



**BEAUMONT CHERRY VALLEY WATER DISTRICT
AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
Wednesday, October 8, 2008 – 7:00 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

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

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

1. Call to Order, Pledge of Allegiance, Invocation

2. Roll Call:

President Chatigny Vice President Lash
Director Ball Director Dopp Director Parks

3. Adoption and Adjustment of Agenda (additions and/or deletions)

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

4. Public Input

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

5. Adoption of the Minutes

a. Minutes of the Regular Meeting of September 10, 2008**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

b. Minutes of the Special Meeting of September 17, 2008**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

c. Minutes of the Special Meeting of September 29, 2008**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

6. Action Items

a. Acceptance of the Compromise and Release Agreement- Kohler's Claim**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

b. Reimbursement Request by Aim All Storage, Mike Giurbino**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

c. Variance Request, Joe Duckworth**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

d. Annexation Request, MCM Poultry Farm**

BALL	M	S	A	N
DOPP	M	S	A	N
LASH	M	S	A	N
PARKS	M	S	A	N
CHATIGNY	M	S	A	N

7. Discussion and Possible Action

- a. Presentation by District Engineer, Joseph Reichenberger Regarding Recycled Water Grant and Loan**
- b. Resolution 2008-07 Authorizing and Directing the General Manager or His/Her Designee to Sign and File on Behalf of the Beaumont Cherry Valley Water District, a Water Recycling Facilities Planning Grant Application**

8. General Manager's Reports, Discussion and Possible Action

- a. System Update
- b. BCVWD Vs Calimesa

9. Directors' Reports for Discussion and Possible Action

- a. President Chatigny
- b. Vice President Lash

- c. Director Ball
- d. Director Dopp
- e. Director Parks

10. Closed Session

- a. Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators (Directors Chatigny and Lash) MOU with Employees Association

11. Open Session Report on Closed Session

12. Adjournment

** Information included in the agenda packet

**RECORD OF THE MINUTES OF THE
REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
September 10, 2008**

1. Call to Order, Pledge of Allegiance, Invocation

President Chatigny called the meeting to order at 7:00 p.m., 560 Magnolia Avenue, Beaumont, California. Those responding to roll call were President Chatigny, Vice President Lash and Directors Ball, Dopp and Parks. Also present at this meeting were the General Manager, C.J. Butcher, Assistant General Manager, Anthony Lara, Legal Counsel, Gil Granito and Executive Assistant/Recording Secretary, Blanca Marin

President Chatigny led the pledge and Vice President Lash gave the invocation.

2. Roll Call:

All members were present.

3. Adoption and Adjustment of Agenda (additions and/or deletions)

Director Parks requested that Item 6, "Request for Payment on Per Diems outside the Board's Policy, Director Parks" be changed to "Request for Payment on Per Diems in Accordance with Board's Policy"

After Discussion, Legal Counsel, Gil Granito recommended that the Board table this item and agendized the Reimbursement Policy for another meeting to review approved per diem meetings.

Vice President Lash moved to delete Item 6. Director Ball seconded. The motion passed unanimously.

Director Ball moved to adopt the agenda with deletions. Director Dopp seconded. The motion passed unanimously.

4. Public Input

President Chatigny invited Luwana Ryan to address the Board on an item not on the agenda. Mrs. Ryan, Cherry Valley, requested in writing that the following be answered: 1) Policy and Procedures for surveillance cameras. 2) Disclosure for viewing. 3) Who has access? 4) Is it visual or audio also? 6) Rooms and areas under scrutiny. 7) Board Policy and Procedures.

5. Adoption of the Minutes

- a. Minutes of the Regular Meeting of August 13, 2008 **

No discussion, Vice President Lash moved to approve minutes as presented. Director Dopp seconded. The motion passed unanimously.

6. Action Items

- a. Request for Payment on Per Diems outside the Board's Policy, Director Parks **

This item was tabled/deleted at the beginning of the meeting.

b. Request for a Water Meter Variance, Phillip Kelleher **

President Chatigny invited Nikki Magee to address the Board on this item. Mrs. Magee indicated that it is clear that the District rulings state that there should be a meter for each residence and that it was apparent that the owner was misled by the County. She further indicated that the problem is not the size of the lot, but the kitchen. She recommended that the owner remove the appliances and have an inspection done.

General Manager, C.J. Butcher indicated that he met with Mr. Kelleher and reached an agreement where Mr. Kelleher will pay at least \$200 per month. He further stated that Legal Counsel will draft an agreement.

Director Parks moved to accept memorandum provided by General Manager on this item. Vice President Lash seconded. The motion passed unanimously.

c. Annexation Request/Plan of Services Hidden Canyon III **

President Chatigny moved to table this item until the General Manager and District Engineer update the Urban Water Management Plan and the 1994 District's Master Plan and bring back to the Board. Director Ball seconded. The motion passed unanimously.

d. California Special District Association's Request for Committee Participation**

After discussion, no action was taken by the Board on this item other than to receive and file.

e. Memorandum of Understanding with Bureau of Reclamation for the Beaumont Cherry Valley Water District's Demonstration Wetlands Project**

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan referred to page one of the Memorandum of Understanding, Item 3, which states that "high nitrate groundwater north of the Banning Fault is making its way through the fault and into the Beaumont Basin" and compared this statement to an statement made in a paragraph of the Hidden Canyon's Plan of Services which states "The Little San Gorgonio Creek Canyon does not flow underground into the Beaumont Basin"

General Manager, C.J. Butcher briefly explained that the purpose of the Memorandum of Understanding was to develop conceptual designs for one or more demonstration treatment wetlands to provide natural removal of nitrates from the Beaumont Groundwater Basin. He further explained that the MOU does not encumber any financial obligations at this time as any monetary funding that may occur in the future will be brought to the Board and be also part of other agreements.

Director Ball requested that the District keep a record of all expenditures related to this project.

Vice President Lash moved to enter the Memorandum of Understanding agreement with the Bureau of Reclamation. Director Dopp seconded. The motion passed unanimously.

f. Review and Approval of Proposal to Expand Scope of Audits for 2007 and 2008 by Auditors (Mayer Hoffman McCann P.C.)

Legal Counsel, Gil Granito stated that in prior ad hoc committees and in consultation with the District Auditor it was determined that it was in the best interest of the District to expand the scope of the 2007 Audit to include many of the financial recommendations included in the Grand Jury Report. He further recommended that Mayer Hoffman and McCann's Proposal be reviewed in detail before approval.

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan questioned the Board as to whether the 2007 Audit has been started and if this proposal was only an extension of the scope of work.

General Manager, C.J. Butcher stated that the draft audit is complete and waiting for comments from staff.

After thoroughly reviewing of the Proposal provided to Legal Counsel Gil Granito by Mayer Hoffman McCann, Vice President Lash moved to accept the proposal. Director Dopp seconded. The motion passed unanimously.

7. Reports (Discussion and Possible Action)

a. General Manager's Reports

- Kohler's Claim – Staff met with the Kohlers. There was a problem with the agreement because the Kohlers wanted a fire hydrant installed. Legal Counsel is working on the agreement to add the change requested by the Kohlers.
- BCVWD's Updates - None

b. Directors' Reports

- President Chatigny – Ad hoc committee to meet Monday September 15, 2008 to work on the final Grand Jury Response. A meeting to present this final response was scheduled for September 17, 2008.
- Vice President Lash – Policy and Procedures ad hoc committee met and manual is coming along. He provided a verbal report also on his attendance to the AWWA Conference stating that he spoke to different vendors on equipment and tools related to water operations.
- Director Ball – Provided a response to a memorandum to the Board of Directors from the General Manager included in the agenda which was a response to a request to disclose total cost involved for production of a Timeline Report.
- Director Dopp – No report given
- Director Parks- Attended a meeting at SGPWA on September 2, 2008 indicating that water the agency is still pumping water into the BCVWD ponds for the City of Banning. Approximately 376 AF have been recharged since the last meeting. BCVWD requested permanent connection. BCVWD requested annexation of land they own in San Bernardino County into their service area. A lengthy report was provided on the SGPWA's rate increase.

General Manager, C.J. Butcher requested an opportunity to respond to Director Ball's comments at a later date.

Director Ball stated that he was told by "someone" that he was recorded talking to "someone in the parking lot for 18 minutes". He requested full disclosure on where these cameras are, which rooms in this building have those videotapes and who has access to them. He further asked who authorized them to view it and their intent and purpose. He questioned as to if the video has audio. He wanted to know when and how it is designed when they are going to be turned on and monitored. Lastly, he asked if there were any files on any directors video taped at

the ad hoc committees and if there was audio in any of these ad hoc committee meetings.

8. Closed Session: Conference with Legal Counsel

- a. Pursuant to subdivision (c) of Government Code Section 54956.9 regarding potential initiation of litigation by the District - one matter
- b. Pursuant to subdivision (a) of Government Code Section 54956.9 regarding pending litigation (Hal Hays Construction v. BCVWD, Riverside County Superior Court, Case No. RIC 468800).
- c. Pursuant to subdivision (a) of Government Code Section 54956.9 regarding pending litigation (BCVWD v. City of Calimesa, Riverside County Superior Court, Case No. RIC 446971 and Court of Appeal - Fourth District, Division Two, Case No. E044615).

President Chatigny adjourned to Closed Session at 8:12 p.m. and reconvened to open session at 8:50 p.m.

Legal Counsel, Gil Granito announced that the Board met in closed session and discussed all three items agendized and that there was no action taken on any of the above mentioned items reportable under the Brown Act at this time.

9. Adjournment

President Chatigny adjourned meeting at 8:52 p.m.

Albert Chatigny, President of the
Board of Directors of the
Beaumont Cherry Valley Water District

Attest:

C.J. Butcher, Secretary to the
Board of Directors of the
Beaumont Cherry Valley Water District

**RECORD OF THE MINUTES OF THE
SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
September 17, 2008**

1. Call to Order, Pledge of Allegiance, Invocation

President Chatigny called the meeting to order at 7:05 p.m., 560 Magnolia Avenue, Beaumont, California. Those responding to roll call were President Chatigny, Vice President Lash and Director Dopp. Also present at this meeting were the General Manager, C.J. Butcher, Assistant General Manager, Anthony Lara, Legal Counsel, Gil Granito and Executive Assistant/Recording Secretary, Blanca Marin. Absent to this meeting were Directors Ball and Parks. A quorum was present.

2. Roll Call:

Absent to this meeting were Directors Ball and Parks.

3. Adoption and Adjustment of Agenda (additions and/or deletions)

Vice President Lash moved to adopt the agenda as presented. Director Dopp seconded. The motion passed with Directors Ball and Parks absent.

Legal Counsel, Gil Granito, requested that due to concerns from the public the following questions and answers be recorded in the minutes:

"Blanca, did you post tonight's agenda, the call and the notice, prior to seven p.m. last night?"

Executive Assistant, Blanca Marin responded, "Yes"

"Did you email all members of the Board tonight's agenda, the call and the notice prior seven p.m. last night?"

Executive Assistant, Blanca Marin, answered "Yes"

"Blanca has any newspaper of general circulation or radio or television station requested notice in writing of the District's meetings?"

Executive Assistant, Blanca Marin, answered "No"

Legal Counsel, Gil Granito further stated that this meeting was perfectly legal in accordance with the Brown Act and that the District was in full compliance to continue with the meeting.

