



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 2022-09*

**Thursday, April 28, 2022 - 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 recommended for vaccinated and unvaccinated persons and must be properly worn over the nose and mouth at all times**
- **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 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 – APRIL 28, 2022

Call to Order: President Williams

Roll Call - Board of Directors

Pledge of Allegiance: Director Hoffman

Invocation: President Williams

Teleconference Verification

Roll Call

Public Comment

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

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. Approval of the 2022-2026 Memorandum of Understanding with the Beaumont-Cherry Valley Water District Employee Association** (page 5)
- 3. Resolution 2022-__:** Revising the District's Organization Chart and Salary Schedule Effective Retroactively to January 2, 2022 (pages 6 - 12)
- 4. Feasibility of the Construction of a Replacement Pipeline within Grand Avenue identified as P-3040-0027 in the 2016 Potable Water Master Plan** (pages 13 - 23)
- 5. Resolution 2022-__:** Authorizing the Implementation of Water Use Restrictions and Rescinding Resolution 2016-15 (continued from 4/13/2022) (pages 24 - 69)
- 6. Request for Extension of Water Service Will Serve Letter for Previously Approved Development (Tract 32850), located on the west side of Manzanita Park Road, northwest of the intersection of Seneca Springs Boulevard in the City of Beaumont** (pages 70 - 79)

7. **Status of Local Emergency regarding the Impact of the Respiratory Illness Pandemic COVID-19 pursuant to Resolution 2020-07** (Report due every 60 days)
(No written Staff Report)
8. **Status of Declared Local Emergencies related to Fires** (Report due every 60 days)
 - 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)
9. **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 preapproval status) will provide a brief report following attendance.
 - b. Directors' General Comments
 - c. General Manager's Report
 - d. Legal Counsel Report

10. Announcements

Check the meeting agenda for location and/or teleconference information:

- Finance and Audit Committee Meeting: Thursday, May 5, 2022 at 3 p.m.
- Regular Board Meeting: Wednesday, May 11, 2022 at 6 p.m.
- Personnel Committee Meeting: Tuesday, May 17, 2022 at 5:30 p.m.
- Engineering Workshop: Thursday, May 26, 2022 at 6 p.m.
- San Geronio Pass Regional Water Alliance: Wednesday, May 25, 2022 at 5 p.m.
- Beaumont Basin Watermaster Committee: Wednesday, Jun. 1, 2022 at 11 a.m.
- Finance and Audit Committee Meeting: Thursday, June 2, 2022 at 3 p.m.

11. 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 in the Board Room at the District 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

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
Board of Directors Engineering Workshop
April 28, 2022**

Item 2

STAFF REPORT

TO: Board of Directors Personnel Committee
FROM: Sabrina Foley, Human Resources Coordinator
SUBJECT: Approval of the 2022-2026 Memorandum of Understanding with the Beaumont-Cherry Valley Water District Employee Association

Staff Recommendation

Approve the 2022-2026 Memorandum of Understanding (MOU) with the BCVWD Employee Association, or
Direct staff as desired

Background

The District adopted the existing MOU with the Employee Association on December 13, 2017, and the MOU is effective from January 1, 2018, until December 31, 2021. Since this MOU has expired, the District has negotiated an updated MOU.

Summary

The General Manager, acting as Chief Negotiator on behalf of the District's Board of Directors, conducted negotiations with duly elected representatives of the Beaumont-Cherry Valley Water District Employee Association. A tentative agreement has been reached, pending final approval of the Board of Directors. Staff have compiled the terms of the tentative agreement into a proposed, updated MOU for the Board's consideration.

Fiscal Impact

To be presented separately in an amended District FY 2022 Operating Budget.

Attachments

1. 2022-2026 MOU Draft, Handout

Staff Report prepared by Sabrina Foley, Human Resources Coordinator.



**Beaumont-Cherry Valley Water District
Regular Board Meeting
April 28, 2022**

Item 3

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Resolution 2022-__ : Revising the District's Organization Chart and Salary Schedule Effective Retroactively to January 2, 2022**

Staff Recommendation

Adopt Resolution 2022-__: Revising the District's Organization Chart and Salary Schedule Effective Retroactively to January 2, 2022.

Background

The Memorandum of Understanding (MOU) between the BCVWD and the Employee Association required both a classification study and compensation study to be performed before the December 31, 2021 agreement expiration. The studies were intended to develop an equitable, reliable, and competitive position classification system that supports the District's goals while providing a competitive pay and benefits plan that is fiscally responsible and meets the District's needs regarding recruitment and retention of qualified staff.

At its meeting on April 13, 2022, the Board of Directors received and filed both studies as presented. The findings of the classification study provided recommended title changes, position reclassifications, and recommended steps to identify the appropriate placement of the new and aligned positions. The compensation study found that total compensation overall, even with a competitive benefits package, was 14.7% below the market.

Included in the compensation study was a proposed salary range schedule providing ranges numbered one through 100 for the District to consider. Salary range 17 is the only range that was adjusted. The range was increased by 3 percent based on additional market information applied after the Compensation Study was completed.

A revised BCVWD Organization Chart and Salary Schedule have been prepared based on the recommendations from the Classification and Compensation Studies as well as recommendations from management. The resolution for consideration formally approves the revised Organization Chart and Salary Schedule.

Fiscal Impact

The fiscal impact for the implementation of the provided changes to the BCVWD Organization Chart and Salary Schedule for 2022 would be a budget adjustment not to exceed \$156,000.



As there are potential savings in personnel related expenses due to unfilled positions, a formal budget amendment will be presented to the Board in October 2022.

Attachments

1. Resolution 2022-__: Revising the District's Organization Chart and Salary Schedule Effective Retroactively to January 2, 2022

Staff Report prepared by Director of Finance and Administrative Services Kirene Manini, PhD and Senior Accountant Sylvia Molina

RESOLUTION 2022-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BEAUMONT-CHERRY VALLEY WATER DISTRICT
REVISING THE DISTRICT'S ORGANIZATION CHART
AND SALARY SCHEDULE EFFECTIVE
RETROACTIVELY TO JANUARY 2, 2022**

WHEREAS, it is determined to be in the best interest of the Beaumont-Cherry Valley Water District ("District") to hire and compensate employees to perform desired essential functions and responsibilities; and

WHEREAS, The District's Personnel Policies and Procedures provides that classification titles and pay ranges shall be established from time to time upon adoption of a resolution by the Board of Directors; and

WHEREAS, the Board of Directors of the District adopted Resolution 2021-25 which included an organizational chart and salary schedule effective January 1, 2022; and

WHEREAS, the Board seeks to incorporate the recommendations made in the 2022 Classification Study Report by Koff and Associates; and

WHEREAS, the Board seeks to incorporate additional recommendations made by management; and

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

1. The Organization Chart referenced as Exhibit A is hereby adopted effective retroactively to January 2, 2022.
2. The Organization Chart referenced as Exhibit A hereby supersedes that adopted by the Board with Resolution 2021-25.
3. The Salary Schedule referenced as Exhibit B is hereby adopted effective retroactively to January 2, 2022.
4. The Salary Schedule referenced as Exhibit B hereby supersedes that adopted by the Board with Resolution 2021-25.

ADOPTED this _____ day of _____, 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

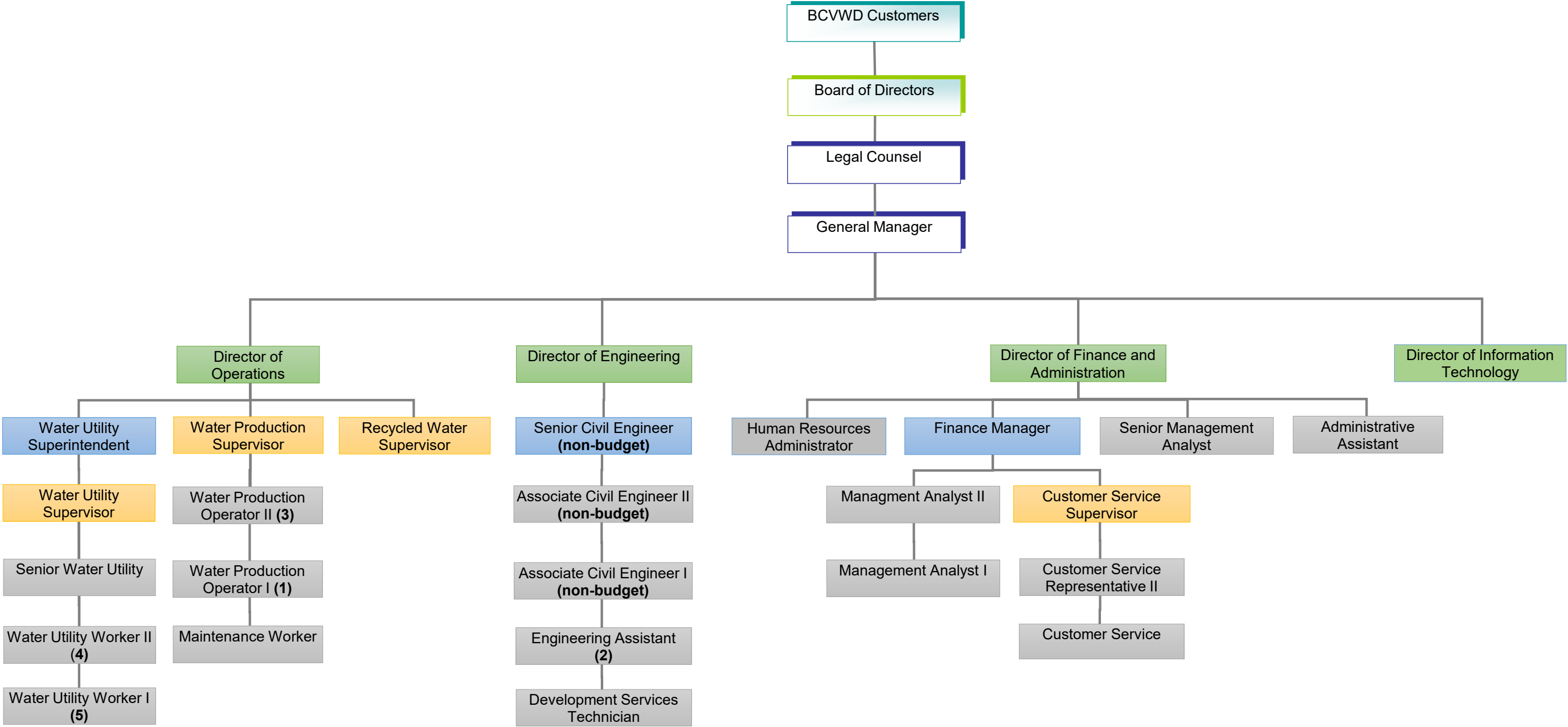
DRAFT UNTIL APPROVED

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

DRAFT UNTIL APPROVED

Director David Hoffman, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

BCVWD Organization Chart 2022



Directors
Managers
Supervisors
Staff

Effective 01/02/2022

Beaumont-Cherry Valley Water District 2022 Salary Schedule by Classification

Effective: January 2, 2022 Classification	Salary Range*	Hourly rates (per step)					Annual Range	
		Step 1	Step 2	Step 3	Step 4	Step 5	(based on 2080 hrs.; rounded to nearest dollar)	
Administrative Assistant	22	26.20	27.51	28.88	30.33	31.84	54,496	66,227
Associate Civil Engineer I	42	42.93	45.07	47.33	49.69	52.18	89,294	108,534
Associate Civil Engineer II	47	48.57	51.00	53.55	56.22	59.03	101,026	122,782
Customer Service Representative I	12	20.47	21.49	22.56	23.69	24.88	42,578	51,750
Customer Service Representative II	18	23.73	24.92	26.17	27.47	28.85	49,358	60,008
Customer Service Supervisor	33	34.37	36.09	37.90	39.79	41.78	71,490	86,902
Development Services Technician	22	26.20	27.51	28.88	30.33	31.84	54,496	66,227
Director of Engineering	61	68.63	72.06	75.66	79.44	83.41	142,750	173,493
Director of Finance and Administration	64	73.90	77.60	81.48	85.55	89.83	153,712	186,846
Director of Information Technology	56	60.65	63.69	66.87	70.22	73.73	126,152	153,358
Director of Operations	60	66.95	70.30	73.81	77.50	81.38	139,256	169,270
Engineering Assistant	37	37.94	39.84	41.83	43.92	46.12	78,915	95,930
Engineering Intern	2	15.99	16.79	17.63	18.51	19.43	33,259	40,414
Finance Manager	50	52.30	54.92	57.66	60.55	63.57	108,784	132,226
General Manager	contract					115.57		240,386
Human Resources Administrator	39	39.86	41.85	43.95	46.15	48.45	82,909	100,776
Maintenance Technician	28	30.38	31.90	33.49	35.17	36.93	63,190	76,814
Management Analyst I	31	32.72	34.35	36.07	37.87	39.77	68,058	82,722
Management Analyst II	38	38.89	40.83	42.88	45.02	47.27	80,891	98,322
Recycled Water Supervisor	42	42.93	45.07	47.33	49.69	52.18	89,294	108,534
Senior Civil Engineer	53	56.32	59.14	62.10	65.20	68.46	117,146	142,397
Senior Management Analyst	45	46.23	48.54	50.97	53.51	56.19	96,158	116,875
Senior Water Utility Worker	27	29.64	31.12	32.68	34.31	36.03	61,651	74,942
Water Production Operator I	21	25.56	26.84	28.18	29.59	31.07	53,165	64,626
Water Production Operator II	28	30.38	31.90	33.49	35.17	36.93	63,190	76,814
Water Production Supervisor	42	42.93	45.07	47.33	49.69	52.18	89,294	108,534
Water Utility Superintendent	46	47.38	49.75	52.24	54.85	57.59	98,550	119,787
Water Utility Supervisor	39	39.86	41.85	43.95	46.15	48.45	82,909	100,776
Water Utility Worker I	17	23.27	24.43	25.65	26.93	28.28	48,402	58,822
Water Utility Worker II	22	26.20	27.51	28.88	30.33	31.84	54,496	66,227
Accounting Technician**	26	28.92	30.36	31.88	33.47	35.15	60,154	73,112
Assistant General Manager**	69	83.61	87.79	92.18	96.79	101.63	173,909	211,390

