.
4 10250 Constellation Blvd., 19th Floor
5 Los Angeles, CA 90067

6 Diamond Riverside Limited Partnership
7 c/o Beatrice Diamond
8 233 S. Spaulding Drive
9 Beverly Hills CA 90212

10 With a copy to:
11 Edward F. Quigley
12 Cox, Castle & Nicholson, LLP
13 2049 Century Park East, 28th Floor
14 Los Angeles, CA 90067-3284

15 9. Entire Agreement. This Agreement is the entire agreement between the Parties with
16 respect to resolution of the subject matter hereof and supersedes any and all prior or
17 contemporaneous oral and written agreements and discussions between or among any of them.
18 The Parties hereto acknowledge and agree that there are no conditions, covenants, agreements or
19 understandings between or among any of them except as set forth in this Agreement and the
20 exhibits hereto. This Agreement may be amended, and the requirements set forth herein
21 modified, only by a further signed writing of all Parties.

22 10. Successors. This Agreement is binding upon and shall inure to the benefit of each of
23 the Parties hereto and (as appropriate) their respective parent companies, subsidiaries, affiliates,
24 predecessors, successors, divisions, shareholders, directors, officers, employees, attorneys, agents,
25 representatives, heirs and assigns.

26 11. Controlling Law. This Agreement is to be executed and delivered within the State of
27 California, and its validity, construction and performance, as well as the rights and obligations of
28 the parties hereunder, shall be governed, construed and enforced in accordance with the laws of
the State of California, without regard to principles of choice of law.

12. Fair Interpretation. This Agreement is the product of negotiations between the Parties
and their respective attorneys, and shall be given fair interpretation. Each of the Parties hereto has
cooperated and participated in the drafting and preparation of this Agreement. Accordingly, the

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1 parties hereby acknowledge and agree that this Agreement shall not be construed or interpreted in
2 favor of or against any party by virtue of the identity of its preparer.

3 13. Mutual Representations and Covenants. Each of the Parties to this Agreement
4 represents, warrants and agrees as follows:

5 A. Each Party has received independent legal advice from its attorney with respect to
6 the advisability of making the settlement provided for herein and the advisability
7 of executing this Agreement.

8 B. Each Party hereto represents and warrants that there has been no assignment, sale
9 or transfer, by operation of the law or otherwise, of any claim, right, cause of
10 action, demand, obligation, liability or interest released by any of them as provided
11 herein.

12 14. Authority to Enter Into Agreement. Each Party executing this Agreement represents
13 and warrants that it has the authority to bind the respective party and needs no further authority to
14 bind the respective Parties to the rights, duties and obligations set forth herein.

15 15. Counterparts. Each Party (i) hereby agrees that a facsimile or other electronic copy
16 (such as a ".pdf"/"Adobe Acrobat" copy) of the signature of the person executing this Agreement
17 on behalf of such Party may be used for any and all purposes, with the same force and effect as an
18 original of such signature, (ii) intends to be bound by the facsimile or other electronic copy of
19 such signature, (iii) is aware that the other Party will rely on the facsimile or other electronic copy
20 of such signature, and (iv) hereby acknowledges such reliance and waives any defenses to the
21 enforcement of this Agreement based on a facsimile or other electronic copy of such signature.

22 16. Continuing Jurisdiction. By signing this Settlement Agreement and Final Stipulated
23 Judgment, the parties hereby move the court pursuant to Section 664.6 of the Code of Civil
24 Procedure to enter judgment pursuant to the terms of this settlement. This Judgment shall go into
25 effect immediately upon entry hereof. Entry is authorized immediately upon filing. The parties
26 hereby request and acknowledge that the Superior Court will retain jurisdiction over this matter
27 pursuant to Section 664.6 of the Code of Civil Procedure to enforce the terms of the Agreement
28 until performance in full of its terms.

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Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

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Dated: ~~March~~ May 5, 2006

Cherry Valley Acres & Neighbors

By: *Patsy J. Reeley*
Patsy Reeley

Dated: ~~March~~ May 5, 2006

Cherry Valley Environmental Planning Group

By: *Walt Beckman*
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

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1	Dated: March _____, 2006	Cherry Valley Acres & Neighbors
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3		By: _____
4		Patsy Reeley
5	Dated: March _____, 2006	Cherry Valley Environmental Planning Group
6		
7		By: _____
8		Walt Beckman
9	<i>May</i> Dated: March <u>15</u> , 2006	City of Beaumont
10		
11		By: <i>Bruce E. [Signature]</i>
12	Dated: March _____, 2006	Nobel Creek Meadows, LLC
13		
14		By: _____
15		Jack Vander Woude
16	Dated: March _____, 2006	Firsta Development
17		
18		By: _____
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20	Dated: March _____, 2006	Olinger Riverside Limited Partnership
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22		By: _____
23		Leonard B. Olinger
24	Dated: March _____, 2006	Diamond Riverside Limited Partnership
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26		By: _____
27		Beatrice Diamond
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SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

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Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: ~~March~~ ^{May} ~~7~~ ⁴, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

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Dated: March ____, 2006

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City of Beaumont

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Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

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Fiesta Development

By:  _____

Dated: March ____, 2006

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By: _____
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Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

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Dated: March ____, 2006

Cherry Valley Acres & Neighbors

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Fiesta Development

By: _____

Dated: March ____, 2006

Olingor Riverside Limited Partnership

By: Leonard B. Olingor
Leonard B. Olingor
Leonard B. Olingor

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: _____
Beatrice Diamond

SM270.1

- 11 -

SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT

05-15-06 02:43pm From-COX, CASTLE, & NICHOLSON

310-277-7099

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Dated: March ____, 2006

Cherry Valley Acres & Neighbors

By: _____
Patsy Reeley

Dated: March ____, 2006

Cherry Valley Environmental Planning Group

By: _____
Walt Beckman

Dated: March ____, 2006

City of Beaumont

By: _____

Dated: March ____, 2006

Nobel Creek Meadows, LLC

By: _____
Jack Vander Woude

Dated: March ____, 2006

Fiesta Development

By: _____

Dated: March ____, 2006

Olinger Riverside Limited Partnership

By: _____
Leonard B. Olinger

Dated: March ____, 2006

Diamond Riverside Limited Partnership

By: Beatrice Diamond
Beatrice Diamond

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ORDER

IT IS SO ORDERED, ADJUDGED AND DECREED. This Court shall retain jurisdiction over this matter pursuant to Section 664.6 of the Code of Civil Procedure to supervise, interpret, and enforce the terms of this Final Stipulated Judgment.

Dated: 5/24/06

STEPHEN D. CUNNISON
Hon. Stephen Cunnison
JUDGE OF THE SUPERIOR COURT

Exhibit A

The Project that is the subject matter of this Agreement is known as the Noble Creek Vistas Specific Plan as approved by the City Council of the City of Beaumont on February 15, 2005 and consisting of the following County of Riverside Assessor's parcels:

406-290-028	Bianchi Properties, Ltd.
406-290-034	Mike and Donna Bell
406-290-035	Pure Rock Community Church
406-070-024	Nobel Creek Meadows, LLC
406-070-038	Diamond Riverside Limited Partnership and Olinger Riverside Limited Partnership
406-070-046	Diamond Riverside Limited Partnership and Olinger Riverside Limited Partnership
406-080-011	Fiesta Development
406-080-032	Fiesta Development

Exhibit B

[Revised] CONDITIONS OF APPROVAL

**NOBLE CREEK VISTAS
SPECIFIC PLAN
REVISED CONDITIONS OF APPROVAL (3/21/06)**

GENERAL CONDITIONS

1. The following conditions of approval are for the **NOBLE CREEK VISTAS SPECIFIC PLAN and consist of Conditions 1 through 36 inclusive.**
2. The Noble Creek Vistas Specific Plan shall consist of the following, components as approved through City of Beaumont City Council Resolution No. 2005-_____.
 - a. Approved Noble Creek Vistas Specific Plan Text (final document incorporating all changes made through public hearing process).
 - b. Exhibits "A" and "B," Final Environmental Impact Report, Findings of Fact and Mitigation Monitoring Program.
 - c. Exhibit "C": Specific Plan Conditions of Approval.
 - d. These Revised Conditions of Approval.

All mitigation measures as contained in the Final EIR shall be conditions of approval for the project. Subsequent to the completion of the public hearing process, the Applicant shall finalize the Specific Plan to incorporate all changes and modifications, and provide the Director with 25 bound and one reproducible copies of the Specific Plan text and exhibits, and the Final Environmental Impact Report.
3. If any of the following conditions of approval differ from the specific plan text or exhibits, the conditions enumerated herein shall take precedence.
4. Mitigation measures for impacts to the Beaumont Unified School District and any other districts which may ultimately serve the project shall be identified prior to the recordation of implementing tentative subdivision maps in accordance with the State laws and City Council policies in effect at the time of application submittal.
5. The development standards contained in the approved Specific Plan shall become the prevailing land use regulations for the areas contained within the Noble Creek Vistas Specific Plan. These regulations will have full force of the Zoning Ordinance of the Beaumont Municipal Code through application of the SPA (Specific Plan Area) Zone. Where conflicts exist between approved Specific Plan and the Beaumont Zoning Ordinance, the Specific Plan regulation shall prevail. Subject to the vesting effect of the Development Agreement, where conflicts existing between the Specific Plan and the provisions of the

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 3

Municipal Code, other than the Zoning Ordinance, the provisions of the Municipal Code shall prevail.

6. Development applications for development portions of the Specific Plan area which incorporate common areas shall be accompanied by design plans for the common area. Such plans shall specify the location and extent of landscaping and irrigation systems. Additionally, all circulation components (vehicular, pedestrian and/or equestrian) shall be indicated, and the approximate locations of structures or groups of structures shall be indicated.
7. A parcel map filed for the purposes of phasing or financing shall not be considered a development application for the purpose of these conditions. Tentative Tract Maps No.28988 and 29267, which have been held in abeyance due to litigation related to prior efforts to develop the subject site, shall be subject to a new approval date of February 15, 2005, subsequent to which the initial two-year approval duration shall ensue.
8. The Planning Director may require special studies or reports in connection with implementing development applications for each planning area, if and to the extent reasonably necessary for appropriate review of a development application or as required under applicable law. Such reports may include, where appropriate:

Study/Report

- a. Preliminary Soils and Geotechnical Report
 - b. Erosion and Sedimentation Control Plan
 - c. Streetscape, parkway and median landscape plan
 - d. Fencing and wall plan
 - e. Traffic and circulation assessment to document adequacy/function of proposed improvements
 - f. Fuel modification plan
 - g. Acoustical Study
 - h. Cultural Resource Assessment
9. Common areas identified in the Specific Plan (i.e., parks, entry features, parkways, medians

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 4

and open space features) shall be designed, developed, owned and maintained through the City's Community Facilities District (CFD), with all developers/landowners and subsequent occupants in the project responsible for a pro rata share of the cost of CFD formation, design and development of common facilities and parks, and for the long-term maintenance of such improvements. The project developers also will create a Noble Creek Vistas Homeowners Association (HOA) of which each homeowner in the Specific Plan shall belong. Should the CFD be dissolved for any reason the HOA will become activated and will have the same responsibilities as the CFD, including without limitation, the design, development, ownership and maintenance of all common areas identified in the Specific Plan.

10. Prior to issuance of a building permit for the construction of any use contemplated by this approval, any developer shall first obtain clearance from the Planning Department that all pertinent conditions of approval of the specific plan have been satisfied for the subject phase of development.
11. If and to the extent required by applicable law, an environmental assessment shall be conducted for each subsequent development applications including, but not limited to, parcel map, tract, change of zone, plot plan, use permit, variance or specific plan amendment. Said environmental assessment shall, to the greatest extent feasible under the California Environmental Quality Act (CEQA), utilize the evaluation of impacts addressed in the EIR prepared for the Noble Creek Vistas Specific Plan. The Noble Creek Vistas Specific Plan EIR shall be used as a Program EIR in evaluating subsequent discretionary entitlement actions.
12. The Noble Creek Specific Plan shall remain unmodified (except for modifications requested by the Applicant and approved by the City) for 15 years. Should the entire project not be built out in that period of time, the City shall be entitled to adopt specific plan amendments for any portion of the project which has not been constructed within 15 years.
13. The Applicants (or their successors-in-interest, as the case may be) shall defend, indemnify, and hold harmless the City of Beaumont, its agents, consultants, officers, and employees from any third-party claim, action or proceeding against the City of Beaumont or this agents, consultants, officers, or employees to attach, set aside, void or annul an approval of the City of Beaumont, its advisory agencies, appeal boards or legislative body concerning the Noble Creek Vistas Specific Plan. The City of Beaumont will promptly notify the Applicants or their successors of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense.
14. The Applicants shall defend, indemnify and hold harmless the City of Beaumont and its employees, agents, consultants, officers and contractors from any third-party claim, action or proceeding related to the environmental documentation pursuant to the California

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 5

Environmental Quality Act associated with the Noble Creek Vistas Specific Plan.

15. In accordance with Section 711.4 of the California Fish and Game Code, the Applicants/subdividers are obligated to pay a filing fee to defray cost incurred by the Department of Fish and Game in managing and protecting fish and wildlife trust resources. The Applicants/subdividers are also obligated to pay a documentary handling fee to defray costs incurred by the City of Beaumont in implementing the Department of Fish and Game filing fee program. These fees shall be paid to the County Clerk if the County of Riverside at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. Applicants shall not be entitled to exercise their rights under the Specific Plan or the Development Agreement until such fees have been paid. The amount of the fees shall be in accordance with legally adopted fees at the time of the filing of the notice of determination.

LAND USE CONDITIONS

16. The Specific Plan may be developed up to a maximum yield of 648 dwelling units, each of which shall be a detached single family home. Densities for each Planning Area shown in Figure 1 of the supplement to the Specific Plan shall be determined through the appropriate development application, but not limited to, the following:
 - a. Adequate availability of services;
 - b. Adequate access and circulation;
 - c. Sensitivity to land forms;
 - d. Innovation in housing types, design, conservation, or opportunities; and
 - e. Sensitivity to neighborhood design through appropriate lot and street layouts.
17. The following standards shall govern development of the specified components of the Specific Plan's land use plan:
 - a. The minimum lot size throughout the project shall be 6,000 square feet, and each Planning Area shall have an average lot size of at least 7,500 square feet.
 - b. A minimum of 25 percent of the developable residential lots established in Planning Area 8 and a minimum of 25 percent of the developable residential lots established in Planning Area 11 shall be at least 7,200 square feet in size.
 - c. A minimum of 25 percent of the developable residential lots established in Planning Area 7 shall be at least 7,200 square feet in size.
 - d. A minimum of 75 percent of the developable residential lots established in Planning Area 7 shall have rear setbacks with a minimum average depth of 20 feet.
 - e. All residential lots which back up to Beaumont Avenue (Planning Areas 2 and 10) shall be at least 10,000 square feet in size. At least 25% of all lots backing up to

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 6

- Beaumont Avenues shall be minimum 15,000 square feet in size.
- f. All residential lots which back up to Brookside Avenue shall be at least 10,000 square feet in size. At least 25% of all lots backing up to Brookside Avenue shall be minimum 15,000 square feet in size.
 - g. At least 50% of all homes backing up to Beaumont Avenue and at least 50% of all homes backing up to Brookside Avenue shall be single story homes.
 - h. All homes within the Specific Plan are to be constructed and certified under the California Green Builder program as described on the California Green Builder website, www.cagreenbuilder.org as of March 10, 2006. The City will not issue any certificates of occupancy for the homes within the Specific Plan until the California Green Builder certificates are obtained for those homes.i. A multi-purpose trail, subject to the design approval of the Planning Director, shall be provided along the entire Brookside Avenue frontage.
 - j. Fencing materials within the project shall be limited to materials such as masonry, stucco, tubular steel or vinyl, as approved by the Director of Planning. Wood fencing shall not be permitted within the project.
 - k. There will be a 40 foot landscape buffer from the western edge of the Beaumont Avenue right of way to the Project boundary, with a berm along the project wall, and a meandering sidewalk within the landscape buffer.
 - l. There will be a permeable surface in a 25 foot radius around the deodar cedar trees (except in those areas on the street side of the trees in which there is a distance of less than 25 feet to the street).
 - m. The 11 foot right of way along the west side of Beaumont Avenue shall be designated a landscape right of way.
 - n. There will be a 40 foot landscape buffer along the southern edge of Brookside Avenue right of way to the Project boundary. There will be a landscape buffer ranging from 18 to 38 feet along the southern edge of Noble Creek Parkway.
 - o. The landscape buffers and landscape right of way described above will utilize drought resistant plants consistent with City landscape standards. The landscape buffers, landscape right of way and deodar cedars shall be maintained by the CFD as described in paragraph 9, above.
18. Lots created pursuant to this specific plan shall be in conformance with the development standards of the SPA zone as established by this Specific Plan and the corresponding Planning Area standards for each Planning Area.
19. All grading within the specific plan shall be performed in accordance with the following conditions and development criteria:
- a. All grading shall take place in accordance with the City's adopted policies in effect at the time permits are issued and the grading criteria contained in the Specific Plan.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 7

- b. Where cut and fill slopes are created in excess of 5 feet in vertical cut height or 3 feet in vertical fill height, detailed landscaping and irrigation plans shall be submitted to the City prior to approval of grading plans. The plans will be reviewed for type and density of ground cover, seed mix, plant materials, staking details, and sizes and irrigation systems.

- 20. Applicants shall incorporate the following defensible space concepts into the design of projects which shall be included within all development plans and reviewed and approved by the City Police Department prior to approval of implementing projects:
 - a. Circulation for pedestrians, vehicles and police patrols.
 - b. Lighting of streets, walkways, bikeways, and commercial and industrial areas.
 - c. Visibility of doors and windows from the street and between buildings.
 - d. Fencing heights and materials.

- 21. In the event that, during or following grading of the project site or portions thereof, economic or other conditions prevent the Developer(s) from continuing with the project within a reasonable amount of time, as determined by the City, the City shall so notify the Developer(s) who shall contact the City Planning Department to identify necessary activities that the Developer must implement to protect public safety and minimize/prevent environmental degradation, particularly due to wind and water erosion. The Developer(s) shall be required to reimburse the City for the cost of activities to satisfy this condition.

- 23. Each developer shall use its best efforts to ensure that all construction contractors and subcontractors properly dispose of all wastes generated in permitted landfills or with a licensed recycling company. If any improper dumping of construction waste occurs, the developer of the portion of the Specific Plan area from which such wastes were taken shall guarantee reimbursement to the City of costs incurred by it associated with clean up, proper disposal, any necessary revegetation and legal penalties and remedies.

- 24. Construction areas shall be fenced as required by the City to preclude the creation of an attractive nuisance and to limit access to and disturbance of sensitive habitat areas.

- 25. An obsolete exhibit is contained in the Specific Plan document for Planning Area 2. Said exhibit shall be replaced with the correct exhibit in the final document.

- 26. Any front setbacks which may be proposed which are less than 20 feet, such as for side-entry garages as provided for in the Specific Plan, shall be subject to the review and approval of the Planning Commission in the form of a Plot Plan.

CIRCULATION PLAN CONDITIONS

27. The Circulation Plan contained in the Specific Plan shall be modified as follows:
- a. The cross-section for Beaumont Avenue shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.
 - b. The cross-section for Noble Creek Parkway shall be modified to reflect a divided two-lane roadway, based upon the County of Riverside standard for an industrial collector, with a right-of-way of 78 feet and a curb-to-curb width of 52 feet.
 - c. The City shall not issue any certificates of occupancy for the Project until the improvements contemplated by the Specific Plan to the following streets and intersections have been completed: the intersections of Beaumont Avenue and Oak Valley Parkway, Beaumont Avenue and Cougar Way, Beaumont Avenue and Brookside Avenue and Beaumont Avenue and Cherry Valley Boulevard. Specifically, the improvements will result in compliance with the level of service required in the mitigation measures approved by the City for the Project

PHASING CONDITIONS

28. Construction of the development permitted hereby, including recordation of final subdivision maps, may be conducted progressively in stages, provided adequate vehicular access, infrastructure and public services are provided for all dwelling units and non-residential land uses in each stage of development, and further, provided that such phase of development conforms substantially with the intent and purpose of the Specific Plan Master Phasing Program and subsequent amendment as determined by the Planning Director.

PARKS AND RECREATION CONDITIONS

29. Development of the property shall be accompanied by the concurrent phased dedication and improvement of not less than 15.44 acres of fully improved and usable park area. That phased dedication shall be to the City for maintenance by a Community Facilities District or other suitable maintenance entity as determined by the City, and shall be accomplished as described below. Due to the non-definitive nature of the Specific Plan's parks program, the following requirements shall be applicable to each individual development within the Noble Creek Specific Plan area:

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

Page 9

- a. It is recognized that the Noble Creek Specific Plan is composed of several ownerships, and that park facilities shown in the Specific Plan are not proportionately assigned to the development areas which correspond with individual ownerships. As a result, the design, development and maintenance of park facilities shall be accomplished by the City through its Community Facilities District, and funded by the landowners and ultimate occupants of the project.
 - b. Prior to, or concurrent with, the recordation of any final subdivision map, the respective developer shall have the necessary assurances and financial commitments in place to ensure compliance with the applicable park requirements.
30. Prior to recordation of the first implementing subdivision map, Applicants shall obtain City (and, if necessary, LAFCO) approval for the formation of a Community Facilities District or other appropriate financing mechanism, as determined by the City, to ensure the perpetual maintenance of dedicated lands for parks and recreational purposes, and for maintenance of other landscaped areas contained within public rights-of-way, or held in fee title by the City of Beaumont.

INFRASTRUCTURE CONDITIONS

31. Drainage and flood control facilities and improvements shall be provided in accordance with Riverside County Flood Control and Water Conservation District requirements. A detailed engineered hydrology study shall be submitted for the approval of the Public Works Director prior to the recordation of any subdivision map.
32. An amendment to CEQA required the preparation of a program to ensure that all mitigation measures are fully and completely implemented. The Environmental Impact Report (EIR) prepared for the Noble Creek Specific Plan imposes certain mitigation measures on the project. Certain conditions of approval for the Noble Creek Specific Plan constitute self contained reporting/monitoring programs for certain mitigation measures. At the time of approval of subsequent development applications, further environmental reporting/monitoring programs may be established if additional mitigation is determined to be necessary through further environmental review. The mitigation monitoring program for the Noble Creek Specific Plan EIR is hereby incorporated and performance of the mitigation measures set forth therein is a condition of approval of the Specific Plan.
33. Through Community Facilities District No. 93-1, an assessment district and/or through payment of development impact fees, the Developer shall be responsible for funding the project's fair share infrastructure and facility costs, as will be determined by the City of Beaumont Comprehensive Public Facilities Financing Plan.

NOBLE CREEK VISTAS SPECIFIC PLAN

Conditions of Approval

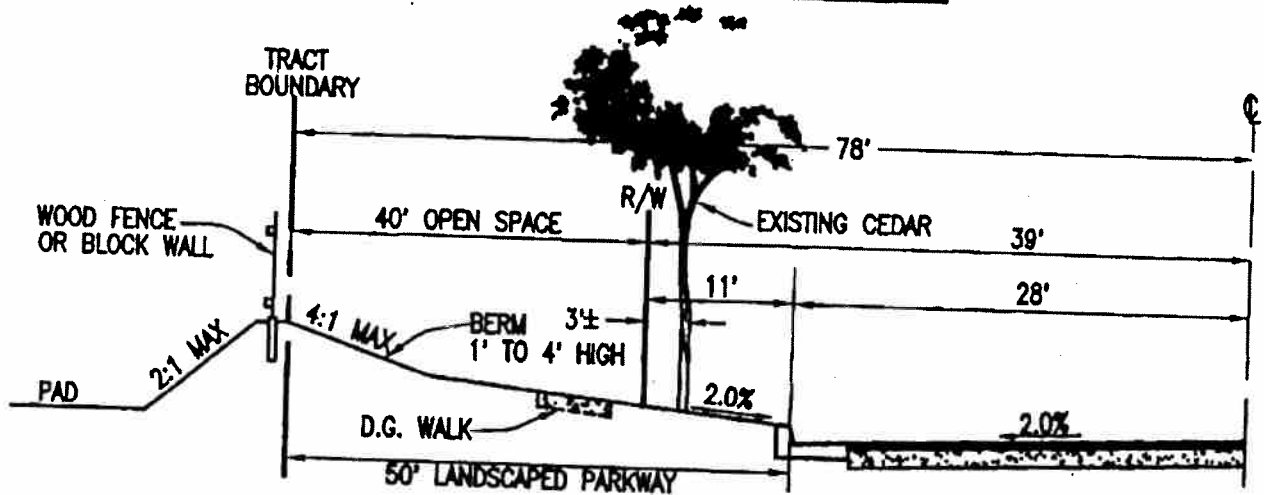
Page 10

34. Right-of-way shall be provided for and dedicated for the ultimate improvement of all roadways within or adjoining the project area in accordance with the City of Beaumont General Plan Circulation Element and the Noble Creek Vistas Specific Plan.
35. Prior to the recordation of any subdivision map for any properties fronting Beaumont Avenue, a detailed alignment study shall be prepared for the review and approval of the Planning Director and Public Works Director. The alignment study shall be accompanied by a report prepared by a qualified arborist and any recommendations necessary to protect the long-term health and viability of the trees.
36. As portions of property which adjoin the portion of Cougar Way, west of Beaumont Avenue, are developed, full-width road improvements shall provided therewith.

Exhibit C

BEAUMONT AVENUE CONCEPTUAL PLAN

STREET SECTION EXHIBIT



TYPICAL HALF-SECTION BEAUMONT AVENUE
NO SCALE

Exhibit D
BROOKSIDE AVENUE TRANSITION TO NOBLE CREEK PARKWAY
CONCEPTUAL PLAN

BROOKSIDE TRANSITION EXHIBIT

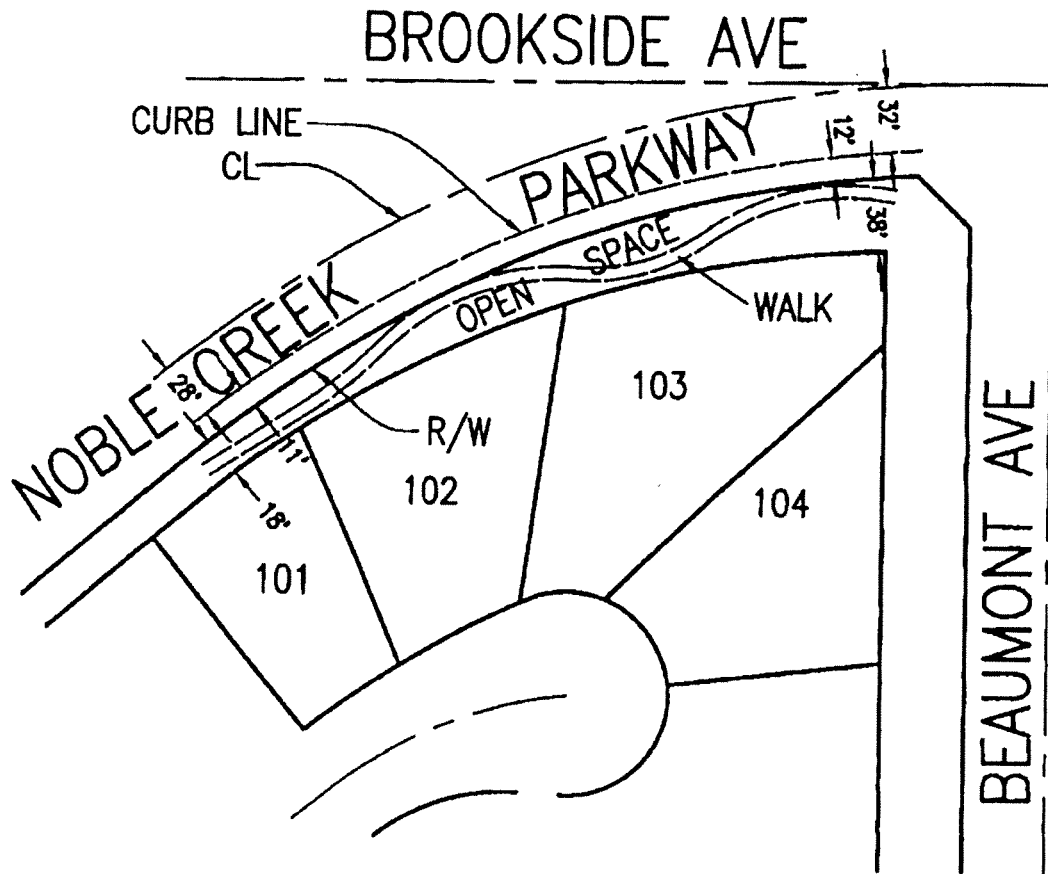


Exhibit E

[Sample] NOTIFICATION OF SETTLEMENT

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Robert C. Goodman, Esq.
Law Offices of Robert C. Goodman
177 Post Street, Suite 750
San Francisco, CA 94108

Space Above This Line for Recorder's Use

MEMORANDUM OF SETTLEMENT AGREEMENT

To Whom It May Concern:

A. [Property Owner] own real property, commonly known as _____ in the County of Riverside, California, and more particularly described in Exhibit A hereto ("the Property").

