SAN GORGONIO PASS WATER AGENCY Board of Directors Meeting Agenda March 18, 2024 at 6:00 p.m.



THIS MEETING IS BEING HELD IN PERSON. REMOTE ACCESS IS AVAILABLE FOR THE CONVENIENCE OF THE PUBLIC. TO JOIN VIA ZOOM, CLICK HERE: Zoom Link Board Meeting TO JOIN THE MEETING BY TELEPHONE CALL: 669-900-6833 | MEETING ID: 926 3191 5535

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

2. Adjustment and Adoption 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. There will be an opportunity to comment on specific agenda items, as the items are addressed. 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 Board Meeting, March 4, 2024 (pg. 3)

5. Reports – Staff

- A. General Manager's Report
- B. General Counsel's Report

6. Informational Presentations and Updates:

A. Water Conditions Update (pg. 7)

7. New Business – Discussion and Possible Action:

- A. Establish Pass Water Agency Foundation Ad Hoc Committee and Appointment of Committee Members by Board President (Ad Hoc Committee to review draft formation documents in preparation for first meeting of Foundation Board)
- B. Easements Relocation Agreement with Yucaipa Valley Water District (pg. 18)
- C. Adopt Resolution 2024-02 Honoring George Jorritsma (pg. 44)
- D. Proposed Invocation Policy (pg. 47)

8. Reports – Directors and Committees

9. Topics for Future Agendas

President Mickey Valdivia

Vice President Chander Letulle

Treasurer Robert Ybarra

Secretary Kevin Walton

Directors Dr. Blair M Ball Ron Duncan Larry Smith

General Manager Lance Eckhart, PG, CHG

Legal Counsel Jeffry Ferre

10. Announcements

- A. Finance & Budget Committee Meeting March 28, 2024 at 10:00 a.m.
- B. Regular Board Meeting, April 1, 2024 at 1:30 p.m.
- C. Water Conservation & Education Committee Meeting April 9, 2024 at 1:30 p.m.

Save the Date: Thursday, March 21, 2024 at 10:00 a.m.

Yucaipa Valley Water District - Groundbreaking Ceremony R-12.5 Recycled Water Reservoir Complex Cherry Valley Boulevard, Cherry Valley, CA

11. Adjournment

Pending Agenda Items:

| Request | Requester | Date of Request | Status |
|--|-----------|--------------------|---|
| GAP Funding Program Short-term Interest Rate | Ball | 7/17/2023 | Awaiting cost and project schedules from various small systems in the program |
| Retailer Water Rate | Letulle | 8/21/2023 | Update expected early 2024 |
| Board Handbook Update | Walton | 1/22/2024 | Potential Ad-Hoc Committee |
| Flume Tour Update | Ybarra | 2/5/2024 | Per BHMWC – Spring/Summer 2024 |
| Increase Water Allocation: Water Delivery Capacity Constraints and Vulnerabilities | Letulle | 2/5/2024 | TBD |
| Potential Well Site w/BCVWD | Valdivia | 2/26/2024 | TBD |
| Board COLA | Ball | 2/26/2024 | TBD |
| Invocation Policy Review | Smith | 2/26/2024 | TBD |

(1) 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, during regular business hours. When practical, these public records will also be made available on the Agency's website, accessible at: www.sgpwa.com (2) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency 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 March 4, 2024

THIS MEETING WAS HELD IN PERSON, WITH PUBLIC AVAILABILITY PROVIDED VIA ZOOM.

| Board Present: In-person | Mickey Valdivia, President Robert Ybarra, Treasurer Kevin Walton, Secretary Blair M Ball, Director Ron Duncan, Director Larry Smith, Director |
|-----------------------------|---|
| Board Absent: | Chander Letulle, Vice President |
| Staff Present: In-person | Lance Eckhart, General Manager Tom Todd, Jr., Chief Financial Officer Cheryle Stiff, Executive Assistant Emmett Campbell, Sr. Water Resources Planner Matt Howard, Operations Manager |
| Consultants Present: | Jeffry Ferre, Legal Counsel |

In-person

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

The San Gorgonio Pass Water Agency Board of Directors meeting was called to order by President Mickey Valdivia at 1:30 p.m., March 4, 2024. President Valdivia gave the invocation. President Valdivia led the Pledge of Allegiance to the flag. President Valdivia requested a roll call.

| Roll Call | Present | Absent |
|------------------------|-------------|-------------|
| Director Smith | \boxtimes | |
| Secretary Walton | \boxtimes | |
| Director Duncan | \boxtimes | |
| Treasurer Ybarra | \boxtimes | |
| Vice President Letulle | | \boxtimes |
| Director Ball | \boxtimes | |
| President Valdivia | \boxtimes | |

A quorum was present.

2. Adoption and Adjustment of Agenda The agenda was adopted as published.

3. Public Comment None.

4. Consent Calendar

A. Approval of the Minutes of the Board Meeting, February 26, 2024. President Valdivia moved, seconded by Mr. Ybarra, to approve the consent calendar.

The motion passed by voice vote 6-0, with Mr. Letulle absent.

5. Reports

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

1. The Water Education Foundation requested the Agency to sponsor one of their water leaders from the Coachella Valley Water District. The request is related to SGMA and our experience with adjudications.

B. Legal Counsel's Report: Mr. Ferre reported on AB 764 regarding new rules for division boundaries.

6. Informational

A. Investment Report (Richard Babbe, PFM)

Mr. Todd introduced Mr. Babbe, who spoke at the February 26, 2024 Finance and Budget Workshop. His discussion topics included economic resilience, cooling inflation, the Federal Reserve, possible rate reductions, and reduced Treasury yields. He also spoke on the Agency's investment status, noting that the portfolio performance is better than the benchmark. Mr. Babbe expanded on the report's details and discussed the contents of the Investment Report. Mr. Ball requested that future reports include a graph of inflation over time.

B. Santa Ana Watershed Project Authority Cloud Seeding (Jeff Mosher, General Manager-SAWPA)

Mr. Eckhart introduced Mr. Mosher. Mr. Eckhart noted that the Agency participates in SAWPA's Cloud Seeding Program. Mr. Mosher noted that this is a pilot program for a limited amount of time to see if this concept works for our region. He reviewed background information, operations, and communications. Mr. Mosher provided a slide presentation that explained how cloud seeding increases precipitation during the storm season, both rain and snow, and the benefits of cloud seeding. He provided an update on how the program is doing so far. Ms. Joyce McIntyre (member of the public) provided public comment.

7. New Business – Discussion and Possible Action

A. South Mesa Gap Funding Related to Approved Proposition 68 Grant Funds

Mr. Eckhart provided a short presentation about the gap funding program, noting that the Agency has tested this program for about one year. The pilot program was initiated with Cabazon Water District to help it fulfill obligations associated with grant projects. The program has proven beneficial for the Agency and the District. South Mesa Water Company is seeking gap funding not to exceed \$7,000,000 between reimbursement cycles. Mr. Eckhart asked that the Board consider an agreement to provide gap funding to the South Mesa Water Company to utilize Proposition 68 Grant Funds through the State Water Resources Control Board. Dave Armstrong (General Manager, SMWC) provided public comment.

He informed the Agency that Don Ortega (Chair of the Metropolitan Water District) contacted him and stated that the State Water Board requested a meeting that would include himself, Mr. Eckhart, and Heather Dyer (General Manager, SBVMWD) to discuss the success of collaborative efforts like this. Mr. Armstrong thanked the Board for their consideration. Mr. Ball requested that the contract include a late payment clause. Mr. Dan Jaggers (General Manager, BCVWD) provided public comment. After further discussion, Mr. Ybarra moved, seconded by Mr. Duncan, to approve the agreement with an additional sentence added to section 8. B. as follows: Said repayment schedule may include, in the Agency's reasonable discretion, an interest rate at a rate as permitted by law. President Valdivia requested a roll call vote.

| Roll Call | Ayes | Noes | Abstain | Absent |
|------------------------|-------------|------|---------|-------------|
| Director Smith | \boxtimes | | | |
| Secretary Walton | \boxtimes | | | |
| Director Duncan | \boxtimes | | | |
| Treasurer Ybarra | \boxtimes | | | |
| Vice President Letulle | | | | \boxtimes |
| Director Ball | \boxtimes | | | |
| President Valdivia | \boxtimes | | | |

The motion passed 6-0, with Vice President Letulle absent.