Board of Directors

\$260 per day for meeting attendance in accordance with District rules

*Range approved for 2022 only; schedule of ranges 1-100 attached

**Positions highlighted in grey are non-budget positions not intended to be filled in 2022

**Beaumont-Cherry Valley Water District
2022 Full Salary Range Schedule**

Salary Range	Hourly				
	Step 1	Step 2	Step 3	Step 4	Step 5
1	15.60	16.38	17.20	18.06	18.96
2	15.99	16.79	17.63	18.51	19.43
3	16.39	17.21	18.07	18.97	19.92
4	16.80	17.64	18.52	19.44	20.42
5	17.22	18.08	18.98	19.93	20.93
6	17.65	18.53	19.46	20.43	21.45
7	18.09	18.99	19.94	20.94	21.99
8	18.54	19.47	20.44	21.46	22.54
9	19.00	19.95	20.95	22.00	23.10
10	19.48	20.45	21.48	22.55	23.68
11	19.97	20.96	22.01	23.11	24.27
12	20.47	21.49	22.56	23.69	24.88
13	20.98	22.03	23.13	24.28	25.50
14	21.50	22.58	23.70	24.89	26.13
15	22.04	23.14	24.30	25.51	26.79
16	22.59	23.72	24.91	26.15	27.46
17*	23.27	24.43	25.65	26.93	28.28
18	23.73	24.92	26.17	27.47	28.85
19	24.33	25.54	26.82	28.16	29.57
20	24.93	26.18	27.49	28.87	30.31
21	25.56	26.84	28.18	29.59	31.07
22	26.20	27.51	28.88	30.33	31.84
23	26.85	28.19	29.60	31.08	32.64
24	27.52	28.90	30.34	31.86	33.45
25	28.21	29.62	31.10	32.66	34.29
26	28.92	30.36	31.88	33.47	35.15
27	29.64	31.12	32.68	34.31	36.03
28	30.38	31.90	33.49	35.17	36.93
29	31.14	32.70	34.33	36.05	37.85
30	31.92	33.51	35.19	36.95	38.80
31	32.72	34.35	36.07	37.87	39.77
32	33.53	35.21	36.97	38.82	40.76
33	34.37	36.09	37.90	39.79	41.78
34	35.23	36.99	38.84	40.79	42.82
35	36.11	37.92	39.81	41.81	43.90
36	37.02	38.87	40.81	42.85	44.99
37	37.94	39.84	41.83	43.92	46.12
38	38.89	40.83	42.88	45.02	47.27
39	39.86	41.85	43.95	46.15	48.45
40	40.86	42.90	45.05	47.30	49.66
41	41.88	43.97	46.17	48.48	50.91
42	42.93	45.07	47.33	49.69	52.18
43	44.00	46.20	48.51	50.94	53.48
44	45.10	47.36	49.72	52.21	54.82
45	46.23	48.54	50.97	53.51	56.19
46	47.38	49.75	52.24	54.85	57.59
47	48.57	51.00	53.55	56.22	59.03
48	49.78	52.27	54.88	57.63	60.51
49	51.03	53.58	56.26	59.07	62.02
50	52.30	54.92	57.66	60.55	63.57

Salary Range	Hourly				
	Step 1	Step 2	Step 3	Step 4	Step 5
51	53.61	56.29	59.10	62.06	65.16
52	54.95	57.70	60.58	63.61	66.79
53	56.32	59.14	62.10	65.20	68.46
54	57.73	60.62	63.65	66.83	70.17
55	59.18	62.13	65.24	68.50	71.93
56	60.65	63.69	66.87	70.22	73.73
57	62.17	65.28	68.54	71.97	75.57
58	63.73	66.91	70.26	73.77	77.46
59	65.32	68.58	72.01	75.61	79.39
60	66.95	70.30	73.81	77.50	81.38
61	68.63	72.06	75.66	79.44	83.41
62	70.34	73.86	77.55	81.43	85.50
63	72.10	75.70	79.49	83.46	87.64
64	73.90	77.60	81.48	85.55	89.83
65	75.75	79.54	83.51	87.69	92.07
66	77.64	81.53	85.60	89.88	94.38
67	79.58	83.56	87.74	92.13	96.73
68	81.57	85.65	89.93	94.43	99.15
69	83.61	87.79	92.18	96.79	101.63
70	85.70	89.99	94.49	99.21	104.17
71	87.85	92.24	96.85	101.69	106.78
72	90.04	94.54	99.27	104.23	109.45
73	92.29	96.91	101.75	106.84	112.18
74	94.60	99.33	104.30	109.51	114.99
75	96.97	101.81	106.90	112.25	117.86
76	99.39	104.36	109.58	115.06	120.81
77	101.87	106.97	112.32	117.93	123.83
78	104.42	109.64	115.12	120.88	126.92
79	107.03	112.38	118.00	123.90	130.10
80	109.71	115.19	120.95	127.00	133.35
81	112.45	118.07	123.98	130.18	136.68
82	115.26	121.02	127.08	133.43	140.10
83	118.14	124.05	130.25	136.77	143.60
84	121.10	127.15	133.51	140.18	147.19
85	124.12	130.33	136.85	143.69	150.87
86	127.23	133.59	140.27	147.28	154.65
87	130.41	136.93	143.77	150.96	158.51
88	133.67	140.35	147.37	154.74	162.47
89	137.01	143.86	151.05	158.61	166.54
90	140.43	147.46	154.83	162.57	170.70
91	143.95	151.14	158.70	166.64	174.97
92	147.54	154.92	162.67	170.80	179.34
93	151.23	158.79	166.73	175.07	183.82
94	155.01	162.76	170.90	179.45	188.42
95	158.89	166.83	175.18	183.93	193.13
96	162.86	171.00	179.55	188.53	197.96
97	166.93	175.28	184.04	193.25	202.91
98	171.11	179.66	188.64	198.08	207.98
99	175.38	184.15	193.36	203.03	213.18
100	179.77	188.76	198.19	208.10	218.51

*Range 17 adjusted by 3% based on market review



**Beaumont-Cherry Valley Water District
Regular Board Meeting
April 28, 2022**

Item 4

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Feasibility of the Construction of a Replacement Pipeline within Grand Avenue identified as P-3040-0027 in the 2016 Potable Water Master Plan**

Staff Recommendation

For discussion purposes only.

Background

At the April 14, 2021, Board meeting, the Board authorized the Beaumont Master Drainage Plan (MDP) Line 16 Pipeline Relocation Project which set forth the relocation of District facilities that were conflicting with the MDP Line 16 Storm Drain Project. The original Project consisted of five (5) pipelines, however as of April 7, 2022, an additional pipeline was added due to an unforeseen conflict for a total of six (6) pipelines. Two (2) of the pipelines identified in the MDP Line 16 Pipeline Replacement Project (Pipelines No. 2 and No. 3) were within the limits of the District pipeline replacement project identified as P-3040-0027, and were partially funded with Capital Replacement Reserves related to the P-3040-0027 project. The two (2) pipelines relocated in the MDP Line 16 Pipeline Relocation Project consisted of approximately 332 linear feet (lf) of 12-inch diameter ductile iron pipeline within the limits of the P-3040-0027 project scope.

At the December 21, 2021, Board meeting, the Board approved the 2022-2026 Capital Improvement Budget (CIB). The 2016 Potable Water Master Plan and 2022-2026 CIB identify a pipeline replacement project shown as P-3040-0027 (see Attachments 1 and 2) which is along Grand Avenue from Jonathan Avenue to Bellflower Avenue. This project has been identified in the District's Potable Master Plan and in previous Capital Improvement Budgets prior to 2021. The complete Pipeline Capital Improvement Project (CIP) is currently described as follows:

- **P-3040-0027:** Replacement of approximately 3,245 lf of 6" DIP with 12" DIP, along Grand Avenue from Jonathan Avenue to Bellflower Avenue

With construction moving forward on the MDP Line 16 Storm Drain project (see Attachment 3), the Board has inquired with staff to evaluate the feasibility of completing the remainder of P-3040-0027 so as to complete Grand Avenue's waterline improvements concurrently with the storm drain project and avoid potential pipeline leaks and breaks due to the proximity of the storm drain installation and also take advantage of any pavement repair activities along Grand Avenue which may be performed in conjunction with or subsequent to the MDP Line 16 Storm Drain project construction activities.

The total P-3040-0027 project spans approximately 2,650 lf of 12-inch ductile iron pipe along Grand Avenue from Jonathan Avenue to Bellflower Avenue (Attachment 5). This differs from the estimated length within the CIB due to the currently projected limits of the project. The CIB estimated length assumed the project would connect into a pipeline within the Highland Springs Village Development with valves in place for connection to a future pipeline in Bellflower Avenue, however the connection into Highland Springs Village may not be needed at this time. District



staff identifies that should the Board desire to complete this project concurrently with the MDP Line 16 Storm Drain project in an effort to take advantage of possible paving activities, the District's construction schedule for adding certain pipelines along Grand Avenue may be a challenge due to CEQA requirement (possible line upsizing concerns) and the unknown schedule impacts from current economic factors on material procurement timelines.

The proposed alignment of the future 12" P-3040-0027 pipeline is approximately 2,650 lf however 332 lf was recently realigned to avoid catch basin conflicts, as previously stated. A preliminary analysis of the feasibility of replacing the remaining 2,218 lf is identified and discussed hereafter. District staff has performed a preliminary budget review and analysis to understand which parts of the P-3040-0027 pipeline has been funded and constructed to understand the impacts and available programmed funding that is or can be programmed to accomplish the complete construction of the proposed facilities in Grand Avenue.

Summary

The MDP Line 16 Storm Drain project is currently under construction and is on schedule to be completed by December of 2022. To avoid interference of the schedule of the MDP Line 16 Storm Drain project, District staff has performed a preliminary review of the Contractors submitted storm drain project schedule to determine if there might be a construction window where the MDP Line 16 Project would not be impacted by construction of the additional 12" P-3040-0027 yet to be constructed. Based upon said review, Staff identifies that there appears to be an approximate 10-week window when the storm drain is proposed to be constructed through this area, with a time gap before repaving occurs. This window covers the time period of approximately August 15, 2022, to October 25, 2022. District staff believes this would be the best period to construct said additional pipeline concurrently with the storm drain project to take advantage of any paving benefits.

To complete this project, there are other factors that may impact the project schedule for any additional District facilities construction including California Environmental Quality Act compliance activities and materials acquisition which need to be considered. These items are set forth in preliminary replacement pipeline schedules set forth under Attachments 6 and 7. Said schedules identify two estimated schedules based upon CEQA compliance following two separate paths as follows; CEQA could flow through one of two paths. A Notice of Exemption, if applicable, would have a significantly shorter time frame (± 60 days) than the alternative, Initial Study/ Negative Declaration (4-6 months). Additionally, material procurement continues to be a challenge and may impact the schedule. District staff has reached out to our suppliers and understand that in today's environment a lead time of at least 90-120 days is a current reasonable estimate.

As noted in the Background, a portion of the Capital Replacement Reserves collected for the P-3040-0027 project was utilized in the construction of the MDP Line 16 Replacement Pipeline project. Table 1 identifies an estimated breakdown of the Project Budget Summary.



