



BEAUMONT-CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
ENGINEERING WORKSHOP
Thursday, January 28, 2021 - 6:00 p.m.**

TELECONFERENCE NOTICE

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq. and
California Governor's Executive Orders N-29-20 and N-33-20
The BCVWD Board of Directors will attend via Zoom Video Conference
To access the Zoom conference, use the link below:*

<https://us02web.zoom.us/j/84318559070?pwd=SXlzMFMZCMGh0YTFlL2tnUGlpU3h0UT09>

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

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

*Enter Passcode: **113552***

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

Meeting materials are available on the BCVWD's website:

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

Call to Order: President Slawson

Pledge of Allegiance: Director Hoffman

Invocation: President Slawson

Announcement of Teleconference Participation

Roll Call

Teleconference Verification

Public Comment

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

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

ACTION ITEMS

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

- 1. Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a 2/3 vote of the legislative body, or if less than 2/3 of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
 - a. Item(s) to be removed or continued from the Agenda
 - b. Emergency Item(s) to be added to the Agenda
 - c. Changes to the order of the agenda
- 2. PUBLIC HEARING: Introduce, Waive Reading, and Consider Adoption of Ordinance 2021-01: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2007-01** (pages 4 - 9)
- 3. Update regarding Potential Water Service to Merlin Properties Tentative Tract Map 37802 (APNs 413-290-041 and 042) located south of Desert Lawn Drive and east of Cherry Valley Boulevard in the City of Beaumont** (pages 10 – 20)
- 4. Right of Entry and Temporary Construction Easement Agreement with Riverside County Flood Control and Water Conservation District for the Placement of a Camera in Edgar Canyon** (pages 21 – 27)
- 5. Update on Recycled Water Project** (No Staff Report)
- 6. Sites Reservoir Status and Funding Strategies Update** (No Staff Report)
- 7. Status of Local Emergency regarding the Impact of the Respiratory Illness Pandemic COVID-19 pursuant to Resolution 2020-07** (No Staff Report)
- 8. Review of District Staffing Activities and Cash Flows as related to the ongoing COVID-19 Local State of Emergency** (pages 28 - 31)
- 9. Status of Declared Local Emergencies related to Fires**
 - a. Impact of the Apple Fire pursuant to Resolution 2020-17 (No Staff Report)
 - b. Impact of the El Dorado Fire pursuant to Resolution 2020-20 (No Staff Report)
- 10. Update: Legislative Action and Issues Affecting BCVWD** (pages 32 - 39)
- 11. General Manager's Report**
- 12. Topics for Future Meetings**
 - Water supply for BCVWD and the region
 - Reinstatement of fees waived due to COVID-19
 - Matrix for delivery of recycled water
 - Update on the Delta Conveyance Project

13. Announcements – Pursuant to Governor's Executive Order N-33-20, all BCVWD Board and Committee meetings will be held via teleconference and/or video teleconference until further notice or unless otherwise indicated below:

- Finance and Audit Committee Meeting: Thursday, Feb. 4, 2021 at 3 p.m.
- Beaumont Basin Watermaster Committee: Wednesday, Feb. 3, 2021 at 10 a.m.
- Regular Board Meeting: Wednesday, Feb. 10, 2021 at 6 p.m.
- District Offices will be closed on Monday, Feb. 15, 2021 in observance of Presidents Day
- Personnel Committee Meeting: Monday, Feb. 22, 2021 at 6 p.m.
- Engineering Workshop: Thursday, Feb. 25, 2021 at 6 p.m.
- Collaborative Agencies Committee Meeting: Wednesday, Mar. 3, 2021 at 5 p.m.
(in-person meeting at Beaumont Library; also available via Zoom)

14. Adjournment

NOTICES

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

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

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

CERTIFICATION OF POSTING

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



Digitally signed by Yolanda Rodriguez
DN: cn=Yolanda Rodriguez, o=Finance and
Administration, ou=Finance and Administration,
email=yolanda.rodriguez@bcvwd.org, c=US
Date: 2021.01.21 16:17:47 -0800

Yolanda Rodriguez,
Director of Finance and Administration



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

Item 2

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **PUBLIC HEARING: Introduce, Waive Reading, and Consider Adoption of Ordinance 2021-01: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2007-01**

Staff Recommendation

- Consider Ordinance 2021-01
- Motion 1:
 - o Waive the reading of the Ordinance
- Conduct the Public Hearing
- Motion 2, if desired:
 - o Adopt Ordinance 2021-01 Providing for Compensation of the Members of the Beaumont-Cherry Valley Water District Board of Directors and Superseding Ordinance 2007-01

Background

The BCVWD Policy and Procedures Manual, Part II, Section 13J states that *per diem fees shall be reviewed by the Board annually in October each year, with said increase (if any) to be effective January 1 of the next calendar year*. Compensation was set at a rate of \$200 per Ordinance 2007-01, adopted on December 12, 2007 and has not been increased since.

Water Code Section 20201 - 20203 provides authorization for members of the governing Board to receive compensation for each day's service rendered as a member of the Board, not to exceed a total of 10 days per month. The Water Code allows the Board to increase the per diem rate by Ordinance following a required public hearing. The increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment.

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

Summary

An analysis of current director per diem rates at comparable agencies was presented to the Board at the December 3, 2020 regular meeting. After discussion, the Board directed staff to agendize the required Public Hearing for possible increase of the per diem to \$260 at a meeting in January 2021.



The cumulative rate of inflation¹ since 2007 has been approximately 23 percent, leaving the compensation of the BCVWD Board of Directors lagging behind. In addition, Board member responsibilities and the complexity of policy oversight has substantially grown.

Per the requirements of Water Code Sections 20201 – 20203, this public hearing was advertised in the Beaumont Record-Gazette on January 15 and 22, 2021.

Fiscal Impact

The total FY 2021 budget for the fully burdened cost of Director per diems is \$179,905, as approved by the Board on December 14, 2020. The added anticipated fiscal impact to the 2021 budget is estimated to be \$14,621 based upon the planned (historical average) meetings per month attended by the Board of Directors, bringing the fully burdened cost of Director per diems to \$194,526 for the FY 2021 budget. The fully burdened rates include all health related benefits, including those approved by the Board by resolution on December 3, 2020.

The table below is for the cost of the Director per diems only.

Per Diem Calculation for FY 2021*

Budgeted Meetings by Type	# of Meetings	# of Directors	Total Meetings	Annual per diem costs at \$200	Annual per diem cost at \$260
Regular Meetings	24	5	120	\$ 24,000	\$ 31,200
Standing Committees (2)	24	2	48	\$ 9,600	\$ 12,480
Ad Hoc Committees (3)	14	2	28	\$ 5,600	\$ 7,280
Mandatory Training, Conferences, and Additional Meetings			30	\$ 6,000	\$ 7,800
			226 Total Meetings	\$ 45,200 FY 2021 per diem total	\$ 58,760 Proposed FY 2021 per diem total

* Table is for per diem costs only based upon the historical average number of meetings typically attended by Board Members. The California Water Code and District policy allows compensation up to a maximum of 10 days of service per month. Fully burdened calculation takes into account benefit costs to the District including Workers' Compensation, Medicare, and Social Security.

Attachment(s)

- Proposed Ordinance 2021-01 Providing for Compensation of the Members of the BCVWD Board of Directors and Superseding Ordinance 2007-01
- Notice of Public Hearing
- California Water Code Sections 20201 - 20203

DJ:ljk

¹ Los Angeles-Riverside-Orange County Consumer Price Index as of November 2020 (U.S. Bureau of Labor Statistics).

ORDINANCE 2021-__

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

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

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

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

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

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

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

//

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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

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



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

NOTICE OF PUBLIC HEARING

Thursday, January 28, 2021 at 6 p.m.

*Pursuant to California Governor's Executive Orders
N-29-20 and N-33-20 this meeting will be held via teleconference only.*

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

Enter Meeting ID: 843 1855 9070

Enter Passcode: 113552

PROPOSED ADOPTION OF ORDINANCE 2021-01: INCREASING DIRECTORS' COMPENSATION

NOTICE IS HEREBY GIVEN that the Board of Directors of the Beaumont-Cherry Valley Water District will hold a Public Hearing on Thursday, January 28, 2021, at 6 p.m. or shortly thereafter, at the regularly scheduled teleconference meeting of the Beaumont-Cherry Valley Water District Board of Directors regarding the proposed adoption of Ordinance 2021-01 increasing the compensation of the Directors from \$200 per day of service to \$260 per day.