B. Audited Financial Statements for Fiscal Year Ended June 30, 2023

Mr. Todd reviewed a brief presentation to introduce the Agency audited financial statements for the year ending June 30, 2023. This audit is a summary of the financial activity of the Agency for FY 2022-23 and a snapshot of its financial position at June 30, 2023. Mr. Todd was pleased to report that this is a 'clean audit.' He provided the total cash position, and reviewed other significant financial information. Mr. Paul Kaymark (Nigro & Nigro, partner and audit supervisor) reviewed a brief presentation titled 'Dashboard – Audited Financial Statements' that was included in the agenda packet. After further discussion, President Valdivia moved, seconded by Mr. Ybarra, to receive and file the Audited Financial Statements for the fiscal year ending June 30, 2023. President Valdivia requested a roll call vote.

| Roll Call | Ayes | Noes | Abstain | Absent |
|------------------------|-------------|------|---------|-------------|
| Director Smith | \boxtimes | | | |
| Secretary Walton | \boxtimes | | | |
| Director Duncan | \boxtimes | | | |
| Treasurer Ybarra | \boxtimes | | | |
| Vice President Letulle | | | | \boxtimes |
| Director Ball | \boxtimes | | | |
| President Valdivia | \boxtimes | | | |

The motion passed 6-0, with Vice President Letulle absent.

8. Reports - Directors and Committee Reports

Director Smith reported on:

• Colorado River Round Table

Director Walton reported on:

- Colorado River Round Table
- POI Committee Meeting

Director Duncan reported on:

- Colorado River Round Table
- POI Committee Meeting

President Valdivia reported on:

- City of Banning Council Meeting
- Recharge Facility Tour (SBVMWD)

9. Topics for Future Agendas

A. President Valdivia requested that the next Board agenda include establishing a Pass Water Agency Foundation Ad-Hoc Committee.

10. Announcements

President Valdivia reviewed the following announcements:

- A. Regular Board Meeting, March 18, 2024 at 6:00 p.m.
- B. Finance & Budget Committee Meeting March 28, 2024 at 10:00 a.m.
- C. Regular Board Meeting, April 1, 2024 at 1:30 p.m.
- D. Water Conservation and Education Committee Meeting, April 9, 2024 at 1:30 p.m.

Save the Date: George Jorritsma Dedication, March 15, 2024 from 1-3 p.m. 926 Douglas Street, Calimesa

11. Adjournment

President Valdivia adjourned the meeting at 3:31 p.m.

Draft - Subject to Bourd Approval

Kevin Walton, Secretary of the Board cms

Water Conditions Update



Board of Directors Meeting March 18, 2024



Weather & Reservoir Conditions

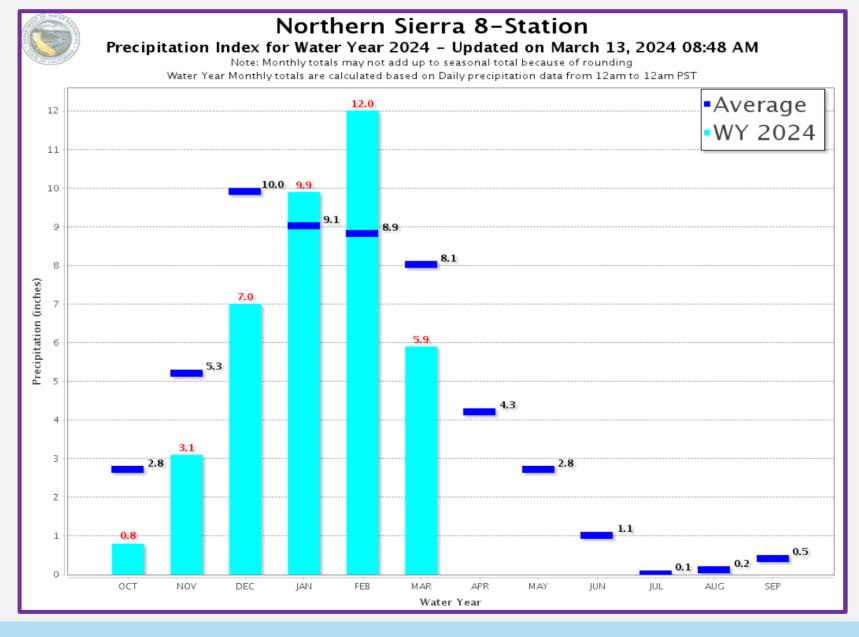
Forecasted Hydrologic and Snow Conditions

2024 SWP Allocation & Water Portfolio SWP Deliveries & Recharge





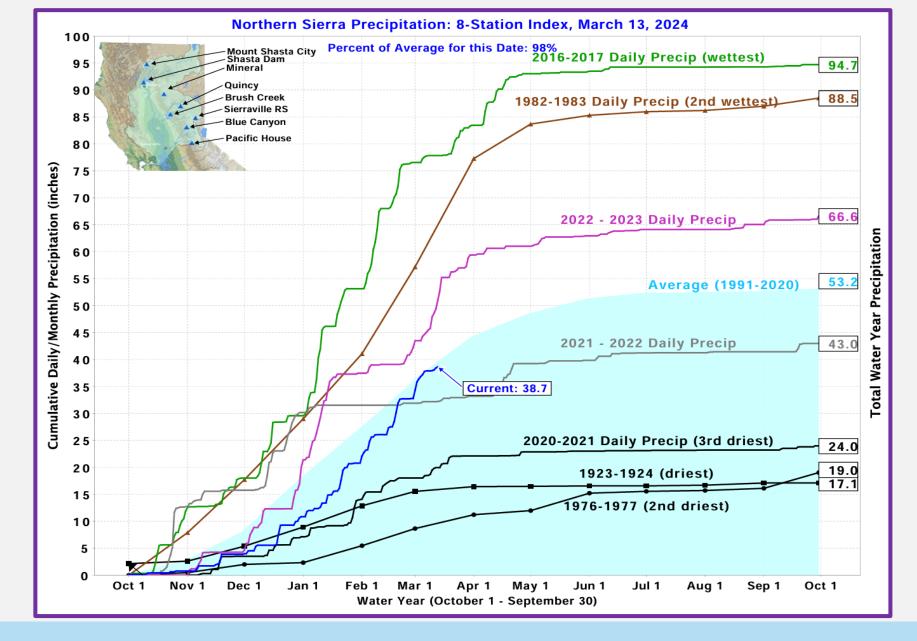
Discussion





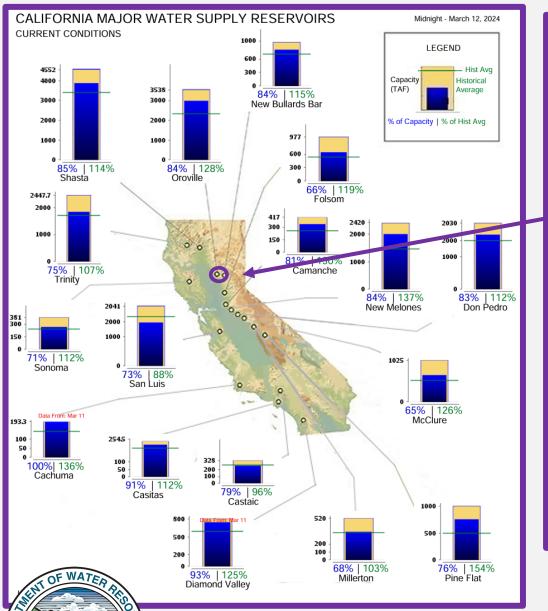


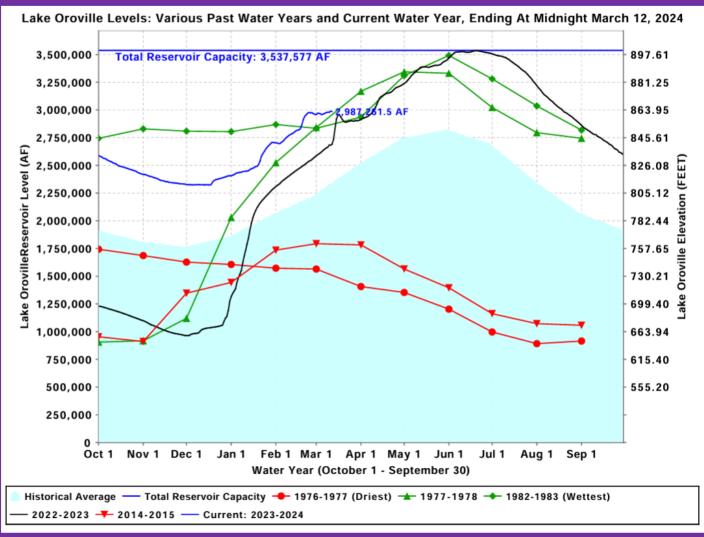
State Precipitation Stations – North Sierra