4. Public Input

President Chatigny invited Judy Bingham to address the Board on an item not on the agenda. Mrs. Bingham, 440 E. 6th Street, stated that the majority of the Board and the General Manager have violated the public's trust. She further indicated that the two seats that are up for reelection need to be filled with people that the public can trust.

Legal Counsel, Gil Granito indicated that the Grand Jury Response was distributed to the Directors at the same time it was distributed to the public.

President Chatigny invited Frances Flanders to address the Board on an item not on the agenda. Mrs. Flanders a resident of Cherry Valley questioned the Board as to when the Facilitators Report will be addressed. She further indicated that information included in the Facilitators Report could be used to implement improvements shown also in the Grand Jury Report. She recommended that the Board listen to people that know about the District to improve the "transparency" of the District operations.

President Chatigny invited Patsy Reeley to address the Board on an item not on the agenda. Mrs. Reeley, Cherry Valley, indicated that the "Policies Procedures and Operations Manual" was mentioned several times in the Grand Jury Report. She indicated that the same report was mentioned in the last and current Grand Jury Investigations. She further indicated that she hopes that the final manual be completed on time when the new members of the Board take office.

President Chatigny invited Luwana Ryan to address the Board on an item not on the agenda. Mrs. Ryan, Cherry Valley stated that the Brown Act states that the District needs to contact the local newspapers to notify them of agendas and not the other way around. She requested clarification on this statement.

Legal Counsel, Gil Granito provided Mrs. Ryan with a copy of the law which states that the newspaper has to request a copy of the agenda in writing.

Mrs. Ryan further indicated that the Grand Jury Report was not included in the agenda with enough time for the public to review. She stated that the District has had numerous meetings at different times and dates but no financial information has been provided since June of 2008. She requested that at least a monthly scrutiny of the District's financials be provided.

President Chatigny called the meeting to a five minute recess at 7:12 p.m. as Director Ball was on his way to the meeting. (Director Ball did not attend the meeting)

President Chatigny reconvened the meeting at 7:17p.m.

5. Action Items

- a. Review and approve the District's formal response to the Grand Jury Report dated June 23, 2008

Board Members read the Grand Jury Response aloud in its entirety.

General Counsel, Gil Granito, read to the Board an email from Director Ball indicating that the e-mail was a request for modifications to the Grand Jury Response.

After discussion regarding Director Ball's request for suggested changes, Director Dopp moved to make the suggested change under 4A, Education and Training Response, first paragraph, from "The Board cannot agree to Recommendation-2" to "The Board does not necessarily agree to Recommendation -2" Motion died for lack of a second.

President Chatigny moved not to accept the change on 4A, Education and Training Response. Vice President Lash seconded. The motion passed with Directors Ball and Parks absent.

Vice President Lash moved not to change last sentence under 4C, District Housing from "The Board/District does not agree with these findings" to: "The Board/District partially disagrees with these findings" as suggested by Director Ball's email. President Chatigny seconded. The motion passed with Directors Ball and Parks absent.

Vice President Lash moved not to change, Item 5, Contracts, Response paragraph from "The Board/District does not agree with this recommendation because the Grand Jury recommendation is based on the erroneous finding that the District is legally compelled to follow the 'competitive.'" to: "The Board/District does not agree with this recommendation because the Grand Jury recommendation is based on their finding that the District is legally compelled to follow the 'competitive'" as suggested by Director Ball's email. President Chatigny seconded. The motion passed with Directors Ball and Parks absent.

Legal Counsel, Gil Granito indicated that a motion was needed to accept the Grand Jury Report and that a typing error under D, Delinquent Customer, and Recommendation 1 be corrected.

Vice President Lash moved to accept the Grand Jury Response with the correction of the typo. Director Dopp seconded. The motion passed with Directors Ball and Parks absent.

6. Adjournment

President Chatigny adjourned the meeting at 8:06 p.m.

Albert Chatigny, President of the
Board of Directors of the
Beaumont Cherry Valley Water District

Attest:

Charles J. Butcher, Secretary to the
Board of Directors of the
Beaumont Cherry Valley Water District

**RECORD OF THE MINUTES OF THE
SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
September 29, 2008**

1. Call to Order, Pledge of Allegiance, Invocation

President Chatigny called the meeting to order at 7:00 p.m., 560 Magnolia Avenue, Beaumont, California. Those responding to roll call were President Chatigny, Vice President Lash and Directors Ball, Dopp and Parks. Also present at this meeting were the General Manager, Charles J. Butcher, Assistant General Manager, Anthony Lara, Legal Counsel Gil Granito, Executive Assistant/Recording Secretary, Blanca Marin. Present in the audience were Business Manager, Julie Salinas, Commercial Office Supervisor, Mary Martin, and Staff members Brandi Hollstein and Emanuel Salinas.

2. Roll Call:

All members of the board were present.

3. Adoption and Adjustment of Agenda (additions and/or deletions)

Vice President Lash moved to adopt the agenda as presented. Director Dopp seconded. The motion passed unanimously.

4. Public Input

President Chatigny invited Luwana Ryan to address the Board on an item not on the agenda. Mrs. Ryan, Cherry Valley, California referred to Julie Salinas' memorandum questioning as to who the District's Financial Consultant was and what the source of payment was. She also indicated that on the second page of the memorandum it states that a second account will be created for STWMA and she questioned if Yucaipa Valley Water District will no longer be the treasurer for STWMA.

President Chatigny invited Frances Flanders to address the Board on an item not on the agenda. Mrs. Flanders stated that she did not see any item on the agenda that would require the need of a special meeting. She complained to the Board because the public was not given enough time to thoroughly review the agenda. She also suggested that staff changed the report format to show currency with commas in the dollar amounts. She made several other suggestions to the reports.

5. General Manager's Reports – Discussion and Possible Action

a. BCVWD's Updates

General Manager, Charles J. Butcher indicated that a copy of a letter was passed out at the beginning of the meeting from the State Water Resources Control Board, related to the Recycled Water Project Grant and Loan. He briefly explained the major points of approval of the loan. He indicated that he would be traveling to Sacramento on October 1st, 2008 to deliver the plans for this project. He indicated that every process needed to approved by the State and that the project should be on-line by year 2010. He announced that at the next regular meeting, Mr. Reichenberger, District Engineer will have a presentation on the Recycled Water Project Grant and Loan. Lastly, he indicated that loan will be paid back by the recycled water users and not rate payers.

6. Action Items

- a. Acceptance of Invoices for the Month of May 2008**

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders, Cherry Valley, questioned the Board on 36616, 36653, 36734 and 36766, Check numbers for STWMA PC No1, Redwine and Sherrill, County of Riverside, Wildermuth Environmental Inc. and LAFCO.

President Chatigny requested that Mrs. Flanders leave a copy of her questions for staff to respond.

President Chatigny invited Business Manager, Julie Salinas to provide a report regarding her memorandum in the agenda. Mrs. Salinas provided a lengthy explanation on the corrections made on the Financial Statement Reports as stated in her memorandum provided in the agenda.

President Chatigny invited Judy Bingham to address the Board on an item not on the agenda. Mrs. Bingham stated that she was "shocked" to learn that Mrs. Salinas "has no accounting knowledge". She further questioned the Board and General Manager as to what justification there was for Mrs. Salinas "poor performance at such a high salary"

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan questioned the Board as to how the District was paying for Mr. Branchflower's services. She further questioned invoice 36803, a charge on a credit card for Jay Wilfley. She questioned the Board as if there were any policies regarding charge cards.

After discussion and review of invoices by Board members, Vice President Lash moved to approve the Invoices for the Month of May 2008. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Absent: None
 Abstain: None

b. Acceptance of Invoices for the Month of June 2008**

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders inquired on several accounts which showed "refunds" wanting to know where these accounts were posted in the Financial Statement and what the refunds were for.

After discussion, Vice President Lash moved to accept Invoices for the Month of June 2008. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Absent: None
 Abstain: None

c. Acceptance of May 2008 Financial Statement**

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders pointed out that some of the amounts on some pages of the Financial Report did not balance. She further recommended that general ledger numbers needed to be added for expenses in some projects like The Recharge Facility.

Staff Member, Emanuel Salinas, offered a brief explanation regarding the May 2008 Financial Statement.

After discussion, Vice President Lash moved to accept the May 2008 Financial Statement. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash, Chatigny
 Nays: Ball and Parks
 Absent: None
 Abstain: None

d. Acceptance of June 2008 Financial Statement**

After discussion, Vice President Lash moved to accept the June 2008 Financial Statement. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Absent: None
 Abstain: None

e. Acceptance of Second Quarter Financial Statement**

After a brief discussion, President Chatigny moved to accept the Second Quarter Financial Statement. Vice President Lash seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Absent: None
 Abstain: None

f. Mid-Year Operations and Maintenance Budget Adjustments**

General Manager, Charles J. Butcher, provided a brief verbal report on the memorandum included in the agenda explaining the reasons for budget adjustments.

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders indicated that the report presented at this meeting should have shown old and new numbers. She also requested clarification regarding the way some general ledger accounts were listed.

General Manager, Charles J. Butcher, stated that there was a typo on GL#2-1-5800-519, Engineering, Education and it should read 2-1-5800-520.

After discussion, Vice President Lash moved to accept the Mid-Operations and Maintenance Budget Adjustments with corrections. Director Dopp seconded. The motion passed with Director Ball opposing.

g. Acceptance of Invoices for the Month of July **

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan requested clarification on the Quality Construction payment as she was told back in May 2008 that the May invoice was the last invoice. She further questioned as to if the amount on the memorandum handed out at the beginning of the meeting from Business Manager, Julie Salinas was the total cost of the construction of the building cost and if there were any outstanding balances due to Quality Construction Company. She questioned invoices for the County Auditor and Controller, and the Wells Fargo invoice which showed a charge for a hotel expense for the AWWA Conference in a Director's name. She further questioned the Board as if this expense was approved in its policy.

Director Ball questioned staff if any other directors still had credit cards from the District.

After discussion, Vice President Lash moved to accept the July 2008 Invoices. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Abstain: None
 Absent: None

h. Acceptance of Invoices for the Month of August 2008**

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan, Cherry Valley questioned the State Controller's Office and Wells Fargo Invoices indicating that there was a new credit card issued to Timothy Smith. She requested clarification on the Board's Policy and procedures for credit cards. She further questioned the O'reilly's invoice and wanted to know if they were coming to give a presentation about what they are doing for the District.

Staff Member, Emanuel Salinas, read a letter from the State Controller's Office regarding a penalty for \$5000 for not filing the requirements on time.

After discussion, Vice President Lash moved to accept the August 2008 Invoices. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Abstain: None
 Absent: None

i. Acceptance of the July 2008 Financial Statement**

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders, Cherry Valley, questioned the STMWA invoice indicating that the amount is over the budget and that the Board should approve payments before the money is spent.

After discussion, Vice President Lash moved to accept the July 2008 Financial Statement. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Abstain: None
 Absent: None

j. Acceptance of the August 2008 Financial Statement**

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan provided the Board the cash and investment amount as shown in the August 2008 Financial Statement. She further stated that when deducting and adding amounts there is about \$600,000 which are not reserve funds.

