

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA
Board of Directors Meeting
Agenda
August 17, 2020 at 1:30 p.m.

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS), AND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, **THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING THIS BOARD MEETING IN PERSON.** MEMBERS OF THE PUBLIC MAY LISTEN AND PROVIDE PUBLIC COMMENT TELEPHONICALLY BY CALLING THE FOLLOWING NUMBER: 669-900-6833
OR JOIN BY ZOOM: <https://us02web.zoom.us/j/84741543920>
MEETING ID **847 4154 3920**

1. Call to Order, Flag Salute, Invocation, and Roll Call

2. Adoption and Adjustment of Agenda

3. Public Comment: Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. Speakers are requested to keep their comments to no more than five minutes. Under the Brown Act, no action or discussion shall take place on any item not appearing on the agenda, except that the Board or staff may briefly respond to statements made or questions posed for the purpose of directing statements or questions to staff for follow up.

4. Consent Calendar:

If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

- A. Approval of the Minutes of the Regular Board Meeting, August 3, 2020*
(p. 3)
- B. Approval of the Minutes of the Engineering Workshop, August 10, 2020*
(p. 8)

5. Reports (Discussion and Possible Action)

- A. General Manager's Report
- B. General Counsel Report* (p. 11)
- C. Directors' Reports
- D. Committee Reports

6. New Business (Discussion and Possible Action)

- A. Consideration and Possible Action to Contract with Inland Empire Resource Conservation District (IERCD)* (p. 13)
- B. Consideration and Possible Action of Cost Share Agreement with BCVWD on Sites Reservoir* (p. 23)
- C. Consideration and Possible Action to Contract with Tully and Young for 2020 UWMP* (p. 32)

7. Topics for Future Agendas

8. Announcements -

- A. Finance & Budget Workshop, August 24 2020 at 1:30 p.m.
 - Teleconference/Zoom
- B. Office closed Monday, September 7, 2020 in Observance of Labor Day
- C. Regular Board Meeting, Tuesday September 8, 2020 at 1:30 p.m.
 - Teleconference/Zoom

9. Adjournment

***Information included in Agenda Packet**

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. (2) Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. When practical, these public records will also be made available on the Agency's Internet Web site, accessible at: www.sgpwa.com (3) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
August 3, 2020

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS), AND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, **THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING THIS BOARD MEETING IN PERSON.** MEMBERS OF THE PUBLIC MAY LISTEN AND PROVIDE PUBLIC COMMENT TELEPHONICALLY BY CALLING THE FOLLOWING NUMBER:
669-900-6833 OR VIA ZOOM. MEETING ID 860 2289 6821

Directors Present: Ron Duncan, President
All Board members attended by video conferencing/teleconferencing: Lenny Stephenson, Vice President
Michael Thompson, Treasurer
Blair Ball, Director
David Fenn, Director
David Castaldo, Director
Steve Lehtonen, Director

Staff Present: Lance Eckhart, General Manager
All Staff members attended by video conferencing/teleconferencing: Jeff Ferre, General Counsel
Thomas Todd, Finance Manger
Cheryle Stiff, Executive Assistant
Casmir Joy Olaivar, Student Intern

- 1. Call to Order, Flag Salute, Invocation, and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President Duncan at 1:30 p.m., August 3, 2020 by video/teleconference. President Duncan led the Pledge of Allegiance to the flag. Director Stephenson gave the invocation. President Duncan requested a roll call.

<u>Roll Call:</u>	Present	Absent
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A quorum was present.

- 2. Adoption and Adjustment of Agenda:** *President Duncan asked if there were any adjustments to the agenda.* General Manager Davis stated that there is no adjustment to the agenda.

3. **Public Comment:** *President Duncan asked for public comments from the public.* Joyce McIntire (YVWD Board Member) inquired about the Cherry Valley Apple fire that has consumed over 20,000 acres at this time. Director Ball noted that BCVWD staff was on site Friday night through Sunday. Dan Jagers (BCVWD General Manager) stated that his employees have been diligently working with emergency personnel. There were no other members of the public that spoke at this time.

4. **Consent Calendar:**

- A. Approval of the Minutes of the Regular Board Meeting, July 20, 2020
- B. Approval of the Minutes of the Finance and Budget Workshop, July 27, 2020
- C. Approval of the Finance and Budget Report, July 27, 2020

President Duncan asked for a motion on the Consent Calendar. Director Stephenson made a motion, seconded by Director Lehtonen, to adopt the consent calendar as presented. President Duncan requested a roll call vote.

<u>Roll Call:</u>	Aye	Noes	Absent	Abstain
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7-0.

5. **Reports:**

A. General Manager’s Report: General Manager Eckhart reported on the following:

- 1) Governor Newsom’s 2020 Water Resilience Portfolio, which was released as a final version on July 28, 2020. The report can be found at <https://waterresilience.ca.gov/>. He encouraged the Board to review the document at their leisure.
- 2) Operations and Maintenance Ken Falls reported to General Manager Eckhart on the Apple Fire damage. There are a lot of downed trees at Burnt Canyon. There is no water at the diversion. Some of the pipeline is melted. The well at Banning at Camp Comfort is still running. SCE will be making repairs of powerlines starting tomorrow.
- 3) Agency property and illegal dumping; fencing needed.
- 4) SWP water was increased to 24 cfs. BCVWD is receiving 20 CFS and the Agency’s Fiesta Recharge Facility is receiving 4 cfs.

B. General Counsel Reports: None.

C. Directors Reports: **1) Director Stephenson** reported on the following: YVWD’s Board meeting that was held on July 21st. Yucaipa Sustainable Groundwater meeting that was held on July 22nd. ACWA/JPIA meeting that was held on July 27th. **2) Director Ball** reported on BCVWD’s Engineering workshop that was held on July 23rd. **3) Director Thompson** reported on BCVWD’s Engineering workshop that was held on July 23rd. **4) President Duncan** also reported on BCVWD’s Engineering workshop that was held on July 23rd. He noted that he was unable to attend the ACWA Virtual Conference.

D. Committee Reports: Director Stephenson reported that the Capacity Fee Committee is still waiting on information and will be reported back to the Board hopefully in late August.