Table 1 – District Improvements related to P-3040-0027 Budget Summary

CIP Project	CIP Budget	MDP Line 16 Pipeline Relocation Associated Cost	Approximate Budget Remaining
P-3040-0019	\$307,236.00	\$40,000.00	\$267,236.00
P-3040-0027	\$1,062,200.00	\$171,800.00	\$890,400.00
Total	\$1,369,436.00	\$211,800.00	\$1,157,636.00

*Note: District staff intends to provide a more complete budget estimate to the Board at a later date, based upon the changes to the project since its original inception.

District staff has reviewed the MDP Line 16 Storm Drain plans to further understand the effects of the existing pavement within this portion of Grand Avenue and has determined that Grand Avenue, from Jonathan Avenue to Bellflower Avenue is proposed to receive a fog seal treatment in the location where the proposed 12” pipeline is planned. Therefore, there may not be any realized cost savings from a pavement repair or replacement activity. The District would most likely be required to pave the standard half-street pavement section as required by Riverside County Transportation for a pipeline replacement project activity. In the event the pavement was damaged significantly during the MDP Line 16 Storm Drain project, some additional paving work or project by the installation contractor or some other paving contractor subsequent to the project scope and completion schedule, as currently defined in the Contract Documents.



Fiscal Impact

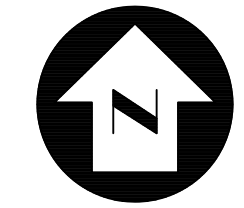
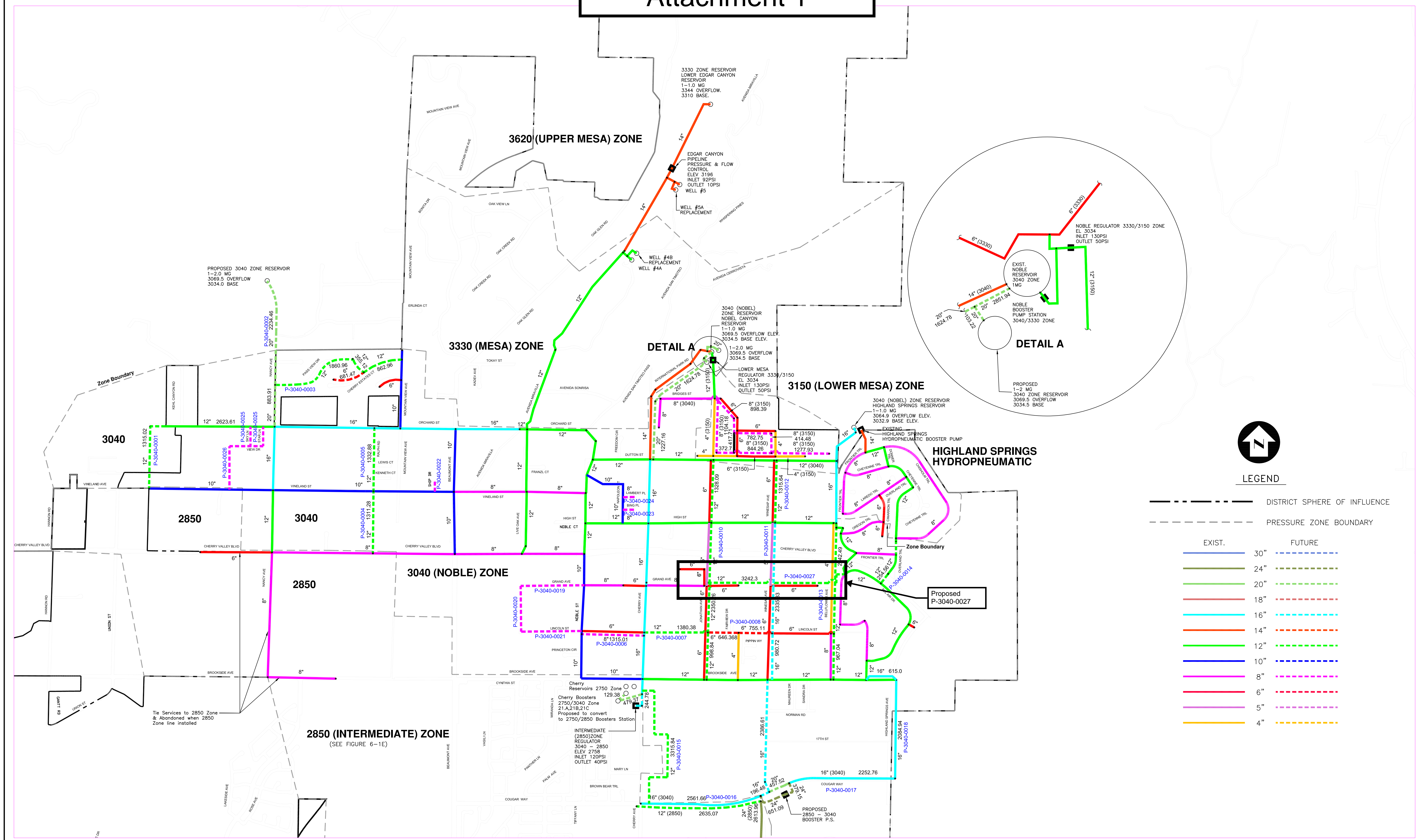
The Fiscal Impact for this project is not yet fully determined, however staff identifies that there is approximately \$1,157,636.00 in Budget available as described in Table 1. Should the Board desire to move forward, staff will immediately work to determine material costs and procure said materials upon bringing forth an estimate of costs.

Attachments:

1. Attachment 1 – 2016 Master Plan – PZ 3040 – Proposed P-3040-0027
2. Attachment 2 – 2022-2026 CIB - Appendix C
3. Attachment 3 – MDP Line 16 Vicinity Map
4. Attachment 4 – MDP Line 16 Pipeline Relocation Project Vicinity Map
5. Attachment 5 – P-3040-0027 Project Vicinity Map
6. Attachment 6 – P-3040-0027 Replacement Pipeline Option A Timeline
7. Attachment 7 – P-3040-0027 Replacement Pipeline Option B Timeline

Staff Report prepared by Evan Ward, Civil Engineering Assistant

Attachment 1



LEGEND

- DISTRICT SPHERE OF INFLUENCE
 - - - PRESSURE ZONE BOUNDARY
- | EXIST. | FUTURE |
|--------|--------|
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436 E. VANDERBILT WAY, SAN BERNARDINO, CALIFORNIA 92408
Phone 1-909-890-5611

WATER MASTER PLAN

BEAUMONT CHERRY VALLEY WATER DISTRICT

3040 (NOBLE) ZONE

SCALE
1" = 1000'
SHEET NO.
1 OF 1
FILE NO.



Attachment 2

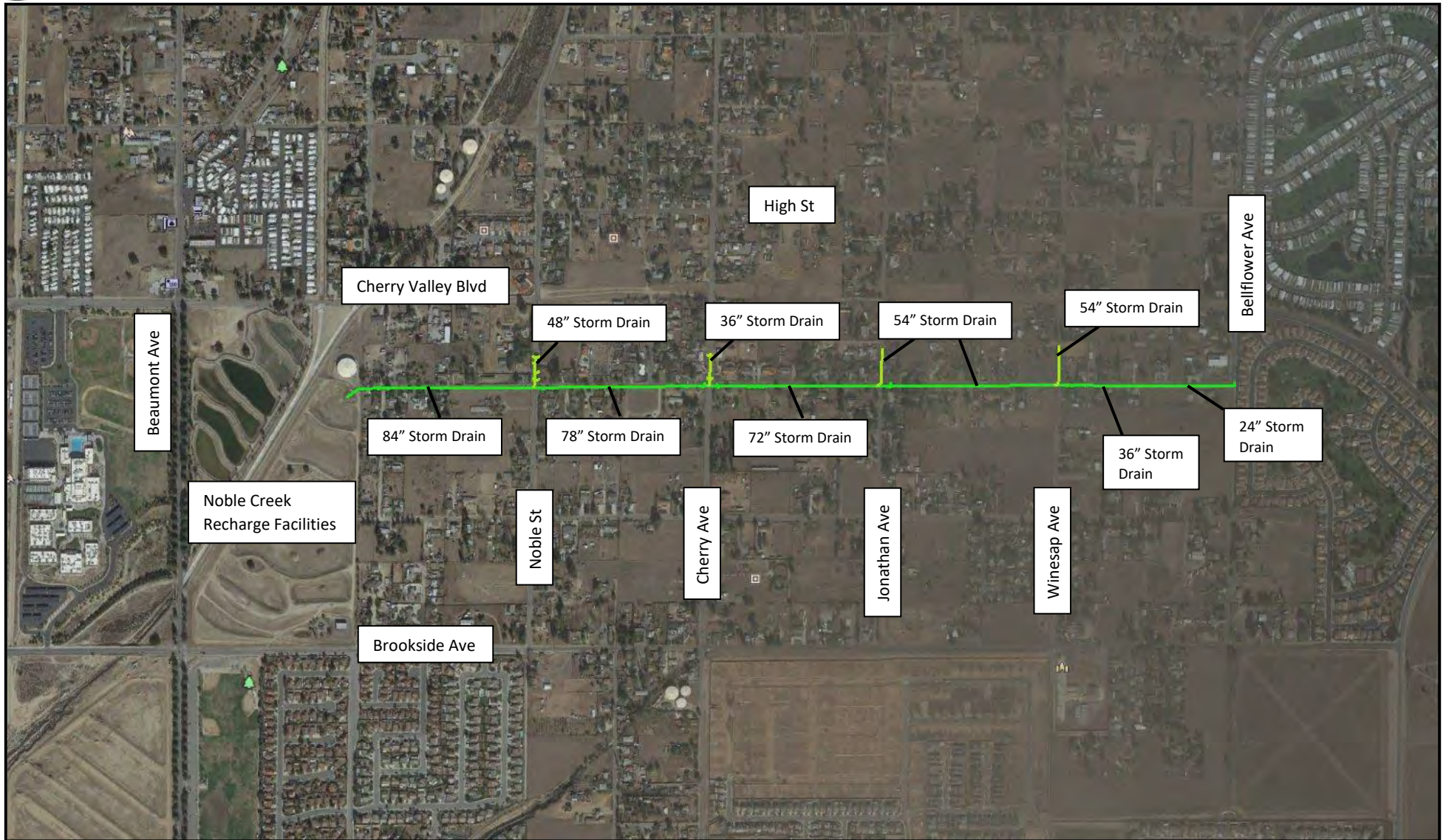
**Beaumont-Cherry Valley Water District
2022-2026 Capital Improvement Budget
Appendix C
2022 - 2026 Capital Improvement Budget Detail**

