



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

**MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
Wednesday, October 12, 2022 at 6:00 p.m.**

*Meeting held in person at 560 Magnolia Ave., Beaumont, CA  
and via teleconference pursuant to  
California Government Code Section 54950 et. seq. and under the  
provisions of Assembly Bill 361 and BCVWD Resolution 2022-32*

**Call to Order:** *President Williams opened the meeting at 6:04 p.m.*

*Pledge of Allegiance was led by President Williams.*

*Invocation was given by Director Hoffman.*

**Announcement of Teleconference Participation**

Dr. Kirene Bargas, Director of Finance and Administration, clarified that this meeting is conducted pursuant to California Government Code Section 54953 and AB 361.

The teleconference capabilities of this meeting have been identified in the Notice and Agenda. Due to the danger of COVID-19, the teleconference locations are not publicly accessible.

Dr. Bargas verified that all directors were able to hear the other directors clearly. No directors expressed any reason to believe, based on voice recognition or otherwise, that those persons representing themselves to be directors are not truly so.

**Roll Call:**

Directors present:	Covington, Hoffman, Slawson, Williams
Directors absent:	Ramirez
Staff present:	General Manager Dan Jagers Director of Engineering Mark Swanson Director of Operations James Bean Director of Finance and Administration Kirene Bargas, PhD Director of Information Technology Robert Rasha Administrative Assistant Cenica Smith
Legal Counsel	James Markman

Members of the public who registered attendance: Victoria Valenzuela of Compass Danbe; and Sean McReynolds of Townsend Public Affairs, Inc.

**Public Comment:** None.

## 1. Adjustments to the Agenda:

Mr. Jagers advised of a change in title for Item 5 and availability of handouts for Item 8.

## 2. Consent Calendar:

Director Covington pulled item 2g for discussion.

*Consent Calendar items 2a through 2f, plus 2h and 2i were approved with one motion:*

- a. Review of the August 2022 Budget Variance Reports
- b. Review of the August 31, 2022 Cash/Investment Balance Report
- c. Review of Check Register for the Month of September 2022
- d. Review of September 2022 Invoices Pending Approval
- e. Minutes of the Regular Meeting of August 31, 2022
- f. Monthly Update from Townsend and Associates (grant writing)
- h. Annual Review of Director Expense Reports
- i. Director Per Diem Request for Approval

MOVED: Slawson	SECONDED: Covington	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

Director Covington requested staff comment on item 2g:

- g. Set Public Hearing date for Proposed Revisions to Schedule of Miscellaneous Fees (Administrative Cost Recoveries) and the District Regulations Governing Water Service Part 5 – Charges)

General Manager Dan Jagers explained that this item has been discussed at the Finance and Audit Committee, and it is hoped to have approval before the end of the year. A draft Miscellaneous Fee Update study is in progress, he advised, and described the affected fees.

President Williams Invited comment. There was none.

*Consent Calendar Item 2g was approved by the following motion:*

MOVED: Slawson	SECONDED: Covington	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

**3. Resolution 2022-32: Review of Teleconferencing Regulations Pursuant to AB 2449 and Consideration of Resolution 2022-32 Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same**

General Manager Dan Jagers advised the Board about the Governor signing AB 2449 and refreshed memory about meeting teleconference provisions under AB 361. He pointed to the table comparing the legislation with the Brown Act and described options. The signing of AB 2449 may indicate that the Governor will discontinue the COVID-19 State of Emergency, he noted. Other districts report greater public attendance via the opportunity for teleconferencing, he added.

Legal Counsel James Markman added further detail on alternatives. He said he has not yet had other districts choose to implement AB 2449. In response to Director Covington, Markman confirmed that the Board would need to continue adopting the AB 361 resolution monthly. It is not compatible to adopt more than one set of rules, he noted; it is one or the other.

President Williams asked about the possibility to adjust any requirements; Markman stated no, it is controlled by State law. Under the present statute, the Board cannot require meeting attendance by video, he advised.

Director Covington noted that some of the provisions seem to revert to pre-COVID conditions. He said he would favor adopting AB 2449 procedures effective January 2023.

