



BEAUMONT-CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
ENGINEERING WORKSHOP**

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq.*

**Thursday, October 26, 2023 - 6:00 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

TELECONFERENCE NOTICE

*The BCVWD Board of Directors will attend in person at the BCVWD
Administrative Office and/or via Zoom video teleconference pursuant to
Government Code 54953 et. seq.*

To access the Zoom conference, use the link below:

<https://us02web.zoom.us/j/84318559070?pwd=SXlzMFEZCMGhOYTFlL2tnUGlpU3h0UT09>

*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*

*BCVWD provides remote attendance options primarily as a matter of
convenience to the public. Unless a Board member is attending remotely
pursuant to provisions of GC 54953 et. seq., BCVWD will not stop or
suspend its in-person public meeting should a technological interruption
occur with respect to the Zoom teleconference or call-in line listed on the
agenda. Members of the public are encouraged to attend BCVWD meetings
in person at the above address, or remotely using the options listed.*

*Meeting materials are available on
the BCVWD’s website:*

[https://bcvwd.org/document-
category/regular-board-agendas/](https://bcvwd.org/document-category/regular-board-agendas/)

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BCVWD ENGINEERING WORKSHOP – OCTOBER 26, 2023

Call to Order: President Hoffman

Roll Call - Board of Directors

Pledge of Allegiance: President Hoffman

Invocation: Director Williams

Announcement and Verification of Remote Meeting Participation (if any) Pursuant to AB 2449 or GC 54953(b)

	President David Hoffman
	Vice President John Covington
	Secretary Daniel Slawson
	Treasurer Lona Williams
	Member Andy Ramirez

**Roll Call
and Introduction of Staff Members Present**

Public Comment

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted. If you are present in the Board Room, please fill out a Request to Speak card and deliver it to the Recording Secretary.

At this time, any person may address the Board of Directors on matters within its jurisdiction. 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. Presentation, Discussion, and Consideration of Preparation of a Joint Communities Facilities Agreement for the Proposed Tract 31462 Phases IVB and IVC (Fairway Canyon Development) located west of Tukwet Canyon Parkway and north of Oak Valley Parkway (pages 5 - 14)**
- 3. Water Reuse Plans and Recycled Water Partnership with the City of Beaumont (no written staff report)**

4. Request for *Will-Serve Letter* for Riverside County Assessor's Parcel No. (APN) 403-030-023 (end of the dedicated cul-de-sac within Napoleon Street, in the Community of Cherry Valley) (pages 15 - 20)
5. Request for Extension to *Will-Serve Letter* and Annexation Approval for a Proposed Multi-Family Residential Development "Xenia Apartments" (APN 419-160-005,-024 and 419-170-016, -017,-018,-022,-027) – Xenia Avenue, south of 8th Street and north of 6th Street in the City of Beaumont (pages 21 - 26)
6. Reso 2023-__ - Amending the District Policies and Procedures Manual Adopting Policy 3235 Military Leave and Policy 3110 Jury and Witness Duty (pages 27-41)

7. Reports for Discussion and Possible Action

a. Directors' Reports

In compliance with Government Code § 53232.3(d), Water Code § 20201, and BCVWD Policies and Procedures Manual Part II Policies 4060 and 4065, directors claiming a per diem and/or expense reimbursement (regardless of preapproval status) will provide a brief report following attendance.

- Beaumont Chamber of Commerce Breakfast on October 13, 2023 (Hoffman, Slawson, Williams)
- Water Education Foundation Annual Water Summit on October 25, 2023 (Covington)
- CSDA 2023 Special District Leadership Academy on October 22-25, 2023 (Ramirez, Slawson, Williams)

b. Directors' General Comments

c. General Manager's Report (pages 42 - 81)

d. Legal Counsel Report

8. Topic List for Future Meetings

- Update / presentation on the AMR / AMI project
- Presentation on the San Bernardino Valley Resource Conservation District
- Presentation on solar power opportunities
- Sites Reservoir update
- Policy 5095 – District Residences and Facility Emergency Policy

9. Announcements

Check the meeting agenda for location and/or teleconference information:

- Beaumont Basin Watermaster Special Meeting: Wednesday, Nov. 1 at 11 a.m.
- Collaborative Agencies Committee: Wednesday, Nov. 1 at 5 p.m.
- Finance & Audit Committee meeting: Thursday, Nov. 2 at 3:00 p.m.
- Personnel Committee Special Meeting: Tuesday, Nov. 6 at 5:30 p.m.
- Regular Board Meeting: Wednesday, Nov. 8 at 6 p.m.
- District offices closed Thursday, Nov. 9 in observance of Veterans Day
- Engineering Workshop: Thursday, Nov. 16 at 6 p.m. (early due to Thanksgiving holiday)

- Engineering Workshop: Thursday, Nov. 16 at 6 p.m. (early due to Thanksgiving holiday)
- Personnel Committee Meeting: Tuesday, Nov. 21 at 5:30 p.m.
- District offices closed Thursday, Nov. 23 in observance of Thanksgiving Day

10. Closed Session

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to California Government Code Section 54956.9 (2) (d)
Based upon condition of public property
- PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54947
Title: General Manager

11. Report on Closed Session

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

13. 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") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. 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 or within 24 hours' 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 in the Board Room at the District 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 Government Code §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 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

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)).



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 26, 2023**

Item 2

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **Presentation, Discussion, and Consideration of Preparation of a Joint Communities Facilities Agreement for the Proposed Tract 31462 Phases IVB and IVC (Fairway Canyon Development) located west of Tukwet Canyon Parkway and north of Oak Valley Parkway**

Staff Recommendation

Consider the request from the developer to authorize staff to proceed with the development of a Joint Community Facilities Agreement with the City of Beaumont for water facilities located within Oak Valley Parkway, and within the Fairway Canyon development Phases IVB, IVC, and:

- a. Approve the request from the developer to proceed with staff development of a Joint Community Facilities Agreement for said project, or
- b. Deny the request from the developer to proceed with the Joint Community Facilities Agreement

Executive Summary

Meritage Homes (Applicant) has requested that the Board of Directors of the Beaumont-Cherry Valley Water District (District) consider entering a Joint Community Facilities Agreement (JCFA), which would allow for the financing of the developer's portion of the cost of construction of in-tract water facilities for Phase IVB and IVC of the Fairway Canyon Development and supporting backbone infrastructure (Phase IVB – Oak Valley Parkway Transmission Mains). This item was discussed at the January 26, 2023, Engineering Workshop regarding the Oversizing Agreement and the consideration of a JCFA; however, District staff is only bringing the JCFA component forward to the Board at this time for discussion and consideration, and to allow the Applicant to present their request.

Background

At the January 26, 2023 Engineering Workshop, the Board of Directors considered changes to the District Rules and Regulations Part 8 – 2 Main Extension Procedures to include Reimbursement Agreement and Oversizing Agreement Provisions and discussed potential participation with the JCFA for the Fairway Canyon Development Phases IVB and IVC (Project). District staff is presenting only the consideration of a JCFA at this time. District staff will bring back the Oversizing Agreement component of this Project to the Board at a later date.

District staff identifies that Phase IVB of the Fairway Canyon Development consists of Tracts 31462-16, -20, -23, -24, -25, and -26 which have all received Will Serve Letters, have approved water improvement plans, and have paid for capacity charges (facilities fees). Phase IVC of the Fairway Canyon Development is located in the southeastern portion of the



project, has not yet received Will Serve Letters from the Board and is the final phase of this development. Will Serve Letter requests and plan submittal for this phase will be forthcoming. The Project is currently within the District's Service Boundary and does not require annexation (see Attachment 1 – Project Map).

The Applicant recently presented the Communities Facilities District (CFD) for Phase IVB of the Project to the City of Beaumont (City) at the June 20, 2023 City Council Meeting. It is the understanding of District staff that the Applicant plans to present Phase IVC of the Project to the City at a later date. The only participation required of the District with regards to the CFD would be for the approval of the JCFA; all CFD administration costs would be covered by Meritage Homes, if considered and approved. The District's current Rules and Regulations do not address the financing of District facilities covered by developers. District staff identifies that the CFD would only collect funds for the construction of water facilities, and not the overall maintenance and eventual replacement of the facilities, such as presented in a previous recent CFD presentation for a separate development.

Discussion

The developer's CFD that was presented at the June 20, 2023 City Council meeting discussed Phase IVB of the Project which consists of approximately 111 gross acres, and includes a total of 419 residential properties with a 7.07-acre community park at its respective buildout. Phase IVC of the Fairway Canyon Development is the final phase of the overall project and District staff identifies that Phase IVC consists of 367 residential properties and a 12.8-acre dedicated school at its respective buildout. Phase IVC is currently processing through the tentative map phase.

The CFD is proposed to cover the following in-tract and supporting backbone infrastructure as identified below in Table 1:

Table 1 – Proposed Phase IVB Project Summary

Phase	Tract # / Improvement	# of Lots	Note
IVB	Tr. 31462-16	111	In-tract
	Tr. 31462-20	67	In-tract
	Tr. 31462-23	55	In-tract
	Tr. 31462-24, -25	109	In-tract
	Tr. 31462-26	77	In-tract
	Oak Valley Pkwy (Non-Potable)	-	4,120 LF of 18-in. Pipeline (2600 PZ)
	Oak Valley Pkwy (Potable)	-	4,170 LF of 18-in. Pipeline (2650 PZ) 4,150 LF of 24-in. Pipeline (2520 PZ)
IVC	IVC TTM	368	In-tract
	Oak Valley Pkwy (Non-Potable)	-	6,050 LF of 12-in. Pipeline (2400 PZ)



District staff identifies that the Developer is proposing that monies collected as a part of the CFD will be for the construction of in-tract water improvements and for the supporting backbone infrastructure that the Applicant is required to construct to service their Project. District staff also identifies that it is atypical within the District for a CFD to be formed to assist in the funding of in-tract water facilities.

The off-site infrastructure improvements that the Applicant has been conditioned to construct is a 4,150 linear foot (LF) section of Oak Valley Parkway that will consist of the three following pipelines:

- An 18" potable ductile iron pipe (DIP) within the District's 2650 Pressure Zone
- A 24" potable DIP within the District's 2520 Pressure Zone
- An 18" non-potable DIP within the District's 2600 Pressure Zone

As part of Phase IVC, the Applicant will be required to construct a 12-inch non-potable ductile iron pipeline from the future 2400 tank site to Oak Valley Parkway and tie into existing facilities located at Palmer Avenue.

The Applicant has notified the District that the construction of the in-tract water facilities and the off-site infrastructure water improvements are costly in today's economic environment and requests that the Board consider entering into JCFA with the City.

Fiscal Impact

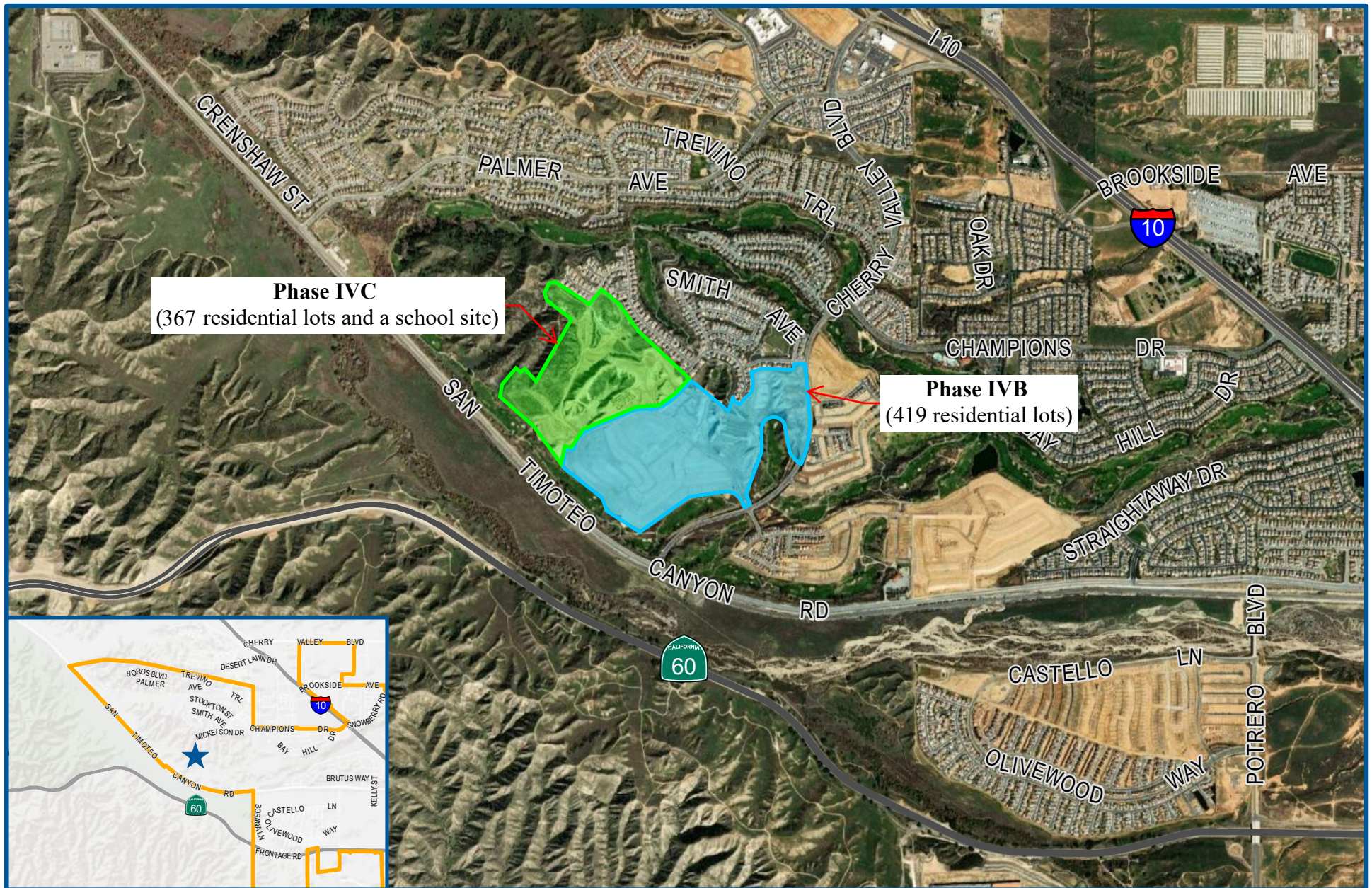
There is no fiscal impact to the District. The costs associated with the District's participation in the CFD would be paid by the Applicant.

Attachments

1. Project Map
2. Proposed Phase IVB Boundary Map
3. Meritage Homes JCFA Presentation

Prepared by Evan Ward, Civil Engineering Assistant

Attachment 1 - Project Map



Attachment 2 - Proposed Phase IVB Boundary Map

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2023-1 (FAIRWAY CANYON), CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT AT A REGULAR MEETING THEREOF, HELD ON ____ DAY OF ____, 20____ BY RESOLUTION NO. _____

CITY CLERK
CITY OF BEAUMONT

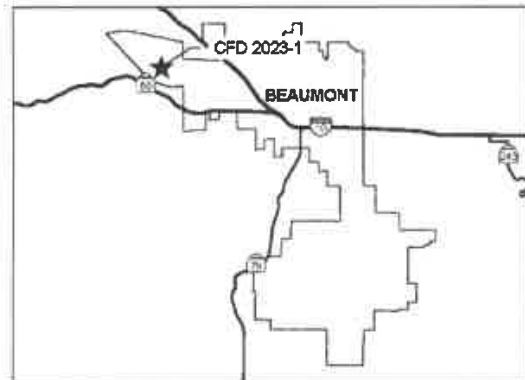
FILED IN THE OFFICE OF THE CITY CLERK, CITY OF BEAUMONT,
THIS ____ DAY OF ____, 20____.

CITY CLERK
CITY OF BEAUMONT

RECORDED THIS ____ DAY OF ____ 20____ AT
THE HOUR OF ____ O'CLOCK ____ M IN BOOK ____
PAGE ____ OF MAPS OF ASSESSMENT AND COMMUNITY
FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY
RECORDER, IN THE COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA.

FEE: _____ NO.: _____
PETER ALDANA, ASSESSOR, COUNTY CLERK, RECORDER

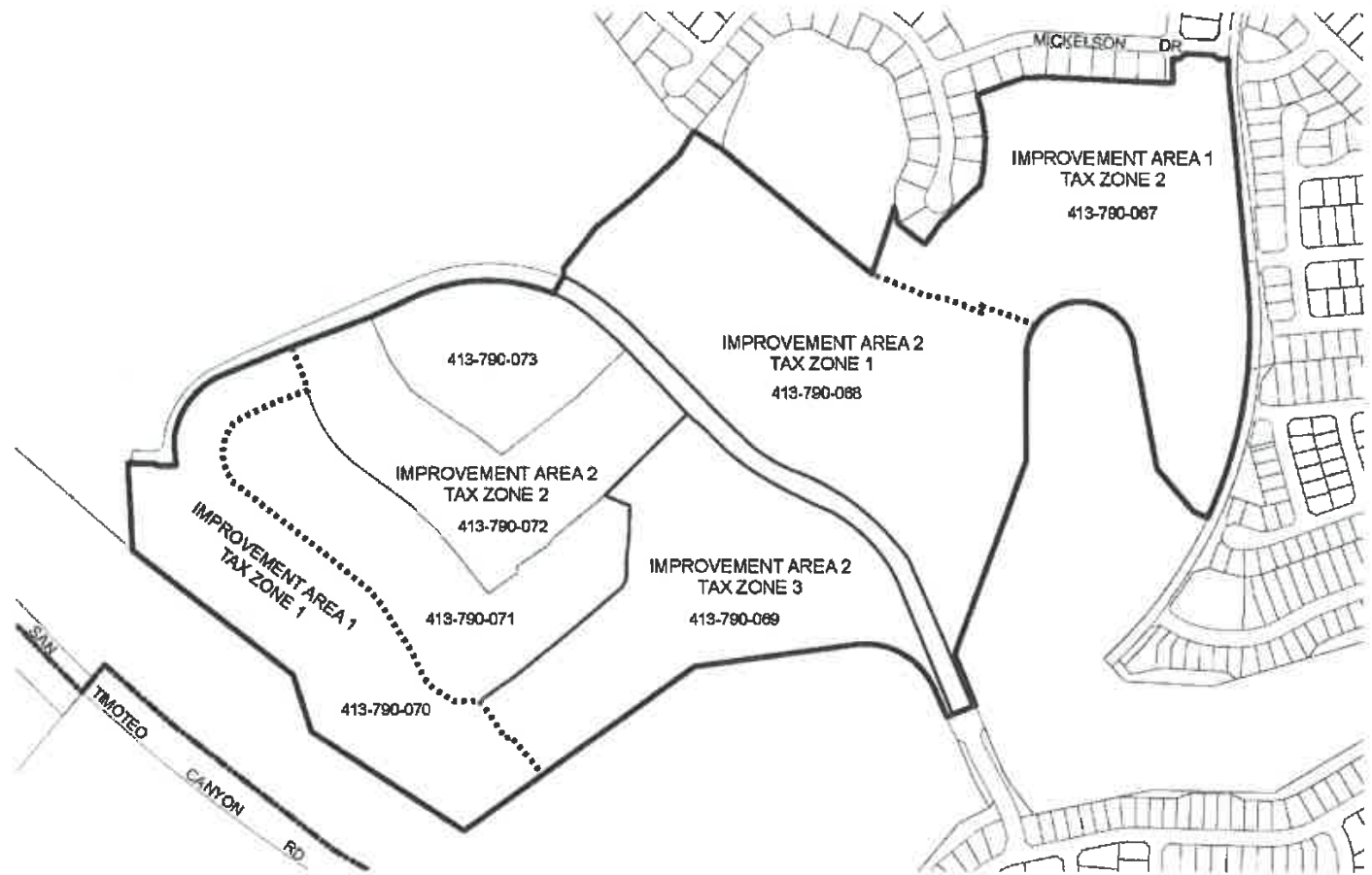
BY: _____
DEPUTY
DEPUTY



THIS BOUNDARY MAP CORRECTLY SHOWS THE BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. FOR DETAILS CONCERNING THE LINES AND DIMENSIONS OF LOTS OR PARCEL REFER TO THE COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2022-23.

