



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

**MINUTES OF REGULAR MEETING – ENGINEERING WORKSHOP
OF THE BOARD OF DIRECTORS
Thursday, October 27, 2022 at 6:00 p.m.**

Meeting held in person 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

President Williams began the meeting at 6:03 p.m.

Pledge of Allegiance was led by Director Covington.

Invocation was given by President Williams.

Announcement of Teleconference Participation

General Manager Dan Jagers advised that this meeting is conducted pursuant to BCVWD Resolution.

The teleconference capabilities of this meeting have been identified in the Notice and Agenda. The teleconference locations are not publicly accessible. The public's right to comment and participate in the meeting is being assured via teleconference capabilities and at the BCVWD Administrative Office Board Room.

Directors Covington, Hoffman, and Williams attended in person at the meeting location. Directors Slawson and Ramirez attended via teleconference.

Roll Call:

Directors present:	Covington, Hoffman, Ramirez, Slawson, Williams
Directors absent:	None
Staff present:	General Manager Dan Jagers Director of Engineering Mark Swanson Director of Information Technology Robert Rasha Civil Engineering Assistant Evan Ward Administrative Assistant Cenica Smith Administrative Assistant Lynda Kerney
Legal Counsel	James Markman

Members of the public who registered their attendance: Larry Smith of the San Geronio Pass Water Agency, Paul Onufer, and Fred Riedman.

Public Comment: None.

1. Adjustments to the Agenda: None.

General Manager Jagers pointed to correspondence received related to Item 6, which is available on the website.

2. Public Hearing

- a. **Resolution 2022-__:** Approving the Miscellaneous Fee Update report and Adopting the Schedule of Miscellaneous Fees, and
- b. **Resolution 2022-__:** Amending the District's Regulations Governing Water Service: Part 5: Charges

President Williams announced that this Public Hearing was properly noticed by posting and by publication in the Record-Gazette; however, it was not possible to post the Miscellaneous Fee Update report and the proposed revisions to the District's Rules and Regulations by the legal deadline to make that information available to the public (10 days prior to the Public Hearing). Therefore, this item must be continued to the November 9, 2022 Regular Meeting.

The Board continued the item to the Regular Meeting of November 9, 2022 by the following roll-call vote:

MOVED: Covington	SECONDED: Slawson	APPROVED 5-0
AYES:	Covington, Hoffman, Ramirez, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

3. Request for Update of Will Serve Letter for Tentative Tract Map 27357 (Kirkwood Ranch) for a Single-Family Residential Development located South of Oak Valley Parkway, abutting Interstate 10 in the City of Beaumont

Director of Engineering Mark Swanson presented the application for the 371 single-family home development. There was a Plan of Service prepared for the project in 2003, but since things have substantially changed, a Plan of Service update will be necessary, Swanson advised. It is difficult to determine the EDUs at this point, he added but currently turf is not being used, so the numbers should be relatively low from other projects in the past.

The project has been stalled for approximately 20 years, Swanson continued. Annexation took place in 2004 and a Will-Serve Letter (WSL) update was provided in 2014. The District's conditions include dedication of a 1-acre well site.

The project proponent, Mr. Paul Onufer of JPB Investments, advised that the Kirkwood Ranch property is under contract with the current owners and provided some background. There is an expired Tentative Map; the owner recorded 71 lots at the northwest corner of Elm and Oak Valley, but the balance of the project would have to go through the Tentative Tract Map process including all new studies including the WSL. The plan is to update the plan to meet current standards, process the necessary permits, develop the sites, and sell them to homebuilders, Onufer explained.

Director Covington asked if this was in conflict with Resolution 2014-05. Swanson noted there were fees paid and annexation into the District, and Jagers confirmed that the project meets the conditions for exception from Resolution 2014-05.

President Williams invited public comment. There was none.