Director Slawson noted that going back to Brown Act pre-COVID restrictions would mean that he would have to miss some meetings due to childcare, but AB 2449 would allow attendance via Zoom. He expressed concern about the ending of the State of Emergency and said he supported staying with AB 361, then 2449 when applicable. Markman clarified AB 2449 provisions.

President Williams indicated support for the procedures in AB 2449 for the safety and engagement of directors, effective January 2023. General Manager Jagers pointed out that a teleconference option also allows more participation by District staff.

Director Covington pointed to the AB 2449 emergency and just cause provisions and stated it reaffirms and accommodates life's challenges, and indicated support. The Board needs to get back to regular business, he opined.

President Williams invited public comment. There was none.

*The Board adopted Resolution 2022-32 Authorizing Public Meetings to be Held via Teleconference Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same by the following roll-call vote:*

MOVED: Slawson	SECONDED: Hoffman	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

**4. Resolution 2022-33 Adopting an Amendment to the District's Conflict of Interest Code**

General Manager Jagers reminded the Board about the process. In response to a question from Director Hoffman, Counsel Markman explained that the Form 700 Statement of Economic Interests applies statutorily to Board members and the General Manager, and this covers other staff members and consultants who are not covered by the statute.

President Williams invited public comment. There was none.

*The Board adopted Resolution 2022-33 Adopting an Amendment to the District's Conflict of Interest Code by the following roll-call vote:*

MOVED: Covington	SECONDED: Hoffman	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

**5. Consideration of Approval to Purchase One (1) Tow Behind Air Compressor in an Amount Not to Exceed \$30,180.00**

Director of Operations James Bean explained that this piece of equipment was identified in the Ten-Year Capital Improvement Plan (CIP) for replacement as approved in the Capital Improvement Budget on December 21, 2021. The difference in cost is believed to be due to inflation and supply chain issues, he noted.

The existing air compressor that was purchased in 1998 would be retained as a backup, Bean noted. The air compressors are used to run pneumatic tools and are a workhorse of the crews, he explained.

Mr. Bean reviewed quotes obtained from vendors.

Director Hoffman asked if the air compressor in use now had an hour meter; Bean indicated it does not. Hoffman asked if other vendors were contacted, and Bean explained that other equipment options were considered but the time to receive the equipment was six to eight months. These vendors had the item in stock.

Director Hoffman asked if the compressors would be compliant with the new California Air Resources Board regulations. Bean indicated they are compliant with the current regulations; Hoffman advised that new regulations are coming out. He recommended using the budget wisely.

Director Covington noted that \$19,800 was budgeted in the CIP and asked if there was an amendment to the CIP. This year, the additional expenditure would be authorized, and the CIP Budget would be brought forward for the next revision in three years.

Director Covington asked about consideration of other brands of the equipment and availability from Sourcewell; Mr. Bean said he did not see anything with Sourcewell for this type of equipment. He assured that other manufacturers were

considered, but this item was recommended, and Ingersol-Rand no longer makes this equipment. Covington requested an update on the action.

*The Board authorized the General Manager to purchase one (1) tow behind air compressor from Northern Tool & Equipment in an amount not to exceed \$30,180 by the following roll-call vote:*

MOVED: Covington	SECONDED: Hoffman	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

**6. Resolution 2022-34: Amendment to the 2022-2026 Capital Improvement Budget to include the 5th Street Waterline (P-2750-0097) Replacement Project**

General Manager Jaggars introduced the item and pointed out that due to the City of Beaumont's ongoing street paving activities, a number of District projects are being reprogrammed in the budget to allow completion before needing to dig up new pavement to repair old lines.

Director of Engineering Mark Swanson reminded the Board of two similar items discussed at the September 29, 2022 Engineering Workshop. He explained the City's 2021-2022 Annual Paving Project which included both 5th Street and 6th Street. The Board previously approved the procurement of materials on May 11, 2022 for these projects, he noted. Suppliers estimate delivery in January. This is the final estimate to complete the project, he noted.

The project is located along 5<sup>th</sup> Street between California and Michigan, Swanson continued. Michigan is already programmed in the budget and will be part of the project, he noted. Total construction cost is estimated at \$1,745,200 with 20% contingency and soft costs, and the project will be evaluated for work that can be done in-house. The City's paving timeline will be considered, he added.