PROPOSED BOUNDARY MAP COMMUNITY FACILITIES DISTRICT NO. 2023-1 (FAIRWAY CANYON) CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 1 OF 1 SHEETS



LEGEND

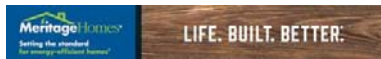
—	CFD BOUNDARY	—	PARCEL LINE
.....	IMPROVEMENT AREA BOUNDARY	—	CITY BOUNDARY
—	TAX ZONE BOUNDARY	XXXXXX	ASSESSOR PARCEL NUMBER

0 250 500 1,000 Feet



MERITAGE HOMES FAIRWAY CANYON

Community Facilities District (CFD) & Joint Community Facilities Agreement (JCFA)



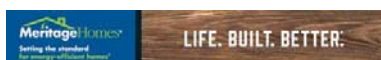
The Fairway Canyon Project

1. 787 Single Family Homes

- a) Five to Six Product Types
- b) First Time Homebuyers and Move-Up Buyers

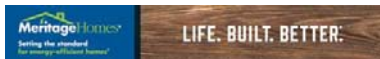
2. Public Facilities

- a) New Lift Station, Roads, Sewer, Water and Storm Drain Improvements
- b) New 7.07 Acre Community Park
- c) New 12.8 Acre Elementary School
- d) 12,450 LF (4,150 LF of Each) Oak Valley Parkway Major Infrastructure – 24”/18” Domestic Potable Water and 18” Non-Potable Water (\$5.3M)
- e) 6,050 LF of 12” Non-Potable Water Line
- f) BCVWD Facilities Fees of Approximately \$8M
- g) Total New BCVWD Facilities of Approximately \$20M+



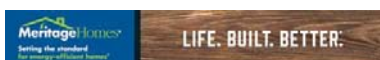
The CFD at Fairway Canyon

1. CFD No. 2023-1 Formed by the City of Beaumont
2. Replacement for CFD No. 93-1. CFD 93-1 has been cancelled.
3. Funding for Improvements Only
4. Improvements will be constructed and funded by Meritage Homes.
5. Reimbursements Only / No Direct Construction Funding
6. Meritage Homes to be reimbursed after completion of improvements.
7. Bonds will be issued in series for each phase of the project near the end of the applicable phase.
8. Bonds will have a term of 30 years.



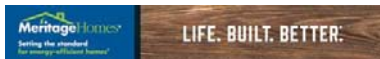
Joint Community Facilities Agreement

1. A JCFA allows the City CFD to fund improvements to be owned by BCVWD.
2. Nothing changes regarding the developer's and BCVWD's role in the construction of the water improvements.
3. BCVWD is not involved in the CFD bond issuance.
4. BCVWD is not referenced on the property tax bill.
5. BCVWD has no ongoing administration responsibilities of costs.
6. The JCFA will be drafted by CFD Bond Counsel for review by BCVWD.
7. Meritage will fund all upfront BCVWD costs of review.



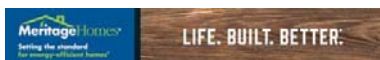
Benefits to BCVWD

1. Facilitate new development and additional customers.
2. Facilitate City providing BCVWD reclaimed water.
3. Facilitate low-cost financing of public water infrastructure.
4. Facilitate low-cost housing to help solve the statewide housing crisis.
5. No risks or costs to BCVWD

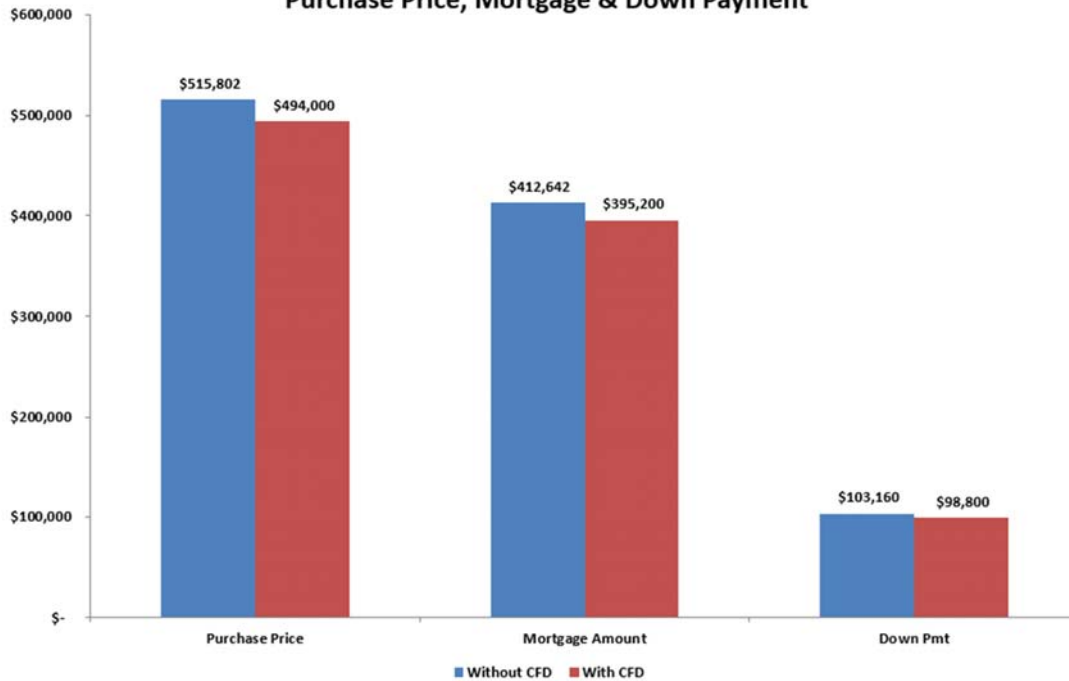


Benefits to the Homebuyer

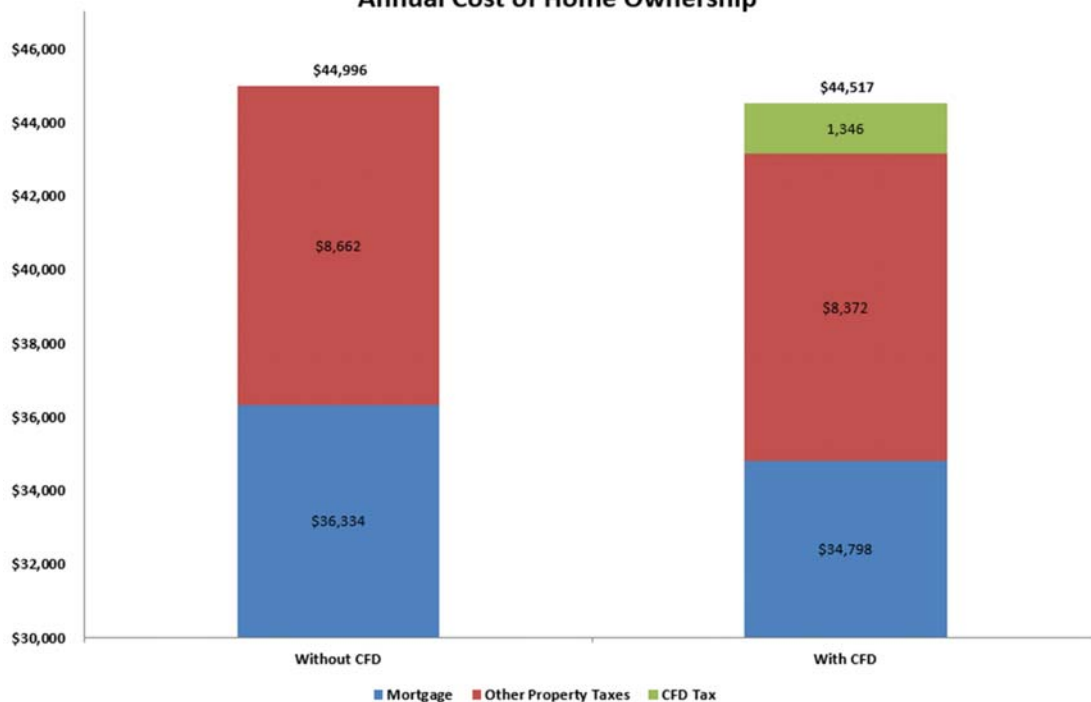
1. Lower Purchase Price of the Home - Average Fairway Canyon Home Price is Reduced by More than \$20,000
2. Lower Home Price Requires Smaller Down Payment
3. CFD Bond Interest Rates Much Lower than Mortgage Rates
4. Lower All-In Annual Cost of Housing (Principal, Interest, Taxes)
5. By law, all CFD taxes are disclosed to homebuyers, prior to entering into sales contracts.



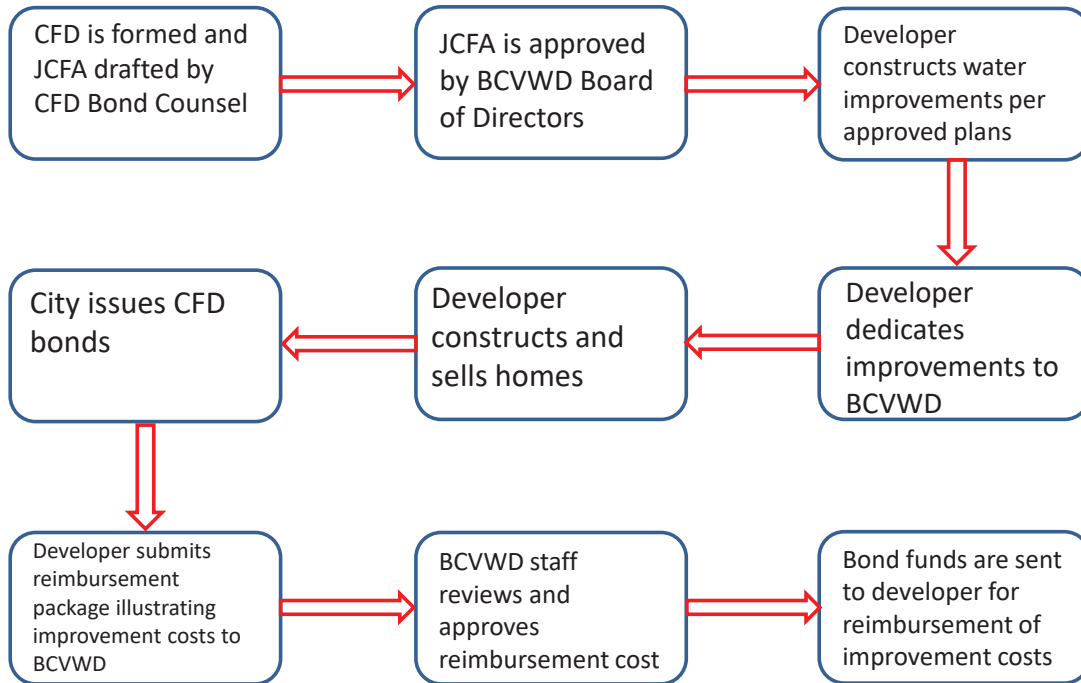
**MERITAGE HOMES
FAIRWAY CANYON - CITY OF BEAUMONT CFD
Purchase Price, Mortgage & Down Payment**



**MERITAGE HOMES
FAIRWAY CANYON - CITY OF BEAUMONT CFD
Annual Cost of Home Ownership**



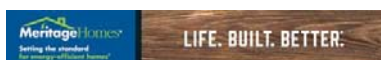
JCFA FUNDING PROCESS



QUESTIONS?

Conclusion

Meritage Homes thanks BCVWD Staff and Board for the time and consideration.





**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 26, 2023**

Item 4

STAFF REPORT

TO: Board of Directors

FROM: Daniel Jaggers, General Manager

SUBJECT: Request for *Will-Serve Letter* for Riverside County Assessor's Parcel No. (APN) 403-030-023 (end of the dedicated cul-de-sac within Napoleon Street, in the Community of Cherry Valley)

Staff Recommendation

Consider the request for water service for the property located at **APN 403-030-023** within the community of Cherry Valley, subject to payment of all fees to the District and securing all approvals from the County of Riverside and:

- A. Approve the Application for Water Service and furnish a *Will-Serve Letter* with conditions as enumerated, or
- B. Deny the Application for Water Service

Executive Summary

The Applicant, Mihai Schera, is requesting water service from the District for a proposed single-family residence to be constructed on an existing parcel of land at the end of Napoleon Street in the Community of Cherry Valley. The Applicant has submitted a separate application for the adjacent parcel APN 403-030-024, and may be required to sign a Water Main Extension and Facilities Construction Agreement with the District and extend the potable water facilities to the north end of the dedicated cul-de-sac within Napoleon Street.

Table 1 – Project Summary

Applicant	Mihai Schera
Owner / Developer	Krafters Dominion, LLC
Development Type	Single-Family Residential
Development Name	APN 403-030-023
Annexation Required (Yes/No)	No
Estimated Potable Consumption	1.0 EDU
Estimated Non-Potable Consumption	0.0 EDU
Total Estimated Water Consumption (EDUs)	1.0 EDU

Background

The single-family residence (Project) is at the north end of the dedicated cul-de-sac within Napoleon Street in the community of Cherry Valley (see Attachment 1 – APN 403-030-023 Vicinity Map). A cul-de-sac has been dedicated to Riverside County which the Applicant will be required to improve. The District has existing facilities nearby, within an easement to the west, and within the currently improved roadway of Napoleon Street. Due to the location of the proposed residence and the roadway improvements required to be constructed, the District will require a mainline



extension be constructed to service the Project; the Applicant will be required to construct the improvements. This Project is currently within the District's Service Boundary and District staff has confirmed there is a 10-inch steel potable water distribution main located in Napoleon Street which will need to be extended northerly as an 8-inch diameter main to service the Project.

Discussion

The Applicant plans to construct a two-story single-family residence with an approximate area of 4,030 square feet (sq. ft.) and a detached single-story dwelling unit approximately 913 sq. ft (see Attachment 2 – APN 403-030-023 Site Plan). The Applicant will need to secure the necessary approvals from the County of Riverside, including the construction of roadway improvements associated with the cul-de-sac per County Standards. Per the Applicant's site plan, the cul-de-sac will extend a distance away from the District's existing distribution water main. Therefore, the Applicant may be required to execute a Water Main Extension and Facilities Construction Agreement with the District. If the adjacent parcel is developed and constructed prior to this Project, then an executed agreement will not be required.

The impact of this residence on the District's water supply system is minimal. Upon approval and completion of the service process, the Applicant will be required to pay all applicable District Fees prior to service, including water capacity charges, front footage fees (residential), and water main extension and facilities construction deposits and fees (as applicable).

Final meter size will be determined by the Applicant. Fire Flow requirements will be determined by the County of Riverside Fire Department and will dictate actual required Fire Hydrant Fire Flows and residential fire sprinkler requirements for the residence.

The Applicant will also be conditioned to secure final project approvals from the County of Riverside for the Project development prior to construction.

Conditions of Development

Prior to final project development, the following conditions must be met:

1. The Applicant shall conform to all District requirements and all County of Riverside requirements.
2. The Applicant shall enter into a water facilities extension agreement and pay all deposits and fees associated with domestic water service for the development.
3. The Applicant shall conform to the current District Regulations Governing Water Service.
4. To minimize irrigation consumption, the District requires the applicant to conform to the County of Riverside Zoning Requirements and Landscaping Ordinance pertaining to water efficient landscape requirements (Chapter 17.276), and the following:
 - a. Landscaped areas which have turf, shall have "smart irrigation controllers" which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall,



automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes. Orchard areas, if any, shall have drip irrigation.

- b. Landscaping in non-turf areas should be drought-tolerant, consisting of planting materials which are native to the region. Irrigation systems for these areas should be drip or bubbler type.
- c. The Landscaping Ordinance prohibiting turf within the front yards of all residences shall not be modified by the property owner and/or tenant. The District will provide water service provided that no turf is installed within the front yards.
- d. Conversion of drought tolerant landscaping to turf is prohibited.

Fiscal Impact

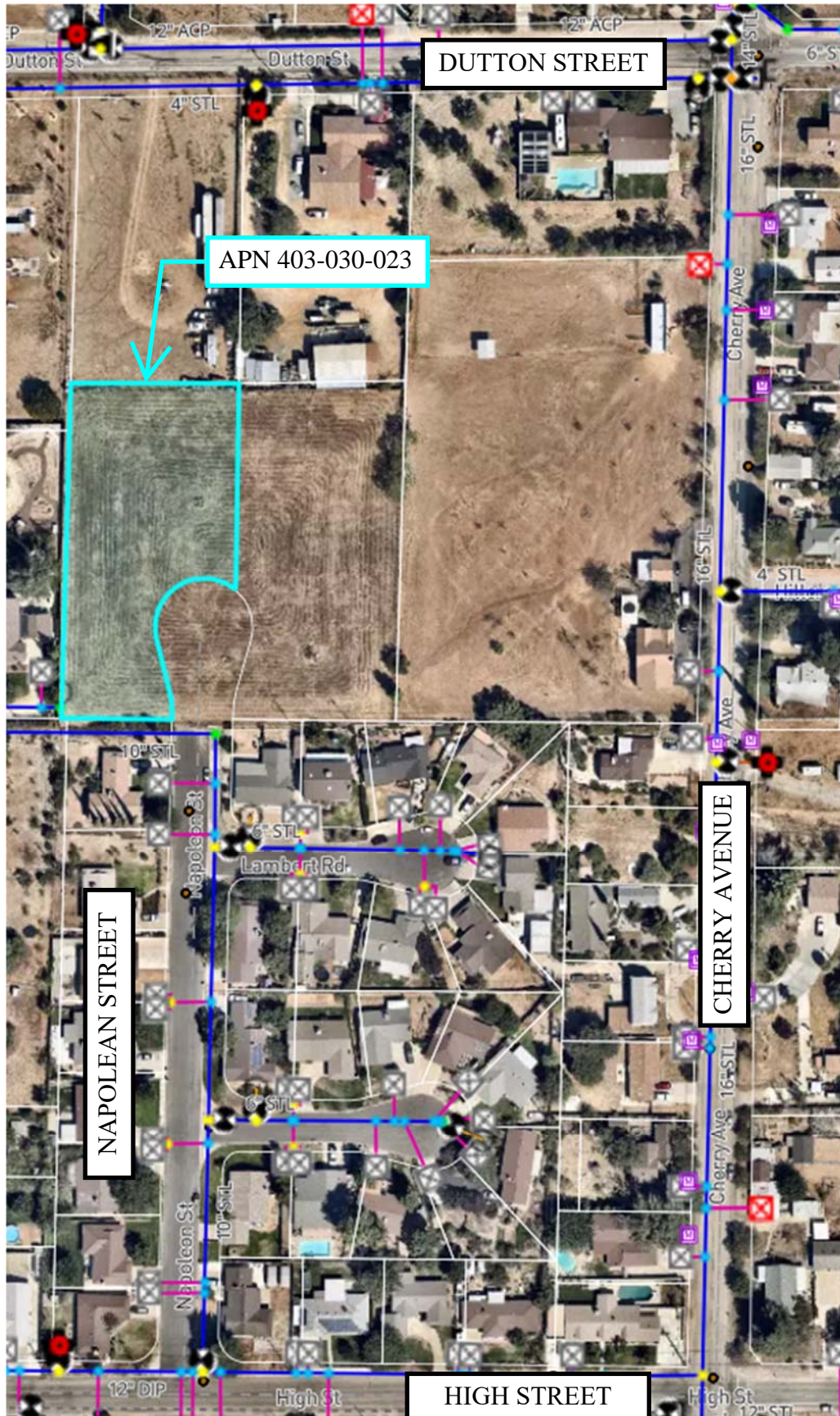
No negative impact to the District. All fees & deposits must be paid by the Applicant prior to receiving service.