If you have any questions or need additional information, please phone the Director of Finance and Administrative Services at (951) 845-9581.

Yolanda Rodriguez
Director of Finance & Administrative Services

**ATTACHMENT 3
CALIFORNIA WATER CODE**

20201.

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

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

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

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

20201.5.

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

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

20202.

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

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

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

20203.

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

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

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=10.&title=&part=&chapter=2.&article=



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

Item 3

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **Update regarding Potential Water Service to Merlin Properties Tentative Tract Map 37802 (APN 413-290-041) located south of Desert Lawn Drive and east of Cherry Valley Boulevard in the City of Beaumont**

Staff Recommendation

No recommendation.

Background

At the April 23, 2020 and May 13, 2020 Beaumont-Cherry Valley Water District (BCVWD) Board meetings, staff informed the Board of annexation proceedings initiated by the Yucaipa Valley Water District (YVWD) for the above listed parcels and explained that the properties are within the BCVWD service area boundary, as confirmed by the Riverside Local Agency Formation Commission (LAFCO).

YVWD staff had reported to their Board that the subject properties [Riverside County APN 413-290-041 (Merlin Properties, LLC) and APN 413-290-042 (Lewis Management Corp. Property)] are located on the edge of the BCVWD's Sphere of Influence and within the City of Calimesa. The owners of said properties have expressed an interest to develop the properties and the YVWD Board of Directors approved the annexation on April 12, 2020. Attachment 1 shows the location of the Subject Parcel.

Research by BCVWD staff, revealed that in August of 2003, Merlin Properties, LLC inquired about annexation into BCVWD's Service Area for water and sewer services. The BCVWD Board of Directors issued a conditional Will Serve Letter, contingent upon the provision of the property legal description and map as required by Riverside County LAFCO. District Staff further identified during investigative work with Riverside LAFCO that the property in question was annexed into the District's Service Area Boundary in 2008.

District staff has been made aware that since the last update (May 2020), Merlin Properties, LLC has engaged in communications with the City of Calimesa and the City of Beaumont regarding sewer service being provided by the City of Beaumont. On January 19, 2021, the City of Calimesa City Council Agenda included an item on requesting that the City provide written support to the Applicant for the Project to pursue sewer service from the City of Beaumont. It is District staff's understanding that the City of Calimesa discussed this item and approved the Developer's request to explore all sewer service options and has committed to providing a letter and a minute order memorializing that fact. Reference Attachment 3 for the published agenda item from the City of Calimesa's City Council Meeting on January 19, 2021.

District staff anticipates communication and coordination efforts with Merlin Properties, LLC regarding their request for an updated water service letter (Will Serve) and ultimately bring the updated request to the Board of Directors in the near future for consideration of service.



Based on the recent developments regarding the City of Beaumont providing sewer service, the Bundled services required by YVWD would no longer be needed or required to serve the proposed Project. Staff will continue to update the Board as this item continues to develop.

Summary

Since the last report to the Board on May 13, 2020, Merlin Properties, LLC has indicated to District staff that they will be pursuing securing sewer service from the City of Beaumont and has submitted a Will-Serve Request for consideration by BCVWD.

Merlin Properties, LLC does have an updated Tentative Tract Map prepared (TTM 37802) (attached) which consists of 179 single family residential lots and 10 lots for other uses (i.e. landscaping, drainage corridors, easements, etc.). This Project will be brought before the Board for an update to service at a future date.

Fiscal Impact

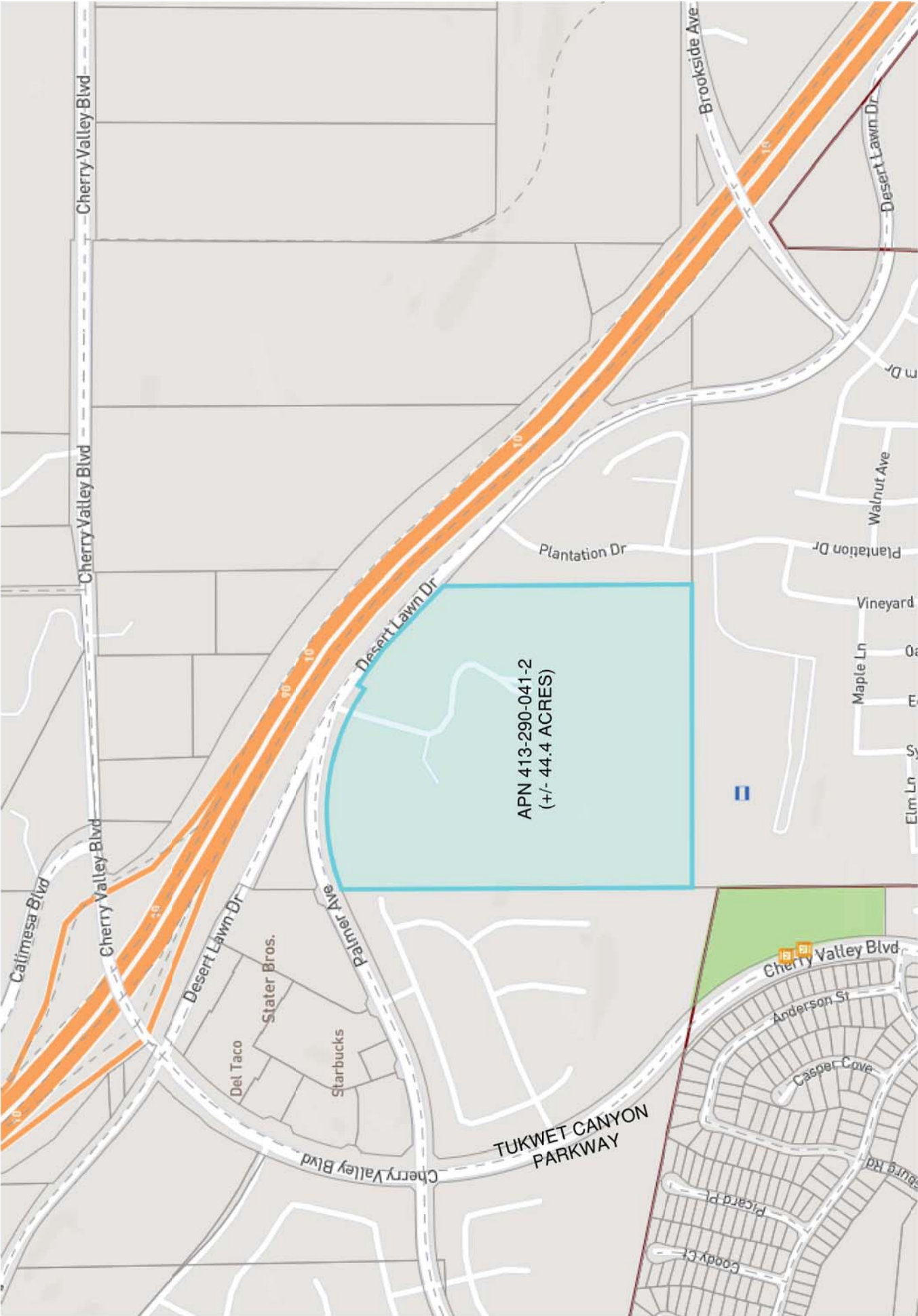
None. All fees and deposits will be paid by the Applicant prior to providing service.