B. The Property, and certain property adjacent to it is part of the Noble Creek Vistas project ("the Project"), and was the subject of an action brought in the Riverside County Superior Court, captioned *Cherry Valley Pass Acres and Neighbors v. City of Beaumont, et al.* (Case No. RIC 427282) ("the Action")

C. The parties to the Action entered into a Settlement Agreement and Final Stipulated Judgment (the "Settlement Agreement"), which was entered by the Court on _____, 2006. The Settlement Agreement affects the Property. A copy of the Settlement Agreement is attached hereto as Exhibit B.

D. The parties to the Settlement Agreement agreed to certain modifications of the Conditions of Approval for the Project, originally approved by the City Council of the City of Beaumont on February 15, 2005, as more fully set forth in the Settlement Agreement. The Settlement Agreement provides that certain commitments made therein shall be binding upon each successive owner of the Property, and shall run with the land. Interested parties in the Property should consult legal counsel regarding the legal implications of the Settlement Agreement.

E. Nothing in this Memorandum is intended, nor shall it be construed, to alter, amend, modify or supersede any of the terms of the Settlement Agreement.

Dated: _____, 2006

By

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2006 before me, the undersigned, a Notary Public in and for the State of California, duly commissioned and sworn, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

[seal]

1 PROOF OF SERVICE BY MAIL

2 I, Daniel An, declare as follows:

3 I am employed in the City and County of San Francisco, California. I am over the age of
4 eighteen years and not a party to the within action. My business address is 177 Post Street, Suite 750,
5 San Francisco, California 94108, which is located in the county where the mailing described below took
6 place.

7 I am readily familiar with the regular collection and processing practices at my place of
8 business for mailing with the United States Postal Service. Correspondence so collected and processed is
9 deposited with the United States Postal Service that same day in the ordinary course of business.

10 On May 18, 2006, at San Francisco, California, the following document:

11 **SETTLEMENT AGREEMENT AND FINAL STIPULATED JUDGMENT**

12 was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully
13 prepaid, addressed to:

14 Leonard Polyakov
15 Karen J. Lee
16 Newmeyer & Dillion LLP
17 895 Dove Street, Fifth Floor
Newport Beach, CA 92660

Joseph S. Aklufi
Aklufi & Wysocki
3403 Tenth Street, Suite 610
Riverside, CA 92501

18 and that envelope was placed for collection and mailing on that date following ordinary business
19 practices.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed at San Francisco, California,
22 May 18, 2006.



23 Daniel An
24
25
26

PROOF OF SERVICE BY MAIL

I, Daniel An, declare as follows:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 177 Post Street, Suite 750, San Francisco, California 94108, which is located in the county where the mailing described below took place.

I am readily familiar with the regular collection and processing practices at my place of business for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 19, 2006, at San Francisco, California, the following document:

**NOTICE OF ENTRY OF SETTLEMENT AGREEMENT
AND FINAL STIPULATED JUDGMENT**

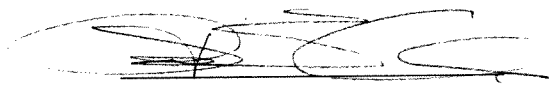
was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to:

Leonard Polyakov
Karen J. Lee
Newmeyer & Dillion LLP
895 Dove Street, Fifth Floor
Newport Beach, CA 92660

Joseph S. Aklufi
Aklufi & Wysocki
3403 Tenth Street, Suite 610
Riverside, CA 92501

and that envelope was placed for collection and mailing on that date following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California,
June 19, 2006.



Daniel An

H.10

ATTACHMENT 3 - APRIL 30, 1999 WILL SERVE LETTER

BEAUMONT-CHERRY VALLEY WATER DISTRICT

DIRECTORS

Gary McKenzie
President
Dave Andrews
Vice President
William Hurlbirt
David L. Sumner
Joseph Voigt

P.O. Box 2037

560 Magnolia Avenue

Beaumont, California 92223-2258

Telephone 909-845-9581

Fax 909-845-0159

OFFICERS

Jo Ellen Seick
Secretary of the Board
Dave L. Sumner
Treasurer
J.C. Reichenberger
Parsons Engineering Science
Engineer
Jeffry Ferre
General Counsel

April 30, 1999

Mr. Jon Petke
The Planning Associates
3151 Airway Avenue, Suite R-1
Costa Mesa CA 92626

Dear Mr. Petke:

At the April 28, 1999, Special Meeting of the Board of Directors of the Beaumont-Cherry Valley Water District the request for a letter of intent to provide water service to the Noble Creek Specific Plan was considered and approved. Water service will be provided after completion of annexation proceedings with the Local Agency Formation Commission, execution of an annexation agreement and execution of a facilities construction agreement. Water service will be provided to the project property subject to all District rules and regulations as they are now written and any future amendments to said rules and regulations. Service will also be subject to all requirements of the Board of Directors, District Engineer, and/or General Manager and suitable financial arrangements being satisfied.

Thank you, Mr. Petke, for the presentation you made to the Board of Directors. As we have discussed, the District's Engineer will begin analyses of the project's water demands. The engineering deposit required to be posted at this time is \$5,000. This deposit will be applied to preliminary administrative and engineering costs for the project. If more funds are required they will be requested by the District. Any funds remaining after the project is completed will be reimbursed.



Beaumont-Cherry Valley Water District

Phone: (951) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

<http://www.bcvwd.org>

October 12, 2021

Board of Directors

David Hoffman
Division 5

John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
Division 1

Jack Vander Woude
c/o The Tahiti Group
P.O. Box 11291
San Bernardino, CA 92423

Subject: Update of "Will Serve Letter"
Noble Creek Meadows (TTM 29267)
APN 400-250-008
Beaumont, CA

Dear Mr. Vander Woude:

On September 12, 2021, the District received a request for Update to "Will Serve Letter" from Noble Creek Meadows, LLC for Tentative Tract 29267 (Riverside County Assessor's Parcel No. 400-250-008), a Portion of Noble Creek Vistas Specific Plan which was originally approved for domestic and non-potable water service for the proposed development of 274 residential lots.

August 14, 2019, the District approved a resolution (Resolution No. 2019-09) allowing the General Manager to approve and sign an Update to "Will Serve Letter(s)" without board approval, if there are no significant changes to the previously approved project for which a "Will Serve Letter" was issued. The Developer has identified to District staff that there are no significant changes to the Project, therefore the approved resolution allows the General Manager to sign an Update to "Will Serve Letter" for Tract Map 29267 for a period of one year.

The Beaumont-Cherry Valley Water District will provide water service to the subject property assuming all obligations to provide service are met including, but not limited to, the Rules and Regulations Governing Water Service as amended by the Board of Directors from time to time.

The Applicant shall conform to all District requirements for water service and all City of Beaumont requirements.

1. The Applicant shall enter into a water facilities extension agreement and pay all fees associated with the domestic and non-potable water services for the proposed development. The Applicant shall also pay all fees related to extension of facilities and fire service facilities including any facilities improvements that may be necessary to meet property service requirements and/or the City of Beaumont fire protection conditions and/or fire flow requirements.
2. The Applicant shall pay front footage fees along all property frontages where facilities are currently installed.



Beaumont-Cherry Valley Water District

Phone: (909) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

<http://www.bcvwd.org>

Board of Directors

David Hoffman
Division 5

John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
Division 1

3. The Applicant shall connect to the recycled water system for irrigation supply. To minimize the use of potable water, the District requires the applicant conform to the City of Beaumont Landscaping Ordinances and Zoning Requirements and/or County of Riverside Landscaping Ordinances (as applicable) which pertain to water efficient landscape requirements and the following:
 - a. Landscaped areas which have turf shall have “smart irrigation controllers” which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall and automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes. Orchard areas, if any, shall have drip irrigation.
 - b. Landscaping in non-turf areas should be drought tolerant consisting of planting materials. Irrigation systems for these areas should be drip or bubbler type.
4. The Applicant shall prepare plans in accordance with District Standards showing all required domestic water system and non-potable water system improvements. Said plans shall be approved by the District prior to construction.

We look forward to working with you in the coming months and please feel free to contact the office should you have any questions.

This letter will expire 12 months from the date of issue.

Sincerely,

Daniel K. Jagers
BCVWD
General Manager
DKJ/aew

ATTACHMENT 5 - RESOLUTION 2019-09

RESOLUTION 2019-09

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
AMENDING PART 8 SECTION 1.2 OF THE BEAUMONT-CHERRY VALLEY WATER
DISTRICT REGULATIONS GOVERNING WATER SERVICE**

WHEREAS, the Beaumont-Cherry Valley Water District ("District") is an irrigation district duly organized and validly existing under Division 11 (commencing with Section 20500) of the California Water Code; and

WHEREAS, Section 22257 of the California Water Code empowers the District to establish, print and distribute equitable Rules and Regulations for the distribution and use of water; and

WHEREAS, the Board of Directors of the Beaumont-Cherry Valley Water District has determined that it is in the best interest of the District to amend the District's Regulations Governing Water Service to amend procedures for the approval of Water Service "Will Serve Letters"; and

WHEREAS, the Board of Directors of the Beaumont-Cherry Valley Water District has carefully reviewed Part 8, Section 1.2 as well as Exhibit A to the Resolution,

NOW THEREFORE, BE IT RESOLVED, that Part 8 Section 1.2 of the Beaumont-Cherry Valley Water District's Regulations Governing Water Service are hereby amended and immediately enforceable as set forth in Exhibit A to this Resolution.

ADOPTED this 14th day of August, 2019 by the following vote:


AYES: Covington, Slawson, Williams

NOES:


ABSTAIN:

ABSENT: Hofeman, Ramirez

ATTEST:



Director John Covington, President
of the Board of Directors of the
Beaumont-Cherry Valley Water District



~~Director Andy Ramirez~~, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

EXHIBIT A

REVISION TO BEAUMONT-CHERRY VALLEY WATER DISTRICT'S REGULATIONS GOVERNING WATER SERVICE PART 8 SECTION 1.2

Part 8 Section 1.2-

WILL SERVE LETTERS – Will be subject to approval of the Board and to all Rules and Regulations of the District at the time water service actually occurs, and if granted will be based on available new source of supply, including but not limited to new groundwater, imported water, or reclamation water for irrigation, used to offset existing local groundwater demand.”

Addition to Part 8 Section 1.2-

Once Board a “Will Serve Letter” has been approved by the Board, the Applicant will have one (1) year to begin the project. If the project has not begun Water Facilities related to the project within one (1) year of Board approval, the Applicant shall request an extension, in writing, to the General Manager. If there are no significant changes to the previously approved project, the General Manager is authorized by the Board to grant, at his/her discretion, a one (1) year “Will Serve Letter” extension or present said extension request to the Board of Directors for consideration. Should the General Manager grant the one (1) year extension to the project and the project Water Facilities do not begin within that one (1) year extension term, the process will begin over with the Applicant requesting for an extension, or update, in writing, to the General Manager where the request will be brought before the Board of Directors.

ATTACHMENT 6 - MAY 11, 2021 REQUEST FOR
UPDATE TO "WILL SERVE LETTER"

JPMB INVESTMENTS LLC

May 11, 2021

Mr. Mark Swanson
Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223

Subject: Water Service for "Noble Creek Estates" (APN 400-250-010), Beaumont, CA

Mr. Mark Swanson,

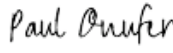
This letter serves as a formal request for water service for the proposed Noble Creek Estates residential project located at south of Brookside Avenue east of Oak View Drive in the City of Beaumont, California. Along with the required application and \$500 deposit fee, attached is a copy of the preliminary development plan for the site along with a preliminary title report. A CD containing digital files of the enclosed items is also attached.

In general, the property consists of 71.5 acres and is designated as Planning Areas 1 and 5 (Park) in the approved Noble Creek Vistas Specific Plan. Planned within the site are 185 single-family detached units, along with a 16.5 park, landscaped parkways, and approximately 1 acre of enhanced landscape areas. The proposal is consistent with the City's General Plan (Single-Family Residential) and zoning (Residential Single Family-RSF) land use designations which permits up to ~180 dwelling units.

In terms of the Average Daily water Demand (ADD), using Eastern Municipal Water District's (EMWD) water system planning design criteria (Section 1.A.1, see attachment), the ADD for low density (2-3 DUs/ac) residential is 800 GPD (200 GPD/C) per unit (4 C/DU). Based on the criteria, the ADD for residential use is 148,000 GPD. With respect to the park and landscape areas, using EMWD's recycled water irrigation plan (RWIP) design guidelines, we determined these areas would require roughly 24 acre-feet of water for irrigation purposes.

Should you have any questions and/or require additional items, please do not hesitate to contact me and/or Henry Lozano, Stevenson, Porto & Pierce, Inc. at (562) 587-6848 or at henry@sp2inc.com. Thank you.

Sincerely,

DocuSigned by:

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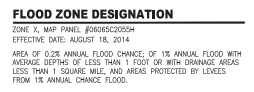
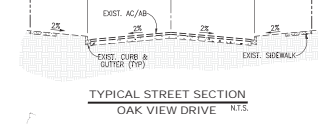
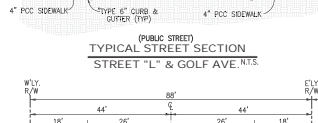
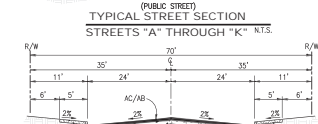
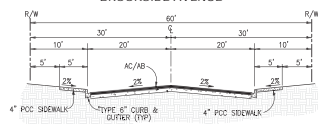
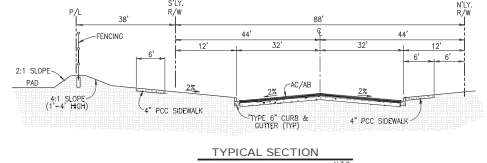
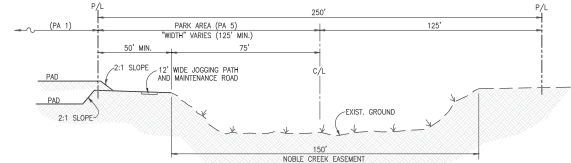
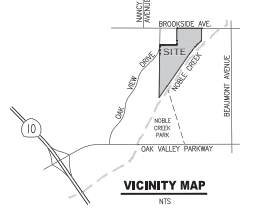
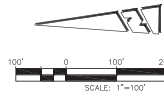
By: JPMB Investments, LLC
Its: Manager
Paul Onufer

ATTACHMENT 7

CONCEPTUAL DEVELOPMENT PLAN

PORTION OF THE EAST ONE-HALF OF SECTION 33, T. 2 S., R. 1 W., S.B.M.
IN THE CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

NO.	BY	REVISIONS DESCRIPTION



- GENERAL NOTES:**
- MAP PREPARATION DATE: 4/12/2021
 - TOTAL SITE ACRES: 16.2
 - LOT SUMMARY:
 - 72.7 ACRES GROSS
 - AVERAGE LOT SIZE: 8,290 SF
 - 47-15,000 SF MIN. LOTS (20%)
 - 138-6,000 SF MIN. LOTS (70%)
 - TOTAL LOT COUNT: 183 UNITS
 - PA 5 PARK/OPEN SPACE AREA: 16.2 ACRES
 - ASSESSOR'S PARCEL NO'S: 400-250-010 AND 400-250-012
 - EXIST. AND PROPOSED LAND USE: PA 1 AND 5 (PARK) - NOBLE CREEK SP
 - EXIST. AND PROPOSED ZONING: PA 1 AND 5 (PARK) - NOBLE CREEK SP
 - DEVELOPMENT STANDARDS (PA 1):
 - MIN. NET LOT SIZE: 6,000 SF TO 15,000 SF
 - MIN. LOT WIDTH: 55'
 - MIN. LOT DEPTH: 90'
 - LOTS FRONTING BROOKSIDE AVENUE SHALL BE 10,000 SF MIN.
 - 25% OF THE LOTS WITHIN PA 1 ARE REQUIRED TO BE 15,000 SF MIN.
 - PLANNING AREA SHALL HAVE AN AVERAGE LOT SIZE OF 7,500 SF.
 - LOTS "K", "B", "C", AND "D", TO BE DEDICATED FOR LANDSCAPE PURPOSES.
 - TOPOGRAPHY SOURCE:
 - RFC & WCD PANEL SECTION 33, T. 2 S., R. 1 W., S.B.M.
 - BOUNDARY PER P.M. 29102, P.M.B. 198/40-46.
 - THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL TRACT MAPS TO ADDRESS PROJECT PHASING
 - 100-YEAR POST DEVELOPMENT/INCREASED STORM WATER FLOWS WILL BE DISCHARGED INTO NOBLE CREEK.

LEGAL DESCRIPTION
A PORTION OF THE EAST ONE-HALF OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

LEGEND:

CL	CENTRILINE	TC	TOP OF CURB
EXIST.	EXISTING	FG	FINISHED GRADE
C&G	CURB AND GUTTER	FW	TOP OF WALL
GB	GRADE BREAK	INV	INVERT ELEV
HP	HIGH POINT	FS	FINISHED SURFACE
LP	LOW POINT	P/L	PROPERTY LINE
FL	FLOW LINE	LP	LOW POINT
EP	EDGE OF PAVEMENT	CB	CATCH BASIN
R/W	RIGHT OF WAY	BSL	BUILDING SETBACK LINE
PROP.	PROPOSED	FR	FIRE HYDRANT
P=36.9	PAD ELEVATION	SL	STREET LIGHT

UTILITY PURVEYORS
SCHOOL DISTRICT: BEAUMONT UNIFIED SCHOOL DISTRICT
SEWER: CITY OF BEAUMONT
WATER: BEAUMONT-CHERRY VALLEY WATER DISTRICT
DRAINAGE: CITY OF BEAUMONT/RIVERSIDE COUNTY FLOOD CONTROL
GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC: SOUTHERN CALIFORNIA EDISON COMPANY

PREPARED BY:
STEVENSSON, PORTO & PIERCE, INC.
A LAND DEVELOPMENT SERVICES COMPANY
285 S. RANDOLPH AVENUE #105
BREA, CA 92821
PHONE: (714) 490-1500

PREPARED FOR (APPLICANT):
JPMB INVESTMENTS, LLC
558 S. MAIN STREET ANAHEIM #337
PASADENA, CA 91105
PHONE: (626) 283-4205

OWNER:
DIAMOND RIVERSIDE LTD PARTNERSHIP
332 S. SPANGLER DRIVE
BEVERLY HILLS, CA 90212





**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 9

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Request for *Will-Serve Letter* for Riverside County Assessor's Parcel Nos. 419-150-026 & 419-150-027 located on Highland Springs Avenue, north of 6th Street (Further Defined as 675 & 695 Highland Springs Avenue) in the City of Beaumont

Staff Recommendation

Consider the request for water service *Will-Serve Letter* (WSL) for the proposed development located on Highland Springs Avenue, north of 6th Street, currently identified as **Riverside County Assessor's Parcel Nos. (APN) 419-150-026 & 419-150-027 (further defined as 675 & 695 Highland Springs Avenue)** within the City of Beaumont, subject to payment of all fees to the District and securing all approvals from the City of Beaumont and:

- A. Approve the Application for Water Service and furnish the *Will-Serve Letter* or;
- B. Deny the Application for Water Service

Background

The Applicant, High Sand, Inc., has requested water service from the District for a new development on two (2) existing undeveloped 0.79 acre parcels of land located on Highland Springs Avenue, north of 6th Street (APNs 419-150-026 & 419-150-027), in the City of Beaumont (see Attachment 1 – Site Map). District staff understands the Applicant proposed to combine the two 0.79-acre parcels with one (1) additional 0.80-acre developed parcel APN 419-150-046 (most southerly parcel) which the Applicant currently owns (see Attachment's 1 – Site Map and 2 – Site Plan).

The Applicant's currently developed parcel identified as APN 419-150-046 consists of a car wash and an automotive repair shop.

The Applicant provided District staff with a site plan that details the current proposed project configuration which includes new proposed development within APNs 419-150-026 & 419-150-027 consisting of a 3,320 sq. ft. fast-food restaurant and a 6,392 sq. ft., 5-tenant space office complex. The Applicant has further identified that some remodeling will be completed on the existing car wash located on APN 419-150-046, however there is no anticipated increase in water consumption related to said carwash.

On October 4, 2021, District staff met with the Applicant and the Applicant's Engineer. The Applicant indicated that there are no current prospective occupants for the restaurant or office complex at this time. District staff identified that the District could review annual water use of other local area facilities with similar footprints for fast-food and office complex facilities in order to estimate a reasonably conservative water consumption average for use in the Applicant's WSL request to the Board for the proposed development.



District staff audited the water consumption of five (5) existing local fast-food restaurants for at least 3 years and converted that data to average gallons per day (GPD) for said usage. The usage reviewed did not encompass data from March 2020 to current due to the unquantifiable effects of water consumption due to the COVID-19 pandemic's affects to businesses.

District staff also audited the water consumption of local area office complexes similar in size to the proposed development. The total water consumption was averaged in GPD usage per suite for the existing office complexes based on number of suites and was then used to quantify a per suite average usage, that number was then multiplied by the project's proposed number (five) of office complex suites to quantify an anticipated water usage for the proposed facilities. These numbers were rounded up slightly to ensure that a conservative approach to quantifying water use was completed.

The Applicant identified an estimated irrigation water demand of 582 GPD (1 EDU) for landscaping needs as referenced in the water demand table in the Preliminary Landscape Plan provided by the Applicant's Engineer (see Attachment 3 – Preliminary Landscape Plan).

Table 1 below identifies the anticipated not to exceed water consumption for the proposed facilities:

TABLE 1 – TOTAL PROJECT WATER CONSUMPTION

Type	Est. Consumption (CCF)	(GPD)	Est. EDUs
Fast-Food Restaurant	2.33 CCF	1,740 GPD	3.0 EDUs
Office Complex	0.97 CCF	725 GPD	1.25 EDUs
Irrigation	0.78 CCF	582 GPD	1.0 EDUs
Average Equivalent Dwelling Units (EDUs)			5.25 EDUs

APNs 419-150-026 & 419-150-027 are located within the District's Service Area Boundary. There is a 12-inch Asbestos Cement Pipe (ACP) domestic water main fronting Highland Springs Avenue which would serve the project's needs.

Final domestic and irrigation meter sizes will be determined by the Applicant. Fire Flow requirements will be determined by the County of Riverside Fire Department and said requirements dictate actual required Fire Hydrant Fire Flows to the property, and irrigation system requirements. The Applicant indicated to District staff that they intend to merge the lots into one parcel. The lot merging statement was made when District staff discussed fire service requirements and the ability to loop the system throughout the entire project. The Applicant will need to secure other necessary approvals from the City of Beaumont and/or County of Riverside.

Conditions:

The Applicant shall conform to all District requirements for water service and all City of Beaumont requirements.

1. The Applicant will be required to pay commercial front-footage fees along all property frontages where facilities are currently installed.
2. The Applicant will be required to install a fire service connection(s) to support the City of Beaumont/County of Riverside Fire Department's requirement for on-site fire hydrants.



3. Upon the Applicant engaging with a tenant for the fast-food component and office complex, the Applicant shall work with District staff to formalize the domestic water consumption from 5.25 EDUs to an amount consistent with the project's actual development water supply needs. If the domestic water demand exceeds 5.25 EDUs, the District will require that the project return for consideration of the revised project demands to the Board of Directors for approval.
4. The District reserves the right to review annual consumption data (water consumption audit) and adjust the applicant Facilities Fees (at final buildout of the project and when project facilities are fully utilized) for any amount greater than an average daily use of 3,045 gallons per day (5.25 EDUs) which is currently identified in Table 1, above.
5. In the event the Applicant constructs facilities which require additional water, including, but not limited to a fast-food restaurant and office complex, the Applicant may be required to upgrade the domestic service to facilitate the domestic consumption requirements and pay additional Facilities Fees related to these components.
6. To minimize the use of potable water, the District requires the applicant to conform to the City of Beaumont and/or County of Riverside Landscaping Ordinances which pertains to water efficient landscape requirements and the following:
 - a. Landscaped areas which have turf, shall have "smart irrigation controllers" which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall. Automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes. Orchard areas, if any, shall have drip irrigation.
 - b. Landscaping in non-turf areas should be drought-tolerant, consisting of planting materials which are native to the region. Irrigation systems for these areas should be drip or bubbler type.
 - c. Conversion of drought tolerant landscaping to turf is prohibited.

Fiscal Impact:

None. All fees and deposits will be paid by the Applicant prior to providing service.