Attachments

- 1. APN 403-030-023 Vicinity Map
- 2. APN 403-030-023 Site Plan
- 3. Will Serve Request Application

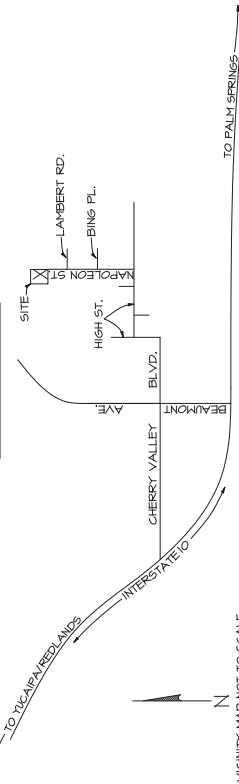
Staff Report prepared by Inmar Shihab, Engineering Assistant

ATTACHMENT 1
APN 403-030-023 VICINITY MAP



COUNTY OF RIVERSIDE
SITE PLAN
APN: 403-030-023

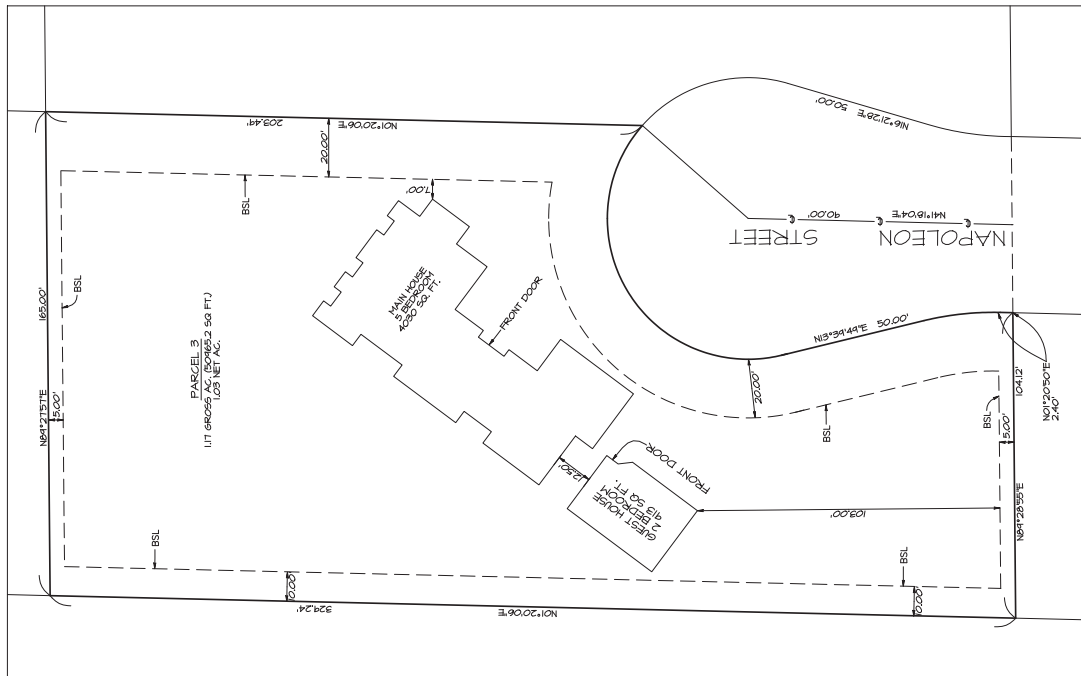
VICINITY MAP



PROPOSED RESIDENTIAL DEVELOPMENT
LOT 3 OF PARCEL MAP NO. 31648

APN:403-030-023
CHERRY VALLEY, CA 922223

SHEET 1 OF 1 SHEET



MASSARO & WELSH
CIVIL ENGINEERS LAND SURVEYORS
34840 YUCAIPA BLVD.
YUCAIPA, CA 92399
(909) 797-5300 TELEPHONE
(909) 801-1932 CELL

PREPARED: OCTOBER 2023

PAUL T. WELSH, P.E., L.S.
R.C.E. 37394
EXPIRATION DATE: 6/30/2006

R.C.E. 37394
EXPIRATION DATE: 6/30/20

[illegible]



ATTACHMENT 3
WILL SERVE REQUEST APPLICATION

BEAUMONT CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue • PO Box 2037

Beaumont, CA 92223-2258

Phone (951) 845-9581

www.bcvwd.org

CUS# 09147 AR

☒ Will Serve Request ☐ Water Supply Assessment (SB210)

Applicant Name: Mihai Schera		Contact Phone # [REDACTED]
Mailing Address: [REDACTED]		Fax # [REDACTED]
City: [REDACTED]		E-mail: [REDACTED]
State & Zip: [REDACTED]		
Service Address: [REDACTED]		
Assessor's Parcel Number (APN), Tract Map No. Parcel Map No.: 403030023		
Project Type: <input checked="" type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Minor Subdivision (5 lots or less) <input type="checkbox"/> Major subdivision (6+ lots) <input type="checkbox"/> Other		
Site Map Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

The letter should be delivered to:

Recipient: Mihai Schera [REDACTED]
PLEASE CHOOSE ONE: <input checked="" type="checkbox"/> Mail (above address) <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Will pick up

The District reserves the right to impose terms and conditions in Will Serve Letters and/or Water Supply Assessment Reports that take into account water availability issues, conservation issues and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.

Applicant's Signature

09/05/2023

Date



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 26, 2023**

Item 5

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Request for Extension to *Will-Serve Letter* and Annexation Approval for a Proposed Multi-Family Residential Development “Xenia Apartments” (APN 419-160-005,-024 and 419-170-016, -017,-018,-022,-027) – Xenia Avenue, south of 8th Street and north of 6th Street in the City of Beaumont

Staff Recommendation

Review the request to extend water service and annexation approval for the proposed multi-family residential development at **APN 419-160-005,-024 and 419-170-016,-017,-018,-022,-027**, within the City of Beaumont, subject to payment of all deposits and fees to the District and securing all approvals from the City of Beaumont, and:

1. Consider an updated *Will-Serve Letter* for the Project:
 - a. Approve the Application & furnish the *Will-Serve Letter* per conditions as enumerated, or
 - b. Deny the Application for Water Service
2. Consider Project Annexation into District Service Boundary
 - a. Approve the Request for Annexation of APNs to the District, or
 - b. Deny the Request for Annexation

Executive Summary

The Applicant, Beaumont Land Partners LLC, has requested domestic and landscape irrigation water service from the District for a proposed multi-family residential development across 10.93 acres and composed of 192 dwelling units. The Project has landscape area totaling 1.1 acres, composed of two detention basins on the eastern end of the property and is located within the District’s Sphere of Influence; however, a significant portion of the Project is located outside of the Service Boundary, therefore Developer is required to undergo the annexation process through Riverside Local Agency Formation Commission (LAFCO). The Project is at the beginning stages of processing through LAFCO.

Table 1 – Project Summary

Applicant	Beaumont Land Partners LLC
Owner / Developer	Beaumont Land Partners LLC
Development Type	High-Density Residential
Development Name	Xenia Apartments
Annexation Required (Yes/No)	Yes – Requires Annexation
Estimated Total Potable Consumption	120.2 EDUs
Estimated Irrigation (Non-Potable) Consumption	4.5 EDUs
Total Water Consumption (EDUs)	124.7 EDUs



Background

District Staff presented the subject multi-family residential development to the Board of Directors at the Engineering Workshop held on July 23, 2020, then again at the Board Meeting on August 12, 2020, where the project was issued a *Will-Serve Letter*. The Project's *Will-Serve* was subsequently extended by the General Manager. The Project's *Will-Serve* has since expired and the Developer is requesting an additional update from the Board of Directors.

The majority of the proposed development is not within the District's Service Boundary. Approximately 1.57 acres (a portion of APNs 419-170-017,-022,-027) appear to have undergone annexation into the District's Service Boundary under Riverside LAFCO Item 1970-02-3 in the early 1970s. Furthermore, between 1985 and 1988, a significant portion of the Project was considered for annexation but never finalized. The Project is at the beginning stages of processing through LAFCO.

The Project has frontage on Xenia and on small portions of 8th Street. The Project is located within the District's 2750 potable Pressure Zone (PZ) and 2800 non-potable PZ. The District has an existing 12" steel (2750 PZ) potable main and a 24" ductile-iron pipe (DIP) (2800 PZ) non-potable main in Xenia Avenue that could service the Project. Additionally, the District has an existing 10" steel (2750 PZ) potable main and a 24" DIP (2750 PZ) located in 8th Street that could service the Project.

Discussion

The Applicant plans to construct the Project on approximately 10.93 acres and identified a need for domestic and irrigation water service. The Applicant provided an estimated average daily domestic residential demand along with estimated total water usage (ETWU) for the on-site landscaping.

TABLE 2: Estimated Water Consumption

Demand	Est. Consumption (GPD)	Est. Consumption (EDUs)
Potable Water Demand (Residential)	56,100	115.2
Potable Water Demand (Common Areas: Building 17, Pool, Spa)	2,450	5.0
Irrigation (Non-Potable) Water Demand	2,200	4.5
Total Water Demand	60,750	124.7

Upon approval of service and annexation, the Applicant shall prepare water improvement plans detailing connections to the existing infrastructure (potable and non-potable) and pay all applicable District deposits and fees, including Capacity Charges, a non-tract water service(s) installation charge, and front-footage fees. To date, the project-related improvements have not been submitted to the District.

Final domestic and non-potable meter sizes will be determined by the Applicant. Fire Flow requirements will be determined by the City of Beaumont Fire Department and will dictate actual required Fire Suppression needs of the Project. This will be addressed in the Plan of Service.



The Applicant will also be conditioned to secure final project approvals from the City of Beaumont for the Project development prior to construction.

Conditions of Development

Prior to final project development, the following conditions must be met:

1. The Applicant shall conform to all District requirements (including the Regulations Governing Water Service) and/or all City of Beaumont requirements.
2. The Applicant shall work with Riverside LAFCO for annexation into the District's Service Boundary.
3. The Applicant shall install a fire service connection(s) to support the City of Beaumont Fire Department's requirement for off-site and/or on-site fire suppression.
4. The Applicant will be required to pay for additional storage relating to the Project's volumetric quantity of water greater than the baseline fire flow demand (1,000 gpm for 2 hours).
5. The Applicant will be required to pay residential front-footage fees along all property frontages where facilities are currently installed.
6. The Applicant shall enter into a water facilities agreement and pay all deposits and fees associated with potable and non-potable water service for the development.
7. To minimize irrigation consumption, the District requires the applicant to conform to the City of Beaumont Amended Chapter 17.06 "Landscape Standards" Ordinance pertaining to water efficient landscape requirements, and the following:
 - a. Landscaped areas which have turf, shall have "smart irrigation controllers" which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall, automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes. Orchard areas, if any, shall have drip irrigation.
 - b. Landscaping in non-turf areas should be drought-tolerant, consisting of planting materials which are native to the region. Irrigation systems for these areas should be drip or bubbler type.
 - c. The Landscaping Ordinance prohibiting turf within the front yards of all residences shall not be modified by the property owner and/or tenant.
 - d. Conversion of drought tolerant landscaping to turf is prohibited.

Fiscal Impact

No negative fiscal impact to the District. All fees and deposits will be paid by the Applicant.

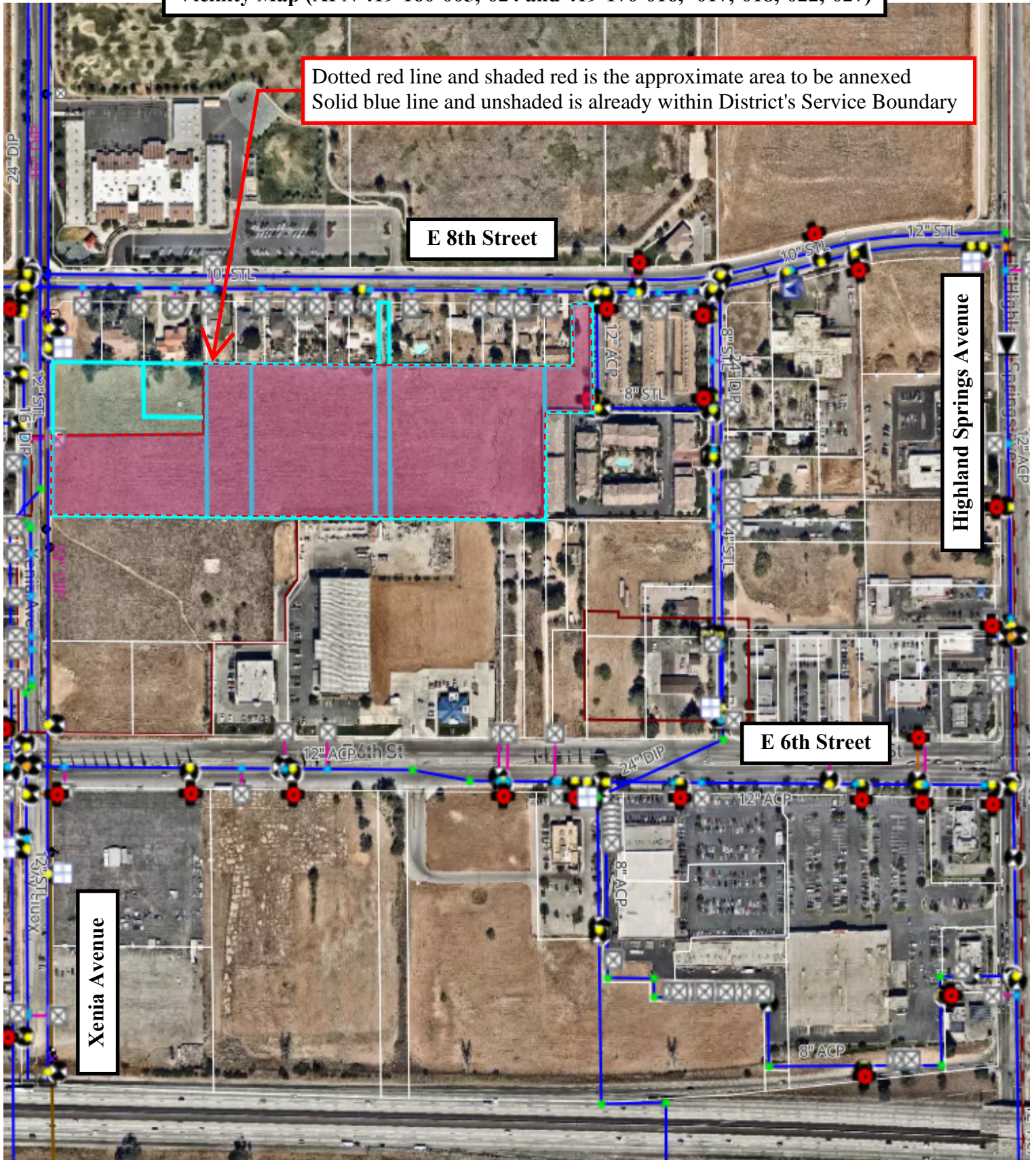
Attachments


1. Vicinity Map (APN 419-160-005,-024 and 419-170-016,-017,-018,-022,-027)
2. Site Plan "Xenia Apartments"
3. Will Serve Request Application

Staff Report Prepared by Inmar Shihab, Engineering Assistant

419-160-005	419-160-024	419-170-016	419-170-017
419-170-018	419-170-022	419-170-027	

ATTACHMENT 1
Vicinity Map (APN 419-160-005,-024 and 419-170-016, -017,-018,-022,-027)



1" = 389 ft	"Xenia Apartments"	10/18/2023	
<p>This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information</p> <p align="center">2023-10-26 BCVWD REGULAR MEETING AGENDA - PAGE 24 OF 81</p>			

[illegible][illegible]

IDENTIFIED FOR FUTURE EV STALLS

TOTAL STALLS PROVIDED $408 \times 106 = 41 \text{ TV}$

STALLS

PROJECT LOCATION

W. 47TH STREET
N. 19TH AVE
W. 47TH STREET
N. 19TH AVE

Vicinity Map



ATTACHMENT 3
Will Serve Request Application

BEAUMONT CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue • PO Box 2037

Beaumont, CA 92223-2258

Phone (951) 845-9581

www.bcvwd.org

☒ **Will Serve Request**

☐ **Water Supply Assessment (SB210)**

Applicant Name: <u>Beaumont Land Partners, LLC</u>		Contact Phone # [REDACTED]
Mailing Address: [REDACTED]		Fax #: [REDACTED]
State & Zip: [REDACTED]		E-mail: [REDACTED]
Service Address: [REDACTED]		
Assessor's Parcel Number (APN), Tract Map No. Parcel Map No.: <u>419-160-005/024 & 419-170-016/017/018/022 & 027</u>		
Project Type: <input type="checkbox"/> Single-Family <input checked="" type="checkbox"/> Multi-Family <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Minor Subdivision (5 lots or less) <input type="checkbox"/> Major subdivision (6+ lots) <input type="checkbox"/> Other		
Site Map Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

The letter should be delivered to:

Recipient: Paul Onufre

PLEASE CHOOSE ONE:

- ☒ Mail (above address) ☐ E-mail
☐ Fax ☐ Will pick up

The District reserves the right to impose terms and conditions in Will Serve Letters and/or Water Supply Assessment Reports that take into account water availability issues, conservation issues and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.

Beaumont Land Partners, LLC
By: JPM B Investments, LLC
Its: Managing Member

Applicant's Signature

[Signature]
By: Paul Onufre
Its: Manager

Date 4/9/2020



**Beaumont-Cherry Valley Water District
Regular Board Meeting
October 26, 2023**

Item 6

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Resolution 2023-__: Amending the District Policies and Procedures Manual Adopting Policy 3235 Military Leave and Policy 3110 Jury and Witness Duty

Staff Recommendation

Consider available options and the recommendations of the Personnel Committee, and adopt Resolution 2023-__ Amending the District Policies and Procedures Manual and Adopting Policies:

- Policy 3235 Military Leave
- Policy 3110 Jury and Witness Duty

Or, direct staff as desired.

