

**BEAUMONT CHERRY VALLEY RECREATION & PARK IMPROVEMENT CORPORATION
REGULAR MEETING OF THE BOARD OF DIRECTORS**

Wednesday, June 8, 2022 5:00pm

390 W. Oak Valley Parkway

Beaumont, CA 92223

AGENDA

PUBLIC PARTICIPATION BY TELECONFERENCE ONLY

Due to the spread of COVID-19 and the fact that state and local officials are recommending measures to promote social distancing, the Beaumont Cherry Valley Recreation & Park Improvement Corporation will be conducting this meeting by teleconference in accordance with AB 361, amended Government Code section 54953, which allows for the continuation of virtual meetings. Government Code Section 54953 allows the legislative body to use teleconferencing when "The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing" after making certain findings. See Gov. Code § 54953.

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. 1. 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.

The above special provisions allowing for teleconference meetings will only apply during a Governor-declared state of emergency, and we are still presently in a statewide state of emergency.

CLOSED SESSION –Closed session to begin at 5:00pm.

1. Update on Pursuant to Government Code Section 54956.8 Property Negotiations. Transfer of Property, Danny Thomas Ranch, from Beaumont-Cherry Valley Recreation & Park Improvement Corporation to the Beaumont-Cherry Valley Recreation & Park District with the exception of Two Acre House Parcel.

REGULAR SESSION: Regular Session to Begin at 5:30pm.

Regular Session is available by calling: +1 (669) 900-6833. Meeting ID: 968 5796 6814

You can also join the meeting from PC, Mac, Linux, iOS or Android: <https://zoom.us/j/96857966814>

Roll Call: Director Valdivia, Director Tinker, Director De La Cruz, Director Ward, Treasurer Flores, Vice-Chair/Secretary Diercks, Chairman Hughes.

Adjustments to Agenda: Government code sec 54954.2(b) (2) provides "upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or if less than two-thirds of the members are present, a unanimous vote of those member present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a) "

Presentations: None.

1. **PUBLIC COMMENT:** Anyone wishing to address the Board on any matter not on the agenda may do so now. All person(s) wishing to speak on an item on the agenda may do so at the time the Board considers that item. All persons wishing to speak must fill out a "Request to Speak Form" and give it to the clerk before the start of the meeting. There is a three (3) minute limit on public comments.
2. **CONSENT CALENDAR:** Items are considered routine, non-controversial and generally approved in a single motion. A board member may request to have an item removed from the consent calendar for discussion or to be deferred. (Includes Minutes, Financials, Resolutions, and Policy & Procedure matters).

2.1 Minutes of May 11, 2022

2.2 Approve Special Provision Allowing for Teleconference Meetings during a Governor-Declared State of Emergency Pursuant to AB 361

3. **ACTION ITEMS/BIDS & PUBLIC HEARING/REQUESTS:**

3.1 Approval of Resolution #2022-01 to convey the Danny Thomas Ranch property to the Beaumont-Cherry Valley Recreation and Park District as stated in the deed

4. **ADJOURNMENT**

DECLARATION OF POSTING: I declare under penalty of perjury, that the foregoing agenda was posted at the District office and District web site June 3, 2022.



Ryann Flores, BCVRPD Clerk of the Board



**BEAUMONT CHERRY VALLEY RECREATION & PARK IMPROVEMENT CORPORATION
REGULAR MEETING OF THE BOARD OF DIRECTORS
Wednesday, May 11, 2022 5:00pm**

MINUTES

PUBLIC PARTICIPATION BY TELECONFERENCE ONLY

Due to the spread of COVID-19 and the fact that there is a Governor-declared state of emergency, the Beaumont Cherry Valley Recreation & Park Improvement Corporation conducted this meeting by teleconference.

CLOSED SESSION –Closed session to begin at 5:00pm

1. Update on Pursuant to Government Code Section 54956.8 Property Negotiations. Transfer of Property, Danny Thomas Ranch, from Beaumont-Cherry Valley Recreation & Park Improvement Corporation to the Beaumont-Cherry Valley Recreation & Park District with the exception of Two Acre House Parcel.