Attachment(s)

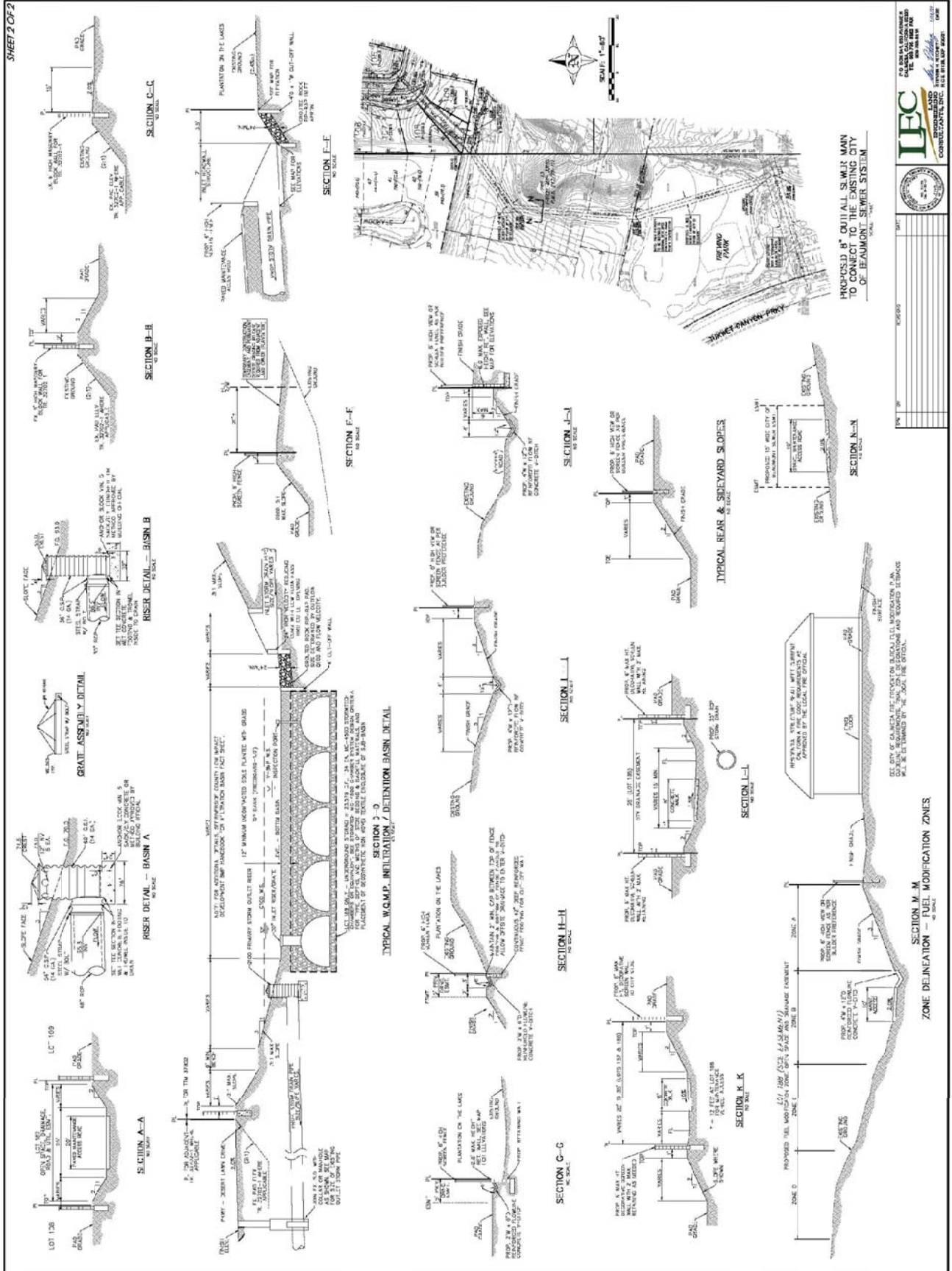
Attachment 1	Property Location Map
Attachment 2	Tentative Tract Map 37802
Attachment 3	Calimesa City Council Agenda Item #10, January 19, 2021

Staff Report prepared by Mark Swanson, Senior Engineer

ATTACHMENT 1 - PROPERTY LOCATION MAP









CITY COUNCIL MEETING AGENDA REPORT

AGENDA ITEM NO. 10

SUBJECT: APPLICANT REQUEST FOR WRITTEN CONFIRMATION OF CITY COUNCIL SUPPORT TO PURSUE CITY OF BEAUMONT SEWER SERVICE FOR PROPOSED TENTATIVE TRACT MAP 37802

MEETING DATE: January 19, 2021

PREPARED BY: Kelly Lucia, Planning Manager

RECOMMENDATION: That the City Council: Provide written confirmation of support for the applicant's (DR Horton) request to pursue sewer service from the City of Beaumont for proposed Tentative Tract Map 37802.

BACKGROUND/DISCUSSION: As Council may be aware, the City of Calimesa is not a utility provider. As such, the City relies upon other public agencies to provide services such as water, electricity, sewer, and gas to its residents. While the majority of Calimesa residents receive sewer service from the Yucaipa Valley Water District, there are approximately 135 acres located in the southwest portion of Calimesa that are not currently within the service area of any sewer provider.

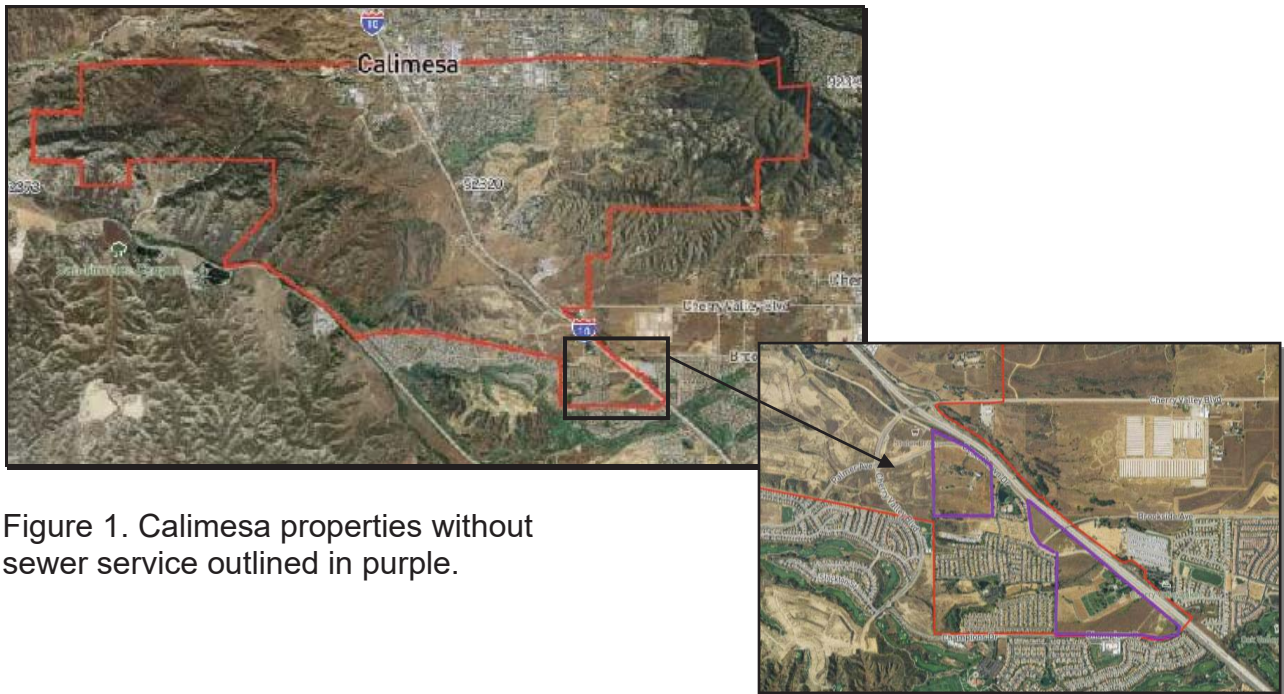


Figure 1. Calimesa properties without sewer service outlined in purple.

One of the affected properties is a 44.37-acre parcel located at 10701 Desert Lawn Drive (APN: 413-290-041). Mr. Fred Riedman, who is the current the owner of the property, is processing a proposed tentative tract map (TTM 37802) to subdivide the property into 179 single-family residential lots. The proposed tentative tract map is under review by the Community Development Department and has not yet been considered for approval by the Planning Commission. The

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proposed tentative tract map is included here as Attachment A for reference purposes only.

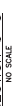
The property is currently in escrow to be sold to home construction company DR Horton, who is actively constructing two other housing tracts in the City (JP Ranch and a portion of Summerwind Trails, respectively). At this time, DR Horton and the property owner have requested written confirmation of support to pursue sewer service from the City of Beaumont (see Attachment B).

