



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

**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
Wednesday, October 13, 2021 at 6:00 p.m.**

Meeting held in person and via teleconference pursuant to California Government Code Section 54950 et. seq. and under the provisions of Assembly Bill 361 and BCVWD Resolution 2021-16

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

Pledge of Allegiance was led by Director Ramirez.

Invocation was given by President Slawson.

Announcement of Teleconference Participation

Director of Finance and Administrative Services Kirene Manini, PhD clarified that this meeting is conducted in person and via teleconference pursuant to California Government Code Section 54953, and under the provisions of AB 361.

Roll Call:

Directors present:	Covington, Hoffman, Ramirez, Slawson, Williams
Directors absent:	None
Staff present:	General Manager Dan Jagers Director of Operations James Bean Director of Finance and Administrative Services Kirene Manini, PhD Senior Engineer Mark Swanson Accounting Technician Erica Gonzales Field Superintendent Knute Dahlstrom Administrative Assistant Cenica Smith Administrative Assistant Lynda Kerney
Legal Counsel	James Markman

Members of the public who registered attendance: Matt Rexroad, Redistricting Insights, San Geronio Pass Water Agency Board member Larry Smith, Harris Vertlieb, and Thaxton Van Belle.

Director of Finance and Administrative Services Kirene Manini, PhD verified that all present members of the Board of Directors have indicated that they are able to hear the other directors clearly. No directors expressed any reason to believe, based on voice recognition or otherwise, that those persons representing themselves to be directors are not truly so.

Public Comment:

General Manager Jagers introduced new BCVWD staff members Manini and Smith.

Mr. Harris Vertlieb stated his residence on Avenida Bella above Bogart Park. He reminded the Board of action a few years ago to figure out where to put water pipelines through his property as the existing lines are aged and leaking. He inquired about the status of the replacement lines. In response to President Slawson, Mr. Jagers briefly described the location and assured the Board that the design package is near ready to go out to bid. Mr. Harris requested a timeframe on the work. Jagers said there would be communication to the affected area, and he would coordinate to minimize activities that affect Mr. Harris business.

1. Adjustments to the Agenda:

None. Mr. Jagers noted an updated handout on Item 10, the Fairway Canyon map.

2. Consent Calendar:

The following Consent Calendar items were approved with one motion:

- a. Review of the August 2021 Budget Variance Reports
- b. Review of the August 31, 2021 Cash/Investment Balance Report
- c. Review of Check Register for the Month of September 2021
- d. Review of September 2021 Invoices Pending Approval
- e. Minutes of the Regular Meeting of August 26, 2021
- f. Minutes of the Special Meeting of September 7, 2021
- g. Minutes of the Regular Meeting of September 8, 2021
- h. Minutes of the Special Meeting of September 23, 2021
- i. Annual Review of Director Expense Reports

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

3. Status of Local Emergency regarding the Impact of the Respiratory Illness Pandemic COVID-19 pursuant to Resolution 2020-07

General Manager Dan Jagers advised that COVID-19 continues to affect the country. So far, he continued, the District is fully open and running but there remains need to provide masking and social distancing. Management remains vigilant to assure the health of staff, he stated.

4. Resolution 2021-16 Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same

General Manager Dan Jagers reminded the Board of discussion by Legal Counsel Jim Markman at the last meeting. He pointed to the passage of Assembly Bill 361 and its implications. This Resolution satisfies the requirements to continue teleconferencing, he stated.

Legal Counsel Jim Markman added that the bill added a monthly confirmation requirement. Every 30 days the Board will need to reaffirm the Resolution to confirm that the emergency still exists and reaffirm the findings that social distancing and other requirements are in force due to Covid.

Under the Resolution, teleconferencing remotely will not require posting or to be open to the public, Markman added. This could continue until the sunset of AB 361 in January of 2024, he added.

Director Covington noted the purpose of the action and identified that the reference to Government Code 54950 should be 54953.

President Slawson invited public comment. There was none.

The Board adopted Resolution 2021-16 Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same by the following vote:

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

5. Presentation by Redistricting Insights on U.S. Census and Redistricting

General Manager Jagers introduced Max Rexroad, Chief Legal Counsel of Redistricting Insights and reminded the Board of previous discussion on the redistricting activity.

Mr. Rexroad gave a brief primer on redistricting and advised the Board that he has examined the District's division maps and pointed to the Census data in the presentation.