Closed session began at 5:04pm

Roll Call:

Director Tinker: Present

Director Valdivia: Present

Director De La Cruz: Present via teleconference

Director Ward: Absent

Treasurer Flores: Arrived at 5:10pm

Vice-Chair/Secretary Diercks: Present

Chairman Hughes: Present

Albert Maldonado of Best, Best & Krieger and General Manager, Duane Burk attended.

Closed session ended at 5:14pm.

REGULAR SESSION: Regular Session to Begin at 5:15pm.

Regular session began at 5:15pm

Roll Call:

Director Tinker: Present

Director Valdivia: Present

Director De La Cruz: Present via teleconference

Director Ward: Absent

Treasurer Flores: Present

Vice-Chair/Secretary Diercks: Present

Chairman Hughes: Present

Adjustments to Agenda: None.

Presentations: None.

1. **PUBLIC COMMENT:** Chairman Hughes opened for public comment at 5:16pm. Hearing none, public comment closed at 5:16pm.
2. **CONSENT CALENDAR:**
 - 2.1 Minutes of April 13, 2022
 - 2.2 Approve Special Provision Allowing for Teleconference Meetings during a Governor-Declared State of Emergency Pursuant to AB 361

Albert Maldonado commented on item 2.2. He stated the Board has voted to hold teleconference meetings under AB361. The District needs to make certain findings every 30 days to continue teleconference meetings. There needs to be a Governor-Declared State of Emergency and then there needs to be two findings. 1) The District needs to consider the circumstance for the State of Emergency. 2) State or Local Officials have recommended social distancing.

Motion made to accept the consent calendar items 2.1 and 2.2.

Initial Motion: Director Valdivia

Second: Vice Chair/Secretary Diercks

Result of Motion: Carried 6-0

Director Tinker: Aye

Director Valdivia: Aye

Director De La Cruz: Aye

Director Ward: Absent

Treasurer Flores: Aye

Vice-Chair/Secretary Diercks: Aye

Chairman Hughes: Aye

3. **ACTION ITEMS/BIDS & PUBLIC HEARING/REQUESTS:** None.

4. **ADJOURNMENT:** Motion was made to adjourn the meeting at 5:18pm.

Attorney for Best, Best & Krieger, Albert Maldonado, reminded the Board to keep in mind not to discuss any District or Foundation business when attending political events or District events due to the Brown Act.

STAFF REPORT

Item 3.1

To: Chairman and Board of Directors

From: Duane Burk, General Manager

Re: Resolution # 2022-01. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK IMPROVEMENT CORPORATION AUTHORIZING THE TRANSFER OF APPROXIMATELY 121 ACRES OF LAND TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT AND ASSIGNING A SEWER LINE EASEMENT TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT

Date: June 8, 2022

Background and Analysis:

On December 31, 2020, the Beaumont-Cherry Valley Recreation and Park Improvement Corporation ("Foundation") received a donation from TSG Cherry Valley, L.P. ("Donation Agreement") of approximately 123 acres of land (the "Property") for the Foundation to operate consistent with its mission, and the mission of the Beaumont-Cherry Valley Recreation and Park District ("District"), of providing community recreation and park facilities and programs. The Property is located in unincorporated Riverside County, which is bordered to the north by undeveloped foothills, to the west by warehouse logistics buildings, to the east by a single family residential/agricultural property, and to the south by Cherry Valley Boulevard.

The Property, as of December 31, 2020, had an estimated value of \$8.325 Million based on a recent appraisal. The Property contains a functional water well that pumps water.

The Foundation desires to transfer the Property minus about 2 acres that contain a single family residence to the District. The Foundation also desires to assign a sewer line easement entitled to it under the Donation Agreement to the District.

Fiscal Impact:

The Foundation will no longer have to pay property taxes on the Property that is to be transferred. The Foundation will continue paying property taxes on the 2 acres of the Danny Thomas Ranch that will stay with the Foundation.

Recommendations:

Staff recommends that the Board review, comment, approve or change Resolution # 2022-01, authorizing the transfer of approximately 121 acres of the Danny Thomas Ranch to the District and assigning a sewer line easement to the District.