Staff supports the applicants' efforts to explore all possible sewer service options and recommends that Council provide the written confirmation of support as requested. Should the City Council approve Staff's recommendation, the City Clerk will prepare a minute order certifying the Council vote and provide that to the applicant as written confirmation.

FISCAL IMPACT: None.

ATTACHMENTS:

Attachment A: Proposed TTM 37802 (for reference only)
Attachment B: Request from DR Horton, "Proposed TTM 37802 – Potential sewer service by the City of Beaumont"





January 12, 2021

Transmitted via electronic mail

Bonnie Johnson, City Manager
Calimesa City Hall
908 Park Avenue
Calimesa, CA 92320
bjohnson@cityofcalimesa.net

RE: **Proposed TTM 37802 - Potential sewer service by the City of Beaumont**

Dear Ms. Johnson;

DR Horton ("Horton") is currently in escrow to purchase the approximately 44-acre property located on Desert Lawn Drive within the City of Calimesa that is subject to proposed TTM 37802 (APN: 413-290-041) ("Subject Property").

As you may be aware, the property is located within the Beaumont-Cherry Valley Water District for water service. However, the property is not located within the service area of any sewer provider. As such, resolution to the plan of service for sewer represents the critical path for Horton to approve acquisition of the property and ultimately develop this planned residential community.

We understand that other City of Calimesa properties in the immediate surrounding area face the same sewer service challenge. We further understand that in December 2002, the Cities of Calimesa and Beaumont entered into a Settlement Agreement that includes a provision to allow the City of Beaumont to provide sewer service to certain properties within the City of Calimesa. However, the Subject Property is **not** one of the properties named in the Settlement Agreement and remains without sewer service, as discussed herein. As such, Horton and the current property owner would like to explore the feasibility of the Subject Property receiving sewer service from the City of Beaumont. Horton recognizes that any potential connection to the City of Beaumont sewer system would require review and approval by the City of Calimesa, City of Beaumont, and the Riverside County Local Agency Formation Commission ("LAFCO").

At this time, Horton seeks to initiate an engineering study to confirm the viability of a plan for sewer service by the City of Beaumont for this property. Tentatively, based on available information regarding the current transmission system and the treatment capacity of the City of Beaumont's sewer system, we believe this to be the best alternative for serving the future residents of your city.

D.R. HORTON • EXPRESS • EMERALD • FREEDOM
2280 Wardlow Circle, Suite 100 • Corona, CA 92880 • ☎ 951.272.9000 • www.drhorton.com





In order to confirm the viability of this service option, a detailed evaluation of the capacity and condition of the existing transmission system will need to be completed. Prior to initiating such a study, the City of Beaumont has requested that we, as the eventual applicant for this extension of service, obtain confirmation that the City of Calimesa would be supportive of this proposed annexation.

I, therefore, respectfully request that the City Council provide written confirmation of their support for this proposal for the Subject Property to receive sewer service from the City of Beaumont.

Sincerely,
DR Horton America's Builder

A handwritten signature in blue ink, appearing to read "Burum", with a long horizontal flourish extending to the right.

Phillip Burum
Vice President





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

Item 4

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **Right of Entry and Temporary Construction Easement Agreement between the Beaumont-Cherry Valley Water District and the Riverside County Flood Control and Water Conservation District for Placement of a Camera in Edgar Canyon**

Staff Recommendation

Discussion and Board direction regarding the Right of Entry and Temporary Construction Easement Agreement between the Beaumont-Cherry Valley Water District (Grantor) and the Riverside County Flood Control and Water Conservation District (District).

Background

On July 31, 2020, the Apple Fire broke out in the foothills above Beaumont and burned a total of 33,424 acres. This was closely followed by the El Dorado Fire which started on September 5, 2020 and burned 22,680 acres across Cherry Valley and onto District property.

A team of experts from State and Federal agencies evaluated the soil impacts following the fires. The USDA Forest Service Burned Area Report¹ indicates that more than 60% of the San Geronio headwaters watershed was burned, and significant portions of Little San Geronio Creek and other areas that require emergency stabilization. The report identified that 28% of the fire area has severe soil erosion hazard, and another 54% of the area was classified as moderate.

Recently burned areas are at a greater risk of mudflows and flash floods. Fires eliminate vegetation that can hold soil and rocks in place and charred ground may be unable to absorb water.

The Report describes some danger from damaging rainstorms that could result in catastrophic runoff: "Two common storm types that could cause significant damage within the burn area are monsoonal thunderstorms and storms related to atmospheric rivers. Short duration, high intensity storms (such as a monsoonal thundershowers) frequently trigger debris flows. The second storm type is a long duration storm, commonly linked to atmospheric rivers."

Summary

In ongoing reports to the Board related to local declarations of emergency (Resolutions 2020-17 – Apple Fire and 2020-20 – El Dorado Fire) during regular meetings in the fall of 2020, the General Manager described to the Board ongoing collaboration with the Riverside County Flood Control District (Flood Control) related to preparation for potential debris flow impacts in the event of rain.

¹ https://inciweb.nwcg.gov/photos/CABDF/2020-08-09-2259-Apple-PostFire-BAER/related_files/pict20200810-143118-0.pdf



To protect BCVWD facilities and the community, Flood Control and BCWVD are engaged in various activities to manage and/or control debris flow, and monitor the flows should they occur. These activities take place on BCVWD property and it is in the best interest of BCVWD to provide access to Flood Control to perform needed work.

Flood Control recently requested a site for placement of a camera in Edgar Canyon in the vicinity of Well 5 in the community of Cherry Valley to monitor mud and debris flow activity in Edgar Canyon and that camera and mounting system has been completed. The attached 5-year Agreement (with potential to be extended, if needed) memorializes that work and provides for the memorialization of said efforts while providing Flood Control access in Edgar Canyon up near Well 5 facilities to service said equipment and also formalizes the installation of a camera (and equipment to operate the camera).

This agreement, along with other items which have been brought before the Board demonstrates the Board-supported collaboration between the two agencies and to provide for memorialization of work recently completed.

Upon review and feedback from the Board of Directors, District staff would proceed with moving the Subject Agreement forward with Flood Control. Upon execution of the Agreement, District staff will present the final agreement to the Board to memorialize this activity and provide complete transparency to the public.

Fiscal Impact

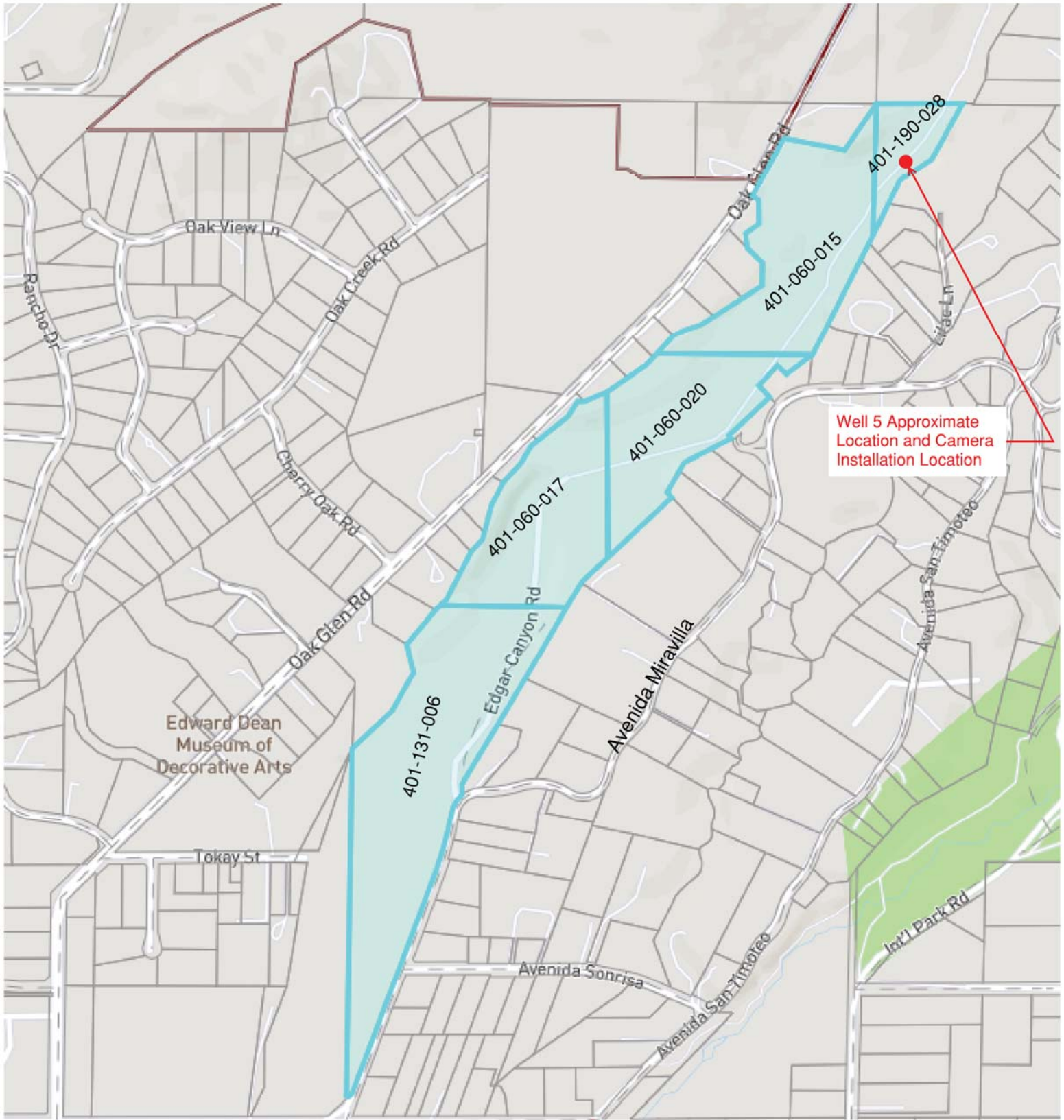
There will be minor costs for review of the Agreement by District Legal Counsel and staff interaction with Flood Control Staff to complete this item.