General Manager, Charles J. Butcher, provided a brief explanation on money spent as reported on previous meetings. He further indicated that there was a rate study made in 2007 to increase the reserve funds.

General Manager, Charles J. Butcher reported briefly on the 2007 Audit, as requested by President Chatigny. Mr. Butcher indicated that the board approved to

expand the scope of work on the 2007 and the auditors are still working on those changes.

Director Ball indicated that the monies received for the sale of State Water Project to customers needs to be used only for State Project Water purchase. He further stated that the Emergency and Operating Reserve funds need to only be used with Board approval. He further requested that Staff Member, Emanuel Salinas include State Water Project Fund as a Reserve Fund and current cash position in the report.

Vice President Lash moved to accept the August 2008 Financial Statement. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and parks
 Abstain: None
 Absent: None

7. Discussion and Possible Action

a. Biennial Review of Conflict of Interest Code**

Legal Counsel, Gil Granito indicated that the Biennial Review of Conflict of Interest Code is required to be done every even year as required by the political Reform Act. He further indicated that this report is done to add new positions to the designated positions. He stated that the new positions that need to be added are the business manager, field superintendent and the district engineer. He further indicated that a public hearing be called at a later date before the end of this year, 2008.

President Chatigny moved to approve the Biennial Review of Conflict of Interest Code Report. Vice President Lash seconded. The motion passed unanimously.

b. Approval of October 2008 Newsletter Mailing**

President Chatigny invited Frances Flanders to address the Board on this item. Mrs. Flanders, Cherry Valley indicated the newsletter seems to be a "political statement in favor of the incumbents on the coming election"

President Chatigny invited Luwana Ryan to address the Board on this item. Mrs. Ryan, Cherry Valley, California requested that President Chatigny and Vice President Lash to recuse from voting on this item as the newsletter was written by Staff Member, "friend and fellow club member" Tim Smith to help in the election and the same article has been in the local paper. She indicated that \$7,500 is a lot of rate payers' money. She requested that the Board table this item at least until after the election.

Director Ball requested that the newsletter be tabled until after the election.

Legal Counsel, Gil Granito stated that based on recollections, having Directors names on the newsletter would violate numerous laws.

After a lengthy discussion regarding whether or not having the names of the all Directors in the newsletter was a political issue or not, Vice President Lash moved to approve the newsletter with the deletions of the Director's names in the newsletter. Director Dopp seconded. The motion passed by the following roll call:

Ayes: Dopp, Lash and Chatigny
 Nays: Ball and Parks
 Abstain: None
 Absent; None

c. Resolution Regarding Adopting Identity Theft Prevention Program**

Legal Counsel, Gil Granito indicated that there is a new regulation that took effect this year. He stated that the District is required to adopt a resolution for an Identity Theft Prevention program to comply with the legal requirements of the program.

After Discussion, Director Ball moved to approve the Resolution with the deletion of the Social Security number requirement. Director Parks seconded. The motion passed unanimously.

8. Directors' Reports for Discussion and Possible Action

- a. President Chatigny- He called a new ad hoc committee composed of Director Lash and himself to work on the new Employees' MOU.
- b. Vice President Lash -None
- c. Director Ball – He stated that he attended a meeting at the SGPWA regarding the tolling agreement. He indicated that he is aware that some Board members were giving water conservation presentations, one of them being the Highland Springs Community Association. He further questioned as to who had selected the Board Members to attend to these presentations and if a report can be given from those Board Members that attended. He also questioned as to if any money had been spent on this presentation.

Director Lash stated that he was invited to provide this presentation and that money was not spent by the District.

- d. Director Dopp – No report given
- e. Director Parks – She reported that she attended the Blue Ribbon Committee Meeting on the 25th, at the SGPWA and it is moving along. She also reported that more meetings are scheduled for the Blue Ribbon Committee.

9. Adjournment

President Chatigny adjourned meeting at 9:45 p.m.

Albert Chatigny, President of the
 Board of Directors of the
 Beaumont Cherry Valley Water District

Attest:

Charles J. Butcher, Secretary to the
 Board of Directors of the
 Beaumont Cherry Valley Water District

COMPROMISE AGREEMENT AND RELEASE

Danny and Sylvia Kohler, individually and as trustees of the Kohler Family Trust dated January 22, 2004, 9154 Lilac Lane, Cherry Valley, CA 92223, hereafter referred to as the "Kohlers" and Beaumont Cherry Valley Water District, 560 Magnolia, Beaumont, CA 92223, hereafter referred to as the "District", in consideration of the promises made herein, agree as follows:

1. **Nature and Effect of Agreement.** This agreement consists of a compromise and settlement by the parties of the Kohler's claim against the District arising from the dispute described in Paragraph 2 and a release given by the Kohlers to the District relinquishing their claim against the District. By executing this agreement, each of the parties intends to and does hereby extinguish the obligations heretofore existing between them and arising from that dispute. This agreement is not, and shall not be treated as, an admission of liability by either party for any purpose.

2. **Nature and Status of Dispute.** On April 14, 2008, the Kohlers filed a claim for damages alleged to have been caused by leaks from the District's 8" Main Water Line that currently runs across the Kohlers property pursuant to a blanket easement in the Mesa residential area before it enters District owned lands and continues to the District's upper water system reservoir.

3. **Compromise Agreement.** In consideration of (1) the Kohler's conveying two easements to the District in the form and content attached hereto marked Exhibit "A", (2) the payment of \$10,000.00 by District to the Kohlers, (3) the District abandoning its existing 8" Main Water Line and replacing said water line with a new water line within the easement area set forth in Exhibit "A" of this agreement, and (4) the District installing a ~~flow~~ ^{flow} off device" to the new water line, the parties hereby compromise and settle any and all past, present, or future claims, demands, obligations, or causes of action for compensatory or punitive damages, costs, losses, expenses, and compensation, whether based on tort, contract, or other theories of recovery, that they now have or may hereafter have against each other and their predecessors and successors in interest or assigns, from the subject matter of the dispute described in Paragraph 2, and agree that this compromise and settlement shall constitute a bar to all such claims. The parties agree that this compromise and settlement shall constitute a bar to all past, present, and future claims arising out of the subject matter described in Paragraph 2.

4. **Release and Discharge.** The Kohlers hereby release and discharge the District, the District's predecessors and successors in interest, and assigns from, and relinquishes, any and all past, present, or future claims, demands, obligations, or causes of action for compensatory or punitive damages, costs, losses, expenses, and compensation, whether based on tort, contract, or other theories of recovery, that the Kohlers now have or may hereafter have against District arising from the subject of their claim described in Paragraph 2.

5. Unknown Claims.

(a) The Kohlers acknowledge and agree that the release that they give to District on executing this agreement applies to all claims for injuries, damages, or losses to their person and property, real or personal (whether those injuries, damages, or losses are known or unknown, foreseen or unforeseen, or patent or latent) that they may have against District and the Kohlers hereby waives application of Civil Code Section 1542.

(b) The Kohlers certify that they have read the following provisions of Civil Code Section 1542:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

and indicates that fact by signing their initials here:



DK



SK

(c) The Kohlers understand and acknowledge that in consequence of this waiver of Civil Code Section 1542, even if they should eventually suffer additional damages arising out of the facts referred to in Paragraph 2, they will not be able to make any claim for those damages. Furthermore, the Kohlers acknowledge that they intend these consequences even as to claims for damages that may exist as of the date of this release but that they do not know exist, and that, if known, would materially affect their decision to execute this release, regardless of whether they lack knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

6. Conditions of Execution. The Kohlers acknowledge and represent that their execution of this release is free and voluntary and that, in executing this release, they have not relied on any inducements, promises, or representations made by the District or any party representing or serving the District.

7. Execution of Other Documents. Each party to this agreement shall cooperate fully in the execution of any and all other documents including the Easement attached to this agreement marked Exhibit "A" and in any additional acts that may be necessary or appropriate to give full force and effect to the terms and intent of this agreement.

8. Entire Agreement. This agreement contains the entire agreement between the parties.

9. Effective Date. This agreement shall become effective immediately on execution by the Kohlers and the District.

10. Governing Law. This agreement is entered into, and shall be construed and interpreted, in accordance with the laws of the State of California.

Executed on September 17, 2008 at Beaumont, California.

THE DISTRICT:
Beaumont Cherry Valley Water District:

Danny Kohler
Danny Kohler

By _____
Chuck Butcher, General Manager

Sylvia Kohler
Sylvia Kohler

KOHLER FAMILY TRUST
dated January 22, 2004

Danny Kohler Trustee
by Danny Kohler, Trustee

Sylvia Kohler Trustee
by Sylvia Kohler, Trustee

EXHIBIT "A" *TO COMPROMISE AGREEMENT
AND RELEASE*

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Beaumont-Cherry Valley Water District
P.O. Box 2037
Beaumont CA 92223-2037

Attn: Chuck Butcher, General Manager

No Fee Required Per
Govt. Code § 27303

APN: 401-190-002

GRANT OF EASEMENTS

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged DANNY and SYLVIA KOHLER, Trustees of the Kohler Family Trust dated January 22, 2004 ("Grantor") does hereby grant to BEAUMONT CHERRY VALLEY WATER DISTRICT, an irrigation water district, its successors and assigns ("Grantee") perpetual non-exclusive easements and rights-of-way to construct, enlarge, install, reconstruct, remove and replace, operate, inspect, maintain, repair, improve and relocate a pipeline and other facilities, including, but not limited to, measuring devices, air valves, blow-outs, stations and service connection structures, appurtenant to the pipeline for water transmission and distribution in, on, over, under, upon, along, through and across the property hereinafter described, together with reasonable right of access to and from said easements for the purpose of exercising the rights granted in said easements.

Said easements shall be in, under, over and across that certain property situated in the County of Riverside, State of California, described as follows:

(SEE EXHIBITS 'A,' 'B' and "C" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE)

The foregoing easements shall include:

- (a) The temporary use of such adjacent land of Grantor as is necessary to install the facilities provided for under the terms of the easements granted herein; and
- (b) The right to enter upon and pass and repass over and along said strip or strips of land, and to deposit tools, implements and other materials thereon by Grantee, its officers, agents and employees, and by persons under contract to construct said pipeline and appurtenances, and their employees, whenever and wherever necessary for the purpose of exercising the rights herein granted.

Grantor retains the right to use the land described herein except as to any use in derogation of the easements contained herein, and specifically agrees that no trees shall be planted thereon nor shall any building or other structure be placed, constructed or maintained over the real property described herein. Any work by Grantor, or anyone working through or under Grantor, affecting the surface or sub-surface of the ground which is the subject of these easements shall be performed only after

giving written notice by certified mail, postage paid, addressed to Grantee at Grantee's office setting forth the proposed changes in detail. Such notice is to be given to the Grantee at least thirty (30) days prior to the commencement of such work and is subject to reasonable approval by Grantee.

Grantee shall restore, or caused to be restored, the surface or sub-surface of the real property described herein to the condition said property was in as of the time of performance of any construction, enlargement, installation, reconstruction, removal, replacement, operation, inspection, maintenance, repair, improvement and relocation and such restoration shall be performed with due diligence and dispatch.

IN WITNESS WHEREOF, this instrument has been executed this 17 day of Sept., 2008.