Executive Summary

Staff proposes revisions to existing District policies and addition of a new policy:

Table 1 – Summary

3235 Military Leave / Military Family Leave	<ul style="list-style-type: none">• Proposed new policy• Sets forth District procedures to eliminate questions or unknowns in the event of military leave• Provides transparency and fairness• Draft includes Personnel Committee recommendations
3110 Jury and Witness Duty	<ul style="list-style-type: none">• Substantial revisions to existing policy based on research of other agencies' policies and input from HR Dynamics• Policy draft was also reviewed and edited by legal counsel• The Personnel Committee declined to recommend an increase in paid leave time from 40 hours to more, to reflect the typical public agency policy

The Personnel Committee made recommendations for consideration by the Board, as enumerated in Discussion below. Staff requests the Board consider the recommended options available to each policy, make a determination on options, and adopt the policies with the desired options.



Background

On March 18, 2009, the Board of Directors adopted Resolution 2009-05, establishing a Policies and Procedures Manual applicable to the Board of Directors and District staff. The document has been updated periodically over the years.

Staff has consulted several sources to update the content and verbiage of the District's Policy Manual, including sample policies from the California Special Districts Association, articles published by the California League of Cities and Institute for Local Government, the Society for Human Resources Management, recently updated manuals of other special districts, and the District's human resources consultant, HR Dynamics.

Revised policies are drafted using the APA (American Psychological Association) Style for writing style and grammar. The APA style emphasizes continuity, flow, conciseness, bias-free language, and clarity. These objectives parallel the District's goals for transparency in public documents and promote clear and enforceable policies.

At the October 17, 2023 meeting of the Personnel Committee, the Committee members reviewed drafts of the proposed policies and made recommendations to be presented to the full Board for consideration.

Discussion

The proposed policies are presented side-by-side with the current versions (if any), with redline edits shown for clarity. District legal counsel has reviewed the draft policies.

3235 Military Leave

This is a new policy which reflects current District practices, and includes some recommendations from the Personnel Committee.

Military leave is governed by federal and state law. The District follows California state law which is more comprehensive and generous than federal law. In addition, public employers are assigned a greater responsibility and legal requirements than private employers, and some choose to offer benefits beyond what is legally required.

- **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)**
Generally requires employers to reemploy eligible veterans returning to civilian employment after a period of service in the uniformed services. Uniformed service includes United States active duty and reserve component military organizations, and certain other non-military organizations including the Federal Emergency Management Agency's (FEMA) Urban Search and Rescue System (USAR), the National Disaster Medical System (NDMS), and the commissioned corps of the Public Health Service (PHS).
- **California Military and Veterans Code, Chapter 7 (§389 – 399.5)**

As a general rule, BCVWD avoids repeating the law within policy, however the Military Leave policy lends itself to some reiteration for the sake of clarity and context.



Please refer to Attachment 4 - TABLE A – At-A-Glance: Military Leave Requirements and Options.

During research on other public employers' policies, staff noted some available benefits above and beyond those required by law. The Personnel Committee thoroughly considered all policy options and the recommendations of the Committee are included in the policy draft. If desired, the Board may review and consider different options from those recommended by the Personnel Committee. For consideration are those items which are sometimes or typically provided by local agencies (highlighted in yellow on the draft policy).

Options recommended by the Personnel Committee include:

1. Pay differential: Payment of the difference between military pay and the employee's regular base pay
2. Continued payment of the employee's health insurance benefits for a period past the required 30 days (District current practice is to provide health insurance benefits for the duration of military leave)
3. Continued payment of the employee's short-term disability, term life, AD&D, or other regular insurance coverages

Options not considered or recommended by the Personnel Committee:

4. Paid leave for employee during a period of inactive duty training (CMVC 395.01(b))

As with any employee benefit, offering options greater than legally required can be a helpful tool for employee recruitment and retention purposes.

3110 Jury and Witness Duty

California law states that employees must be granted authorized time off to serve on jury duty, or witness duty. The law does not mandate that such time off be paid.

Staff reviewed the Jury Duty policies of more than 10 local government agencies. All but one provided more generous paid leave for jury service, ranging from two weeks (80 hours) to the entire length of jury service. The Personnel Committee considered and discussed an increase in the hours for paid jury duty leave. The draft policy circulated to the Employee Group included said recommendation and had been deemed acceptable.

If assigned to a trial that lasts longer than the paid leave period, employees may use their accrued paid time off.

The Personnel Committee subsequently reviewed the policy draft and recommended the following:

1. No increase in the District's current provision of five days (40 hours) of paid jury duty leave
2. Directed staff to remove the applicability of the policy to part time and temporary employees.



Following the determination of the Personnel Committee, the draft was recirculated to the Employee Group representatives, but no comment was received.

Fiscal Impact

3235 Military Leave

There will be a fiscal impact to the District under provisions of existing law. Provision of added benefits will produce a fiscal impact. The maximum fiscal impact to the District will vary based on the employee's salary level, military pay, length of military leave, and selected health coverage.

3110 Jury and Witness Duty

There will be a fiscal impact to the District depending on the length of paid jury service provided, based on the affected employee's hourly wage.

Attachments

1. Resolution 2023-__ Adopting policies
2. Proposed Policy 3235 Military Leave
3. TABLE A – At-A-Glance: Military Leave Requirements and Options
4. Proposed revision Policy 3110 Jury Duty and Witness Leave
5. Table B – Other Districts' Jury Duty Leave

Staff Report prepared by Lynda Kerney, Executive Assistant

Attachment 1

RESOLUTION 2023-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL PART I: POLICY 3110 JURY DUTY AND WITNESS LEAVE AND ADDING POLICY 3235 MILITARY LEAVE

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, upon review and discussion, the Personnel Committee of the Board of Directors recommended revisions to the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources consultant; and

WHEREAS, the Board of Directors has reviewed and considered the revisions to the BCVWD Policy and Procedures Manual Part I attached hereto as Exhibit A – Policy 3110, and Exhibit B – Policy 3235, finds the policies relevant and acceptable, deems them to be in the best interests of the District, and desires that the following actions be taken:

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the BCVWD Policies and Procedures Manual, Part I is amended as follows:

1. Adopt revised Policy 3110 Jury Duty and Witness Leave, replacing current Policies and Procedures Manual Part I, Section 29
2. Adopt new Policy 3235 Military Leave

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DRAFT UNTIL ADOPTED

DRAFT UNTIL ADOPTED

Director David Hoffman, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

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

Attachments – Exhibit A: Policy 3110
Exhibit B: Policy 3235

POLICY TITLE: MILITARY LEAVE / MILITARY FAMILY LEAVE
POLICY NUMBER: 3235

Attachment 2

3235.1 Purpose. Military leave is governed by state and federal law: (Military and Veterans Code §§ 389 *et seq.* and the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301 *et seq.*) The intent of this policy is to set out the basic parameters of applicable law and is not intended to expand any rights beyond those provided by law, except as specifically stated herein. In the event of any inconsistency between this policy and applicable law, the federal or state law will prevail.

3235.2. Employees who are or become a member of the reserve corps of the Armed Forces of the United States, and eligible forces in section 3235.5 below shall be entitled to leaves of absence and employment rights and privileges provided by the Military and Veterans Code of the State of California.

3235.3 Military Leave shall be in accordance with Federal and State Law and will correlate with the District's "most favorable" benefits.

3235.4 A Beaumont-Cherry Valley Water District regular or part time employee may be entitled to the following rights as outlined below.

3235.5 Eligibility. Eligible employees are members of the reserve corps of the Armed Forces of the United States (including the US. Air Force, Army, Navy, Marine Corps, Space Force, Coast Guard, Revenue Marine Service, and the Army and Navy Nurse Corps), the National Guard, the commissioned corps of the National Atmospheric Administration, the California State Guard (Military Reserve), Federal Emergency Management Agency reserves, the National Disaster Medical System (NDMS) and the commissioned corps of the Public Health Service (PHS), or as otherwise described in federal and state law.

3235.6 Definitions.

3235.6.1 Military Leave: the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, and includes active duty, active duty for training, initial active duty for training (weekend drills), full-time National Guard duty, and a period for which an employee is absent for the purpose of an examination to determine the fitness of the person to perform any such duty.

3235.6.2 Active Duty: ordered duty as a member of a reserve component of the Armed Forces of the United States, as a member of the National Guard or Naval Militia.

3235.6.3 Inactive Duty: drills and other types of training performed periodically by reserve and National Guard members whose status is inactive and does not change to active during the time of their participation. This is usually two (2) days per month for most reserve units to drill, or as otherwise provided by law.

3235.6.4 Annual Training: the District grants short-term military leave for annual training such as active duty military training, encampment, naval cruises and special exercises.

3235.6.5 30-day period: The first 30 calendar days of any military leave of absence. Military leave begins on the first day of ordered duty.

3235.6.6 One Year of public agency service: Includes the combination of all employment by BCVWD within one calendar year prior to the eligible leave.

3235.7 Types of Leave

3235.7.1 Long-Term Military Leave: an order to report for active duty in the Armed Forces, National Guard or Naval Militia for a period in excess of one hundred and eighty (180) days.

3235.7.2 Temporary Military Leave: an order for military duty for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises or like activity, providing that the period of ordered duty does not exceed one hundred and eighty (180) calendar days, including travel time involved in going to and returning from that duty. (MVC § 395(a))

3235.7.3 War or National Emergency Leave: leave when the President of the United States has determined that it is necessary to augment the active forces for any operational mission, or in time of a national emergency declared by the President or the Congress of the United States.

3235.7.4 Emergency Military Leave: military leave for members of the National Guard during such time as the Governor of California may have issued a proclamation of a state of extreme emergency under the provisions of Section 143 or 146 of the Military and Veterans Code or during such time as the National Guard may be on active duty for one or more situations described in more detail in Section 146 of the Military and Veterans Code. (MVC §395.05 (a)). The leave period is not to exceed the duration of the emergency and time required to travel to and from duty.

3235.8 Notice and Orders. Employees who have been ordered to military service must provide advance notice (orally or in writing) as soon as practicable to their immediate supervisor or department head unless military necessity prevents the giving of notice, or the giving of notice is impossible or unreasonable. A copy of military orders and/or the annual drill schedule must be submitted as soon as available. Official orders are required for periods of military leave exceeding thirty (30) days and may be required for other periods of military leave.

3235.9 Length of Leave. The length of military leave is the period of active duty not including travel time going to and returning from such duty unless the orders provide for additional travel time.

3235.9.1 To receive the rights and benefits of emergency military leave, an employee must begin active duty within 10 calendar days after:

- (1) the last day physically worked, or
- (2) the last day on vacation or compensating time off before the active duty date.

3235.10 Pay While on Military Leave. Pay means compensation that is equal to the employee's regular gross pay for the days and hours that the employee is normally scheduled to work within thirty (30) *calendar* days. This involves the number of working hours the employee would normally work during a period of 30 calendar days and does not include overtime. This does not represent 30 workdays of pay.

3235.10.1 Employee shall be responsible to pay the required employee and dependent contributions, if any, toward any benefits.

3235.10.2 Except as otherwise provided by law or a duly adopted resolution, ordinance, memorandum of understanding, or this policy, military leave shall be unpaid.

3235.10.3 An employee on military leave is entitled to salary and benefits as provided by law or as outlined if:

- (1) Employee has been in the service of the District for a period of not less than one year immediately prior to the day on which the absence begins

(2) There has been no break in the continuity of service to the District, and

(3) The employee has 26 qualifying pay periods of District service immediately prior to the active duty date.

3235.10.4 The District will pay the salary of an employee with one year of service to BCVWD on qualifying military leave up to a maximum of 30 calendar days in one fiscal year.

~~If an employee is on active duty that extends from one fiscal year into the next fiscal year, the number of calendar days falling in the second calendar year will be included in the calculation of the 30 calendar day period for the second fiscal year. In no event shall an employee receive Full Salary while on military leave for active duty for more than 30 calendar days in any one fiscal year.~~

3235.10.5 Unpaid period. An employee is not paid for the time between release from active military duty and reinstatement to District service.

3235.10.6 Pay Differential. If the employee's total military pay including all special allowances is less than the employee's base gross pay from the District, then the District will provide pay differential to the employee for the length of military leave following the first 30 day period. To claim differential pay, the employee must submit a copy of their military pay stub along with a copy of their orders to the Human Resources Department.

3235.10.7 The District does not pay for Inactive Duty Training (MVC 395.01(b))

3235.11 Travel Time.

3235.11.1 Travel time is not included in military leave for purposes of pay unless the orders clearly state travel time is part of the active duty.

3235.11.2 An employee may use the day prior to the active duty date for travel unless the orders indicate otherwise. If traveling on a working day, the employee may use any accrued paid time off except sick leave to receive pay for the travel time.

3235.11.3 If travel time is used, the District must consider the travel time when computing whether the employee qualifies for pay.

3235.12 Inactive Duty Training.

3235.12.1 Inactive duty such as scheduled reserve drill periods also qualifies for a military leave of absence.

3235.12.1.1 The District does not grant paid time off for inactive duty leaves.

3235.12.1.2 An employee may use any accrued paid time off except sick leave to attend scheduled reserve drill periods or perform other inactive duty reserve obligations.

3235.13 Health Insurance and Insurance Premium Benefits.

3235.13.1 Long Term or Temporary Military Leave: BCVWD will continue to pay its designated contribution toward the cost of health and life insurance premiums for the employee and any dependents **for the length of military leave**, whether such leave is paid or unpaid.

3235.13.1 (a) Employees with fewer than thirty (30) days of service with BCVWD will not be eligible for health insurance or life insurance benefits pursuant to BCVWD's health insurance or life insurance plans.

3235.14 Retirement Benefits: An employee on military leave retains membership in the California Public Employees' Retirement System (CalPERS). While on unpaid military leave, retirement contributions are not

deducted from the employee's payroll. An employee may apply for CalPERS service credit for military duty by contacting CalPERS. The employee bears the cost of service credit, unless the employee qualifies for no member cost.

3235.15 Other Benefits: BCVWD offers additional benefits such as supplemental insurance, an employee assistance program, and others. Questions regarding other benefit plans should be referred to Human Resources.

3235.16 Notification of Intent Not to Return. Any employee on military leave who knowingly provides written notice of intent not to return to his or her position of employment after service in the Armed Forces (uniformed services) is not entitled to rights and benefits that are not determined by seniority as are generally provided by the District to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, Section, practice, or plan in effect at the commencement of such service.

3235.17 Vacation, Sick Leave, Holiday Pay

3235.17.1 Vacation and Sick Leave

(a) An employee on military leave will continue to accrue vacation and sick leave for up to one hundred and eighty (180) days. Upon return, these credits will be given at the same rate that would have applied if the employee had remained on the job.

(b) After War or national emergency military leave: Employee is eligible to receive vacation and sick leave for up to 24 months, based on the length of military leave. Employee begins earning vacation and sick leave immediately upon return at the rate they would have received had they remained on the job.

(c) All military service will be counted as District service for the purpose of vacation benefits accrual.

(d) Unused vacation or sick leave will be credited upon the employee's return to work

3235.17.2 Holiday Pay: An employee will be paid for any BCVWD holidays that fall during a period of military leave to the extent that the employee would otherwise be eligible for holiday pay.

3235.17.3 While on military leave an employee may draw from accrued paid time off, except for sick leave, at any time. Human Resources must be notified to process this request. (38 U.S.C. §4316)

3235.18 Reinstatement.

3235.18.1 Reinstatement rights will be as provided by state and / or federal law.

3235.18.2 If the employee was serving in a probationary period at the time of military leave the time remaining to be served in the probationary period must be completed upon return.

3235.18.3 To return to the job after completing military leave, the employee should contact Human Resources or the Director of Finance and Administration to request reinstatement. A written request is encouraged.

(a) **Military Leave of 30 Days or Less:** An employee performing 30 days or less of military service must report back to work at the beginning of the next regularly scheduled work shift that begins after the employee's safe return home plus 24 hours. If reporting back to work within

this time period is impossible or unreasonable through no fault of the employee, the employee must report back to work as soon as possible after the employee's safe return home plus 24 hours.

- (b) Military Leave of 31 Days to 180 Days: An employee returning from 31 days to 180 days of military leave must submit notice for reemployment no later than 14 days after completion of military service. If submitting the notice within 14 days is impossible or unreasonable through no fault of the employee, the employee must submit a notice for reemployment on the next first full calendar day when submission of the notice becomes possible.
- (c) Military Leave of 180 Days or More: An employee returning from 180 days or more of military leave must submit a notice for reemployment no later than 90 days after the completion of military service.
- (d) Illness or Injury Incurred During Performance of Military Service: An employee who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of military service must either report to HR or submit a notice for reemployment (in the case of an employee described in Subsections ii and iii above) at the end of the period that is necessary for the employee to recover from such illness or injury. Such period of recovery may not exceed two (2) years.
- (e) Notice of Reemployment Requirements: A notice or application for reemployment may be oral or written, however a writing is strongly encouraged. Additionally, a copy of the military separation document will be required to submit with the notice. The separation document may be:
 - Department of Defense Form 214 (DD214) or
 - any other correspondence which either identifies the branch of service or is printed on the official letterhead of the branch of the military service.
- (f) The military separation document must provide:
 - the condition of the employee's release from the military service (for example, "honorable," "general," "under honorable conditions" are considered satisfactory discharges),
 - the date the employee entered active duty, and
 - the date the employee was released from duty.

3235.19 Reemployment Position: An employee returning from military service will be placed in the reemployment position with the pay, rights and benefits required by law. Generally, the returning employee is returned to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment and without loss of job seniority or any other status or benefits accrued prior to or during military leave, provided the employee would still be employed if military leave had not been taken.

3235.19.1 If an employee has not yet completed his/her probationary period at the time his/her military leave commences, his/her probationary period must be completed upon reinstatement. Time spent on military leave(s) shall not count toward completion of a probationary period. An employee's probationary period will be extended by the length of the military leave, and is further subject to any other requirements of the Personnel Rules and Regulations, Memoranda of Understanding, and/or Department-specific policies.

3235.19.2 If the employee's position has been abolished or otherwise has ceased to exist during the employee's absence, the employee will be reinstated to a position of like seniority, status, and pay if a position exists, or if no position exists the employee will have the same rights and privileges as though he or she had occupied the position when it ceased to exist.

3235.20 Employees with Less than One Year of Service.

3235.20.1 If an employee has served less than one year of employment with BCVWD, any periods of military leave will be unpaid.

3235.20.2 For an employee with more than thirty (30) days employment but less than one year of employment with BCVWD, the employer's designated contribution toward the cost of health and insurance for the employee and dependents **will be paid up to four (4) months while the employee is on military leave.**

3235.20.3 An employee with less than one year of service with BCVWD may use accrued vacation time, holidays or other compensatory time, except for sick leave, for any military leave. Benefits shall continue to accrue normally during any paid leave period.