Attachments

Attachment 1 – APNs 419-150-026, 419-150-027 & 419-150-046 Site Map

Attachment 2 – Site Plan

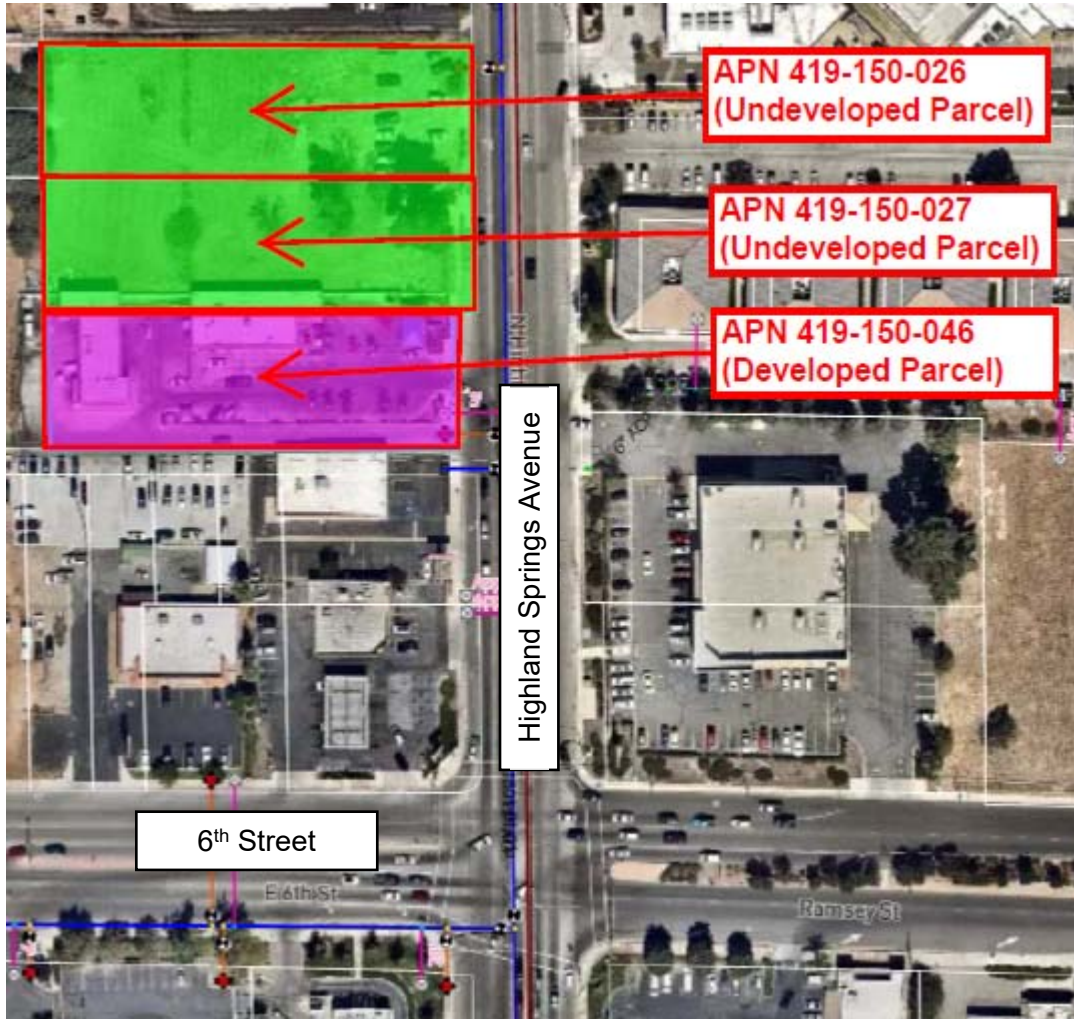
Attachment 3 – Landscape Concept Plan

Application for Water Service for Riverside County APNs 419-150-026 & 419-150-027

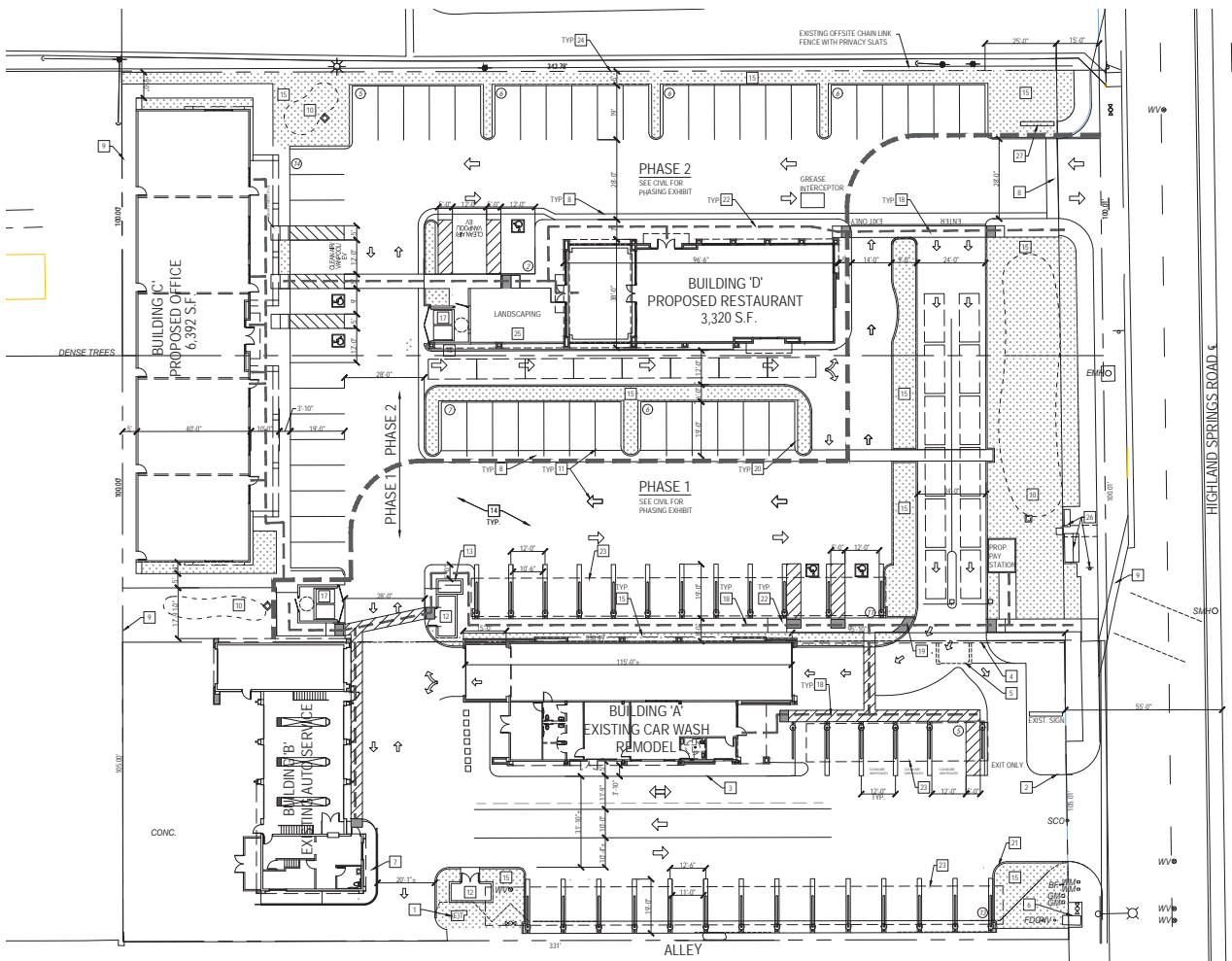
Staff Report prepared by Aaron Walker, Development Services Rep.



**ATTACHMENT 1 – APNs 419-150-026, 419-150-027 & 419-150-046
SITE MAP**



ATTACHMENT 2 - SITE PLAN



SITE PLAN KEYNOTES

- 1 (E) TRANSFORMER
- 2 (E) CONCRETE CURB
- 3 (E) SIDEWALK
- 4 (E) FENCE TO BE REMOVED
- 5 (E) TRASH ENCLOSURE TO BE REMOVED
- 6 (E) WATER UTILITIES
- 7 (E) RAISED WALKWAY WITH RAMP
- 8 PROPOSED GUTTER, SEE CIVIL
- 9 PROPOSED 6' CMU WALL, SEE CIVIL
- 10 PROPOSED WOMP FACILITIES
- 11 PROPOSED STRIPING/ARROWS, SEE CIVIL
- 12 PROPOSED VACUUM EQUIP. ENCLOSURE
- 13 PROPOSED VENDING ENCLOSURE
- 14 PROPOSED CONCRETE PAVING, SEE CIVIL
- 15 PROPOSED LANDSCAPING, SEE LANDSCAPE PLANS
- 16 PROPOSED SIDEWALK, SEE CIVIL
- 17 PROPOSED TRASH ENCLOSURE
- 18 4' WIDE MAIN PATH OF TRAVEL, SHALL COMPLY WITH 2014 C.B.C. 11B.403.5 TO MAX. SLOPE 1:12 (8.33%); TRAVEL W/ 2% MAX. CROSS SLOPE. SEE CIVIL DWGS.
- 19 INSTALL TRUNCATED DOMES PER C.B.C.
- 20 PROPOSED 12" WIDE CONCRETE CURB AT SPACES ADJACENT TO LANDSCAPING
- 21 PROPOSED 4" CONCRETE CURB, SEE CIVIL
- 22 PROPOSED CONCRETE WALKWAY, SEE CIVIL
- 23 PROPOSED VACUUM FABRIC CANOPY ABOVE
- 24 (E) CHAIN LINK FENCE WITH PRIVACY SLATS TO REMAIN.
- 25 DG. LANDSCAPED AREA, SEE LANDSCAPE PLANS.
- 26 BUS STOP, SEE CIVIL FOR MORE INFO.
- 27 MONUMENT SIGN, SEE LANDSCAPE DWGS.

PROJECT INFORMATION

SITE ADDRESS: 695 HIGHLAND SPRINGS AVE, BEAUMONT, CA
 OWNER/APPLICANT: HIGH SAND, INC. A/E: 1489, 1809 GREEN ORCHARD RIVERSIDE, CA 92508 951-288-0220
 ARCHITECT: BROESKE ARCHITECTS & ASSOCIATES, INC. 4344 LOTHAM ST., FIDR RIVERSIDE, CA 92501 JAMES BROESKE

SITE DATA

PROJECT DESCRIPTION: EXISTING CAR WASH AND LOBE BUILDINGS REMODEL, DRIVEWAY PARKING SPACES, VACUUM/FABRIC COVER, TRASH ENCLOSURE AND LIGHT POLES. PHASE 2 WILL INCLUDE AN OFFICE AND RESTAURANT.
 ASSESSOR'S PARCEL NUMBER: 419 150 028; 419 150 027; 419 150 046
 TOTAL SITE AREA: NET AFTER RIGHT-OF-WAY DEDICATION: 110,585.56 SQ. FT. (2.3 AC.)
 GENERAL PLAN LAND USE: GC - GENERAL COMMERCIAL
 ZONING: C-G - COMMERCIAL GENERAL
 TYPE OF CONSTRUCTION: V-B SPRAWLERED
 BUILDING AREA: O/C: 4,230 S.F. EXIST: 3,801 S.F. ADDITION: 429 S.F.
 BUILDING "A": B: 2,924 S.F. 1ST: 1,284 S.F. BASEMENT: 1,540 S.F.
 BUILDING "C": B: 6,400 S.F.
 BUILDING "D": B: 3,320 S.F.
 TOTAL AREA: 14,874 S.F.
 TOTAL BUILDING FAR: 0.17
 TOTAL BUILDING FOOTPRINT: 14,394 S.F. LOT COVERAGE: 16%
 LANDSCAPED AREA: 19,722 S.F. COVERAGE: 17.6%

PHASE "1+2" OFF-STREET PARKING TABULATION

USE	TOTAL AREA	PARKING RATIO	TOTAL REQUIRED
B (EXIST. BLDG "A" CAR WASH W/ ADDITION)	2,846 S.F.	5 SP/0.3,000 S.F.	5
S1 (EXIST. BLDG. "B" AUTO SERVICE CENTER)	3,073 S.F.	1/849	4
B (EXIST. BLDG. "A" CAR WASH WAITING AREA)	1,384 S.F.	1/200	15
B (EXIST. BLDG. "B" AUTO SERVICE RETAIL AREA)	1,540 S.F.	1/200	32
B (PROPOSED BLDG. "C" OFFICE)	6,400 S.F.	1/200	34
B (PROPOSED BLDG. "D" RESTAURANT)	3,320 S.F.	1/100	34
TOTAL REQUIRED PARKING SPACES			90
TOTAL REQUIRED ACCESSIBLE PARKING SPACES PER 2014 C.B.C. TABLE 11B.208.2			4
TOTAL STANDARD PARKING SPACES PROVIDED			75
TOTAL PROVIDED STANDARD ACCESSIBLE PARKING SPACES			1
TOTAL PROVIDED VAN ACCESSIBLE PARKING SPACES - EV VAN SPACES			5
TOTAL PROVIDED PARKING (VARIANCE APPLIED)			81

PHASE "1" OFF-STREET PARKING TABULATION

USE	TOTAL AREA	PARKING RATIO	TOTAL REQUIRED
B (EXIST. BLDG "A" CAR WASH W/ ADDITION)	2,846 S.F.	5 SP/0.3,000 S.F.	5
S1 (EXIST. BLDG. "B" AUTO SERVICE CENTER)	3,073 S.F.	1/849	4
B (EXIST. BLDG. "A" CAR WASH WAITING AREA)	1,384 S.F.	1/200	15
B (EXIST. BLDG. "B" AUTO SERVICE RETAIL AREA)	1,540 S.F.	1/200	32
TOTAL REQUIRED PARKING SPACES			24
TOTAL REQUIRED ACCESSIBLE PARKING SPACES PER 2014 C.B.C. TABLE 11B.208.2			1
TOTAL STANDARD PARKING SPACES PROVIDED			27
TOTAL PROVIDED STANDARD ACCESSIBLE PARKING SPACES			1
TOTAL PROVIDED VAN ACCESSIBLE PARKING SPACES - EV VAN SPACES			1
TOTAL PROVIDED PARKING			29

NOTE: FOR INFORMATION NOT SHOWN, SEE CIVIL DRAWINGS A LOT LINE ADJUSTMENT SHALL BE COMPLETED.

PROPOSED SITE - SCHEME "B"

1"=20'-0"



HIGHLAND SPRINGS REMODEL AND DEVELOPMENT

695 HIGHLAND SPRINGS AVE, BEAUMONT, CA

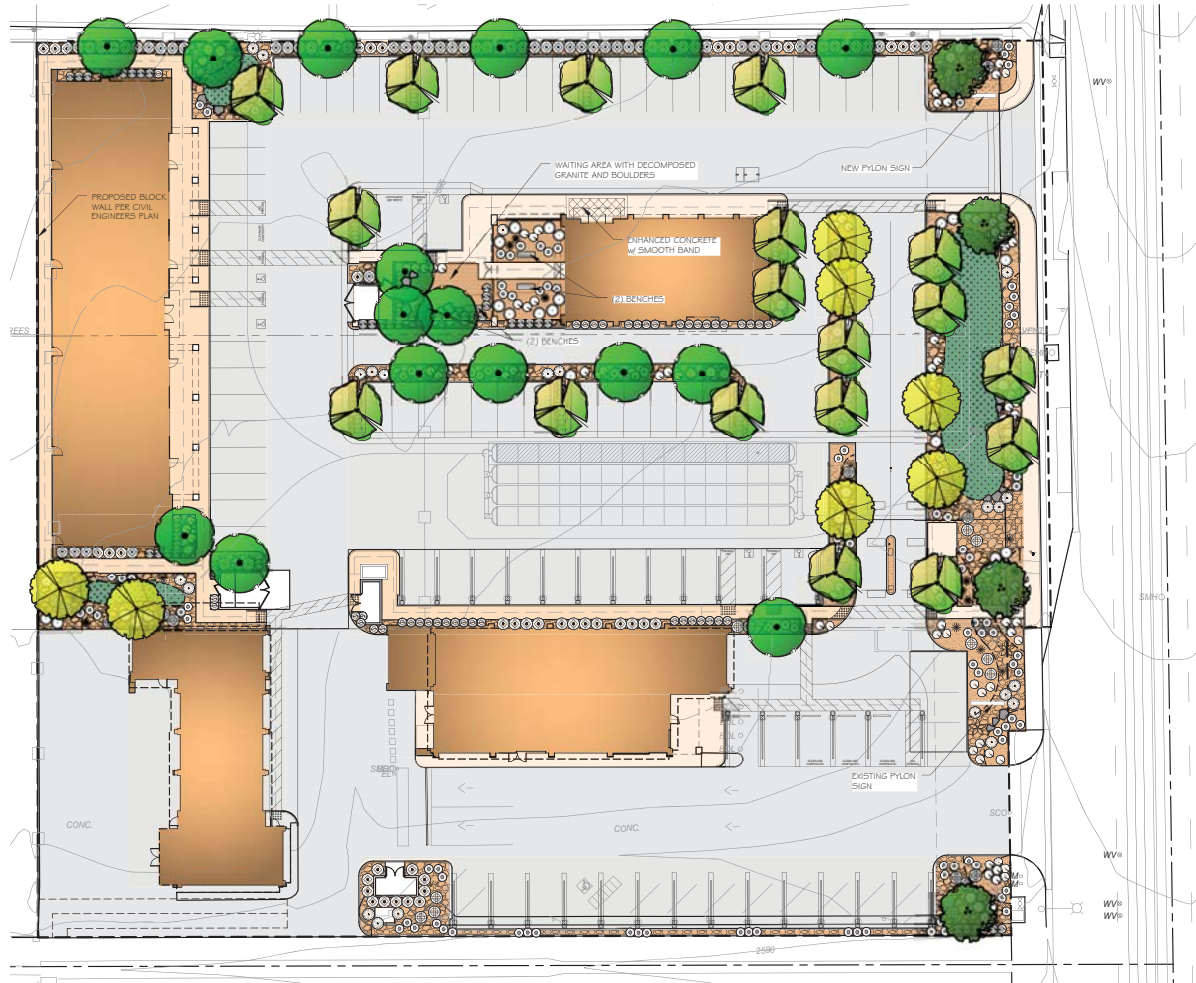
- CONSULTANTS
- 19-015
 - 11-20-2020
 - M PRICE
 - AS NOTED

SITE PLAN SCHEME "B"

SHEET NO.

A1.1

ATTACHMENT 3 - LANDSCAPE CONCEPT PLAN



PROJECT NOTES

Irrigation design shall comply with AB1851 and Estimated Annual Water Use (EAWU) will not exceed Maximum Annual Water Use (MAWA) calculations.

Landscape work shall be in accordance with City of Beaumont Landscape Standards and Codes for Landscape Improvements.

Trees within 6 feet of hardscape shall be installed with approved root control barrier (16 feet length min. each tree)

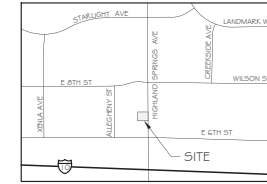
WATER BUDGET CALCULATIONS (PRELIMINARY)

MAWA
 MAWA (in gallons) = (ET_o) (0.62) [(0.45 x LA) + (0.3 x SLA)]
 MAWA (in gallons) = (55.1) (0.62) [(0.45 x 13,829) + (0.3 x 0)]
 MAWA (in gallons) = (55.1) (0.62) [6,223]
 MAWA (in gallons) = 212,590

EAWU (Drip / Low)
 EAWU (in gallons) = (ET_o) (0.62) [(PPF x HA) / IE] + SLA
 EAWU (in gallons) = (55.1) (0.62) [(0.3 x 11,523) / 0.9] + 0
 EAWU (in gallons) = (55.1) (0.62) [(3,457 / 0.9) + 0]
 EAWU (in gallons) = (55.1) (0.62) [3,841]
 EAWU (in gallons) = 1,312,16

EAWU (Spray / Mod)
 EAWU (in gallons) = (ET_o) (0.62) [(PPF x HA) / IE] + SLA
 EAWU (in gallons) = (55.1) (0.62) [(0.5 x 2,306) / 0.7] + 0
 EAWU (in gallons) = (55.1) (0.62) [(1,153 / 0.7) + 0]
 EAWU (in gallons) = (55.1) (0.62) [1,647]
 EAWU (in gallons) = 56,265

TOTAL EAWU = 1,87,481



VICINITY MAP
N.T.S.

PROJECT DIRECTORY

OWNER:
 High Sand, Inc
 655 Highland Springs Ave
 Beaumont, CA 92223
 Contact: Ali B. Harp
 (909) 214-3333

LANDSCAPE ARCHITECT:
 KDLA, inc
 7426 Cherry Ave, #210-G41
 Fontana, CA 92336
 Contact: Michael Salazar
 (909) 744-4376

CIVIL ENGINEER:
 MTHZ Engineering, Inc
 639 Lakeswood Drive
 Riverside, CA 92506
 Contact: Marten Anderson
 (951) 850-2190

ARCHITECT:
 Broeske Architects and Associates
 4344 Latham Street, Suite 100
 Riverside, CA 92501
 Contact: James Broeske
 (951) 300-1866

PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	<i>Arbutus unedo</i> 'Manna'	Manna Strawberry Tree	24" Box	Mod
	<i>Cercidium</i> 'Desert Museum'	Desert Museum Palo Verde	24" Box	Low
	<i>Chitalpa tashkentense</i>	Chitalpa	24" Box	Low
	<i>Olea europaea</i> 'Fruitless'	Fruitless Olive	24" Box	Low
	<i>Agave americana</i> 'Vanegata'	Vanegated Agave	15 Gal	Low
	<i>Aloe striata</i>	Coral Aloe	5 Gal	Low
	<i>Bougainvillea</i> 'Monika'	Oo-la-la Bougainvillea	5 Gal	Low
	<i>Callistemon</i> 'Little John'	Dwarf Callistemon	15 Gal	Low
	<i>Daylily</i> 'Whisper'	Desert Spoon	5 Gal	Low
	<i>Lantana</i> x 'New Gold'	New Gold Lantana	5 Gal	Low
	<i>Lavandula</i> 'Wandelaar'	Manistad Lavender	5 Gal	Low
	<i>Leucophyllum</i> f. 'Compacta'	Compact Texas Ranger	15 Gal	Low
	<i>Pennisetum</i> setaceum	Fourtan Grass	5 Gal	Low
	<i>Carex</i> spissa	San Diego Sedge	1 Gal	Low
	<i>Juniper</i> patens	California Gray Rush	1 Gal	Low
	<i>Muhlenbergia</i> rigens	Deer Grass	1 Gal	Mod
	Decomposed Granite			
	3/4" Crushed Gravel			
	Landscape Boulder			

CLIENT / OWNER

High Sand, Inc
 Mr. Ali B. Harp
 655 Highland Springs Ave
 Beaumont, CA 92223
 (909) 214-3333

LANDSCAPE ARCHITECT

KDLA, inc
 Korander Design
 Landscape Architects
 7426 Cherry Avenue
 #210-G41
 Fontana, CA 92336
 909 744 4376

SEAL



PROJECT INFORMATION

PROJECT NAME:
**HIGHLAND SPRINGS
 REMODEL AND DEVELOPMENT**
 655 Highland Springs Ave
 Beaumont, CA
 PROJECT DESCRIPTION:
 Preliminary Landscape Plan

REVISIONS

DESIGNER

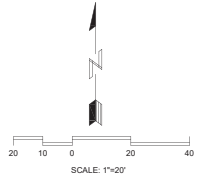
MS 29101
 MS 11.16.20
 MS AS SHOWN

SHEET TITLE

**LANDSCAPE
 CONCEPT
 PLAN**

SHEET NUMBER

L-1
 SH. 1 OF 1





BEAUMONT CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue • PO Box 2037

Beaumont, CA 92223-2258

Phone (951) 845-9581

www.bcvwd.org

Will Serve Request Water Supply Assessment (SB210)

Applicant Name: High Sand, Inc.	Contact Phone # (951) 214-3333
Mailing Address: 655 Highland Springs Avenue	Fax #:
City: Beaumont	E-mail: ali123harb@gmail.com
State & Zip: CA 92223	
Service Address: 675 and 695 Highland Springs Avenue	
Assessor's Parcel Number (APN), Tract Map No. Parcel Map No.: 419-150-026 and 419-150-027	
Project Type: <input type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Minor Subdivision (5 lots or less) <input type="checkbox"/> Major subdivision (6+ lots) <input type="checkbox"/> Other	
Site Map Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Preliminary Grading Plan from City Planning review.	

The letter should be delivered to:

Recipient: High Sand, Inc - Attn: Ali Harb 655 Highland Springs Avenue Beaumont, CA 92223
PLEASE CHOOSE ONE: <input type="checkbox"/> Mail (above address) <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Will pick up

The District reserves the right to impose terms and conditions in Will Serve Letters and/or Water Supply Assessment Reports that take into account water availability issues, conservation issues and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.

Applicant's Signature

August 17, 2021

Date



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 10

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Status of Grant Writing Consultant Townsend Public Affairs, Inc. and Contract Update**

Staff Recommendation

No recommendation. Information regarding service contract expiring October 31, 2021.

Background

At the Engineering workshop on October 25, 2018, the Board approved a contract with Townsend Public Affairs, Inc. (Townsend) for grant writing services for a three-year maximum term. This was based on staff identifying potential funding opportunities available through grant funding and the belief that hiring a consulting firm for grant writing would provide the best probability of securing grant funding.

Over the past three years, Beaumont-Cherry Valley Water District (District) staff has worked with Townsend evaluating grant eligibility requirements, submitting applications for grant funding, coordinating visits from local representatives, providing legislative updates related to COVID-19 during the height of the pandemic, evaluating requests, and lobbying for additional funding opportunities in the State and Federal budget (Table 1).

Table 1 – Townsend Related Grant Activity

Year	Activity	Resolution
2018-2021	Preparation of required Form 635-Report of Lobbyist Employer and submitted on the District's behalf.	Staff reviews, confirm, and approved by General Manager on a quarterly basis.
2019	Provides guidance to District staff for grant compliance requirements.	Reactivation of District Data Universal Number System (DUNS), System for Award Management (SAM) online registration, and Automated Standard Application for Payments (ASAP) access.
2019	Implementation Funding application for the Recycled Water Facility. Santa Ana Watershed Project Authority (SAWPA); One Water One Watershed (OWOW) Prop 1 Round 1.	No award. Did not meet the minimum funding threshold. Townsend, along with District staff, have continued to attend OWOW meetings to monitor future opportunities.
2019	Coordinated site visits from Assemblyperson Mayes and Senator Morrel.	Introduced District projects, laying groundwork for potential non-grant related funding in the future.



2019	Bureau of Reclamation (BOR) WaterSMART: Water and Energy Efficiency Grant Proposal FY 2019.	No award. Townsend organized follow-up meeting with BOR to identify areas of improvement.
2020	Bureau of Reclamation (BOR) WaterSMART: Water and Energy Efficiency Grant Proposal FY 2020.	Award granted of up to \$1.5 million as a matching grant. Townsend assisted with review of agreement.
2020	COVID-19 funding advocacy: Regular lobbying at State and Federal level for Special District and/or BCVWD to be included in funding language. Reviewing current FEMA application.	No direct award, however provided daily, weekly, and monthly updates on the pandemic and related activities during the year. FEMA application pending (2022).
2020	Review of JPIA Risk Control Grant Program Application form.	Award granted of up to \$10,000.
2021	Bureau of Reclamation (BOR) WaterSMART: Water and Energy Efficiency Grant Proposal FY 2021.	No award. District not eligible for additional funding.
2021	Pursuit of direct funding for Well 1 and Well 2 projects: Earmark funding, Budget addition, Direct appropriations.	No award, however, project was initially selected by Senator Feinstein. Funding was reallocated by Senate.
2021	Emergency Rental Assistance (ERA) request to the County of Riverside.	Along with staff outreach, District approved as eligible recipient of funding for approved resident applications. YTD collected \$8,300.

The contract with Townsend is set to expire October 31, 2021.

Townsend representatives have requested the opportunity for a presentation for a new contract at the November 10, 2021 Board meeting. The new contract would be an action item at that following board meeting.

Fiscal Impact

No impact as contract remained under the Not-to-Exceed \$144,000 during contract term November 2018 to November 2021.

Attachments

- Attachment A – Contract

**AGREEMENT BETWEEN
BEAUMONT-CHERRY VALLEY WATER DISTRICT
AND CONSULTANT
FOR
PROFESSIONAL SERVICES**

This Agreement made and entered into this 1st day of November, 2018, by and between **BEAUMONT-CHERRY VALLEY WATER DISTRICT**, a California Irrigation (Special) District, hereinafter referred to as **DISTRICT**, and Townsend Public Affairs, Inc., hereinafter referred to as **CONSULTANT**.

DISTRICT:

Beaumont-Cherry Valley Water District
P.O. Box 2037
560 Magnolia Avenue
Beaumont, CA 92223

Fax: (951) 845 0159

Attention: Dan Jagers, General Manager

CONSULTANT:

Townsend Public Affairs, Inc.
1401 Dove Street, Suite 330
Newport Beach, CA 92660

Email: ctownsend@townsendpa.com

Fax: _____

Attention: Christopher Townsend, President

Witnesseth that in consideration of the mutual promises as hereinafter contained, the parties do mutually agree as follows:

1. SCOPE OF SERVICES

CONSULTANT shall furnish all labor, materials, equipment, and supplies and shall perform all work necessary or incidental to performing project services for DISTRICT. The project services are generally described as Grant Writing Consulting Services, as described in Attachment I: "CONSULTANT PROPOSAL for Services and Fees". Such services shall be performed by CONSULTANT as an independent contractor.