GRANTOR:

**KOHLER FAMILY TRUST DATED
JANUARY 22, 2004**

Date: Sept. 17, 2008

Danny Kohler Trustee
Danny Kohler, Trustee

Date: Sept. 17, 2008

Sylvia Kohler Trustee
Sylvia Kohler, Trustee

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed, from **DANNY and SYLVIA KOHLER, Trustees of the Kohler Family Trust dated January 22, 2004** to **BEAUMONT CHERRY VALLEY WATER DISTRICT**, an irrigation water district, is hereby accepted by the undersigned officer or agent on behalf of the Board of Directors of said water district on the date below and Grantee consents to the recordation thereof by its duly authorized officer or agent.

Date: _____

BEAUMONT CHERRY VALLEY WATER DISTRICT

By: _____
Chuck Butcher, Secretary

STATE OF CALIFORNIA)
)
COUNTY OF Riverside) ss

On Sept. 17, 2008 before me, Jennifer L. Cass
Notary Public, personally appeared Danny Kohler and Sylvie Kohler who proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Jennifer L. Cass

(Seal)



STATE OF CALIFORNIA)
)
COUNTY OF) ss

On _____ before me, _____
Notary Public, personally appeared _____, who proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

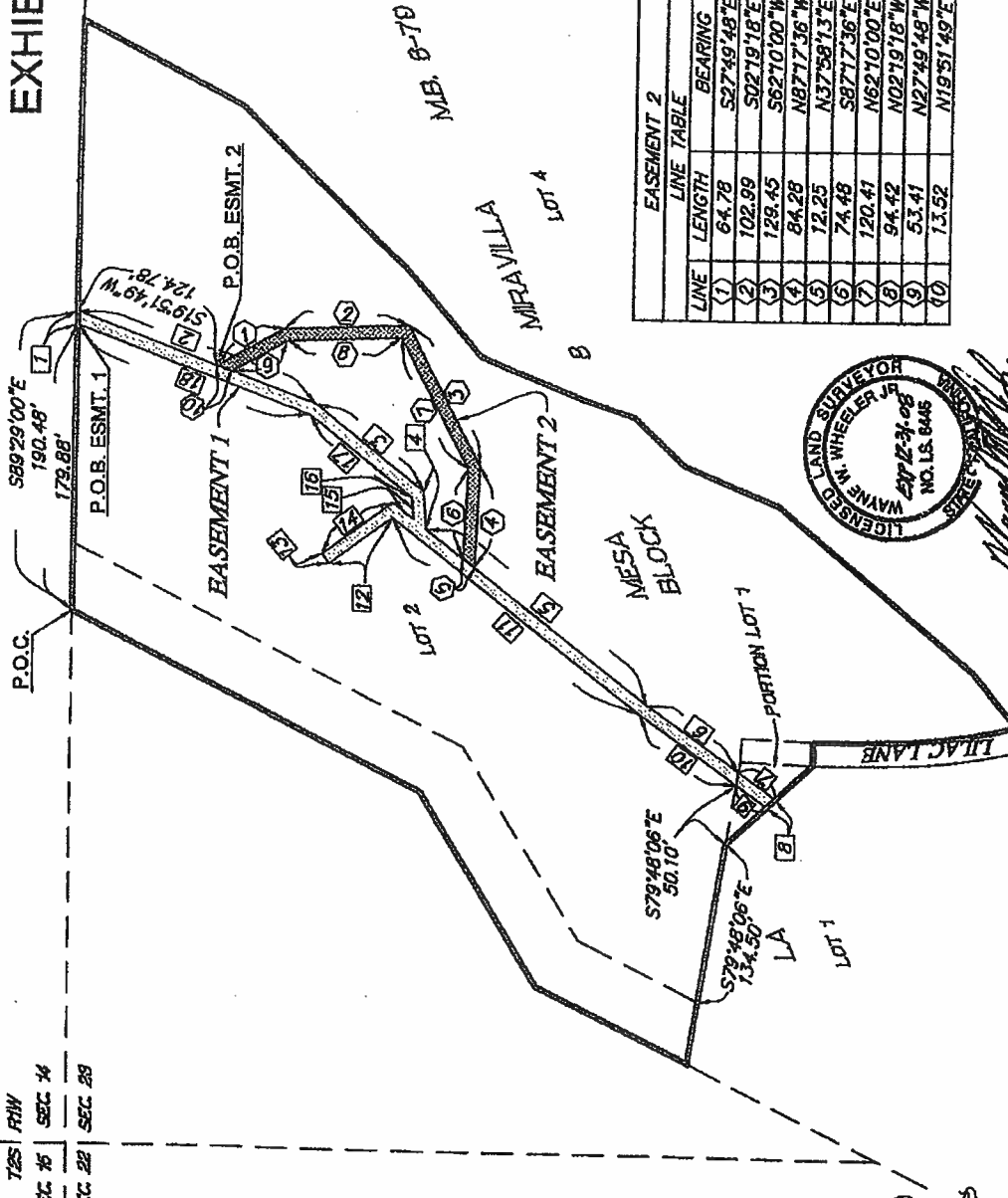
Signature: _____

(Seal)

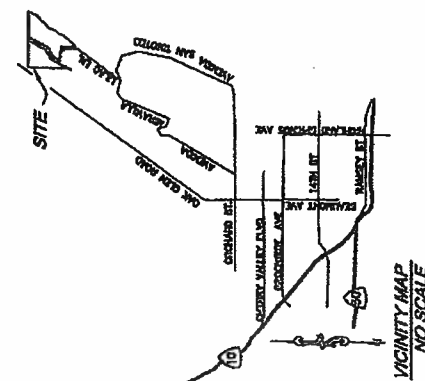
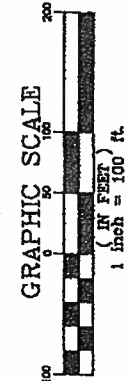
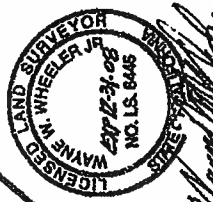
EXHIBIT "A"

T2S R1W
 SEC. 16 SEC. 14
 SEC. 22 SEC. 28

EASEMENT 1		
LINE	LENGTH	BEARING
1	10.60	S89°29'00"E
2	213.97	S19°51'49"W
3	114.56	S38°77'54"W
4	31.28	S85°59'01"W
5	234.45	S37°58'13"W
6	95.67	S35°08'28"W
7	38.29	S35°08'28"W
8	10.25	N42°08'16"W
9	31.39	N35°08'28"E
10	100.57	N35°08'28"E
11	262.22	N37°58'13"E
12	65.14	N36°47'09"W
13	10.00	N53°12'51"E
14	72.78	S36°47'09"E
15	21.71	S37°58'13"W
16	17.86	N85°59'01"E
17	108.52	N38°17'54"E
18	208.84	N19°51'49"E



EASEMENT 2		
LINE	LENGTH	BEARING
1	64.78	S27°49'48"E
2	102.99	S02°19'18"E
3	128.45	S62°10'00"W
4	84.28	N87°17'36"W
5	72.25	N37°58'13"E
6	74.48	S87°17'36"E
7	120.41	N62°10'00"E
8	94.42	N02°19'18"W
9	53.41	N27°49'48"W
10	73.52	N19°51'49"E



LAND SURVEYOR:
 WAYNE W. WHEELER, JR. LS
 858-385-9482

BEAUMONT CHERRY VALLEY WATER DISTRICT
 WATERLINE EASEMENTS
 A PORTION OF LOT 1 AND LOT 2, IN BLOCK 8,
 LA MESA MIRAVILLA, M.B. 6-79
 CHERRY VALLEY, RIVERSIDE COUNTY, CALIFORNIA

PROPERTY OWNER:
 Danny Kohler
 8164 Lilac Lane
 Cherry Valley, CA

DATE: JULY 11, 2008

EXHIBIT "A"

EASEMENT #1

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
WATERLINE EASEMENT**

**A PORTION OF LOT 1 AND LOT 2, BLOCK 8, LA MESA MIRAVILLA,
MAP BOOK 6 PAGE 79 CHERRY VALLEY, RIVERSIDE COUNTY, CALIFORNIA.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 8, IN SAID LA
MESA MIRAVILLA, M.B. 6-79; THENCE SOUTH 89° 29' EAST ALONG THE NORTH
LINE OF SAID LOT 2, BLOCK 8, 179.88 FEET TO THE POINT OF BEGINNING;**

1. THENCE CONTINUING SOUTH 89° 29' EAST ALONG THE NORTH LINE OF SAID LOT 2, BLOCK 8, 10.60 FEET TO AN ANGLE POINT;
2. THENCE SOUTH 19° 51' 49" WEST, 213.97 FEET TO AN ANGLE POINT;
3. THENCE SOUTH 38° 17' 54" WEST, 114.56 FEET TO AN ANGLE POINT;
4. THENCE SOUTH 85° 59' 01" WEST, 31.28 FEET TO AN ANGLE POINT;
5. THENCE SOUTH 37° 58' 13" WEST, 234.45 FEET TO AN ANGLE POINT;
6. THENCE SOUTH 35° 08' 28" WEST, 95.67 FEET TO POINT ON THE SOUTH LINE OF SAID LOT 2, BLOCK 8;
7. THENCE CONTINUING SOUTH 35° 08' 28" WEST, 38.29 FEET TO THE SOUTHWESTERLY LINE OF PARCEL NO. 2 OF THE KOHLER PROPERTY LEGAL DESCRIPTION;
8. THENCE NORTH 42° 08' 16" WEST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL NO. 2 OF THE KOHLER PROPERTY LEGAL DESCRIPTION, 10.25 FEET TO AN ANGLE POINT;
9. THENCE NORTH 35° 08' 28" EAST, 31.39 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2, BLOCK 8;
10. THENCE CONTINUING NORTH 35° 08' 28" EAST, 100.57 FEET TO AN ANGLE POINT;
11. THENCE NORTH 37° 58' 13" EAST, 262.22 FEET TO AN ANGLE POINT;
12. THENCE NORTH 36° 47' 09" WEST, 65.14 FEET TO AN ANGLE POINT;
13. THENCE NORTH 53° 12' 51" EAST, 10.00 FEET TO AN ANGLE POINT;
14. THENCE SOUTH 36° 47' 09" EAST, 72.78 FEET TO AN ANGLE POINT;
15. THENCE SOUTH 37° 58' 13" WEST, 21.71 FEET TO AN ANGLE POINT;
16. THENCE NORTH 85° 59' 01" EAST, 17.86 FEET TO AN ANGLE POINT;
17. THENCE NORTH N38° 17' 54" EAST, 108.52 FEET TO AN ANGLE POINT;
18. THENCE NORTH 19° 51' 49" EAST, 208.84 TO THE NORTH LINE OF SAID LOT 2, BLOCK 8, AND THE POINT OF BEGINNING.



A handwritten signature in black ink, appearing to read "Wayne W. Wheeler Jr.", written over the bottom portion of the surveyor's seal.