6. New Business:

A. Consideration of Adoption of Resolution No. 2020-04 Setting the Appropriation Limit for Fiscal Year 2020-2021. A staff report, a draft copy of Resolution No. 2020-04, and related materials were included in the agenda packet. General Manager Eckhart turned this item over to Finance Manager Thomas Todd. Mr. Todd noted that the Board is required by California law to set an appropriations limit. The limit is calculated based on a formula, and is not related to the Agency’s budget for the year. The Appropriation Limit has been posted for the required amount of time. The other requirement is for the Board to pass a Resolution. Director Thompson made a motion, seconded by Fenn, to adopt Resolution No. 2020-04 setting the Appropriation Limit of \$67,204,996 for Fiscal Year 2020-2021. President Duncan requested a roll call.

<u>Roll Call:</u>	Aye	Noes	Absent	Abstain
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7-0.

B. Consideration of Adoption of Debt Service Budget for Fiscal Year 2020-2021. General Manager Eckhart stated that this item was discussed at the July 27th Finance and Budget workshop. During the workshop the Board reviewed in detail the Agency’s reserves and upcoming expenses. Director Stephenson made a motion, seconded by Director Thompson, to adopt the Debt Service Budget for Fiscal Year 2020-2021. President Duncan requested a roll call vote.

<u>Roll Call:</u>	<i>Aye</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 7-0

C. Consideration of Adoption of Resolution No. 2020-05 Setting the Tax Rate for Fiscal Year 2020-2021. A staff report, a draft copy of Resolution No. 2020-05, and related materials were included in the agenda packet. General Manager Eckhart noted that this item was also discussed at the F&B workshop on July 27th. He stated that Debt Service Fund Budget for FY 2020-21 PowerPoint presentation was reviewed at the workshop and that staff outlined in detail the long-term investments in supply as well as anticipated projected expenses. The Agency will be investing in financial forecasting tools that will assist staff in the future with providing the Board with accurate projections. The Board had requested a comparison of the difference between 17.75 cents (current rate) per \$100 valuation, vs. 17.50 cents per \$100 valuation; the difference equates to about \$9.00 annually, per home. There are a large number of uncertainties related to extending the SWP contract, maintaining aging Project infrastructure and funding construction to alleviate problems associated with subsidence in the San Joaquin Valley, in addition to the future balloon payments on EBX bonds, as well as participation in the Delta Conveyance & Sites Reservoir Project. Staff is recommending holding the rate at 17.75, due to the projected expenses. After discussion, Director Thompson made a motion, seconded by Director Castaldo, to adopt Resolution No. 2020-05 setting a tax rate at 17.50 cents for Fiscal Year 2020-2021.

<u>Roll Call:</u>	<i>Aye</i>	<i>Noes</i>	<i>Absent</i>	<i>Abstain</i>
Director Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Castaldo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Fenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Lehtonen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Director Stephenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Duncan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 6-1

7. Topics for Future Agendas: President Duncan requested to have discussion on the Agency's vehicle. Director Ball requested a Flume update.

8. Announcements:

- A. Engineering Workshop, August 10, 2020 at 1:30 p.m.
- B. Water Conservation and Education Committee, August 13, 2020 at 1:30 p.m. – Cancelled
- C. Regular Board Meeting, August 17, 2020 at 1:30 p.m.

9. Adjournment

Time: 2:33 pm

Draft - Subject to Board Approval

Lance Eckhart, Secretary of the Board

cmr

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA 92223
Minutes of the
Board of Directors Engineering Workshop
August 10, 2020

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS), AND IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, **THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING THIS BOARD MEETING IN PERSON.** MEMBERS OF THE PUBLIC MAY LISTEN AND PROVIDE PUBLIC COMMENT TELEPHONICALLY BY CALLING THE FOLLOWING NUMBER:

<https://us02web.zoom.us/j/83250660481>

Meeting ID: 832 5066 0481

Directors Present:	Ron Duncan, President
All Board members	Leonard Stephenson, Vice President
Attended by video	Blair Ball, Director
conferencing/	David Castaldo, Director
teleconferencing	David Fenn, Director
	Steve Lehtonen, Director
	Mike Thompson, Director

Staff Present:	Lance Eckhart, General Manager
All staff members	Jeff Ferre, General Counsel
Attended by video	Cheryle Stiff, Executive Assistant
conferencing/	Tom Todd, Finance Manager
Teleconferencing	Casmir Olaivar, Student Intern
	Jeff Davis

1. Call to Order, Flag Salute and Roll Call: The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by Vice President Stephenson at 1:30 p.m., August 10, 2020 via videoconference/teleconference. Vice President Stephenson led the Pledge of Allegiance to the flag. Vice President Stephenson requested a roll call.

<u>Roll Call:</u>	Present	Absent
Director Ball	☒	☐
Director Castaldo	☒	☐
Director Thompson	☒	☐
Director Fenn	☒	☐
Director Lehtonen	☒	☐
Director Stephenson	☒	☐
President Duncan	☒	☐

A quorum was present.

2. Public Comment: *Vice President Stephenson asked if there were any members of the public that wished to make a public comment on items that are within the jurisdiction of the Agency that are not on today's agenda.* No members of the public wished to address the Board at this time.

3. Review of Current Recharge Activities. As of last week, the Agency has 6600 acre-feet of Table A water and transfer water to deliver by the end of the year; this year's carryover over water has already been delivered. Currently, BCVWD is receiving 24 cfs per day. Fiesta Recharge Facility is having some issues with the pond controller. A technician to fix the controller has been requested and operations of the facility will commence once it is operational.

4. Discussion of Fencing Agency Property near Cherry Valley Pump Station. Pictures of dumping were reviewed with the Board. The Agency's property that the CVPS is located on has been used by others to dump off unwanted furniture, appliances and trash. What is needed is about 1100 feet of fencing to secure the property and keep out trespassers. We have received one quote and waiting on another; this is a prevailing wage job. In addition, the property will need to be surveyed to get the exact property line of the property. Vice President Stephenson requested public comment on this item. There being none, Vice President Stephenson opened this item open for discussion with the Board. A brief discussion ensued.