BCVWD FY 2022 Operating & 2022-2026 Capital Improvement Budget - Page 108 of 111

Engineering Project #	Footnotes	Capital Improvement Program	Estimated Carry Over 2021 Budget	2022 Budget Request	2023 Budget Request	2024 Budget Request	2025 Budget Request	2026 Budget Request	5-Year Budget Total
Potable Pipeline Replacements									
P-2750-0025		Maple Ave., 1st St to 3rd St	-	\$ -	64,500	268,200	-	-	332,700
P-2750-0035		Allegheny St., 6th to 8th	-	-	-	-	50,300	209,400	259,700
P-2750-0036		Michigan St., 6th to 8th	-	-	96,600	401,900	-	-	498,500
P-2750-0045		7th St., California Ave. to Beaumont Ave.	-	-	-	-	107,300	446,400	553,700
P-2750-0049		10th St., Palm Ave. to Michigan Ave.	-	-	-	-	53,400	222,300	275,700
P-2750-0050		Orange Ave., 8th St to 10th st	-	-	-	-	129,800	540,000	669,800
P-2750-0056	(3)	11th Street, Beaumont Avenue to Elm Avenue	-	275,500	1,145,800	-	-	-	1,421,300
P-2750-0057		Magnolia Ave., 7th to 8th	-	-	-	-	39,200	163,200	202,400
P-2750-0058		Wellwood Ave., B St north to end	-	-	-	-	10,700	44,700	55,400
P-2750-0064	(5)	Antonell Court, Pennsylvania Ave. to Cherry Ave.	-	-	-	-	-	-	-
P-2750-0066		Egan Ave.-Wellwood Ave. Alley, 5th to 8th St	-	-	85,800	356,700	-	-	442,500
P-2750-0067		Elm Ave.-Wellwood Ave. Alley, 7th St. to 5th St.	-	-	36,000	149,900	-	-	185,900
P-2750-0068		Elm Ave., 6th to 7th	-	-	22,700	94,300	-	-	117,000
P-2750-0069	(2)	Egan Ave-California Ave. Alley, 5th to 7th	151,000	-	-	-	-	-	151,000
P-2750-0092	(3)	Michigan Avenue, 5th Street to 6th Street	-	67,200	311,400	-	-	-	378,600
P-2750-0087		Beaumont 5th to 6th (Abandon pipeline)	-	-	-	-	44,500	-	44,500
P-3040-0007		Lincoln St. Cherry Ave to Jonathan Ave	-	-	-	-	95,100	395,500	490,600
P-3040-0010		Jonathan Ave., Brookside Ave. to Dutton St.	-	-	-	-	305,700	1,271,500	1,577,200
P-3040-0023,24,25,26									
P-3330-0003									
P-3620-0009	(6)	2020-2021 Replacement Pipelines	-	304,200	1,265,300	-	-	-	1,569,500
P-3040-0023	(6)	Bing Pl	20,700	(20,700)	-	-	-	-	-
P-3040-0024	(6)	Lambert Pl	20,700	(20,700)	-	-	-	-	-
P-3040-0025	(6)	Star Ln, Sky Ln, and View Dr	-	-	-	-	-	-	-
P-3040-0026	(6)	Utica Way, Vineland St to View Dr.	36,700	(36,700)	-	-	-	-	-
P-3040-0027		Grand Ave., Jonathon Ave. to Bellflower; Cherry Valley Blvd. Bellflower to HS Village 12 in	197,900	-	864,300	-	-	-	1,062,200
P-3330-0003	(6)	Avenida Sonrisa	102,200	(102,200)	-	-	-	-	-
		"B" Line Upper Edgar to upper end of 20" DIP and from lower end 20" DIP to Balance line and Balance Line in Edgar Canyon	400,900	1,704,000	-	-	-	-	2,104,900
P-3620-0001									
P-3620-0002		"A" Line Upper Edgar to split at Apple Tree Lane Tract	-	-	-	487,000	2,025,500	-	2,512,500
P-3620-0009	(6)	Ave. Miravilla, End of 12-in to Whispering Pines	30,400	(30,400)	-	-	-	-	-
P-3620-0012	(4)	Ave Altejo Bella, Ave Miravilla to end of cul-de-sac	221,700	-	-	-	-	-	221,700
P-3620-0015	(4)	Appletree Ln, B line to Oak Glen Rd	669,500	-	-	-	-	-	669,500
Total Potable Pipeline Replacements			1,851,700	2,140,200	3,892,400	1,758,000	2,861,500	3,293,000	15,796,800

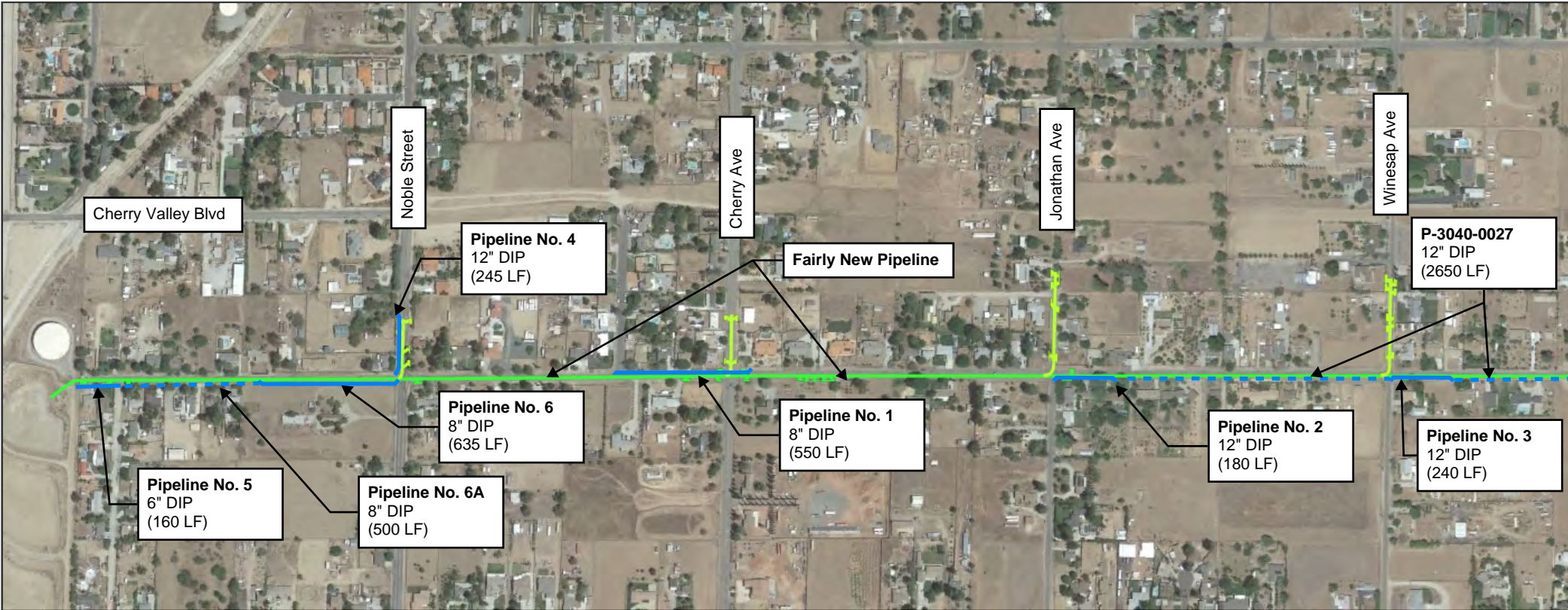






Attachment 3 – MDP Line 16 Vicinity Map





Attachment 4 - MDP Line 16 Pipeline Relocation
Project Vicinity Map



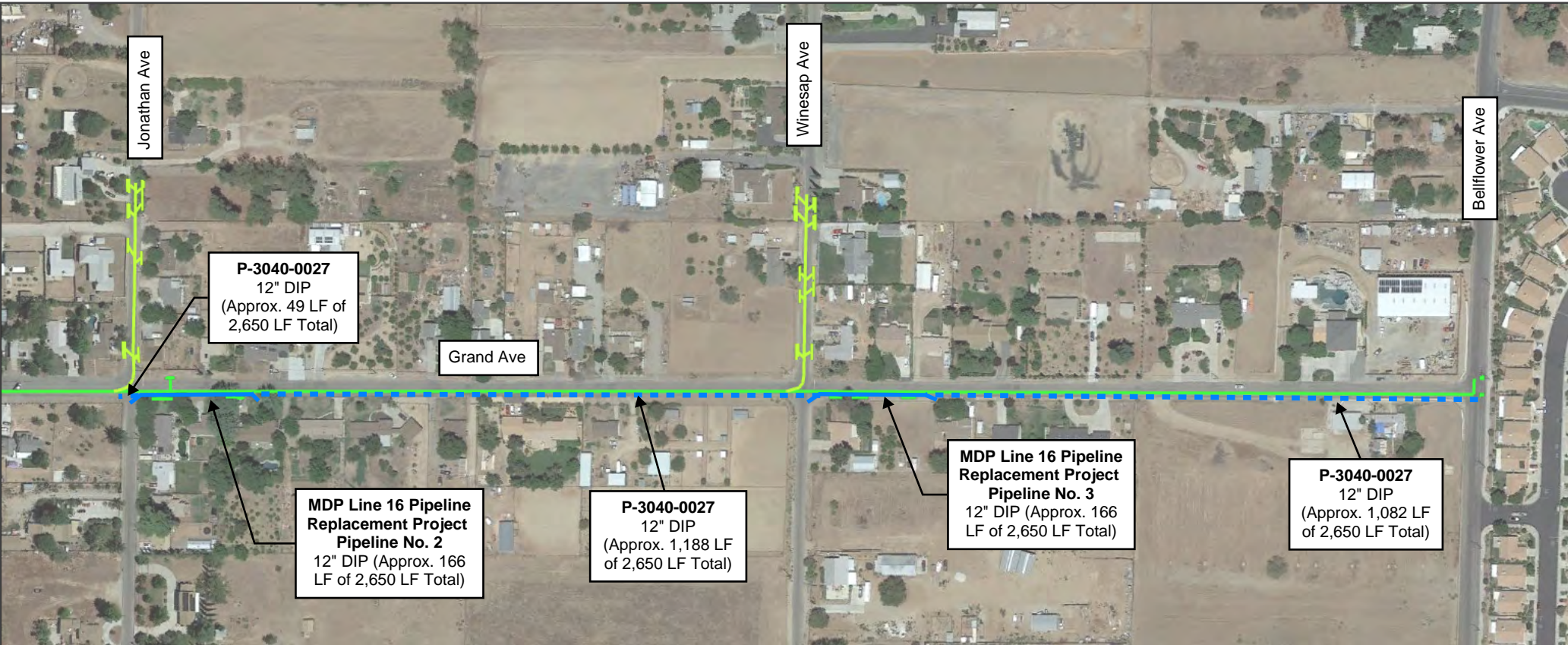
-  Existing Waterline
Waterline (Various Dia.)
-  Proposed Storm Drain
(Various Dia.)
-  Proposed Storm Drain
Lateral and Catch Basin
-  Proposed Replacement Pipeline


Not to Scale









Attachment 5 - P-3040-0027 Project Vicinity Map

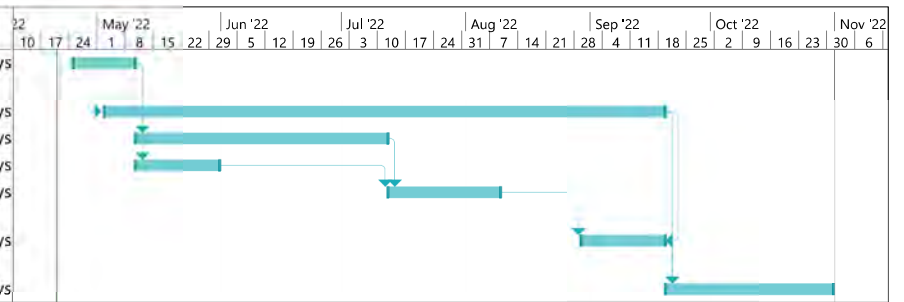


Not to Scale 

-  Existing Domestic Waterline (Various Dia.)
-  Proposed P-3040-0027
-  Proposed Storm Drain (Various Dia.)
-  Proposed Storm Drain Lateral and Catch Basin

Attachment 6 - P-3040-0027 Replacement Pipeline Option A Timeline

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors	Free Slack
1		Plan Preparation - In-House Staff Design	12 days	Mon 4/25/22	Tue 5/10/22		2FS-6 days,3,4	0 days
2		Material Order and Procurement	100 days	Mon 5/2/22	Mon 9/19/22	1FS-6 days	7,6FF	0 days
3		CEQA - Notice of Exemption	45 days	Tue 5/10/22	Tue 7/12/22	1	5	0 days
4		Construction Bid Documents	15 days	Tue 5/10/22	Tue 5/31/22	1	5	30 days
5		Notice of Inviting Bids and Solicitation	20 days	Tue 7/12/22	Tue 8/9/22	3,4	6	14 days
6		Contract Award and Execution for Construction	15 days	Mon 8/29/22	Mon 9/19/22	2FF,5	7	0 days
7		Construction	30 days	Mon 9/19/22	Mon 10/31/22	2,6		0 days



Project: Option A
Date: Thu 4/21/22

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			

Attachment 7 - P-3040-0027 Replacement Pipeline Option B Timeline

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Successors	Free Slack	Qtr 2, 2022		Qtr 3, 2022			Qtr 4, 2022			Qtr 1, 2023			Qtr 2, 2023			
									Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	
1	★	Environmental - CEQA Preparation and Solicit RFP for Consultants	30 days	Mon 5/2/22	Fri 6/10/22		4	0 days															
2	★	Plan Preparation - In-House Staff Design	12 days	Mon 5/2/22	Tue 5/17/22		3FS-6 days,6	0 days															
3	★	Material Order and Procurement	100 days	Mon 5/9/22	Mon 9/26/22	2FS-6 days	9	88.88 days															
4	★	Contract Award and Execution for Environmental Consultant	15 days	Mon 6/13/22	Thu 6/30/22	1	5	0 days															
5	★	CEQA - Initial Study, Negative Declaration and Public Hearing	150 days	Mon 7/4/22	Thu 1/26/23	4	8FF,9	0 days															
6	★	Construction Bid Documents	15 days	Tue 5/17/22	Tue 6/7/22	2	7FS+132.56 da	0 days															
7	★	Notice of Inviting Bids and Solicitation	20.31 days	Thu 12/8/22	Thu 1/5/23	6FS+132.56 days	8	0 days															
8	★	Contract Award and Execution for Construction	15 days	Mon 1/9/23	Thu 1/26/23	5FF,7	9	0 days															
9	★	Construction	30 days	Mon 1/30/23	Thu 3/9/23	8,3,5		0 days															

Project: Option B
Date: Thu 4/21/22

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			



**Beaumont-Cherry Valley Water District
Regular Board Meeting
April 28, 2022**

Item 5

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Resolution 2022-__ : Implementation of Stage 3 Water Shortage, Adopting Water Use Restrictions to Protect the Water System and the Ratepayers of the District

Staff Recommendation

Adopt Resolution 2022-__ : Implementation of Stage 3 Water Shortage, Adopting Water Use Restrictions to Protect the Water System and the Ratepayers of the District

Background

Following a record dry January and February, the end of the official rainy season on March 31 indicated continued drought conditions in California. Precipitation is at 70 percent of average, and the snowpack has dwindled to 39 percent of average. As a result, Governor Gavin Newsom stepped up response to the drought conditions with Executive Order N-7-22 (See Attachment 2), issued on March 28, 2022, which contains some mandates for local water agencies and the State Water Resources Control Board (SWRCB), including the following:

To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year (2022, and potentially 2023), **local water suppliers are directed to execute their urban Water Shortage Contingency Plans (WSCPs)** and agricultural drought plans at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year.