EASEMENT #2

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
WATERLINE EASEMENT**

**A PORTION OF LOT 2, BLOCK 8, LA MESA MIRAVILLA,
MAP BOOK 6 PAGE 79 CHERRY VALLEY, RIVERSIDE COUNTY, CALIFORNIA.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 8, IN SAID LA MESA MIRAVILLA, M.B. 6-79; THENCE SOUTH 89° 29'00" EAST ALONG THE NORTH LINE OF SAID LOT 2, BLOCK 8, 190.48 FEET TO A POINT ON THE EASTERLY SIDE OF EASEMENT #1 (SEE EXHIBIT "A"); THENCE SOUTH 19°51'49" WEST ALONG THE EASTERLY LINE OF EASEMENT #1, 124.79 FEET TO THE POINT OF BEGINNING;

1. THENCE SOUTH 27°49'48" EAST, 64.78 FEET TO AN ANGLE POINT;
2. THENCE SOUTH 02°19 '18" EAST, 102.99 FEET TO AN ANGLE POINT;
3. THENCE SOUTH 62°10'00" WEST, 129.45 FEET TO AN ANGLE POINT;
4. THENCE NORTH 87°17'36" WEST, 84.28 FEET TO AN ANGLE POINT ON THE EASTERLY SIDE OF EASEMENT #1(SEE EXHIBIT "A");
5. THENCE NORTH 37°58'13" EAST ALONG THE EASTERLY SIDE OF EASEMENT #1, 12.25 FEET TO AN ANGLE POINT;
6. THENCE SOUTH 87°17'36" EAST, 74.48 FEET TO AN ANGLE POINT;
7. THENCE NORTH 62°10'00" EAST, 120.41 FEET TO AN ANGLE POINT;
8. THENCE NORTH 02°19'18" WEST, 94.42 FEET TO AN ANGLE POINT;
9. THENCE NORTH 27°49' 48" WEST, 53.41 FEET TO AN ANGLE POINT ON THE EASTERLY SIDE OF EASEMENT #1(SEE EXHIBIT "A");
10. THENCE NORTH 19°51' 49" EAST ALONG THE EASTERLY SIDE OF EASEMENT #1(SEE EXHIBIT "A"), 13.52 FEET TO THE POINT OF BEGINNING.



MIKE GIURBINO

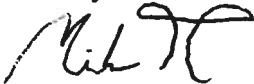
September 12, 2008

TO: Chuck Butcher. Water District Board

RE: 1,100 Ft. 24" Main installed In Oak Valley Pky. ending at Desert Lawn Dr.
Site Property Aim All Storage I-10 859 Desert Lawn Dr. Beaumont

Aim All Storage is making a request to be reimbursed for the difference between the material costs of the 24" opposed to the 16" main in the amount of \$47,386.95. Aim All Storage would accept the Water District Estimate of \$40,000 + to be deducted from the outstanding invoice of \$124,703.04 for Facility Fee owed to the Water District.

Sincerely



Mike Giurbino
Managing Member

September 24, 2008

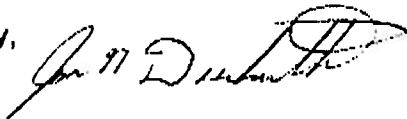
Joe Duckworth
4359 S. Lindell Ave
Pico Rivera, CA 90660
562 708-3310

Re: 641 thru 649 and 631 thru 633
Beaumont Ave
Beaumont, CA

Attn: Beaumont/Cherry Valley Water District Board members

The five units from 641 thru 649 were sold. The meter running those units also reads the other two units for 631 and 633. I would like to add a new meter to separate them since now there are two separate owners. Can you please assist me with this matter?

Sincerely,

A handwritten signature in black ink, appearing to read "Joe N. Duckworth". The signature is stylized and written over a faint, illegible background.

Joe N. Duckworth

15-16
418-07

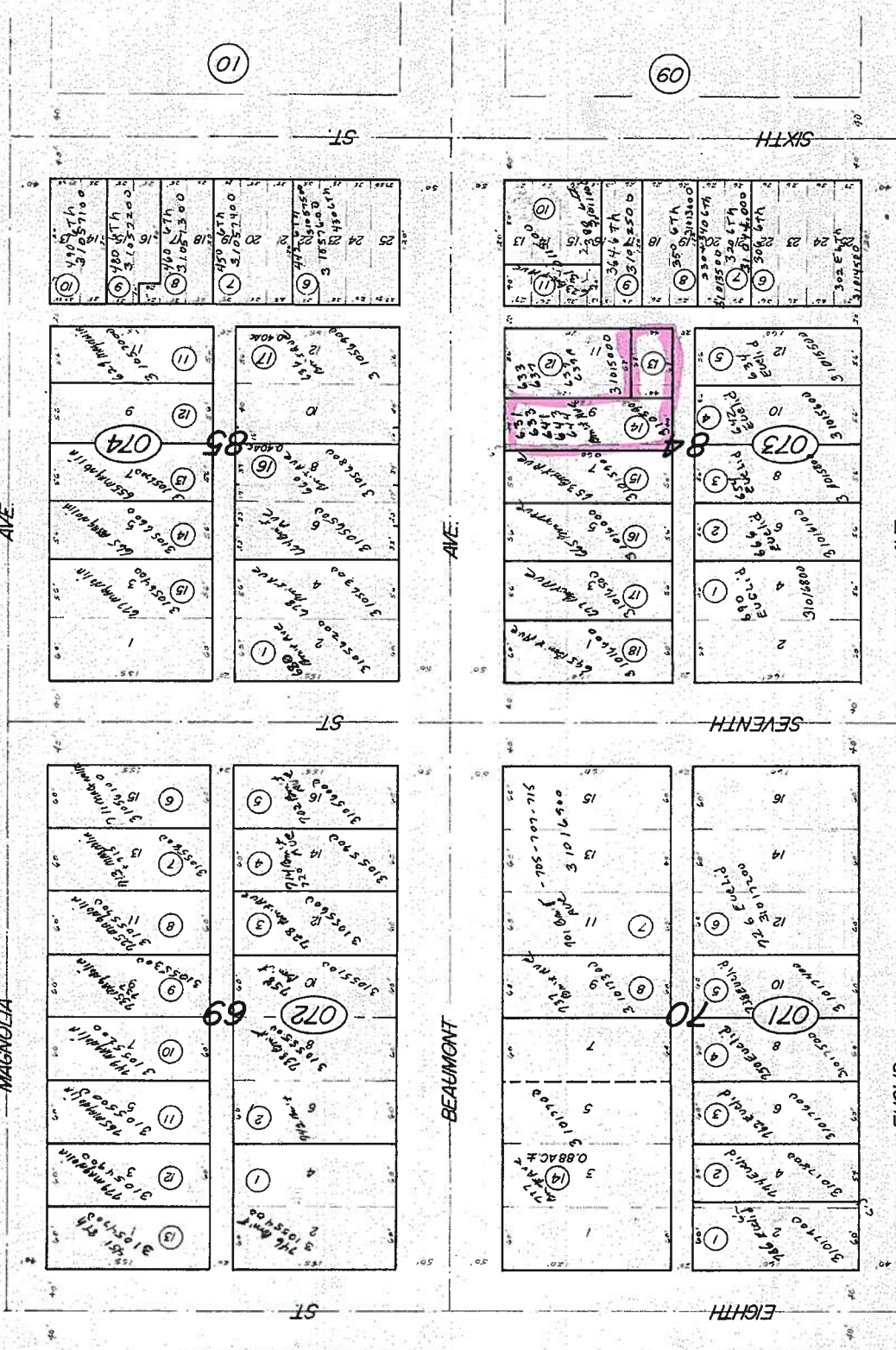
T. C. A. 200

POR NW 1/4 SEC. 10 T3S-R1W

MAGNOLIA AVE

AVE

90



101

60

SIXTH ST

SIXTH ST

AVE

AVE

SIXTH ST

SIXTH ST

BEAUMONT AVE

AVE

69

70

EIGHTH ST

EIGHTH ST

08

AMENDED MAP of the TOWN of BEAUMONT MB. 6/16-17 S.B.

DATE: P.S. 13/20

ASSESSOR'S MAP BK 418 PG 07
RIVERSIDE COUNTY, CALIF

065

APRIL 1970

DATE	OLD No.	NEW No.
7/25/81	1	2
7/25/81	3	4
7/25/81	5	6
7/25/81	7	8
7/25/81	9	10
7/25/81	11	12
7/25/81	13	14
7/25/81	15	16
7/25/81	17	18
7/25/81	19	20
7/25/81	21	22
7/25/81	23	24
7/25/81	25	26
7/25/81	27	28
7/25/81	29	30
7/25/81	31	32



MCM Poultry Farm

**Nichols Egg Ranches
Chino Valley Ranchers**

Producers of Local Fresh Eggs Since 1959

Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont CA 92223

September 10, 2008

Attn: Chuck Butcher

At this time we are requesting annexation into the Beaumont Cherry Valley Water District. As you are aware properties adjacent to ours are currently in the process of obtaining reclaimed water from your district and we feel that it would be beneficial to us to use the same reclaimed water for our agricultural needs.

Thank you,

Toni Reynolds - cell - 951-237-5993

Toni Reynolds
Agent for M C M Poultry

5611 Peck Road, Arcadia, CA 91006 • (626) 444-9400 • Fax (626) 652-0899
37701 West 4th Street, Beaumont, CA 92223 • (951) 769-3467 • Fax (951) 769-3370

MCM Poultry
For Ms. Toni Reynolds

Information Items Needed For LAFCO Package:

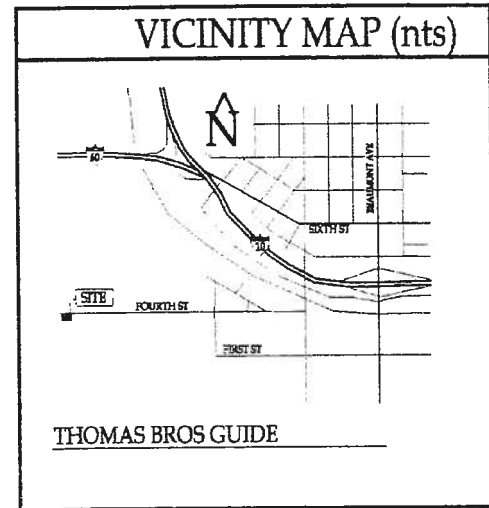
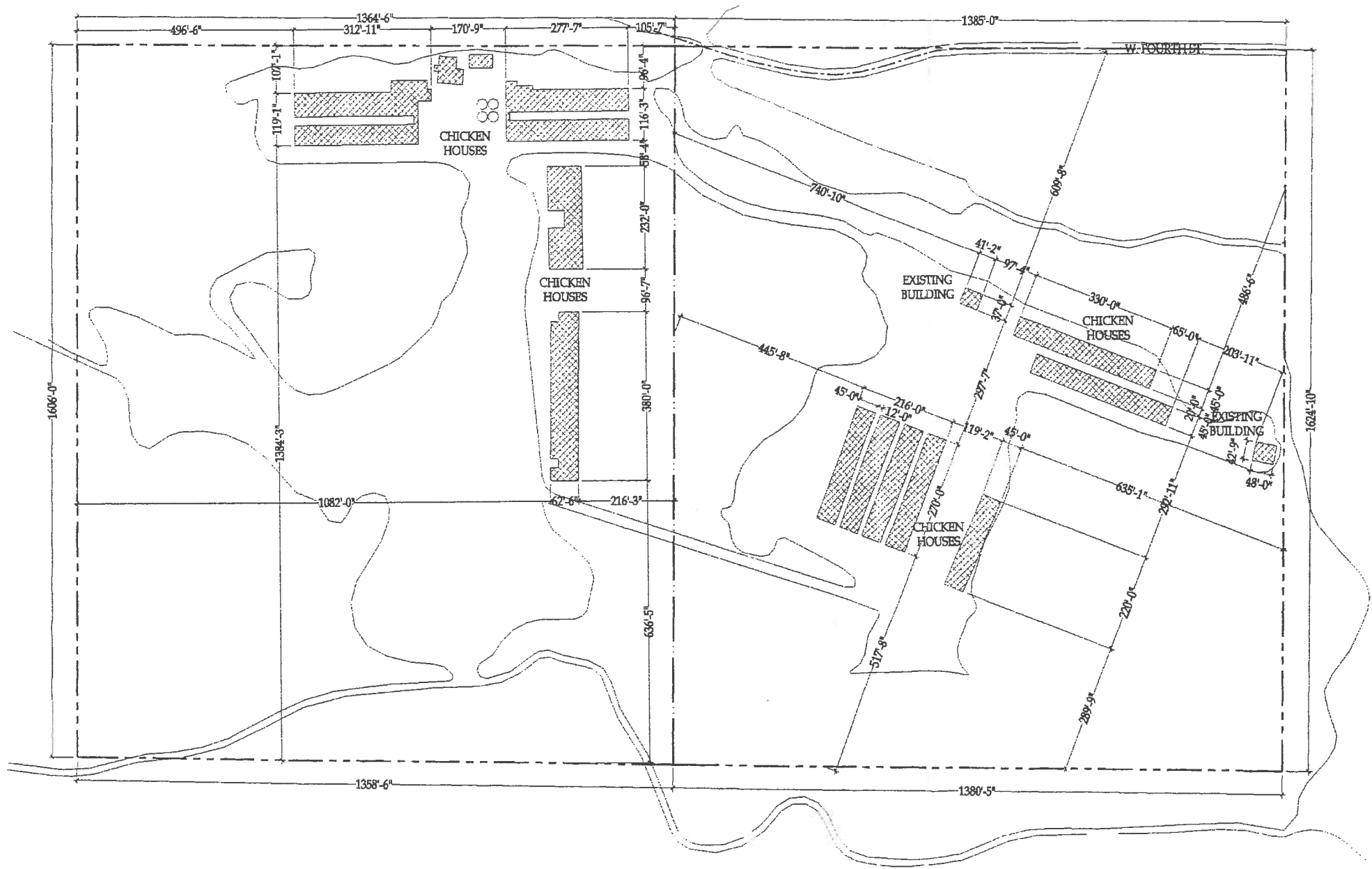
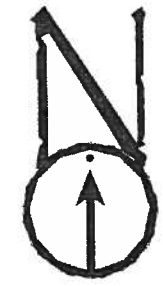
1. Address of Toni Reynolds as agent for the Applicant. LAFCO needs this on their application.
2. I assume that you are going to annex both of the parcels on the map you provided us, i.e., about 100 acres. Please confirm.
3. A description of the current use:
 - a. Number of structures, poultry on site typical,
 - b. Typical water use, gallons per day average and maximum
 - c. What you intend to use the recycled water for and if this is to provide all of your demand or just a portion of it with the rest of the water coming from your well(s).
 - d. You indicated agricultural purposes in your letter. Are you planning on irrigating a portion of the land or just using it on the chickens?
 - e. Do you have any plans to expand the poultry operation and what impact will that have on the recycled water needs?
 - f. Do you have any immediate plans (say the next 10 years) to develop this parcel in something other than a poultry ranch?

REVISIONS	DATE

APPROVED DATE

PLOT PLAN

SCALE: 1:300



LEGEND

-----	PROPERTY LINE
ELECTRIC GAS WATER CABLE PHONE	UTILITY LINE
CL	CENTERLINE
--- SeP ---	SEPTIC DRAIN PIPE
-----	FENCE- CHAIN LINK
-----	WALL - CMU BLOCK
PP ○ ---	POWER POLE
⊙	FIRE HYDRANT
⊗	LIGHTING / SIGNAGE POLE
▨	PROP. BUILDING LIMIT

M C M Poultry Farms
37701 Fourth Street
Beaumont, CA 92223

AGRI-BUILDERS
PROJECT MANAGER
TONI REYNOLDS
39638 AVENIDA SONRISA
BEAUMONT, CA 92223
BUS # (951) 845-1578
FAX # (951) 845-5118

APN
421-070-009


PROJECT TR-15
DATE 9/03/06
DRAWN BY JD
SCALE 1:300

SHEET TITLE
SITE PLAN

SHEET NUMBER

C

MEMORANDUM

Date: September 19, 2008
From: Joe Reichenberger 
To: Chuck Butcher
Subject: Recycled Water Facilities Topographic Mapping RFP

On the 25th of July, 2008, we sent out a request for proposal (RFP) to 7 surveying companies. The RFP package included a cover sheet and a scope of work packet (See attachment A). The scope of work packet included 14 specific requested services and requirements, a project description for all three projects, and project location maps.

The deadline for responses was "no later than close of business day Wednesday, August 06, 2008". This allowed 12 days to respond. The District only received 2 submittals, Psomas and Wayne Wheeler L.S. Both submittals were received on August 5th. Review of the submittals revealed that total fees were as follows:

Psomas

Project 1 aka SRF Priority 2-----	\$14,000.00
Project 2 aka SRF Priority 5-----	\$19,000.00
Project 3 aka SRF Priority 6-----	\$14,000.00
Total -	\$47,000.00

Wayne Wheeler L.S.

Project 1 aka SRF Priority 2-----	\$10,960.00
Project 2 aka SRF Priority 5-----	\$15,110.00
Project 3 aka SRF Priority 6-----	\$8,900.00
Total -	\$35,060.00

I recommend that the District award the contract for the recycled water facilities topographic mapping to Wayne Wheeler L.S. Both Psomas and Wane Wheeler L.S. are well qualified to do the work. Wayne Wheeler L.S. submitted the lowest cost. Wayne Wheeler L.S. has done work for the District and we are well satisfied with his work.

Recommendations

1. Accept Wayne Wheeler's proposal for topographic surveying for an amount not to exceed \$35,060.00 and direct staff to write a letter to Wayne Wheeler acknowledging selection and notify Psomas that their proposal was not selected.
2. Ratify authorization of Wane Wheeler to initiate the topographic surveying of the Brookside Pipeline which was authorized by the General Manager to maintain the committed schedule.

Attachment A: Sample cover sheet and scope of work sent to the 7 surveying companies.

Attachment B: Wayne Wheeler L.S. proposal.

ATTACHMENT A

COPY

July 25, 2008

Kelsoe & Assoc., Inc.
520 E. Parkridge Ave.
Corona, CA 92879

**Subject: Request for Proposal, Topographic Mapping
Recycled Water Facilities
Beaumont-Cherry Valley Water District**

To Whom It May Concern:

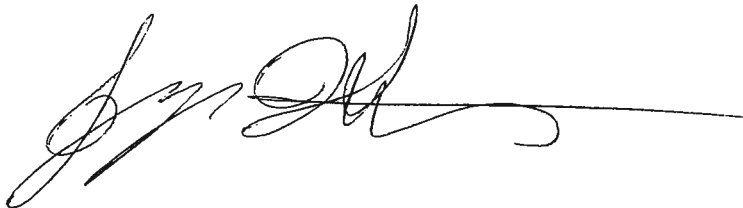
The Beaumont-Cherry Valley Water District (BCVWD) is requesting a proposal for topographic mapping services for the subject project. The survey scope of work is attached, as you can see the project involves several pipeline segments. Enclosed is a drawing of the proposed pipe alignments.

If you are interested in proposing, please develop a detailed scope of work for this project and estimated fees. Provide a separate estimate for construction stationing (Optional). All work should be completed within 30 calendar days from notice to proceed. Topographic mapping for project 1 should be completed within 21 days of notice to proceed. Please include also your current standard rate schedule. Your proposal must be received by the BCVWD no later than close of business day Wednesday, August 06, 2008. Please direct your proposal to:

Bryan Wilfley
560 Magnolia Avenue
Beaumont, California 92223
Telephone: (951) 845-9581
Fax: (951) 845-0159
Email: bryan.wilfley@bcvwd.org

Please give me a call if you have questions regarding this proposal request.

Sincerely,



Bryan Wilfley
Engineering Technician



SCOPE OF WORK

July 25, 2008

Subject: Recycled Water Facilities
Topographic Mapping
Beaumont-Cherry Valley Water District

Topographic survey services related to the design of various pipelines shall be provided by a survey firm experienced in providing survey for pipelines.

The project will consist of the installation of various pipelines, broken down into three projects, as part of the SRF Loan and Grant Program. Your proposal should also be broken down and separated for each project. Detailed descriptions of each project and a map outlining the boundaries for the project are attached.

REQUESTED SERVICES AND REQUIREMENTS

- Mapping at one foot contour, interval,
- Scale 1"=40',
- AutoCAD Map 3D 2007 format,
- Mapping shall include street centerlines, property lines, and rights-of-way,
- Mapping width shall extend approximately 10 feet beyond street right-of-way or Caltrans right-of-way in project 3,
- Utility research and plotting of all underground utilities. The District will notify Underground Service Alert 48 hours prior to notice to proceed,
- Locate and map all visible physical features within mapped area,
- All coordinates will be referenced to California State Plane coordinates, Zone VI, NAD83, Epoch Date 2002.00, US Survey Feet. Note that this means that local coordinates are not to be used; the AutoCAD file must store the spatial entities in the native State Plane coordinates,
- Vertical Datum will be NGVD29 (National Geodetic Vertical Datum 1929) City of Beaumont BM, Adjusted 1982, No. A.05.82,
- Establish two benchmarks with coordinates per project,
- Provide inverts of all sanitary sewer manholes, storm drain inlets, and storm drain manholes, within the mapped area,
- Access to private property will be the surveyor's responsibility
- Provide general liability, automobile liability and professional liability insurance with a minimum limit of \$1,000,000. Provide certificate of insurance,
- Provide coordinates of all street centerline intersections,