Swanson reminded the Board that costs of the City's paving requirements have significantly impacted the budget. Jaggars pointed out that the 2023 Budget includes \$0.5 million for paving costs that would be better spent on projects, not exorbitant paving repairs.

Mr. Jaggars explained that the pipeline replacement on Antonell Court was more costly due to the City's requirement to remove and repair backfill under the existing pipe. Those costs are budgeted here, he noted, but it is not expected to have to do that work; the intent is to abandon in place as there does not appear to be a backfill issue.

*The Board adopted Resolution 2022-34 Amending the 2022-2026 Capital Improvement Budget in the amount of **\$1,745,200.00** for the 5th Street Replacement Pipeline Project (P-2750-0097) by the following roll-call vote:*

MOVED: Slawson	SECONDED: Hoffman	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

**7. Request for *Will Serve Letter* for a Proposed Truck/Trailer Maintenance, Repair and Dispatch Facility on East 3rd Street between Beaumont Avenue and Pennsylvania Avenue in the City of Beaumont (Riverside County Assessor's Parcel Nos. 418-190-014, 418-360-004, and 418-360--006)**

Director of Engineering Mark Swanson explained the location of the three parcels at the end of 3rd Street which are proposed to be a truck / trailer maintenance facility / service center.

The applicant submitted the request in July and staff notified them that water consumption was missing, Swanson noted. The numbers returned showed low usage, he said. The project includes a business office and outside service area bays, with 25 to 35 employees which is estimated at 1 EDU. Non-potable water demand is rounded to 1 EDU but will depend on plans for landscape irrigation, and the adjustment will be brought back to the Board. It is expected there will not be much landscaping, he noted.

Swanson clarified the condition that the total amount is 2.0 EDUs, at the threshold of Resolution 2014-05. There would be fire demand, but there is no EDU tied to it. He reviewed service needs and conditions. Mr. Jagers pointed out that there is long frontage and low landscape activity on the cul-de-sac. He cautioned the applicant to consider xeriscape and to assure that when processing the entitlement through the City that they do not exceed 1 EDU use of water in the landscape, to stay within the requirements of Resolution 2014-05. Otherwise, District staff will stop the project and bring it back to the Board for additional consideration, he stated.

Ms. Victoria Valenzuela with Compass Danbe representing Momentum Property Group indicated that it is clear the Board has great responsibility in being good stewards of water supply. She thanked staff for providing understanding of water and drought situations and acknowledged Jagers' comments. She noted that the applicant concurs with staff's recommendations and understands the limitation on overall landscaping and maximum irrigation. She noted the trend toward drought-tolerant landscaping and said that they are confident they can meet the 1 EDU.

Director Hoffman commented on the industrial location and that it is not a highly traveled street; requiring minimal landscaping and minimum water consumption.

Director Slawson asked about 25 employees working eight-hour days being less than 1 EDU. Swanson explained that between handwashing, restrooms, mop and bucket, and consumptive (drinking) plus efficient fixtures, use now works out to 10 to 15 gallons per person per day. Jagers noted that the historical general usage planning number is 15 gallons per person per day (35 x 15 = 525 gallons).

In response to Director Hoffman, Ms. Valenzuela confirmed the facility will be used for truck and trailer storage. She said the proposal was for a dispatch facility with ancillary truck and trailer repair and maintenance; not leasing individual spaces.



Hoffman pointed out that restroom facilities or showers for drivers could affect water consumption. That is not proposed, Valenzuela stated.

Director Slawson indicated concern about water consumption. He noted the plan has no water quality basin and said that as long as the General Manager has stipulated that the project will stay under 2 EDUs and falls below Resolution 2014-05, he is ok with it. Swanson noted the basin will likely be underground.

Mr. Swanson assured Director Covington that staff has examined the projected water demands. Covington concurred with Director Slawson.

President Williams noted that with Ms. Valenzuela's acknowledgement of the conditions enumerated by Jagers and Swanson she is in favor of the WSL.