2. GENERAL CONDITIONS

This Agreement contains the entire Agreement between DISTRICT and CONSULTANT relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Subsequent modifications to this Agreement shall be in writing and signed by both DISTRICT and CONSULTANT.

DISTRICT and CONSULTANT agree to cooperate with each other in order to fulfill their responsibilities and obligations under this Agreement. Both DISTRICT and CONSULTANT shall endeavor to maintain good working relationships among members of the project team.

3. TERM OF AGREEMENT

The term of this Agreement shall be from the date this Agreement is made and entered, as first written above, until terminated as provided herein. CONSULTANT recognizes that the services required by the DISTRICT are dependent upon the timely performance of CONSULTANT's services. Specific periods of time for rendering services or specific dates by which services are to be completed are outlined in "CONSULTANT PROPOSAL's Services and Fees", included in Attachment I.

This Agreement shall have an initial term of three (3) years from Effective Date, with the option of non-renewal after the first and second year. District will notify Consultant within sixty (60) days of non-renewal.

4. COMPENSATION

CONSULTANT shall be compensated for services performed under this Agreement in accordance with "CONSULTANT PROPOSAL's Services and Fees", included in Attachment I. Payment for services shall be computed upon the basis of the actual services provided. The amounts in Attachment I shall not be exceeded without DISTRICT's prior written authorization.

5. INVOICING AND PAYMENT

CONSULTANT shall invoice DISTRICT for services performed and DISTRICT will pay CONSULTANT within thirty (30) days of receipt of invoice.

6. OWNERSHIP OF PRODUCT

CONSULTANT agrees that all data and information generated in the performance of this Agreement and data and information which are specified to be delivered or which are, in fact, delivered pursuant to this Agreement shall be and remain the sole property of DISTRICT.

CONSULTANT shall deliver all data and information to DISTRICT upon request and in any event upon the completion of all services hereunder or the termination or expiration hereof, whichever shall first occur, and shall be fully responsible for the care and protection thereof until such delivery. Except as otherwise provided in this Agreement, said documents shall be delivered to DISTRICT without additional cost to DISTRICT.

7. STANDARDS AND LIABILITY

The services provided by CONSULTANT under this Agreement, including findings, recommendations, and professional advice, shall be based on practices and procedures customary in CONSULTANT'S profession. CONSULTANT asserts that it will employ the current standard of care in performing its services.

8. SUBCONTRACTING

Performance of this Agreement may not be subcontracted in whole or in part without the prior written consent of DISTRICT.

9. SUCCESSORS AND ASSIGNS

This Agreement is to be binding on the heirs, successors, and assignees of the parties hereto, but is not to be assigned by either party without first obtaining the written consent of the other party hereto.

10. CHANGES

DISTRICT, within the general scope of this Agreement may, at any time, by written notice to CONSULTANT, issue additional instructions, require additional services, or direct the omission of services covered by this Agreement. In such event, an equitable adjustment in fee and/or term will be made, provided any claim for such an adjustment is made within thirty (30) days of the receipt of said written notice.

11. TERMINATION

This Agreement may be terminated in whole or part in writing by either party in the event of substantial failure by the other party in fulfilling its obligations under this Agreement, through no fault of the terminating party: Provided, that no such termination may be effected unless the other party is given (1) at least fourteen (14) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate, itemizing the reasons therefor, and (2) an opportunity to consult with the terminating party prior to termination to establish a reasonable period to fulfill its obligations.

If during the term of this Agreement, DISTRICT determines that the CONSULTANT is not faithfully abiding by any term or condition contained herein, DISTRICT may notify CONSULTANT in writing of such defect or failure to perform, giving CONSULTANT a fourteen (14) day notice thereafter in which to perform said specified services or cure specified deficiencies. If CONSULTANT has not performed specified services or cured specified deficiencies within the time specified, such shall constitute a breach of this Agreement, and DISTRICT may, by written notice to CONSULTANT, terminate immediately this Agreement. Thereafter, neither party shall have any further duties, obligations, responsibilities, or rights under this Agreement. In said event, CONSULTANT shall be entitled to the reasonable value of its services performed from the beginning of the period in which the breach occurs up to the day it received DISTRICT's notice of termination, less any amounts for damages to DISTRICT from such breach. In no event, however, shall CONSULTANT be entitled to receive in excess of the total compensation set forth in Attachment I. The District reserves the right not to renew contract after the first and second year.

12. INDEPENDENCE OF DISTRICT

CONSULTANT shall perform services in accordance with the terms and conditions of this Agreement as an independent contractor and shall be responsible for the means and methods used in performing services under this Agreement.

13. LEGAL REQUIREMENTS

CONSULTANT shall secure all licenses or permits required by law and shall comply with all ordinances, laws, orders, rules, and regulations pertaining to its services hereunder.

14. LAWS AND VENUE

This agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this agreement, the action shall be brought in a state or federal court situated in the County of Riverside, State of California.

15. INSURANCE

CONSULTANT agrees and shall submit evidence to DISTRICT before beginning services under this Agreement that CONSULTANT has procured and shall maintain Comprehensive General Liability, Comprehensive Automobile Liability, and Professional Liability insurance coverage, with limits at or above those described below; Workers' Compensation and Employer's Liability insurance will be procured and maintained as required by the laws of the State of California. Any insurance on a "claims made" basis shall be maintained for at least three (3) years after completion of the services.

Prior to commencement of services, CONSULTANT shall provide DISTRICT with certificates of insurance evidencing required insurance coverages. Such certificates shall be issued by insurance carrier(s) acceptable to DISTRICT and shall be endorsed to include: (1) DISTRICT as additional insured on the Comprehensive General Liability Policy; (2) waiver of subrogation against DISTRICT on the Workers Compensation Policy; and (3) thirty (30) days prior written notice of cancellation or material change in any of the coverages.

MINIMUM REQUIRED INSURANCE

- 1. Workers Compensation - Statutory
- Employer's Liability - \$1,000,000 each accident
- \$1,000,000 each employee
- \$1,000,000 policy limit

- 2. Comprehensive General & Contractual Liability
 - Bodily Injury } - \$1,000,000 per occurrence
 - Property Damage } - \$1,000,000 in the aggregate
 - Personal Injury, with employment exclusion deleted - \$1,000,000 in the aggregate

- 3. Comprehensive Automobile Liability for all owned (private and others), hired and non-owned vehicles
 - Bodily Injury } - \$1,000,000 per occurrence
 - Property Damage } - \$1,000,000 in the aggregate

- 4. Professional Liability
 - \$1,000,000 per claim
 - \$1,000,000 in the aggregate

In the event CONSULTANT fails to obtain or maintain any insurance coverage required under this Agreement, DISTRICT may terminate this Agreement for cause.

16. INDEMNIFICATION AND HOLD HARMLESS

CONSULTANT agrees to indemnify and hold harmless DISTRICT, its officers, agents, and employees from claims attributed to CONSULTANT's negligent acts, errors, or omissions. DISTRICT agrees to indemnify and hold harmless CONSULTANT, its officers, agents, and employees from claims attributed to DISTRICT's negligent acts, errors, or omissions.

17. DISPUTE RESOLUTION

In an effort to resolve any conflicts that arise during the consulting services period or following completion of the project, DISTRICT and CONSULTANT agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

In the event the parties are unable to reach settlement, all claims, counterclaims, disputes, and other matters in question between the parties hereto arising out of or relating to this Agreement, or the breach thereof, shall be decided by arbitration in accordance with the rules of the American Arbitration Association. Notice of demand of arbitration must be filed in writing with the other parties to this Agreement and the American Arbitration Association. The demand must be made within a reasonable time after the parties conclude that they are unable to reach settlement. The award rendered by the arbitrator shall be final, judgment may be entered upon in any court having jurisdiction thereof, and shall not be subject to modification or appeal except to the extent permitted by Sections 10 and 11 of the Federal Arbitration Act (9 U.S.C. 10 & 11).

IN WITNESS WHEREOF, each of the parties has caused this Agreement to be executed on the day and year first above written.

Townsend Public Affairs, Inc.

ATTEST:

By  (Consultant)
(Signature)

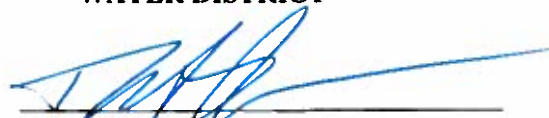
Secretary

Name/Title

(Print Name/Title)

Date

**BEAUMONT-CHERRY VALLEY
WATER DISTRICT**

By 
Dan Jagers
General Manager

Date

12/4/2012

6. NOT-TO-EXCEED COST ESTIMATE

Attachment 1 (part 2)

Proposal Form (Mandatory)

Submitted herewith is our proposal to perform the Grant Writing Services for the Beaumont-Cherry Valley Water District.

The undersigned agrees to perform the grant writing services specified at a total cost not to exceed the price quotation indicated below.

The Contract will be performed in accordance with requirements set forth in the Request for Proposal and the District's standard professional agreement. Services will be performed by the personnel identified in the "Statement of Qualifications".

	<u>Not-to-Exceed</u>
Initial Review of District Projects for grant opportunities:	\$ <u>Included</u>
Initial Grant Funding Research: (November 2018 through November 2019)	\$ <u>Included</u>
For 12 consecutive months from (September 2018 through August 2019) (Include how that price is quoted (e.g. per month, per grant, on-call, etc.): (November 2019 through November 2020)	\$ <u>4,000 per month</u>
For 12 consecutive months from (September 2019 through August 2020) (If renewed): (November 2020 through November 2021)	\$ <u>4,000 per month</u>
For 12 consecutive months from (September 2020 through August 2021) (If renewed):	\$ <u>4,000 per month</u>



ITEMIZED COST ESTIMATE

DESCRIPTION OF SERVICES	FEE
Grant Writing Consulting Services	\$4,000 Per Month*
• Conduct Detailed Orientation	Included
• Craft Strategic Funding Plan	Included
• Identify, Research, and Monitor Grant Funding Opportunities	Included
• Monthly Reports	Included
• Establishment of Clear Accountabilities	Included
• Grant Application Development and Submittal	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
<i>*The monthly fee includes time, material, travel, and other expenses which may be associated with the duties and obligations under this Request for Proposals.</i>	

CHARGE OUT RATES FOR KEY PERSONNEL

KEY PERSONNEL	HOURLY BILLING RATES*
Christopher Townsend, President	\$200
Cori Williams, Southern California Director	\$150
Sharon Gonsalves, Senior Associate	\$125
Eric O'Donnell, Associate	\$100
Johannus Reijnders, Associate	\$100
Zac Commins, Associate	\$100
<i>*Billing rates for all key personnel assigned to the project, materials, etc. have been incorporated into the total not-to-exceed cost above</i>	



Attachment I (part 1)



Beaumont-Cherry Valley Water District

**Request for Proposals
For
Grant Writing Consulting Services**

**Beaumont-Cherry Valley Water District
560 Magnolia Ave,
Beaumont, California 92223
(951) 845-9581**

RFP Posting Date

July 3, 2018

RFP Due Date

July 31, 2018

At 4:00 P.M.

CONTENTS

A. BACKGROUND

B. SCOPE OF WORK

C. SPECIAL PROVISIONS

D. SAMPLE OF PROFESSIONAL SERVICE AGREEMENT

**SECTION A
BACKGROUND**

I. INTRODUCTION

Beaumont-Cherry Valley Water District (District or BCVWD) invites qualified firms/consultants to submit proposals for contractual grant writing services. The District is seeking to contract with an individual or firm that specializes in the management of the overall grant process and can assist the District to maximize the benefits of grant funding. The required services are herein described in the Scope of Work.

II. DISTRICT PROFILE

The District was formed in 1919 as the Beaumont Irrigation District under California Irrigation District Law, Water Code Section §20500 *et seq.* The name was changed to the Beaumont-Cherry Valley Water District in 1973. Beaumont-Cherry Valley Water District is a California Special District that provides potable and non-potable water service within its 28 square mile service area.

The District is located in the foothills of the San Bernardino Mountains, approximately 75 miles east of Los Angeles along interstate 10. With a service area encompassing approximately 28 square miles, the District provides potable water and non-potable water service to over 48,000 residents within the City of Beaumont and the unincorporated Community of Cherry Valley in Riverside and San Bernardino Counties in Southern California.

III. BACKGROUND AND OBJECTIVE (BCVWD)

The District is governed by a five-member Board of Directors elected at-large to four year terms by BCVWD's constituents. The General Manager administers the day-to-day operations of the District in accordance with policies and procedures established by the Board of Directors.

It is the intention of the District to apply for grants which address documented District needs associated with services delivery, necessary capital infrastructure improvements and water and non-potable water recharge and recovery project(s). In addition, it is the intent of the District to apply for grants which not only are consistent with identified District needs but those grants that can be properly and efficiently administered by staff taking into account existing duties and responsibilities. The goal of the District's grant program is to secure funding for services and projects which the District otherwise would be required to utilize Capital Replacement funds.

**SECTION B
SCOPE OF WORK**

I. SCOPE OF SERVICES

The District is seeking a Contractor/Consultant to provide grant writing services for Beaumont-Cherry Valley Water District. These services would include researching grants for which the District meets application criteria, preparing and submitting grant applications, and fulfilling administration requirements for successful grants. The proposal should provide pricing options for each Scope of Services component listed below together with a suggested budget for each component of the Scope. Specific services, although not all-inclusive, to be performed are as follows:

Funding needs analysis – Work with the District's departments to assess the validity of current funding priority areas and identify new priority areas for funding.

1. Review District projects for grant opportunities
2. Grant funding research – Conduct research to identify grant resources including, but not limited to, federal, state, foundation, agencies and organizations that support the District's funding needs and priorities in the following general areas by way of illustration and not by way of limitation:
 - Infrastructure Development and Maintenance
 - Recycled/Non-Potable Water
 - Storm Water
 - Water Conservation Initiatives
 - Watershed Restoration
 - GIS Geographic Information System
 - Raw Water and Recycled Water Recharge Projects
 - Storm Water Capture Projects
3. On-call grant research – In addition to the areas defined above, other areas may be also identified through the Funding needs analysis process and throughout the duration of the contract.
4. Grant proposal development – Provide grant proposal writing services associated with:
 - Grant application review and preparing a timeline and chart of tasks for grant submission.
 - Writing all sections of a grant applications and completing grant applications on behalf of the District, including the preparation of funding abstracts, production and submittal of applications to funding sources.
 - Ensuring that letter of support and other required certifications or documents are submitted with the grant timeline.
 - Completing tasks (including but not limited to reports and budgets) for post-award administration and accountability in accordance with the grant timeline.
 - A copy of each grant application submitted is to be provided to the Beaumont-Cherry Valley Water District.
5. Monthly reports – the successful contractor/consultant shall submit monthly reports to the District summarizing the amount of time expended and describe activities undertaken during the previous month.

Firms or individuals submitting a response to this RFP shall provide the District with a detailed description of the work that will be completed and other information as requested in this RFP.

II. PROPOSAL REQUIREMENTS

Proposer must submit a detailed proposal which includes, at a minimum, the following:

1. Define the methodology/approach to be used to identify the needs of the District which would be eligible for funding through grants, including whether costs will be hourly or per grant, written and submitted.
2. Generally, detail the involvement and role of District staff and District resources in the grant writing process. Describe, in detail, the process you would utilize to prepare the actual grant application.
3. List your experience in the identification and preparation of grants for special districts. Specifically, detail your experience with federal and state grants for infrastructure improvement and maintenance, storm water, water conservation initiatives, watershed restoration, GIS Geographic Information systems, technology community development and capital assets.
4. List up to five (5) funded grants which you developed detailing the funding source, amount requested and amount funded. As well as a list of grants for which the Beaumont-Cherry Valley Water District would qualify and that your organization would pursue on our behalf.
5. Example of Grant Application: Attach an example of a grant application that was written by you and successfully funded for an agency (preferably from a comparable California water district).
6. Describe the background, experience and qualifications of the person(s) who will act as the grant writer and the qualifications of any staff who will assist with the preparation of grant applications (include their role, education, relevant experience and related qualifications).
7. Attach a list of references. At least two of these should be from Water Districts/Cities in California. Include the name of contact, affiliation, address, direct telephone number and email address.
8. Describe in detail the fee structure you propose for providing grant writing services.

III. SELECTION

The District will make its selection based on its review of the proposal submitted. The criteria will include qualifications, experience, fee structure, and the ability to meet the needs of the District.

Firms/Consultants wishing to submit an RFP should meet the following minimum qualifications:

1. Excellent written and verbal communication skills.
2. Highly organized with the ability to manage prospect identification and evaluation.
3. Proficient in research, interpreting research, and analyzing data.
4. Must demonstrate a proven track record of successful grant writing results for federal, state, and local grant applications.
5. Must have a physical office location in California.

IV. PROPOSAL CONDITIONS AND FORMAT INFORMATION

So that competing proposals can be compared equally, firms/consultants must assemble their proposals in strict adherence to the layout requirements: (Failure to follow all proposal layout requirements may result in disqualification of your proposal for being non-responsive).

Proposal Form (Mandatory)

Submitted herewith is our proposal to perform the Grant Writing Services for the Beaumont-Cherry Valley Water District.

The undersigned agrees to perform the grant writing services specified at a total cost not to exceed the price quotation indicated below.

The Contract will be performed in accordance with requirements set forth in the Request for Proposal and the District's standard professional agreement. Services will be performed by the personnel identified in the "Statement of Qualifications".

Not-to-Exceed

Initial Review of District Projects for grant opportunities:

\$ Included

Initial Grant Funding Research:

\$ Included

For 12 consecutive months from (*September* 2018 through *August* 2019)
(Include how that price is quoted (e.g. per month, per grant, on-call, etc.):

\$ 4,000. per month

For 12 consecutive months from (*September* 2019 through *August* 2020)
(If renewed):

\$ 4,000 per month

For 12 consecutive months from (*September* 2020 through *August* 2021)
(If renewed):

\$ 4,000 per month

All questions should be in writing and directed to Yolanda Rodriguez, Director of Finance and Administrative Services.

The signature of an authorized representative must appear on the cover sheet of the firm's/consultant's proposal. The signature shall be interpreted to indicate the firm's/consultant's willingness to comply with all the terms and conditions set forth in this solicitation, unless specific written exceptions are noted.

Proposals should be brief and concise, devoid of extraneous material and promotional information. They should be in sufficient detail to allow a thorough evaluation of the plan of work and its correlated costs.

Statement of Qualifications:

The proposal must be assembled in the following order, with tabs separating each section:

1. A description of the organization's/consultant's professional qualifications.
 2. A statement indicating the number of employees, by level, which will perform the grant writing and related services.
 3. A resume for each employee who will be assigned to the District's grant writing services, including:
 - a. Name of individual
 - b. Education/professional credentials
 - c. Experience with grant writing services
 - d. Hourly rates to be charged
 4. A separate listing of current and prior clients indicating the following:
 - a. Types of service performed; and
 - b. Names, addresses and telephone numbers of persons who may be contacted by BCVWD staff as references.
 5. Indicate availability to proceed with work on or about September 3, 2018 and include a tentative schedule for completing the grant availability research, grant applications and deliverables.
 6. In a separate sealed envelope, provide a not-to-exceed cost estimate adequate to cover the scope of the service. The cost estimate should be itemized by task and include a list of charge out rates related to the names of key personnel to be used by the firm/consultant for this service. Include time, materials, travel, and other expenses, which may be associated with the duties and obligations under this Request for Proposals. All costs must be identified. This process is not considered a bid, nor will cost alone decide who is selected.
- Please note that BCVWD relies heavily on the not to exceed amount and is reluctant to grant further increases unless substantial reasons are made for overage. A requested payment schedule should accompany the work schedule.

V. CONTRACT AWARD

Issuance of the Request for Proposals (RFP) and receipt of proposals does not commit BCVWD to award a contract. BCVWD reserves the right to postpone the RFP process for its own convenience, to accept or reject any or all proposals received in response to this RFP, to negotiate with other than the selected company should negotiations with the selected company be terminated, or to cancel any section of this RFP. BCVWD also reserves the right to apportion the award among more than one company.

Any agreement resulting from this RFP will be signed only after successful negotiation of contract terms and conditions and all applicable procedural requirements have been met.

An award under this RFP will not be based solely on the lowest price. If an award is made, it will go to the respondent(s) with the best overall proposal. The successful proposal will be competitively priced and provide for adequate service to meet BCVWD's needs.

Staff will review and evaluate all qualified proposals utilizing a forced ranking system. BCVWD may conduct telephonic interviews with top ranked candidates as well as reference checks.

VI. EVALUATION PROCESS AND SELECTION CRITERIA

The District will review all submittals and make a recommendation based upon the established evaluation criteria. After the proposals have been evaluated, the highest ranked firm/consultant may be interviewed. All firms/consultants submitting a proposal will be notified in writing as to their status in the selection process.

The criteria for selection will be based on, but not limited to, the following:

- Experience and qualifications of personnel assigned to provide the grant writing services and their availability.
- References from clients with similar services provided.
- Price proposal (including expenses)

Final selection will be made based upon both the written proposals and the interview. Information contained in the cost envelope will be secondary and will be opened after the proposals have been reviewed; how that information is used is at the discretion of the District.

VII. DISCRETION AND LIABILITY WAIVER

The District reserves the right to reject all proposals or to request and obtain from one or more of the firms/consultants submitting proposals, supplementary information as may be necessary for District staff to analyze the proposals pursuant to the firm's/consultant's selection criteria.

The District is not liable for costs incurred by the firm/consultant for the cost of the proposal. The firm/consultant, by submitting a response to this RFP, waives all rights to protest or seek any legal remedies whatsoever regarding any aspect of this RFP.

All proposals shall be binding for a period of 90 days after the proposal due date. The District also reserves the following rights and options with respect to this RFP:

- To re-issue this RFP with or without change or modification, at any time prior to the District's execution of a Professional Services Agreement pursuant to this RFP;
- To cancel this RFP with or without issuing another request for proposals;
- To supplement, amend, substitute or otherwise modify this RFP at any time prior to the District's execution of a Professional Services Agreement pursuant to this RFP;
- To waive informality, defect, non-responsiveness and/or deviation from this RFP that is not, in the District's sole judgment, material to the proposal;
- To request modification of some or all of the proposals following evaluation by the District;
- To request clarifications of any proposals;

- To negotiate simultaneously, or otherwise, with one or more Respondents; and
- To discontinue and resume negotiations with one or more Respondents.

VIII. INSURANCE REQUIREMENTS

The chosen firm/consultant will be required to maintain insurance coverage throughout the course of the Professional Services Agreement, and shall provide BCVWD with evidence of said coverage as set forth in the Professional Services Agreement. The requirement is subject to change and modification pursuant to review by the District's Legal Counsel. Please review contract language and insurance requirements prior to submitting proposal and note any proposed exceptions to the Agreement tenets in your proposal. The Professional Services Agreement is attached.

IX. PROPOSAL SCHEDULE

****This is a tentative schedule and may be modified at the District's discretion.**

Notice Inviting Proposals for Grant Writing Services	July 3, 2018
Proposals Due	July 31, 2018 at 4:00 p.m.
Evaluation & Possible Interview	August 1 – 2, 2018
Board of Directors Approval	August 23, 2018
Contract Award	August 28, 2018

X. DIRECTIONS FOR SUBMITTING PROPOSAL

Closing Date: All proposals must be received by 4:00 p.m. on Tuesday, July 31, 2018.

Proposals: Please submit one (1) original unbound copy, and three (3) copies in a sealed envelope marked – **Proposal for BCVWD Grant Writing Services**, and one (1) digital copy in PDF format to the to the address below.

Not to Exceed Cost Estimate: Please submit one (1) original unbound copy, and three (3) copies in a sealed envelope separate from the Technical Proposal marked **Cost Proposal for BCVWD Grant Writing Services** and one (1) digital copy in pdf format to the following:

Beaumont-Cherry Valley Water District
 Attn: Yolanda Rodriguez
 560 Magnolia Ave
 Beaumont, CA 92223
yolanda.rodriquez@bcvwd.org

Each sealed envelope containing a bid proposal must have, on the outside:

- The name of the bidder

- The bidder's address
- The statement "GRANT WRITING SERVICES: DO NOT OPEN UNTIL THE TIME OF BID OPENING"

The proposal must be received at the specified address by the closing date and time indicated above. Firms/consultants mailing or shipping their proposals must allow sufficient delivery time to ensure timely receipt of their proposals. Late proposals will not be accepted.

Beaumont-Cherry Valley Water District reserves the right to reject any or all proposals, to waive any informality or irregularity in any proposal received, and to be the sole judge of the merits of the respective proposal received.

SECTION C SPECIAL PROVISIONS

I. ACCURACY OF THIS SPECIFICATION. This specification is believed by the District to be accurate and to contain no affirmative misrepresentation or any concealment of fact. In preparing its bid, the bidder and all subcontractors named in its bid shall bear sole responsibility for bid preparation errors resulting from any misstatements or omissions in this specification which could easily have been ascertained. Although the effect of ambiguities or defects in this specification will be as determined by law, any patent ambiguity or defect shall give rise to a duty of the bidder to inquire prior to bid submittal. Failure to so inquire shall cause any such ambiguity or defect to be construed against the bidder. An ambiguity or defect shall be considered patent if it is of such a nature that the bidder, assuming reasonable skill, ability, and diligence on its part, knew or should have known of the existence of the ambiguity or defect. Furthermore, failure of the bidder or subcontractors to notify the District in writing of specification defects or ambiguities prior to bid submittal shall waive any right to assert said defects or ambiguities subsequent to submittal of the bid.

II. QUESTIONS AND INQUIRIES

Questions concerning this RFP may be submitted in writing or emailed no later than Wednesday, July 25, 2018:

Beaumont-Cherry Valley Water District
Attn: Yolanda Rodriguez, Director of Finance and Administrative Svc.
560 Magnolia Avenue
Beaumont, CA 92333
E-mail: yolanda.rodriquez@bcvwd.org

All questions and responses will be published with the RFP document on the BCVWD website. This information will be located on the Home Page, under "Our District" on the *Current Solicitations* Tab.

SECTION D DISTRICT'S PROFESSIONAL SERVICES AGREEMENT

A sample of the District's Professional Services Agreement is provided for review (attached). Submission of a Proposal is the Contractor's willingness to accept the terms of the agreement.

Please specifically identify each and every term of the agreement that your firm/consultant is unwilling to accept and the reason therefore.



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 11

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Continued Review of California Drought Conditions, District Urban Water Management Plan Drought Restrictions and BCVWD Resolution 2014-05 Regarding Issuance of Will-Serve Letters and Other Drought Response**

Staff Recommendation

None. Direct staff as desired.

News:

Newsom declares statewide drought emergency, urges California to conserve water
Los Angeles Times 10/19/2021

<https://www.latimes.com/california/story/2021-10-19/california-cut-water-use-by-5-percent-in-august>

Gov. Gavin Newsom declares drought emergency across California, calls for statewide conservation

USA Today 10/20/2021

<https://www.usatoday.com/story/news/nation/2021/10/19/california-drought-emergency-gavin-newsom/8533542002/>

As Drought Conditions Worsen, California Expands State of Emergency

Gov. Gavin Newsom said it was critical for residents to step up their water-saving efforts as the state ends its second-driest year on record.