Attachments

Attachment 1 – Site Map

Attachment 2 – Draft Right of Entry and Temporary Construction Easement Agreement

ATTACHMENT 1 - SITE MAP



BEAUMONT-CHERRY VALLEY WATER DISTRICT,
(herein referred to as "Grantor" or "BCVWD")
and

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT,
a body politic
(herein referred to as "DISTRICT")

Project: Beaumont Cherry Valley Water
District (BCVWD) Property, Camera Site
Installation
Project Nos. 5-0-00020 and 5-0-00010
APNs: 401-131-006, 401-060-017, 401-060-
020, 401-060-015 & 401-190-028

RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

RECITALS

- A. Grantor is the owner of certain real properties located in the community of Cherry Valley, County of Riverside, State of California, with Assessor's Parcel Numbers 401-131-006, 401-060-017, 401-060-020, 401-060-015 and 401-190-028, as more particularly described in Exhibit "A" ("Property") and has the right to grant to DISTRICT permission to enter upon and use the Property.
- B. DISTRICT desires to obtain Grantor's permission, and Grantor desires to accommodate DISTRICT's request to enter upon and use the Property on a temporary basis to facilitate and accomplish the installation of a camera site on Beaumont Cherry Valley Water District Property located within the County of Riverside, generally in the vicinity of BCVWD's Well 5 facilities.
- C. The DISTRICT understands that this right to use the Property is non-exclusive, and the Grantor may still use the property for any purposes deemed necessary by the Grantor. If Grantor has a need to use the Property in such manner or time as would conflict with the rights granted to the DISTRICT, the Grantor and the DISTRICT intend to coordinate as needed to minimize delays or disruption.

NOW, THEREFORE, Grantor and DISTRICT do hereby agree as follows:

1. The non-exclusive right is hereby granted to DISTRICT to enter upon and use the Property for all purposes necessary to facilitate and accomplish the installation and operation of a camera. The District will be installing a concrete footing and tower along with underground conduit connecting to BCVWD Well 5 building. Inside the existing Well 5 building, the DISTRICT will be installing a rack of batteries and a battery charger and connecting to the existing Well 5 electrical service. BCVWD will allow the DISTRICT's battery charger to be connected to the existing BCVWD electrical panel and use BCVWD's existing electrical service to operate the DISTRICT equipment. Once the five years of post-fire monitoring is complete, both organizations can reassess the continued

need for the camera at this location. If BCVWD has a need or use for the tower, it may be left in place (at no cost to BCVWD) and further maintained by BCVWD. Any and all electronics and batteries will be removed by the DISTRICT and holes in the building patched leaving site in good condition. Grantor shall grant no rights to third parties that are inconsistent with the reasonable exercise by DISTRICT of its rights under this Agreement.

2. Notices: The Parties agree to the following minimum noticing requirements with respect to use of the Property.

DISTRICT shall provide written or oral notice to Grantor at least twenty-four (24) hours prior to the initial mobilization onto the Property. During periods of active use of the site by DISTRICT, Grantor agrees to notify DISTRICT at least 24 hours prior to any planned activities by Grantor on the site, to allow coordination of the activities and to minimize delays and/or interference with each other.

Notices shall be sent to:

BEAUMONT-CHERRY VALLEY WATER DISTRICT:

Daniel K. Jagers

General Manager

951.845.9581

Dan.jagers@bcvwd.org

DISTRICT:

Claudio M. Padres

Chief of Design and Construction Division

951.955.8170

cmpadres@rivco.org

3. Term: The rights granted herein may be exercised by DISTRICT for a period of five (5) years ("Term") commencing upon the completion of said twenty-four (24) hour notice period. The five (5) year term is due to post-fire potential for debris flow. Extensions of this term beyond five years may be granted in 12-month increments upon written approval by both Parties.
4. It is understood that DISTRICT may enter upon Grantor's Property where appropriate or designated for the purpose necessary to facilitate and accomplish the installation and operation of a camera site. DISTRICT agrees to ensure that the site is secured during use to a similar level as exists prior to DISTRICT's use of the Property.
5. Condition upon Expiration: At the termination of the period of use of Grantor's land by DISTRICT but before its relinquishment to Grantor, Property shall be restore as near as feasible, to the original and neat condition and as approved by BCVWD. If DISTRICT desires to continue to maintain flood control structures on the Property following the term of this Agreement, DISTRICT understands that additional agreements or easements will need to be acquired from Grantor.

6. The DISTRICT shall indemnify and hold harmless Grantor and its directors, officers and employees from and against all liabilities, including, without limitation, all claims, losses, damages, penalties, fines and judgments, associated investigation and administrative expenses and defense costs, including, but not limited to, reasonable attorneys' fees, that arise from any activities performed by DISTRICT within any portion of Grantor's land (collectively, "Claims").

Grantor shall indemnify and hold harmless DISTRICT and its Board of Supervisors, directors, officers and employees from and against all liabilities, including, without limitation, all claims, losses, damages, penalties, fines and judgments, associated investigation and administrative expenses, and defense costs, including, but not limited to, reasonable attorneys' fees, that arise from any activities performed by Grantor within any portion of the Property (collectively, "Claims").

7. Grantor hereby warrants that they are the owners of the Property described above and that they have the right to grant DISTRICT permission to enter upon and use the Property. Grantor further agrees to indemnify DISTRICT and its respective directors, Board of Supervisors, elected and appointed officials, employees, agents, representatives, successors and assigns from and against any and all claims, liabilities, penalties, forfeitures, losses or expenses, including, without limitation, attorneys' fees, whatsoever arising from or caused in whole or in part, directly or indirectly, by any breach of Grantor's representations, warranties or covenants provided in this Agreement, and by the use of the Property by Grantor.
8. This Agreement is the result of negotiations between the Parties hereto. Each party acknowledges that in executing this Agreement, such party has had the opportunity to seek the advice of independent legal counsel and has read and understood all of the terms and provisions of this Agreement. This Agreement is intended by the Parties as a final expression of their understanding with respect to the matters herein and is a complete and exclusive statement of the terms and conditions thereof. This Agreement shall not be changed, modified or amended except upon the written consent of the Parties hereto.
9. This Agreement supersedes any and all other prior agreements or understanding, oral or written, in connection thereunder.
10. Grantor and their assigns and successors in interest shall be bound by all the terms and conditions contained in this Agreement. Shall Grantor sell the land, Grantor shall no longer be bound by all terms and conditions in this Agreement. The new Grantor shall be bound by all terms and conditions in this Agreement.
11. Any action at law or in equity brought by either of the Parties hereto for the purpose of enforcing a right or rights provided for by this Agreement shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the Parties hereto hereby waive all provisions of law providing for a change of venue of such proceedings to any other county.