5. Review DWR Video "Delta Conveyance Project": A Proposal to Protect Water Supplies. The "Delta Conveyance Project" video explained how DWR is pursuing a new environmental review and planning process for a single tunnel solution to modernize Delta Conveyance. This is consistent with Governor Newsom's executive order directing state agencies to develop a portfolio of state-wide actions and Investments that will increase water resilience for all California's. Vice President Stephenson asked for comments from the public. Joyce McIntyre thanked the Agency for showing the video as it showed the fragile state of the Delta and how critical it is. A link to the video will be placed on the Agency's website and also on its social media. Discussion ensued.

6. Discuss Authorizing Consulting Services with Tully and Young Inc. for the Preparation of the 2020 Urban Water Management Plan. Urban Water Management Plans (UWMPs) are prepared by urban water suppliers every five years. UWMP support the suppliers' long-term resource planning to ensure that adequate water supplies are available to meet existing and future water needs for our region. General Manager Eckhart provided a PowerPoint – "2020 WHOLESAL UWMP CONSULTANT SELECTION." He stated that the State is requiring more proof that an agency can meet upcoming demands. We have three proposals from three qualified consulting firms: Kennedy-Jenks, Tully & Young, and Water Systems Consulting. General Manager Eckhart gave background information on each of the firms. Staff requests the Committee recommend that the Board of Directors authorize consulting services with Tully and Young Inc. for the preparation of San Gorgonio Pass Agency's 2020 Urban Water Management Plan at a cost not to exceed \$93,000. Discussion ensued. President Duncan recommended, seconded by Director Castaldo, that this item is to move forward to the Board for discussion and possible action.

7. Announcements:

- A. Water Conservation & Education Workshop, August 13, 2020 at 1:30 p.m. – Teleconference/Zoom
- B. Regular Board Meeting, August 17, 2020 at 1:30 p.m. – Teleconference/Zoom
- C. Finance & Budget Workshop, August 24, 2020 at 1:30 p.m. – Teleconference/Zoom

8. Adjournment: Vice President Stephenson adjourned the meeting at 2:29 p.m.

Draft - subject to Board approval

Lance Eckhart, Secretary to the Board

cmr



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Memorandum

To: Board of Directors
San Gorgonio Pass Water Agency

From: Jeff Ferre
General Counsel

Date: August 17, 2020

Re: General Counsel Report
Governor’s Water Resilience Portfolio – Additional Observations

Please note that this is a general update for public discussion purposes only and does not constitute legal advice.

As discussed recently by our General Manager, the final version of the Water Resilience Portfolio (“Portfolio”) was issued by the Governor on July 28, 2020. The Portfolio is billed as a blueprint for equipping the state to cope with extreme droughts and floods, rising temperatures, declining fish populations, and over-reliance on groundwater. Along with the General Manager’s recent thoughts, we have the following additional observations based on opportunities and issues that we see with many of our clients.

Based on this Portfolio, the Agency should expect future water policy to carry a statewide goal, but be implemented on a regional basis. With these initiatives, the Agency should also expect an increased level of involvement with state agencies for policy implementation and information sharing.

1. Maintaining and Diversifying Water Supplies. The state is focused on reducing the reliance of local/regional entities on any one water source and to diversify supplies. In order to maintain/diversify, the Portfolio calls for increased efficiency, sustainability, and recycling capacity and investment in new technology to increase overall water capacity. For example, the state seeks to support the use of aerial electromagnetic surveys and well completion reports to identify optimal areas for enhanced recharge and connections among aquifer systems.

2. Protecting and Enhancing Natural Systems. The state seeks to incentivize green infrastructure to support biodiversity, dampen floods, filter water, and recharge groundwater. As one part of this initiative, the Portfolio calls for funding the Healthy Soils program and providing technical assistance to support on-farm practices that enhance water retention.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

3. Building Physical and Organizational Connections. The Portfolio calls for incentivizing information sharing in order to balance competing uses of shared water sources and to streamline regulatory and reporting burdens. For instance, the state seeks to develop an open and transparent ledger system to simplify and allow for improved local and regional participation in a water transfer market.

4. Preparedness for Emergencies. The Portfolio provides that state agencies will support regional preparedness by helping regions prepare for new flood patterns and drought periods and improve the ability of regions to anticipate weather and climate changes. As one part of this initiative, the state seeks to update and refine the regional flood management strategy in the Central Valley Flood Protection Plan to account for projected impacts of climate change in order to protect vulnerable communities and infrastructure.

San Gorgonio Pass Water Agency

DATE: August 17, 2020
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Lance Eckhart, General Manager
SUBJECT: CONSIDER CONTRACT EXTENSION WITH THE INLAND EMPIRE RESOURCE CONSERVATION DISTRICT FOR FISCAL YEAR 2020-21

RECOMMENDATION

Staff recommends the Board of Directors authorize extending the professional services agreement with the Inland Empire Resource Conservation District (IERCD). Work will consist of continued implementation of the educational program for fiscal year 2020-21 for an amount not to exceed \$25,000.

PREVIOUS CONSIDERATION BY BOARD OF DIRECTORS

- Board of Directors: Annually considered previous 7 fiscal years.
- Water Conservation and Education Committee – August 13, 2020: Committee discussed the program, development of remote learning material and expansion of scope of the educational program.

BACKGROUND

For the past 7 years, the San Gorgonio Pass Water Agency (SGPWA) has been providing funding to IERCD to develop and implement classroom educational programs associated with resource management. These programs are well received by area schools and over the past several years, are considered a high-value established program.

ANALYSIS

This year's proposal will build upon the well-established classroom work and pivot to a distance-learning program as a response to Covid-19. A copy of the proposal is attached. The pandemic creates opportunity for IERCD and SGPWA staff to consider new learning and outreach tools. Distance learning products may ultimately result in higher participation levels of area classrooms and could result in an enduring and repeatable product that can be widely distributed to local teachers and their respective students.

The proposal also considers 3 optional programs for the 2020-21 fiscal year that could widely benefit the greater region. These optional programs are well within the IERCD's

areas of competency and the local office has qualified staff to implement said optional programs. The optional programs considered are as follows:

- Optional Program 1 – Virtual Water Conservation Content
- Optional Program 2 – Virtual Water Resident Workshops
- Optional Program 3 – Virtual Water Careers in Water Presentation

It is recommended that the 3 optional programs be initiated this fiscal year and the Board allocate funding to develop these optional programs. Program development will be an iterative and collaborative process working closely with the SGPWA Conservation Committee. Funds set aside for the Optional Programs will be allocated based on staff input and direction given by the Committee throughout the current fiscal year.