The New York Times 10/20/2021

<https://www.nytimes.com/2021/10/20/us/california-drought-emergency-newsom.html>

Newsom declares drought emergency across California

Cal Matters 10/19/2021

<https://calmatters.org/environment/2021/10/california-drought-newsom-emergency/>

The Water Situation Is Bad, and Californians Are Barely Cutting Their Consumption

Los Angeles Magazine 09/22/2021

<https://www.lamag.com/citythinkblog/california-drought-water/>

Attachments

1. Office of Governor Newsom press release 10/19/2021
2. American City and County article (featuring BCVWD) – October 18, 2021
3. Current Reservoir Conditions – October 19, 2021



4. California Drought Monitor Map – October 21, 2021
5. BCVWD Water Shortage Contingency Plan
6. Resolution 2014-05
7. BCVWD Rules and Regulations Part 5 – Drought Surcharges

Governor Newsom Expands Drought Emergency Statewide, Urges Californians to Redouble Water Conservation Efforts

Published: Oct 19, 2021

Proclamation authorizes State Water Board to ban wasteful water uses, boosting conservation efforts

SACRAMENTO – Following the second driest year on record and with near record low storage in California’s largest reservoirs, Governor Gavin Newsom today issued a proclamation extending the drought emergency statewide and further urging Californians to step up their water conservation efforts as the western U.S. faces a potential third dry year.

Bolstering conservation efforts, the proclamation enables the State Water Resources Control Board to ban wasteful water practices, including the use of potable water for washing sidewalks and driveways. The Governor issued an executive order in July calling on Californians to voluntarily [reduce water use](#) by 15 percent compared to 2020 to protect water reserves and complement local conservation mandates. The Governor’s action today comes as the Board reports that in August, California reduced urban water use by 5 percent compared to 2020.

“As the western U.S. faces a potential third year of drought, it’s critical that Californians across the state redouble our efforts to save water in every way possible,” said Governor Newsom. “With historic investments and urgent action, the state is moving to protect our communities, businesses and ecosystems from the immediate impacts of the drought emergency while building long-term water resilience to help the state meet the challenge of climate change impacts making droughts more common and more severe.”

A copy of today’s proclamation can be found [here](#).

The proclamation adds the eight counties not [previously](#) included in the drought state of emergency: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco and Ventura. In addition, the proclamation requires local water suppliers to implement water shortage contingency plans that are responsive to local conditions and prepare for the possibility of a third dry year.

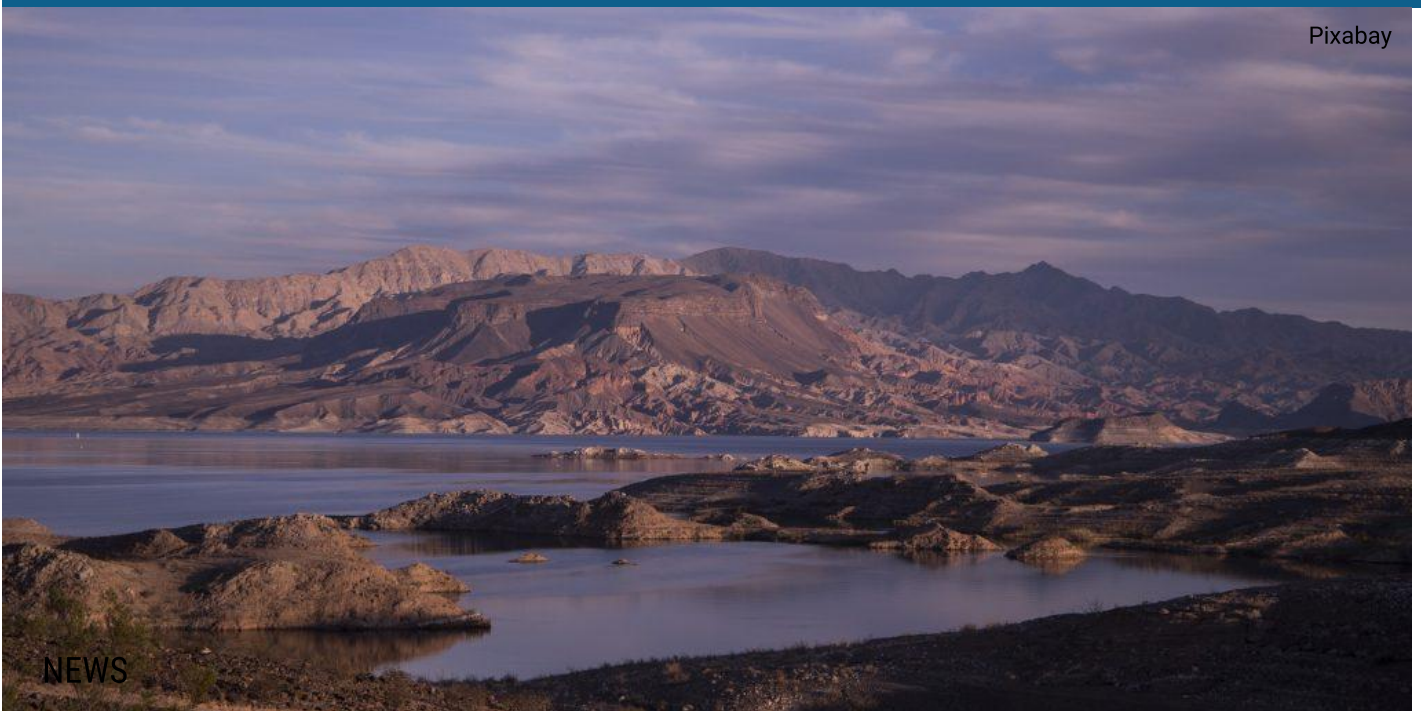
Expanding the [Save Our Water](#) initiative, a critical resource during the last drought, California has launched robust water conservation public education campaigns in partnership with stakeholders, including public water agencies. Statewide per capita residential water use declined 21 percent between 2013 and 2016 and as of 2020, the urban sector is using approximately 16 percent less on average statewide than in 2013. The Administration will continue to monitor the evolving drought conditions and evaluate all tools available to respond in real-time.

California is experiencing its worst drought since the late 1800s, as measured by both lack of precipitation and high temperatures. August 2021 was the driest and hottest August on record since reporting began and the water year that ended last month was the second driest on record. Today’s proclamation authorizes the Governor’s Office of Emergency Services to provide assistance and funding under the California Disaster Assistance Act to support the emergency response and delivery of drinking water and water for public health and safety.

The Governor’s California Comeback Plan [invests \\$5.2 billion](#) over three years to support immediate drought response and long-term water resilience, including \$815 million for emergency drought relief projects to secure and expand water supplies, drought contingency planning and multi-benefit land repurposing projects; support for drinking water and wastewater infrastructure, with a focus on small and disadvantaged communities; Sustainable Groundwater Management Act implementation to improve water supply security and quality; and projects to support wildlife and habitat restoration efforts, among other nature-based solutions.

More information on the state’s response to the drought and informational resources available to the public are available at <https://drought.ca.gov/>.

NEWS (<https://www.americancityandcounty.com/type/news/>)



California’s water crisis impacting local districts, energy production

Written by Andy Castillo 18th October 2021

Amid drought conditions that’ve ramped up over the last decade or so, California marked its second-driest year on record in 2021 based on precipitation statewide (2020 was the fifth-driest year recorded).

With storage in Lakes Mead (Nevada) and Powell (Utah and Arizona) dipping to record lows, “state emergency proclamations for drought were issued in April (Sonoma and Mendocino counties), May (Klamath River, Sacramento-San Joaquin Delta and Tulare Lake watershed counties) and July (selected

coastal and eastern Sierra counties), resulting in 50 counties being covered under the emergency proclamations,” according to a recent report from California’s Department of Water Resources and Natural Resources Agency.

Exacerbating the problem, the state’s population has risen steadily over the last century—and with it water demand—doubling from about 20 million in 1970 to its current number. California’s population in 1924, the driest year on record, was 4.5 million, according to the United States Census Bureau. Today, more than 39 million people live in the state.

And the temperature is steadily increasing due to climate change. This past summer was California’s hottest ever. With no rainclouds on the horizon, county water leaders across the state are working to mitigate the situation in the short term by reducing water consumption throughout the their districts.

The Beaumont-Cherry Valley Water District (BCVWD), for example, recently updated its water shortage contingency plan, implementing a series of steps that require customers to progressively conserve more water depending projected conditions in the region, according to a statement. Stage one would see a voluntary 10 percent reduction; stage two, mandatory 10 percent reduction; then subsequently a 20, 25 and 30 percent reduction. Stage six calls for a 30 percent reduction and no landscape irrigation at all unless it’s with recycled water.

Besides implementing restrictions, the water district has worked over years to add storage capacity and groundwater banking. It’s also collaborated with the city of Beaumont to implement practices that employ recycled water, the statement says.

The district “has tactically invested in projects that expand and diversify our water resources and ensure reliability,” Lona Williams, vice president of the district, said in a statement. “Taking these steps and continuing to plan for the future is vital to ensuring a dependable supply for our customers and our region.”

Notably, California Gov. Gavin Newsom in July called for voluntary water use reductions of 15 percent—Californians have only reduced water use by 1.8 percent since then. Water districts statewide are required to update their water shortage contingency plan every five years. The Board adopted the updated plans at its Aug. 26 meeting, according to the statement, and its plans are under review by the California Department of Water Resources.

Besides impacting the water needs of those in the regions experiencing drought conditions, California’s water crisis could have a negative effect on the states energy production.

A new report from the Pacific Institute, commissioned by Next 10, “The Future of California’s Water-Energy Climate Nexus,” estimates based on prior studies that “about 20 percent of California’s total statewide electricity use, a third of non-power plant natural gas consumption, and 88 billion gallons of diesel consumption are related to water—from collection and treatment to use and wastewater management—with a large share associated with heating water.”

Through 2035, the report found that, “if urban per-capita water demand is maintained at current levels, statewide urban demand would increase by around 20 percent by 2035 with population growth.” The report further notes, “overall, urban water efficiency improvements have the largest beneficial effect on California’s water-related energy use.”

To alleviate stress on the state’s water, the report recommends that lawmakers and local leaders work to “expand urban water conservation and efficiency efforts; accelerate water heater electrification; maintain groundwater levels and expand flexible high-efficiency groundwater pumps.”

Regulatory pathways and financial incentives should also be created to entice investment in energy production methods that aren’t water intensive.

Expanding water data reporting and energy usage tracking and formalizing “coordination between water and energy regulatory agencies about forecasted energy demand changes,” is also recommended.

Tags: News , Public Works & Utilities , News , Public Works & Utilities , News

MOST RECENT



North Port, Florida utilities department depends on SCADA and remote alarm notification

(<https://www.americancityandcounty.com/2021/10/19/north-port-florida-utilities-department-depends-on-scada-and-remote-alarm-notification/>)



October is Cyber Security Awareness Month—So what’s new?

(<https://www.americancityandcounty.com/2021/10/19/october-is-cyber-security-awareness-month-so-whats-new/>)



Under water? This guide can help cities and towns navigate the flood

(<https://www.americancityandcounty.com/2021/10/18/under-water-this-guide-can-help-cities-and-towns-navigate-the-flood/>)



Grant program recognizes cities furthering racial justice through police reform

(<https://www.americancityandcounty.com/2021/10/14/grant-program-recognizes-cities-furthering-racial-justice-through-police-reform/>)

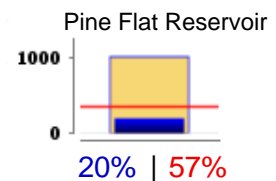
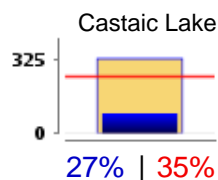
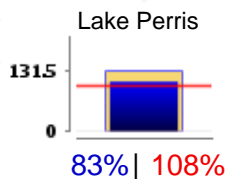
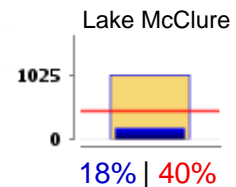
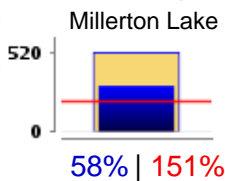
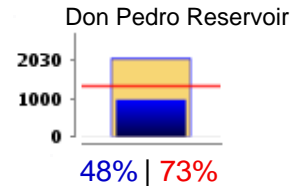
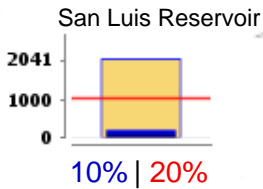
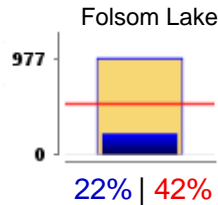
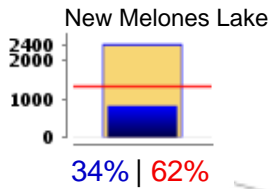
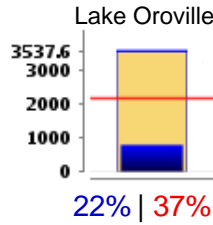
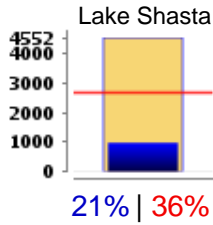
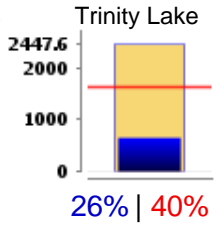
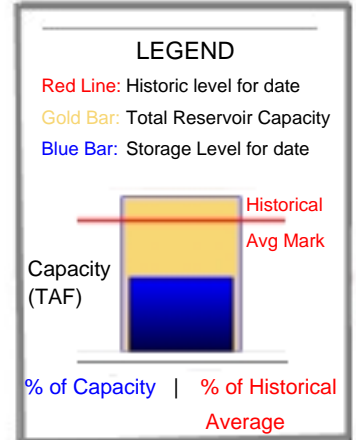


CURRENT RESERVOIR CONDITIONS

SELECTED WATER SUPPLY RESERVOIRS

Midnight: October 19, 2021

ATTACHMENT 3



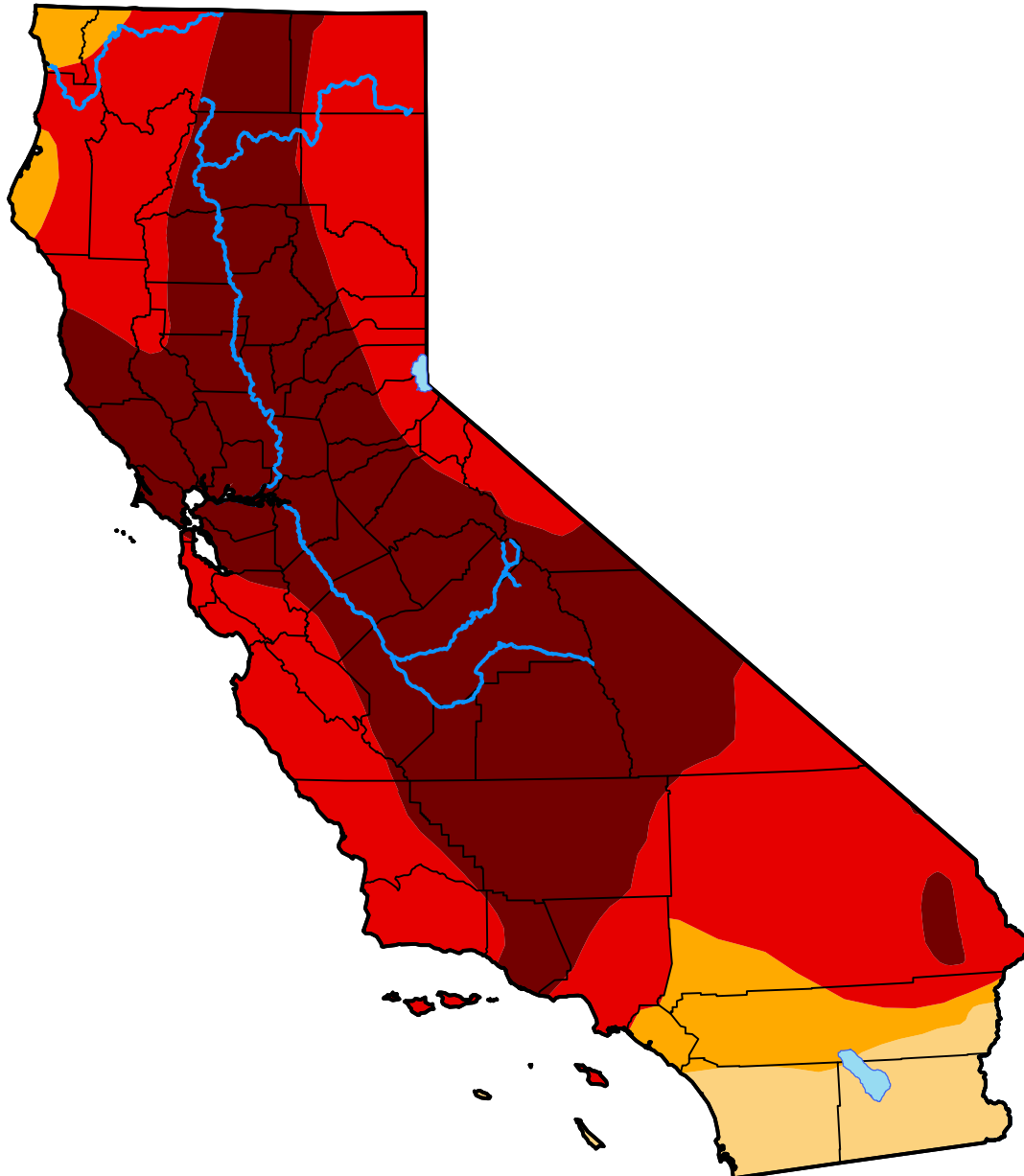
U.S. Drought Monitor California

ATTACHMENT 4

October 19, 2021

(Released Thursday, Oct. 21, 2021)

Valid 8 a.m. EDT



Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	93.81	87.18	45.66
Last Week <i>10-12-2021</i>	0.00	100.00	100.00	93.93	87.18	45.66
3 Months Ago <i>07-20-2021</i>	0.00	100.00	100.00	94.75	85.75	33.42
Start of Calendar Year <i>12-29-2020</i>	0.00	100.00	95.17	74.34	33.75	1.19
Start of Water Year <i>09-28-2021</i>	0.00	100.00	100.00	93.93	87.88	45.66
One Year Ago <i>10-20-2020</i>	15.40	84.60	67.54	35.61	12.74	0.00

Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

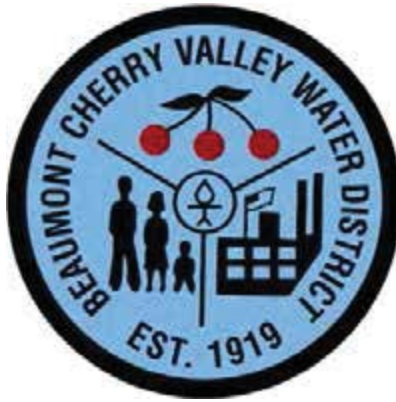
Brad Pugh
CPC/NOAA



droughtmonitor.unl.edu

ATTACHMENT 5

Water Shortage Contingency Plan



Beaumont-Cherry Valley Water District

July 2021

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Water Shortage Contingency Plan

Overview

The Beaumont Cherry Valley Water District (BCVWD or District) has prepared this Water Shortage Contingency Plan (WSCP) in order to prepare for and respond to potential water supply shortages and constraints in accordance with recent changes to the California Water Code's (CWC) Urban Water Management Planning Act. Good planning and preparation can help maintain reliable supplies and reduce the impacts of supply interruptions.

This Plan describes BCVWD's water shortage contingency planning, and replaces the WSCP which was adopted with BCVWD's 2015 UWMP update on January 11, 2017. The planning includes staged (six stages or shortage levels) responses to a water shortage, such as a drought, that occurs over a period of time, as well catastrophic supply interruptions, which occur suddenly.

1 Water Supply Reliability Analysis

CWC 10632

(a) (1) The analysis of water supply reliability conducted pursuant to Section 10635.

1.1 BCVWD Water Supply Portfolio

BCVWD's overall water supply portfolio includes imported State Project Water (SPW) (recharged and/or taken from banked storage), groundwater from Little San Geronio Creek (Edgar Canyon) and the Beaumont Basin, and non-potable groundwater from the Beaumont Basin. The District has a total of 24 wells (1 well is a standby). One of the wells, Well 26, can pump into either the potable water or the non-potable water system. Currently, it is pumping into the non-potable water system. The Beaumont Basin is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported SPW (or other sources) from the San Geronio Pass Water Agency (SGPWA) which is recharged at BCVWD's recharge facility.

The wells in Edgar Canyon provide about 15-20% percent of the total annual supply; the rest is pumped from wells in the Beaumont Basin supplemented by recharged imported water. BCVWD's total well capacity (Edgar Canyon and Beaumont Basin) is about 27.5 mgd with the largest well out of service, which is greater than the current 21.6 mgd maximum day demand (2020).

With the majority of the District's water supply sourced from the SPW (or other sources), the District's supply is subject to varying reliability dependent upon climate conditions in the State. As indicated above, the District purchases imported water from the SGPWA. One of the State's water contractors, SGPWA has a contract with DWR for a maximum total volume of 17,300

acre-feet per year (AFY). Typically, SGPWA can rely on an allocation from the SWP of about 58% of its max contract amount, or 10,034 AF. Of this amount, BCVWD may purchase its share, which is based on the proportion of SPW purchased by other retailers in the SGPWA's service area. The SGPWA is also actively seeking additional opportunities for water transfers or exchanges from other agencies which have a surplus in supply. Any supply secured by SGPWA additional to its Table A Allocation would also be able to be purchased by BCVWD based on the proportion of volume purchased by other retailers in the area.

In the future, the District plans to utilize recycled water from the City of Beaumont to meet most of the landscape irrigation demands, which are currently served with potable water. The District also intends to supplement its supply with captured and recharged stormwater, through various projects within the District as well as a joint project with RCFC&WCD (MDP Line 16).

1.2 Past, Current, and Projected Demand

The District provides potable and non-potable water to a total of approximately 19,215 residential, commercial, industrial, institutional and agricultural accounts in the City of Beaumont and the unincorporated community of Cherry Valley in Riverside and San Bernardino Counties. The bulk of the District's total demand is residential demand (in 2020, single family residential water demand made up approximately 70% of the total demand). Approximately 11% of the District's demand for 2020 was from commercial, industrial, and institutional accounts (CII). Non-potable landscape irrigation demands made up approximately 12% of the District's total demand. In 2020, the District's total water demand (potable and non-potable) was 13,818 AF. This demand includes metered data only and miscellaneous losses.

The current estimated population served by the District is 59,000. The City of Beaumont is currently experiencing rapid growth and is expected to nearly double in population by 2045. Cherry Valley, however, is not anticipated to be subject to substantial growth. Based on the projected populations in the District's service area, it is estimated that the total (potable, non-potable and recycled) water demands will increase to about 20,660 AFY by 2045 (including estimated losses). This results in an increase in demand of about 30% over the next 25 years.

1.3 Normal and Dry Year Reliability Analysis

As part of the District's 2020 UWMP update, an analysis was performed to assess the potential water supplies available over the next 25 years under normal conditions, as well as the condition of a single and multiple dry years. The single and five consecutive dry year analysis was based primarily on historical SPW deliveries to BCVWD, as imported water makes up the majority of the District's supply. The District also considered how single or five consecutive dry years would affect projected stormwater capture efforts, as well as the availability of recycled water. Please see Section 8 of the District's 2020 UWMP for the methodologies used to prepare this assessment.

Table 1 below indicates the District’s projected supplies and demands over the next 25 years under normal (average) conditions.

Table 1 – Normal Year Supply and Demand Comparison

Table 1: Normal Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045
Supply totals, AF	18,561	18,475	23,172	24,734	26,266
Demand total, AF	16,929	17,873	18,869	19,846	20,660
Surplus (shortfall), AF	1,632	602	4,303	4,888	5,606
NOTES: (1) Demand totals includes all potable and non-potable demand, plus any recycled water demand from golf courses. Totals also include imported water supplies (demands) for additional groundwater banking.					

As can be seen in Table 1, the District can anticipate a surplus in supply over the next 25 years. It is noted that included in the demand totals is the District’s need for additional imported water for drought proofing. Any additional surplus would also be added to the District’s storage account in the Beaumont Basin.

Table 2 below indicates the District’s projected supplies and demands over the next 25 years under single dry year conditions.

Table 2 – Single Dry Year Supply and Demand Comparison

Table 2: Single Dry Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045
Supply totals, AF	7,349	7,878	8,944	9,195	9,792
Demand totals, AF	15,429	16,673	18,097	19,124	19,988
Surplus (shortfall), AF	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
NOTES: (1)The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin. (2) Demand totals do not include additional groundwater banking.					

During single dry year conditions, it is expected that the District's supply will need to be supplemented with water from the storage account in the Beaumont Basin. It is noted that there will be no additional demands for groundwater banking during dry years.

In the analysis of the District's water service reliability, the projected supplies and demands were for multiple dry years were also considered. Please see Table 3 below.

Table 3 – Multiple Dry Years Supply and Demand Comparison

Table 3: Multiple Dry Years Supply and Demand Comparison						
		2025	2030	2035	2040	2045
First year	Supply totals	7,349	7,878	8,944	9,195	9,792
	Demand totals	15,429	16,673	18,097	19,124	19,988
	Difference	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
Second year	Supply totals	8,099	8,409	9,093	8,978	8,933
	Demand totals	13,886	15,006	16,287	17,212	17,989
	Difference	(5,787)	(6,597)	(7,194)	(8,234)	(9,056)
Third year	Supply totals	8,741	8,979	9,600	9,400	9,295
	Demand totals	12,343	13,338	14,478	15,299	15,990
	Difference	(3,602)	(4,359)	(4,878)	(5,899)	(6,695)
Fourth year	Supply totals	9,800	9,939	10,478	10,161	9,970
	Demand totals	11,572	12,505	13,573	14,343	14,991
	Difference	(1,772)	(2,566)	(3,095)	(4,182)	(5,021)
Fifth year	Supply totals	9,471	9,631	10,184	9,891	9,721
	Demand totals	10,800	11,671	12,668	13,387	13,992
	Difference	(1,329)	(2,040)	(2,484)	(3,496)	(4,271)
NOTES: The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin.						

During single dry year conditions, it is expected that the District's supply will need to be supplemented with water from the storage account in the Beaumont Basin. It is noted that there will be no additional demands for groundwater banking during dry years.

In the analysis of the District's water service reliability, the projected supplies and demands were for multiple dry years were also considered. Please see Table 3 below.

In Section 8 of the 2020 UWMP, the District also prepared a Drought Risk Assessment, which analyzes the supplies and demands over the next 5 years, assuming that 2021 is the first year of a five consecutive year drought. In the Drought Risk Assessment supply augmentation

benefits and the reduction savings benefits outlined in this WSCP hereon are assumed. Please see Table 4 below:

Table 4 – Drought Risk Assessment

Drought Risk Assessment Water Use/Supplies	Demand and Supplies (AFY)				
	2021	2022	2023	2024	2025
Total Water Use	14,054	14,268	14,473	14,648	15,429
Total Supplies	5,650	8,630	9,794	11,600	10,639
Surplus (shortfall) w/o WSCP Action	(8,404)	(5,638)	(4,679)	(3,048)	(4,790)
Planned WSCP Actions					
WSCP - supply augmentation benefit	8404	4211	1784	0	161
WSCP - use reduction savings benefit	0	1,427	2,895	3,662	4,629
Revised Surplus	0	0	0	614	0
Resulting % Use Reduction from WSCP Action	0%	10%	20%	25%	30%

2 Annual Water Supply and Demand Assessment Procedures

Each water supplier is now required to submit an Annual Water Supply and Demand Assessment (Annual Assessment) starting July 1, 2022.

CWC 10632

(a)(2) The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decision-making process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

CWC 10632.1.

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

2.1 Decision-Making Process

The Annual Assessment that is to be submitted to DWR every year would be brought to the BCVWD Board of Directors (Board) prior to submittal for DWR consideration. BCVWD will assess each year's imported and local supplies as well as potable and non-potable demands based on its final SWP allocation, additional available imported water exchanges or transfers through SGPWA, climate, and local groundwater conditions, as determined by the Beaumont Basin Watermaster.