He noted fast-growing areas in the Inland Empire and explained that after the Census, the portfolio of representation must be adjusted to make it more balanced, and reflect one person, one vote, he explained. The overall concept to follow to avoid litigation and problems is to have an open and transparent process with ample time for the public to comment and participate, he advised.

Rexroad explained the principles of the Voting Rights Act requirement and compliance, communities of interest, compactness, and contiguity. He advised that BCVWD has some areas that are non-contiguous, and the key is to have them functionally contiguous. He discussed population equality and the deviation between divisions.

If the Voting Rights Act is not respected when establishing maps, they could be overturned if there is litigation, Rexroad warned. Analysis will need to be done, he advised, and he will discuss with staff and legal counsel about specific areas.

Rexroad explained communities of interest and described free online mapping tools for redistricting. They will be part of this process, he said.

Mr. Rexroad pointed to BCVWD's divisions and total population. There are some population deviations that are significant, he noted, and explained the measuring of the population for equal districting purposes.

Mr. Rexroad indicated that Redistricting Insights will support the efforts of BCVWD as these maps move to the county.

In response to Director Williams, Mr. Rexroad clarified the overriding consideration for population equality: the total Census count of every living heartbeat in that district. He noted that there will be slight variations to the numbers as the State of California requires allocating prison population to their addresses in the area.

General Manager Jagers pointed out the timeline for the activity and noted there is approximately six months to complete by April 17, 2022.

Director Covington pointed to the division population numbers in the presentation and noted that the redistricting will affect everyone. He asked Mr. Rexroad to expand on the deviation for Division 4. Mr. Rexroad responded in detail. To get to the mean, Division 4 would need to shed 3,740 heartbeats, he stated, but reiterated that there is a 5 percent deviation allowed. Division 4 needs to get smaller geographically to shrink the population, which will get picked up by neighboring districts, and ripples out from there, he explained.

General Manager Jagers added information on development and growth, focusing on the Sundance community example.

President Slawson asked if it was possible to have a director drawn out of their district. Mr. Rexroad advised that it does happen, but there will be many options available for the Board to consider. Slawson pointed out that elections are District-wide and asked if a director would still serve the remainder their term. Mr. Rexroad replied yes; nothing interferes with the idea that a director is duly elected to serve the rest of their term.

In response to Director Covington, Rexroad explained that the maps in the presentation are existing divisions with current data. Mr. Jagers advised this does match the reality and stated that there are ways to target a fair and equitable adjustment.

6. Presentation by Legal Counsel: Review of Pending Cases which may Impede the Delta Conveyance Project

District Legal Counsel James Markman shared information on the litigation pending surrounding the San Francisco Bay – Sacramento – San Joaquin River Delta which could be impediments to the operation of the State Water Project and

the Delta Conveyance project. He noted that despite the litigation, the Department of Water Resources is moving forward with the Water Fix (one tunnel) project.

Markman noted examples in the past where there was so much litigation that the Legislature canceled the California Environmental Quality Act (CEQA) application so events could move forward.

Mr. Markman briefed the Board on five cases and surrounding issues. He detailed the outcome of a case that has affected every Urban Water Management Plan in California, resulting in the adoption of a policy that if there is environmental impact, any project can be denied unless it is demonstrated by the State Water Contractors who are to benefit, that they have done everything they can to manage their water supplies other than the water from the Delta.

With all the opposition and theories being raised to slow down, if not kill, the Delta Conveyance project and the continued operation of the State Water Project (SWP), Markman cautioned that when there are decisions to be made related to reliance on the SWP supplies, the District should keep this in mind.

Mr. Jagers acknowledged there is a lot to keep track of and to be concerned about. He discussed the operational perspective and stated that regardless of litigation, the reality of the needs to keep things active in a managed environment is worth watching and he is paying a lot of attention. Action may lead to a managed environment that is most appropriate, he noted.

In response to President Slawson, Mr. Markman explained that the lawsuits are coming from all sides. Most environmental suits are trying to put in its place the idea of water moving to Southern California through the Delta, he explained, and detailed additional attempts to impede the flow of water. He reiterated the Judge's ruling that to get the water, it must be shown that the agency tried its best to get it from every other place possible before qualifying. At BCVWD, he continued, every person in the area has paid their property taxes to build and maintain the SWP to supply that water; it is a massive investment. Now the District is being told the SWP water is a last resort to protect the Delta levies and environment.

Engineers do not agree on solutions, Markman continued, and indicated that political will to build the project may dissipate as it did before.