FISCAL IMPACT

The Fiscal Year 2020-21 Budget includes \$25,000 in funding for educational programs. It is recommended that the IERCD proposal for \$15,000 be considered as well as allocating an additional budgeted \$10,000 towards the 3 optional programs for a total not to exceed \$25,000.

ACTION

Motion to authorize staff to extending the professional services agreement with the IERCD for fiscal year 2020-21 at a cost not to exceed \$25,000.

ATTACHMENT *Contract for Performance of Water Conservation Public Outreach Programs*

*CONTRACT FOR PERFORMANCE OF WATER CONSERVATION PUBLIC
OUTREACH PROGRAMS*

2020-21 Academic Year

Proposal To:

*San Geronio Pass Water Agency (SGPWA)
Contact: Lance Eckhart, General Manager/Chief Hydrogeologist
1210 Beaumont Ave
Beaumont, Ca 92223*

Proposal From:

*Inland Empire Resource Conservation District
Contact: Mandy Parkes, District Manager
25864-K Business Center Drive
Redlands, CA 92374*



The onset of COVID-19 in March of 2020 has resulted in significant impacts to education, including closure of all school campuses and implementation of distance learning for students to finish out the 2019-20 academic year. The radical change in public and private school protocols for student presence and learning has dramatically impacted the Inland Empire Resource Conservation District's (IERCD/District) brand of in-person conservation education we've facilitated for over 20 years. As of this mid-June 2020 contract development, limited direction has come down from the state regarding protocols for the 2020-21 academic year; however, only one local school district has indicated concrete plans for use of this guidance in the next school year. As a result, the IERCD and other providers of classroom education content are uncertain of the manner in which we will be able to deliver conservation education to area students.

While there are many current unknowns, the IERCD is hoping to partner with the San Geronio Pass Water Agency (SGPWA) on development and delivery of conservation content for SGPWA residents as we have for the last decade. In light of uncertainty in final protocols for area school districts, we have (1) summarized major areas of change to align with anticipated 2020-21 campus operations and (2) added suggested steps to assist in mutual ability to reach residents with conservation messaging while enabling effective alteration of approach as necessary:

Classroom Program Re-Design: all formerly in-person conservation education programs have been redesigned to allow for ongoing content delivery within a range of anticipated restrictions in SGPWA area schools. The former focus on completion of in-class K-12 and late high school/early college programs has shifted to a suite of distance learning materials and options for live and recorded classroom presentations, both of which are projected to continue elevation of resident awareness of the need for and methods of water conservation.

Outreach and Content Assessment: as with program changes, methods for advertising available programming and for assessing content retention are being updated to be facilitated virtually in 2020-21 with the goal of reaching as many residents as possible with the Valley District's water conservation messaging.

Regular Assessment of Proposal Components: the IERCD is anticipating an ongoing need to evaluate and possibly revise approaches to water conservation education in SGPWA area schools, in partnership with SGPWA. Protocols for classroom instruction are currently unknown and will likely shift even after established, requiring the District and SGPWA to remain responsive to altering focus on what works best for resident education. To that end, IERCD is proposing (1) monthly staff-level check-ins on components of this proposal and necessary changes, and (2) an updated agreement structure detailing a "not to exceed" amount to be further directed by Valley District staff based on general programming categories rather than highly specific deliverables in previous contracts. SGPWA direction will be memorialized in task orders, to be executed as often as monthly to capture desired direction of IERCD efforts on behalf of the contract.

As with all previous contracts, the IERCD is incredibly grateful for the SGPWA 's support and partnership in completion of resident education on the critical importance of water conservation.

2020-21 PROGRAMMING OPTION 1: K-12 VIRTUAL WATER CONSERVATION CONTENT

This contract section describes content meant to substitute for the in-person K-12 classroom programs facilitated by IERCD and funded by the SGPWA in the previous academic year, designed for 2020-21 to consist of (1) packaged content posted to an online portal and accessible by residents and (2) options for pre-recorded and live (Zoom) classroom presentations. Each component will include content comprehension and satisfaction assessment via quiz with responses sent to IERCD for analysis/use in adapting content. The suite of content slated to replace in-person K-12 classroom programs is further described in the following section:

Marketing to Area Educators and Residents: IERCD staffers will advertise SGPWA programs through a variety of strategies designed to elevate resident awareness of SGPWA -sponsored water conservation content and programming, including:

- *Social Media:* IERCD staff will create posts for District Facebook and Instagram pages, ensuring no less than 2 posts/month address SGPWA sponsored virtual content availability, access, and use.
- *Website:* SGPWA -sponsored programming and content will be featured on IERCD’s website. District Communications staff will work with interested partners to add links to content on companion websites to increase awareness of availability.
- *Virtual Flyers:* co-logo’d flyers advertising available content and programming will be created by District staff using professional design software, then distributed to partners in SGPWA education including administrators, teachers, and community groups, within requirements established for advertising.

Options for Delivery of Program Content:

- Live virtual presentations using Zoom or similar virtual meeting platform, available upon request by teachers and featuring similar components to existing IERCD water conservation presentations on behalf of the SGPWA. Materials used in program activities are projected to be dropped off to the requesting teacher’s campus prior to the presentation.
- Downloadable Content from the SGPWA’s section in IERCD’s Conservation Classroom Platform:
 - Narrated Google Slides Presentation: scheduled to be developed and available for download/use to interested educators and residents, these will consist of transitioning the existing IERCD water conservation classroom Prezi into a series of grade-group Google slide presentation narrated by District educators in English and Spanish. Grade groups include K-1; 2-3; 4-5; 6-8; 9-12.
 - Virtual lesson with activity, shorter in length than the full Google Slides presentation, but featuring one or more elements of presentation and connecting those to activities requiring simple materials that can be done at home. These will be available in individual grade groups, in both English and Spanish

K-12 Virtual Water Conservation Content Pricing Menu:

Task	Description	Approximate Cost
Live Virtual Classroom Presentation	One live zoom presentation, including all coordination with requesting teacher; tutorial on teleconference	\$900/Live Presentation

	platform; plus content refinement based on virtual setting	
Narrated Google Slide Presentation	One narrated Google Slide presentation for specific grade group in English and Spanish, based on existing Prezi with revised activities and content/ satisfaction checks	\$450/Narrated Google Slide Presentation for single grade group
Virtual grade-group specific activity or lesson video	Developing one video lesson with activity per grade group, aligned with NGSS Standards and available in English and Spanish; includes all design, filming, editing, and access support	\$900/Virtual Lesson
SGPWA -IERCD Coordination and Reporting	Monthly reporting and coordination meetings	\$1,200/year

2020-21 PROGRAMMING OPTION 2: VIRTUAL RESIDENT WORKSHOPS

This component of the 2020-21 proposal represents new content for the IERCD- SGPWA water conservation partnership, but is based on successful facilitation of similar virtual workshops on behalf of other water provider partners. If optioned for the 20-21 contract, Virtual Resident Workshops will include advertising; facilitation of a virtual workshop using Zoom or similar platform and featuring a speaker addressing attendees on a rotating series of water conservation-focused topics and including audience Q/A, a virtual raffle, and development and distribution of materials; and post-workshop assessment of participant satisfaction and content comprehension. Components of this proposed programming element include:

Marketing to Residents:

IERCD staffers will advertise SGPWA programs through a variety of strategies designed to elevate resident awareness of SGPWA -sponsored water conservation content and programming, including:

- *Social Media:* IERCD staff will create posts for District Facebook and Instagram pages, ensuring no less than one post/week is created and posted in the four weeks leading up to the workshop
- *Website:* workshop details and RSVP portal will be included on IERCD’s website.
- *Virtual Flyers:* co-logo’d flyers advertising the workshop will be created by IERCD and distributed to (1) email list of attendees of other virtual workshops, (2) email list of District partners, (3) posted on websites of partners

Program Facilitation: workshops will be scheduled in coordination with SGPWA priorities and will include the following components:

- Webinar materials including presenter PPT, companion resources, worksheets as needed to complete workshop activities
- Clear RSVP process and location, plus instructions for attendees on platform use, virtual workshop structure, accessing follow-up materials
- Webinar with speaker; Q/A, activity for attendees, recommendations for follow-up resources and actions
- Post-webinar assessment on satisfaction and content

Virtual Workshop Pricing Menu:

Task	Description	Cost
Program design and implementation – One Virtual Workshop	Develop presentation; coordinate prep and facilitation with attendees and contributors; follow-up materials distribution and adaptive design of next workshop driven by feedback	\$1,000/Workshop

2020-21 PROGRAMMING OPTION 3: VIRTUAL WATER CAREERS IN WATER PRESENTATION

This component of the 2020-21 proposal represents new content for the IERCD- SGPWA water conservation partnership, but is based on successful facilitation of similar virtual workshops on behalf of other water provider partners. In this program, SGPWA-area resident in the target group of late high school – early college will be prioritized for this material, delivered in one of two methods, and focused on skills, educational background, and benefits of various local and regional water careers.

Marketing to Residents:

IERCD staffers will advertise SGPWA Careers in Water virtual programs through a variety of strategies designed to elevate resident awareness of SGPWA -sponsored water conservation content and programming, including:

- *Social Media:* IERCD staff will create posts for District Facebook and Instagram pages, to be done in coordination with other classroom and virtual workshop content
- *Website:* program, details and access information will be located on IERCD’s website.
- *Virtual Flyers:* co-logo’d flyers advertising the workshop will be created by IERCD and distributed to education staff in high schools, junior colleges, and CSUSB in San Bernardino

Water Career Presentations:

- Option 1: IERCD staffers will transition existing Prezi presentation content into format capable of being delivered live via Zoom or similar program, including support for educators and students accessing the presentation.
- Option 2: IERCD staffers will transition Prezi content into narrated Google Slides focused on one presentation for late high school/early college in both English and Spanish. This remote presentation will allow participants to click on a variety of page components to reveal additional details on area schools offering water education; local and regional water agencies and positions offered; and typical wage rates corresponding to job titles and duties, to further connect interest in post-high school pursuit of careers in water.
- Both access options will be accompanied by pre-presentation content provided to the participating teacher and post-workshop resources and assessment of satisfaction and content comprehension.

Virtual Careers in Water Pricing Menu

Task	Description	Approximate Cost
Narrated Google Slide Presentation	IERCD educator will record presentation content slide by slide to create a self-navigable educational experience	\$450/language-specific presentation

1 Live Virtual Presentation	Coordinating pre-meeting with teacher to tailor presentation content, troubleshoot or provide tutorial on teleconference platform, plus content development	\$900
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2020-21 PROGRAMMING OPTION 4: K-12 VIRTUAL AQUIFER MODEL CONTENT

This contract section describes content meant to substitute for the three in-person aquifer model focused teacher trainings facilitated by IERCD and funded by the SGPWA in previous academic year, designed for 2020-21 to consist of (1) packaged content posted to online portal and accessible by residents, (2) options for pre-recorded and live (Zoom) classroom presentations, and (3) training to encourage use of content and promotion of student use by teachers within SGPWA’s service area. Each component will include content comprehension and satisfaction assessment via quiz with responses sent to IERCD for analysis/use in adapting content. The suite of content slated to replace in-person aquifer model focused teacher trainings is further described in the following section:

Marketing to Area Educators and Residents: IERCD staffers will advertise SGPWA programs through a variety of strategies designed to elevate resident awareness of SGPWA -sponsored water conservation content and programming, including:

- *Social Media:* IERCD staff will create posts for District Facebook and Instagram pages, ensuring no less than 2 posts/month address SGPWA sponsored virtual content availability, access, and use.
- *Website:* SGPWA -sponsored programming and content will be featured on IERCD’s website. District Communications staff will work with interested partners to add links to content on companion websites to increase awareness of availability.
- *Virtual Flyers:* co-logo’d flyers advertising available content and programming will be created by District staff using professional design software, then distributed to partners in SGPWA education including administrators, teachers, and community groups, within requirements established for advertising.