Based on the foregoing, BCVWD will assess the water shortage level for that year and determine the most appropriate response action(s) to encourage water conservation among its customers. BCVWD will ensure that the Annual Assessment will be submitted to the Board to allow adequate time for review and comment prior to the required DWR submittal date of July 1st (or 14 days after notification of final SWP Allocation, whichever is later), for the assessment.

A summary of the District's proposed decision-making process for preparing and adopting the Annual Assessment is indicated in Table 5 below:

Table 5 – Annual Water Supply and Demand Assessment Decision Making Process

	Activity
December - April	Annual water supply and demand review
April - May	Prepare Annual Water Supply and Demand Assessment based on findings of supply and demand review. Present Assessment to General Manager for review.
May	Public notification of the intent to adopt Annual Water Supply and Demand Assessment at the June Board of Directors meeting.
June	Presentation of findings in the Annual Water Supply and Demand Assessment and necessary shortage response actions to the Board of Directors for Approval by Resolution.
July 1st (or 14 days from Notification of Final Allocation, whichever is later)	Submittal of final adopted Annual Water Supply and Demand Assessment to the State of California Department of Water Resources.

2.2 Data Inputs and Methodologies

As required by the Water Code, the District will evaluate its available water supply reliability assuming current conditions for that year, as well as a single dry year. The data inputs and methodologies which will be used to formulate a recommendation regarding the District's supply reliability and any necessary response actions are included below:

- **Water Supply:** The District will analyze groundwater production records and final SWP allocations available for the current year, and compare projected supplies to historical averages.
- **Unconstrained Demands:** The District will analyze consumption data for the current year, and based on supply assess whether any or which shortage response action(s) are appropriate to encourage water conservation. For the upcoming year the District will utilize data from the 2020 UWMP update, as well as any newly available data regarding water consumption and population growth to project anticipated unconstrained demands.
- **Single Dry Year Demands:** Similarly, the District will compare current year consumption data with historical demand data for a single dry year, and project demands for the upcoming year.

- Infrastructure: The District will assess the current operating conditions of its wells and booster pumps, and recharge facilities and determine whether any maintenance will be scheduled or would likely be scheduled for the upcoming year. The District would coordinate any findings from analysis for available supplies with potential shortfalls in groundwater production if maintenance is required.

3 Six Standard Water Shortage Stages

CWC 10632 (a)(3)

(A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

The District proposes a six-stage plan of action in the event of an extended drought condition or loss of supply. The action levels for each stage are presented in the subsections that follow (summarized in Table 6), and the water supply reduction stages are provided in Table 8-1. These stages could be implemented as a result of BCVWD water shortages, including reduction in imported water allocation, or mandatory water conservation targets by the Governor's office.

Table 6 (DWR Submittal Table 8-1) – Water Shortage Contingency Plan Levels

DWR Table 8-1 Water Shortage Contingency Plan Levels		
Shortage Level	Percent Shortage Range	Shortage Response Actions (Narrative description)
1	Up to 10%	Up to 10% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes voluntary public demand reduction of 10%, and community outreach encouraging conservation.
2	Up to 20%	Up to 20% reduction in normal, "long term" water supply (including conjunctive use water in storage); includes any actions from Shortage Level 1. Response actions include mandatory 10% reduction - Increased public outreach, restaurants serve water upon request, lodging must offer opt out of linen services
3	Up to 30%	Up to 30% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 and 2. Response actions include mandatory 20% reduction - limit landscape irrigation to certain number of days per week
4	Up to 40%	Up to 40% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1, 2 and 3. Response actions include mandatory 25% reduction - limit irrigation of lawns to once a week except for lawns and turf irrigate with recycled water, restrict water use for decorative water features, limit filling of pools only to cases where appropriate cover is in place
5	Up to 50%	Up to 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 4. Response actions include mandatory 30% reduction - prohibit filling of swimming pools, washing of automobiles only limited to facilities using recycled water, prohibit potable water use for construction activities, industrial water users required to reduce water use (food processing, concrete mixing plant)
6	>50%	Greater than 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 5. Response actions include mandatory 30% reduction - prohibit landscape irrigation except for irrigation with use of recycled water, industrial water users required to further reduce water use (food processing, concrete mixing plant)
NOTES:		

These stages and the percent reductions in demand are based on BCVWD's experience during the state mandated water conservation program targets comparing 2020 with a similar period in

2015, where BCVWD was able to reduce consumption by 24.3% for the period May 2015 through April 2016. This was done through the restrictions in Board of Directors Resolution 2015-05, which limited watering to two days per week due to mandatory reductions in the District's demands of 36% (when compared to 2013 water usages).

In establishing the "Stages," BCVWD has the advantage of the Beaumont Basin, its large storage capacity for banked water, and BCVWD's 80,000 AF storage account. BCVWD currently has 39,750 AF in storage, despite an average SWP allocation of only 43% for the period 2017 through 2020 (approximately 15% difference from normal, "long-term" supply). BCVWD's plan is to purchase additional imported water (when available in advance of annual need (i.e., conjunctive use purchases)) over the amount needed to meet annual demands to add to the storage account balance each year, including making up for any shortfall(s) that may occur during dry years. This results in a conjunctive use activity and hence the averaged annual water supply approach outlined herein and as identified in Table 6, above.

4 Shortage Response Actions

CWC 10632

(a)(4) Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

(A) Locally appropriate supply augmentation actions.

(B) Locally appropriate demand reduction actions to adequately respond to shortages.

(C) Locally appropriate operational changes.

(D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.

(E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.

4.1 Shortage Level 1 (Potential Shortage – Voluntary Reduction)

Shortage Level 1 occurs when:

- Up to a 10% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages approximately 48% of regional annual supply requirements (water orders) over a two-year (or longer) period

The District declares a water shortage and imposes voluntary water conservation. In this shortage level, the District shall notify all its customers that water use reduction is highly encouraged. The District will recommend a voluntary 10% water use reduction based on an established base year to be determined by the District at the time Stage 1 is implemented. At the same time, the District shall implement its own public awareness program to encourage the efficient use of water. This will be accomplished by bill stuffers, website information, and social media postings.

4.2 Shortage Level 2 (Minor Shortage – Mandatory Reduction)

Shortage Level 2 occurs when:

- Up to a 20% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 38% up to 48% over a three-year (or longer) period.

During Stage 2, all efforts to encourage conservation would remain in effect, however a 10% reduction in demand would be mandatory. Public outreach continues to occur, however an increase in public awareness is achieved through coordination with the City of Beaumont, Riverside County, and SGPWA. In addition, restaurants are required to only serve water to patrons upon request, and lodging facilities must allow guests to opt out of linen services.

4.3 Shortage Level 3 (Moderate Shortage – Mandatory Reduction)

Shortage Level 3 occurs when:

- Up to a 30% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 28% up to a 38% over a three-year (or longer) period

Restrictions up to Shortage Level 3 will still be mandatory. At this point, the District will initiate water restrictions similar to Resolution 2015-05 and require a 20% reduction in demand from an established base year. In this stage, the District will impose restrictions similar to Resolution 2015-05: but limit lawn watering to two times per week (assigned days based on street address) and no filling of new swimming pools. Topping off swimming pools is permitted. No new construction meters will be approved. Use of recycled or non-potable water for construction activities will be encouraged. The District may adopt financial incentives to encourage efficient water use. Public awareness programs will expand to schools.

4.4 Shortage Level 4 (Severe Shortage – Mandatory Reduction)

Shortage Level 4 occurs when:

- Up to a 40% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 18% and 28%, over a three-year (or longer) period

Restrictions up to Shortage Level 4 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05 to require a 25% reduction in demand, but make more stringent including limiting lawn watering to once a week except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off swimming pools may be permitted. Hand watering of plantings is permitted two days per week if using a hose with a shut-off nozzle. Restrict water use for decorative water features. The District may adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. At this Stage, the District will appoint a Water Conservation Advisory Committee. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

4.5 Shortage Level 5 (Critical Shortage – Mandatory Reduction)

Shortage Level 5 occurs when:

- Up to a 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 8% up to 18%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 5 will still be mandatory. In this shortage, the District will impose restrictions similar to Resolution 2015-05 but prohibit lawn watering except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off only permitted on covered pools. Hand watering of plantings is permitted one day per week, if using a hose with a shut-off nozzle. Washing of automobiles limited only to facilities using recycled water. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. The District will adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

4.6 Shortage Level 6 (Extreme Shortage – Mandatory Reduction)

Shortage Level 6 occurs when:

- A greater than 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages less than 8%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 6 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05. No topping off swimming pools. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. “Will serve” letters or annexations will not be approved by the Board of Directors. The District will adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to further reduce water use.

5 Impacts of Shortage Level Response Actions

Table 7, below quantifies the percent of demand reduction for each shortage response action in relation to its associated shortage taken.

Table 7 (DWR Submittal Table 8-2) – Demand Reduction Actions

DWR Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUData online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only</i> <i>Drop Down List</i>
<i>Add additional rows as needed</i>				
All	Improve Customer Billing	1%	Continue to provide customers with detailed breakdowns of water use and encourage water use efficiency	No
All	Expand Public Information Campaign	1%		
All	Landscape - Restrict or prohibit runoff from landscape irrigation	2-5%	Part of BCVWD's Water Waste Provisions	No
All	Other - Prohibit use of potable water for washing hard surfaces	2-5%	Part of BCVWD's Water Waste Provisions - prohibits watering of concrete	No
All	Other - Require automatic shut of hoses	2-5%		No
2	CII - Lodging establishment must offer opt out of linen service	2-5%		No
2	CII - Restaurants may only serve water upon request	2-5%		No
2	Water Features - Restrict water use for decorative water features, such as fountains	1-3%		No
3	Landscape - Limit landscape irrigation to specific days	10-15%	2 days per week	Yes
3	Other	5%	Public awareness programs expanded to schools	No
4	Landscape - Limit landscape irrigation to specific days	5-10%	1 day per week, addition 5-10% reduction in shortage gap	Yes
5	Pools - Allow filling of swimming pools only when an appropriate cover is in place.	1-2%	Topping off existing pools with cover	No
5	Water Features - Restrict water use for decorative water features, such as fountains	1-2%		No
5	Other - Prohibit use of potable water for construction and dust control	5-15%	Dependent upon size of construction operations and duration of construction	Yes
5	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	10-15%		Yes
5	CII - Other CII restriction or prohibition	10-15%	Work with high demand commercial/industrial water users to reduce water use	Yes
6	Moratorium or Net Zero Demand Increase on New Connections	10-20%	Dependent upon development conditions, Board of Directors to suspend approval of "Will Serve Letters"	Yes

NOTES:

5.1 Supply Augmentation

Table 8 (DWR Submittal Table 8-3) – Supply Augmentation

DWR Table 8-3: Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUdata online submittal tool</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>
<i>Add additional rows as needed</i>			
All	Expand Public Information Campaign	1-5%	
All	Improve Customer Billing	1-5%	
All	Other Actions (describe)	5-10%	Continue to work with to install drought tolerant, low water using plantings
2 - 6	Stored Emergency Supply	25-50%	BCVWD has the ability to withdraw groundwater from its storage account in the Beaumont Basin.
4	Other Purchases	5-10%	Work with SGPWA to obtain additional imported water supply
NOTES:			

Table 8 presents some consumption reduction methods, separate from the restrictions and prohibitions, presented previously.

- **Expand Public Information** – BCVWD should work with SGPWA and the other retailers in the San Gorgonio Pass to develop a consistent, region-wide message that could include regular articles in the local newspapers, displays at major events, low water using garden workshops, etc. Expand into the schools and service clubs. Work with the high-volume water users in the commercial/retail/industrial area to determine if there are water reduction opportunities.
- **Improved Customer Billing** – Continue providing customers with their historic usage for the past year in graphical format (bar charts) with target levels for water conservation. Provide data on other typical customers in the District’s service area.
- **Rebates for Irrigation Efficiency Improvements** – BCVWD should work with SGPWA to provide rebates to improve irrigation efficiency including drip systems and smart controllers. Replacement of spray nozzles with rotating nozzles reduces water consumption significantly and prevents overspray.
- **Rebates for Turf Replacement** – BCVWD should work with SGPWA to provide rebates to convert turf areas to low water using drought tolerant plantings.
- **Other Methods Not on DWR’s List:**
 - Work further with the City of Beaumont, County of Riverside, and developers to install drought tolerant, low water using plantings in common areas and street medians. Reduce turf and planted areas in new home construction.

- Convert existing street median and common area turf areas to drought tolerant, low water using plantings.
- Begin using recycled water for landscape irrigation. This method has the greatest potential for reducing potable water use in the BCVWD service area.
- Restrict construction water use to non-potable water.
- Implement more tiers in the rate structure to reflect the cost for purchase of imported water as a result of higher use.

6 Operational Changes

One of the water conservation measures that can be used to reduce water loss is implementing automatic meter readings. With the use of automatic meters, water leaks would be easy to locate as the water meter would continuously run throughout the night. This knowledge would allow District staff to inform the residents of the situation and further actions could then be taken to fix the leak and ultimately, conserve water. Currently (2020), BCVWD is working through a Capital Improvement Project which includes installing automatic meters throughout the service area, but has not been fully converted.

The District currently does not perform extensive main flushing or any hydrant flow testing; there is minimal need to adjust District operations to conserve water unmetered water.

7 Emergency Response Plan

The most recently published Emergency Response Plan (ERP) is from 2011. Currently (2020), District staff is in the process of updating this ERP to define procedures for modern emergencies, as well as assessing the District's plan for responding to catastrophic water supply interruption. The 2011 ERP defines the procedures that District staff is to complete in the case of various emergencies including, but not limited to:

- Medical Emergencies
- Flooding
- Snow/Ice Damage
- Earthquakes
- Hurricanes/Tornados

The District performs routine maintenance and assessment of the operating conditions off all its facilities, in order to ensure minimal opportunities for supply shortages or supply interruptions. As the District continues to grow, it will continue to refine its maintenance procedures to continue to provide reliable supplies to its customers.

8 Seismic Risk Assessment and Mitigation Plan

CWC 10632.5

- (a) *In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.*
- (b) *An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.*
- (c) *An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.*

8.1 BCVWD Facilities

The center of the District's service area is located approximately 8 to 10 miles south of the San Andreas Fault. If a major earthquake were to occur along the San Andreas Fault in the Pass area, many of the BCVWD's facilities could be affected.

In order to minimize possible damage due to a significant earthquake, the District's Cherry Tanks, Upper Edgar Tank, Taylor Tank, the Vineland Tanks and the Hannon Tank are all equipped with flexible connectors (EBBA Iron Flex-tends) for movement during an earthquake. Upper Edgar, Cherry Tank III, Vineland II and III, and Taylor Tank are all anchored to their ring wall foundation and have been designed to resist seismic shaking. These are all relatively new tanks constructed since the year 2000 and designed and constructed to recent AWWA standards. These tanks should be capable of resisting significant earthquake shaking. BCVWD's other tanks were designed according to AWWA standards in effect at the time they were constructed; but over time the design standards have improved and become more stringent. The greatest vulnerability will be with the older steel tanks located in the northern part of the District's service area in Cherry Valley.

Experience with other earthquakes, e.g., Landers, magnitude 7.3 (1992), has shown steel water tanks survive but do suffer some minor structural damage. Observations of some of the water tanks showed the inlet/outlet piping sheared off and some "elephant footing" of the side wall occurred but the tanks remained intact. This is what would be expected with BCVWD's older tanks. The newer tanks should survive with little or no damage. The older tanks should be able to be put back into service within a week, if not sooner.

Wells and well pumps could be damaged during a very severe earthquake but they should be able to be returned to service within a month depending on the availability of replacement parts and equipment to repair the pumps.

Piping breaks could be expected to occur, but these can be repaired quickly. BCVWD has an inventory of repair clamps, fittings and pipe as well as staff and equipment to make these repairs.

BCVWD has also constructed emergency “interties” at various locations along Highland Springs Road so that water can be supplied in either direction between the City of Banning and BCVWD.

9 Communication Protocols

CWC 10632 (a)(5)

Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communication

The communication protocol procedure currently relies in the 2011 ERP. After BCVWD has completely assessed the situation and determined that further actions are to be put into effect, coordinating with the public and other entities are the next steps to be taken. In the near future, BCVWD will use the Annual Assessment that is to be reported to DWR as a tool to address each year’s supplies and demands to help determine the appropriate response. In the most recent drought, each BCVWD resident was mailed letters informing them of the issues and the steps that need to be taken to conserve water. For future emergencies, the residents will be emailed the water conservation letters along with their bill to reduce costs. The public information that is to be sent out will be a notice informing them of the situation (e.g. the shortage level the District is currently in), the steps that BCVWD is taking to conserve water, and the steps that each resident should follow to do their part in reducing the water demand.

The District is also actively providing information on its website for public consumption to inform customers of ways to reduce consumption, as well as to update them in the case of an emergency as determined by the State or by the Board of Directors.

A summary of the District’s communication protocols is included in Table 9 below.

Table 9 – Communication Protocols

Stage of Assessment	Summary	Communication Method
Water Shortage Announcement	District staff will notify the public, neighboring Cities/Agencies, and other interested parties of the findings in the Annual Water Supply and Demand Assessment. Notification will be presented prior to the June Board of Directors meeting during which the Assessment will be presented and adopted.	Press Release, Websites, Social Media, Water Bill Inserts
Water Shortage Level Declaration	Occurs following the adoption of the Annual Water Supply and Demand Assessment.	Press Release, Websites, Social Media, Board of Directors Meeting
Water Shortage Response Actions	Occurs continuously following the adoption of the Assessment. Response actions remain in effect until such time that it is determined that the Water Shortage Level status has changed.	Press Release, Websites, Social Media, Board of Directors Meeting

10 Compliance and Enforcement

CWC 10632 (a)(6)

For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

BCVWD does not have a standard enforcement procedure during “normal” supply years, however, does have a plan that adjusts rates during drought declarations and also for enforcing water conservation measures during the periods of a drought. BCVWD is currently in the process of converting over standard water meters to automatic meters. This would allow District staff to determine what residents may have water leaks and address the issues in a timely manner. It would also allow District staff to enforce the demand reduction actions that require residents to only water on certain days of the week. The severity of the enforcement would increase as the Shortage Levels increase. Many of the water reduction actions such as requiring customers repair leaks in a timely manner and restricting water use for decorative fountains would require further actions by the District to enforce. Discussions on how to enforce demand reduction actions such as these are still in discussion to determine the most efficient method. The repercussions that are to take place are listed below under Legal Authorities for first-, second-, and third-time offenders.

11 Legal Authorities

CWC 10632 (a)(7)

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1. [see below]

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code. Water Code Section Division 1, Section 350

Declaration of water shortage emergency condition. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

BCVWD has provisions within its Rules and Regulations to establish charges for excessive water use. Currently, the District has a 3-tiered rate structure. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. BCVWD could increase these charges, initiate consumption surcharges for excessive use to cover the additional cost of imported replacement water, and/or provide for additional tiers upon proper notification and following the procedures established by Proposition 218. This is not something that can be done on short notice, however.

BCVWD has “water waster” provisions in Part 15 of its Rules and Regulations.

“15-1 PROHIBITION OF WATER WASTER – No person, firm, or corporation shall use, deliver, or apply waters received from this District in any manner that causes the loss, waste, or the applications of water for unbeneficial purposes. Within the meaning of this Regulation, any waters that are allowed to escape, flow, and run into areas which do not make reasonable beneficial use of such water, including but not limited to streets, gutters, drains, channels, and uncultivated lands, shall be presumed to be wasted contrary to the prohibitions of these Rules and Regulations.

1) Upon the first failure of any person, firm, or corporation to comply, this District shall serve or mail a warning notice upon any person determined to be in violation of these Rules and Regulations.

2) Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such consumer shall be doubled until full compliance with these Rules or Regulations has been established to the satisfaction of the Board of Directors of the District.

3) Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of these Rules and Regulations.”

In Resolution 2016-05, there was a list of financial penalties for violation of the water restrictions in the Resolution.

- Upon the first failure of any person, firm, or corporation to comply, the District shall serve or mail a warning notice upon any person determined to be in violation of the District’s Rules and Regulations.
- Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such customer shall be doubled until full compliance with the District’s Rules and Regulations has been established to the satisfaction of the Board of Directors of the District.
- Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of the District’s Rules and Regulations.

11.1 Water Shortage Contingency Resolution

Resolution No. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT (DISTRICT) ADOPTING WATER USE RESTRICTIONS TO PROTECT THE WATER SYSTEM AND RATEPAYERS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT

WHEREAS, the District’s Operations Policies and Procedures Manual, Part III, Section 1.E., District Emergency Declaration allows the General Manager, in consultation with the Board of Directors President, the ability to declare a “District Emergency” with ratification by the Board of Directors within fourteen days (14) at a regular, special or emergency Board meeting; and

WHEREAS, the District is experiencing water shortages of significant impact which results in a District emergency relating to water supply, therefore;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors that full support is given to the General Manager to make the appropriate recommendations which may include increased restrictions on watering days and hours, restrictions on washing vehicles, etc., restrictions on large water users, restrictions on flushing of water lines, restrictions on the filling of swimming pools, and increases in the current penalties for not complying with water conservation restrictions for the duration of the emergency, and urge full support and cooperation from the ratepayers of the District.

ADOPTED this ____ day of _____, _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Director _____, President
of the Board of Directors of Beaumont-
Cherry Valley Water District

Director _____, Secretary
of the Board of Directors of Beaumont-
Cherry Valley Water District

12 Financial Consequences of WSCP

CWC 10632 (a)(8)

A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1. [retail urban suppliers only]

Rather than identify the financial impacts of each prohibition on BCVWD’s financial position, the impacts will be assessed on a “percent reduction in water demand” basis.

The District’s current water rate structure includes a service (meter) charge (bimonthly, regardless of how much water is used), and a 3-tiered commodity. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. This accounts for the generally lower family incomes in multi-family residences. In addition, there is a power surcharge and an imported water surcharge per 100 cu ft of water used.

During times of drought, the revenue from the commodity charge and the power and imported water surcharges would be reduced by an amount equal to the water conservation effort. The meter charge would not be affected. But, the reduction in water consumption will also reduce the power consumption needed to pump and produce water and reduce the need for imported water, essentially balancing out the reduction in imported water surcharge revenue.

To further offset any revenue losses, the District also has a drought surcharge policy in place. Please see Figure 1 below:

Figure 1 – BCVWD Drought Surcharge Policy

5-1.4 DROUGHT SURCHARGES

In the event that the District activates water supply drought rates, customers will be notified in advance of the below surcharges. Drought rates are generally triggered by the declaration of a specific water shortage by the California Department of Water Resources, or alternatively, by the District’s Board of Directors.

The Surcharge Rate below is additive to the current Commodity Rate, per unit of water, at the date of presentation. The Surcharge Rate in effect is dependent on the drought stage declared.

	Stage 1	Stage 2	Stage 3	Stage 4
Reduction in Use	10%	20%	30%	40%
Surcharge	\$0.17	\$0.36	\$0.60	\$0.92

Although the District is proposing 6 Shortage Levels as part of the WSCP, the existing drought surcharges can still be applied. For example, “Stage 1” in the District’s drought surcharges policy correlates to a 10% reduction in use; the drought surcharge identified would be applied to Shortage Level 1 previously described in this section.

For 2020, the adopted budget estimated \$3.4 million in fixed meter (service) charges and \$5.2 million in water sales revenue including agricultural water sales and construction water sales (commodity charge). Water importation surcharges were budgeted at \$3.5 million and SCE power surcharge at \$1.6 million. So total “variable” revenue would be approximately \$13.68 million. The fixed meter (service) charges would not be affected by a reduction in water sales. All the other revenues and expenses would be.

Assuming a water reduction of 25% is required for a 2-month long-term interruption, the annual reduction would be $(2/12) * 25\%$ or 4.2%. The resultant loss in water sales revenue would be \$575,000, i. e. $0.042 * \$13.68$ million; the reduction, electricity and imported water purchase would be \$215,000. The net would be an annual loss of revenue of \$360,000.

A 50% reduction in water demand for a period of 1 month would result in a similar net annual revenue loss of \$360,000.

The costs above do not include additional staff overtime that may be required providing notifications, production, publication, and mailing of notices, updates, water conservation messages, inspection, and enforcement. An estimate of \$25,000 for each “event” is reasonable to cover these costs. The total annual impact could be in the \$225,000 to \$250,000 range.

The BCVWD audited Financial Report for 2020 showed BCVWD with over \$176.4 million in net assets of which \$29.1 million was in unrestricted funds. The impact of a net \$175,000 loss due to a water reduction of 25% over a 2-month period (or 50% for a 1-month period), or even another 10% reduction on an annual basis will not affect BCVWD’s operation. The \$476,000 is less than 4% of the District’s unrestricted cash assets. As a result, no special action is needed.

13 Monitoring, Reporting, and WSCP Refinement Procedures

CWC 10632 (a)(9)

For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

CWC 10632 (a)(10)

Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

When the higher Shortage levels are declared, the demand will be closely monitored by District staff on a month-to-month basis to compare the projected water reduction with the actual values. If the District staff finds that the demand reduction actions are not meeting the projected volumes, it will be reassessed and brought to the Board to determine if a higher Shortage Level should be put into effect. There will need to be a few months in between announcing the different shortage levels as it is expected to take some time before the results are shown, however, District staff will be monitoring it closely.

14 Special Water Feature Distinction

CWC 10632 (b)

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

In Table 6, swimming pools are separate and distinct from “water features.” Water features include decorative ponds, water hazards on golf courses, artificial waterfalls, and fountains. Golf course water hazard ponds that serve as irrigation reservoirs or balancing ponds, supplied with private wells are not covered by BCVWD’s water restrictions. BCVWD water restrictions do not apply to water features supplied by private wells.

Stock ponds for animal watering are not covered under the swimming pool or water feature restrictions. Recycled and non-potable water may be used without restriction in water features and ponds if approved for use.

15 Plan Adoption, Submittal and Availability

CWC 10632 (c)

The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

The District's WSCP will be adopted following the same process as the District's 2020 UWMP update. Both the WSCP and the UWMP will be adopted by the Board of Directors, submitted to DWR for review, and implemented.

The District has scheduled a public hearing for review of the 2020 UWMP, which includes the WSCP, on July 22, 2021. At such time the Board of Directors may direct District staff to make appropriate changes and/or corrections based on public comment, or make a motion to adopt the UWMP and the WSCP. The District will make the adopted WSCP available to the public on the District's website no later than 30 days after it is adopted.

The District will notify the public of any amendments made to the WSCP after it has been formally adopted by the Board.

ATTACHMENT 6

RESOLUTION 2014-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT PRECLUDING THE APPROVAL OF A REQUEST FOR THE ISSUANCE OF ANY WILL SERVE LETTER UNDER THE CIRCUMSTANCES STATED HEREIN SUBJECT TO THE EXCEPTIONS STATED HEREIN

WHEREAS, This Board has discussed and desires to adopt a policy which will suspend the issuance of will serve letters which will add demand to the District's water supplies not previously considered and approved by this Board during conditions specified herein.