The Board approved the request for an update of Will Serve Letter for Tentative Tract Map (TTM) 27357 (Riverside County Assessor's Parcel Nos. [APN] 414-020-015, -022, -023, 414-060-001, -002, 414-070-003, -006, -007, 414-080-007, 414-360-001 to -041, 414-370-001 to -040) in the City of Beaumont by the following roll-call vote:

MOVED: Slawson	SECONDED: Ramirez	APPROVED 5-0
AYES:	Covington, Hoffman, Ramirez, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

4. Resolution 2022-35 Amendment to the 2022-2026 Capital Improvement Budget to Include Converting the Equipment Storage Building to an Inventory Storage Warehouse Not to Exceed \$135,100 as part of the BCVWD Engineering and Operations Center Staffing and Space Requirements Project (EOC-001)

General Manager Jagers explained the project is to ultimately provide storage for District materials and equipment. The Quonset hut now in use is not a secure or weatherproof building and a new solution is needed. There is a masonry building with wood truss roof at the Noble Creek Recharge Facility Phase 2 which was constructed to house heavy equipment and currently contains water filters. Staff is proposing to make improvements and convert it to an updated materials storage building and workshop, Jagers explained.

Jagers noted that staff was tasked by the Board to find creative solutions for the near term as final facilities are pursued.

President Williams invited public comment. There was none.

The Board adopted Resolution 2022-35: authorizing an amendment to the 2022-2026 Capital Improvement Budget allocating \$135,100 to the Capital Replacement Reserve for an inventory storage warehouse by the following roll-call vote:

MOVED: Covington	SECONDED: Hoffman	APPROVED 5-0
AYES:	Covington, Hoffman, Ramirez, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

5. Beaumont Basin Watermaster: Approve Pro-Rata Expense in the Amount of \$63,161 for the District’s Share of the 2023 Professional Engineering Services Agreement with Thomas Harder & Company

General Manager Jagers explained the Beaumont Basin Watermaster (BBWM) annual contract with engineering firm ALDA, Inc. a subsidiary of Thomas Harder & Company. The BBWM Committee put the contract out to bid for 2023 and received only one proposal, from Thomas Harder & Company, he advised.

President Williams invited public comment. There was none.

The Board approved BCVWD’s pro-rata share of expenses in the amount of \$63,161 for the 2023 Professional Engineering Services Agreement with Thomas Harder & Company for the Beaumont Basin Watermaster by the following roll-call vote:

MOVED: Slawson	SECONDED: Covington	APPROVED 5-0
AYES:	Covington, Hoffman, Ramirez, Slawson, Williams	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

6. NOT ADOPTED: Resolution 2022-__: Opposing the Riverside Local Agency Formation Commission Proceedings 2022-05-5 and 2022-06-5: De-annexation of Riverside County Assessor’s Parcel Nos. 413-290-041 and 413-290-042 (Merlin Properties)

General Manager Dan Jagers explained that this item was prepared to affirm the District’s opposition to the de-annexation from BCVWD and concurrent annexation into the Yucaipa Valley Water District (YVWD). He explained the pursuit of the property by YVWD and its services bundling policy.

The Riverside Local Agency Formation Commission (LAFCO) voted this morning to approve the action despite comments in opposition from himself, President Williams, and Director Covington, Jagers advised.

Jagers reminded the Board of previous discussion and indicated that responses to questions regarding process and a tax agreement are posted on the District’s website. The staff report prepared by LAFCO presented a recommendation to approve the action and the Commission approved it 7-0. He suggested sending a message to LAFCO that BCVWD does not agree with that activity or the YVWD bundling policy that tries to collect water and wastewater service from within BCVWD boundaries.

The nine additional parcels under attack are located south of Cherry Valley Boulevard, east of the 10 freeway, and west of the property known as Sunny Cal Egg Ranch, with a total area more than 100 acres, Jagers continued. The LAFCO commissioners were advised that they are setting a precedent that would allow anyone to create a policy to encroach into others’ service area boundaries. Jagers reported that County 5th District Supervisor Jeff Hewitt commented there was not a desire to monitor agencies’ policies related to these activities, which opens up the Wild West for such creativity.