*The Board approved the request for water service Will Serve Letter for a proposed truck/trailer facility located on East 3rd Street between Beaumont Avenue and Pennsylvania Avenue, identified as Riverside County Assessor's Parcel Nos. 418-190-014, 418-360-004, and 418-360-006 within the City of Beaumont, subject to payment of all fees to the District and securing all approvals from the City of Beaumont by the following roll-call vote:*

MOVED: Covington	SECONDED: Hoffman	APPROVED 4-0
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Ramirez	

#### **8. Review of District Organization Chart Pursuant to the Fiscal Year 2022 Budget and Fiscal Year 2023 Budget**

President Williams acknowledged the handout. Director of Finance and Administration Kirene M. Bargas, PhD noted that this information is brought by request of the Board. She shared the current chart as amended by the Classification and Compensation study and approved in March 2022 and pointed out proposed changes to the draft 2023 chart.

Mr. Jagers reviewed the Engineering Department opportunities for advancement as set by the Classification and Compensation study, staffing levels, and anticipated work needs. He discussed assignments of staff members should a recession change work needs and filling the position to support the recycled water / non-potable facilities.

Director Covington confirmed that the Cross Connection / Non-Potable Water Supervisor would be adding a Full Time Equivalent (FTE). An FTE has been budgeted for that position over the last four or five years but has not been filled, Jagers explained. The non-potable system is getting to be big enough that a person is needed, he added.

President Williams invited public comment. There was none.

**9. Consideration of Attendance at the Association of California Water Agencies Annual Fall Conference (Indian Wells) November 28 – December 1, 2022**

General Manager Jagers pointed to additional detail in the staff report and requested confirmation of attendance.

President Williams and Director Slawson confirmed their attendance.

Mr. Swanson may attend, Jagers noted.

**10. Consideration of Attendance at Upcoming Events and Authorization of Reimbursement and Per Diem**

Dr. Kirene M. Bargas reviewed the listed events. Directors indicated interest in the following events:

- Beaumont Chamber of Commerce Breakfast on November 10, 2022 – Slawson, Hoffman, Covington
- California Special Districts Association Virtual Workshop: Special Districts Leadership Academy Module 1 Governance Foundations on Dec. 6 and 7 – Williams, Slawson (tentative)

**11. Continued Review of California Drought Conditions, District Urban Water Management Plan and Water Shortage Contingency Plan, BCVWD Resolution 2022-12 Implementing Water Use Restrictions (as amended), and Other Drought Response**

General Manager Jagers highlighted the following:

- The revised Water Shortage Contingency Plan has been uploaded as approved at the September 29 meeting.
- In looking at production rates, there has not been a 20 percent reduction in usage. Californians seem to be ignoring the Governor's plea. There has not yet been mandatory cutbacks, but if 20 percent conservation is required next year, the implementation of drought surcharges may be the way to achieve it, cover District costs and assure the budget is balanced. This will come back to the Board for discussion. He acknowledged the Board's reluctance to impact ratepayers but said there will be next steps if it cannot be achieved in other ways.

**12. Reports For Discussion**

a. Ad Hoc Committees:

Communications Committee: President Williams advised there was no meeting in October. The next meeting is scheduled for Nov. 8 at 6 p.m.

Mr. Jagers added that \$100,000 per year is usually budgeted for communications efforts and much has been done this year related to the drought. A Request for Proposals is currently out with the intent to



provide it to the Board for consideration as part of the budget. The amount was discussed at the Finance and Audit Committee.

Sites Reservoir Committee: No report.

Water Re-Use 2x2: Mr. Jagers advised that a Request for Qualifications for a facilitator was issued. The one response received was approved by this Board at the September 29 meeting, by the City at their last meeting and by the San Geronio Pass Water Agency (SGPWA) this week. The expense will be shared three ways.

b. Directors' Reports:

President Williams reported attending the following:

- San Geronio Pass Economic Development Alliance on September 15

Director Covington reported attending the following:

- City of Beaumont Wastewater Plant Tour on September 30

Director Slawson reported attending the following:

- San Geronio Pass Water Agency on September 10
- Water Use Efficiency Bi-Monthly Meeting on October 12

c. Directors' General Comments:

Director Hoffman explained that the 2023 budget is more complex than in past years. There are moving targets such as unknown supply, and unknown revenues based on consumption cutbacks. There are things on which to get clarity before moving forward and staff understands the need to move slowly. He recommended the Board members ask questions and assure understanding of each building block.