3235.21 Military Family Leave. An employee who is a military spouse may be eligible for unpaid family leave for up to ten (10) days. (MVC §395.10)

3235.21.1 For an employee to qualify for this unpaid leave, the spouse must meet the following conditions:

- (a) Is a member of the U.S. Armed Forces, National Guard, or Reserves; and
- (b) If a member of the U.S. Armed Forces, has been deployed during wartime to an area designated as a combat theater or combat zone; and
- (c) If a member of the National Guard or Reserves, has been ordered to active duty during a period of military conflict, pursuant to Sections 12301 or 12302 of Title 10 of the U.S. Code or Title 32 of the U.S. Code.

3235.21.2 When requesting this unpaid leave, the military spouse must provide documentation to BCVWD that shows both the requested leave and the spouse's deployment will occur during the same period.

3235.22 Special Protection Against Discharge, Except for Cause: Under certain circumstances, an employee cannot be discharged for a period of time without cause after returning to their employment with the District.

3235.22.1 Pursuant to USERRA, a reemployed employee may not be discharged without cause (1) for one year after the date of reemployment if the person's period of military service was for 181 days or more; or (2) for 180 days after the date of reemployment if the person's period of military service was for 31 to 180 days.

3235.22.2 This special protection provision applies even if the employee was in an at-will or probationary status before leaving for service. As applied in this policy, "cause" shall have the same meaning as set forth in the applicable provision of the Personnel Rules and Regulations, memorandum of Understanding, employment contract, or Department policy, whichever governs the employee's relationship with the District.

3235.23 Discrimination and Retaliation Prohibited. Discrimination and retaliation against persons who have served or are serving in the uniformed services, including those who apply to be a member of or to perform service, are prohibited, as provided in Federal and State laws.

TABLE A – At-A-Glance: Military Leave Requirements and Options

TABLE A	State / Federal Law requirement	BCVWD current practice	Option to consider	Fiscal Impact of Option
1	Salary (CMVC 395.01(a)): A public employee is entitled to receive his or her salary or compensation for the first 30 calendar days of any such absence (one instance per year).	BCVWD follows the law The proposed policy reflects this requirement	The Personnel Committee recommended providing pay differential: Payment of the difference between military pay and the employee's regular salary	The fiscal impact of this option would be the equivalent of the FTE's fully-burdened rate x 11 months less the military pay rate
2	No salary requirement for inactive duty training (CMVC 395.01(b))	BCVWD follows the law	The Personnel Committee recommended no pay for inactive duty training	The fiscal impact of this option would be the equivalent of the FTE's fully-burdened rate x the number of regular work hours on inactive duty leave
3	No requirement regarding other regular benefits: Term life insurance, short-term disability, AD&D, Employee Assistance Program	BCVWD follows the law.	The Personnel Committee recommended extending these benefits for the duration of military leave.	
4	No requirement for continued provision for employee-elected available benefits (dental, vision)	BCVWD follows the law.	The Personnel Committee recommended extending the availability of these benefits for the duration of military leave at the employee's cost.	
5	Health Insurance Protection <ul style="list-style-type: none"> For service of less than 31 days, health coverage is provided as if the service member had remained employed. The employee has the right to elect to continue existing employer-based health plan coverage for up to 24 months (COBRA) at a cost of 102 percent of the full premium Reinstatement in employer's health plan when reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. 	BCVWD provides benefits in excess of the legal minimum: BCVWD continues to provide health insurance benefits for the length of military leave. See proposed policy Section 3235.13	The Personnel Committee recommended extending these benefits for the duration of military leave.	

Attachment 4 Proposed Policy

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL

POLICY TITLE: JURY AND WITNESS DUTY

POLICY NUMBER: 3110

A. General. ~~BCVWD encourages all employees to fulfill their civic obligations by performing jury service or witness service when called. Employees shall not suffer any adverse employment action because of jury duty or witness appearance leave.~~

Application. This policy ~~and its various provisions~~ shall apply to ~~all full-time~~ probationary and regular employees in all classifications, ~~including part-time and temporary as well temporary and part-time employees.~~

B.

C. Notice. ~~An employee summoned for jury duty will immediately notify his/her immediate supervisor. On receiving a jury summons, subpoena, or other court order requiring appearance in a judicial proceeding as a witness, the employee shall will immediately notify his/her immediate supervisor (or other responsible managing employee). Employee shall submit appropriate documentation, including a copy of the jury summons, subpoena, or other court order, along with a time off request form, as soon as practicable.~~

Paid

D. Leave of Absence. ~~All regular full-time employees. While serving on a jury, or as a witness (unless the employee is a party to the lawsuit or an expert witness), an employee will be given a paid leave of absence up to forty (40) hours, five days. Said leave of absence is conditional upon the reporting requirements indicated in Paragraph I, below. employee returning to work upon dismissal each day to complete his/her remaining normal workday.~~

E. Use of Vacation Accruals. ~~Nonexempt eAll regular full-time employees may use accrued, unused, vacation hours for any unpaid leave under this policy. the time spent serving on jury duty or witness leave is not considered hours worked for purposes of calculating overtime compensation. Employees who serve on a scheduled day off shall not receive pay. An employee who is a party to the lawsuit or serving as an expert witness may use vacation accruals or request an unpaid leave of absence.~~

F. Exempt employees will be paid their full weekly salary unless they are on leave for longer than one week and no work is performed. In that case, accrued, unused, vacation hours or other unused time off may be used.

Unpaid Leave of Absence. ~~All other employees (part time and temporary) who are summoned for jury duty are granted an unpaid leave in order to serve. Full-~~

Commented [LK1]: Temporary and part-time employees removed by the Personnel Committee

Commented [LK2]: Part time and temporary employees removed by the Personnel Committee

Adopted by Resolution 20-XX, Date

Jury duty – current policy

Part I Section 29

29 JURY DUTY

- A. **Application.** This policy shall apply to probationary and regular employees in all classifications.
- B. **Notice.** An employee summoned for jury duty will immediately notify his/her immediate supervisor.
- C. While serving on a jury, an employee will be given a paid leave of absence up to five days. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday

time employees who have exhausted their vacation accruals may be granted unpaid leave of absence for jury and witness leave.

G. **Proof of Service.** To receive approved time off and jury duty or witness pay, an employee must submit the Proof of Service provided by the Court indicating dates and hours served.

H. **Compensation.** ~~and a~~Any compensation received as a juror or witness during the first forty (40) hours, not including any travel allowance, must be submitted to the District in order to receive regular compensation. ~~received.~~ The District shall not compensate for appearances in which the employee receives compensation in excess of the employee's regular earnings. ~~Temporary and part-time employees shall retain any witness appearance or jury duty compensation since such employees shall not be paid for time not actually worked. The time spent serving on jury duty or witness leave is not considered hours worked for purposes of calculating overtime compensation. Employees who serve on a scheduled day off shall not receive pay.~~

I. **Reporting.** Employees are required to report to work on those days when they are not actively serving on jury duty. An employee who is released from jury service or witness duty before the end of his or her regularly scheduled shift or adjusted work schedule is required ~~expected to return to work. if there are one (1) or more hours of the workday remaining, exclusive of travel time. call his or her supervisor or Human Resources as soon as possible and report to work unless further excused.~~ Grounds for exception to the work reporting requirement (one hour or more at the beginning or end of the shift) shall include, among others extended travel time or the need to change from work clothing.

J. **Benefits.** Any jury duty service of longer than 40 hours of absence will be excused ~~absence but unpaid.~~ All benefits shall remain in effect for the length of the service.

Commented [LK3]: Temporary and part time employees removed by the Personnel Committee

Adopted by Resolution 20-XX, Date

Attachment 5

TABLE B – Comparison of Jury Duty Leave Policies

All public agencies require jurors to decline any jury duty pay from the Court, or to remit any jury duty pay to the agency (with the exception of WMWD, which allows employees to keep said stipend). Mileage reimbursement may be retained. All agencies provide authorized leave of absence per California Labor Code.

All employees are included in the policy unless otherwise specified in the last column.

	AGENCY	DAYS (in one year)	HOURS (Equivalent)	Employees
1	BCVWD	5	40	
2	Fresno Irrigation District		80	
3	Palmdale Water District	10	80	
4	SAWPA		80	
5	Camarillo Health Care District	3	24	Regular FT and PT with completed introductory period
6	La Puente Valley Water District	10	80	Regular full time
7	JPIA	10	80	Regular full and part time
8	Orange County Water District	22	176	Full time including probationary
9	Rainbow Water District	10	80	
10	Lake Hemet Water District		80	
11	Olivenhain Water District	20	160	
12	El Dorado Irrigation District	Full length of service		
13	Rim of the World Rec and Park	Full length of service		
14	Herlong Public Utility District	Full length of service		
15	Cal State Northridge	Full length of service		
16	CSDA sample policy	Full length of service		
17	Mission Springs Water District	Full length of service		
18	Coastside County Water District	Full length of service		
19	Coachella Valley Water District	Full length of service		
20	Helix Water District	Full length of service		
21	Joshua Basin Water District	Full length of service		Regular full time
22	Lakeside Water District	Full length of service		
23	Nevada Irrigation District	Full length of service		
24	Vallecitos Water District	Full length of service		
25	Western Municipal Water District	Full length of service		
	<i>Blue = Local comparator agency</i>			



BEAUMONT-CHERRY VALLEY WATER DISTRICT

GENERAL MANAGER'S REPORT

DATE: October 2023
TO: Board of Directors
FROM: Dan Jaggars, General Manager

TABLE A REPORT HIGHLIGHTS	REPORT PAGE #
SB 606 and AB 1668: Making Conservation a Way of Life Comment Letter to SWRCB	1
AB 1572: Potable Water: nonfunctional turf signed into law	2
Sites Reservoir	3
Water Production	5

OUTREACH / COMMUNICATION / MEDIA COVERAGE

Attachments:

1. Beaumont Record-Gazette 9/15/23 – MDP Line 16 award
2. El Informador del Valle 7/20/23 – Water Quality Report

MAKING CONSERVATION A WAY OF LIFE

Comment Letter to State Water Resources Control Board

A comprehensive comment letter was sent to the State Water Resources Control Board in response to the draft regulation for the Making Conservation a Way of Life effort. The Board members' concerns were enumerated in the letter as requested. A copy is herewith as Attachment 3.

Now that the comment period is over, the Water Board will consider the rule for adoption during the summer of 2024. If it is found acceptable, it will be adopted and become effective October 1, 2024.

Also attached are some recent news articles on the proposed regulation. A video recording of the entire 11+ hour meeting of the SWRCB is available on YouTube, here:

<https://www.youtube.com/watch?v=VEn3ooP6T18>

The State's process is continuing. Follow the action on the website, here:
https://www.waterboards.ca.gov/conservation/regs/water_efficiency_legislation.html

Further reading on the rulemaking:

Primer from the State Water Resources Control Board
<https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Make-Water-Conservation-A-California-Way-of-Life/Files/PDFs/Final-WCL-Primer.pdf>

State Water Resources Control Board Indoor Water Use Study
https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/2018-Water-Conservation-Legislation/Performance-Measures/NEW_Results-of-the-Indoor-Residential-Water-Use-Study.pdf

AB 1572: Potable Water: nonfunctional turf is signed by Governor Newsom

On October 13, 2023, Governor Gavin Newsom signed into law a ban on watering nonfunctional turf with potable water (See Attachments 7 and 8). Among its main provisions:

- Defines functional and nonfunctional turf:
 - “Functional turf” means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.
 - “Nonfunctional turf” means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.
- In the District's Urban Water Management Plan, there must be consideration of the water-related needs of owners and occupants of affordable housing, including the removal and replacement of nonfunctional turf

Table B - Prohibitions timeline:

	Prohibition effective	Turf type
A	January 1, 2027	All properties owned by local governments, local or regional public agencies, and public water systems
B	January 1, 2028	All other institutional properties and all commercial and industrial properties
C	January 1, 2029	All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities
D	January 1, 2031	All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community

Similar legislation was passed in 2021 in Nevada.



SITES RESERVOIR

The Sites Reservoir Project Authority met on October 20, 2023. The agenda included revision of the Work Plan timeline and the FY 2024 budget in the amount of \$63.8 million.

Cash Calls for 2024 totaling \$25.6 million will be billed in January 2024. The rate is proposed at \$160 per acre-foot.

A budget summary and work plan staff report can be found here:

<https://sitesproject.org/wp-content/uploads/2023/10/02-01-2024-Workplan-Update-Approval.pdf>



OPERATIONS

Dozer Repairs

Work is complete, and the dozer has been returned to service in Edgar Canyon on cleanup activities related to Tropical Storm Hilary.

Wells 11 and 19 emergency repairs

Well 11 repairs are complete and the well has been returned to service. Well 19 work is complete but start up has been delayed due to access to the facility (creek crossing) that was damaged during Tropical Storm Hilary and SCE was unable to restore power to the site. Access to the facility has been restored and SCE has restored service to the site. We anticipate start up and flushing to begin next week.

Leaks repaired – September 2023

Five (5) main line leaks and six (6) service line leaks were addressed.

Oak Valley Parkway pipeline

A new 18" non-potable water main on Oak Valley Parkway, that has not yet been accepted by the District, has developed significant leaks at a number of connection points (bells). District staff is working with the developer, contractor, and pipe manufacturer to find the extent of the failures. At this time, it appears that 4 joints have failed at the bells containing field lock gaskets. District staff has requested a Tech Memo on the findings related to the leaks and proposed repair activity. Upon receipt of said Tech Memo, staff will consider the proposed repair activity and provide feedback.

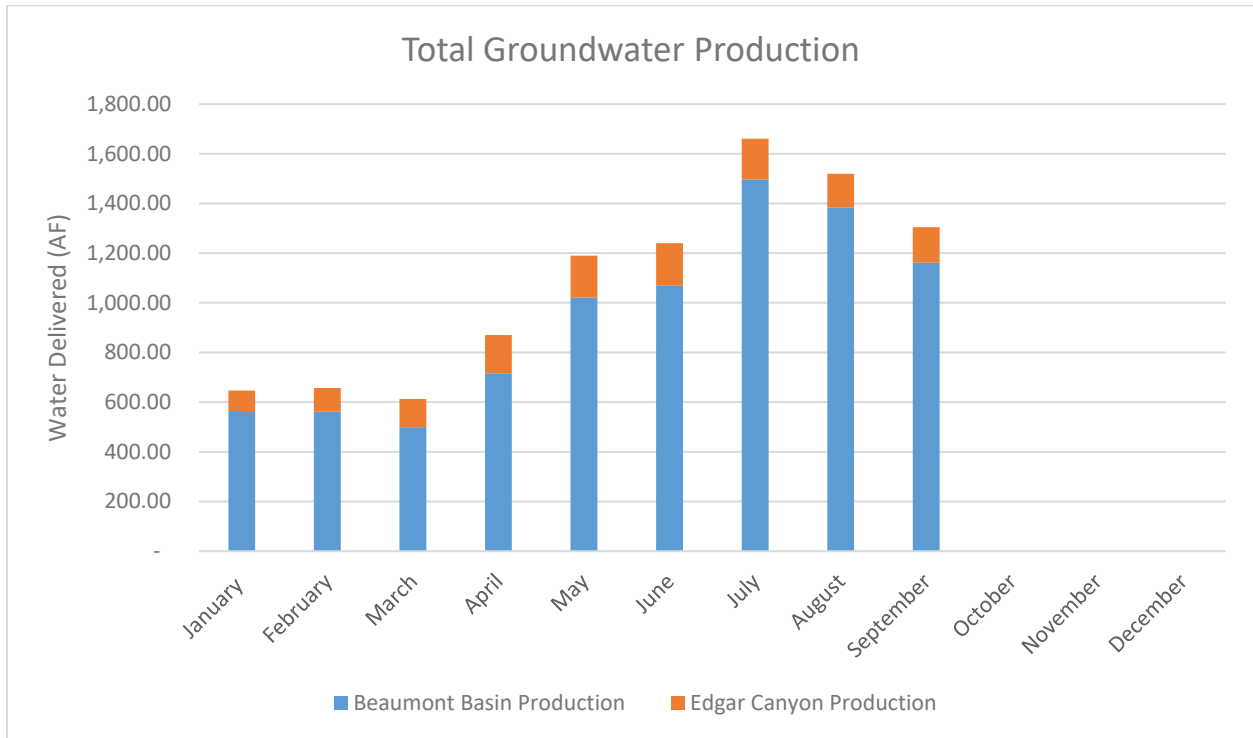
TABLE C – Total Groundwater Production

	January	February	March	April	May	June	July	August	September
Beaumont Basin Production	563.94	561.61	499.23	716.23	1,020.67	1,068.84	1,496.50	1,384.16	1,161.21
Edgar Canyon Production	82.84	95.37	113.16	154.00	168.92	170.85	163.98	135.64	142.92
Total Groundwater Production	646.78	656.98	612.39	870.23	1,189.59	1,239.69	1,660.48	1,519.80	1,304.13

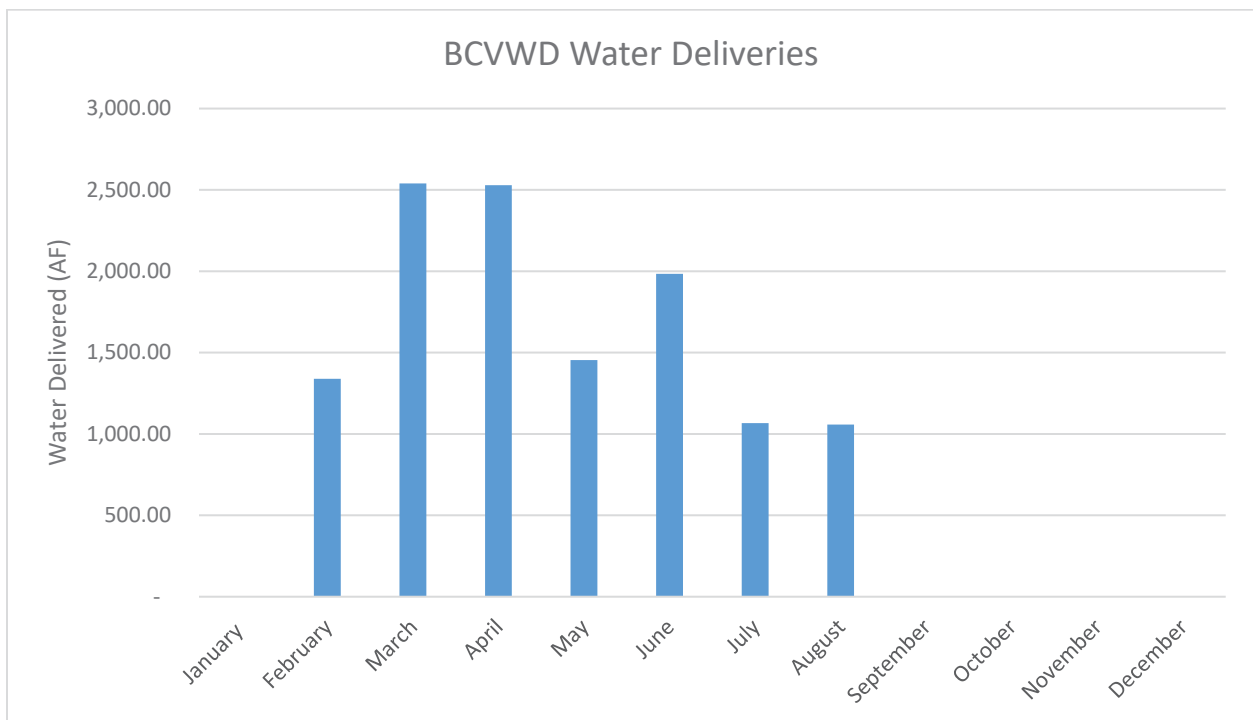
FINANCE / ADMINISTRATION

FY 2024 Budget preparation is fully underway. The Finance and Audit Committee reviewed the preliminary budget draft, and the full draft will be presented to the Board at the November 8 Regular Meeting.