Mr. Fred Riedman representing Merlin Properties discouraged the Board's approval of the resolution, and said it penalizes private landowners. He said he understands the angst about the policy, but the property owner has no control over this and is stuck in the middle. Merlin Properties seeks a way to get out of the middle, and requested the BCVWD to instead direct its efforts toward the policy.

Mr. Markman advised that he has been dealing with this for months. It is a strange policy for bundled services. The problem needs analysis related to District infrastructure that reaches into that area, for whom it will be useful, and whether beneficial use can be expanded for other customers. LAFCO has tremendous discretion, he advised, but they do not often choose de-annexation to another provider, so it was surprising.

President Williams invited public comment. There was none.

Director Slawson asked about the allegation of harm to other landowners. Mr. Riedman explained there was an offer accepted to sell the property. It would have been sold three years ago and homes built already. Now, the Riedmans are out of contract and with the current economy, a new offer would be exponentially lower. The sale to DR Horton would have closed years ago had they been able to confirm water and sewer. Slawson noted that this resolution will not change any of that.

Director Hoffman thanked the directors who attended the LAFCO meeting and suggested tabling the resolution until additional input and full understanding is gained in closed session.

Director Covington summarized the morning LAFCO meeting. He stated there truly was no basis to de-annex into YVWD other than fact that they have an internal policy. YVWD has full authority to issue a variance but did not wish to do so. YVWD held BCVWD under duress and used LAFCO as a conduit to get to the end game and set a dangerous precedent for other agencies in Riverside County.

The entire Oak Valley specific plan has ambiguities and back-room handshake deals which are surfacing now, Covington continued. He commented on the YVWD policy and LAFCO's failing to consider comments from BCVWD, saying it was a completely slanted and unfair process with a staff report skewed to favor YVWD.

President Williams agreed with Jagers and Covington regarding issues with the LAFCO staff report and stated that it missed a lot of points. She said that she did not see how this proposed resolution would be detrimental to the landowner but agreed with tabling the item.

*The Board **tabled** Resolution 2022-__ Opposing the Riverside Local Agency Formation Commission Proceedings 2022-05-5 and 2022-06-5: De-annexation of Riverside County Assessor's Parcel Nos. 413-290-041 and 413-290-042 by the following roll-call vote:*

MOVED: Covington	SECONDED: Hoffman	APPROVED 4-0-1
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	Ramirez	
ABSENT:	None	

7. Consider Setting a Date for Public Hearing to Adopt an Ordinance Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2021-01

General Manager Jagers explained that District policy requires the Board to review per diem compensation in October each year. He explained background and Water Code provisions. Current per diem is set at \$260 per day of service per Ordinance 2021-01 adopted on January 28, 2021, effective April 1, 2021, he reminded.

President Williams invited public comment. There was none.

Director Slawson suggested keeping it the same. Director Hoffman pointed to the Social Security 2023 increase at 8.7 percent and said small increments are appropriate. Director Covington concurred and noted that the Board could have previously set a figure over \$300, plus no increase was made in 2022.

In response to questions, Mr. Markman advised that there is an upward limit of 5 percent per calendar year, but the Board can set an amount anywhere between the two. Director Williams suggested \$275 or a round number.

The Board directed staff to set a date for a public hearing to consider the per diem rate by the following roll-call vote:

MOVED: Covington	SECONDED: Hoffman	APPROVED 4-0-1
AYES:	Covington, Hoffman, Slawson, Williams	
NOES:	None	
ABSTAIN:	Ramirez	
ABSENT:	None	

8. Master Drainage Plan Line 16 Storm Drain Project Update

Director of Engineering Mark Swanson explained that this joint project between BCVWD and Riverside County Flood Control consists of 6,600 feet of storm drain with laterals and offers the potential to capture 500 acre-foot in a wet year and will alleviate part of the flooding at Brookside Avenue and Marshall Creek at Cherry Boulevard. It is a 10-year storm facility and drains into the Noble Creek Recharge ponds, providing benefit to the District.