Director Ramirez opined these are drastic times and suggested the Board consider some backup contingencies, such as obtaining water from other agencies due to how long and drawn out this will be. Slawson reminded that the San Geronio Pass Water Agency (SGPWA) is seeking water deals and there are other neighbors who may be tapped for water transfers in the future. Staff is working hard on that, he noted. Ramirez noted SGPWA dependence on the State and suggested looking further.

Jagers added that BCVWD is not unique in the need to rely on the SWP and reiterated that billions have been invested. He noted management of local resources and opined that a solution needs to be found that does as much as possible to solve all the problems. He noted that with a compromise, no one will be happy, but it will be for the benefit of the State and the communities served by BCVWD.

Something must happen because there is no other opportunity other than a solution, Jagers stated. Good management, good stewardship and responsibility

is important, he added. If these things do not move forward, everyone in Southern California will be vying for the same apple left on the tree, he posited, and pointed out that as people continue to populate the earth, these challenges continue through history.

Director Ramirez pointed to water leaks and repairs and said BCVWD must look to neighbors that may be able to provide temporary solutions.

7. Resolution 2021-17 Amending the Temporary Meeting Teleconference Policy and Superseding Resolution 2020-06

This is related to Resolution 2021-16, Jagers explained. Last year at the beginning of COVID-19 some modifications were made to the Teleconferencing Policy, and this has been revised to fit the requirements of AB 361.

Director Covington pointed out the same reference to Government Code 54953.

President Slawson invited public comment. There was none.

The Board adopted Resolution 2021-17 Amending the Temporary Meeting Teleconference Policy and Superseding Resolution 2020-06 by the following vote:

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

8. Resolution 2021-__ Adopting Policy 5095 District Residences and Facility Emergency Policy and Amending the District’s Policies and Procedures Manual – NOT ADOPTED.

Mr. Jagers reminded the Board of previous discussion on this item and enumerated the Board’s comments that had been incorporated.

Director Covington pointed to the policy effective date and optional language related to dogs. The Board gave direction on the following:

- The limit on guests in the residence be reiterated under the section on RVs and included in the Employment and Occupancy Agreement
- Typo regarding “Do’s and Don’ts”
- Assurance regarding occupants’ liability insurance coverage
- Consistency of insurance language between the policy and agreement
- Effective date of the policy to be 90 days after adoption

Mr. Jagers reiterated the request for some autonomy to address family or other situations on an individual basis. He noted that each Employment and Occupancy Agreement would come to the Board for approval.

Director Covington reminded that staff had been directed to assure that current employee-occupants are carrying liability insurance. Mr. Jagers advised that two

of the four employee-occupants have secured renters insurance. Staff explained that the language in the current occupancy agreements is soft and covers only fire and personal property at the option of the occupant.

The Board further discussed liability, insurance and liability related to animals and was assured by staff that the draft policy and agreement had been vetted and included language supplied by legal counsel, and that the District's insurance carrier had confirmed that the District's general liability insurance covered the properties.

President Slawson invited public comment. There was none. The Board directed staff to make the edits and include the policy on the October 28, 2021 agenda.

9. Resolution 2021-18: Amending the District Policies and Procedures Manual Part I: Personnel

Human Resources Coordinator Sabrina Foley summarized the new policies and policy revisions as recommended by the Personnel Committee:

- Policy 1000 Definitions
- Policy 3000 Employee Status
- Policy 3001 Employee Information and Emergency Data
- Policy 3002 Employee Groups
- Policy 3005 Compensation
- Policy 3006 Public Works Contractor-Employee Relations
- Policy 3010 Employee Performance Evaluation
- Policy 3015 Performance Evaluation-General Manager

Director Covington and Director Ramirez pointed out an omission of the direction of the Personnel Committee on Policy 3010. After discussion, Ms. Foley read the amended language:

3010.5: Human Resources shall review the drafted evaluation before it is delivered to the employee in an evaluation conference.

Director Williams drew attention to the Employee Response section. Ms. Foley explained that there is an option to respond on the standardized evaluation form, so there is no longer a time limit on response. Director Covington noted that the Personnel Committee had approved the language, but he would not be opposed to including it. After discussion, the section was amended by the Board to include the following language:

3010.6 The employee may provide a separate written response within 30 calendar days which will then be filed with the evaluation form.

Director Ramirez requested that the comments of the Personnel Committee be taken more seriously.

President Slawson invited public comment. There was none.