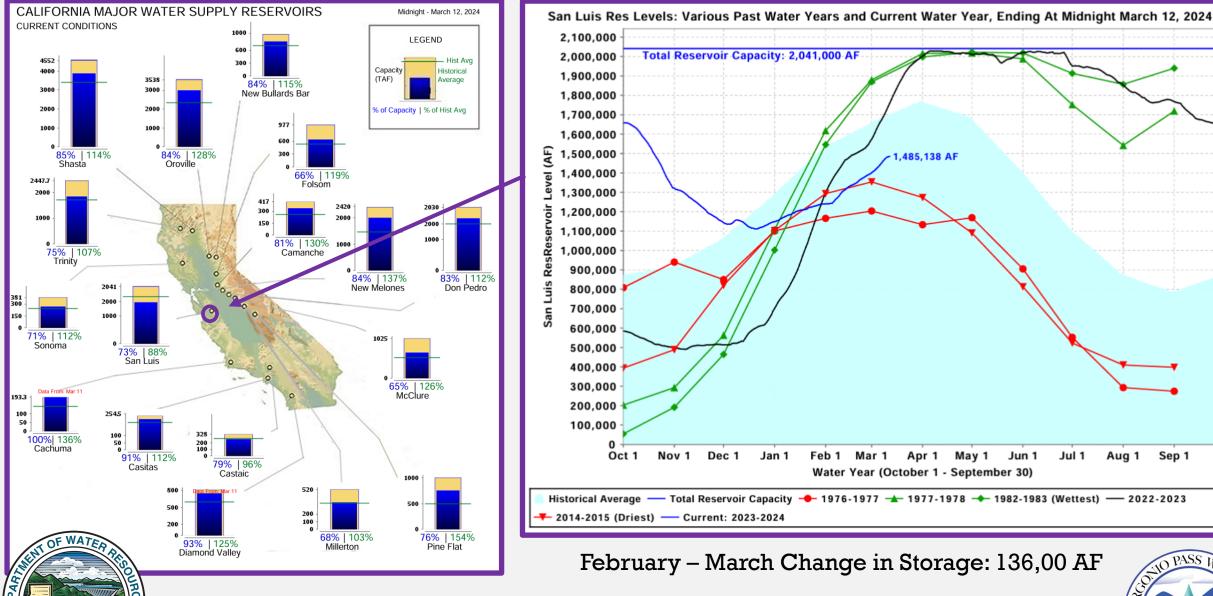




February – March Change in Storage: 75,000 AF



Lake Oroville Reservoir Levels

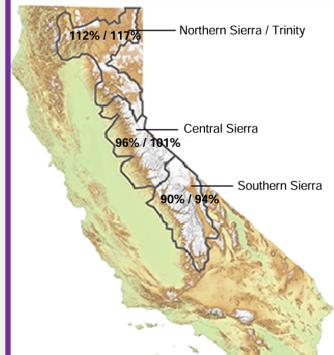


San Luis Reservoir Levels



CURRENT REGIONAL SNOWPACK FROM AUTOMATED SNOW SENSORS

% of April 1 Average / % of Normal for This Date



Statewide Average: 99% / 104%

| NORTH | | |
|--|------|--|
| Data as of March 12, 2024 | | |
| Number of Stations Reporting | 26 | |
| Average snow water equivalent (Inches) | 31.9 | |
| Percent of April 1 Average (%) | 112 | |
| Percent of normal for this date (%) | 117 | |

| CENTRAL | | |
|---|-----|--|
| Data as of March 12, 2024 | | |
| Number of Stations Reporting | 48 | |
| Average snow water equivalent (Inches) 26.1 | | |
| Percent of April 1 Average (%) | 96 | |
| Percent of normal for this date (%) | 101 | |

| SOUTH | | |
|---|----|--|
| Data as of March 12, 2024 | | |
| Number of Stations Reporting | 28 | |
| Average snow water equivalent (Inches) 20.1 | | |
| Percent of April 1 Average (%) | 90 | |
| Percent of normal for this date (%) | 94 | |

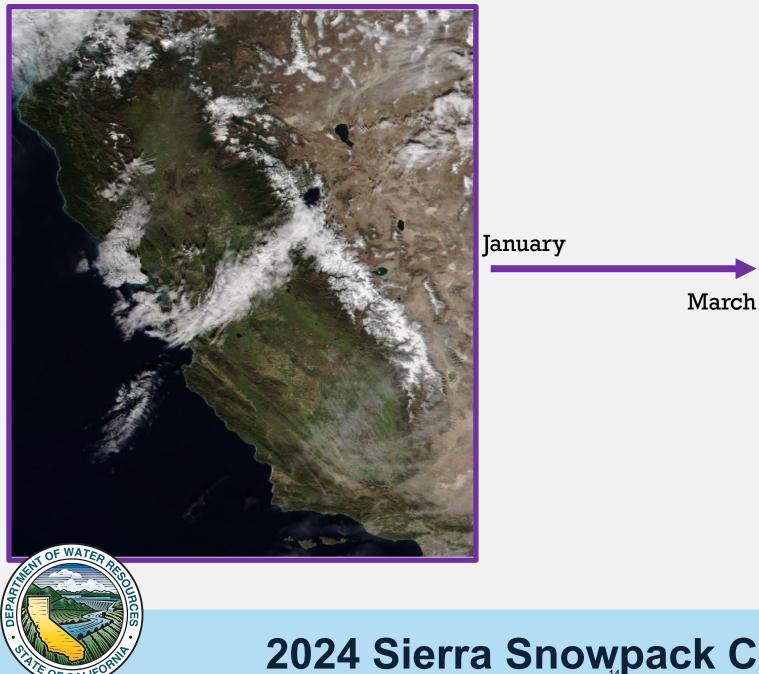
| STATE | |
|---|-----|
| Data as of March 12, 2024 | |
| Number of Stations Reporting | 102 |
| Average snow water equivalent (Inches) 25.9 | |
| Percent of April 1 Average (%) | 99 |
| Percent of normal for this date (%) | 104 |