d. General Manager's Report:

Mr. Jagers reported the following:

- The desire of staff is to present a balanced budget to the best of ability and much work is being done. The Board has been asked to authorize potential purchases of up to an additional 7,000 acre-feet of water supply which may be outside of the budget document as modeling suggests it will be another dry year and it may not be available
- Some mud and debris flows resulted from the rain in Edgar Canyon and Noble Creek over the last couple of days and last night, but there was no significant damage
- Final tie-ins of the new pipeline were made today for the Beaucrest Ranch (Birdsall property). Resident Mr. Harris was satisfied with the coordination and accommodation of his needs
- Work is being done on various pipeline replacement designs
- There is a revised construction schedule for MDP Line 16 showing construction until early 2023

- The remainder of the Nickel Water from the SGPWA will be delivered in 25 to 28 days and staff is working with Lance Eckhart to schedule the delivery
- SGPWA has a new employee moving over from the San Bernardino Valley Municipal Water District to replace Ken Falls due to retirement and will conduct a training exercise
- Well activity in the Mesa area is being monitored. It appears the drilling rig has been moved offsite but there are a few facilities on the site. The property owners were to bring in a title report but have not provided anything to the District. He noted that the District's rights are clearly defined as discussed at the September 29 meeting
- The County Board of Supervisors will consider the District's application for the \$2.58 million in ARPA funding at an upcoming meeting
- A taxation activity related to a Riverside Local Agency Formation Commission (LAFCO) activity for the Reidman property will come to the Board. LAFCO has agendaized a public hearing on October 27 regarding de-annexation of the property from BCVWD and annexation into Yucaipa Valley Water District (YVWD). Jagers will attend and suggested a couple of Board members attend
- The annexation plan of service prepared by YVWD proposes a well site that punches a hole in the BCVWD service area which is concerning given BCVWD's planned extractions in the area. The District does not want to compete with an entity that should not be there. Hopefully LAFCO will support the BCVWD activities that have already taken place; a letter will be prepared
- The "B" Line pipeline activity is moving forward
- A meeting was held Monday with the tank recoating consultant, and it is expected the coating of five tanks will take place next year. The consultant recommends modifications and replacement of all rafters at the Lower Edgar tank

e. Legal Counsel Report: No report.

### **13. Action List for Future Meetings:**

- Presentation on the San Bernardino Valley Resource Conservation District
- Water supply for BCVWD and the region
- Matrix for delivery of recycled water

### **14. Announcements**

*President Williams read the following announcements:*

- Personnel Committee Meeting: Tuesday, Oct. 18, 2022 at 5:30 p.m.
- Engineering Workshop: Thursday, Oct. 27, 2022 at 6 p.m.
- Collaborative Agencies Committee: Wednesday, Nov. 2, 2022 at 5 p.m.
- Finance and Audit Committee Meeting: Thursday, Nov. 3, 2022 at 3 p.m.
- Beaumont Basin Watermaster Committee: Wednesday, Dec. 7, 2022 at 11 a.m.
- Regular Board Meeting: Wednesday, Nov. 9, 2022 at 6 p.m.

*Dr. Bargas added the following:*

- Special Finance and Audit Committee meeting Oct. 20 at 3 p.m.

- Ad Hoc Communications Committee on Nov. 8 at 6 p.m.
- Special Board Meeting on Nov. 1 at 5:30 p.m.

Director Covington advised that he will not attend the October 27 meeting.

#### **15. Closed Session**

*The Board recessed to Closed Session at 8:16 p.m.*

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

**Reconvened in Open Session at 9:03 p.m.**

#### **16. Report on Closed Session**

President Williams announced that no reportable action was taken.

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

No discussion.

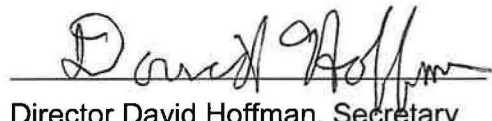
#### **18. Adjournment**

*President Williams adjourned the meeting at 9:04 p.m.*

ATTEST:



Director Lona Williams, President  
to 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