The Board adopted Resolution 2021-18 Amending the District's Policies and Procedures Manual: Part I: Personnel to include the policies as amended by the following roll-call vote:

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

10. Discussion Regarding Issuance of Grading Water for Upcoming Development Within Fairway Canyon Master Planned Community (Tract 31462 – Phase IVB)

Senior Engineer Mark Swanson provided background on the Fairway Canyon project activities and reminded the Board of prior presentation of this development. It is a phased operation, he explained, and Phase IV-B grading was recently completed following some issues with Well 29 going down, and water turned off to the project. The grading water letter provided set forth the conditions under which the District can shut down the grading operation.

The developer is now moving into the next phase, Swanson explained. He detailed the location of the project and presented a map. The previous developer sold the property, and it has been purchased by Meritage Homes, he reported. They have requested 28 weeks to complete the grading, and the letter will include conditions to assure the priority is water supply to ratepayers and time of use, he advised.

The developer will be asked for updates, Swanson explained, and said he would report back to the Board in February or March. There is water in storage, Swanson noted, but added that the project could be subject to drought restrictions.

General Manager Jaggars noted these falls under construction water which is a big demand on the system. This is a transparency activity to inform the Board, he said, and assured that staff is cognizant of the drought and conditions of the SWP and the Water Shortage Contingency Plan (WSCP). He pointed out that there are some trigger points subject to termination by actions of the Board.

Director Covington asked if conditions enumerated in the Letter had changed. Mr. Swanson noted that the major changes are in charges and time-of-use by Southern California Edison and the inclusion of a WSCP item. Existing conditions remain, Jaggars added. Covington opined that it is hard to be supportive of using potable water for grading purposes in the drought situation. President Slawson asked about the use of raw water from the SWP; Mr. Swanson noted there is no way to deliver the water to that area.

President Slawson posited that when drought worsens there will be a need to make further decisions regarding developments. Mr. Swanson advised that there will be more staff reports forthcoming regarding those considerations. In response to Mr. Jaggars, Director Covington indicated it would be good for the Board to see the Letter and have it in the public domain for transparency, as this is a large amount of water; President Slawson directed staff to bring it back for the October 28, 2021 agenda.

11. Consideration of a Request for Update to “Will Serve Letter” for Previously Approved Development – Country Club Village (Riverside County Assessor’s Parcel Nos. 400-010-003-8, 400-010-016-0, and 400-010-017-1) located in the City of Calimesa

Senior Engineer Mark Swanson explained that this is a previously approved project with an existing *Will-Serve Letter* (WSL). It came to Board last in January 2019 and would have been extended by the General Manager in 2020, however, COVID delayed the letter. He described the development and location. Grading has begun and an agreement with the City of Beaumont for sewer has been established for the project to move forward.

Swanson explained the project development summary and assured the Board that if the proposed uses change, the developer will have to come back to the Board and adjust their use. The total adds up to approximately 77.23 Equivalent Dwelling Units (EDUs) of water per year, Swanson stated.

In response to Director Covington Swanson confirmed water use would be approximately 36,655 gallons per day plus 8,145 gallons per day of non-potable, totaling approximately 50 acre-feet per year. Swanson explained the renewal process for the WSL and Jagers added that additional delays were due to sewer service questions.

Covington asked about the significance of the uses on the property, whether a medical building or gas station or any changes. Mr. Swanson said it is important to put it in the context of the uses of quantity of water. The District needs to know for water consumption, as there is a big difference as to how it is brought to the Board. Jagers advised the Board about calculation of use and documentation, and Swanson explained the calculation of fees based on uses.

President Slawson invited public comment. There was none.

The Board approved the request for update to Will-Serve Letter for an existing ongoing development located west of the Desert Lawn Drive and Champions Drive intersection, adjacent to the I-10 Freeway, identified as Country Club Village (Riverside County Assessor’s Parcel Nos. 400-010-003-8, 400-010-016-0, and 400-010-017-1) within the City of Calimesa, subject to payment of all fees to the District and securing all approvals from the City of Calimesa and City of Beaumont (sewer) by the following vote:

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

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

Jagers introduced this recurring item and reviewed the latest events.

Directors indicated the following interest in attendance:

- Riverside County Water Task Force on 10/22/21: Ramirez, Williams and Slawson
- Urban Water Institute conference 2/16/22 to 2/18/22: Covington, Slawson and Williams

13. Continued Review of Anticipated California Drought Conditions, District Urban Water Management Plan Drought Restrictions and BCVWD Resolution 2014-05 Regarding Issuance of Will-Serve Letters and Other Drought Response

General Manager Jagers advised the Board that this will be discussed in earnest in the next few weeks and months. He indicated that more will be known in the next two months about the seriousness of the current drought. He said he expects additional information to be released from the State about the voluntary 15 percent conservation. He said he wrote a letter to the SGPWA requesting purchase of 508 af in their storage account.