Monthly Water Production



Monthly Imported Water Delivery



HUMAN RESOURCES – TABLE D - September 2023

Total Current Employees (Excluding Board Members)	43
Full-Time Employees	38
Part-Time	2
Temporary	3
Interns	0
Separations / Retirements	0
Retired Employee(s)	0
New Hires	1
Recruitments in progress	3

EXECUTIVE OFFICE

General Manager's activity status

A - DISTRICT HAPPENINGS		
A1	AMR / AMI Project	Large meter installations are underway, and implementation of AMI starts the week of Oct 23
A2	Capacity Charges Study (Raftelis)	Expected presentation of the draft study to the Board in December 2023, possibly earlier
A3	Engineering and Operations Center	Evaluating available District properties Considering RFP for architectural services
A4	District residences	Personnel Committee to review policy in February
A5	Pennsylvania Avenue facilities relocation	All District work on Pennsylvania Ave widening was expected to be complete on 10/12/2023. The final piece was extension of a blow off and air vac out of the proposed road in the Railroad right of way
A6	Well drilling 1A and 2A	Contract has been awarded and it is anticipated the contractor's schedule will begin the first of January
A7	Well 19	Anticipated restoration to service the week of Oct 23
A8	Illegal well drilling in Cherry Valley	No new information
A9	Policies and Procedures Manual	Discussed prioritization with the Personnel Committee. Work is ongoing

B - LOCAL AGENCY HAPPENINGS		
B1	City of Beaumont – Cooperative Agreement (encroachment permit and paving)	Under review by City Manager and staff
B2	City of Beaumont – Recycled Water Agreement	City Manager Elizabeth Gibbs reported that the City will be placing this project on hold indefinitely
B3	City of Beaumont Landscape Ordinance	Updating language in District conditions of approval for developers to reflect provisions of ordinance
C - CALIFORNIA HAPPENINGS		
C1	SWRCB Chromium 6 MCL update	No new information
C2	Zero Emission Trucks – upcoming rulemaking	Evaluating impact of proposed CARB rule on District fleet
C3	Delta Conveyance	No new information
C4	Recharge capacity and State Project Water	Article 21 water is still available to any contractor that has the ability to store it, including via groundwater recharge.
C5	AB 1668 and SB 606: Making Conservation a California Way of Life	See attachments 3-6
C6	Sites Reservoir	See above information, page 3

ATTACHMENTS

1. Record Gazette 9/15/23 – MDP Line 16 award
2. El Informador del Valle 7/20/23 – Water Quality Report
3. Comment Letter submitted to State Water Resources Control Board 10/17/2023
4. Article: Courthouse News Service
5. Article: Orange County Register
6. Article: CalMatters
7. AB 1572 Nonfunctional Turf legislation
8. Article: Governing

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**Beaumont football
wins in Utah**
See story on page 11.

Stagecoach Days Parade
Page 3

Remembering 9/11
See page 6.

Banning's mutton-bustin', whiskey samplin' rodeo weekend

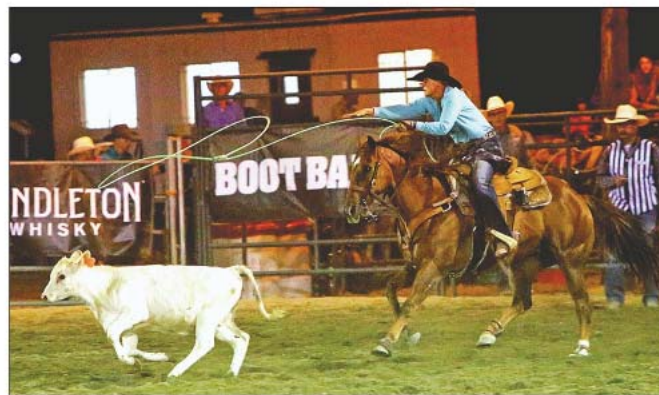
By CHLOE TOKAR
For Record Gazette

The crowd was a grand sea of cowboy hats and boots worn by people of all ages, carrying smiles and, some, whiskey cocktails as they gathered for the annual Banning Stagecoach Days Rodeo.

A staple to the community since 1957, the event kicked off with more than just bucking bulls and horses.

Rallying on for two days, Sept. 8 and 9, vendors, food trucks and a beer garden helped treat the masses to country-themed clothing, leather commodities, Pendleton whiskey and savory bites.

"I love coming to the Banning rodeo," said Malena Lacanlale, a seasonal ranch hand. "It's a rodeo that still has a small-town feel, but with a big-time performance. The people, atmosphere and



Contestants in the PRCA rodeo demonstrate their calf roping skills during the Stagecoach Days Rodeo. Photo courtesy of Carl Smith

events are authentic and real. I love watching all the events

— from mutton busting to rodeo season is something I watch and look forward to.

This year's central theme was "Way Out West Where the Wind Blows Free," which occurred at AC Dysart Park in Banning.

With live entertainment from the Highwayman, Payton Howie and Michael Austin, people were invited to enjoy an exciting rodeo and indulge in line dancing until 1 a.m. the following morning of each event night.

Rodeo events included bareback riding, steer wrestling, mutton busting, tie-down roping, ladies' breakaway, saddle bronc riding, team roping, barrel racing, and closed each night with bull riding.

Six-year-old Delilah Lopez took the title of Little Miss Banning Stagecoach Days and showcased that rodeo spirit starts young.

"It makes me really happy," Delilah said about her win, adding, "I think just

See RODEO, page 4

Beaumont gets one shot to celebrate Zip Code Day

By DAVID JAMES HEISS
Record Gazette

Some events are rare, like Haley's comet.

And some are once-in-a-lifetime events, such as a U.S. president serving four terms.

Count Beaumont's Zip Code Day to be among the latter: on Friday, Sept. 22, 2023 — a date of 9-22-23, which is Beaumont's zip code, and a day that may go down in history — the local post office will be issuing celebratory postmarks to mark the special occasion.

The Beaumont Post Office is calling it "a once-a-century alignment."

On that day only between 9:30 a.m. to 4:30 p.m., they will issue the special cancellation that features "92223 Date Meets Zip" postmark.

Refreshments and sale of commemorative envelopes will be offered while supplies last.

"We're excited and honored to host this rare event," said Postmaster Juan Rodriguez. "It recognizes the ties between USPS and our community. As outlined in the postal service's 'Delivering For America' plan, we are committed to the changing needs of our customers nationwide, from Boston to Beaumont."

Duke Gonzales, strategic communications specialist for the postal service's Hawaii and San Diego regions, told the Record Gazette, "The alignment of calendar dates with zip codes is a once-a-century opportunity for relatively few post offices, which is why we're celebrating the occasion at the Beaumont Post Office with a special postmark and commemorative envelopes."

See ZIP CODE, page 3



Record Gazette photos by Hector N. Hernandez Jr. Guests and dignitaries attending the Beaumont Line 16 ribbon cutting tour the percolation ponds by van.

Water district opens dual-use facility

**Beaumont-Cherry Valley
Water District celebrates
new water recharge-flood
control facility in
Beaumont.**

By HECTOR N.
HERNANDEZ JR.
Record Gazette

Thursday, Sept. 7,
Beaumont-Cherry Valley
Water District (BCVWD) and
the Riverside County Flood
Control and Water

Conservation District celebrated the completion of its dual-use Beaumont Line 16 water conservation and flood protection project with a ribbon-cutting attended by local water industry partners and elected officials.

The \$7.6 million project constructed a system of percolation ponds (stage 1, which was constructed beginning in 2005) at northeast corner of Brookside and Beaumont avenues in Beaumont and the

recently completed flood control infrastructure that enables the facility to capture and recharge local stormwater (stage 2).

The second stage included the installation of 7,800 feet of underground pipes ranging from 4.5 to 7 feet in diameter, constructed by H and H General Contractors.

The system was designed to recharge groundwater stores with both State Water

See WATER, page 7

INSIDE: Public safety 2 Weather 2 Entertainment 8 Letters 9 Sports 10 Obituaries 17 Announcements 18 Public notices/Classifieds 20

WATER

Continued from page 1

Project (SWP) water (imported from Northern California) and captured local stormwater. By capturing and redirecting stormwater, the project will have the added benefit of alleviating some of the reoccurring flooding issues in Cherry Valley, particularly in the areas of Grand and Bellflower avenues.

"We're particularly excited about this project because it's the first step in addressing some significant flood hazards that have affected the Cherry Valley area for a long, long time," said Jason Uhley, general manager and chief engineer for county flood control. "This project isn't going to solve that problem but it's going to make it better. We're going to cut off the flows from the north and the residents between Grand and Brookside are going to see less water and have a better life with less risk of flooding."

Uhley added that the flood control district will continue its work in solving Cherry Valley's flooding issues.

The facility was designed for a 10-year flood event and is capable of adding up to 500 acre-feet of water per year to local water system.

According to BCVWD General Manager Dan Jagers, the facility can, on

wet years, provide the annual water supply for up to 900 families.

"This and the next will be the years that we test out how much water we can get in the ground because there is so much water in the system," Jagers added, alluding to the record rain year experienced statewide, which will likely allow for generous SWP allocations.

By more efficiently recharging stormwater and SWP supplies during the wet years the new facility will help build up stores for use during the dry years.

According to the Jagers, since Beaumont Line 16 is a passive system it does not require controllers constantly onsite to transition the facility from collecting and holding water to letting excess water to pass through the system and be released into Noble Creek.

During the ceremony County Supervisor Yxstian Gutierrez lauded the collaborative work that made completing the project possible as well as the project's dual purpose of conserving water and protecting families from flooding.

"Collaboration is the key because for one agency to do this is just too much. It's going to take getting our heads together and working in partnerships," Gutierrez said. "A lot of people overlook that water brings develop-



Record Gazette photos by Hector N. Hernandez Jr.

Riverside County Supervisor Yxstian Gutierrez cuts the ribbon, accompanied by Beaumont-Cherry Valley Water District staff, Riverside County Flood Control and Water Conservation District staff and elected dignitaries.

ment and safety to our communities."

In addition to the planning and design of the project, funding was a collaborative effort as well. With the support of Department of Water Resources and the Santa Anna Watershed Project Authority, the project received a \$1.2 million grant through the Proposition 84 Integrated Regional Water Management Implementation Grant. The BCVWD and flood



Beaumont-Cherry Valley Water District General Manager Dan Jagers discusses his district's partnership with Riverside County Flood Control in completing the Beaumont Line 16 project.

control district split the remaining funding.

Uhley shared that the project has won recognition from the American Society of Civil

Engineers; it was named Project of the Year for the Los Angeles branch and is now being considered for the national award.

El proveedor de agua local garantiza agua potable segura durante todo el año



Beaumont

Cherry Valley Water District (BCVWD) publicó su informe anual sobre la calidad del agua este mes, que contiene datos que reflejan el compromiso de BCVWD de proporcionar agua confiable e infunden confianza en los clientes con respecto

a la seguridad del agua del grifo. El distrito cumplió o superó todas las normas estatales y federales de calidad del agua. "Nos enorgullece una vez más no tener infracciones que informar en nuestra agua potable", dijo el presidente de la Junta, David Hoffman. "Hacer pruebas de agua regularmente es vital para proteger la salud



pública. Nuestro dedicado equipo de empleados toma cientos de muestras a lo largo del año, lo que garantiza que los clientes tengan acceso a agua potable y confiable en todo momento". En el informe de calidad del agua de 2022 se comparten los resultados del monitoreo desde el 1

de enero de 2022 hasta el 31 de diciembre de 2022, y también se pueden incluir datos anteriores. BCVWD no tuvo ninguna infracción. El distrito produce el informe anualmente utilizando muestras de agua recolectadas y analizadas durante todo el año, incluidas las pruebas para

detectar bacterias, virus y otros contaminantes. En el informe también se proporciona información esencial sobre las operaciones y el sistema de agua de BCVWD, la preparación para emergencias de incendios forestales, cómo los clientes pueden apoyar la calidad del agua en el

hogar, y la colaboración con otras agencias locales para preservar, proteger y diversificar los suministros de agua de la región. Para leer el informe, visite bcvwd.org/2022-Consumer-Confidence-Report. Para obtener más información, visite bcvwd.org.

Residentes del Parque de Casas Móviles Oasis



TEMPERATURA DE LA SEMANA

JUEVES	20	116°F
VIERNES	21	118°F
SÁBADO	22	116°F
DOMINGO	23	112°F
LUNES	24	113°F
MARTES	25	114°F
MIÉRCOLES	26	112°F



Oasis

Mi oficina se enteró de que usted recibió una carta que indica que el Departamento de Cumplimiento del Código del Condado de Riverside le pide que "remueva y reemplace de inmediato" las unidades mini-split. Esta información no es correcta.

No entendemos por qué se hizo esta declaración ni por quién. Es importante, especialmente durante esta ola de calor, que nuestros residentes en el Parque de Casas Móviles Oasis se mantengan frescos en la medida de lo posible. Esta es una preocupación humanitaria y de salud pública, y le he pedido a la Oficina Ejecutiva del Condado que inicie una investigación.

Gracias por su comprensión y apoyo. Si tiene alguna pregunta, no dude en llamar a mi oficina al (760) 863-8211



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Attachment 3

Beaumont-Cherry Valley Water District
560 Magnolia Avenue, Beaumont, CA 92223
www.bcvwd.org

October 17, 2023

Board of Directors

Andy Ramirez
Division 1

Lona Williams
Division 2

Daniel Slawson
Division 3

John Covington
Division 4

David Hoffman
Division 5

Ms. Courtney Tyler
Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD
P. O. Box 100
Sacramento, California 95812-2000
Via: commentletters@waterboards.ca.gov

Re: Comment Letter – Proposed Making Conservation a California Way of Life Regulation

Dear Ms. Tyler:

The Beaumont Cherry Valley Water District (BCVWD or District) appreciates the opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the Draft Making Conservation a California Way of Life Regulation (Regulation). This comment letter is intended to provide constructive and comprehensive recommendations to the State Water Board, and we ask for the opportunity to work collaboratively with the State Water Board and other retail water agencies to ensure successful implementation.

The District is an urban supplier located in Riverside County with some watershed lands located in San Bernardino County. The District's service area is 28 square miles and serves the City of Beaumont and the unincorporated community of Cherry Valley.

The current population served by the District is approximately 64,375, with 21,154 service connections. In Beaumont, 13.5% of the population is 65 years of age and older; in Cherry Valley, 29.6% of the population are over 65 years of age based on the 2020 census, and generally living on fixed incomes. Fifty-five percent of the population in Beaumont is Hispanic or other minority. Portions of the City of Beaumont and Cherry Valley (approximately 10% by population) are classified as a disadvantaged community. The District is expected to double in population by approximately 2045, so water conservation will be a key component in achieving the projected growth. BCVWD recognizes a continued effort toward greater water efficiency is needed for the change in climatic conditions. BCVWD is one of the fastest growing communities in Riverside County and in the State, so implementation of water conservation practices has been critical to ensure adequate water supplies to accommodate the experienced growth. As the community continues to grow and various State regulations become effective, the District would like to express its desire to make the Regulation as flexible as possible allowing all urban water providers the ability to meet or exceed requirements.



BCVWD has compiled its comments related to the proposed regulations and has also included specific comments provided by the Beaumont-Cherry Valley Board of Directors related to how these proposed regulations and their potential impact our District specifically, as well as the State's general water and population management activities. BCVWD's comments set forth in the following two sections:

Section I – District Comments Regarding Proposed Regulations

1. The timelines proposed in the draft Regulation are not reasonable and do not support cost-effective implementation schedules necessary to achieve compliance. Water suppliers need adequate time to analyze existing water use efficiency programs, plan for cost-effective compliance with the standards, objectives, and implement required performance measures, budgets for staff and future water conservation programs, and allow for technological advancements. These timelines could result in unintended impacts, such as disproportionate impacts to disadvantaged communities and restrict water affordability. Modify the proposed timeline to provide an additional five (5) years for all suppliers to budget for, develop and implement cost-effective programs.
2. There have been observed data gaps and inaccuracies in state-provided information, such as within the landscape area measurement (LAM) and the population data shown on the State Water Board website. The LAM data is inconsistent and has been found to be overestimated and underestimated in some data sets. These inconsistencies will have significant impacts on suppliers' outdoor water use standard and overall objective if not refined and/or corrected. The population data shown on the Water Use Objective Exploration Tool does not match data submitted to the DWR in previous reporting. The inaccurate data will most likely result in water use efficiency objectives that are inaccurate and that do not properly provide local flexibility that was intended by the proposed Regulation.
3. Include a "Data Error Adjustment" in the formula to calculate the Urban Water Use Objective. This would be a percentage applied to a supplier's budget for efficient indoor residential water use, efficient outdoor residential water use, and efficient water use on CII landscapes with dedicated irrigation meters. The Data Error Adjustment would recognize the suppliers' historic progress and achieved savings (SB X7-7 based) and acknowledge that data used to develop and evaluate standards has intrinsic errors.
4. Clarify that technical assistance may be offered to the supplier if it does not meet its water use objective because it is unable to obtain the information required for the variances. The Urban Water Use Objective (UWUO) could change if water suppliers obtain variances, but the timeline limits suppliers' ability to collect and submit the data required to obtain the variances. These timelines should be expanded to allow for continued corrections over time.
5. Allow suppliers to provide alternatives to meeting CII mixed-use meters Performance Measure requirements currently proposed and allow suppliers to provide a list and crosswalk of current programs, practices, and rebates to the listed in-lieu



technologies and water management programs. Suppliers should be able to provide a list of current and proposed programs, practices and rebates as an alternative.

6. Provide flexibility to suppliers to complete implementation of 100% of CII Performance Measures by removing the prescriptive timeline. This includes CII classifications, CII mixed-use meters and CII Best Management Practices. The prescriptive timeline removes the suppliers' flexibility to achieve broader goals cost-effectively based on their unique CII customers and local conditions.
7. Direct suppliers to implement programs for CII customers at or above the 80th percentile among ALL CII customers, rather than by individual CII Classification. The draft Regulation should also clarify that the initial classification of CII customers is based on existing customers at the time of the adoption of the Regulation. Suppliers must include any new CII customers after completing the initial classification of CII customers.
8. Establish a Landscape Efficiency Factor (LEF) that will support existing and new landscapes. The LEF should reflect a factor that allows for the amount of water necessary to efficiently irrigate both new and existing landscapes. The proposed Regulation would not support existing landscapes as it currently stands. Californians have made significant investments in existing landscape schemes that met then standard landscaping ordinances enacted by Cities and Counties (as well as Homeowners Associations) and these LEFs could have far reaching consequences.
9. Remove non-functional turf provisions from the draft Regulation. Section 974 (e)(1) of the draft Regulation would ban the irrigation of non-functional turf with potable water by July 1st, 2025. This does not concur with AB 1572 (Freidman, 2023) which was approved by the Governor on October 13, 2023. This legislation does not ban the irrigation of non-functional turf for CII customers until January 1, 2028, and homeowner's associations beginning January 1, 2029.
10. Allow suppliers to report either calendar year or fiscal year. Section 975 of the draft Regulation would require urban water supplier reports to be based on conditions of the previous state fiscal year. This is inconsistent with the State Water Board's adopted Water Loss Regulation, which allows reporting on either a fiscal or calendar year. Additionally, the Beaumont-Cherry Valley Water District operates on a calendar year cycle.