[Signature provisions on next page]

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes. No obligation other than those set forth herein will be required.

Date: _____
(date to be filled in by General Manager-Chief Engineer)

MAILING ADDRESS OF DISTRICT:

1995 Market Street
Riverside, CA 92501

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT,
a body politic**

By: _____
JASON E. UHLEY
General Manager-Chief Engineer

APPROVED AS TO FORM:
GREGORY P. PRIAMOS
County Counsel

By: _____
SYNTHIA M. GUNZEL
Chief Deputy County Counsel

MAILING ADDRESS OF GRANTOR:

560 Magnolia Avenue
Beaumont, CA 92223

GRANTOR:

**BEAUMONT-CHERRY VALLEY WATER
DISTRICT**

By: _____

Date: _____

Project: Beaumont Cherry Valley Water District (BCVWD) Property, Camera Site Installation
Project Nos. 5-0-00020 and 5-0-00010
APNs: 401-131-006, 401-060-017, 401-060-020
401-060-015 and 401-190-028

BCVWD
Cash Flow Activity & Revenue Loss Due to COVID-19 Local State of Emergency

Total Revenue Loss (Due to COVID-19)	12/31/2020	11/30/2020	10/29/2020
Inactivation Fee Revenue Loss (\$50 each) for Non-Payment Customers	\$ 110,950	\$ 62,400	\$ 51,600
Late Notification Fees Revenue Loss (\$5 each) waived	\$ 67,215	\$ 54,320	\$ 50,815
Credit Card Processing Fees Revenue Loss (\$1.75 each) waived	\$ 52,763	\$ 46,725	\$ 40,588
Total	\$ 230,928	\$ 163,445	\$ 143,003

Total Customer Payment Plans Requested of 12/31/2020

Timeframe	# of Plans Issued	Total Amount Payment Plans Issued
As of 03/31/20	5	\$ 5,080.46
4/01/20 to 4/30/20	3	\$ 573.77
5/01/20 to 5/31/20	0	\$ -
6/01/20 to 6/30/20	13	\$ 2,370.80
7/01/20 to 7/31/20	14	\$ 29,506.27
8/01/20 to 8/31/20	6	\$ 35,094.09
9/01/20 to 9/30/20	10	\$ 1,885.52
10/01/20 to 10/31/20	12	\$ 2,756.06
11/01/20 to 11/30/20	6	\$ 1,525.49
12/01/20 to 12/31/20	12	\$ 3,067.60
Total Payment Plan Requests	51	\$ 81,860

Payment plans that were requested from March 2020 to the date of the report
SB 998 (effective 2/1/2020) gives the customers 60 days after delinquency to pay

Remaining Number of Non-Shut Offs (accts that would have been shut off due to non-payment)

Timeframe	Quantity of Non-Payment Customers
3/27/20 to 3/31/20	0
4/01/20 to 4/30/20	0
5/01/20 to 5/31/20	17
6/1/20 to 6/30/20	17
7/1/20 to 7/31/20	48
8/1/20 to 8/31/20	47
9/01/20 to 9/30/20	74
10/01/20 to 10/31/20	65
11/01/20 to 11/30/20	153
12/01/20 to 12/31/20	970
Total Non-Payment Customers	1391

Remaining number of accounts with non-shut offs, payments still pending
Due to payment plan efforts, 828 customers have paid their bills in full since the Letters issued for payment plans went out beginning in March 2020

BCVWD

Accounts with Balances as of December 31, 2020 and December 31, 2019

	Year 2020		Year 2019		Change: 2020 AR increase from 2019	
	Qty of Accounts	Amount Due	Qty of Accounts	Amount Due	Qty of Accounts	Amount Due
Residential	13,170	\$ 1,665,129	10,297	\$ 856,196	2,873	\$ 808,933
Commercial	984	\$ 686,323	896	\$ 534,130	88	\$ 152,194
Total For Accounts with Balances	14,154	\$ 2,351,453	11,193	\$ 1,390,326	2,961	\$ 961,127
All Active Residential Accounts	18,488		18161		327	
All Active Commercial Accounts	1,265		1057		208	
Total Number of Active Accounts	19,753		19,218		535	
Accounts paid in full	5,599		8,025		(2,426)	

Beaumont-Cherry Valley Water District
Statement of Cash Flows (unaudited)
For the Twelve Months* Ended December 29, 2020 and December 31, 2019

YEAR-TO-DATE CASH & INVESTMENT FLOWS

Cash flows from operating activities:

Receipts from customers	\$ 14,443,035	\$ 12,246,396	\$ 2,196,639
Receipts from developers (unrestricted)	720,831	843,560	(122,729)
Other receipts	203,573	335,600	(132,027)
Payments to employees for salaries and benefits	(4,261,541)	(4,192,849)	(68,692)
Payments to suppliers and service providers	(9,106,801)	(9,500,775)	393,974 ⁽¹⁾
Receipt (refund) of customer deposits	(68,143)	29,809	(97,952)
Net cash (used) provided (for) by operating activities	1,930,954	(238,259)	2,169,213 ⁽²⁾

Cash flows from capital and related financing activities:

Acquisition and construction of capital assets	(1,816,941)	(1,837,144)	20,203 ⁽³⁾
Cash received from sale of capital assets	-	15,840	(15,840)
Capital contributions	3,781,175	3,034,828	746,347 ⁽⁴⁾
Net cash provided by capital and related financing activities	1,964,234	1,213,524	750,710

Cash flows from investing activities:

Interest received	724,288	1,561,853	(837,565) ⁽⁵⁾
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Net increase in cash and cash equivalents

	4,619,475	2,537,118	2,082,357
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Cash and investments, beginning of year

	61,365,441	58,656,814	2,708,627
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Cash and investments, December 29/31

	\$ 65,984,916	\$ 61,193,932	\$ 4,790,984
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CASH & INVESTMENT BALANCE CLASSIFICATIONS

Restricted Cash and Investments

Restricted Cash and Investments - Capital Commitments	\$	33,003,907	\$	29,638,417	\$ 3,365,490
Restricted Cash and Investments - Funds Held for Others		3,148,185		3,170,608	(22,423)
Total Restricted Cash and Investments	\$	36,152,092	\$	32,809,025	\$ 3,343,067

Unrestricted Cash and Investments

Designated:

Reserve for Operations (3 months of budg. op. expenses)	\$	3,583,299	\$	3,371,679	\$ 211,620
Emergency Reserve (15% of budg. op. expenses)		2,149,979		1,917,641	232,338
Capital Replacement Reserve		24,099,546		23,095,587	1,003,959

Total Unrestricted Cash and Investments

Total Unrestricted Cash and Investments	\$	29,832,824	\$	28,384,907	\$ 1,447,917
Total Cash and Investments	\$	65,984,916	\$	61,193,932	\$ 4,790,984

NOTES:

*Report prepared on 12/29/2020, excludes some November activity

(1) Primarily SCE (well pumping costs) and SGPWA (imported water purchases).

(2) Cash basis accounting, while Budget Variance Reports are accrual basis (timing differences).

(3) 2019: Primarily meters for new development, AMR/AMI conversion, Sites Reservoir

2020: Primarily Beaumont Ave. Service Line Replacement, Well 25 East Block Wall and Entrance Gate, Well 21/24 Repairs/Replacements, NCRF Fencing

(4) 2019: Primarily contributions from CJ Foods Manufacturing, Pardee (Tract 37428), and Prologis Park (Winco)

2020: Primarily contributions from SGV Beaumont, LLC (Tract 37660), RSI (Tracts 27971-4, 6, 8)

(5) 2020: Includes an accrual basis (not cash) accounting difference of \$173,790.43 due to year-end adjustments for unrealized gains/losses that would only incur if all investments are sold at year end.