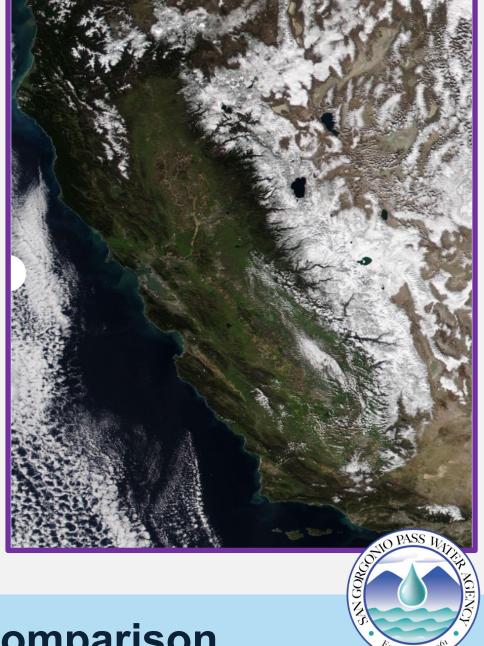






Sierra Nevada Mountain Snowpack

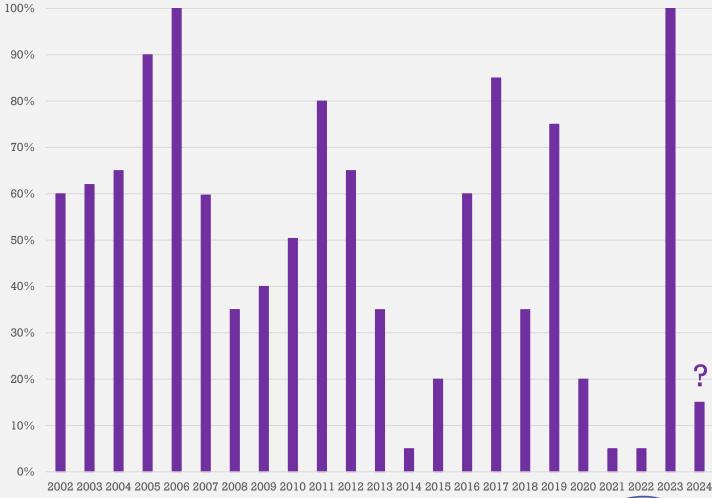




2024 Sierra Snowpack Comparison

Historic SWP Allocations

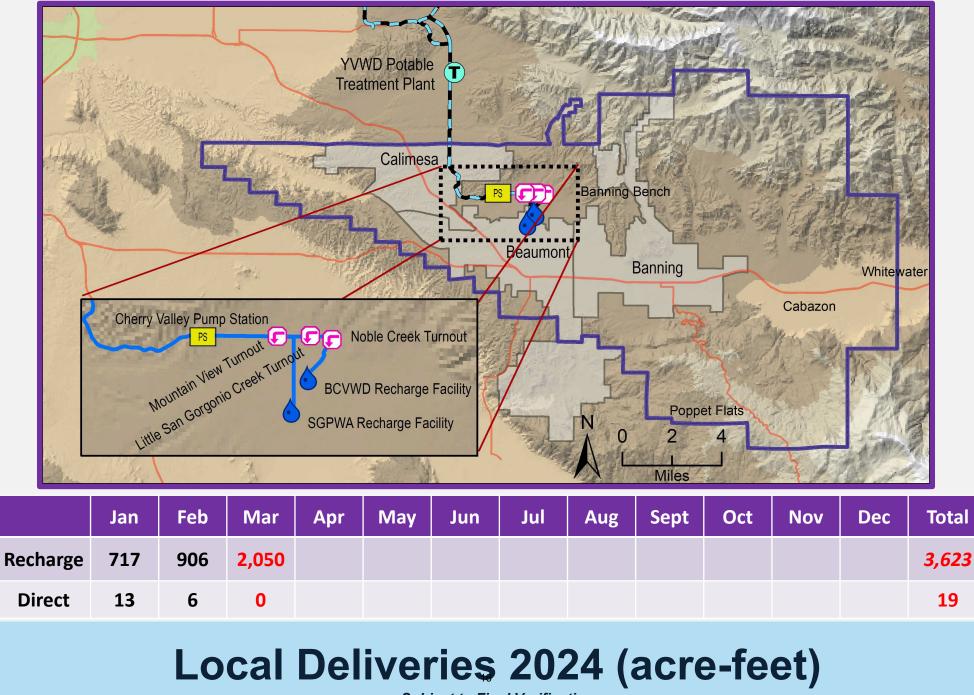
| | | | 90% | | | |
|-------------------------|---------------|-----------|---------|-----|---|--|
| SGPWA Port | folio @ 15% | | 80% | | | |
| Source | TOTAL (AF) | Delivered | 70% | | _ | |
| SWP – Carryover SGPWA | 8,650 | | 60% | . 1 | | |
| SWP – Carryover Ventura | 4,178 | ✓ | 0070 | | | |
| SWP – Table A | 2,595 | | 50% — — | | | |
| SWP – Ventura | 1,500 | | 40% — — | | | |
| Subtotal SWP | <u>16,923</u> | | | | | |
| Non-SWP - Nickel Water | 1,700 | | 30% — — | П | | |
| <u>Total</u> | <u>18,623</u> | | 20% — — | | | |
| | | | | | | |



PASS



2024 SWP Allocation & Portfolio Update



A CONTRACTOR WATER PARTY OF WATER PA

Subject to Final Verification

*Estimated *From Local Storage

PASS





BCVWD Recharge Facilities





Brookside East Recharge Facility

March Recharge Activities

San Gorgonio Pass Water Agency

| DATE: | March 18, 2024 |
|----------|--|
| то: | Board of Directors |
| FROM: | Lance Eckhart, General Manager |
| BY: | Emmett Campbell, Senior Water Resources Planner |
| SUBJECT: | Easement Relocation Agreement with Yucaipa Valley Water District |

RECOMMENDATION

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

PREVIOUS CONSIDERATION

<u>No Previous Considerations</u>

BACKGROUND

In the late 1990s and early 2000s, the Agency acquired right of ways and easements for the anticipated construction of the East Branch Extension (EBX). This was done cooperatively with the Department of Water Resources (DWR). At the time, DWR had no authority to condemn property in the Pass region; therefore, the responsibility is with the San Gorgonio Pass Water Agency. As such, the San Gorgonio Pass Water Agency still owns the right of way and easements for the EBX facilities in this area.

The easements and right of ways acquired included pipeline easements and access easements. The pipeline easements were utilized to include the installation of the East Branch Extension. The access easements were utilized to provide a clear path to construct the facilities and maintain them well into the future.

As the region has developed, so has the need to relocate some of these access easements. One such case is with the warehouse development at Cherry Valley Blvd and Roberts Rd. As a part of this development, part of the land was parceled off and the developer dedicated the land, now referenced as Parcel 4 of Parcel Map No. 36564 ("Parcel 4"), to the Yucaipa Valley Water District to construct recycled water reservoirs.

SGPWA has multiple access easements located in the vicinity of this development. To ensure the access easements retain their intended use, the access easements will need to be relocated. The first easement to be relocated will be the portion across the Yucaipa Valley Water District property where the recycled water reservoirs will be constructed.

ANALYSIS

The EBX of the California Aqueduct was constructed in phases. The first phase was completed nearly 20 years ago, while the second phase was completed a decade later. As a part of the construction of the EBX, land acquisition was required to construct and maintain the pipeline.

Two warehouses were constructed along Cherry Valley Blvd. The warehouses encroach upon access easements necessary to get to the EBX. As such, the easement will be relocated so as to not impede our ability to gain access to the pipeline and associated facilities. The Department of Water Resources has been involved in the relocation of these easements, but since they do not own these easements, they do not have the authority to relocate them. This authority to relocate these easements is with SGPWA.

As described above, part of the warehouse development by the developer included parceling off and dedicating Parcel 4 to the YVWD for YVWD to construct two recycled water reservoirs. These reservoirs would encroach upon SGPWA access easements and will need to be relocated. A new easement path has been identified that would maintain SGPWA and DWR's ability to gain access to the EBX. Since the construction of the EBX facilities are completed, the relocated access easement proposed by YVWD has been determined to be acceptable and sufficient for the needs of SGPWA and DWR to access the EBX facilities.

FISCAL IMPACT

• No impact.