Options for Delivery of Program Content:

- Live virtual presentations using Zoom or similar virtual meeting platform, available upon request by teachers and featuring similar components to existing IERCD aquifer model presentations on behalf of the SGPWA.
- Two virtual webinars conducted on behalf of teachers interested in using aquifer model presentation in classroom and as a teaching tool for students engaged in distance learning., in addition to IERCD Staff support for participating teachers including:
 -
 - Teacher Resources Section within SGPWA’s IERCD Conservation Classroom page, to include at least:
 - Recorded Teacher Instruction Webinars

- Detailed overview of vocabulary and components of presentation, model, and SGPWA through regularly updated resource documents.
 - FAQ for teachers addressing best practices for virtual meeting platform, student use of content, and post-presentation content extension recommendations.
 - Post-lesson plans to reinforce presentation topics with students
- Downloadable Content from the SGPWA’s section in IERCD’s Conservation Classroom Platform:
 - Narrated Google Slides Presentation: scheduled to be developed and available for download/use to interested educators and residents, these will consist of transitioning the existing IERCD water conservation classroom Prezi into a series of grade-group Google slide presentation narrated by District educators in English and Spanish.
 - Virtual lesson with activity, shorter in length than the full Google Slides presentation, but featuring one or more elements of presentation and connecting those to activities requiring simple materials that can be done at home. These will be available in individual grade groups, in both English and Spanish

K-12 Virtual Aquifer Model Content Pricing Menu:

Task	Description	Approximate Cost
Live Virtual Classroom Presentation	One live zoom presentation using aquifer model, including all coordination with requesting teacher; tutorial on teleconference platform; plus content refinement based on virtual setting	\$900/Live Presentation
Narrated Google Slide Presentation	One narrated Google Slide presentation on aquifer model for specific grade group in English and Spanish, based on existing Prezi with revised activities and content/ satisfaction checks	\$450/Narrated Google Slide Presentation for single grade group
Teacher Workshops	Two Teacher Instruction Workshops demonstrating model, concepts, vocabulary, and SGPWA to educators interested in hosting a live classroom presentation and/or promoting narrated Google Slide presentations for Distance Learners. The webinars will be open to all interested attendees and use model and Google Slide Presentation demonstrations to increase educator understanding of key presentation foundation and concepts.	\$1,000/workshop
Virtual grade-group specific activity or lesson video	Developing one video lesson related to aquifer model with activity per grade group, aligned with NGSS Standards and available in English and Spanish; includes all design, filming, editing, and access support	\$900/Virtual Lesson

CONTRACT DETAILS

Not To Exceed Total: \$15,000

Cancellation: This contract may be cancelled at any time, via the submission of a letter from the terminating agency. Any unpaid program costs will be invoiced and paid within thirty (30) days of cancellation.

APPROVAL

San Geronio Pass Water Agency
1210 Beaumont Ave
Beaumont, CA 92223

Inland Empire Resource Conservation District
25864-K Business Center Drive
Redlands, CA 92374

Lance Eckhart, General Manager

Mandy Parkes, District Manager

Date

Date

ATTACHMENT: TASK ORDER FORM

San Geronio Pass Water Agency

DATE: August 17, 2020
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Lance Eckhart, General Manager
SUBJECT: PARTICIPATION IN PHASE 2 OF SITES RESERVOIR

RECOMMENDATION

Authorize the General Manager to:

Execute the Sites Reservoir Project Participation in Phase 2 Reservoir Project Agreement between the San Geronio Pass Water Agency (Agency) and Beaumont-Cherry Valley Water District (District).

PREVIOUS CONSIDERATION

- Board of Directors – May 18, 2020: Board considered participation in Phase 2 of the Sites Reservoir project.
- Board of Directors – June 1, 2020: The Board authorized participation in Phase 2 of the Sites Reservoir project and requested inclusion of District in Phase 2 Second Amendment participation of the Sites Reservoir project pending mutually agreed upon changes.

BACKGROUND

The Agency has been an investor in Sites Reservoir for a number of years and the Sites project may be an important tool to meet the region's long-term supply demands. The Agency has invested just over \$1,000,000 in the Sites project over several fiscal years and recently committed an additional \$1,000,000 for the next phase of the project (Phase 2). The Sites project has moved through the first planning phase resulting in a planned project that is redefined with a smaller footprint sufficient to meet the future needs of its investors.

Phase 2 of the project will be conducted from November 1, 2020 to April 1, 2021. Work will include major permitting work, environmental compliance and design work.

ANALYSIS

The District has been partnering with the Agency in the Sites project since 2018. The Agency is participating in the Sites project at 10,000 AF and the District has opted to participate at 4,000 AF (14,000 AF combined regional total). Continued participation in Phase 2 for the Agency and District will cost \$1,000,000 and \$400,000, respectively.

Participation in the Sites project is a material investment for the Agency and District. The Sites project is associated closely with the operation of the State Water Project (SWP) and therefore any water from the Sites project will need to be coordinated through the Agency. An agreement between the Agency and District was drafted during the initial phase of the Sites project. Modifications to the original agreement between the Agency and District were requested by the District that allowed the District to continue participation in the Sites project if the Agency was to opt out of future project phases. This agreement was deemed necessary by the District.

Agency counsel drafted language that addressed continued participation concerns in the Sites project. Agency and District staff worked with their respective counsels and the mutually agreed upon changes can be found under Section (d); (i), (ii), (iii) & (iv) of the agreement (Attached).

FISCAL IMPACT

NONE.

ACTION

Authorization for General Manager to enter into Sites Reservoir Project Participation in Phase 2 Reservoir Project Agreement.

ATTACHMENT *Sites Reservoir Project Participation in Phase 2 Reservoir Project Agreement*

**AGREEMENT
SITES RESERVOIR PROJECT
PARTICIPATION IN PHASE 2 RESERVOIR PROJECT AGREEMENT**

This AGREEMENT FOR PARTICIPATION IN THE PHASE 2 RESERVOIR PROJECT AGREEMENT ("Phase 2 BCVWD Agreement") is made as of _____, 2020, by and between the San Geronio Pass Water Agency, a public agency ("Agency") and the Beaumont-Cherry Valley Water District, a public agency ("District"). Agency and District are hereinafter sometimes collectively referred to as the "Parties" or individually as a "Party."

RECITALS

A. On December 21, 2015, public agencies in the Sacramento River Watershed entered in that certain Modified Third Amended and Restated Sites Project Authority Joint Exercise of Powers Agreement pursuant to which said agencies ("Members") formed the Sites Project Authority ("Authority") to develop the Sites Reservoir Project ("Project").