PROJECT DESCRIPTIONS

Project 1 aka SRF Priority 2

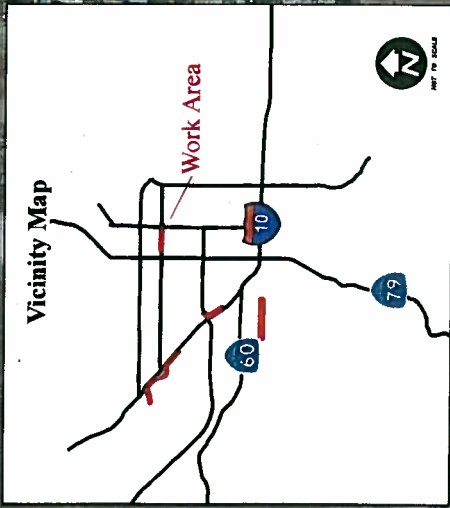
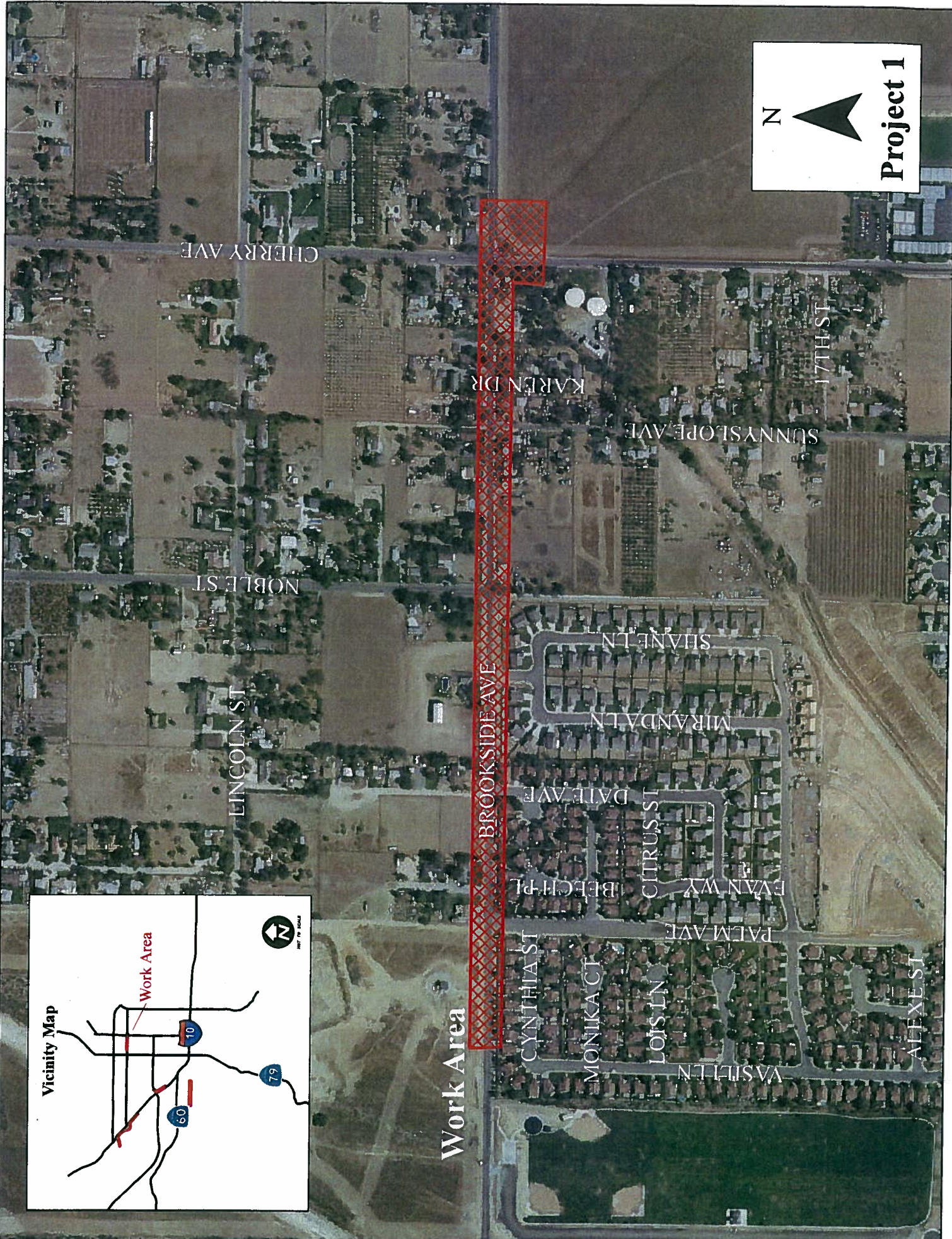
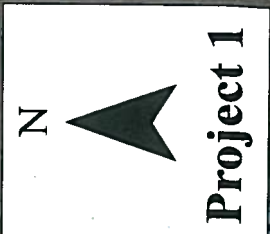
This project consists of the installation of 2900 ft of 24-in diameter transmission main from the end of an existing 24-in recycled water pipeline in Brookside Avenue just west of Cherry Avenue. The proposed pipeline would then extend west in Brookside Avenue, approximately 2900 ft and connect to the inlet-outlet line from a proposed 2 MG recycled water reservoir. The proposed pipeline would be constructed entirely in existing paved streets. In Brookside Avenue there are a number of existing, parallel utility lines including: 2 potable water pipelines, a Verizon fiber-optic cable, and other utilities. The area on the north side of Brookside Avenue is rural residential.

Project 2 aka SRF Priority 5

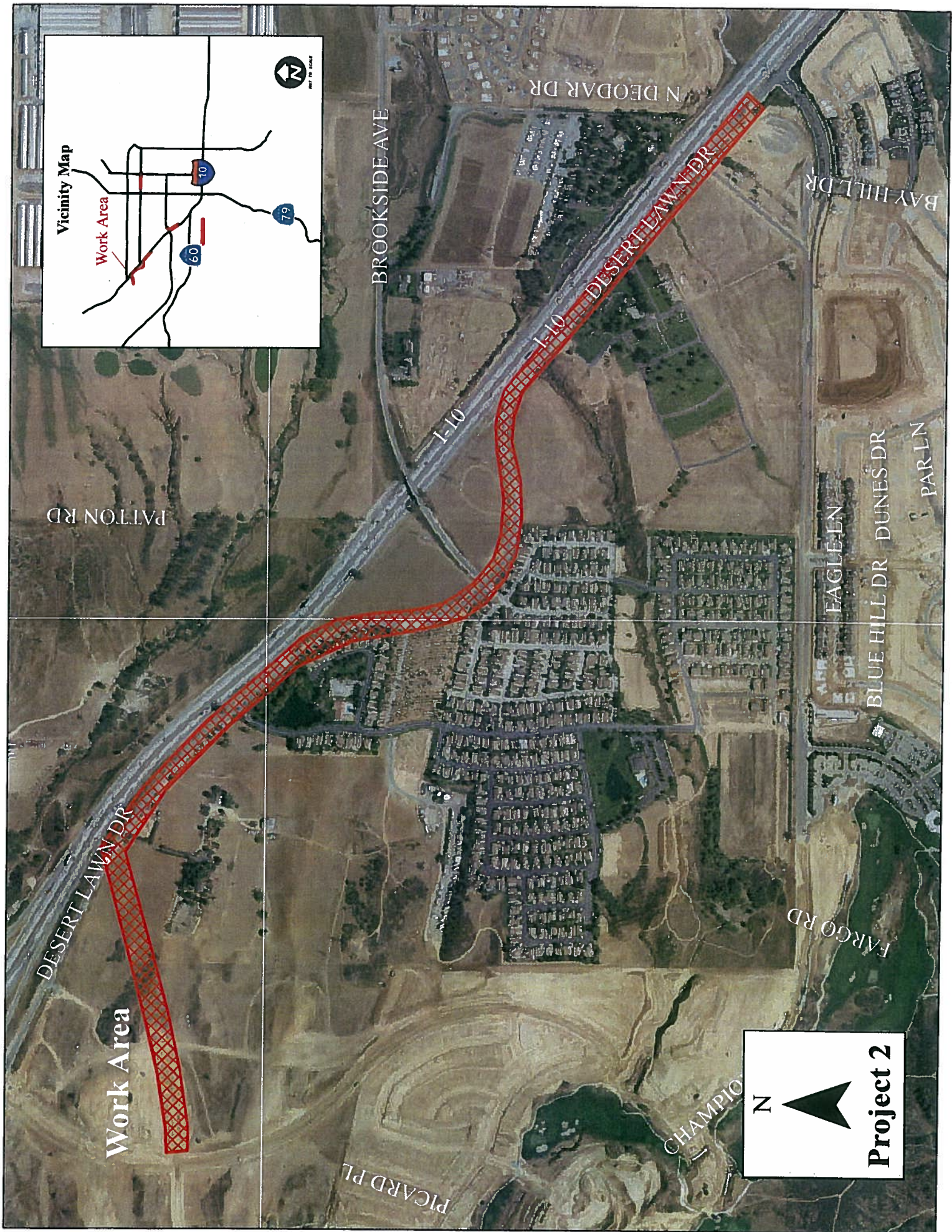
This project consists of the installation of a 24-in recycled water pipeline in Desert Lawn Drive from approximately 300 feet north of Champions Drive to Cherry Valley Blvd. Desert Lawn Drive is an existing paved street paralleling Interstate 10 and also acts as a frontage road. The Street has existing utilities. The work includes the proposed realignment of Desert Lawn Drive.

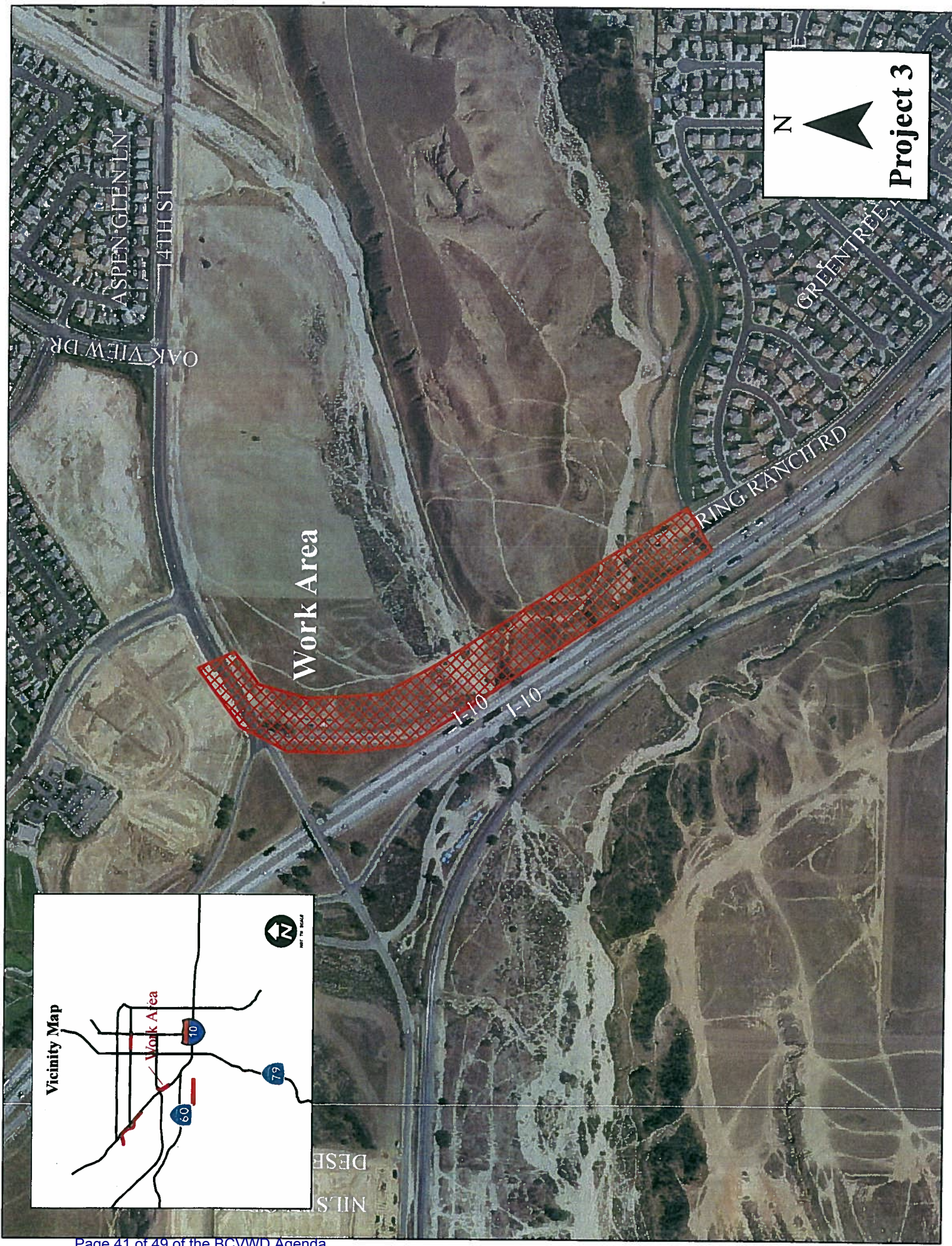
Project 3 aka SRF Priority 6

This pipeline, consisting of 3000 ft of 16-in diameter recycled water transmission main from the end of the existing recycled water main in Ring Ranch Road, across Marshall Creek and Noble Creek to Oak Valley Parkway, to connect to an existing 16-in recycled water main in Oak Valley Parkway at Oak View Drive. The pipeline would be constructed in an existing City of Beaumont Sewer Easement. Topography to extend 10 ft within Caltrans right-of-way to 10 ft outside of the City of Beaumont's sewer easement.