ACTION

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

ATTACHMENTS

• Easement Relocation Agreement

Easement Relocation Agreement with YVWD

Board of Directors 3/18/2024







Assessor's Parcel Number 407-220-024

APN 407-220-024

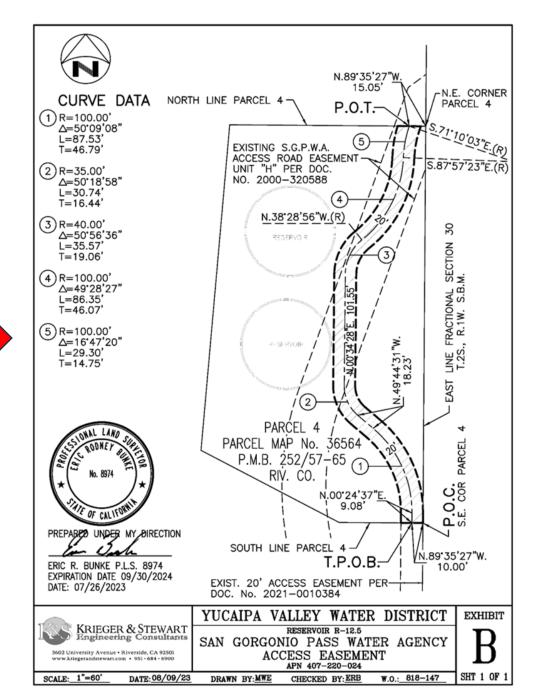
PROPOSED Y.M.W.D. PESERVOR STE PESTAD

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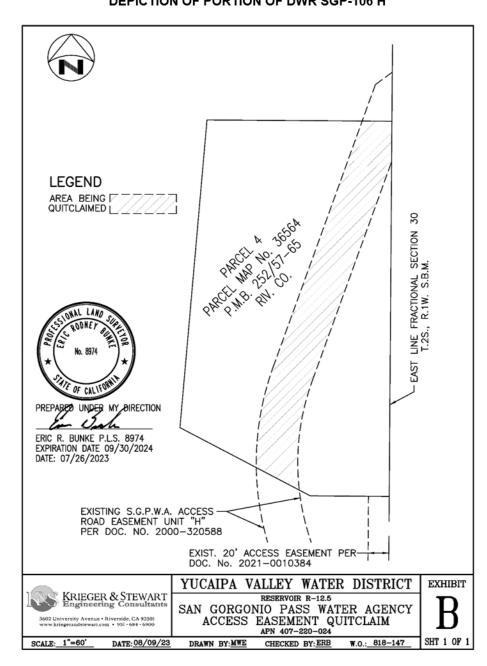
Cherry Valley Boulevard

177





25



Easement Relocation Order of Operations Easement Relocation Agreement is approved – Certificate of Acceptance sent to YVWD

YVWD records the relocated easement with the County

SGPWA records the quitclaim deed for the existing easement

Board Action

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

Easement Relocation Agreement

THIS EASEMENT RELOCATION AGREEMENT ("Agreement") is entered into as of ______, 2024, by and between YUCAIPA VALLEY WATER DISTRICT, a special district ("Grantor"), and SAN GORGONIO PASS WATER AGENCY, a California public water agency ("Grantee"). Hereinafter sometimes referred to as a "Party" or collectively as the "Parties".

RECITALS

- A. Grantor is the fee interest owner of that certain real property consisting of approximately 1.5 acres, with Assessor's Parcel Number (APN) 407-220-024, commonly known as Parcel 4 of Parcel Map No. 36564, located in the unincorporated area of the County of Riverside, State of California, as more particularly set forth in **Exhibit A**, attached hereto and by this reference incorporated herein (the "YVWD Property").
- B. Grantee currently owns a nonexclusive easement and right of way interest in real property over and across Grantor Property, referenced as part of the California Department of Water Resources DWR Parcel No. SGP-106 H in that certain Exclusive Easement dated September 30, 1999, recorded on August 16, 2000 in the Official Records of the County of Riverside, State of California, Document #2000-320588, an portion of Unit H is attached hereto in Exhibit B (the "Existing Easement") and by this reference incorporated herein .
- C. Grantor intends to construct water reservoirs on YVWD Property which will prompt the relocation of the Existing Easement.
- D. The Parties desire to enter into this Agreement for the relocation of the Existing Easement located within YVWD Property to the eastern side of Grantor Property as more particularly legally described and depicted in **Exhibit C**, attached hereto and by this reference incorporated herein (the "Relocated Easement").
- E. On September 19, 2023, the Board of Directors of the Yucaipa Valley Water District authorized the General Manager to execute and record the Grant of Access Easement to the San Gorgonio Pass Water Agency within the YVWD Property (Assessor's Parcel Number 470-220-024).
- F. The purpose of this Agreement is to provide the terms and conditions for the relocation of the easement interest in favor of the San Gorgonio Pass Water Agency ("SGPWA") and to gain approval from the Board of Directors of the San Gorgonio Pass Water Agency to receive the Relocated Easement from Yucaipa Valley Water District and to approve the Quitclaim Deed to relinquish interest in the Existing Easement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

OPERATIVE PROVISIONS

1. <u>Incorporation of Recitals</u>. The Recitals set forth above are material and by this reference are incorporated herein and made a part of this Agreement.

- <u>Grant of Relocated Easement</u>. YVWD grants to SGPWA, its successors and assigns, a 20 foot wide perpetual non-exclusive access easement and right of way for ingress and egress purposes over, on, and across the YVWD Property for the purpose(s) described in the easement deed to convey the **Relocated Easement**, substantially in the form attached hereto as **Exhibit C** and by this reference incorporated herein, (the "Grant of Access Easement").
- 3. <u>Consideration for Grant of Relocated Easement</u>. As part of the consideration for the grant of **Relocated Easement** described herein, SGPWA agrees to quitclaim and release all its current rights and interests of the **Existing Easement** to YVWD, substantially in the form attached hereto as **Exhibit E** and by this reference incorporated herein (the "Quitclaim Deed"). Upon execution and recordation of the Quitclaim Deed to YVWD, title to the relinquished easement interest will merge into the fee title of Grantor Property and shall no longer exist.
- 4. <u>Yucaipa Valley Water District Approval</u>. The Yucaipa Valley Water District authorized the General Manager to execute and record the Relocated Easement at the regular board meeting held on September 19, 2023, as Director Memorandum No. 23-148.
- San Gorgonio Pass Water Agency Approval. The San Gorgonio Pass Water Agency approved this Easement Relocation Agreement on ______, 2024, which includes the approval on the Relocated Easement (Exhibit C), Certificate of Acceptance (Exhibit D), and the Quitclaim Deed (Exhibit E).
- 6. <u>Sequence of Events</u>. To meet ongoing operational constraints, the Parties recognize and acknowledge the following order of events are necessary to successfully effectuate the recordation of the Relocated Easement (Exhibit C) and the Quitclaim Deed (Exhibit E) and deliver copies at the addressed provided in Section 7 below.
 - a. Within three (3) business days of approving this Agreement, the San Gorgonio Pass Water Agency will provide an original, fully executed Certificate of Acceptance to Yucaipa Valley Water District.
 - b. Within three (3) business days of receiving the executed Certificate of Acceptance, the Yucaipa Valley Water District will record the Relocated Easement (Exhibit C) and provide written verification to the San Gorgonio Pass Water Agency.
 - c. Within three (3) business days of receiving verification of the recorded Relocated Easement, the San Gorgonio Pass Water Agency will complete and record the Quitclaim Deed (Exhibit E) and provide written verification to the Yucaipa Valley Water District.
- 7. <u>Miscellaneous Provisions</u>.
 - a. <u>Entire Agreement</u>. This Agreement contains the entire agreement of the Parties and supersedes any prior written or oral agreement between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the Parties, relating to the subject matter contained in this Agreement, which are not fully expressed herein.

b. <u>Notices</u>. Any notice, request, demand, instruction or other communication to be given by either party under this Agreement must be in writing and sent by e-mail and by registered or certified mail or nationally recognized overnight courier as follows:

If to YVWD:

With a copy to:

Yucaipa Valley Water District

Attn: Joseph Zoba General Manager 12770 2nd Street P.O. Box 730 Yucaipa, CA 92399

If to SGPWA:

with a copy to:

| San Gorgonio Pass Water Agency | Best Best & Krieger LLP |
|--------------------------------|--------------------------|
| Attn: Lance Eckhart | Attention: Jeff Ferre |
| General Manager | General Counsel |
| 1210 Beaumont Ave. | P.O. Box 1028 |
| Beaumont, CA 92223 | Riverside, CA 92502-1028 |

Notice is deemed to be given upon receipt or refusal of delivery by the applicable addressee. The addresses and addressees for the purposes of this Section may be changed by giving written notice of such change in a manner provided herein for giving notice. However, until such written notice is actually received, the last address and addressee for such addressee continues in effect for all purposes hereunder.