According to the graphic, Williams stated, she does not understand how this area is not in an extreme or exceptional drought and asked how it is determined. She pointed to water supply from the State Water Project (SWP). Mr. Jagers indicated it is politically charged. He noted that there was pushback from the southern counties in the last drought, as they felt they were in safe condition. The map does not reflect drought planning, he explained.

Director Williams observed that the perception that Southern California is taking the water from Northern California might be a reason for some of those SWP lawsuits.

President Slawson invited public comment. There was none.

14. Status of Declared Local Emergencies related to Fires

a. Impact of the Apple Fire pursuant to Resolution 2020-17

b. Impact of the El Dorado Fire pursuant to Resolution 2020-20

Mr. Jagers reported that the area is still under the influence of potential rainfall events and debris flows. The last event included hail in the areas of District concern.

15. Reports For Discussion

a. Ad Hoc Committees:

Communications Committee: Director Ramirez reported on the October 12 meeting. He described social media analytics and advised about the engagement residents in a contest for some free giveaways, which reached 1,887 people. This was a great move forward to engage with ratepayers, he opined.

Ramirez stated there have been some popular posts on conservation, reaching about 1,500. He noted the focus on encouraging clicks through to the website and further engagement and reported the remaining

budget is just over \$35,000. Director Williams noted that the Committee has assured conservative budget spending. Having the social media posts boosted has increased traffic dramatically, and reach is growing, she added.

Sites Reservoir Committee: Mr. Jagers advised the Committee will be meeting soon.

Water Re-Use 2x2: No report.

b. Directors' Reports:

Director Ramirez reported on the following events:

- Leading Your Community in an Era of Anxiety webinar on 9/15/21
- Southwest Drought Virtual Forum on 9/21-22 /2021

c. Directors' General Comments:

Director Williams thanked Accounting Technician Erica Gonzales for her work.

d. General Manager's Report:

Mr. Jagers advised that currently, 12 cubic feet per second (cfs) was being recharged at the Noble Creek Recharge Facility Phase 1. Emergency well repairs are being finished, the 800 hp well motors have been delivered and the District is well prepared for emergencies.

This afternoon the City of Beaumont had a meeting with the Regional Water Quality Control Board related to recycled water. Some items remain unresolved but there is positive movement. The delay has not been due to a lack of effort on the part of BCVWD, he assured.

Sites Reservoir has some things moving forward, Jagers continued. An ad hoc committee meeting will be called in November.

The Beaumont Basin Watermaster met last week and there was discussion from Yucaipa Valley Water District about the Basin and activity going on, including a reduction in stored water on the west side of the Basin.

There is some outreach to local partners to seek opportunities for more water, Jagers advised. He also reported meeting with the SGPWA and the City of Beaumont about recycled water implementation and planning grants for long-term activity.

e. Legal Counsel Report: None.

16. Action List for Future Meetings:

- Water supply for BCVWD and the region
- Matrix for delivery of recycled water

- Legal Counsel report on changes in Proposition 218
- Legal update on drought conditions in the west
- Maintenance costs at 800-hp well sites
- Policy on rotation of Board President

17. Announcements

President Slawson read the following announcements:

- Personnel Committee Meeting: Monday, Oct. 18, 2021 at 5:30 p.m.
- Engineering Workshop: Thursday, Oct. 28, 2021 at 6 p.m.
- Collaborative Agencies Meeting: Wednesday, Nov. 3, 2021 at 5:30 p.m.
- Finance and Audit Committee Meeting: Thursday, Nov. 4, 2021 at 3 p.m.
- Regular Board Meeting: Wednesday, Nov. 8, 2021 at 6 p.m.
- District offices will be closed Thursday, Nov. 11 in observance of Veterans Day

Mr. Jagers added there is a special Finance and Audit Committee meeting on November 22 at 3 p.m.

Director Covington advised that he cannot attend the October 18 Personnel Committee meeting. Director Hoffman will attend as alternate.

18. Recessed to Closed Session: 9:49 p.m.

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

Reconvene in Open Session: 10:11 p.m.

19. Report on Closed Session

President Slawson announced that no reportable action was taken.

20. Adjournment

President Slawson adjourned the meeting at 10:11 p.m.

ATTEST:



Director Daniel Slawson, President
 to 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