In response to Director Covington, Swanson advised that a metering device will be installed by the District, post-project.

Swanson briefed the Board on components and current project status. Mr. Jagers noted that the work schedule had indicated the project would be done by now, but the delay was by no fault of BCVWD or Flood Control.

President Williams invited public comment. There was none.

Directors expressed appreciation for the update and the work completed on the project. Director Ramirez commented that the Board has really come together to support policy to make this happen and participate funding-wise with the County. There is also need to talk about all the work being done to actually keep water in the

District's reservoirs. This is a huge win for everyone, and the County's lead is appreciated, he noted.

Director Hoffman also acknowledged the work and expressed appreciation.

Director Covington noted that while the project is slightly behind schedule, it appears it is in the home stretch. He pointed out this has been a different project as BCVWD is not the lead agency, only a participant, and it has had some significant ups and downs. There is light at end of tunnel, he stated. The project started with discussion with the County in 2015 or 2016, and it is now an eye opener when public agencies come together and make something happen; spending money and moving pipelines as construction began. There has been no shortage of surprises, but it will be great when there is wet water in the pipeline and not on Brookside, he concluded.

President Williams said it would be great to see, to be able to capture water, and to be able to drive down Brookside. Collaboration is vital to benefit all stakeholders, she noted.

Directors recalled flooding on Brookside. Mr. Jagers reminded that the project was pitched to Flood Control in 2014 and indicated that there is video of the previous flooding conditions. He stated that he appreciated the perseverance of Director of Operations James Bean.

9. 2017 Replacement Pipelines Project Update

Director of Engineering Mark Swanson identified the location as the Birdsall property (Khyra Beaucrest Ranch) off Altura Bella. The original project was to replace 920 ft of old 6-inch pipe. A project amendment came to the Board as reality showed that it equated to more like 2,430 ft. The line ties to Whispering Pines, and two fire hydrants were installed. The project is substantially complete with only minor pavement repair to do.

Swanson presented photos of the project progress. He noted that the work affected four residents who were kept informed, and all were very cooperative. Staff tried to give as much notice as possible.

In response to Director Covington, Swanson assured there is a blanket easement for the line running through private property. Mr. Jagers explained that it paralleled a gas line and fiber optic line and reiterated that staff worked closely with property owners and had made adjustments to accommodate.

Director Slawson commented that the pipe looks shallow and asked about minimum cover. Swanson explained that it is 36 inches from the top.

Director Covington asked if there had been any change orders and Swanson said none have been received and staff worked well with contractor Merlin Johnson.

Director Hoffman said that the full-time maintenance man on the Birdsall property told him he was pleased with the way the District managed everything and worked around events on the property.

Jaggers indicated that during the design process, there were field meetings with the homeowners, and said that the preference is to site in the public right-of-way, but this was an unusual location at the end of a pressure zone. This was the best of the solutions and was worked out with the property owners. Merlin Johnson Construction is to be applauded as they accommodated the Beaucrest Ranch events, Jaggers noted. Swanson added that they also worked with their plumber on a new backflow device.

Swanson noted that the District is still waiting for materials for Pipeline 2 (Apple Tree Lane), and it is hoped for delivery at the end of the year. The desire of the homeowners is to pave the road when done.

Pipeline 3 (Egan Alley from 5th St to California Ave) is stalled subject to the City of Beaumont (City) pavement moratorium and will wait until 2025, unless the City will allow any latitude, Swanson advised.

President Williams invited public comment. There was none.

10. Update Legislative Action and Issues Affecting BCVWD

Director Covington said he uses the Legislative Update information, and it is good reference material.