By May 25, 2022, the State Water Resources Control Board shall consider adopting emergency regulations that include all of the following:

- a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources (DWR) a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the DWR no later than the deadline set by section 10632.1 of the Water Code;
- b. A requirement that **each urban water supplier that has submitted a water shortage contingency plan to the DWR implement, at a minimum the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2)**, by a date to be set by the Water Board.



The Governor's previous Executive Orders and Proclamation of Drought Emergency (see Attachment 5) called for voluntary conservation, but did not achieve the desired conservation level. On January 4, 2022, the SWRCB issued emergency regulations (see Attachment 3) on conservation, now in effect across the State.

Water Supply and Demand

As discussed at the April 13, 2022 Board Meeting, the State Water Project (SWP) has advised that State Water Contractors will receive only 5 percent of their imported water allocation in 2022. This is the second year in a row of just a 5 percent allocation.

BCVWD relies on imported water from the SWP to supply 65 to 70 percent of its annual demand (67 percent in 2020). BCVWD ordered 10,300 acre-feet (af) from the San Geronio Pass Water Agency (SGPWA) for delivery in 2022; 10,000 af to cover demand, and 300 af for water banking for dry years (if available). At a 5 percent allocation, this means the District may expect to receive only 822 af, assuming BCVWD receives 95 percent of the total SGPWA Table A allocation, which was the average BCVWD share for 2018-2021 (estimated 95-96 percent share of SGPWA demand for 2021).

To satisfy customer needs in 2021, the District pumped from its storage account in the Beaumont Basin, using 8,116 af from storage to supplement the 2,468 af received from SGPWA (BCVWD water order for 2021 was 9,300 af for replenishment). Due to the withdrawal from storage, BCVWD's storage account balance, as of the end of 2021, is 31,633 af. Note, this is based on the findings of the Watermaster Draft 2021 Annual Report.

In 2022, given the expected 5 percent SWP allocation and worsening drought conditions, BCVWD will likely withdraw from its storage account for a second year to meet its water demands. With the inclusion of the recent purchase of 508 af from the SGPWA, BCVWD's storage account is anticipated to be depleted in 2022 by up to 10,000 af (assuming a slight increase from the demands in 2021). See Table 1 below for the District's foreseeable supplies and demands. District staff has completed its accounting of 2021 metered year-end consumption for all accounts, so Table 1 has been updated from what was previously provided for consumption data for 2021.



Table 1 – BCVWD Supplies and Demand for 2021

BCVWD Firm Supplies (as of end of 2021)	
Source	Supply, AF
BCVWD Supplemental Recharge at Noble Creek Recharge Facilities (Include SWP Table A Allocation [5%], AVEK-Nickel Water, Misc. purchases/transfers)	2,468
Edgar Canyon Groundwater	1,091
Storage Account Balance	31,633
Reallocated Unused Overlier Rights	2,025
Total Supply	37,217
BCVWD Demands (Total Metered Demands, includes est. Losses)	
2021 Potable Water Demand (does not include potable water makeup to the 2800 Zone or demand through construction meters)	10,989
2021 Non-Potable Water Demand	1,918
2021 Demand Classified as "Other" (metered demand for construction grading water)	388
Total 2021 Demand (Total Demand [potable and non-potable])	13,295
Total 2021 Production (metered distribution from District wells)	14,148
2021 Transfers to City of Banning	450
2021 Estimated Losses	403

Over the last three years (2019-2021), the average SWP allocation percentage has been approximately 32 percent, which would equate to a shortage of approximately 26 percent of firm, long-term supplies (long term SWP allocation is 58 percent). With the likelihood of an additional 5 percent allocation year, the four-year average SWP allocation would be 25 percent, or a supply shortage of 33 percent.



See Table 2 below (Table 6-2 from the BCVWD 2020 UWMP) for historical State Project Water deliveries to BCVWD.

Table 2 – Historical Deliveries of SPW to SGPWA and BCVWD

Calendar Year	Total SGPWA Deliveries, acre-ft (1)	BCVWD Deliveries, acre-ft (2)	BCVWD % of SGPWA Deliveries	DWR Allocation %
2003	116			90
2004	814			65
2005	687			90
2006	4,420	3,501	79.2	100
2007	4,815	4,501	93.5	60
2008	4,905	2,399	48.9	35
2009	6,609	2,741	41.4	40
2010	8,403	5,727	68.1	50
2011	10,730	7,979	74.4	80
2012	10,974	7,783	70.9	65
2013	9,695	7,434	76.7	35
2014	5,131	4,405	85.9	5
2015	3,930	2,773	70.6	20
2016	11,461	9,319	81.3	60
2017	15,843	13,590	85.8	85
2018	13,174	12,121	92.0	35
2019	14,152	13,645	96.4	75
2020	11,469	11,005	96.0	15
Total	133,479	108,892		

Sources: (1) Report on Water Conditions, Reporting Period 2018, SGPWA, (2) 2019 Draft Beaumont Basin Watermaster Annual Report, (3) 2020 Draft Beaumont Basin Watermaster Annual Report

It should be noted that BCVWD also utilizes groundwater from Edgar Canyon; however, groundwater yield from Edgar Canyon has been reliable between 1,000 - 1,500 af per year (1,090 af in 2021). For this reason, “long term” supplies for the District are not largely affected by local groundwater.

Based on the above, implementation of the District’s WSCP Level 3 Shortage Response actions would be necessary to achieve the conservation target that Governor Newsom has identify in Executive Order N-7-2022 that the SWRCB consider by May 25, 2022. The WSCP states that Level 3 occurs when there is up to a 30 percent reduction in normal, “long term” supply. Shortage response actions for Shortage Level 3 are discussed further herein.

The Board has been kept apprised of current drought conditions and impacts of below average rainfall via an informational item on each meeting agenda. At the March 9, 2022 Board of Directors meeting, General Manager Dan Jagers informed the Board that it is time to mitigate the impacts of withdrawing banked water from the District’s storage account. At the March 24, 2022 Board



meeting, Mr. Jagers further emphasized that it is time to take action on demand reduction measures to assure the continued availability of water in storage in the Beaumont Basin. At the April 13, 2022 Board meeting, District staff provided the Board of directors with the various Water Shortage Levels as determined in the 2020 WSCP and related shortage response actions for each level. Staff also discussed previously adopted resolutions which enacted drought restrictions in previous water shortages. A brief summary of the previous drought restrictions implemented by the Board is presented in Table 3 below.

Table 3 – Previous Resolutions Implementing Drought Restrictions and Other Shortage Response Actions (Presented in Reverse Chronological Order)

Resolution	Summary of Resolution Actions	Date Adopted	Current Status
2016-05	Implementing certain mandatory water use restrictions and associated penalties which vary slightly from restrictions set forth in Resolution 2015-05, and fees for failure to comply to mandatory restrictions during drought conditions. Enacted as to take part in the Governor's ordered 25 percent statewide potable water usage reduction.	June 8, 2016	In effect
2015-05	Implementing certain mandatory water use restrictions and associated penalties and fees for failure to comply to mandatory restrictions during drought conditions. Intended to achieve a mandatory 36 percent reduction in urban water usage as compared to 2013.	July 8, 2015	Rescinded by Resolution 2016-05
2015-02	Finding that present year was critically dry and was preceded by two or more consecutive dry years. Declaring Level 2 Water Shortage and enacting various conservation measures. Intended to limit outdoor irrigation and other wasteful water practices for a period of 270 days.	April 8, 2014	Rescinded by Resolution 2015-05
2014-05	Implementing conditions under which the Board shall not issue will serve letters under State and local drought conditions.	October 8, 2014	In effect
2014-04	Finding that present year was critically dry and was preceded by two or more consecutive dry years. Declaring Level 2 Water Shortage and enacting various conservation measures.	August 13, 2014	Rescinded by Resolution 2015-02



Based on discussion with and direction from the Board at the April 13, 2022 Board meeting, staff has reviewed the current available shortage response actions in effect from previous Board resolutions, in which staff has subsequently prepared a Resolution that would declare a Level 3 Water Shortage (as indicated by the WSCP), and would implement certain restrictions and other response actions to achieve the required 20 percent reduction in consumption. Discussion of the anticipated restrictions is included herein.

Discussion

As previously indicated, the SWRCB shall consider that water suppliers implement, at a minimum, shortage response actions as identified in their WSCP which correspond to a 20 percent shortage in supply. For BCVWD, a 20 percent shortage in supply corresponds to a Level 2 Water Shortage (as identified in the 2020 WSCP). However, based on the analysis of historical water deliveries to SGPWA from the SWP, the current water supply shortage (assuming no changes to drought conditions this year), is up to 32 percent. This shortage amount corresponds more appropriately to the 2020 WSCP Level 3 Water Shortage. Level 3 Shortage response actions generally identified in the 2020 WSCP are described below:

Under the WSCP upon declaration of Level 3, penalties for water waste may be implemented, along with (but not limited to) the following actions:

- Mandatory public demand reduction of 20 percent
- Increased public outreach
- Restaurants serve water only upon request,
- Lodging must offer opt-out of linen services
- Limitation of landscape irrigation to certain number of days per week

By establishing a Level 3 Shortage, the District will be able to convey the severity of the drought conditions to ratepayers, while educating residents about the immediate need to conserve water and avoid water waste. These stages may be implemented as a result of BCVWD water shortages, including reduction in imported water allocation, or mandatory water conservation targets by the State.

District staff believes that by implementing shortage response actions for a Level 3 (30 percent water supply) shortage ahead of the State's decision to implement required conservation on or by May 25, 2022, implementation of District-wide conservation activities can be more effective in achieving demand reductions. District staff further identifies that due to the State's late action on this item, if no District action is taken until the SWRCB adopts emergency regulations which require certain water shortage response actions and WSCP Activation, conservation efforts that are necessary to meet the State's yet to be required mandatory conservation targets may be delayed and the results of said conservation efforts may not be realized by the District until well into the summer time, which is typically the District's normal high water use period. Staff further identifies that by the Board being proactive in implementing certain shortage response actions and increasing public awareness, anticipated conservation measures can be messaged to the District Customers and that conservation efforts should occur more rapidly and possibly prior to high summertime usage periods.

As such, District staff proposes to implement the actions summarized below by the Resolution provided as Attachment 1, rescinding Resolution 2016-05:



Mandatory Prohibitions on Water Waste

Staff recommends implementing the Emergency Regulations adopted by the SWRCB on January 4, 2022 which and which became effective on January 18, 2022 prohibit the following:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. Use of a hose dispensing potable water for car washing without a shutoff nozzle
3. The application of potable water to sidewalks, driveways, and other impervious surfaces
4. The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public
5. Use of potable water for decorative fountains, or the filling or topping off lakes or ponds
6. Application of water to irrigate turf and ornamental landscapes during and within 48 hours of measurable rainfall of at least one fourth of one inch of rain

Water Use Restrictions

District staff recommends implementing the following water use restrictions as identified in the 2020 WSCP:

1. Residential lawns, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., three (3) days per week from May through October
 - a. Monday, Wednesday, and Friday for "odd" addresses
 - b. Tuesday, Thursday, and Sunday for "even" addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of "odd" addresses
2. Residential lawn watering, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., two (2) days per week from November through April
 - a. Monday and Friday for "odd" addresses
 - b. Tuesday and Saturday for "even" addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of "odd" addresses
3. Restaurants and other food service establishments may only serve water to customers upon request
4. Lodging facilities must provide guests with the option of opting out of linen services (daily laundering). Lodging facilities to display the option to opt out clearly in each room.
5. Pools
 - a. No filling of new swimming pools
 - b. Topping off existing pools is permitted



- c. Homeowners Association (HOA) and other community pools shall implement necessary protocols to minimize the draining and refilling of their respective pools.
6. Issuance of construction meters shall be conditionally allowed under the following:
 - a. Activities related to rough grading shall be subject to Board approval
 - i. Applicant shall identify to staff grading duration, approximate quantity of water needed and conditions for which the Board of Directors is to consider
 - b. Frequency of monitoring shall be determined on a case-by-case basis as determined by actual consumption requirements

Note, by May 25, 2022, the SWRCB shall consider (as required by the Governor) adopting emergency regulations defining “non-functional turf” and consider banning irrigation of non-functional turf in the Commercial, Industrial, and Institutional (CII) sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.