Work Area





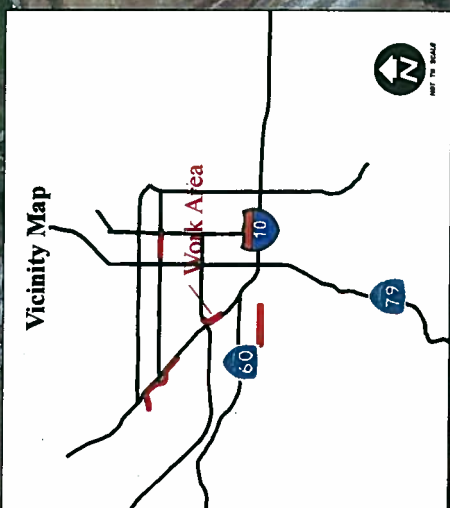
N
Project 3

Work Area

I-10 I-10

ASPEN GLEN LN
OAK VIEW DR
14TH ST

RING RANCH RD
GREENTREE



Vicinity Map

Work Area



ATTACHMENT B

Tel: (858) 385-9482 Fax: (858) 385-9481 Cell: (619) 559-1125 e-mail wwheeler@san.rr.com

August 5, 2008

Mr. Bryan Wilfley
Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, California 92223



RE: Request for Proposal, Topographic Mapping
Recycled Water Facilities
Beaumont-Cherry Valley Water District

Mr. Wilfley:

I appreciate the opportunity to submit the following proposal on the captioned project;

PROJECT #1/SRF PRIORITY 2

- Photogrammetric Mapping Services: \$2,600.00

Field:

- Lay and position observations for aerial control: \$1,520.00
- Recover right-of-way and street centerline monuments and position observations: \$1,520.00
- Position observations/data collection for underground and surface utilities with inverts of sanitary manholes, storm drain inlets and manholes: \$1,520.00

Office:

- Process control and topography data, translate to NAD83-Epoch 2002 horizontal datum and NGVD29-BM A.05.82 vertical datum: \$1,140.00
- Research record right-of-way, underground and surface utility records, calculate right-of-way and utility alignments: \$1,520.00
- Edit and review AutoCAD Map 2007 Format and survey report: \$1,140.00

Total project #1: \$10,960.00

PROJECT #2/SRF PRIORITY 5

- Photogrammetric Mapping Services: \$4,850.00

Field:

- Lay and position observations for aerial control: \$1,520.00
- Recover right-of-way and street centerline monuments and position observations: \$1,520.00
- Position observations/data collection for underground and surface utilities with inverts of sanitary manholes, storm drain inlets and manholes: \$3,040.00

Office:

- Process control and topography data, translate to NAD83-Epoch 2002 horizontal datum and NGVD29-BM A.05.82 vertical datum: \$1,140.00
- Research record right-of-way, underground and surface utility records, calculate right-of-way and utility alignments: \$1,520.00
- Edit and review AutoCAD Map 2007 Format and survey report: \$1,520.00

Total project #2: \$15,110.00

PROJECT #3/SRF PRIORITY 6

- Photogrammetric Mapping Services: \$2,150.00

Field:

- Lay and position observations for aerial control, recover right-of-way and street centerline monuments and position observations: \$1,900.00
- Position observations/data collection for underground and surface utilities with inverts of sanitary manholes, storm drain inlets and manholes: \$1,520.00

Office:

- Process control and topography data, translate to NAD83-Epoch 2002 horizontal datum and NGVD29-BM A.05.82 vertical datum: \$1,140.00
- Research record right-of-way, underground and surface utility records, calculate right-of-way and utility alignments: \$1,140.00
- Edit and review AutoCAD Map 2007 Format and survey report: \$1,140.00

Total project #3: \$8,990.00

TOTAL: \$35,060.00

Hourly Rate:

\$190/hr. Field Crew

\$95/hr. LS Office

It's necessary to cover contingencies within estimate totals. However, I would be happy to contract services for the listed projects on an hourly basis. Any cost savings that can be derived by the hourly charges under the total estimate would be passed on to the district. The attached totals listed can be used as a not-to-exceed amount for budgeting purposes.

I would be happy to provide a construction staking estimate as well when design plans are available. I look forward to working with you on this project, please call if you have questions.

Thank you,


Wayne W. Wheeler, Jr. LS



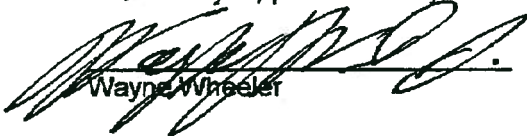


Bryan,

Yes, all 14 bullet points were addressed and cost are included in my proposal.

However, regarding the bullet point "Utility research and plotting of all underground utilities". In the cost estimate, I am assuming underground mark-out and record information from the various utility companies will be comprehensive and complete.

Thanks Bryan, please call if you have questions.



Wayne Wheeler

P.S. I will fax signed copy.

Wayne W. Wheeler, Jr. LS
11380 Florindo Road
San Diego, CA 92127

Tel: 858 385 9482
Fax: 858 385 9481
e-mail: wwheeler@san.rr.com

----- Original Message -----

From: Bryan Wilfley
To: wwheeler@san.rr.com
Sent: Wednesday, August 13, 2008 8:29 AM
Subject: Recycled Water Facilities RFP

Wayne,

We are in the process of reviewing the submittals that we received in response to the Recycled Water Facilities RFP. We appreciate your response to our RFP. We would like some clarification on your submittal. Could you please submit something in writing that states that you will comply with the 14 bullet points that were listed on the Scope of Work? I have attached a copy of the Scope of Work for your reference. We would like to take the submittals to the District Board soon so your prompt response would be greatly appreciated. If you have any questions please don't hesitate to ask.

Thank You

Bryan Wilfley
Engineering Technician and GIS Specialist
bryan.wilfley@bcvwd.org

Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, Ca 92223
Tel (951)-845-9581
Fax (951)-845-0159

BEAUMONT CHERRY VALLEY WATER DISTRICT

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Vice President

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OFFICERS

C.J. Butcher

Secretary/Treasurer

J.C. Reichenberger

Engineer

Gerald Shoaf

Redwine & Sherrill

General Counsel



September 17, 2008

Wayne Wheeler, Jr., LS
11380 Florindo Road
San Diego, CA 92127

Subject: Notice to Proceed for Project 1 aka SRF Priority 2

Dear Mr. Wheeler

I hereby authorize you to proceed with the surveying of Project 1 (SRF Priority 2, Brookside recycled water pipeline). As per the RFP, the work for Project 1 shall be completed within 21 from the date of this notification. All requested services and requirements outlined in the RFP Scope of Work shall be fulfilled. Cost to the District shall not exceed \$10,960.00.

The authorization of Project 2 (RFP Priority 5) and Project 3 (RFP Priority 6) are pending District approval.

Sincerely,

C. J. Butcher
General Manager

MEMORANDUM

October 2, 2008

TO: Charles J. Butcher
FROM: Joe Reichenberger
District Engineer
SUBJECT: Planning Grant Availability from State Water Resources Control Board
Water Recycling Funding Program

In our discussions with the State Water Resources Control Board (SWRCB), relative to our proposed pollution control project, they indicated that there were grant funds available for Facility Planning, i.e., "Planning Grant Money." The grants are available through the Water Recycling Funding Program (WRFP) which is the same source as our Recycled Water Project Low Interest Loan and Grant.

The Planning Grant is for 50% of the planning study cost up to \$75,000. The purpose is to assist public agencies in the preparation of facilities planning studies for water recycling using treated municipal wastewater or treated groundwater from sources contaminated due to human activities. Our pollution control project, wherein we plan to extract nitrate contaminated groundwater and treat it in a wet lands and either recharge it or put it into the recycled water system, as it would be eligible. Once the Facility Plan is completed through this funding, we can make an application for grant and low interest loan funding just like we did with the recycled water system.

To apply for the Planning Grant, requires a Resolution of the Board (attached) and a completed application (1 page), and a work outline that they call a "plan of study." This will be done, in house, by the engineering staff.

As you may recall we have a MOU with the Bureau of Reclamation for a pilot wetlands project to optimize the wetlands treatment part of the pollution control project. They are funding \$50,000 and the District is funding \$30,000. This \$75,000 planning grant would supplement that funding.

Recommendation: Board to approve the attached Resolution 2008-07 and authorize staff to proceed with the Planning Grant Application.

RESOLUTION NO. 2008-07
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BEAUMONT CHERRY VALLEY WATER DISTRICT
AUTHORIZING AND DIRECTING THE GENERAL MANAGER OR HIS/HER
DESIGNEE TO SIGN AND FILE FOR AND ON BEHALF OF BCVWD, A WATER
RECYCLING FACILITIES PLANNING GRANT APPLICATION

BE IT RESOLVED, by the Board of Directors of the Beaumont Cherry Valley Water District that the General Manager or his/her designee is hereby authorized and directed to sign and file, for and on behalf of the Beaumont Cherry Valley Water District, a Water Recycling Facilities Planning Grant Application for a grant from the State Water Resources Control Board in the amount not to exceed \$75,000 for a facilities planning study of the Pollution Control Project, including treatment and recycling, and

BE IT RESOLVED, that the Beaumont Cherry Valley Water District hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the Agency has and will comply with all applicable state statutory and regulatory requirements related to any state grant funds received, and

BE IT FURTHER RESOLVED, that the General Manager or his/her designee of the Beaumont Cherry Valley Water District is hereby authorized to negotiate and execute a grant contract and any amendments or change orders thereto on behalf of the Beaumont Cherry Valley Water District.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of the Beaumont Cherry Valley Water District held on October 8, 2008.

Albert Chatigny, President of the
Board of Directors of the
Beaumont Cherry Valley Water District

Attest:

Charles J. Butcher, General Manager, Secretary/Treasurer to the
Board of Directors of the
Beaumont Cherry Valley Water District and General Manager

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Beaumont Cherry Valley Water District held on October 8, 2008.

Blanca Marin, Recording Secretary