General Manager Jaggers briefed the Board on AB 2449 regarding open meetings / local agency teleconferences. This will be discussed at the November 9 meeting. Other entities are planning to implement in February 2023 when Governor Newsom is prepared to rescind the COVID-19 State of Emergency.

11. Reports for Discussion

a. Directors' Reports:

Director Slawson reported attending the following

- San Gorgonio Pass Regional Water Alliance on October 10, 2022
- Beaumont Chamber of Commerce Breakfast on October 14, 2022
- ACWA Drought Planning Workshop on October 19, 2022
- San Gorgonio Pass Water Agency Board Meeting

Director Hoffman reported attending the following:

- Beaumont Chamber of Commerce Breakfast on October 14, 2022
- ACWA Drought Planning Workshop on October 19, 2022

b. Directors' General Comments:

Director Hoffman advised that the Finance & Audit Committee has been working on the budget and recommended the Board members review it when it comes out.

c. General Manager's Report:

General Manager Jagers reported the following:

- The Riverside County Board of Supervisors approved the final contract for \$2.58 million in APRA funding. He has an electronic copy of the fully executed agreement and a point of contact for next steps.
- The funding will be applied to the B line and ancillary facilities as well as the Noble Tank pipeline project. Staff will begin separating the tank and pipeline projects to prepare bid documents.

d. Legal Counsel Report: None.

12. 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

13. Announcements

President Williams read the following announcements:

- Special Board Meeting: Tuesday, Nov. 1, 2022 at 5:30 p.m.
- Collaborative Agencies Committee: Wednesday, Nov. 2, 2022 at 5 p.m.
- Finance & Audit Committee Meeting: Thursday, Nov. 3, 2022 at 3 p.m.
- Regular Board Meeting: Wednesday, Nov. 9, 2022 at 6 p.m.
- District offices will be closed on Thursday, Nov. 10 in observance of Veterans Day
- Personnel Committee Meeting: Tuesday, Nov. 15, 2022 at 5:30 p.m.
- Engineering Workshop: Thursday, Nov. 17, 2022 at 6 p.m. (date change due to holiday)
- Finance and Audit Committee Meeting: Thursday, Dec. 1, 2022 at 3 p.m.
- Beaumont Basin Watermaster Committee: Wednesday, Dec. 7, 2022 at 11 a.m.
- Regular Board Meeting: Wednesday, Dec. 14, 2022 at 6 p.m.

14. Closed Session

The Board recessed to Closed Session at 8:08 p.m.

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to California Government Code Section 54956.8
Property: 37.46 acres at southwest corner of Brookside and Highland Springs in Cherry Valley, CA [APNs 408-080-009, 408-080-010, 408-080-011 and 408-080-012]
Agency Negotiator: Dan Jagers, General Manager
Under Negotiation: Price and terms of payment
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to California Government Code Section 54956.9 (2) (d)
One Case: BCVWD vs. Merlin Properties

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

Reconvened in Open Session at 9:13 p.m.

Director Ramirez did not return to the Open Session.

15. Report on Action Taken during Closed Session:

President Williams announced that no reportable action was taken on items 14 A or 14 B.

For Item 14C, the Board reviewed and signed off on the General Manager's performance evaluation.

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

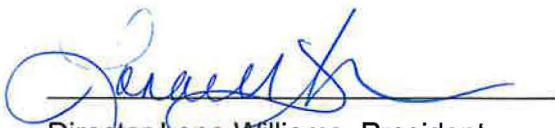
The Board Approved the salary increase of 4 percent for the General Manager by the following roll-call vote:

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

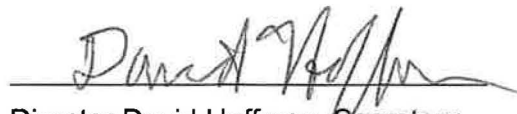
17. Adjournment

President Williams adjourned the meeting at 9:14 p.m.

ATTEST:



Director Lena 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