Section II – BCVWD Board of Directors Concerns and Comments Regarding Proposed Regulations:

1. The District Board of Directors (Board) is concerned about the State placing a water budget for livestock, agricultural products, orchard areas, and home gardens. The District has been in service for more than 100 years and commenced as an agricultural water supplier to our region.
2. The District Board identifies that the SWRCB should not determine what is considered an “essential” use of water; there are many water uses that have been invested in by District residences which support activities that are close to the heart, such as backyard play space (turf) that many consider essential, especially in times where homeless issues are not adequately addressed in public spaces (e.g. parks, etc. which now have to share space with these issues).
3. Residents have invested in landscapes at their residences and should be able to irrigate their landscape without having to modify landscapes to meet the regulations. The regulations should focus on efficient water use, not forced modification of existing landscaping. The proposed regulations should not target and penalize areas just because they don’t meet current regulators’ ideas on appropriate landscaping schemes or pallettes.
4. The State of California and the SWRCB should concurrently build, repair or modernize needed state water supply infrastructure (e.g. State Water Project, Delta Conveyance, Sites Reservoir) to maximize water supply in California and get these projects moving forward. It appears that the State continues to impose watering restrictions on the ratepayers just because the State of California and the SWRCB has failed to complete these water supply projects for all California residents.
5. The Board is concerned that the proposed Regulation will result in existing District residents being ultimately burdened with punitive water rates. The Board is also concerned that these rates will tend to affect older developments with landscape themes and pallettes that were appropriate at the time of development.
6. Laws and Ordinances within water suppliers’ service boundaries will be affected by these new proposed regulations and will take time to align with the new regulations. For example, within the City of Beaumont, there is an Ordinance that requires homeowners to maintain existing turf in parkways, even if it is public parkway, in large areas of the city.
7. Proposed Regulation will require private developments to remove existing turf without turf conversion grant monies, etc., that should be offered by the implementing bodies enacting these regulations. This will result in unfair economic burdens on specific groups of people.



8. The Board is concerned about how the proposed regulations might impact the community look and feel. For example, the Board identifies that residents move to areas such as the City of Beaumont and Cherry Valley due to the aesthetic quality provided by a more rural environment. The Board is significantly concerned that the proposed regulations will impact the look and feel of the town by mandating the removal of grass and trees as these regulations are implemented. Due to regulations such as this, the landscape and ambiance of California has changed and will continue to change.
9. Removing turf and trees also impacts climate change (less CO₂ being cleaned from the air). This activity will also result in a lowering of the cooling benefits provided by said landscaping and increase adverse effects of climate change.
10. Home resale values and local area businesses may be adversely affected as an unintended consequence, if these restrictions are put into place (e.g., homeowner pool installation and local area pool builders).
11. New, water efficient plumbing fixtures are not functional in terms of overall usage (e.g., lowering the amount of non-potable water reclaimed) and wastewater systems require excessive maintenance due to insufficient flows.
12. This proposed regulation appears to be the result of state legislators and the Governor not wanting to "push back" on environmentalists in lieu of updating and modernizing the state's water supply systems. For example, water is lost to the ocean each year that could be captured and repurposed with modernized water supply and delivery systems. It appears that SWRCB is considering penalizing homeowners for having turf; instead, fixing water supply and management issues that have been occurring over the last few decades in California.
13. The State of California legislation requiring increased affordable housing continues to mandate construction of new housing units (including additional units in backyards), populations continue to increase with no additional supplies. The Board of Directors is concerned that there is restrictive legislation requiring conservation but the State lack of success with modernizing the state's water supply and storage systems.



We appreciated the opportunity to present our comments and suggestions for the Making Conservation a California Way of Life proposed Regulation. If you have any questions, call me at 951-845-9581 or email me at Dan.jaggers@bcvwd.org

Sincerely,

Daniel K. Jaggers, General Manager
Beaumont-Cherry Valley Water District

David Hoffman, Board President
Beaumont-Cherry Valley Water District

John Covington, Board Vice President
Beaumont-Cherry Valley Water District

Lona Williams, Board Treasurer
Beaumont-Cherry Valley Water District

Daniel Slawson, Board Secretary
Beaumont-Cherry Valley Water District

Andy Ramirez, Board Member
Beaumont-Cherry Valley Water District

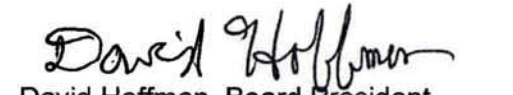


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Beaumont-Cherry Valley Water District

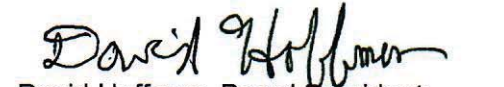
Andy Ramirez, Board Member
Beaumont-Cherry Valley Water District

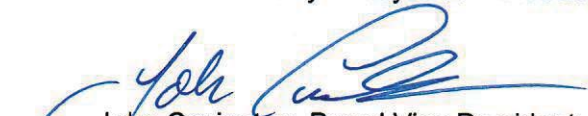


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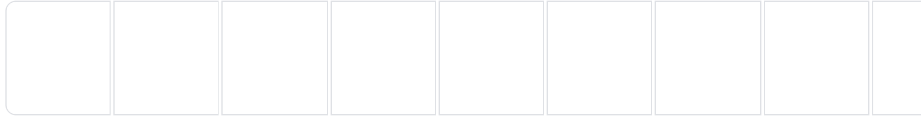

David Hoffman, Board President
Beaumont-Cherry Valley Water District


John Covington, Board Vice President
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Daniel Slawson, Board Secretary
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Lona Williams, Board Treasurer
Beaumont-Cherry Valley Water District

Andy Ramirez, Board Member
Beaumont-Cherry Valley Water District



Attachment 4

Wednesday, October 11, 2023



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California water board urged to ditch reporting aspect of conservation plan

One water district official called the mandated annual conservation progress report "ridiculous."

[ALAN RIQUELMY](#) / October 4, 2023



Called the Eighth Wonder of the World by President Theodore Roosevelt, Burney Falls in Northern California drops an average of 100 million gallons of water per day. Half of Burney Falls were shown in the sci-fi/fantasy film "Willow," with the other half digitally

2023-10-26 BCVWD REGULAR MEETING AGENDA - PAGE 60 OF 81

removed. (Chris Marshall/Courthouse News)

SACRAMENTO, Calif. (CN) — Several speakers pleaded with the State Water Resources Control Board on Wednesday to rethink proposed regulations intended to reduce Californians' water use in the face of climate change.

"Making Conservation a California Way of Life" is a series of proposed regulations that stems from two laws passed in 2018. Those laws require the state water board to implement efficiency standards and performance levels for local agencies' water use. They would affect over 400 agencies across the state, public and private, that deliver water to 95% of state residents.

The plan has four main goals: use water more wisely, end water waste, improve local drought defenses, and improve efficiency and drought planning for agricultural water use. Annual reporting requirements are currently part of the proposal.

Those reporting requirements drew the ire of a handful of speakers at Wednesday's state water board meeting.

Sandra Rose, president of the Monte Vista Water District, said her staff is committed to conservation. However, she has concerns over the amount of reporting needed under the proposed regulations. She said it would add to her district's expenses.

"The reporting requirements of the regulations are ridiculous," Rose said.

Edward Jackson — president of Liberty Utilities, California, and the current president of the California Water Association — said the reporting requirements won't help customers, who will feel the brunt in increased costs with disadvantaged communities hurt the most.

The proposed regulations, tentatively set for a summer 2024 adoption and October 2024 implementation, would impact what the state water board calls Urban Retail Water Suppliers, not homes or businesses.

The reduction goals would be individualized for each agency. Collectively, they're expected to drop urban water use by over 400,000 acre-feet and help the state deal with changing water supply issues due to climate change.

An acre-foot is a common measurement used by water agencies. One acre-foot is the amount of water on an acre if it were filled with a foot of water, or about 325,900 gallons.

Water agencies could face fines for violations. However, current proposals call for no fines before Nov. 1, 2027. Some agencies already are hitting their goals.

"Once variances, special landscape areas, provisions, and other regulatory tools are applied, it's likely the estimated savings/required reductions will decrease considerably," said Charlotte Ely, climate and strategy advisor with the Office of Research and Planning, in an email.

One proposed fine is targeted at agricultural water suppliers that fail to submit their Agricultural Water Management Plan. The state Department of Water Resources would work with a qualified person or group to prepare that plan for the water supplier, and the supplier would pay for it. If the supplier failed to provide the needed data, it could face a \$1,000 a day fine, capped at \$25,000, until it provides the data.

Other fine structures for different violations exist, though Ely said she had nothing specific to add at this time.

The state water board's enforcement policy is discretionary, and it works with agencies before issuing fines, Ely said.

The reductions in water use span a range of categories, including indoor and outdoor residential water use and commercial, industrial and institutional landscapes with dedicated irrigation meters. However, variances are included in the proposal, as are alternative ways to compliance.

Water agencies have several methods to meet their goals, including rate reform, leak detection, incentives to plant climate-ready landscapes, and rebates for the replacement of inefficient appliances.

Several representatives of water agencies and industries spoke at Wednesday's meeting, detailing steps they've already taken and offering recommendations in some cases.

Claire Nordlie, water use efficiency coordinator with Santa Rosa, said her city has invested over \$30 million over the year to improve efficiency. One successful program, Cash for Grass, provides rebates to people who remove their lawns.

Jennifer Cusack, director of public and government affairs with the Hi-Desert Water District in Yucca Valley, said her district has a tiered water rate.

"We did have a lot of voluntary reduction in use because of that," Cusack said.

Replacing toilets with more efficient models has also helped.

"Our water use has dropped and it's expected to stay pretty level," she added.

Cusack asked that the state water board simplify the proposed variance process, adding that money spent complying with a mandate could instead be spent on water-saving efforts.

Shelly Thomsen, director of public and legislative affairs with the South Tahoe Public Utility District, recommended a streamlined method for the required annual reporting. Her district has much of that information in other reports, and she asked for a method to pull that existing data instead of creating a new report.

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Attachment 5

The Orange County Register - Oct. 10, 2023**NEWS > ENVIRONMENT**

Making water conservation a 'California way of life': Controversial state rules could cost \$13 billion

**Josh Edelson/Associated Press**

FILE – In this May 22, 2021, file photo, water drips from a faucet near boat docks sitting on dry land at the Browns Ravine Cove area of drought-stricken Folsom Lake, in Folsom, Calif. The Metropolitan Water District of Southern California declared a water supply alert for the first time in seven years and is asking residents to voluntarily conserve Tuesday, Aug. 17, 2021, hoping to lessen the need for more severe actions such as reducing water supplies to member agencies. The Metropolitan Water District of Southern California receives about half its water from the Colorado River and State





PUBLISHED: October 10, 2023 at 9:47 a.m. | UPDATED: October 10, 2023 at 10:07 a.m.

Saying the targets to cut water use in cities and towns will be costly and difficult to achieve, water agencies throughout California have raised concerns about an ambitious state proposal that would require more water conservation statewide beginning in 2025.

The State Water Resources Control Board's proposed regulations would mandate conservation measures by more than 400 cities and water agencies that serve about 95% of Californians. The measure could save about 413,000 acre-feet a year by 2030, enough to serve about 1.2 million households per year.

During the last three-year severe drought, [which ended this year](#), the Newsom administration set voluntary conservation goals that were largely ineffective. Californians used [only about 6%](#) less water from July 2021 through the end of last year compared to 2020, far less than Gov. Gavin Newsom's 15% goal.

The new rules are mandated [by a package of laws](#) — enacted in 2018 by the Legislature and former Gov. Jerry Brown — that aim to make “water conservation a California way of life,” not simply an emergency drought measure.

Water providers from the Mojave Desert to Sonoma County and beyond warned at a board workshop on Wednesday that the regulations would be a challenge, particularly because many would have to make steep cuts to outdoor water use. About 80 people, mostly representing water agencies, spoke during the meeting, which lasted longer than eight hours.

The regulation would cost water suppliers about \$13.5 billion from 2025 to 2040 — more than 40% of which would fund rebate programs and other efforts to cut

"It's awkward, because we are committed to water use efficiency," said Ryan Ojakian, government relations manager for the Regional Water Authority, which represents Sacramento-area providers. "It really comes down to, are the regulations feasible? Are the costs worth the benefits? And what are the consequences in achieving the regulations?"

The water board is expected to vote by next summer on the rules, which could go into effect next fall.

Water suppliers, not individual customers, would have to meet the targets — and each supplier would need to figure out its own strategy. These could include rebates that encourage customers to swap out thirsty lawns for more drought-proof landscapes or rate structures that penalize heavy water users.

Water providers said it will be difficult to squeeze more conservation out of their customers.

"They want us to save water at such an accelerated rate, that even if we had all the money, we would not be able to convince our customer base to participate at the rates we need them to," said Joe Berg, director of water use efficiency at the Municipal Water District of Orange County. "We can build it, but they don't necessarily come."

The state agency's formula sets targets for each water agency based on goals for indoor and outdoor residential water use, business landscapes with dedicated irrigation meters, losses like leaks and other variables, such as the presence of livestock in a region.

In the rules, the state's targets for indoor and outdoor water use in residential areas ratchet down, beginning in 2030 and then again in 2035.

Suppliers that fail to live within their prescribed water budget could face escalating consequences that could eventually lead to fines of \$1,000 a day starting in 2027 or \$10,000 a day during droughts.

Tracy Quinn, CEO of the environmental group Heal the Bay, told the board that water conservation measures are critical as California stares down a water-scarce future.

Between [the declining snowpack](#), ongoing haggling over Colorado River water,

About 231 agencies serving nearly 27 million Californians are already on track to meet the 2025 objectives without reducing their water use, mostly in the San Francisco Bay Area and Southern California. And 71 agencies serving 8.5 million Californians are expected to meet the 2035 standards as well, including the city of San Diego, the San Jose Water Company, the San Francisco Public Utilities Commission, the Irvine Ranch Water District and city of Santa Ana.

Cumulatively, the rules are expected to save about 6.3 million acre-feet between 2025 and 2040, mostly from residential measures.

Berg said the regulations could cost Orange County water agencies more than \$707 million over 11 years to implement. But more than that, he said, he's concerned that the standards for outdoor water conservation accelerate too quickly.

"If an agency were to look at the cost to comply and compare that to the cost of the fines, it wouldn't surprise me if an agency just says, 'Okay, we'll just take fines,'" Berg said.

Claire Nordlie, water use efficiency supervisor for the city of Santa Rosa in Sonoma County, echoed those concerns during the workshop.

"I really want to emphasize that sustained water savings are difficult to achieve. It takes decades of time, and a significant investment of resources, as well as a population and a culture within your service area that want to participate," she said.

Nordlie said fewer and fewer people are participating in the city's rebate program for removing lawns, which offers \$1 for every square foot of grass removed. Customers surveyed say that it costs about \$7 a square foot to tear out their lawns. That cost, Nordlie said, is a major barrier.

"If customers don't want to participate, we can't force them to," she said.

Jay Lund, director of the Center for Watershed Sciences at the University of California, Davis, told the board he's concerned that the regulations could affect public trust.

"Certainly some aspects of our society are really upset every time you come in there with a new regulation, and so I think we have to bear that in mind," Lund

Smaller water agencies, especially in inland regions, will be the hardest hit. Ten suppliers serving about 200,000 Californians are expected to face cuts upwards of 30% in 2025, but the number increases to 84 suppliers serving 3.7 million Californians in 2035. Included are the cities of Atwater and Kingsburg, the Oildale Mutual Water Company and the West Kern Water District, according to state data.

Jennifer Cusack, director of public and government affairs with the Hi-Desert Water District in Yucca Valley on the edge of Joshua Tree National Park, said the water agency has long struggled with its water supply and there's little room for additional conservation. Many ornamental lawns are already gone and indoor water fixtures have been improved.

"There's not a lot of opportunities for savings in our community, because we've done so much already," she said. "A lot of folks don't even irrigate their homes. They have dirt lots or maybe some trees."

Even so, the desert water supplier is expected to be out of compliance with the 2030 and 2035 targets, which, she said, "just raises a red flag."

In response to earlier calls for increased flexibility, state regulators offered an alternative pathway that would give some providers, such as those serving disadvantaged communities, extra time to meet a 2035 outdoor water-use target, provided they meet certain criteria.



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WATER

Attachment 6

Making water conservation a 'California way of life': Controversial state rules could cost \$13 billion



BY RACHEL BECKER
OCTOBER 5, 2023



Sprinklers water a lawn in Sacramento on June 29, 2022. Photo by Miguel Gutierrez Jr., CalMatters

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IN SUMMARY

Water providers say rebates for residential areas are costly and many people refuse to remove their lawns. The rules aim to save enough water for more than a million households a year.

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Saying the targets to cut water use in cities and towns will be costly and difficult to achieve, water agencies throughout California have raised concerns about an ambitious state proposal that would require more water conservation statewide beginning in 2025.

The State Water Resources Control Board's proposed regulations would mandate conservation measures by more than 400 cities and water agencies that serve about 95% of Californians. The measure could save about 413,000 acre-feet a year by 2030, enough to serve about 1.2 million households per year.

During the last three-year severe drought, [which ended this year](#), the Newsom administration set voluntary conservation goals that were largely ineffective. Californians used [only about 6%](#) less water from July 2021 through the end of last year compared to 2020, far less than Gov. Gavin Newsom's 15% goal.

The new rules are mandated [by a package of laws](#) — enacted in 2018 by the Legislature and former Gov. Jerry Brown — that aim to make “water conservation a California way of life,” not simply an emergency drought measure.

Water providers from the Mojave Desert to Sonoma County and beyond warned at a board workshop on Wednesday that the regulations would be a challenge, particularly because many would have to make steep cuts to outdoor water use. About 80 people, mostly representing water agencies, spoke during the meeting, which lasted longer than eight hours.

The regulation would cost water suppliers about \$13.5 billion from 2025 to 2040 — more than 40% of which would fund rebate programs and other efforts to cut residential water use, according to the water board. But the benefits are anticipated to reach [about \\$15.6 billion between 2025 and 2040](#), largely from reduced water purchases by both suppliers and customers.

“It’s awkward, because we are committed to water use efficiency,” said Ryan Ojakian, government relations manager for the Regional Water Authority, which represents Sacramento-area providers. “It really comes down to, are the regulations feasible? Are the costs worth the benefits? And what are the consequences in achieving the regulations?”

The water board is expected to vote by next summer on the rules, which could go into effect next fall.

“Even if we had all the money, we would not be able to convince our customer base to participate at the rates we need them to. We can build it, but they don’t necessarily come.”

— JOE BERG, MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

Water suppliers, not individual customers, would have to meet the targets — and each supplier would need to figure out its own strategy. These could include rebates that encourage customers to swap out thirsty lawns for more drought-proof landscapes or rate structures that penalize heavy water users.