WHEREAS, This policy is intended to avoid requiring conservation by presently served ratepayers in order to protect available supplies while simultaneously creating new demand on those supplies and to preserve the rights of persons who have relied on the issuance of a will serve letter by annexing to the District or paying fees or constructing infrastructure in consideration of the issuance of a will serve letter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Beaumont-Cherry Valley Water District declares the following:

1. Subject to the exceptions stated in Paragraph 2 below, this Board shall not issue a will serve letter when:
 - (a) A condition of drought exists in the State of California as declared by the Governor of the State of California,
 - (b) There is in effect mandatory conservation measures applicable to the District's ratepayers imposed directly by the State of California, or imposed by implementation of District conservation measures in accordance with the District's Urban Water Management Plan and
 - (c) The quantity of the District's ready to deliver water supplies is less than a projected demand of five years based on the District's then current annual demand.
2. The following applications shall be excepted from the prohibition of the issuance of will serve letters stated in Paragraph 1 of this Resolution:
 - (a) An application for residential or commercial water use reasonably estimated to constitute an annual demand equal to or less than 2 (two) EDU's;
 - (b) An application for service to property as to which a will serve letter previously has been issued and the recipient of that letter or his or her successor in interest has relied on the letter in paying fees to the District, annexing the subject property to the District or constructing District infrastructure in order to provide service to the subject property.
3. The District Secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED this 8th day of October, 2014




Chairman

I, Daniel Slawson, Secretary of the Beaumont-Cherry Valley Water District Board of Directors, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Beaumont-Cherry Valley Water District Board of Directors, held on the 8th day of October, 2013, by the following vote:

AYES: 3	BOARDMEMBERS: Ross, Guldseth, Ball
NOES: 1	BOARDMEMBERS: Slawson
ABSENT: 1	BOARDMEMBERS: Woll (vacant seat)
ABSTAINED: 0	BOARDMEMBERS:

ATTEST:



Secretary

ATTACHMENT 7

PAGE 5-4

5-1.4 DROUGHT SURCHARGES

In the event that the District activates water supply drought rates, customers will be notified in advance of the below surcharges. Drought rates are generally triggered by the declaration of a specific water shortage by the California Department of Water Resources, or alternatively, by the District's Board of Directors.

The Surcharge Rate below is additive to the current Commodity Rate, per unit of water, at the date of presentation. The Surcharge Rate in effect is dependent on the drought stage declared.

	Stage 1	Stage 2	Stage 3	Stage 4
Reduction in Use	10%	20%	30%	40%
Surcharge	\$0.17	\$0.36	\$0.60	\$0.92

5-1.2.3 ESTIMATING WATER USAGE – Where a meter is damaged or is not operational, and the District is unable to accurately read the meter, the water usage will be determined on the basis of past meter readings or it will be estimated as described below.

- 1) An estimate of water delivered based upon the prior use during the same season of the year for the property or upon a reasonable comparison with the use of other consumers receiving the same class of service during the same period and under similar circumstances and conditions; or
- 2) The average meter reading for the four (4) preceding months adjusted for seasonal variation, if prior year reads for the same season are unavailable.

5-1.4 MINIMUM CLOSING BILL – The closing bill will be based upon charges applicable on the date service is discontinued. The service charge will be pro-rated based on the final date of service, along with all consumption related charges.

5-2 WATER SERVICE INSTALLATION CHARGE – The charges for the installation of a service connection at all locations are determined from time to time by the Board of Directors and a schedule of those charges are listed below:

METER SIZE	NON-TRACT (Short Side)	NON-TRACT (Long Side)	IN-TRACT
5/8" X 3/4"	\$4,783	\$8,213	\$986
3/4"	\$4,845	\$8,159	\$1,048
1"	\$4,862	\$8,292	\$1,082
1-1/2"	\$5,587	\$9,503	\$784
2"	\$5,780	\$9,580	\$977



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2020**

Item 12

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Consideration of Attendance at the Association of California Water Agencies Annual Fall Conference (Pasadena) November 30 – December 2, 2021**

Staff Recommendation

Consider attendance of members of the Board of Directors and / or staff to represent Beaumont-Cherry Valley Water District (BCVWD) at the Association of California Water Agencies Conference, to be held at the Pasadena Convention Center November 30 to December 2, 2021.

Summary

The BCVWD Policies and Procedures Manual Policy 4060.1 states:

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operations. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

Attendance at the ACWA Fall Conference can be beneficial to the District. The conference provides a forum to learn about current trends and issues, potential opportunities, best practices, changes in water or special district law, and to make strategic contacts. In addition, the various responses of water agencies to the COVID-19 pandemic, extreme drought, and other current issues impacting water along with the large water projects that directly impact BCVWD (Sites Reservoir, Bay-Delta Conveyance and Gov. Newsom's Water Resilience Portfolio Initiative) will be hot topics at the event and it would serve BCVWD to be well informed.

This year, ACWA will host the 2021 Fall Conference both at the Pasadena Convention Center and offer a virtual option (Virtual Conference Pass). Although online attendance limits the benefit of gaining contacts and face-to-face interaction, it reduces the cost of attendance and still provides access to on-demand conference recordings.

The location in Pasadena provides a convenient driving opportunity to attend without significant travel.

Additionally, ACWA will hold an election for its President and Vice President for the 2022-23 term.

Note that the Finance and Audit Committee Meeting is scheduled at 3 p.m. December 2 and may overlap the conference conclusion.

The prices below reflect the Advance registration if completed by Nov. 19. President Slawson, and Directors Covington, Ramirez and Williams have indicated preliminary interest in attending. Please confirm attendance with Administrative staff prior to **November 17** and registration will be completed.



Fiscal Impact

Estimated cost per conference attendee (in-person):	
Conference registration with meal package	\$ 725.00
Hotel [check in 11/29, check out 12/2 (3 nights @ \$219 +tax and fees) est.]	\$ 790.00
Meals and incidentals (3.5 days: 2 dinners, 1 breakfast, 1 lunch (those not included with conference meal package)	\$ 118.00
Transportation (driving personal vehicle 162 miles RT @ .56 cents mile - IRS rate)	\$ 90.72
Director per diem (4 days @ \$260 per day)	\$ 1,040.00
Estimated cost per conference attendee (in-person):	\$ 2,763.72

Estimated cost per conference attendee (virtual):	
Virtual Conference Pass registration	\$ 385.00
Hotel (check in 11/29, check out 12/2 (3 nights @ \$219 +tax and fees)	N/A
Meals and incidentals (3.5 days - those not included with conference meal package)	N/A
Transportation (driving personal vehicle 162 miles RT @ .56 cents mile - IRS rate)	N/A
Director per diem (4 days @ \$260 per day)	\$ 1,040.00
Estimated cost per conference attendee (virtual):	\$ 1,425.00

Per diem for meals and incidentals based on current (2022) U.S. Department of General Services Administration rates for Los Angeles: https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=CA&fiscal_year=2022&zip=&city=Pasadena

Attachments

BCVWD Policies and Procedures Manual Policy 4065
2021 Conference Brochure

Report prepared by Lynda Kerney, Administrative Assistant

POLICY TITLE: TRAINING, EDUCATION AND CONFERENCES

POLICY NUMBER: 4060

4060.1 **Policy.** The Beaumont-Cherry Valley Water District takes its stewardship over the use of limited public resources seriously. Public resources should only be used when there is a substantial benefit to the District.

1. Educational conferences and meetings are considered to provide substantial benefit. Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operations. Hence, there is no limit on the number of Directors attending a particular conference or seminar when it is determined that their attendance is beneficial to the District. Such benefits include:
 - a. The opportunity to discuss the community's concerns with local, State and federal officials;
 - b. Participating in regional, state, and national organizations whose activities affect the District;
 - c. Attending educational seminars designed to improve officials' skill and information levels.
2. "Junkets" (tours or journeys for pleasure at public expense), however, will not be permitted.

4060.2 **Expenses.** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual, necessary, and reasonable expenses incurred for tuition, travel, lodging, and meals as a result of training, educational course, participation with professional organizations, and attendance at local, state, and national conferences that serve the interests of the District.

1. Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses.
2. Reimbursement shall include necessary expenses for meals, lodging, authorized incidentals (see Policy 4070 Payment of Expenses Incurred on District Business), and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member within 30 days of the incurred expense on a District-supplied Expense Form, together with original, valid receipts in accordance with State law. Reimbursement rates shall not exceed the Internal Revenue Services rates as established in Publication 463.
3. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.
4. Pre-approved seminars, workshops, courses, professional organization meetings, and conferences shall be those enumerated in the current year's BCVWD Pre-Approved Events and Director Appointments List as adopted by the Board.
5. Expenses to the District for Directors' training, education, and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations, if any, provided by the event sponsor and by:
 - a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
 - b. Directors traveling together whenever feasible and economically beneficial.
 - c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

4060.3 **Notice.** A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when there is no significant benefit to the District.

4060.4 **Reimbursement.** Upon returning from seminars, workshops, conferences, etc. where expenses are paid and/or reimbursed by the District, Directors will either prepare a written report for distribution to the Board or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

ACWA FALL21 CONFERENCE & EXHIBITION

Pasadena

Nov. 30 - Dec. 2, 2021

CHOOSE
YOUR
EXPERIENCE



MESSAGE FROM THE PRESIDENT



Greetings, friends and colleagues!

I'm looking forward to connecting with you at **ACWA's 2021 Fall Conference & Exhibition, Nov. 30 - Dec. 2**, at the Pasadena Convention Center. This conference will be different from previous in-person conferences, with a new schedule, more networking opportunities and an emphasis on health and safety.

For those unable to attend, the Virtual Conference Pass option will provide access to live-streamed conference highlights and on-demand conference recordings for up to two weeks following the event.

This unique conference presents an ideal opportunity to help you stay informed and updated on a variety of local, statewide, and federal water issues, all the important and critical information that you and your organization need to know. Networking opportunities will allow you to connect with fellow members of the California water community while learning best practices and exchanging ideas. The conference also offers continuing education credits for legal, energy, financial and drinking water professionals seeking contact hours. And don't miss the Exhibit Hall, filled with vendors showcasing products and services that may offer you just the right solutions!

Our election adds even more excitement to this conference, giving you another reason not to miss it! Join us as our membership elects a new ACWA President and Vice President for the 2022-'23 term.

ACWA has been the leading voice for California water issues for more than 100 years. In 2021, the knowledge, insight, and support of our members allowed our association to lead efforts that shaped several critical legislative and regulatory issues at the state and federal levels. What makes ACWA such a great organization is our collective willingness to stay ahead of the learning curve, and this conference is the one place where you'll hear the latest on California's drought, local innovations and other critical water issues.

Working together, we can tackle the challenges and improve on our successes for a better California for future generations.

A handwritten signature in black ink, reading "Steve LaMar". The signature is fluid and cursive, written in a professional style.

Steve LaMar
ACWA Board President

CHOOSE YOUR EXPERIENCE



Join Us in Pasadena!

This conference will be different with a new agenda, ways to connect, and health and safety measures in place to welcome attendees back in person to a safe destination. Full conference and one-day registrations available.

Group Savings

Buy 5 get 1 free*! (*Subject to terms and conditions. For more info, contact TeresaT@acwa.com)

Unable to attend in person?

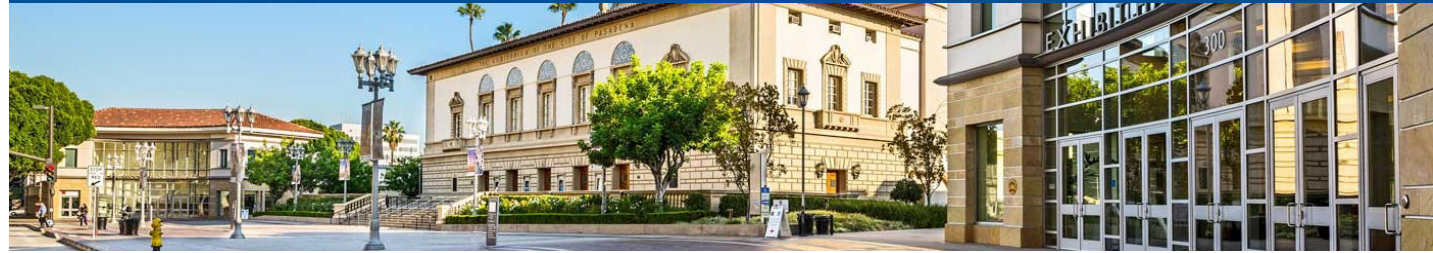
A live Virtual Conference Pass* and On demand conference recordings are available. (*See Preliminary Agenda for applicable programs)

Questions?

Contact events@acwa.com



PASADENA IS PREPARED FOR YOU



At the Pasadena Convention Center, we are dedicated to providing a safe space to bring people together. We have taken measures to establish more stringent cleaning and disinfecting, as well as safety best practices to support the health and wellness of everyone that visits our venue.

On July 23, 2021, the Pasadena Public Health Department (along with Los Angeles County) issued a mandate that all persons must wear a mask in all indoor public settings, venues, gatherings, and public and private businesses regardless of vaccination status. Guest Services staff will be stationed throughout the venue monitoring people going into the meeting rooms and the Exhibit Hall and will ask guests to put on their mask (or adjust it properly) when necessary. We appreciate attendees abiding by this friendly reminder for a safer environment for everyone.

Subject to California Department of Public Health (CDPH) requirements and recommendations issued on August 18, 2021, indoor events under 1,000 attendees do not require attendees to verify to be fully-vaccinated against COVID-19 or test negative for attendance.

Information as of 9/15/21



COMMITTED TO HEALTH & SAFETY FOR ALL

The Pasadena Convention Center has received the GBAC STAR Facility Accreditation, which ensures the Convention Center and Civic Auditorium are implementing the industry's highest standards for cleaning and disinfection of infectious agents like the novel coronavirus, including:

- Cleaning crews have increased cleaning frequency with special attention provided to high-touch areas (door handles/push plates, elevators, handrails, windowsills, etc.)
- Use of color coordinated microfiber cloths to eliminate cross contamination in high-touch areas
- Use of electrostatic/disinfectant sprayers
- Enhanced air handling filtration system
- Hand sanitizer dispensers strategically placed throughout the building in high traffic areas
- State, local, and CDC recommended health & hygiene reminders/signage placed throughout the facility to remind guests and employees of appropriate PPE, proper handwashing, respiratory etiquette, and physical distancing requirements

The Pasadena Convention Center and Civic Auditorium are committed to the health and safety of our clients, guests, employees, and community. We are looking forward to welcoming you back and we are prepared to be your safe meetings destination.

LET'S ALL DO OUR PART

WASH YOUR HANDS

Wash hands often or use hand sanitizer that contains at least 60% alcohol



WEAR A MASK

Cover mouth and nose with a mask



STAY AT HOME

Stay at home if you are feeling sick
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CONFERENCE PROGRAMS

Programs are subject to change without notice.

ATTORNEYS PROGRAMS



These programs have been approved by the State Bar of California for attorneys to receive general MCLE credits.

Key Appellate Court Decisions in 2020-2021 and What They Mean for Your Agency Description

In the past year, numerous appellate court decisions have had implications for public agencies throughout California. To coincide with the fall release of ACWA's Summary of Appellate Cases publication, this program will review some of the most notable cases and how agencies are responding.

Down to a Trickle? How California's Water Suppliers are Grappling with Less Supply in Successive Years of Shortage

An in-depth discussion with experts on the shortages and legal challenges affecting the Colorado River and the various Northern California water sources that provide water to almost all of the State's residents.

Water Theft During Times of Drought and Beyond: A Guide to Prevention

During times of drought when hydrant uses of potable water is limited, many utilities experience theft of limited water supplies particularly from fire hydrants. This program will present real world situations and provide attendees with an understanding of the options available to secure their water supply from theft and to address water theft when it occurs.

SWRCB: Update on the Administrative Hearings Office

The Administrative Hearings Office (AHO) was created in 2019 as an independent unit of the State Water Resources Control Board to conduct neutral, fair, and efficient hearings on water rights. The AHO has made significant progress over the past year to address water rights applications that have lingered for years. This program will discuss these efforts and the AHO's plan for 2022.

COMMUNICATIONS COMMITTEE PROGRAM

Drought Campaigns That Get Results

With the drought expected to continue into another year, communicating with customers will be key. What works and what doesn't? Hear about communications campaigns that have gotten results and learn what statewide polling suggests should be incorporated into your campaign strategy and messaging.

FEDERAL ISSUE FORUM

Despite continued "unprecedented times," the federal government is continuing its work in many ways. Hear from Washington's decision makers on the latest efforts on infrastructure, water supply conditions, climate change, and regulatory shifts.

ENERGY COMMITTEE PROGRAM

Backup Power: Balancing Reliability with Ambitious Climate Goals

As California seeks to achieve its SB 100 goals, we must in the process become more resilient. Governor Newsom released an Emergency Proclamation this summer that the state must drastically shore up backup power to get through this year and next. Come hear experts perspectives on what this past summer has shown us for achieving California's lofty goals, and hear from member agencies about the preemptive efforts they have taken to ensure reliability in their public water agency operations.

FINANCE PROGRAMS



CPAs may receive continuing education credit by attending these programs.

Developer Fees and Water Rates: Restricting, Reserving, Reporting, and Opportunities

California law and industry guidelines provide a clear path to determining how to set developer fees and water rates, and how to account for the revenue. Failure to follow this clear path could get you into trouble with your development community or you may be missing opportunities to keep your water rates as low as possible. Keep your focus on your fiduciary responsibilities to your ratepayers while staying in compliance with laws that protect developers' interests. Don't rely on your auditors to know the what, when, how, and how much regarding developer fees and water rates. This session will give you the background you need to be sure your agency is on the right path.

State Water Resources Control Board Drinking Water Contact Hours may be available for qualifying programs.

Section 115 Trust for Unfunded Pension Liability

Learn how to take the “unsustainable” out of the public pension narrative for the water industry. A comprehensive pension funding strategy can lead to the elimination of the unfunded liability and can provide greater control over this liability into the future and create immediate savings. This means revenues from existing rates could potentially be used to address other pressures we face i.e. aging infrastructure, water supply, etc.

Three agencies, each in different stages of addressing this issue, will share their experience, lessons, and success including:

- Why diversifying your pension funding can be of benefit
- How to incorporate the trust into overall strategy
- What is the appropriate target level of CalPERS funding
- What to do with earnings

WATER INDUSTRY TRENDS PROGRAMS

Security in the Modern Age: The Role of Cybersecurity in Our Water Systems

The federal government has deemed cybersecurity a top threat to the nation's infrastructure, including the water sector. A recent escalation of cybersecurity attacks have shown how vulnerable this infrastructure is to security breaches. Hear from our speakers on how water systems can be prepared for cybersecurity threats and upcoming initiatives on this issue.

Achieving Water Conservation as a California Way of Life

Following California's 2012 - 2016 historic drought, the state adopted a framework to achieve long-term water use efficiency. The state is in the thick of implementing this framework, which will result in numeric standards that water suppliers will be required to meet starting Jan 1, 2027. Join

this panel discussion to better understand the framework, the state and supplier's considerations in developing it, and what it will take to meet the objective.

Cost of Water Quality: Then and Now

Come to a discussion regaling a history of water quality regulations in California and a look at the latest conversations surrounding affordability and economic feasibility in Maximum Contaminant Level regulations and others. This distinguished panel brings a wealth of knowledge on water quality regulations over the past few decades. We are thrilled to have their perspectives on where we have come from with water quality regulations, and where we go from here to make water quality rules that make sense and achieve the public health goals of our communities and California more broadly.

Groundwater Trading: How Groundwater Markets Can (and Can't) Help Us Achieve Sustainability

As California moves toward full implementation of the Sustainable Groundwater Management Act (SGMA), water markets are expected to play an important role in achieving groundwater sustainability. This expert panel will explore the barriers and opportunities surrounding groundwater trading and the role of the State and local agencies in its application.



You're Invited

Women in Water Reception
Wednesday, December 1 | 6 - 7 p.m.
JOIN US IN-PERSON AND VIRTUALLY!
Details to come.

Let's Be
UNRULY

United
Noble
Respected
Unique
Lively
Youthful

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CONFERENCE PROGRAMS

State Water Resources Control Board Drinking Water Contact Hours may be available for qualifying programs.

REGION ISSUE FORUMS

Focus on the Fix, Not the Fight

Presented by Region 2

Across the Sacramento Valley, water managers are working with a diverse set of partners to address some of the state's most pressing resource issues. From forest management to groundwater sustainability to enhancing conditions for fish and wildlife, these parties are working together to focus on collaborative solutions that can make a difference now. This panel will highlight specific efforts proposed to more effectively serve the water needs for communities, the economy and the environment.

Local Innovations in Alternative Water Supplies

Presented by Region 5

As the world's climate patterns continue to shift unpredictably, places where drinking water was once abundant may soon find reservoirs dry and groundwater aquifers depleted. The current drought is also leading to stressed ecosystems, severely depleted reservoirs, hard hit farms and rural communities, and threat to urban water supplies. This panel of experts will discuss and explore viable options, such as recycled water and desalination plants, and how these alternative water supplies can help meet the state's water needs.

NASA & Water 2021: A Space Odyssey

Presented by Region 9

NASA is innovating new technologies to support critical water management decisions. Learn how NASA's Jet Propulsion Laboratory is using satellite technology. What can this do for urban and agricultural agencies?

STATEWIDE ISSUE FORUMS

Innovations in Agriculture

Learn about the latest innovative practices and technology being instituted to tackle Sustainable Groundwater Management Act (SGMA) implementation and water use efficiency regulations on the ground in agriculture.

Perspectives on Multibenefit Land Repurposing

California's 2021 Budget allocated funds to the Department of Conservation to implement the Multibenefit Land Repurposing Program for groundwater sustainability projects. This program will explore potential collaboration on its implementation.

Check the ACWA website for updated conference information.

WWW.ACWA.COM



ROUND TABLE DISCUSSIONS



With the popularity of the Virtual Conference's Networking Lounge & Chatrooms, ACWA is bringing a similar type of networking opportunity to the in-person experience with our **NEW Round Table Discussions!**

Join your colleagues in one of these topic-themed round tables.

- **Troubleshooting Your Communications Challenges**

Communicating with customers and other stakeholders can be tricky. You're putting information out there, but how do you know if anyone is listening? Why did the strategy that worked well for one campaign not work for the next one? How can my agency better leverage social media? Should my agency hold a press conference? Bring your questions to this roundtable discussion with experts who will offer their best advice for overcoming your agency's communications challenges.

- **Alternative Water Innovations**

California water agencies have taken the lead on alternative water innovations, understanding the need to shift our water supply towards new, local sources of water and creating a sustainable water system capable of withstanding the challenges of climate change. This roundtable talk will serve as an opportunity for water agencies from across the state to share and learn about innovations in alternative water resources.

- **The Impacts of Wildfire**

This discussion will be an opportunity for water agencies across the state to share their experience with the impacts of the 2021 wildfires and the legacy of damage from previous wildfire seasons.

NEW! CONFERENCE AGENDA

★ Agenda items marked with this symbol will be accessible with the Virtual Conference Pass *Note: Tuesday Committee meetings will not be available with the Virtual Conference Pass.*

ACWA JPIA - MONDAY, NOV. 29

- 8:30 - 10:00 AM**
 - ACWA JPIA Program Committee
- 10:15 - 11:15 AM**
 - ACWA JPIA Executive Committee
- 1:30 - 4:00 PM**
 - ACWA JPIA Board of Directors
- 4:00 - 5:00 PM**
 - ACWA JPIA Town Hall
- 5:00 - 6:00 PM**
 - ACWA JPIA Reception

TUESDAY, NOV. 30

- 8:00 AM - 9:45 AM**
 - Agriculture Committee
- 8:00 AM - 6:00 PM**
 - Registration
- 8:30 AM - Noon**
 - ACWA JPIA Seminars
- 10:00 - 11:45 AM**
 - Groundwater Committee
 - Energy Committee
- 11:00 AM - Noon**
 - Outreach Task Force
- Noon - 2:00 PM**
 - Committee Lunch Break
- 1:00 - 2:45 PM**
 - Local Government Committee
 - Finance Committee
 - Water Management Committee
- 1:00 - 3:00 PM**
 - ACWA JPIA: Sexual Harassment Prevention for Board Members & Managers (AB 1825)

- 3:00 - 4:45 PM**
 - Communications Committee
 - Federal Affairs Committee
 - Membership Committee
 - Water Quality Committee
- 5:00 - 6:30 PM**
 - Welcome Reception in the Exhibit Hall

WEDNESDAY, DEC. 1

- 7:30 AM - 5 PM**
 - Registration
- 8:00 - 9:45 AM**
 - Opening Breakfast (*Ticket Required*) ★
- 8:30 AM - 6:00 PM**
 - Connect in the Exhibit Hall
- 10:00 - 11:00 AM**
 - Attorneys Program ★
 - Energy Committee Program ★
 - Finance Program ★
 - Region Forum ★
 - Statewide Forum ★
 - Water Industry Trends Program ★
- 11:00 AM - 1:00 PM**
 - Connect in the Exhibit Hall
 - Exhibitor Demonstrations
 - Networking Lunch (*Ticket Required*)
- Noon - 1:00 PM**
 - General Session/Election
- 1:15 - 2:45 PM**
 - Attorney Program ★
 - Communications Committee Program ★
 - Finance Program ★
 - Region Forum ★
 - Statewide Forum ★
 - Water Industry Trends Program ★

- 3:00 - 3:30 PM**
 - Ice Cream Break in the Exhibit Hall
- 3:30 - 4:30 PM**
 - NEW!** Roundtable Talks
- 3:45 - 5:30 PM**
 - Legal Affairs Committee
- 5:00 - 6:00 PM**
 - Outreach Reception in the Exhibit Hall
- 6:00 - 7:00 PM**
 - CalDesal Hosted Mixer
 - Jacobs Hosted Reception
 - Women in Water Hosted Reception
- 7:00 - 10:00 PM**
 - Dinner & Entertainment (*Ticket Required*)

THURSDAY, DEC. 2

- 7:30 AM - 4:00 PM**
 - Registration
- 7:45 - 9:15 AM**
 - Regions 1-10 Membership Meetings
- 8:00 - 9:15 AM**
 - Networking Continental Breakfast in the Exhibit Hall (*Ticket Required*)
- 8:00 AM - Noon**
 - Connect in the Exhibit Hall
- 8:30 - 10:45 AM**
 - Ethics Training (AB 1234) - *Ltd. Seating*
- 9:30 - 11:00 AM**
 - Attorneys Program ★
 - Federal Forum ★
 - Finance Program ★
 - Region Forum ★
 - Statewide Forum ★
 - Water Industry Trends Program ★

- 11:15 - 11:45 AM**
 - Prize Drawings in the Exhibit Hall
- Noon - 2:00 PM**
 - General Session Luncheon (*Ticket Required*) ★
- 2:15 - 3:15 PM**
 - Attorneys Program ★
 - Exhibitor Demonstrations
 - NEW!** GM Forum ★
 - Special Forum ★
 - Water Industry Trends Program ★
- 3:30 - 4:30 PM**
 - Closing Reception

All conference programs are subject to change.

Last modified: October 11, 2021



Thank you

2021 ACWA FALL
CONFERENCE SPONSORS

ACWA EXHIBIT HALL

WHAT'S HAPPENING IN THE HALL...

- Dedicated Exhibit Hall Hours**
 One-on-one time with vendors from around the U.S. whose products and services may offer you just the right solutions for your agency.
- Tuesday Welcome Reception**
 Network with your peers and friends while visiting with vendors from across the nation who may just have the right solution for your agency!
- Thursday Prize Drawing**
 Mingle with your peers and exhibitors and win great prizes! *All raffle prizes will be drawn on Thursday and you must be present to win.* The drawing will take place at the ACWA Lounge from 11:15-11:45 AM on Thursday, Dec. 2.
- Exhibitor Demonstrations**
 Join select exhibitors for a 20-minute demonstration to learn about their products and services. Check the conference agenda for details on times and the topics of discussion.
- Exhibitor Scratchers**
 Visit exhibitors daily to receive scratcher tickets good for cash prizes and ACWA swag!
- Spin the Wheel - Win CASH!!**
 Stop by the ACWA Lounge and spin the prize wheel for a chance to win some CASH!