B. On April 16, 2016, certain Members entered into a Phase 1 Reservoir Project Agreement and invited additional Members and Non-Member Participating Parties to become part of the Phase 1 Reservoir Project Agreement; and

C. On July 27, 2016, District Board took action to participate with Agency in the amount of 4,000 acre feet ("AF") as offered by Agency as part of the Agency's participation in the Project. On October 17, 2016, Agency Board took action to submit a proposal to the Authority to become a Non-Member Participating Party through the purchase of 14,000 AF of water ("Agency Participation"). Agency Board also took action to provide an opportunity to District to purchase 4,000 AF of the Agency's 14,000 AF Agency Participation; and

D. On January 17, 2017, Agency Board took action to enter into the Phase 1 Reservoir Project Agreement and to make the financial commitment required for the Agency Participation under said Phase 1 Reservoir Project Agreement; and

E. Pursuant to Agency's offer to District to participate in Agency's purchase, and based on the Agency Participation, the Parties entered into that certain Sites Reservoir Project Participation In The Phase 1 Reservoir Project Agreement in 2017 ("Phase 1 BCVWD Agreement") in order to set forth the terms and conditions upon which District will purchase a portion of the Agency Participation; and

F. The Authority on the one hand, and Members on the other hand intend to enter into that certain Second Amendment To 2019 Reservoir Project Agreement ("Second Amendment"), which shall be effective September 1, 2020, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference. The Second Amendment provides, among other things, for the following: (1) approval of an Amendment 2 Work Plan; (2) extension of the term of the 2019 Reservoir Project Agreement; (3) an updated listing of Members and Non-Members; and (4) contribution amounts to be paid by participating Members as reflected in the 2019 Work Plan

and the Amendment 2 Work Plan; and

G. On May 18, 2020, Agency Board took action to enter into the Second Amendment and to make the financial commitment required for the Agency Participation under said Second Amendment; and

H. On _____, 2020, District Board took action to action to participate with Agency in the amount of 4,000 AF as offered by Agency as part of the Agency's Participation of 14,000 AF and to make payments to Agency as required under the Second Amendment which apply to 4,000 AF of Agency's 14,000 AF; and

I. The Parties desire to enter into this Phase 2 BCVWD Agreement in order to set forth the terms and conditions upon which District will comply with the terms and conditions of the 2019 Reservoir Project Agreement as amended including, but not limited to, the Second Amendment, which apply to its 4000 AF portion of the Agency's 14,000 AF Agency Participation.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and conditions set forth in this Phase 2 BCVWD Agreement, and for other good, valuable, and adequate consideration, the Parties hereto agree as follows:

1. District Participation

District hereby agrees to make the following financial commitment and otherwise participate in the Agency Participation ("District Participation"). The District Participation shall be deducted from the Agency Participation as follows:

(a) Agency Participation - 14,000 AF

(b) District Participation – 4,000 AF of the 14,000 AF Agency Participation

(c) Percentages By And Between The Parties

Agency – 10,000 AF of 14,000 AF - 71.429%

District – 4,000 AF of 14,000 AF – 28.571%

(d) Total maximum cost of Phase 2: \$100 per acre-foot of capacity

Agency - \$1,000,000

District - \$400,000

(e) Timing of Payment: District shall pay the entire \$400,000 to the Agency on or before October 15, 2020. Should actual Phase 2 costs be less than \$100 per acre-foot, Agency shall return to the District any unused portion of the \$400,000 no later than June 30, 2021.

2. Rights And Obligations

(a) Compliance With Project Agreement - Performance of this Phase 2 BCVWD Agreement, and the activities of the Parties, shall be subject to the rights and obligations set forth in the 2019 Reservoir Project Agreement as amended including, but not limited to, the Second Amendment and any other Authority rules and regulations as the same may be adopted or revised from time to time.

(b) Agency's Obligations To District - The rights and obligations of Agency to District shall be limited to the terms and conditions of this Phase 2 BCVWD Agreement. District shall not be deemed to be a party to the 2019 Reservoir Project Agreement nor otherwise have any right or entitlement under the 2019 Reservoir Project Agreement. For example and not by way of limitation, District shall not have any right to participate in, or become a member of, the Reservoir Project Committee as set forth in the 2019 Reservoir Project Agreement.

(c) No Representations Or Warranties – Nothing in this Phase 2 BCVWD Agreement shall constitute a representation or warranty by Agency to District of any water rights, water supplies, allocation or any other obligation regarding the amount of water which may or may not be provided by the Authority under the 2019 Reservoir Project Agreement. Agency's obligations are limited to performance of the 2019 Reservoir Project Agreement as a Participating Party and performance of this Phase 2 BCVWD Agreement. Agency shall not be deemed to have made any commitment of a water right or water supply to District, District's customers or District's applicants for service.

(d) Discontinuing Participation – In the event Agency elects to discontinue or reduce its level of participation beyond the Second Amendment to the 2019 Reservoir Project Agreement, and thereby assigns, transfers or otherwise foregoes its rights to the Agency Participation, then District shall have the right to continue to perform under this Phase 2 BCVWD Agreement and under any future commitments required for continued participation in the Project. As the only Party authorized to be a Participating Party, Agency shall continue in that role in order to maintain the right to 4,000 AF of the Agency Participation for District, subject to the following terms and conditions:

(i) Agency shall enter into any future commitments required to continue such participation in the Project on behalf of District;

(ii) Any and all costs and expenses for such participation in the Project for the benefit of District shall be at the sole cost and expense of District including, but not limited to, any costs or expenses incurred by Agency and all costs, expenses, fees and charges which pertain to continued participation in the Project other than any such costs related to Agency's continued level of participation in the Project.

(iii) In the event District fails or refuses to comply with any payments or obligations for continued participation in the Project, Agency shall have the right to terminate its participation on behalf of District. In that case, District shall be solely responsible for any

payments, costs, or expenses which may arise due to such termination.

(iv) The provisions of this subsection 2(d) shall survive the term of this Agreement and continue thereafter in full force and effect.