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

Item 10

Update: Legislative Action and Issues Affecting BCVWD

Federal			
Issue	Status	Description	New or Change in Status (New/Y/N)
News from AWWA 11/18/20		November 18, 2020: American Water Works Association (AWWA) communicates water priorities to incoming U.S. government leaders: AWWA sent a letter to U.S. President-Elect Joe Biden highlighting challenges facing the water sector and proposing recommendations for investment and actions. (See a short interview about the letter with Tommy Holmes, who directs AWWA's legislative programs). In addition, AWWA and partner organizations sent a letter to U.S. Congressional leaders and members urging the passage of COVID-19 relief legislation. Both documents outlined recommendations and actions including: • Financial assistance for low-income customers struggling to pay water bills • Funding for local water utilities to rebound from lost revenues and invest in critical infrastructure • Caution in implementing broad water service disconnection moratoriums • Full authorized funding in 2021 for the Water Infrastructure Finance and Innovation Act (WIFIA) and the state revolving loan fund (SRF) programs • Protection for drinking water sources • Research on water contaminants	
		The 116 th Congress adjourned on Jan. 3, 2021. Bills that were not passed by that date will be dead, but may be reintroduced in 2021.	
Possible funding for Utility Assistance		News from CSDA 1/19/21: Special districts providing utilities may soon be able to take advantage two federal funding programs for low-income households' utility services but will need to do so in collaboration with their counties or the state. CSDA is working with its National Special District Coalition partners to clarify outstanding questions on the federal programs. Further information establishing eligibility and details on administration of the programs are still pending. Possibilities are:	

	<u>Emergency Rental (and Utility) Assistance Program:</u> The FY 2021 Appropriations Act established a \$25 billion "Emergency Rental Assistance" program, of which 90 percent may be used to assist with low-income individuals' rent and utility bills. Following a similar CARES Act allocation method, 55 percent of funds will be distributed directly from the U.S. Treasury to states for their use with the remaining 45 percent going directly to cities and counties with populations greater than 200,000. The U.S. Treasury has yet to define which utility services will be eligible for this program and whether application for funding would be tied to rental assistance. CSDA and national partners are seeking clarification on these questions. Under the program, individual households and/or landlords will be required to submit applications for assistance to local city/county government. Special districts providing utilities would need to encourage their qualifying customers to apply for the aid, and they will need to work with their county or the state to participate in the Emergency Rental Assistance Program. <u>Low-Income Household Drinking Water and Wastewater Emergency Assistance Program</u> This first-of-its-kind federal water assistance program, \$638 million will be allocated nationally, granted through states, to water and wastewater operators to reduce arrearages from overdue bills. Little federal guidance has been offered so far on how states should grant these programs, however state Low Income Heating and Energy Assistance Programs (LIHEAP) may be the most likely approach.
Sites Reservoir Feasibility Study	12/22/20 Bureau of Reclamation Press Release: The Bureau of Reclamation today released the final feasibility report for the North-of-the-Delta Off-stream Storage Investigation. The report documents the potential costs and benefits of the Sites Reservoir Project. As part of a continuing effort to increase storage capability throughout California, Reclamation and the Sites Project Authority worked together to evaluate new off-stream surface water storage north of the Sacramento-San Joaquin Delta. The Final Feasibility Report was transmitted to Congress on December 22. The final report is an important milestone for the project because it allows the Sites Reservoir to have continued federal participation by the BOR and remain eligible for federal funding through the WIIN Act (Water Infrastructure Improvements for the Nation Act). Sites Reservoir Project was also awarded \$13.7 million in the recently approved 2021 federal spending bill, authorized through the WIIN Act. With the passage of this legislation, Congress has now appropriated roughly \$23.7 million in WIIN Act funding to the Bureau of Reclamation specifically for the Sites Reservoir Project. Next steps for the project are to release a new Draft Environmental Impact Report and to continue working with the various regulatory agencies on the required permits to construct and operate the project.

HR 133: Consolidated Appropriations Act 2021	2020-12-27 – Signed into Law	On a 359-53 vote in the House and 92-6 in the Senate, Congress passed a \$900 billion COVID-relief package and \$1.4 trillion government funding package that gives critical pandemic aid to Americans, while securing federal agency operations through September 2021. The president signed the measure into law on Dec. 27. This document provides highlights of the \$1.4 billion omnibus appropriations provisions. The Consolidated Appropriations Act, 2021 included the Water Resources Development Act (WRDA). Given the time constraints at the end of the year, this year's WRDA legislation was included in the omnibus appropriations package that passed the House and Senate on Monday, December 21, 2020. President Trump signed the legislation on 12/27/20. WRDA directs the US Army Corps of Engineers and authorizes projects within the Corps' mission areas. Also includes: ▪ \$2.77 billion for The Clean Water and Drinking Water State Revolving Funds with \$1.64 billion for the Clean Water State Revolving Fund and \$1.13 billion for the Drinking State Revolving Fund, equal to FY 2020. ▪ \$65 million for the Water Infrastructure Finance Act program, a \$5 million increase from FY 2020, which is anticipated to support the lending of more than \$12.5 billion. ▪ \$26.5 million for lead contamination testing at schools and childcare centers, equal to FY 2020. ▪ \$26.6 million for lead reduction projects in rural areas, a \$6.6 million increase from FY 2020. ▪ \$21.5 million for water projects to bring communities in compliance with the Safe Drinking Water Act. ▪ \$53 million was allocated for scientific and regulatory work and cleanup assistance for per-and poly-fluoroalkyl substances, an increase of \$10 million from FY 2020. ▪ Funds the Bureau of Reclamation at \$1.67 billion, \$559 million of which for water resources projects including \$206 million to fund western drought programs under the Water Infrastructure Improvements for the Nation Act. ▪ Low income Water Utility Bill Assistance = \$638 million to help low income families cover the costs of drinking water and wastewater utility bills NEW
HR 7575 - Water Resources Development Act of 2020 (WRDA)	Introduced 7/13/20 7/29/20 -Passed House 7/30/20 – Received in Senate 12/27/20 – Passed as part of 2021 Budget Omnibus.	From Engineering News-Record: A new Water Resources Development Act, or WRDA, has made headway in Congress, most recently with House passage of a bill authorizing about \$9 billion for Army Corps of Engineers flood and storm protection, environmental restoration and other projects. But with time running short before Congress breaks for the Nov. 3 elections, industry sources say water infrastructure legislation may be put off until an expected lame duck session. The 2020 WRDA that the House approved on July 29 by voice vote, includes at least \$8.6 billion in federal funds for about three dozen Corps projects. It has strong bipartisan support from Transportation Y

		and Infrastructure Committee leaders and the rank and file, an unusual break from the fierce partisanship that has taken hold in Congress. In the Senate, the WRDA bill is one of two water infrastructure measures that the Environment and Public Works Committee cleared unanimously on May 6. It has \$5.1 billion for 26 Corps projects. But at ENR press time, the bills had yet to come up for a Senate floor vote. If a new WRDA does become law this year, it would continue a six-year streak of enacting water resources legislation every other year.	
HR 199: To provide funding for cities, counties, and other units of general local government to prevent, prepare for, and respond to coronavirus.	1/5/21 – Introduced, ref to Com on Appropriations	Rep. Antonio Delgado Press Release: Re-introduced bipartisan <i>Direct Support for Communities Act</i> to ensure that every single community, regardless of size, can access urgently needed COVID-19 relief funding from the federal government. In March 2020, Congress passed the CARES Act, which provided \$500 billion for communities with over 500,000 residents, meaning smaller towns and cities were unable to access desperately needed federal COVID-19 relief funding to help make ends meet. In May of last year, to respond to the concerns of local communities, Reps. Delgado and Zeldin introduced a bipartisan solution: the <i>Direct Support for Communities Act</i> . The bill creates a funding mechanism that allows smaller communities direct access to federal funding. These funds will help prevent the layoffs of public health care workers, firefighters, police, sanitation workers, teachers and other vital public servants, and ensure that all counties, cities, towns, and villages, regardless of size, have the financial resources needed to continue to provide these necessary services and to avoid local tax and fee increases that will put more burden on already cash-strapped families and businesses in this crisis. The <i>Direct Support for Communities Act</i> was the formula adopted in both the <i>Heroes and Updated Heroes Act</i> , which the House passed in 2020.	NEW
California			
The Legislature reconvened on January 11, 2021.			
Senate President pro Tempore Toni G. Atkins (D-San Diego) and Assembly Speaker Anthony Rendon (D-Lakewood) issued the following statement announcing the Legislature's session return date amended from January 4 to January 11, 2021.			
"With the number of COVID-19 cases reaching all-time highs and in an effort to keep members, Legislative staff, and all staff in the Capitol as safe as possible, both the Assembly and Senate have decided to move the date of our return to session to January 11, 2021," Pro Tem Atkins and Speaker Rendon said in a joint statement. "As the holidays get underway, we hope all Californians will continue to follow public health guidelines in an effort to mitigate the spread of this virus."			