EXCLUSIVE PARTNER

ACWA JPIA

2021 FALL CONFERENCE SPONSORS

Bartle Wells Associates

CDM Smith

Eastern Municipal Water District

Enerspose

Harris & Associates

HDR

INTERA Incorporated

Irvine Ranch Water District

Kennedy/Jenks Consultants

Kiewit

Kronick Moskovitz Tiedemann & Girard

Nossaman LLP

Rubicon Water

San Juan Water District

Stantec Consulting Services Inc.

TerraVerde Energy

West Yost Associates

Western Municipal Water District

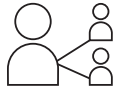
*For more information about sponsorship,
contact the ACWA Events Team at events@acwa.com*

ACWA CONFERENCE REGISTRATION, MEALS AND HOTEL PRICING



REGISTER ONLINE

Register online by **November 19, 2021** at www.acwa.com to take advantage of the advance pricing.



REGISTER ON SOMEONE'S BEHALF

Select from a list of people affiliated with your company in your account. If the registrant is not listed, you will need to create a Portal profile for the registrant before registering.

GROUP SAVINGS! Register 5 individuals from the same organization, receive a 6th registration free!*

* Subject to terms and conditions. See pages 10-12. Contact Teresa Taylor at TeresaT@acwa.com for more information before registering.

REGISTRATION OPTIONS <i>Advantage pricing applies to ACWA public agency members, associates & affiliates. Standard pricing applies to non-members of ACWA.</i>	ADVANCE DEADLINE: 11/19/21		ONSITE	
	ADVANTAGE	STANDARD	ADVANTAGE	STANDARD
Full Conference Registration & Meals Package	\$725	N/A	N/A	N/A
NEW! Package Add-On: On-Demand Conference Recordings Bundle	\$159	N/A	N/A	N/A
Full Conference Registration Only (meals sold separately)	\$580	\$870	\$610	\$915
One-Day Conference Registration (meals sold separately) Wednesday: Includes Welcome Reception on Tuesday night	\$345	\$520	\$365	\$545
Guest Conference Registration (meals sold separately) Guest registration is not available to anyone with a professional reason to attend.	\$75	\$75	\$75	\$75
NEW! On-Demand Conference Recordings Includes on-demand access to all recorded sessions after the live conference.	\$205	\$305	\$205	\$305
NEW! LIVE Virtual Conference Pass (+2 weeks on-demand access) Includes virtual access to live streamed conference sessions PLUS 2 weeks on-demand access to all recorded sessions after the live conference.	\$385	\$575	N/A	N/A
MEAL FUNCTIONS	ADVANCE		ONSITE	
Wednesday Opening Breakfast - December 1	\$50		\$55	
Wednesday Networking Luncheon - December 1	\$50		\$55	
Wednesday Dinner & Entertainment - December 1	\$75		\$80	
Thursday Continental Breakfast in Exhibit Hall - December 2	\$40		\$45	
Thursday Luncheon - December 2	\$55		\$60	

UPON REGISTRATION, HOTEL RESERVATION INFORMATION WILL BE SENT VIA EMAIL. QUESTIONS? CONTACT EVENTS@ACWA.COM

IN-PERSON REGISTRATION TERMS & CONDITIONS

REGISTRATION DEADLINE IS NOVEMBER 19, 2021

WHO IS ELIGIBLE FOR "ACWA ADVANTAGE" PRICING?

ACWA Advantage pricing is available to the following registrants:

- An officer or director of an ACWA member agency.
- A person directly employed by an ACWA public agency member, affiliate or associate organization. *This does not include independent contractors, service providers, or third-party vendors.*
- Any ACWA board member whose fee is paid for by member agency.
- Any state or federal administrative or legislative personnel in elected, appointed or staff positions.
- Staff of ACWA/JPIA and Water Education Foundation.
- Any individual or honorary life member of ACWA.

MEMBERSHIP INFORMATION - *Become a Member & Save!*

If you are interested in learning more about becoming an associate, contact the ACWA Events Team at Events@acwa.com. For public agency membership, please contact Katie Dahl at KatieD@acwa.com.

ONE-DAY REGISTRATION

By choosing a Wednesday only registration, you are entitled to attend the Welcome Reception on Tuesday evening and all programs on Wednesday.

CANCELLATIONS & CHANGES

All registration changes and cancellations must be made in writing by the event registration deadline. Valid cancellation requests will receive a refund of any registration fees paid minus a \$75 processing charge. For payments originally made by credit card, refunds can be issued back onto the credit card within 60 days. Otherwise, a refund will be issued by check. No refunds or registration changes will be granted after the registration deadline. Submit request in writing to Teresa Taylor at TeresaT@acwa.com.

SUBSTITUTIONS

Event registrations are transferable from one participant to another within the same organization. Please submit your request in writing before the event registration deadline to Teresa Taylor at TeresaT@acwa.com. Include the original registrant's name, the new person's name, title and email address with your request. After the registration deadline, substitutions will be handled on-site. Only one substitution is permitted per original registrant. The individual submitting the substitution request is responsible for all financial obligations (including any balance due) associated with the original registration. There is no fee to transfer an eligible registration.

GROUP DISCOUNT

For every 5 paid individual "Full Conference Only" registrations from the same organization, a 6th complimentary "Full Conference Only" registration will be received. Meals are sold separately. The complimentary registration must be for an individual from the same organization and is subject to applicable registration fees for any subsequent cancellations. Contact Teresa Taylor at TeresaT@acwa.com for details. Registrations using discount or complimentary codes are not eligible.

SPECIAL REQUESTS & ACCOMMODATIONS

Special requests and dietary restrictions must be submitted in writing to Teresa Taylor at TeresaT@acwa.com. Participants are encouraged to submit special requests as soon as possible. If you have a disability that requires an accommodation, please contact Teresa Taylor at TeresaT@acwa.com or call toll free at (888) 666-2292 to discuss your needs.

REFUNDS

Except as otherwise provided in this document, all payments and fees are nonrefundable after the registration deadline.

MEAL TICKETS

After registration deadline, meal tickets are not eligible for exchange, refund or credit.

NONATTENDANCE

Registrants who fail to attend the event, in part or in whole, are not eligible for a refund or credit and will be billed for any balance due.

GUEST REGISTRATION

Guest registration is available to a spouse, companion or guest of an ACWA event registrant. Guest registration is not available to ACWA members (public agencies) or "Friends of ACWA" (affiliates, associates or individuals). Guest registration is also not available to anyone with a professional reason to attend for purposes of learning or business. The guest registration includes admission to the Exhibit Hall, the opening reception and the ability to purchase meal tickets and attend meal functions. Guest registrants are not eligible for cash or prize drawings.

CONSENT

Registration and attendance at, or participation in, this event constitutes an agreement by the registrant to ACWA's use and distribution (both now and in the future) of the registrant's name, title, organization and mailing address as well as the registrant's image or voice in photographs, videotapes, electronic reproductions and audiotapes.

TRAVEL RESTRICTIONS

If due to Coronavirus (COVID-19) or related variant travel restrictions are imposed in the region, state, or country from which you are traveling from that prevents your in-person attendance, your pre-paid registration fees may be applied toward your registration for ACWA's 2022 Spring Conference & Exhibition or 2022 Fall Conference & Exhibition. Your cancellation notice must be received forty-eight (48) hours prior to the start of ACWA 2021 Fall Conference & Exhibition, and sent in writing to Events@acwa.com. Notices of cancellation sent to any other recipient will not be valid or deemed accepted by ACWA. Transfer of registration valid for the individual registrant only and no substitutions allowed.

CANCELLATION DUE TO HEALTH RESTRICTIONS

If you are unable to attend ACWA 2021 Fall Conference & Exhibition in-person due to a positive COVID-19 test result or symptoms, your pre-paid registration fees may be applied toward your registration for ACWA's 2022 Spring Conference & Exhibition or 2022 Fall Conference & Exhibition. Your cancellation notice must be received forty-eight (48) hours prior to the start of ACWA 2021 Fall Conference & Exhibition, and sent in writing to Events@acwa.com. Notices of cancellation sent to any other recipient will not be valid or deemed accepted by ACWA. Transfer of registration valid for the individual registrant only and no substitutions allowed.

Your notice of cancellation of registration does not otherwise affect or alter your hotel and travel arrangements, and you remain solely responsible for the costs of your hotel and travel reservations, including any applicable cancellation charges.

ACWA is not liable for any incurred expenses related to cancellation.

CANCELLATION OF EVENT

ACWA will adhere to all local and state regulatory health and safety guidelines. In the event that ACWA must cancel the in-person event in Pasadena due to environmental or regulatory requirements, fire, strikes, weather or other uncontrollable circumstances before the opening date, all pre-registrations will be automatically transferred to a Virtual Conference Pass with applicable credit given towards ACWA's 2022 Spring Conference & Exhibition or ACWA's 2022 Fall Conference & Exhibition.

ASSUMPTION OF RISK, ACKNOWLEDGEMENT AND WAIVER

By registering to attend this Event and participating in Events held by Association of California Water Agencies (ACWA), you hereby acknowledge, understand and agree that:

- ACWA adheres to applicable federal, state and local Coronavirus (COVID-19) guidelines and regulations and may implement a number of health precautions for the protection of its in-person attendees, including requirement of face masks, social distancing measures, and sanitizing and disinfection measures. However, the Center for Disease Control and the World Health Organization have classified COVID-19 and its strains as a highly contagious and dangerous disease. ACWA cannot eliminate the risk of you being exposed to or contracting COVID-19;

- You are fully aware that your physical appearance at the Event Locations(s) and participation in the Event or any Event related activities carries with it certain inherent risks related to infectious diseases or viruses including but not limited to COVID-19 transmission ("Inherent Risks") that cannot be eliminated regardless of the care taken to avoid such risks. Inherent Risks may include, but are not limited to, (1) the risk of coming into close contact with individuals or objects that may be carrying COVID-19; (2) the risk of transmitting or contracting COVID-19, directly or indirectly, to or from other individuals; and (3) injuries and complications ranging in severity from minor to catastrophic, including death, resulting directly or indirectly from COVID-19 or the treatment thereof;
- You further understand that the CDC has determined that certain risk factors, such as advanced age (65 or older), and certain underlying medical conditions, including kidney disease, COPD, immunocompromised state, obesity, heart conditions, sickle cell disease, diabetes, asthma, cerebrovascular disease, cystic fibrosis, hypertension, liver disease, pregnancy, pulmonary fibrosis, and smoking, increase the risk for severe illness from COVID-19 and its strains;
- You acknowledge that the risks of COVID-19 or its strains are not fully understood, and that contact with, or transmission of, COVID-19 may result in risks including but not limited to loss, personal injury, sickness, death, damage, and expense, the exact nature of which are not currently ascertainable, and all of which are to be considered Inherent Risks;
- You understand and accept that there is Inherent Risk from a failure of other participants not following proper COVID-19 protocols, such as maintaining proper social distancing and hygiene measures, and that the COVID-19 precautionary measures being employed by ACWA as designed and implemented in accordance with applicable regulations may be insufficient to prevent the transmission or contraction of COVID-19 and suffering any related injuries;
- You hereby voluntarily, knowingly and freely accept and assume all such Inherent Risks related to illness and infectious diseases, such as COVID-19 or similar viruses, even if arising from the negligence or fault of the Released Parties (as defined below);
- You acknowledge and assume full responsibility for risks inherent in any type of physical activity, including the activities at the Event location(s). These risks include property damage, serious bodily injury, and/or death, including any injury, harm and loss caused by the negligence, fault or conduct of any kind on the part of the Released Parties;
- You will not attend the Event in person if you experience symptoms that of fever, fatigue, difficulty in breathing, or dry cough or exhibiting any other symptoms relating to COVID - 19 or similar virus at any time during the 14 days immediately prior to the commencement date of the Event;
- You will not attend the Event in person if you or any member(s) of your household is diagnosed to be infected with COVID-19 or similar virus at any time during the 14 days immediately prior to the commencement date of the Event;
- Your attendance and participation in the Event is completely voluntary, and that you are attending and participating in the Event of your own free will and volition. It is your responsibility to ascertain any health conditions you may have that may make it inadvisable for you to participate in the Event or any Event related activity.

All Terms & Conditions are subject to change.

VIRTUAL REGISTRATION TERMS & CONDITIONS

REGISTRATION DEADLINE IS NOVEMBER 19, 2021

WHO IS ELIGIBLE FOR "ACWA ADVANTAGE" PRICING?

ACWA Advantage pricing is available to the following registrants:

- An officer or director of an ACWA member agency.
- A person directly employed by an ACWA public agency member, affiliate or associate organization. *This does not include independent contractors, service providers, or third-party vendors.*
- Any ACWA board member whose fee is paid for by member agency.
- Any state or federal administrative or legislative personnel in elected, appointed or staff positions.
- Staff of ACWA/JPIA and Water Education Foundation.
- Any individual or honorary life member of ACWA.

MEMBERSHIP INFORMATION - *Become a Member & Save!*

If you are interested in learning more about becoming an associate, contact the ACWA Events Team at Events@acwa.com. For public agency membership, please contact Katie Dahl at KatieD@acwa.com.

VIRTUAL EVENT ACCESS

Registration must be paid prior to receiving access to the virtual conference. The conference access link and login information will be sent in a separate email.

CANCELLATIONS & CHANGES

All registration changes and cancellations must be made in writing by the event registration deadline. Valid cancellation requests will receive a refund of any registration fees paid minus a \$30 processing charge. For payments originally made by credit card, refunds can be issued back onto the credit card within 60 days. Otherwise, a refund will be issued by check. All checks will be made payable to the registrant's organization unless otherwise specified. No refunds or registration changes will be granted after the registration deadline. Submit request in writing to Teresa Taylor at TeresaT@acwa.com. All registrations using credit codes are non-refundable.

SUBSTITUTIONS

Event registrations are transferable from one participant to another within the same organization. Please submit your request in writing before the event registration deadline to Teresa Taylor at TeresaT@acwa.com. Include the original registrant's name, the new person's name, title and email address with your request. Only one substitution is permitted per original registrant. The individual submitting the substitution request is responsible for all financial obligations (including any balance due) associated with the original registration. There is no fee to transfer an eligible registration.

GROUP DISCOUNT

For every 5 paid individual "Virtual Conference Pass" registrations from the same organization, a 6th complimentary "Virtual Conference Pass" registration will be received. The complimentary registration must be for an individual from the same organization and is subject to applicable registration fees for any subsequent cancellations. Contact Teresa Taylor at TeresaT@acwa.com for details. Registrations using discount or complimentary codes are not eligible.

OTHER PROVISIONS

If a technical failure at the attendee's home or workplace prevents access to the virtual conference, the attendee will not be given a refund. It is the responsibility of the attendee to confirm system requirements and test their computers prior to the start of the virtual conference. However, if a technical failure is the fault of the service provider and the virtual conference is cancelled, a full refund will be provided.

NON-ATTENDANCE

If you are unable to attend the virtual conference, information on how to access program recordings, materials and features of the virtual event will be provided to all registered persons. Registrants who fail to attend the event, in part or in whole, are not eligible for a refund or credit and will be billed for any balance due.

CONSENT

Registration and attendance at, or participation in, this event constitutes an agreement by the registrant to ACWA's use and distribution (both now and in the future) of the registrant's name, title, organization and mailing address as well as the registrant's image or voice in photographs, videotapes, electronic reproductions and audiotapes.

All Terms & Conditions are subject to change.



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 28, 2021**

Item 13

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Consideration of Attendance at Upcoming Events and Authorization of Reimbursement and Per Diem

Staff Recommendation

Evaluate director attendance at upcoming events for possible pre-approval or approval after attendance for compensation and / or expense reimbursement pursuant to Policies 4060 and 4065 and vote to pre-approve any selected activities.

SAMPLE MOTION:

I move that the Board pre-approve the attendance of Director _____ (OR all directors) at these events for purposes of per diem and reimbursement of associated reasonable and necessary expenses per District policy: ____ (list events)

Background

Event attendance is governed by BCVWD Policies and Procedures Manual Part II Policy 4060 Training, Education and Conferences, and Part II Policy 4065 Remuneration / Director Per Diem Fees. Per Government Code 53232.3(d), Directors will either prepare a written report for distribution to the Board or make a verbal report during the next regular meeting of the Board. Directors desiring to attend events not specifically enumerated and preauthorized by BCVWD policy should obtain pre-approval via vote of the Board in order to receive a per diem and/or expense reimbursement.

Upcoming Events

For registration of attendance at any event, Board members should contact the Administrative Assistant.

Activities and events that are, may already be, or can be voted as pre-approved for per diem and/or expense reimbursement for attendance:

1- NEW EVENTS

DATE / TIME	EVENT	DIRECTOR INTEREST	
Fri 11/12/21 7:30 a.m.	Beaumont Chamber of Commerce Breakfast Sand Trap – 892 W. Oak Valley Parkway \$22 per person Reservation deadline: Nov. 10	COVINGTON	HOFFMAN
APPROVAL	Please advise the Administrative Assistant if you would like to attend	RAMIREZ	SLAWSON
Preapproved (Table A, 5)		WILLIAMS	

DATE / TIME	EVENT	DIRECTOR INTEREST	
Nov 15-17 11 – Noon	Public Policy Institute of California Seizing the Drought: Water Priorities for Our Changing Climate	COVINGTON	HOFFMAN
APPROVAL	\$ = FREE (3-day virtual conference)	RAMIREZ	SLAWSON
REQUIRES VOTE	The PPIC Water Policy Center will convene a diverse group of experts to discuss how to tackle the highly disruptive effects of climate change on our water system. It's clear that we must step up our game to cope with the increasingly severe, warm droughts that are coming our way. This year's conference will identify immediate actions we can take to boost the state's resilience. Conference Schedule <ul style="list-style-type: none"> NOVEMBER 15, Session 1: Making Our Water Infrastructure Climate-Ready NOVEMBER 16, Session 2: Paying for Water System Resilience NOVEMBER 17, Session 3: Embracing Transformative Change <i>All sessions scheduled from 11:00 am to 12:00 pm PT.</i>	WILLIAMS	
https://www.ppic.org/event/seizing-the-drought-water-priorities-for-our-changing-climate/			

DATE / TIME	EVENT	DIRECTOR INTEREST	
Dec 6 and 13 5-7:30 p.m.	Institute for Local Government Level Up Your Leadership Training	COVINGTON	HOFFMAN
APPROVAL	Master Your Role as an Effective Elected Official and Community Leader	RAMIREZ	SLAWSON
REQUIRES VOTE	\$400 per person – Zoom conference Do you have an exceptional <i>and</i> effective council or board? Being an elected official in local government is not an easy task. To navigate the shifting landscape of local government leadership, elected officials must be equipped to lead through changing, and often challenging, times. If you want to learn how to level up your leadership and master the challenging art of being an effective public servant, register for ILG's new interactive, virtual leadership training. In this training, you'll learn tools and strategies to help local government leaders govern more effectively and better engage with fellow electeds, agency staff and the community. ILG's training will help you master the art of public service by equipping you with practical governance tools for exceptional leadership and governance. This comprehensive training is open to, and specially designed for, elected leaders from California cities, counties and special districts.	WILLIAMS	
https://www.ca-ilg.org/levelupleadership			

2 - ON CALENDAR

DATE / TIME	EVENT	DIRECTOR INTEREST	
Wed 11/10/21 10-11:30 a.m.	CSDA Webinar: General Manager Evaluations \$0 FREE	COVINGTON YES	HOFFMAN
APPROVAL	Brent Ives teaches specific tasks for the Board on good performance management of the GM. Class provides structure and rationale for conducting the process and offers a complete step-by-step approach to accomplish this critical responsibility of the Board.	RAMIREZ YES	SLAWSON YES
Approved 8/11/21	https://members.csdanet.com/EventDetail?EventKey=WEBI111021	WILLIAMS YES	

DATE / TIME	EVENT	DIRECTOR INTEREST	
11/30 – 12/3/21	ACWA Fall Conference and Exhibition \$ Registration, hotel, travel and per diem. Location: Pasadena https://www.acwa.com/events/2021-fall-conference-exhibition/	COVINGTON YES	HOFFMAN
APPROVAL		RAMIREZ YES	SLAWSON YES
Approved 8/11/21		WILLIAMS YES	

DATE / TIME	EVENT	DIRECTOR INTEREST	
12/7/21 10 – 11 a.m.	CSDA Webinar: The Great Board Chair \$ = FREE	COVINGTON	HOFFMAN
APPROVAL	This class provides an overview for the sitting or incoming Board chair who desires to optimize their service and improve how agency leaders do their work. It outlines what are and are not the roles of the chair, and how to make the time in the position most productive.	RAMIREZ YES	SLAWSON YES
Approved 8/11/21		WILLIAMS YES	
https://members.csdanet.com/iMIS1/Shared_Content/Higher_Logic/Event_Program_Display.aspx?WebsiteKey=9dbc497d-978b-4e9d-99b7-44925c7df9a5&EventKey=WEBI120721			

DATE / TIME	EVENT	DIRECTOR INTEREST	
Feb. 16-18 2022	Urban Water Institute’s Spring Water Conference Hilton Palm Springs	COVINGTON YES	HOFFMAN NO
APPROVAL	Registration \$TBD, Room Rate \$165 / nt Plus Travel, meals and per diem	RAMIREZ	SLAWSON YES
Preapproved (Table A, 17)	No information available yet. Save the Date only. https://www.urbanwater.com/program-agenda/	WILLIAMS YES	

3 - UNDECIDED

DATE / TIME	EVENT	DIRECTOR INTEREST	
Mon 11/22/21 11 - Noon	California-Nevada Drought & Climate Outlook Webinar \$ = FREE. NOAA / National Integrated Drought Information System	COVINGTON	HOFFMAN
APPROVAL	Designed to provide stakeholders and other interested parties in the region with timely information on current drought status and impacts, as well as a preview of current and developing climatic events (i.e., El Niño and La Niña).	RAMIREZ	SLAWSON
REQUIRES VOTE	https://www.drought.gov/events/california-nevada-drought-climate-outlook-webinar-4	WILLIAMS	

Fiscal Impact

The fiscal impact will depend on the number of directors attending an event and the event costs.

Attachments

- A. Beaumont Chamber of Commerce Breakfast – Nov. 12
- B. PPIC Seizing the Drought – Nov. 15 - 17
- C. Level Up Your Leadership – Dec. 6 and 13

Staff Report prepared by Lynda Kerney, Administrative Assistant



Beaumont Chamber
OF COMMERCE

Good Morning Beaumont Breakfast

Sponsored by...



Featured Speaker...

Adam Eventov,
Public Affairs Manager,
SoCalGas

Friday, November 12, 2021 @ 7:30 am

SandTrap Sports Bar & Grill

892 W. Oak Valley Parkway

Pre-paid reservations only. \$22 members, \$25 non-members.

Please call 951-845-9541 by Wednesday, Nov.10 at 4:00 pm.

By attending, you voluntarily assume all risk related exposure to COVID-19. Please practice safe health protocols.

Please practice safe health protocols.

*"Building a Better Community,
One Business at a Time."*

UPCOMING · NOVEMBER 15, 2021

Seizing the Drought: Water Priorities for Our Changing Climate

Three-Day Virtual Conference

November 15, 16, and 17

[REGISTER →](#)



ONLINE-ONLY EVENT

SUBMIT A QUESTION

ppiceventquestions@gmail.com

JOIN THE CONVERSATION

#PPICevents #CADrought #CAwater

About the Program

The PPIC Water Policy Center will convene a diverse group of experts to discuss how to tackle the highly disruptive effects of climate change on our water system. It's clear that we must step up our game to cope with the increasingly severe, warm droughts that are coming our way. This year's conference will identify immediate actions we can take to boost the state's resilience.

Conference Schedule

All sessions scheduled from 11:00 am to 12:00 pm PT.

- NOVEMBER 15, Session 1: Making Our Water Infrastructure Climate-Ready
- NOVEMBER 16, Session 2: Paying for Water System Resilience
- NOVEMBER 17, Session 3: Embracing Transformative Change

Agenda

Session 1 – Monday, November 15

Making Our Water Infrastructure Climate-Ready

Panelists will discuss how to adapt our water storage and conveyance systems to the warming, increasingly volatile climate and build resilience to benefit communities, the economy, and the environment.

11:00 a.m. Welcome and Introduction

Ellen Hanak, center director, PPIC Water Policy Center

11:05 a.m. Panel Discussion

Moderator: Alvar Escriva-Bou, senior fellow, PPIC Water Policy Center

Ali Forsythe, environmental planning and permitting manager, Sites Project Authority

Karla Nemeth, director, California Department of Water Resources

Tim Ramirez, board member, Central Valley Flood Protection Board

Daniel Swain, climate scientist, Institute of the Environment and Sustainability at UCLA

11:45 a.m. Audience Q&A

12:00 p.m. Adjourn

Session 2 – Tuesday, November 16

Paying for Water System Resilience

Panelists will survey opportunities for removing roadblocks to funding needed system upgrades, while ensuring safe and affordable water for all.

11:00 a.m. Welcome and Introduction

Jeffrey Mount, senior fellow, PPIC Water Policy Center

11:05 a.m. Panel Discussion

Moderator: Ellen Hanak, center, director, PPIC Water Policy Center

E. Joaquin Esquivel, chair, State Water Resources Control Board

Rosemary Menard, interim city manager, City of Santa Cruz

Alesandra Nájera, program officer, Water Foundation

11:45 a.m. Audience Q&A

12:00 p.m. Adjourn

Session 3 – Wednesday, November 17

Embracing Transformative Change

Panelists will explore how thinking bigger and more inclusively—and taking risks to try new approaches—can help get us unstuck and better meet the challenges at our doorstep.

11:00 a.m. Welcome and Introduction

Caity Peterson, associate center director, PPIC Water Policy Center

11:05 a.m. Panel Discussion

Moderator: Celeste Cantú, chair, San Diego Regional Water Quality Control Board

Don Cameron, vice president and general manager, Terranova Ranch

Andy Fecko, general manager, Placer County Water Agency

Letitia Grenier, resilient landscapes program director, San Francisco Estuary Institute

Adel Hagekhalil, general manager, Metropolitan Water District of Southern California

11:45 a.m. Audience Q&A

12:00 p.m. Adjourn

Speakers

Don Cameron

[Show bio](#)

Celeste Cantú

[Show bio](#)

Alvar Escriva-Bou

[Show bio](#)

E. Joaquin Esquivel

[Show bio](#)

Andy Fecko

[Show bio](#)

Ali Forsythe

[Show bio](#)

Letitia Grenier



Level Up Your Leadership Training

Master Your Role as an Effective Elected Official & Community Leader

Monday, December 6 and Monday, December 13

5:00 pm -7:30 pm

Two Evenings!



Do you have an exceptional and effective council or board?

Being an elected official in local government is not an easy task. In order to navigate the shifting landscape of local government leadership, elected officials must be equipped to lead through changing, and often challenging, times. If you want to learn how to level up your leadership and master the challenging art of being an effective public servant, register for ILG's new interactive, virtual leadership training. In this training, you'll learn tools and strategies to help local government leaders govern more effectively and better engage with fellow electeds, agency staff and the community.

ILG's training will help you master the art of public service by equipping you with practical governance tools for exceptional leadership and governance.

This comprehensive training is open to, and specially designed for, elected leaders from California cities, counties and special districts.

TRAINING BENEFITS:

- Understand key attributes of high-performing councils and boards
- Gain practical tools to govern more effectively
- Learn strategies and techniques to help your agency develop an exceptional council or board
- Gather effective techniques for public meetings
- Learn strategies to promote civility and respond to diverse viewpoints
- Understand various roles and responsibilities of the governing body, your agency's administrator and staff
- Explore community engagement strategies and collaborative decision-making processes
- Share real-world experiences with other elected officials,

- Learn good governance tools and review examples of exceptional leadership
- Join a cohort of local leaders for peer-to-peer networking and mutual support

Cost: Just \$400 per person.

Space is limited. Register today!

[CLICK HERE TO REGISTER](#)