Staff has included restrictions on irrigation of non-functional turf in the proposed Resolution; however, by May 25, 2022, if the SWRCB has prohibited irrigation of non-functional turf, staff may return to the Board with additional proposed drought restrictions, as needed to meet the requirements set forth by the SWRCB.

Penalties, Fees, and Remedies

District staff recommends implementing the following financial penalties from Resolution 2015-05:

1. First Violation – Written Notice
Any notice required by this proposed Resolution may include, for example and not by way of limitation, the following information:
 - a. The water conservation stage and restrictions that are in effect
 - b. Actions required for compliance in order to prevent future violation
 - c. Penalties and enforcement actions which may be imposed for future violations
2. Second violation: A penalty will be imposed in an amount equal to 10 percent of the customer’s current water bill
3. Third violation: A penalty will be imposed in an amount equal to 20 percent of the customer’s current water bill
4. Fourth Violation: A penalty will be imposed in an amount equal to 30 percent of the customer’s current water bill
5. Fifth Violation (and any subsequent violation): A penalty will be imposed in an amount equal to 50 percent of the customer’s current water bill

In the event of any violation after the fifth violation, the Board of Directors, may determine, in its reasonable discretion, that the continued violation of restrictions set forth in the Resolution warrant the initiation of procedures for the suspension or termination of water service pursuant to Part 15 of the District’s Regulations Governing Water Service.



Penalties as determined by Part 15 of the District’s Regulations Governing Water Service are summarized in Table 4 below:

Table 4 –BCVWD Rules and Regulations Part 15

Rules Part 15	
First Violation	Written notice
Second violation	Water charges 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.
Third violation	District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of these Rules and Regulations

Communications

Regardless of the declared water shortage level and demand reduction measures, additional public outreach is necessary. At its March 24, 2022 meeting, the Board directed staff to increase conservation messaging and this is underway, including engagement of the Ad Hoc Communications Committee and CV Strategies. Communication protocols are further defined in the WSCP. Staff may return to the Board with a more comprehensive outreach plan and budget request upon further direction from the Board.

Staff identifies that increased communication and public outreach coordination with the City of Beaumont and the SGPWA will be critical for further regional conservation efforts. District staff is currently engaged with SGPWA regarding this and is working on establishing contact with the City of Beaumont.

Rule 5-1.4 Drought Surcharges

Drought surcharges are under review by the District’s rate study consultant and may be considered by the Board at a later time. Drought surcharges are not included in the proposed Resolution.

Summary

The SWRCB has been ordered by the Governor to consider requiring urban suppliers to initiate a minimum of Shortage Level 2 actions (20 percent reduction in supply; however, staff identifies that local conditions may merit initiation of a Shortage Level 3 (water supply shortages up to 30 percent), which triggers a mandatory 20 percent demand reduction and offers certain shortage response actions which encourage said demand reduction.

It should be noted that currently, there is no “baseline” year for which the District will need to reference for demand reduction. When drought response actions were required in 2015, the State required that 2013 demands be used as a baseline for measuring demand reductions. District



staff has presented 2021 consumption data as part of this staff report, but 2021 consumption may not necessarily be utilized as the baseline for measuring demand reduction.

It is imperative to reduce the impact of drought on the District's Beaumont Basin storage account and prepare for continued drought conditions. Therefore, staff recommends action now, including declaration of a Level 3 Water Shortage, adoption of water use restrictions to protect the water system and the ratepayers of the District, and implementation of enforcement measures.

For Board action today:

1. Make findings of a Level 3 water shortage
2. Consider demand reduction measures and enforcement procedures provided herein and in the proposed Resolution (Attachment 1)

District staff identifies that the drought conditions in California are continually changing, and staff is closely following the decisions of the State regarding imposed restrictions and imported water availability. For additional information, please review the attachments to this staff report.

Fiscal Impact

Should the Board adopt water use restrictions for the District, District staff and Raftelis Financial Consultants (Raftelis) will analyze the potential fiscal impact to the District due to lost water sales revenue. Raftelis is reviewing the Drought Surcharges as adopted with the 2019 Water Financial Plan and Utility Rate Study and a report will be forthcoming. District staff identifies that any implementation of Drought Surcharges would provide a makeup of revenue lost due to reduced commodity sales. Note, Drought Surcharges are not included in the restrictions set forth by the proposed Resolution implementing a Stage 3 Water Shortage Level and restrictions.

There will be costs associated with staff time, communications, educational materials, public outreach, mailing, inspection, and enforcement, estimated within the WSCP as \$25,000 per event. Staff may also recommend an allocation of funds to refresh the website and add drought messaging and conservation information for continued ratepayer education regard drought conditions.

All potential fiscal impacts will be analyzed and presented to the Board upon results of the analysis.

Attachments

1. Resolution No. 2022-____: Adopting Water Use Restrictions to Protect the Water System and the Ratepayers of the District
2. Governor's Executive Order N-7-22 State of California Proclamation of a State of Emergency
3. SWRCB Resolution 2022-0002 Emergency Regulation to Supplement Voluntary Water Conservation
4. Rules and Regulations Part 15: Water Conservation Rules and Regulations
5. Previous Emergency Proclamations (dated May 10, 2021, July 8, 2021, October 19, 2021)
6. Resolution 2016-05

Staff Report prepared by Daniel Baguyo, Civil Engineering Assistant

RESOLUTION 2022-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AUTHORIZING THE IMPLEMENTATION OF WATER USE RESTRICTIONS AND RESCINDING RESOLUTION 2016-05

WHEREAS, on October 19, 2021, California Governor Gavin Newsom extended an emergency proclamation of drought across Riverside County, and on March 28, 2022, issued Executive Order N-7-22 directing the State Water Resources Control Board (SWRCB) to consider adopting emergency drought regulations by May 25, 2022, which would be intended to safeguard urban water supplies as the drought continues, minimize the potential for waste and unreasonable use of water, and to achieve a statewide potable water usage reduction; and

WHEREAS, on January 4, 2022, the SWRCB adopted Emergency Regulations which prohibit certain uses of potable water; and

WHEREAS, the State Water Project has informed the State Water Contractors that the 2022 water supply allocation will be just 5 percent; and

WHEREAS, the Board of Directors finds that:

1. The drought conditions which formed the basis of Governor Newsom's declarations of emergency continue to exist and there is need for District customers to use water efficiently and increase conservation efforts
2. The conditions of a Water Shortage Level 3 exist as outlined in the Water Shortage Contingency Plan adopted by the Board with Resolution 2021-14 on August 26, 2021
3. Implementation of water usage restrictions is in the best interests of the District to preserve storage supplies in the Beaumont Basin

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

1. Implementation of emergency water use regulations was previously adopted by the Board of Directors with Resolution 2016-05 which shall be rescinded by the adoption of this resolution.
2. A Water Shortage Level 3 of the District's Water Shortage Contingency Plan is declared.
3. The water conservation measures identified in Attachment A to this resolution are mandatory and violations are subject to penalties, fees, and remedies as described herein.
4. All persons using water provided by the Beaumont-Cherry Valley Water District shall comply with the restrictions as defined in Section 3 of Attachment A to this resolution herein, except where recycled water or other non-potable water is used.
5. The provisions of this resolution will remain in effect until rescinded by declaration of the Board of Directors

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

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

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

Director David Hoffman, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment A:
Water Shortage Level 3

ATTACHMENT A
WATER SHORTAGE LEVEL 3

SECTION 1: MANDATORY PROHIBITIONS ON WATER WASTE

Under the Emergency Regulations adopted on January 4, 2022 (effective January 18, 2022), by the State Water Resources Control Board the following are prohibited:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. Use of a hose dispensing potable water for car washing without a shutoff nozzle
3. The application of potable water to sidewalks, driveways, and other impervious surface(s)
4. The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public
5. Use of potable water for decorative fountains, or the filling or topping off lakes or ponds
6. Application of water to irrigate turf and ornamental landscapes during and within 48 hours of measurable rainfall of at least one fourth of one inch of rain

SECTION 2: WATER USE RESTRICTIONS

1. Residential lawn watering, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., three (3) days per week from May through October
 - a. Monday, Wednesday, and Friday for “odd” addresses
 - b. Tuesday, Thursday, and Sunday for “even” addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of “odd” addresses
2. Residential lawn watering, parks, sports parks, schools, and ornamental (non-functional) turf on street median/parkway landscape watering is restricted between the hours of 8:00 p.m. and 8:00 a.m., two (2) days per week from November through April
 - a. Monday and Friday for “odd” addresses
 - b. Tuesday and Saturday for “even” addresses
 - c. Meter accounts that do not have a physical address shall conform with the irrigation schedule of “odd” addresses
3. Restaurants and other food service establishments may only serve water to customers upon request
4. Lodging facilities must provide guests with the option of opting out of linen services (daily laundering). Lodging facilities to display the option to opt out clearly in each room
5. Pools
 - a. No filling of new swimming pools
 - b. Topping off existing pools is permitted

- c. Homeowners Association (HOA) and other community pools shall implement necessary protocols to minimize the draining and refilling of their respective pools
- 6. Issuance of construction meters shall be conditionally allowed under the following:
 - a. Activities related to rough grading shall be subject to Board Approval.
 - i. Applicant shall identify to staff grading duration, approximate quantity of water needed and conditions for which the Board of Directors is to consider.
 - b. Frequency of monitoring shall be determined on a case-by-case basis as determined by actual consumption requirements.

SECTION 3: PENALTIES, FEES, AND REMEDIES

The following financial penalties will be imposed a when a customer violates the mandatory restrictions set forth in Sections 1 and 2 above:

1. First Violation – Written Notice

Any notice required by this proposed Resolution may include, for example and not by way of limitation, the following information:

- a. The water conservation stage and restrictions that are in effect
 - b. Actions required for compliance in order to prevent future violation
 - c. Penalties and enforcement actions which may be imposed for future violations
- 2. Second violation: A penalty will be imposed in an amount equal to 10 percent of the customer's current water bill
 - 3. Third violation: A penalty will be imposed in an amount equal to 20 percent of the customer's current water bill
 - 4. Fourth Violation: A penalty will be imposed in an amount equal to 30 percent of the customer's current water bill
 - 5. Fifth Violation (and any subsequent violation): A penalty will be imposed in an amount equal to 50 percent of the customer's current water bill

In the event of any violation after the fifth violation, the Board of Directors, may determine, in its reasonable discretion, that the continued violation of restrictions set forth in the Resolution warrant the initiation of procedures for the suspension or termination of water service pursuant to Part 15 of the District's Regulations Governing Water Service.

Attachment 2

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

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

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); 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, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources 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.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order 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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

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

Attachment 3

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2022-0002

TO ADOPT AN EMERGENCY REGULATION TO SUPPLEMENT VOLUNTARY WATER CONSERVATION

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (SaveOurWater.com), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. SaveWater.CA.Gov is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

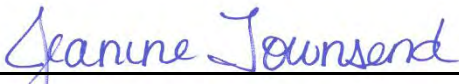
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

(A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(C) 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;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) 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 that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application 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. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

Attachment 4

REGULATIONS GOVERNING WATER SERVICE

PART 15 WATER CONSERVATION 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.

15-2 Where feasible, as determined by the District Engineer, commercial/industrial developments shall be required to implement an on site recycling/reclamation system.

15-2.1 Costs associated with engineering, construction, etc... shall be borne by the developer.

15-3 ENFORCEMENT – It shall be the duty of the Board of Directors and all employees to enforce these rules and Regulations, and for such purpose and shall be permitted to inspect any premises receiving water from the District at any reasonable hour.

15-4 VARIANCES – in order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases, aggrieved persons may file a written application for a variance with the Board.