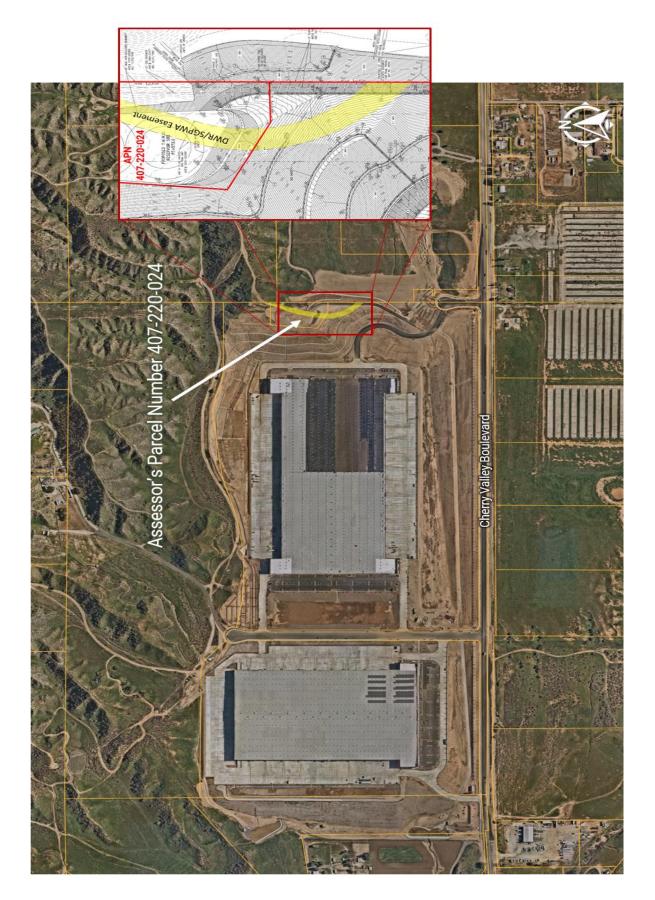
- c. <u>Not a Public Dedication</u>. Nothing herein shall be deemed a dedication of the Relocated Easement Area or any portion of the YVWD Property to or for the benefit of the general public whatsoever, it being the intention of the parties hereto that the Relocated Easement shall be strictly limited to and for the purposes herein expressed.
- d. <u>Counterparts</u>. This Agreement may be executed in one or more counterparts, each of which shall be an original, but all of which together shall be deemed to be one and the same instrument.

(signature provisions on following page)

IN WITNESS WHEREOF, the parties hereto have caused this Easement Relocation Agreement to be duly executed as of the last date written below.

| Yucaipa Valley Water District | San Gorgonio Pass Water Agency |
|------------------------------------|--------------------------------------|
| Ву: | Ву: |
| Name: Joseph Zoba, General Manager | Name: Lance Eckhart, General Manager |
| Title: General Manager | Title: General Manager |
| Date: | Date: |

Exhibit A - YVWD Property



UNIT H

A perpetual nonexclusive easement and right of way to construct, reconstruct, operate, maintain, and use an access and service road over, through, and across that portion of said Section 30 described as follows:

BEGINNING at the point on the East line of said Section 30 which bears along said East line South 00 34' 21" East 339.17 feet from the hereinabove designated Point "I"; thence leaving said East line South 52' 47' 32" West 20.17 feet; thence South 18' 57' 35" West 289.31 feet; thence along a tangent curve to the left, having a radius of 270.00 feet, through a central angle of 53' 54' 42", an arc length of 254.05 feet; thence South 34° 57' 07" East 124.20 feet; thence South 14 47' 14" East 45.44 feet to gaid East line; thence along said East line North 00° 34' 21" West 98.58 feet; thence leaving said East line North 34' 57' 07" West 85.49 feet; thence along a tangent curve to the right, having a radius of 230.00 feet, through a central angle of 53 54' 42", an arc length of 216.42 feet; thence North 18° 57' 35" East 224.97 feet to said East line; thence along said East line North 00' 34' 21" West 86.05 feet to the Point of Beginning.

Containing 0.58 acre, more or less.

LEGEND AREA BEING QUITCLAIMED EAST LINE FRACTIONAL SECTION 30 T.2S., R.1W. S.B.M. LAND DODNE No. 8974 E OF CALIFOR UNDER MY DIRECTION PREPARE Лx. ERIC R. BUNKE P.L.S. 8974 EXPIRATION DATE 09/30/2024 DATE: 07/26/2023 EXISTING S.G.P.W.A. ACCESS ROAD EASEMENT UNIT "H" PER DOC. NO. 2000-320588 EXIST. 20' ACCESS EASEMENT PER-DOC. No. 2021-0010384 YUCAIPA VALLEY WATER DISTRICT EXHIBIT KRIEGER & STEWART Engineering Consultants RESERVOIR R-12.5 SAN GORGONIO PASS WATER AGENCY ACCESS EASEMENT QUITCLAIM 3602 University Avenue • Riverside, CA 92501 www.kriegerandstewart.com • 951 • 684 • 6900 APN 407-220-024 SHT 1 OF 1 SCALE: 1"=60' DATE: 08/09/23 DRAWN BY:MWE CHECKED BY: ERB ₩.0.: 818-147

DEPICTION OF PORTION OF DWR SGP-106 H

Exhibit C - Relocated Easement

Recording Requested by: YUCAIPA VALLEY WATER DISTRICT

When Recorded Mail to:

SAN GORGONIO PASS WATER AGENCY 1210 BEAUMONT AVE BEAUMONT, CA 92223

Exempt from recording fee pursuant to Government Code Section 6103

GRANT OF ACCESS EASEMENT

APN: 407-220-024

YUCAIPA VALLEY WATER DISTRICT, hereinafter called GRANTOR, owner of Parcel 4 of Parcel Map No. 36564, as shown by map on file in Book 252 of Parcel Maps at Pages 57 through 65, inclusive, Records of Riverside County, does hereby grant and convey to SAN GORGONIO PASS WATER AGENCY, a California public water agency, its heirs, successors, and assigns, hereinafter called GRANTEE, a perpetual nonexclusive easement for access road purposes over and across a portion of said Parcel 4 in the County of Riverside, State of California, described as follows:

SEE ATTACHED EXHIBITS "A" and "B"

And identified in the records of the San Gorgonio Pass Water Agency as:

| DWR Parcel No. | Area | Estate |
|-------------------|------------|--|
| SGP-160 Unit H-1R | .183 acres | Permanent Nonexclusive Access Easement |

GRANTEE covenants to maintain the easement and right-of-way in good repair so that no damage will result to the land of the GRANTOR, his heirs, successors, and assigns, from its use and the costs of maintenance shall be proportionately shared to the use made of the easement by the GRANTEE and each owner of the land or other easements. GRANTEE shall not be responsible for any damages or any costs to repair such damages caused by any third parties or by GRANTOR, its heirs, successors and assignees, contractors or agents. GRANTOR, his heirs, successors, and assigns, covenants that he will not erect, place, or maintain, or allow to be erected, placed, or maintained, within the boundaries of said easement and right-of-way, any structure, without first securing permission of the GRANTEE. GRANTOR agrees that GRANTEE, it heirs, successors and assigns, and its agents or employees, may trim or remove any plants, shrubs, or trees that encroach on the easement and right-of-way.

Any use hereinabove permitted to be made of the surface of said land by GRANTOR, his heirs, successors, and assigns, shall be exercised so as not to impair, endanger, or interfere with the present or prospective exercise of any of the rights herein granted.

The terms and covenants of this easement and right-of-way shall bind and inure to the benefit of the heirs, successors, executors, administrators, and assigns of GRANTOR and their heirs, successors, and assigns of GRANTEE.