Water providers said it will be difficult to squeeze more conservation out of their customers.

“They want us to save water at such an accelerated rate, that even if we had all the money, we would not be able to convince our customer base to participate at the rates we need them to,” said Joe Berg, director of water use efficiency at the Municipal Water District of Orange County. “We can build it, but they don’t necessarily come.”

The state agency’s formula sets targets for each water agency based on goals for indoor and outdoor residential water use, business landscapes with dedicated irrigation meters, losses like leaks and other variables, such as the presence of livestock in a region.

In the rules, the state’s targets for indoor and outdoor water use in residential areas ratchet down, beginning in 2030 and then again in 2035.

Suppliers that fail to live within their prescribed water budget could face escalating consequences that could eventually lead to fines of \$1,000 a day starting in 2027 or \$10,000 a day during droughts.

Tracy Quinn, CEO of the environmental group Heal the Bay, told the board that water conservation measures are critical as California stares down a water-scarce future.

Between [the declining snowpack](#), ongoing haggling over Colorado River water, groundwater regulations and projections that climate change [could dry up 10% of the state’s water supply](#), “there is an incredible need for us to do a rulemaking that’s going to require the efficient use of water,” she said.

About 231 agencies serving nearly 27 million Californians are already on track to meet the 2025 objectives without reducing their water use, mostly in the San Francisco Bay Area and Southern California. And 71 agencies serving 8.5 million Californians are expected to meet the 2035 standards as well, including the city of San Diego, the San Jose Water Company, the San Francisco Public Utilities Commission, the Irvine Ranch Water District and city of Santa Ana.

Cumulatively, the rules are expected to save about 6.3 million acre-feet between 2025 and 2040, mostly from residential measures.

“There is an incredible need for us to do a rulemaking that’s going to require the efficient use of water.”

— TRACY QUINN, HEAL THE BAY

Berg said the regulations could cost Orange County water agencies more than \$707 million over 11 years to implement. But more than that, he said, he’s concerned that the standards for outdoor water conservation accelerate too quickly.

“If an agency were to look at the cost to comply and compare that to the cost of the fines, it wouldn’t surprise me if an agency just says, ‘Okay, we’ll just take fines,’” Berg said.

Claire Nordlie, water use efficiency supervisor for the city of Santa Rosa in Sonoma County, echoed those concerns during the workshop.

“I really want to emphasize that sustained water savings are difficult to achieve. It takes decades of time, and a significant investment of resources, as well as a population and a culture within your service area that want to participate,” she said.

Nordlie said fewer and fewer people are participating in the city’s rebate program for removing lawns, which offers \$1 for every square foot of grass removed. Customers surveyed say that it costs about \$7 a square foot to tear out their lawns. That cost, Nordlie said, is a major barrier.

“If customers don’t want to participate, we can’t force them to,” she said.

Jay Lund, director of the Center for Watershed Sciences at the University of California, Davis, told the board he’s concerned that the regulations could affect public trust.

“Certainly some aspects of our society are really upset every time you come in there with a new regulation, and so I think we have to bear that in mind,” Lund said. “Because that blowback can be very bad for a lot of more important things than this.”

Smaller water agencies, especially in inland regions, will be the hardest hit. Ten suppliers serving about 200,000 Californians are expected to face cuts upwards of 30% in 2025, but the number increases to 84 suppliers serving 3.7 million Californians in 2035. Included are the cities of Atwater and Kingsburg, the Oildale Mutual Water Company and the West Kern Water District, according to state data.

“There’s not a lot of opportunities for savings in our community, because we’ve done so much already. A lot of folks don’t even irrigate their homes.”

— JENNIFER CUSACK, HI-DESERT WATER DISTRICT

Jennifer Cusack, director of public and government affairs with the Hi-Desert Water District in Yucca Valley on the edge of Joshua Tree National Park, said the water agency has long struggled with its water supply and there’s little room for additional conservation. Many ornamental lawns are already gone and indoor water fixtures have been improved.

“There’s not a lot of opportunities for savings in our community, because we’ve done so much already,” she said. “A lot of folks don’t even irrigate their homes. They have dirt lots or maybe some trees.”

Even so, the desert water supplier is expected to be out of compliance with the 2030 and 2035 targets, which, she said, “just raises a red flag.”

In response to earlier calls for increased flexibility, state regulators offered an alternative pathway that would give some providers, such as those serving disadvantaged communities, extra time to meet a 2035 outdoor water-use target, provided they meet certain criteria.

[MORE ON WATER](#)

California lawmakers move to ban irrigation of some decorative lawns

The irrigation bill, which aims to force businesses and institutions to remove their lawns, now goes to the governor.



by Rachel Becker SEPTEMBER 13, 2023

Don’t call it ‘toilet to tap’ — California plans to turn sewage into drinking water

Waste would undergo extensive treatment and testing before it’s piped directly to taps, providing a new, costly but renewable water supply. The state’s new draft rules are more than a decade in the making.



by Rachel Becker AUGUST 1, 2023

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Attachment 7

AB-1572 Potable water: nonfunctional turf. (2023-2024)

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Date Published: 10/16/2023 02:00 PM

Assembly Bill No. 1572

CHAPTER 849

An act to amend Sections 10540, 10608.12, and 10608.22 of, to add Section 110 to, and to add Chapter 2.5 (commencing with Section 10608.14) to Part 2.55 of Division 6 of, the Water Code, relating to water.

[Approved by Governor October 13, 2023. Filed with Secretary of State
October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1572, Friedman. Potable water: nonfunctional turf.

(1) Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water.

This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

(2) Existing law, the Integrated Regional Water Management Planning Act, authorizes a regional water management group to prepare and adopt an integrated regional water management plan in accordance with specified requirements, including, among other things, the identification and consideration of the water-related needs of disadvantaged communities in the area within the boundaries of the plan.

This bill would additionally require an integrated regional water management plan to address the identification and consideration of the water-related needs of owners and occupants of affordable housing, including the removal and replacement of nonfunctional turf.

(3) Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020.

This bill would prohibit the use of potable water, as defined, for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities, as specified. The bill would authorize the State Water Resources Control Board to create a form for compliance certification and would require owners of covered properties to certify their compliance, as specified. The bill would authorize a public water system, city, county, or city and county to enforce these provisions, as specified.

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The bill would require the Governor's Office of Business and Economic Development to support small and minority-owned businesses that provide services that advance compliance with these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 110 is added to the Water Code, to read:

110. (a) The Legislature hereby finds and declares all of the following:

(1) The use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem.

(2) The Governor reported in August 2022 that climate change will bring significant enduring reductions in California's water supply and that the state must take steps to respond to this reality.

(3) The State of Nevada enacted AB 356 in 2021 to prohibit the use of Colorado River water to irrigate nonfunctional turf on all properties except single-family residences by January 1, 2027.

(b) It is the intent of the Legislature that the irrigation of grasses for agricultural production shall not be limited by requirements to eliminate the use of potable water to irrigate nonfunctional turf.

(c) The Legislature hereby directs all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

SEC. 2. Section 10540 of the Water Code is amended to read:

10540. (a) A regional water management group may prepare and adopt an integrated regional water management plan in accordance with this part.

(b) A regional water management group may coordinate its planning activities to address or incorporate all or part of any of the following actions of its members into its plan:

(1) Groundwater management planning pursuant to Part 2.75 (commencing with Section 10750), groundwater sustainability planning pursuant to Part 2.74 (commencing with Section 10720), or other specific groundwater management authority.

(2) Urban water management planning pursuant to Part 2.6 (commencing with Section 10610).

(3) The preparation of a water supply assessment required pursuant to Part 2.10 (commencing with Section 10910).

(4) Agricultural water management planning pursuant to Part 2.8 (commencing with Section 10800).

(5) City and county general planning pursuant to Section 65350 of the Government Code.

(6) Stormwater resource planning that is undertaken pursuant to Part 2.3 (commencing with Section 10560).

(7) Other water resource management planning, including flood protection, watershed management planning, and multipurpose program planning.

(c) At a minimum, all plans shall address all of the following:

(1) Protection and improvement of water supply reliability, including identification of feasible agricultural and urban water use efficiency strategies.

(2) Identification and consideration of the drinking water quality of communities within the area of the plan.

(3) Protection and improvement of water quality within the area of the plan, consistent with the relevant basin plan.

(4) Identification of any significant threats to groundwater resources from overdrafting.

(5) Protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region.

(6) Protection of groundwater resources from contamination.

(7) Identification and consideration of the water-related needs of disadvantaged communities and owners and occupants of affordable housing, including the removal and replacement of nonfunctional turf, as defined in Section 10608.12, in the area within the boundaries of the plan.

(d) This section does not obligate a local agency to fund the implementation of any project or program.

SEC. 3. Section 10608.12 of the Water Code is amended to read:

10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Affordable housing" has the same meaning as defined in Section 34191.30 of the Health and Safety Code.

(b) "Agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. "Agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include the department.

(c) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(d) "Baseline commercial, industrial, and institutional water use" means an urban retail water supplier's base daily per capita water use for commercial, industrial, and institutional users.

(e) "CII water use" means water used by commercial water users, industrial water users, institutional water users, and large landscape water users.

(f) "Commercial water user" means a water user that provides or distributes a product or service.

(g) "Common area" means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

(h) "Common interest development" has the same meaning as in Section 4100 of the Civil Code.

(i) "Community service organization or similar entity" has the same meaning as in Section 4110 of the Civil Code.

(j) "Community space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.

(k) "Compliance daily per capita water use" means the gross water use during the final year of the reporting period, reported in gallons per capita per day.

(l) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

(m) "Functional turf" means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or

assembly is not functional turf.

(n) "Gross water use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.

(2) The net volume of water that the urban retail water supplier places into long-term storage.

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

(o) "Homeowners' association" means an "association" as defined in Section 4080 of the Civil Code.

(p) "Industrial water user" means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

(q) "Institutional water user" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

(r) "Interim urban water use target" means the midpoint between the urban retail water supplier's base daily per capita water use and the urban retail water supplier's urban water use target for 2020.

(s) "Large landscape" means a nonresidential landscape as described in the performance measures for CII water use adopted pursuant to Section 10609.10.

(t) "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.

(u) "Nonfunctional turf" means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.

(v) "Performance measures" means actions to be taken by urban retail water suppliers that will result in increased water use efficiency by CII water users. Performance measures may include, but are not limited to, educating CII water users on best management practices, conducting water use audits, and preparing water management plans. Performance measures do not include process water.

(w) "Potable reuse" means direct potable reuse, indirect potable reuse for groundwater recharge, and reservoir water augmentation as those terms are defined in Section 13561.

(x) "Potable water" means water that is suitable for human consumption.

(y) "Process water" means water used by industrial water users for producing a product or product content or water used for research and development. Process water includes, but is not limited to, continuous manufacturing processes, and water used for testing, cleaning, and maintaining equipment. Water used to cool machinery or buildings used in the manufacturing process or necessary to maintain product quality or chemical characteristics for product manufacturing or control rooms, data centers, laboratories, clean rooms, and other industrial facility units that are integral to the manufacturing or research and development process is process water. Water used in the manufacturing process that is necessary for complying with local, state, and federal health and safety laws, and is not incidental water, is process water. Process water does not mean incidental water uses.

(z) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.

(aa) "Recreational use area" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

(ab) "Recycled water" means recycled water, as defined in subdivision (n) of Section 13050.

(ac) "Regional water resources management" means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

(1) The capture and reuse of stormwater or rainwater.

(2) The use of recycled water.

(3) The desalination of brackish groundwater.

(4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

(ad) "Reporting period" means the years for which an urban retail water supplier reports compliance with the urban water use targets.

(ae) "Turf" has the same meaning as defined in Section 491 of Title 23 of the California Code of Regulations.

(af) "Urban retail water supplier" means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(ag) "Urban water supplier" has the same meaning as defined in Section 10617.

(ah) "Urban water use objective" means an estimate of aggregate efficient water use for the previous year based on adopted water use efficiency standards and local service area characteristics for that year, as described in Section 10609.20.

(ai) "Urban water use target" means the urban retail water supplier's targeted future daily per capita water use.

(aj) "Urban wholesale water supplier" means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

SEC. 4. Chapter 2.5 (commencing with Section 10608.14) is added to Part 2.55 of Division 6 of the Water Code, to read:

CHAPTER 2.5. Nonfunctional Turf

10608.14. (a) The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:

(1) All properties owned by the Department of General Services, beginning January 1, 2027.

(2) All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (5), beginning January 1, 2027.

(3) All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.

(4) All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.

(5) All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

(b) Notwithstanding subdivision (a), the use of potable water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.

(c) The board may, upon a showing of good cause for reasons including economic hardship, critical business need, and potential impacts to human health or safety, postpone a compliance deadline in subdivision (a) by up to three years for certain persons, institutions, and businesses, and may create a form to be used for compliance certification to the board by property owners.

(d) Public water systems shall, by no later than January 1, 2027, revise their regulations, ordinances, or policies governing water service to include the requirements of subdivisions (a) and (b), as revised by the board pursuant to subdivision (c), and shall communicate the requirements to their customers on or before that date.

(e) (1) An owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the board, commencing June 30, 2030, and every three years thereafter through 2039, that their property is in compliance with the requirements of this chapter.

(2) An owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity shall certify to the board, commencing June 30, 2031, and every three years thereafter through 2040, that their property is in compliance with the requirements of this chapter.

(f) Noncompliance by a person or entity with this chapter or regulations adopted thereunder shall be subject to civil liability and penalties set forth in Section 1846, or to civil liability and penalties imposed by an urban retail water supplier pursuant to a locally adopted ordinance or policy.

(g) (1) A public water system, city, county, or city and county may enforce the provisions of this chapter.

(2) To avoid duplication of enforcement, any entity identified in paragraph (1) that is not a retail public water system shall notify the retail public water system 30 days prior to enforcement of the provisions of this chapter against a property served by such system.

(3) Nothing in paragraph (2) shall preclude enforcement by any entity identified in paragraph (1) once adequate notice is given.

(h) The department shall, when using funds appropriated for water conservation for turf replacement, prioritize financial assistance for nonfunctional turf replacement to public water systems serving disadvantaged communities and to owners of affordable housing.

(i) The department shall utilize the [saveourwater.com](https://www.saveourwater.com) internet website and outreach campaign to provide information and resources on converting nonfunctional turf to native vegetation.

(j) The Governor's Office of Business and Economic Development shall support small and minority-owned businesses that provide services that advance compliance with this chapter.

SEC. 5. Section 10608.22 of the Water Code is amended to read:

10608.22. Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (c) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.



CLIMATE

California May Permanently Ban Grass Watering for Businesses

Despite an unusually wet winter, the state is considering making permanent a temporary ban on watering “ornamental turf” at corporate, industrial or government properties with potable water.

Aug. 23, 2023 • Paul Rogers, Bay Area News Group, TNS

California’s most-recent drought is over. Reservoirs are full. Ski season lasted until July.

But despite the wet winter, an effort is gaining momentum in the state capitol to add manicured green grass to the list of business trappings — like fax machines, pagers and typewriters — that have become obsolete in a changing world.

During California’s three-year drought, state water regulators banned watering “ornamental turf” at corporate, industrial or government properties with potable water as a way to preserve supplies. That emergency regulation is set to expire next June.

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A new bill would make the ban permanent. Under the measure, [AB 1572](#), it would be illegal for businesses like office parks, car dealerships, supermarkets, strip malls, or corporate campuses to water decorative grass with drinkable water — whether or not California is in a drought. Scofflaws would face fines of up to \$500 a day.

The prohibition also would apply to factories, industrial sites and public use properties, like road medians, churches, schools and universities, statewide. The rules would not apply to lawns at residential homes, apartment buildings, cemeteries or any “functional turf” that has a recreational use, including sports fields, golf courses, playgrounds, pet exercise areas and picnic grounds.

The bill passed the state Assembly by a vote of 55-18 on May 31 and is now moving through the state Senate.

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Supporters note that California has had three severe droughts since 2007, and as the climate continues to warm, they say it doesn't make sense to use drinking water on decorative lawns — a landscape that people don't eat or use.

"Droughts are not behind us," said Assemblywoman Laura Friedman, D- Burbank, the author of the measure. "This bill is looking at some of the lowest-hanging fruit, grass that's purely ornamental and uses a lot of drinking water. We should be more thrifty."

The measure is supported by a long list of environmental groups, including the Natural Resources Defense Council, Sierra Club California and Defenders of Wildlife. It gained political momentum recently after winning the endorsement of some of the state's largest water agencies, including the influential Metropolitan Water District of Southern California, and the Santa Clara Valley Water District.

Critics, however, say new lawn limitations don't reflect that California is a huge state, with different water sources and weather conditions from Eureka to Palm Springs.

"This was something that was meant for an emergency when we were in the midst of a drought," said James Gallagher, the Republican Assembly leader who represents Yuba City. "That's not always the case. To make it a permanent part of our law I don't think is the right approach."

Gallagher said California should leave most water decisions, particularly in nondrought years, up to local officials. He also said state leaders like Gov. Gavin Newsom have not done enough to build new reservoirs and increase water storage.

"Whether it comes to energy, water or other resources, their strategy is to keep us in permanent scarcity," Gallagher said. "Maybe that's because it gives them the ability to have control. But emergency powers should be used in limited circumstances when there is an emergency."

Several major business groups, including the California Chamber of Commerce, at first opposed the bill. But after Friedman made changes to remove apartment complexes, clarify which properties were exempt, and phase in rules, which would begin Jan. 1, 2027, they dropped their opposition.

“We have some members who are really squawking about it. There’s some concern. But we aren’t actively fighting the bill,” said Matthew Hargrove, president and CEO of the California Business Properties Association.

Hargrove noted that under former Gov. Jerry Brown, state regulators began cracking down on urban water use during the 2012-16 drought, which caused many office parks and other commercial properties to install water-efficient landscaping. City and state building codes already require water-efficient plants and trees to get permits for most new construction.

“Most of the large properties are already doing this stuff,” Hargrove said. “Well-managed properties try to be energy efficient and water efficient. Just like with energy, water is a big expense. It’s a cost issue for us.”

Other major business groups also are neutral, including the Silicon Valley Leadership Group and the Bay Area Council.

“The writing has been on the wall. The days of ornamental turf have been numbered for a while now,” said Adrian Covert, senior vice president for the Bay Area Council.

The bill would allow decorative lawns to remain at commercial, industrial and government sites if they use recycled water.

Exactly how much water would be saved is hard to quantify. Few cities and water districts are enforcing the existing emergency ban. Some, like Morgan Hill, already have passed local laws to ban watering of decorative turf with potable water.

A study last year by the nonprofit [Pacific Institute](#) in Oakland found that 44 percent of all urban water used in California, or 2.8 million acre-feet, is used outdoors, mostly for landscape irrigation. Of that, at least 340,000 acre-feet — enough for 850,000 people a year — could be saved if commercial, industrial and government properties used more water-efficient landscaping, the research group found.

Last year, Nevada lawmakers passed a similar ban for Las Vegas. The city of Albuquerque is considering one.

“This is sort of a trend we are seeing across the West as we grapple with a hotter, drier future,” said Heather Cooley, director of research at the Pacific Institute.

“It’s about stretching our water supply and making it more resilient,” she said. “If we make these changes now we can continue to have green spaces, just not lawns everywhere.”

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