The Board may grant such variance only when unusual hardship will result from the strict application of this ordinance.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS recent warm temperatures and extremely dry soils have further depleted the expected runoff water from the Sierra-Cascade snowpack, resulting in a historic and unanticipated estimated reduction of 500,000 acre feet of water – or the equivalent of supplying water for up to one million households for one year – from reservoirs and stream systems, especially in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watersheds; and

WHEREAS the extreme drought conditions through much of the State present urgent challenges, including the risk of water shortages in communities, greatly increased wildfire activity, diminished water for agricultural production, degraded habitat for many fish and wildlife species, threat of saltwater contamination of large fresh water supplies conveyed through the Sacramento-San Joaquin Delta, and additional water scarcity if drought conditions continue into next year; and

WHEREAS Californians have saved water through conservation efforts, with urban water use approximately 16% below where it was at the start of the last drought years, and I encourage all Californians to undertake actions to further eliminate wasteful water practices and conserve water; and

WHEREAS on April 21, 2021, I issued a proclamation directing state agencies to take immediate action to bolster drought resilience and prepare for impacts on communities, businesses, and ecosystems, and proclaiming a State of Emergency to exist in Mendocino and Sonoma counties due to severe drought conditions in the Russian River Watershed; and

WHEREAS additional expedited actions are now needed in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watersheds; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Klamath River Watershed Counties (Del Norte, Humboldt, Modoc, Siskiyou, and Trinity counties), the Sacramento-San Joaquin Delta Watershed Counties (Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba counties), and the Tulare Lake Watershed Counties (Fresno, Kern, Kings, and Tulare counties) 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 conditions, 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 statewide, 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 in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties.

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 Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties due to drought.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021 Proclamation remain in full force and effect, except as modified. State agencies shall continue to implement all directions from that proclamation and accelerate implementation where feasible.
2. To ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
3. To support voluntary approaches where hydrology and other conditions allow, the Department of Water Resources and the State Water Resources Control Board (Water Board) shall expeditiously consider requests to move water, where appropriate, to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means. Specifically, the Department of Water Resources and Water Board shall prioritize transfers that retain a higher percentage of water in upstream reservoirs on the Sacramento, Feather, and American Rivers for release later in the year. If necessary, the Department of Water Resources shall request that the Water Board consider changes to water rights permits to enable such voluntary movements of water. For actions taken in the Klamath River and Sacramento-San Joaquin Delta Watershed Counties pursuant to 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.
4. To ensure adequate, minimal water supplies for purposes of health, safety, and the environment, the Water Board shall consider modifying requirements for reservoir releases or diversion limitations—including where existing requirements were established to implement a water quality control plan—to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. For actions taken in the Sacramento-San Joaquin Delta Watershed Counties pursuant to this paragraph, Water Code Section 13247 is suspended.
5. To ensure protection of water needed for health, safety, and the environment in the Klamath River and Sacramento-San Joaquin Delta Watershed Counties, the Water Board shall consider emergency regulations to curtail water diversions when water is not available at water right holders' priority of right or to protect releases of stored water. The Department of Water Resources shall provide technical assistance to the Water Board that may be needed to develop appropriate water accounting for these purposes in the Sacramento-San Joaquin Delta Watershed.
6. To ensure critical instream flows for species protection in the Klamath River and Sacramento-San Joaquin Delta Watersheds, the Water Board and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and work with water users and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum drought instream flows.
7. Operative paragraph 4 of my April 21, 2021 Proclamation is withdrawn and superseded by the following, which shall apply to the Russian River Watershed identified in my April 21, 2021 Proclamation as well as the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties:

To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife, and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:

- a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
- b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
- c. Recommend additional financial support for groundwater substitution pumping to support Pacific flyway habitat needs in the lower Sacramento River and Feather River portions of the Central Valley in the Fall of 2021.

8. Consistent with operative paragraph 13 of my April 21, 2021 Proclamation, the Department of Water Resources shall take actions, if necessary, to implement plans that address potential Delta salinity issues. Such actions may include, among other things, the installation and removal of, Emergency Drought Salinity Barriers at locations within the Sacramento-San Joaquin Delta Estuary. These barriers shall be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for human health and safety uses. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals needed to install Emergency Drought Salinity Barriers. For actions taken pursuant to this paragraph, Section 13247 and the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code are suspended.
9. To support the movement of water from areas of relative plenty to areas of relative scarcity in the Sacramento-San Joaquin Delta and Tulare Lake Watershed Counties, the Department of Water Resources shall expedite the consideration and, where appropriate, the implementation of pump-back delivery of water through the State Water Project on behalf of local water agencies.
10. 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 in identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
11. For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 3, 4, 5, 6, 8, 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 in the Klamath River, Sacramento-San Joaquin Delta and Tulare Lake Watershed Counties. For purposes of carrying out the directive in operative paragraph 10, 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 in counties where the Governor has proclaimed a drought state of emergency. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
12. To ensure transparency in state agency actions, the Water Board and Department of Water Resources will maintain on their websites a list of the activities or approvals by their agencies for which provisions of the Water Code are suspended under operative paragraphs 3, 4, or 8 of this proclamation.

13. To ensure that posting and dissemination of information related to drought emergency activities is not delayed while accessible versions of that information are being created, Government Code Sections 7405 and 11546.7 are hereby suspended as they pertain to the posting of materials on state agency websites as part of responding to the drought emergency, provided that any state agencies failing to satisfy these code sections shall make and post an accessible version on their websites as soon as practicable.

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 10th day of May 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

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

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change is intensifying 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 in response to climate change and worsening drought conditions, I issued proclamations on April 12 and May 10, 2021, proclaiming drought emergencies in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, which have faced the most dire and severe drought conditions; and

WHEREAS since my May 10, 2021 Proclamation, California's water supplies continue to be severely depleted, and high temperatures are now increasing water loss from reservoirs and streams (especially north of the Tehachapi Mountains), and thus demands by communities and agriculture have increased, supplies of cold water needed for salmon and other anadromous fish that are relied upon by tribal, commercial, and recreational fisheries have been reduced, and risk has increased of drought impacts continuing in 2022 because of continued water loss from climate change-driven warming temperatures and less water available in reservoirs and streams from two years of below average precipitation; and

WHEREAS the counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz are now experiencing emergency drought conditions as well; 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 due to drought in the additional nine counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz, such that a drought state of emergency is now in effect in 50 counties (collectively, "Proclaimed Drought Counties").

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 and May 10, 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) 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 in the Proclaimed Drought Counties, 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.
- 4) To ensure adequate, minimal water supplies in the Proclaimed Drought Counties for purposes of health, safety, and the environment, the State Water Resources Control Board (Water Board) shall consider modifying requirements for reservoir releases or diversion limitations to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, enhance instream conditions for fish and wildlife, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. The Water Board shall require monitoring and evaluation of any such changes to inform future actions. Nothing in this paragraph limits the effect of operative paragraph 4 of my May 10, 2021 Proclamation.

- 5) To support voluntary approaches where hydrology and other conditions allow, the Water Board shall expeditiously consider water transfers requests with respect to the Proclaimed Drought Counties. 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) Operative paragraph 8 of my April 21, 2021 Proclamation and operative paragraph 2 of my May 10, 2021 Proclamation are withdrawn and superseded by the following which shall apply in the Proclaimed Drought Counties.

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) Operative paragraph 7 of my May 10, 2021 Proclamation is withdrawn and superseded by the following which shall apply in the Proclaimed Drought Counties:

To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife, and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:

- a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
- b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
- c. Recommend additional financial support for groundwater substitution pumping to support Pacific flyway habitat needs in the lower Sacramento River and Feather River portions of the Central Valley in the Fall of 2021.

- 8) To ensure protection of water in the Proclaimed Drought Counties needed for health, safety, and the environment, the Water Board shall consider emergency regulations to curtail water diversions when water is not available at water right holders' priority of right or to protect releases of stored water.
- 9) To ensure critical instream flows for species protection, the Water Board and Department of Fish and Wildlife shall evaluate the minimum instream flows and other actions needed to protect salmon, steelhead, and other native fishes in critical streams systems in the State and work with water users and other parties on voluntary measures to implement those actions. To the extent voluntary actions are not sufficient, the Water Board, in coordination with the Department of Fish and Wildlife, shall consider emergency regulations to establish minimum drought instream flows in the Proclaimed Drought Counties.
- 10) 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 in the Proclaimed Drought Counties with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
- 11) The Department of Fish and Wildlife, in consultation with the Department of Water Resources and the Water Board, shall identify and coordinate actions to mitigate drought-related fisheries impacts in critical stream systems and identify possible mechanisms for accomplishing those actions.
- 12) For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 4 through 9, in the Proclaimed Drought Counties, 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.

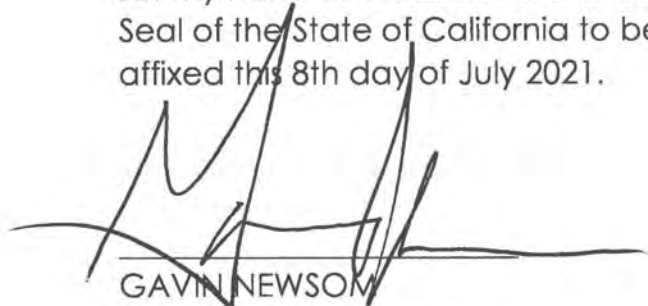
For purposes of carrying out the directives in operative paragraph 3 and 10, in the Proclaimed Drought Counties, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is 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 8th day of July 2021.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

A handwritten signature in black ink, appearing to read 'Shirley Weber', written over a horizontal line.

SHIRLEY WEBER
Secretary of State

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.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized and somewhat cursive.

GAVIN NEWSOM
Governor of California

ATTEST:

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

Attachment 6

RESOLUTION 2016-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AUTHORIZING THE IMPLEMENTATION OF WATER USE RESTRICTIONS AND RESCINDING RESOLUTION 2015-05

WHEREAS, On May 5, 2015 the State Water Resources Control Board (State Board) adopted emergency water use regulations intended to safeguard urban water supplies in the event of continued drought, minimize the potential for waste and unreasonable use of water, and to achieve a 25 percent statewide potable water usage reduction ordered by Governor Brown in his April 1, 2015 executive order, and

WHEREAS, On May 9, 2016 Governor Brown issued Executive Order B-37-16 directing the State Water Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state, and

WHEREAS, On May 18, 2016 the State Board adopted the revised emergency regulation based on the ongoing need to prevent the waste and unreasonable use of water supplies and promote conservation during the ongoing drought emergency, and

WHEREAS, the drought conditions that formed the basis of Governor Brown's executive order continue to exist; and

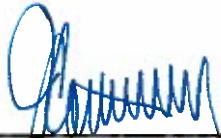
WHEREAS, the Board of Directors declares the conditions continue to exist to implement water usage restrictions in accordance with the Urban Water Management Plan adopted by the Board of Directors, and additional outdoor water use restrictions adopted by the State Water Board that shall be based on the Districts specific circumstances as it relates to water supply and demands.

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

1. Implementation of the emergency water use regulations was previously adopted by the Board of Directors of the Beaumont-Cherry Valley Water District by Resolution 2015-05 which shall be rescinded by the adoption of this resolution.
2. The water conservation measures identified in this resolution are mandatory and violations are subject to penalties, fees, and remedies as described in the District's Rules and Regulations.
3. All persons using water provided by the Beaumont-Cherry Valley Water District shall comply with the restrictions as defined in this resolution and in Part 15 of the District Regulations Governing Water Service, except where recycled water or other non-potable water is used.

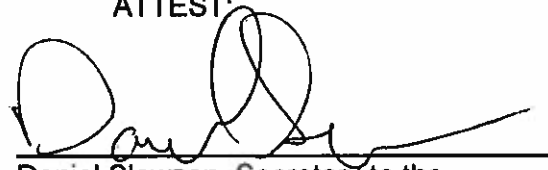
- The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
 - The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle is prohibited;
 - The application of potable water to sidewalks, and driveways is prohibited;
 - The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system, is prohibited;
 - Irrigating turf or ornamental landscapes during and 48 hours after measurable precipitation is prohibited;
 - Restaurants and other food service establishments may only serve water to customers on request;
 - The irrigation with potable water of landscapes of ornamental turf on public street medians is prohibited;
 - The irrigation with potable water of landscapes of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
 - Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily; notice of this option must be prominently displayed;
4. Penalties for non-compliance. The following penalties will be imposed when a customer violates the water waste prohibitions set forth in Part 15 of the Beaumont Cherry Valley Water District Regulations Governing Water Service:
- 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.
 - 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 these 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 these Rules and Regulations.

ADOPTED, This 8th day of June, 2016



**Jeffrey Cottrell, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District**

ATTEST:



**Daniel Slawson, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District**



**Beaumont-Cherry Valley Water District
Regular Board Meeting
April 28, 2022**

Item 6

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: **Request for Extension of Water Service *Will Serve Letter* for Previously Approved Development (Tract 32850), located on the west side of Manzanita Park Road, northwest of the intersection of Seneca Springs Boulevard in the City of Beaumont**

Staff Recommendation

Consider the request for a ninth extension of *Will Serve Letter* for Tract 32850, 95 single-family residences located in the City of Beaumont:

- A. Approve the request for extension of *Will Serve Letter* for Water Service for one year, or;
- B. Table the request for extension of the *Will Serve Letter* until all City requirements have been satisfied, or;
- C. Deny the request for extension of *Will Serve Letter* for Water Service

Background

The Applicant, Daniel Haskins (Land Engineering Consultants, Inc.), has submitted a written request (see Attachment 1 - Request for Will Serve Letter extension) to District staff for a ninth extension of Will Serve Letter (WSL) on behalf of the property developer (Mozafar Behzad) and owners (Hamid Roknian and Rozita Roknian). The project proposes 95 single-family homes over a 30-acre parcel (APN 421-110-014) located on the west side of Manzanita Park Road, northwest of the intersection of Manzanita Park Road and Seneca Springs Boulevard; as shown in Figure 1 – Tract 32850 Location Map.