Exhibit C - Relocated Easement

IN WITNESS WHEREOF, this instrument is executed on this ____ day of _____, 20_____. GRANTOR:

Signed: YUCAIPA VALLEY WATER DISTRICT
Printed

Name:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness accuracy or validity of that document. State of California

County of _____

On ______ before me, ______a Notary Public, personally appeared ______ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

SEAL

Signature of Notary

Exhibit C - Relocated Easement



EXHIBIT "A"

APN: 407-220-024

LEGAL DESCRIPTION ACCESS EASEMENT

A strip of land 20.00 feet in width over a portion of Parcel 4 of Parcel Map No. 36564 as shown by map on file in Book 252 of Parcel Maps at Pages 57 through 65, inclusive thereof, Records of Riverside County, California, lying in Fractional Section 30, Township 2 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California, the centerline of said 20.00 foot wide strip of land being more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 4, said corner being on the east line of said Fractional Section 30;

Thence North 89°35'27" West, along the south line of said Parcel 4, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING**;

Thence North $00^{\circ}24'37''$ East, departing said south line, a distance of 9.08 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 100.00 feet;

Thence northwesterly, along said curve, through a central angle of 50°09'08", an arc distance of 87.53. feet;

Thence North 49°44'31" West, a distance of 18.23 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 35.00 feet;

Thence northwesterly, along said curve, through a central angle of 50°18'58", an arc distance of 30.74 feet;

Thence North 00°34'28" East, a distance of 101.55 feet, to the beginning of a tangent curve, concave southeasterly, having a radius of 40.00 feet;

Thence northeasterly, along said curve, through a central angle of 50°56'36", an arc distance of 35.57 feet to a point of reverse curvature with a curve, concave northwesterly, having a radius of 100.00 feet, a radial line at said point bears North 38°28'56" West;

Thence northeasterly, along said curve, through a central angle of $49^{\circ}28'27''$, an arc distance of 86.35 feet to a point of reverse curvature with a curve, concave easterly, having a radius of 100.00 feet, a radial line at said point bears South $87^{\circ}57'23''$ East;

Thence northerly, along said curve, through a central angle of 16°47'20", an arc distance of 29.30 feet to a point on the north line of said Parcel 4, said point being the **POINT OF TERMINATION** of this centerline description, a radial line at said point bears South 71°10'03" East, said point also being North 89°35'27" West, a distance of 15.05 feet from the northeast corner of said Parcel 4.

Page 1 of 2

Exhibit C - Relocated Easement



EXHIBIT "A"

LEGAL DESCRIPTION ACCESS EASEMENT (Continued)

The sidelines of said 20.00 foot wide strip of land shall be lengthened or shortened so as to terminate northerly on the north line of said Parcel 4 and southerly on the south line of said Parcel 4.

Contains 7,967 square feet, more or less.

See Exhibit "B" attached hereto and by this reference made a part hereof.



This description was prepared by me or under my direction:

Eric R. Bunke, P.L.S. 8974

Date: 07/27/2023

Expiration Date: _____09/30/2024

MWE/lge LEGAL/818-147-A (7/27/2023)

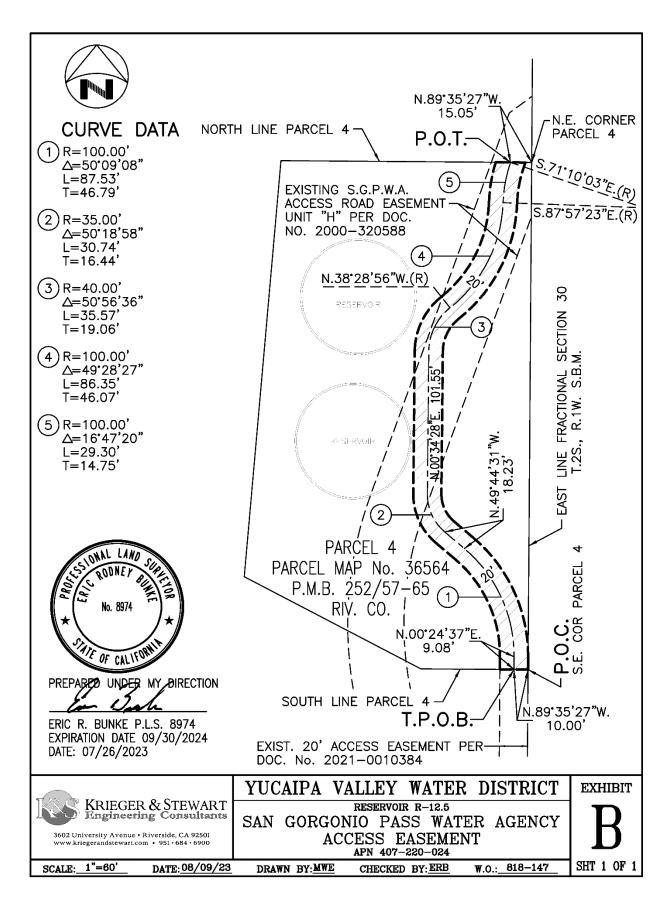


Exhibit D - Certificate of Acceptance

CERTIFICATE OF ACCEPTANCE

(Pursuant to California Government Code §27281)

This is to certify that the interest in real property conveyed by the Grant of Access Easement Deed dated ______, 2024 from YUCAIPA VALLEY WATER DISTRICT, Grantor, to the SAN GORGONIO PASS WATER AGENCY, a California public water agency, Grantee, is hereby accepted by order of the Board of Directors on ______, 2024, and delegated certification to the undersigned officer on behalf of Grantee pursuant to authority conferred by the Easement Relocation Agreement approved by the Board of Directors of the San Gorgonio Pass Water Agency, on ______, 2024 and the Grantee consents to recordation thereof by its duly authorized officer.

Dated _____

SAN GORGONIO PASS WATER AGENCY

By:_

Lance Eckhart, General Manager

ATTEST:

Ву: _____

Exhibit E - Quitclaim Deed

Recording Requested by:

YUCAIPA VALLEY WATER DISTRICT 12770 2nd Street P.O. Box 730

When Recorded Mail to:

Yucaipa, CA 92399

YUCAIPA VALLEY WATER DISTRICT 12770 2nd Street

P.O. Box 730 Yucaipa, CA 92399

Exempt from recording fee pursuant to Government Code Section 6103

Project: R-12.5 Reservoir

APN: 407-220-024

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, THE SAN GORGONIO PASS WATER AGENCY, does hereby remise, release, and forever quitclaim to:

YUCAIPA VALLEY WATER DISTRICT

its successors and assigns, all rights, title and interest in that certain easement and right-of-way lying within Parcel 4 of Parcel Map No. 36564 located in the County of Riverside, State of California, more particularly described as follows:

See Exhibits "A" and "B" attached hereto.

San Gorgonio Pass Water Agency

Dated:_____

Signed:_____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _______ before me, _______, a Notary Public, personally appeared _______, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary

SEAL



EXHIBIT "A"

APN: 407-220-024

LEGAL DESCRIPTION

A certain portion of the perpetual nonexclusive easement and right-of-way shown as Unit H of the Easement Deed recorded August 16, 2000 as Document Number 2000-320588, Official Records of Riverside County, California, lying within Parcel 4 of Parcel Map No. 36564, as shown by map on file in Book 252 at Pages 57 through 65, inclusive thereof, Records of Riverside County, California, within Fractional Section 30, Township 2 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California.

See Exhibit "B" attached hereto and by this reference made a part hereof.



