

RESOLUTION 2024-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT ESTABLISHING THE DISTRICT'S RESPONSIBILITY FOR REPAIR OF SOIL SUBSIDENCE OVER DISTRICT-OWNED FACILITIES WHERE THE DISTRICT HAS FULL CONTROL OVER CONSTRUCTION STANDARDS AND COMPACTION

WHEREAS, the Beaumont-Cherry Valley Water District ("District") is committed to maintaining the integrity and reliability of its water distribution infrastructure, which includes pipelines, reservoirs, and other facilities (collectively referred to as "District facilities"); and

WHEREAS, soil subsidence, defined as the gradual sinking or settlement of the ground's surface, can adversely affect the District Facilities, potentially leading to infrastructure damage, safety hazards, and service disruptions; and

WHEREAS, the responsibility for correcting trench subsidence over water lines, reclaimed water lines, and other facilities owned and operated by the District is an issue of concern between the District, the County of Riverside, the cities within and outside District boundaries ("local agencies") as well as developers; and

WHEREAS, the District has received claims and even lawsuits for trench subsidence where the District had no control over trench compaction above the facilities zone, even though the District controlled zone was not found to be part of the problem; and

WHEREAS, the District has discussed the proposed policy regarding control of trench compaction and commensurate warranties of same with local agencies and developers; and

WHEREAS, it is in the best interest of the District and its ratepayers to establish clear guidelines for addressing and repairing soil subsidence over or near District facilities to ensure public safety and the continued reliable operation of its water distribution system and to help alleviate disputes with local agencies and developers; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

1. District Responsibility:

- a. The District shall be responsible for the investigation, assessment, and repair of any soil subsidence that occurs directly over or in close proximity to District-owned facilities, where such subsidence may affect the integrity, safety, or operation of those facilities.
- b. The District assumes responsibility for compaction and proper installation of its facilities including, but not limited to, Pipelines, Trench Backfill, Subgrade, Base, and Pavement, provided District had full control and supervision of the entire compaction and construction process.
- c. The District assumes responsibility for compaction and proper installation of its facilities, including Pipelines and Trench Backfill, where pavement construction is provided by others, provided District had full control and supervision of the entire compaction and construction process within the trench. The District will not

assume any liability or warrant Subgrade, Base, and Paving Work over District facilities performed by other parties who are not subject to District inspection and construction requirements.

- d. The District will not assume continuing responsibility for trench subsidence if any entity or party disturbs the trench compaction, for whatever reason, after initial District inspection and acceptance.
 - e. In those cases where a local agency or other controlling party decides that compaction above the pipe zone on a pipeline project remains under its jurisdiction, District will not accept any responsibility for future remediation of any trench subsidence.
2. Financial Responsibility:
- a. The District may seek to recover costs associated with subsidence repairs from responsible parties where the subsidence is determined to be caused by external factors, such as third-party activities or natural phenomena beyond the District's control.
 - b. The District will charge a fee to cover the expense of providing services when District assumes responsibility for the construction and compaction standards of its pipeline facilities.
3. Repair Protocol: Upon identification of soil subsidence over or near District facilities, the District shall:
- a. Conduct an immediate investigation to assess the extent of the subsidence and its potential impact on the facilities
 - b. Develop and implement a repair plan that addresses the subsidence and ensures the long-term stability and safety of the affected area
 - c. Monitor the repaired area as necessary to ensure that the subsidence issue has been adequately resolved and does not recur
4. Coordination with Other Agencies: The District shall coordinate with local, state, and federal agencies as needed when subsidence may affect public safety, adjacent properties, or infrastructure not owned by the District.
5. Public Communication: The District shall keep affected customers and the general public informed about the nature and status of subsidence repair activities, ensuring transparency and addressing any concerns that may arise.
6. Insurance and Liability: The District shall maintain adequate and appropriate insurance coverage to address any potential liabilities arising from subsidence repairs, including coverage for any third-party claims.
7. Severability: If any provision of this Resolution is held invalid, the remainder of this Resolution shall remain in full force and effect.

8. Supersession: To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior resolution, the terms of this Resolution shall prevail, and such prior resolutions are hereby superseded.

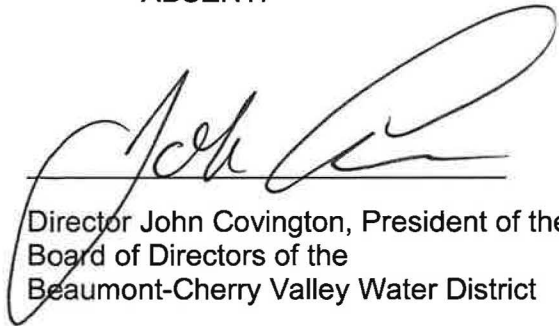
ADOPTED this 29TH day of AUGUST, 2024, by the following vote:

AYES: COVINGTON, HOFFMAN, RAMIREZ, SLAWSON, WILLIAMS

NOES:


ABSTAIN:

ABSENT:



Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

ATTEST:



Director Lona Williams, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District