This project has received eight (8) previous WSL extensions from 2014 through 2021, inclusive, with the initial WSL dating back to 2005. The District provided a letter (April 6, 2022) memorializing the General Manager's Extension of Will Serve Letter which provided for the one-year extension in March, 2021 (Attachment 2 – April 6, 2022 Letter). In the April 6, 2022 letter, District staff identified that most likely due to the COVID-19 stay-at-home order, the letter appears to have been inadvertently misfiled and staff has not located the original extension letter which extended the expiration date of the previous WSL for one year.

In 2019, the Applicant provided the District a letter of interest (see Attachment 3 – 2019 Letter of Interest) from Richmond American Homes stating they are in the process of purchasing Tract 32850 from the owners. Said home builder had planned to begin work on Tract 32850 immediately after purchase. The development of said Tract is dependent on the final sale of the property. In the 2022 letter requesting the WSL extension (Attachment 2), the Applicant stated that the City preemptively deemed the project's tentative tract map expired and deemed the construction documents obsolete from their previous City approvals.

The Applicant challenged the decision of the City to deem the project's tentative tract map expired, and an agreement was made between the City and the Developer to extend the expiration date



to March 13, 2023. Conditions were set by the City in the agreement, requiring the Applicant to resubmit all plans and reports for the City to review. The Applicant identifies a delay with processing with the City due to new City staff members' requests for significant revisions. The Applicant further states that Richmond American Homes remains poised to purchase the project once plans are approved and the City's project conditions have been satisfied.

District staff requested the Applicant provide a construction schedule so that the District has a timeline of events leading up to the construction of residential houses. The Applicant has provided an approximate schedule based on the recent events. This schedule is shown in Table 1.

Table 1 – Approximate Project Schedule – To 1st Closing

Work Activity	Approximate Duration	Anticipated Completion Date
Land Development Phase	7-8 months	March 2023
Model Phase	N/A	March 2023
Production Phase	3 months	June 2023
1 st Home Closing	4 months	October 2023

Note: The above timelines are based on anticipated scenarios. There is potential for delays under the permitting activities due to regulatory agency backlog, ongoing issues relating to COVID-19, the purchase of the project by Richmond American Homes.

The Applicant has further identified that the anticipated timelines are based on the fact that the Tentative Tract Map will expire in March 2023 and the Applicant plans to avoid having to resubmit the project for approvals. If the Applicant does not meet the deadline for land development in March 2023, there will be significant delays for the project.

The Applicant worked with District staff in 2021 to update the prior water improvement plans (domestic and non-potable) to the current District standards. The updated water improvement plans were completed and approved around October 2021.

The District's original project WSL dated June 20, 2005, identifying the project as approved for annexation and water service by the Beaumont-Cherry Valley Water District Board of Directors, is attached for reference (Attachment 4 – Original Will Serve Letter). Tract 32850 was annexed into the District's Service Area Boundary on August 18, 2006 under LAFCO Annexation 2005-105-2. Tract 32850 is identified in the District's 2020 Urban Water Management Plan Update.

Tract 32850 associated dwelling units are set forth as follows:

Tract	Dwelling Units or EDUs
32850	95 DU

The requested WSL extension includes domestic (potable) water service and non-potable (recycled) water service as part of the Development of Tract 32850; however the non-potable component has not yet been determined. The Applicant has met with the City regarding the environmental and entitlement issues pertaining to the project.



Should the Board approve the extension of the WSL, the following will apply:

Conditions of Development:

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 Project. The Applicant shall also pay all fees related to new fire service facilities including any facilities improvements that may be necessary to meet the 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 (whichever is 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 which are native to the region. Irrigation systems for these areas should be drip or bubbler type.
 - c. The Landscaping Ordinance requiring no turf within the front yards of all residences as set forth by the City of Beaumont Landscape Ordinance shall not be modified by either the Developer and/or the Homeowner. Specifically, the District will provide service so long as no turf is installed within the front yards as set forth in said City of Beaumont’s Landscape Ordinance.
 - d. Conversion of drought tolerant landscaping to turf is prohibited.
4. 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

Figure 1 – Tract 32850 Location Map

Attachment 1 – Will Serve Extension Request, April 14, 2022

Attachment 2 – Will Serve Extension Letter (March 2021 – March 2022), April 6, 2022

Attachment 3 – 2019 Letter of Intent

Attachment 4 – Original Will Serve Letter

Attachment 5 – Will Serve Application, April 14, 2022

Prepared by Aaron Walker



FIGURE 1 – Tract 32850 Location Map





*Civil Engineering • Land Planning • Surveying • Public Works
Construction & Storm Water Management*

April 14, 2022

Mr. Dan Jagers, General Manager
Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223-2258

RE: Request for Will Serve Letter extension for Tract 32850, a thirty (30) Acre project consisting of Ninety-Five (95) Single Family Homes, located adjacent and west of Manzanita Park Road, approximately one-thousand feet (1,000') south of Potrero Boulevard in the City of Beaumont, California. APN 421-011-014:

Dear Mr. Jagers,

On behalf of our client applicants Mozafar Behzad, and Hamid & Rozita Roknian, owners of Tract 32850, please allow this letter to serve as a formal request to the district to extend the Will Serve Letter due to circumstances beyond the control of the applicants.

Since the District's granting of the last extension which occurred in the spring of 2021, the City of Beaumont preemptively deemed the project tentative tract map expired and further deemed the approved construction documents to be obsolete from their previous city approvals.

This action by the city was challenged by the applicants, and after negotiation with city staff, city attorney and the city council, an agreement was made, and the tract map remains active with an extended expiration date until March 13, 2023.

However, because of this agreement, the city determined it necessary for the applicant to resubmit all plans and reports for another city review process. Since the previous construction documents and reports were approved in late 2016, the city's department heads have been replaced, causing the applicant to process plan checks once again and at great expense, and with staff members mostly unfamiliar with the project.

During this latest plan and report review process, the new city staff members requested significant revisions, and this process has taken over a year and is nearing completion, after multiple plan checks, enduring city staff shortages, city closures, and the effects of Covit 19..

Currently, the project plans and reports are near approval, subject to remaining items such as updated SCE and Gas Non-Interference letters which are now submitted, and other minor items being negotiated involving locations of screen and retaining wall locations, pad depths and widths, and fitting of house plotting with Richmond American Homes.

Additionally, the previous environmental (CEQA) items which were holding the project plan approvals in the early spring of 2020, have now been resolved and have been accepted by the city.

Therefore, due to the above delays, the applicant is respectfully requesting that the district consider and approve a water service letter extension to March 13, 2023, which is the city's new expiration date for the map. Richmond American Homes remains poised to purchase the project once the plans are again approved, and once the city staff has determined the projects conditions have been sufficiently satisfied so that city council can meet and agree the map is ready to record.

On behalf of the project applicant, we thank you in advance for your assistance with this request.

Sincerely,
LAND ENGINEERING CONSULTANTS, INC.



Daniel J. Haskins
Principal

Cc: Mozafar Behzad, Beaumont Properties, LLC (Co-Owner)
Hamid & Rozita Rognian, Beaumont properties, LLC (Co-Owner)
Jarnne' Gardner, Applicants Project Manager
Alex Wong, Director - Land Acquisition, Richmond American Homes
Mark Swanson, Senior Engineer, Beaumont Cherry Valley Water District



Beaumont-Cherry Valley Water District
560 Magnolia Avenue, Beaumont, CA 92223
www.bcvwd.org

April 6, 2022

Board of Directors

Andy Ramirez
Division 1

Lona Williams
Division 2

Daniel Slawson
Division 3

John Covington
Division 4

David Hoffman
Division 5

Dan Haskins
P.O. Box 541
650 Avenue K
Calimesa, CA 92320

Subject here: Extension of Will Serve Letter
Tract Map 32850 (APN 421-110-014)
Beaumont, CA

Dear Mr. Haskins:

March 25, 2021, Land Engineering Consultants, Inc.’s request for update of the water service (“Will Serve Letter”) for a one-year extension for the above referenced property (Tract Map 32850, APN 421-110-014) was received by the District for domestic and non-potable water service for the proposed 95 residences.

August 14, 2019, the District approved a resolution (Resolution No. 2019-09) allowing the General Manager to approve and sign 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. Because there were no significant changes to the Project, the approved resolution allowed the General Manager to approve the Update to “Will Serve Letter” for Tract Map 32850 for a period of one year.

The District acknowledges that the Beaumont-Cherry Valley Water District prepared a letter for the General Manager’s extension of “Will Serve Letter” (Resolution No. 2019-09) which provided for the one year extension in March, 2021. Due to the COVID-19 stay-at-home order, staff has been unable to locate the executed file copy of this letter and postulates the letter may have been inadvertently misfiled. This letter serves to memorialize the General Manager’s extension of “Will Serve Letter” update for Tract Map 32850 effective March 25, 2021.

This letter expires 12 months from the effective date of issuance.

Sincerely,

Dan Jagers
BCVWD
General Manager

DKJ/aew

ATTACHMENT 3 - 2019 LETTER OF INTEREST

March 14, 2019

Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223

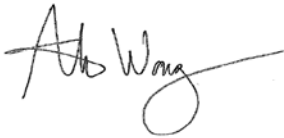
RE: Tract 32850 in the City of Beaumont, County of Riverside, State of California

To whom it may concern:

The purpose of this letter is to inform the Beaumont-Cherry Valley Water District that Richmond American Homes is in process to purchase Tract 32850 from the owners, Mozafar Behzad and Hamid Roknian and Rozita Roknian, as trustees of the Hamid Roknian and Rozita Roknian 2001 Revocable Trust. After purchase, Richmond American Homes plans to immediately begin work to build the 95 homes.

If you have any questions, I can be reached in the office at 951-386-4112 or via cell phone at 818-359-6482.

Sincerely,

A handwritten signature in black ink that reads "Alex Wong". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Alex Wong
Director - Land Acquisition
Richmond American Homes

ATTACHMENT 4 - ORIGINAL "WILL SERVE LETTER"

BEAUMONT - CHERRY VALLEY WATER DISTRICT

DIRECTORS

Gerald H. Brey
President
William Lash
Vice President
Dr. Blair Ball
Albert Chatigny
Stella Parks

560 Magnolia Avenue
Beaumont, California 92223-2258
Telephone 951-845-9581
Fax 951-845-0159

OFFICERS

C.J. Butcher
Secretary/Treasurer
J.C. Reichenberger
Parsons Engineering Science
Engineer
Gerald Shoaf
General Counsel

June 20, 2005

Ms. Connie Bagley, Project Manager
Pacific Scene Homes
2025 Chicago Ave, Ste A-26
Riverside, CA 92507

Re: APN 421-110-014

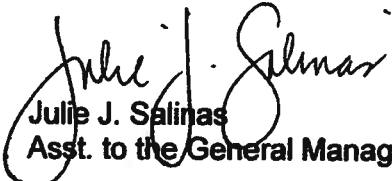
Dear Ms. Bagley:

At the Regular Meeting of the Board of Directors held on June 8, the above referenced property was approved for annexation. Upon completion of the annexation process, the Beaumont Cherry Valley Water District will service the 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.

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,


Julie J. Salinas
Asst. to the General Manager

CC: File



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: Hamid Roknian, Ronita Roknian, Mozabar Behzad	Contact Phone # Jarnne' 951-553-0841
Mailing Address: 805 E. Sunset Drive N.	Fax #:
City: Redlands,	E-mail: Jarnne@gmail.com HRoknian@roxynet.com
State & Zip: CA 92373	
Service Address: Manzanita Drive and Seneca Drive	
Assessor's Parcel Number (APN), Tract Map No. Parcel Map No.: 421-110-014 Tract 32850 95 lots	
Project Type: <input checked="" type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

The letter should be delivered to:

<p>Recipient: jarnne@gmail.com <hr/> hroknian@roxynet.com <hr/> dan@lecincorporated.com <hr/></p> <p>PLEASE CHOOSE ONE:</p> <p><input type="checkbox"/> Mail (above address) <input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Fax <input type="checkbox"/> Will pick up</p>

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.

Jarnne' J. Gardner

 Applicant's Signature
 Jarnne' J. Gardner - Owner's Representative

April 14, 2022

 Date