



# Yucaipa Valley Water District

12770 Second Street, Yucaipa, California 92399 Phone: (909) 797-5117

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## **Notice and Agenda of a Meeting of the Board of Directors**

**Tuesday, June 2, 2020 at 4:00 p.m.**

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Due to the spread of COVID-19 and in accordance with the Governor's Executive Order N-29-20 (a copy of which is attached to this agenda), the Yucaipa Valley Water District will be conducting this meeting by teleconference only. Public comments on matters listed on the agenda or on any matter within the District's jurisdiction will be received during Public Comments, Agenda Item No. III.

**This meeting is available by calling  
(888) 475-4499 using passcode 676-950-731#**

**View live presentation material at  
<https://zoom.us/j/676950731> ([Click here](#))**

**There will be no public physical location for attending this meeting in person. The District's Board meeting room will be closed to the public until further notice.**

If you are unable to participate by telephone, you may submit comments and/or questions in writing for the Board's consideration by sending them to [inquiry@yvwd.us](mailto:inquiry@yvwd.us). Submit your written inquiry prior to the start of the meeting. All public comments received prior to the start of the meeting will be provided to the Board and may be read into the record or compiled as part of the record.

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS** - At this time, members of the public may briefly address the Board of Directors on matters within its jurisdiction or on any matter listed on this agenda.

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Any person who requires accommodation to participate in this meeting should contact the District office at (909) 797-5117, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

Materials that are provided to the Board of Directors after the meeting packet is compiled and distributed will be made available for public review during normal business hours at the District office located at 12770 Second Street, Yucaipa. Meeting materials are also available on the District's website at [www.yvwd.dst.ca.us](http://www.yvwd.dst.ca.us)

**IV. CONSENT CALENDAR** - All consent calendar matters are routine and will be acted upon in one motion. There will be no discussion of these items unless board members, administrative staff, or members of the public request specific items to be discussed and/or removed prior to the vote for approval.

- A. Minutes of Meetings
  - 1. Board Meeting - May 26, 2020

**V. STAFF REPORT**

- A. Consideration of Resolution 2020-29 and Re-Approval of the Brineline Easement - Canal Parcel License Agreement with the City of Riverside [[Director Memorandum No. 20-089 - Page 19 of 81](#)]

RECOMMENDED ACTION: That the Board approve Resolution 2020-29 and authorize the General Manager to execute the Canal Parcel License Agreement with the City of Riverside.

- B. Consideration of Resolution No. 2020-30 Updating the Calculation for Facility Capacity Charges Related to the Purchase of Permanent Supplemental Water Resources for New Development within Riverside County [[Director Memorandum No. 20-090 - Page 36 of 81](#)]

RECOMMENDED ACTION: That the Board approve Resolution No. 2020-30.

- C. Consideration of Approving an Agreement with Oak Valley Development Company for the Transfer of Overlying Water Rights [[Director Memorandum No. 20-091 - Page 45 of 81](#)]

RECOMMENDED ACTION: That the Board authorize the Board President to execute the Agreement Regarding Consideration for Overlying Water Rights Transfer.

- D. Adoption of the Operating Budget and Capital Improvement Plan for Fiscal Year 2021 [[Director Memorandum No. 20-092 - Page 59 of 81](#)]

RECOMMENDED ACTION: That the Board adopt the budget as presented.

**VI. BOARD REPORTS & DIRECTOR COMMENTS**

**VII. ANNOUNCEMENTS**

- A. June 9, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- B. June 16, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- C. June 23, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- D. June 30, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- E. July 7, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- F. July 14, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- G. July 21, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- H. July 28, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- I. August 4, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- J. August 11, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- K. August 18, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- L. August 25, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**
- M. September 1, 2020 at 4:00 p.m. - Board Meeting - **Teleconference Only**

**VIII. CLOSED SESSION**

- A. Conference with Real Property Negotiator(s) - Government Code 54956.8  
Property: Assessor's Parcel Number: 0319-121-38  
Agency Negotiator: Joseph Zoba, General Manager  
Negotiating Parties: Harry Holdorff  
Under Negotiation: Terms of Payment and Price
- B. Conference with Legal Counsel - Anticipated Litigation (Government Code 54956.9(d)(2) & (4)) - One Case - Board action denying the South Mesa Water Company's claim for damages dated April 20, 2020.

**IX. ADJOURNMENT**

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-29-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow



members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

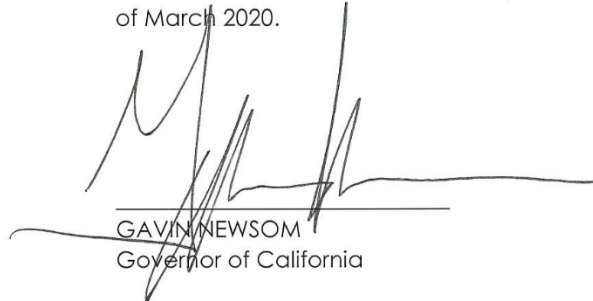
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 17th day  
of March 2020.



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GAVIN NEWSOM  
Governor of California