This description was prepared by me or under my direction:

Eric R. Bunke, P.L S. 8974

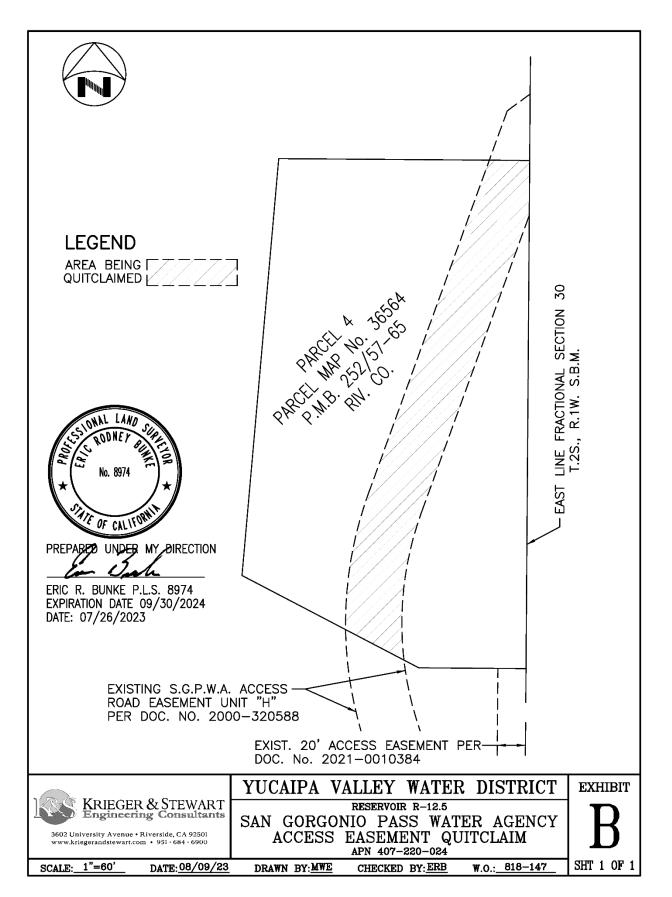
Date: _____07/26/2023

Expiration Date: _____09/30/2024

MWE/lge LEGAL/818-147-B (7/26/2023)

Page 1 of 1





San Gorgonio Pass Water Agency

- **DATE:** March 4, 2024
- TO: Board of Directors
- **FROM:** Lance Eckhart, General Manager
- BY: Lance Eckhart, General Manager

SUBJECT: Adopt Resolution No. 2024-02 Honoring George Jorritsma

RECOMMENDATION

Approve Resolution No. 2024-02.

BACKGROUND

Mr. Jorritsma served on the Board of Directors of the San Gorgonio Pass Water Agency from 1972 through 1991, a total of nineteen years, for which he served as Board President for six of those years. Mr. Jorritsma also served on the South Mesa Water Company Board of Directors for 54 years.

ANALYSIS

N/A.

FISCAL IMPACT

There is no fiscal impact for this action.

<u>ACTION</u>

Approve Resolution No. 2024-02 Honoring George Jorritsma.

ATTACHMENTS

Resolution No.2024-02

RESOLUTION NO. 2024-02

A RESOLUTION HONORING THE MEMORY OF GEORGE JORRITSMA FOR HIS DEDICATED SERVICE TO SOUTH MESA WATER COMPANY AND THE SAN GORGONIO PASS WATER AGENCY

WHEREAS, GEORGE JORRITSMA passed away on November 3, 2022 while serving as the Board President of the South Mesa Water Company.

WHEREAS, GEORGE JORRITSMA had served on the Board of Directors of the San Gorgonio Pass Water Agency from 1972 through 1991, a total of nineteen years, for which he served as Board President for six of those years; and

WHEREAS, GEORGE JORRITSMA, in his capacity as Director and President, had guided the Pass Agency toward completing the delivery system to bring State Project Table A water into the Pass area; and

WHEREAS, GEORGE JORRITSMA was well respected by his peers; and

WHEREAS, GEORGE JORRITSMA served as a member of the Board of Directors of the South Water Mesa Company for an astounding fifty-four years.

WHEREAS, GEORGE JORRITSMA was an invaluable counselor to the South Mesa Water Company Board of Directors and to the management and employees of the Company, serving in various leadership capacities.

NOW, THEREFORE, BE IT RESOLVED that this Board celebrates the life and accomplishment of GEORGE JORRITSMA and expresses its admiration for a life well lived.

BE IT FURTHER RESOLVED that this Board extends to his family and to his many friends this Board's profound gratitude for all that GEORGE has given to the community.

We certify that this is a true, full, and correct copy of Resolution No. 2024-02 adopted by the San Gorgonio Pass Water Agency Board of Directors at its meeting on March 18th, 2024.

This Resolution shall be effective as of the date of adoption.

ADOPTED AND APPROVED this 18th day of March 2024.

Mickey Valdivia, Board President San Gorgonio Pass Water Agency **PASSED AND ADOPTED** by the San Gorgonio Pass Water Agency Board of Directors at a regular meeting of said Board held on the 18th day of March 2024, by the following vote:

Ayes: Noes: Absent:

ATTEST: I, Kevin Walton, Secretary to the Board of Directors of San Gorgonio Pass Water Agency, hereby certify that the foregoing Resolution was introduced at a regular meeting of the Board of Directors of said Agency, held on the 18th day of March 2024.

Kevin Walton, Secretary San Gorgonio Pass Water Agency

San Gorgonio Pass Water Agency

DATE: March 18, 2024

TO: Board of Directors

FROM: Best Best & Krieger LLP

SUBJECT: PROPOSED INVOCATION POLICY

RECOMMENDATION

It is recommended that the Board of Directors adopt the proposed Invocation Policy (the "Proposed Policy").

BACKGROUND

In its decision in *Town of Greece, N.Y. v. Galloway* (2014) 572 U.S. 565, the United States Supreme Court held that prayer at the beginning of a legislative meeting did not violate the Establishment Clause of the United States Constitution. The Court held that both sectarian and nonsectarian prayer is allowed, citing the long history of legislative prayer in the United States of America, and provided guidelines for public agencies seeking to allow prayer at the beginning of their legislative sessions.

Generally, a prayer or invocation to open a legislative meeting must not proselytize, advance, or disparage a faith or religion, or affiliate government with a particular faith, nor may the public agency exclude or deny any religious affiliation the opportunity to offer a prayer or invocation. Prayer should be given during the ceremonial portion of a meeting at the beginning of a legislative session, rather than during a policymaking portion, in a solemn and respectful tone for the purpose of lending gravity to the occasion. To achieve these ends, the Ninth Circuit Court of Appeals in *Rubin v. City of Lancaster* (9th Cir. 2013) 710 F.3d 1087 recommended that legislative bodies should not, as part of their prayer practices, direct the public to participate, refuse any request to offer a prayer, or indicate decisions might be influenced by acquiescence to a prayer opportunity.

The Board previously adopted its current Invocation Policy (the "Current Policy") on March 6, 2017.

ANALYSIS

SGPWA's Current Policy and practice of legislative prayer satisfies the requirements of *Town of Greece* and *Rubin*. However, the Current Policy could be strengthened by revising existing language to be more facially inclusive and adding language expressly stating that members of the audience, staff, and Directors are not required to participate in any prayer or invocation.

FISCAL IMPACT

None.

<u>ACTION</u>

Adopt the Proposed Policy.

ATTACHMENTS

1. San Gorgonio Pass Water Agency's Invocation Policy

SAN GORGONIO WATER PASS AGENCY

INVOCATION POLICY

March 18, 2024

Pursuant to the following rules, an invocation shall be permitted at the beginning of each meeting of the Board of Directors of the San Gorgonio Pass Water Agency ("SGPWA") immediately preceding the flag salute.

I. Time Limit: The invocation shall be limited to three minutes.

II. Speakers: Clergy, religious leaders, SGPWA Directors, SGPWA Staff, or other persons may open a legislative session of the SGPWA with an invocation so long as it is respectful, neutral, and does not disparage any other faith or belief.

III. Rules for Opening Invocation at San Gorgonio Pass Water Agency: In addition to the requirements of Sections I and II of this Policy, invocations offered at the opening of a SGPWA Board meeting shall adhere to the following guidelines:

- a. The invocation shall be respectful in tone and invite the SGPWA Directors and Staff to reflect upon shared ideals and common ends before embarking on their business.
- b. The invocation shall not be used as an opportunity to preach or argue on behalf of or against a particular religious faith.
- c. The invocation shall not be used as an opportunity to lobby or argue on behalf of or against a particular Board-related issue.
- d. The invocation may call on God on behalf of those present, but speakers shall be free to offer the invocation according to the dictates of their own conscience.
- e. No member of the Board, Staff, or any person in attendance at the meeting shall be required to participate in any invocation that is offered.

Adopted by the Board of Directors on March 18, 2024, by a vote of _____.

Adopted March 18, 2024.

Mickey Valdivia, President San Gorgonio Pass Water Agency