California \$202.1 billion 2021-22 Fiscal Year Budget Proposal from Gov. Newsom

1/8/2021 - Gov. Newsom presented his Budget Proposal. Comment by CSDA: While the impact of the COVID-19 pandemic reverberated throughout the presentation, Newsom sought to emphasize that the initiatives to be undertaken by his administration in the coming weeks and months were part-and-parcel with the state's insurgent recovery. The overarching theme of the budget presentation was the strengthening and building upon Governor Newsom's core focus on equity and equitable access, demonstrated in the focused investments in vulnerable and disadvantaged communities. Social and environmental justice was a common thread throughout the Governor's proposed investments aimed at advancing the public's health, in the economics of COVID-19 recovery and job creation, and in climate infrastructure improvements to make communities more resilient. Disaster Assistance: The Budget includes an additional \$282 million General Fund for Cal OES for the following targeted investments which includes \$256.1 million for the California Disaster Assistance Act (CDAA) to assist local governments in serving their communities during and in the wake of emergency events. This funding will be used to repair, restore, or replace public real property damaged or destroyed during disaster events or reimburse local governments for eligible costs associated with emergency activities undertaken in response to a state of emergency proclamation by the Governor.

WATER: The Budget proposes \$100 million one-time General Fund, which includes \$50 million as part of the Administration's proposed early action to support water efficiency projects and a transition to sustainable groundwater; the \$100 million includes \$60 million for Sustainable Groundwater Management Act Grants (\$30 million in 2020-21 and \$30 million in 2021-22) to the Department of Water Resources for grants to support economic mitigation planning and groundwater implementation projects across critically over-drafted basins. This additional funding for existing Department grant programs is intended to help local agencies address known data gaps, plan and implement projects, and address deficiencies in initial groundwater sustainability plans.

Additional state investments in regional water resilience include:

- Flood Preparedness-\$183 million in 2021-22, \$365.2 million over the next four years, from various fund sources to leverage \$1.8 billion in federal funds for the flood risk reduction American River Common Features project, the maintenance and strengthening of levees, the support of emergency flood response activities in the Sacramento-San Joaquin Delta (Delta), and the support of collaborative flood risk management.
- Deferred Maintenance-\$75 million one-time General Fund for critical levee repair projects to enhance the state's resilience to catastrophic flooding.

Delta Resilience-\$43.7 million in 2021-22, \$69.6 million over the next five years, from various fund sources to support ecosystem restoration and watershed resilience work on the San Joaquin River and for projects that improve water quality or ecological conditions within the Delta.

FEDERAL CARES ACT FUNDING: The 2020 Budget Act established a process to allocate \$9.5 billion in CRF provided in the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, the largest of the bills enacted early in the COVID-19 pandemic. Based on data through September 30, the state had obligated or spent nearly \$8.7 billion of the \$9.5 billion authorized by the CARES Act and included in the 2020 Budget Act. While the deadline to spend to spend CRF was extended through December 31, 2021, the state has been finalizing the allocation and prioritization of the remaining \$800 million in funds to pay for additional emergency response costs, public health expenses, and public safety payroll costs. Unfortunately, special districts have not been targeted to receive these funds as of yet.

Issue	Status	Description	New or Change in Status (New/Y/N)
ACA 1 - Local government financing: affordable housing and public infrastructure: voter approval.	12/7/20 - Introduced	CSDA description: 55% vote threshold for special taxes Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.	NEW
SB 27: Contaminated sites: the Dominic Cortese "Cortese List" Act of 2021	12/7/20 – Introduced	CSDA Summary 1/13/21: Current law requires the State Department of Health Care Services to compile a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. Current law also requires the State Water Resources Control Board to compile a list of specified information, including, but not limited to, all cease and desist orders and cleanup and abatement orders issued under the Water Code that concern the discharge of wastes that are hazardous materials. Current law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary of Environmental Protection. Under current law, the Secretary for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request. The information consolidated and made available by the Secretary for Environmental Protection is commonly known as the "Cortese List." This bill would enact the Dominic Cortese "Cortese List" Act of 2021 and would recodify the above-described provisions with certain revisions.	NEW
SB 45: Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	12/7/20 - Introduced	CSDA Summary 1/13/21: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	NEW
AB 15: COVID-19 relief: Tenant Stabilization Act of 2021	12/7/20 - Introduced	Press Release: California State Assembly Bills 15 & 16 , from Asm. David Chiu (D-San Francisco), will extend and improve AB 3088. AB 15 will: Extend the time period prohibiting evictions for inability to pay rent in full through 2021 and expanding just-cause provisions for eviction.	NEW

		• Curb predatory forms of rent debt collection in court, curb predatory rental repayment agreements, prohibit late fees, and minimize the negative effects of debt for tenants applying for new housing. • Allow city governments to pass stronger local protections if they so choose. • AB 16 will address longer-term concerns around debt, harassment, and relief for rents and mortgages. AB 15 must pass with a 2/3 majority in the Assembly and State Senate before January 31, 2021 to take effect immediately, while AB 16 needs a simple majority to pass in the coming months. CSDA Summary 1/13/21: Would extend the definition of "COVID-19 rental debt" as unpaid rent or any other unpaid financial obligation of a tenant that came due between March 1, 2020, and December 31, 2021. The bill would also extend the repeal date of the act to January 1, 2026. The bill would make other conforming changes to align with these extended dates. By extending the repeal date of the act, the bill would expand the crime of perjury and create a state-mandated local program.	
AB 16: Tenancies: Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021	12/7/20 - Introduced	CSDA Summary 1/13/21: Would state the intent of the Legislature to enact the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021 to address the long-term financial impacts of the COVID-19 pandemic on renters, small landlords, and affordable housing providers, ensure ongoing housing stability for tenants at risk of eviction, and stabilize rental properties at risk of foreclosure. This bill would include legislative findings and declarations in support of the intended legislation.	NEW
AB 37: Elections: vote by mail ballots. (See also SB 29)	12/7/20 - Introduced	This will affect the cost of BCVWD elections. CSDA Summary 1/13/21: Current law required county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. Existing law, for the November 3, 2020, statewide general election, also required county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications. This bill would extend these requirements to all elections. By requiring county elections officials to mail a ballot to every registered voter, and to take other actions, this bill would impose a state-mandated local program.	NEW
SB 29: Elections: vote by mail ballots. (See also AB 37)	12/7/20 - Introduced	CSDA Summary 1/13/21: Current law required county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election. Existing law, for the November 3, 2020, statewide general election, also required county elections officials to use a specified Secretary of State vote by mail tracking system or a system that meets the same specifications. This bill would extend these requirements to all elections conducted prior to January 1, 2022. By requiring a county elections officials to mail a ballot to every registered voter, and to track those ballots, this bill would impose a state-mandated local program.	NEW

SB 52: State of emergency: local emergency: sudden and severe energy shortage: planned power outage	12/7/20 – Introduced	CSDA Summary 1/13/21: Current law defines the terms "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state or the territorial limits of a local government caused by, among other things, a sudden and severe energy shortage. Current law defines a "sudden and severe energy shortage" as a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and that has statewide, regional, or local impact. This bill would expand the definition of "sudden and severe energy shortage" to include a "de-energization event," defined as a planned power outage, as specified, and would make a de-energization event one of those conditions constituting a state of emergency and a local emergency.	NEW
SCR 5: State of emergency: COVID-19: termination	12/22/20 – Introduced	This measure, in accordance with specified law, would declare that the state of emergency proclaimed by the Governor on March 4, 2020, is at an end, thereby terminating the emergency powers granted to the Governor as a result of that proclamation.	NEW
AB 100: Drinking water: pipes and fittings: lead content	12/11/20 – Introduced	The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.	NEW
Governor Newsom's Water Resilience Portfolio	Final document available	https://waterresilience.ca.gov/wp-content/uploads/2020/07/Final_California-Water-Resilience-Portfolio-2020_ADA3_v2_av11-opt.pdf	

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