3. Compliance With Legal And Regulatory Requirements

In carrying out its respective activities, each Party shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and regulations in any manner affecting the performance of the respective activities. Each Party shall be liable to the other Party for all violations of such laws and regulations in connection with the respective activities. Each Party shall be responsible for securing, at its own expense, and paying for all permits and licenses necessary to perform their respective activities as set forth in this Phase 2 BCVWD Agreement.

4. Effective Date

This Phase 2 BCVWD Agreement shall be effective on the date of full execution of this Phase 2 BCVWD Agreement by both Parties (“Effective Date”).

5. Term and Termination

(a) Term The term of this Phase 2 BCVWD Agreement shall be from the Effective Date to the date of completion of performance of the activities under this Phase 2 BCVWD Agreement. This Phase 2 BCVWD Agreement shall remain in effect during the term unless earlier terminated under the following procedures:

(b) Notice and Opportunity to Cure If either Party to this Phase 2 BCVWD Agreement believes that the other Party has failed to perform any obligation of that Party in accordance with the terms of this Phase 2 BCVWD Agreement (“Default”), the Party alleging the Default shall provide written notice (“Default Notice”) to the other Party, setting forth the nature of the alleged Default. Unless otherwise provided by a specific term of this Phase 2 BCVWD Agreement, the Party claimed to be in Default shall have thirty (30) days from the receipt of the Default Notice to completely cure such Default or, if such Default cannot reasonably be cured within such thirty (30) day period, to commence the cure of such Default within the thirty (30) day period and diligently prosecute the cure to completion thereafter. If the Party claimed to be in Default does not cure such Default within the time period and procedures as set forth herein, the Party alleging Default may then terminate this Phase 2 BCVWD Agreement.

6. General Provisions

(a) Entire Agreement This Phase 2 BCVWD Agreement is intended by the Parties as a complete and exclusive statement of the terms of their agreement and it supersedes all prior agreements, written or oral, as to this subject matter. This Phase 2 BCVWD Agreement may be modified only upon the mutual written agreement of the Parties hereto.

(b) Notices Written notices to be given to either Party must be given by personal delivery or by registered or certified mail addressed and delivered as set forth below.

Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223
(951) 845-9581
Attn: General Manager

San Geronio Pass Water Agency
1210 Beaumont Avenue
Beaumont, CA 92223
(951) 845-2577
Attn: General Manager

(c) Representation of Authority Each Party represents to the other that it has the authority to enter into this Phase 2 BCVWD Agreement and that the individual signing this Phase 2 BCVWD Agreement on behalf of their respective Parties has the authority to execute this Phase 2 BCVWD Agreement and to bind their respective Parties to the terms and conditions of this Phase 2 BCVWD Agreement.

(d) Incorporation of Recitals The Recitals set forth above are incorporated herein and made an operative part of this Phase 2 BCVWD Agreement.

(e) Invalidity and Severability If any portion of this Phase 2 BCVWD Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

IN WITNESS WHEREOF, each of the Parties have caused this Phase 2 BCVWD Agreement to be executed by its respective duly authorized officers.

(signatures are on the following page)

SAN GORGONIO PASS WATER AGENCY

By: _____

Title: _____

BEAUMONT-CHERRY VALLEY WATER DISTRICT

By: _____

Title: _____

Exhibit "A"
Second Amendment

San Gorgonio Pass Water Agency

DATE: August 17, 2020
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Lance Eckhart, General Manager
SUBJECT: AUTHORIZE CONSULTING SERVICES WITH TULLY AND YOUNG INC. FOR THE PREPARATION OF THE 2020 WHOLESALE URBAN WATER MANAGEMENT PLAN

RECOMMENDATION

Staff requests the Board of Directors authorize consulting services with Tully and Young Inc. for the preparation of San Gorgonio Pass Water Agency's 2020 wholesale Urban Water Management Plan at a cost not to exceed \$93,000.

PREVIOUS CONSIDERATION

- Board of Directors – May 18, 2020: The Board discussed this item and considered a sole source contract for the consulting firm who prepared the Agency's 2015 wholesale Urban Water Management Plan (UWMP). The Board considered the item and requested a total of three proposals be brought back to the Board for consideration.
- Engineering Workshop – August 10, 2018: The Workshop discussed consultant selection for the Agency's 2020 UWMP.

BACKGROUND

The California Water Code requires that wholesale and retail water providers of at least 3,000 acre-feet of water or with 3,000 or more retail connections, prepare and submit an UWMP every five years. San Gorgonio Pass Water Agency (Agency) will be updating the existing UWMP for 2020. The locally adopted, 2020 UWMP must be submitted to the Department of Water Resources by July 1, 2021.

During the 2015 UWMP effort, long term supply opportunities associated with additional State Water Project storage and conveyance improvements/investments were identified. Conversely, medium-term (10-20 year) water supply challenges were identified. Within the Agency region, three retail suppliers are large enough to necessitate the preparation of their own **retail** UWMP's. It will be important that these retail plans tier off the regional wholesale plan, work collectively with the regional wholesale plan, are legally defensible for the wholesale and retail agencies, and identify consistent efforts to collaboratively address future supply and demand challenges.

ANALYSIS

Three proposals were received by the Agency for consideration of preparation of the 2020 Wholesale UWMP. Contributing firms were Kennedy-Jenks, Tully & Young and Water Systems Consulting.

After careful consideration and review of the proposals from all three firms, Tully & Young had the best approach to address unique challenges associated with a wholesale provider and specifically anticipated legal/policy State Water Project challenges. Of note is that the principal in charge for the Agency's UWMP would be a licensed water rights attorney who also serves as a principle author for the Water Supply section of the Department of Water Resources 2020 UWMP Guidebook. UWMP's and their connection to regional wholesale (and associated retail) providers are becoming more heavily relied upon and scrutinized by the state. This is especially true in areas of economic growth. Therefore, considering the area's foreseeable supply challenges, it will be important to the Agency and stakeholders to have a legally defensible approach to UWMP planning for the region. Tully & Young also provided the greatest value when considering costs and hours necessary to be dedicated to the program.

FISCAL IMPACT

The Fiscal Impact of this proposal includes a total cost not to exceed \$93,000. This has been budgeted in the FY 2020-21 budget.

ACTION

Board of Directors to authorize consulting services with Tully and Young Inc. for the preparation of San Gorgonio Pass Water Agency's 2020 Urban Water Management Plan.