Attachments:

Resolution # 2022-01

RESOLUTION NO. 2022-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK IMPROVEMENT CORPORATION AUTHORIZING THE TRANSFER OF APPROXIMATELY 121 ACRES OF LAND TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT AND ASSIGNING A SEWER LINE EASEMENT TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT

WHEREAS, the Beaumont-Cherry Valley Recreation and Park Improvement Corporation (the “Foundation”) is a 501(c)(3) nonprofit public benefit corporation existing under and pursuant to the laws of the State of California; and

WHEREAS, the Foundation exists to benefit the Beaumont-Cherry Valley Recreation and Park District (“District”), a California recreation and park district; and

WHEREAS, on December 31, 2020, the Foundation received a donation from TSG Cherry Valley, L.P. (“Donation Agreement”) of approximately 123 acres of land (the “Property”) for the Foundation to operate consistent with its mission, and the mission of the District, of providing community recreation and park facilities and programs; and

WHEREAS, the Property is located in unincorporated Riverside County, which is bordered to the north by undeveloped foothills, to the west by warehouse logistics buildings, to the east by a single family residential/agricultural property, and to the south by Cherry Valley Boulevard; and

WHEREAS, the Property consists of Riverside County Assessor Parcel Nos. 407-200-011-1, 407-210-001-3 (portion), 407-210-001-3 (portion), 407-200-009-0, 407-210-004-6, 407-210-002-4, and 407-200-012-2; and

WHEREAS, the Property contains a single family residence and several agricultural buildings, which are located at 37300 and 37356 Cherry Valley Boulevard, Beaumont, CA 92223, which are not proposed being transferred to the District at this time; and

WHEREAS, the Property contains a functional water well that pumps water; and

WHEREAS, as of December 31, 2020, the Property had an estimated value of \$8.325 Million based on a recent appraisal; and

WHEREAS, the Foundation Board of Directors desires to transfer the Property, minus the single family residence, which in total comprises approximately 121 acres, to the District (hereinafter, the “Transfer”), which is more particularly shown in Exhibit A; and

WHEREAS, the Foundation Board of Directors desires to assign a sewer line easement entitled to it under the Donation Agreement to the District (the “Assignment”).

NOW, THEREFORE, it is resolved by the Board of Directors of the Beaumont-Cherry Valley Recreation and Park Improvement Corporation as follows:

SECTION 1. Incorporation of Recitals. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Property Transfer. The President of the Board of Directors, the General Manager or a designee in writing (each, an "Authorized Officer") is hereby authorized to execute any and all documents necessary for the Transfer of approximately 121 acres of the Danny Thomas Ranch to the District, subject to final approval as to form by the Foundation's legal counsel.

SECTION 3. Assignment of Sewer Line Easement. The President of the Board of Directors, the General Manager or a designee in writing (each, an "Authorized Officer") is hereby authorized to execute any and all documents necessary for the Assignment, subject to final approval as to form by the Foundation's legal counsel.

Section 4. CEQA. The Foundation finds that the Transfer and Assumption are not subject to review under the California Environmental Quality Act ("CEQA") because they are not a "project" under State CEQA Guidelines section 15378(a) or 15004(b)(2)(A). In addition, if these actions were to be considered a project under CEQA, they are categorically exempt from further CEQA review under State CEQA Guidelines sections 15301 (existing facilities). In addition, the Transfer and Assumption are exempt under section 15061(b)(3) as it can be seen with certainty that there is no possibility that these actions may have a significant effect on the environment. The Transfer and Assumption merely involve a change of ownership and no development is proposed. None of the exceptions to these categorical exemptions apply, and consequently, these actions are exempt from further CEQA Review.

Section 5. Attestations. The Secretary of the Board or other appropriate Foundation officer is hereby authorized and directed to attest the signature of the Authorized Officer, and to affix and attest the seal of the Foundation, as may be required or appropriate in connection with the execution and delivery of any and all required documents to effectuate the Transfer and Assumption.

Section 6. Other Actions. The Authorized Officer and other officers of the Foundation are each hereby authorized and directed, jointly and severally, to take any and all actions and to execute and deliver any and all documents, agreements, and certificates which they may deem necessary or advisable in order to carry out and give effect to this Resolution and any other documents required to effectuate the Transfer and Assumption.

Section 7. Effect. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Approved: _____
President of the Board

Attest: _____
Secretary of the Board

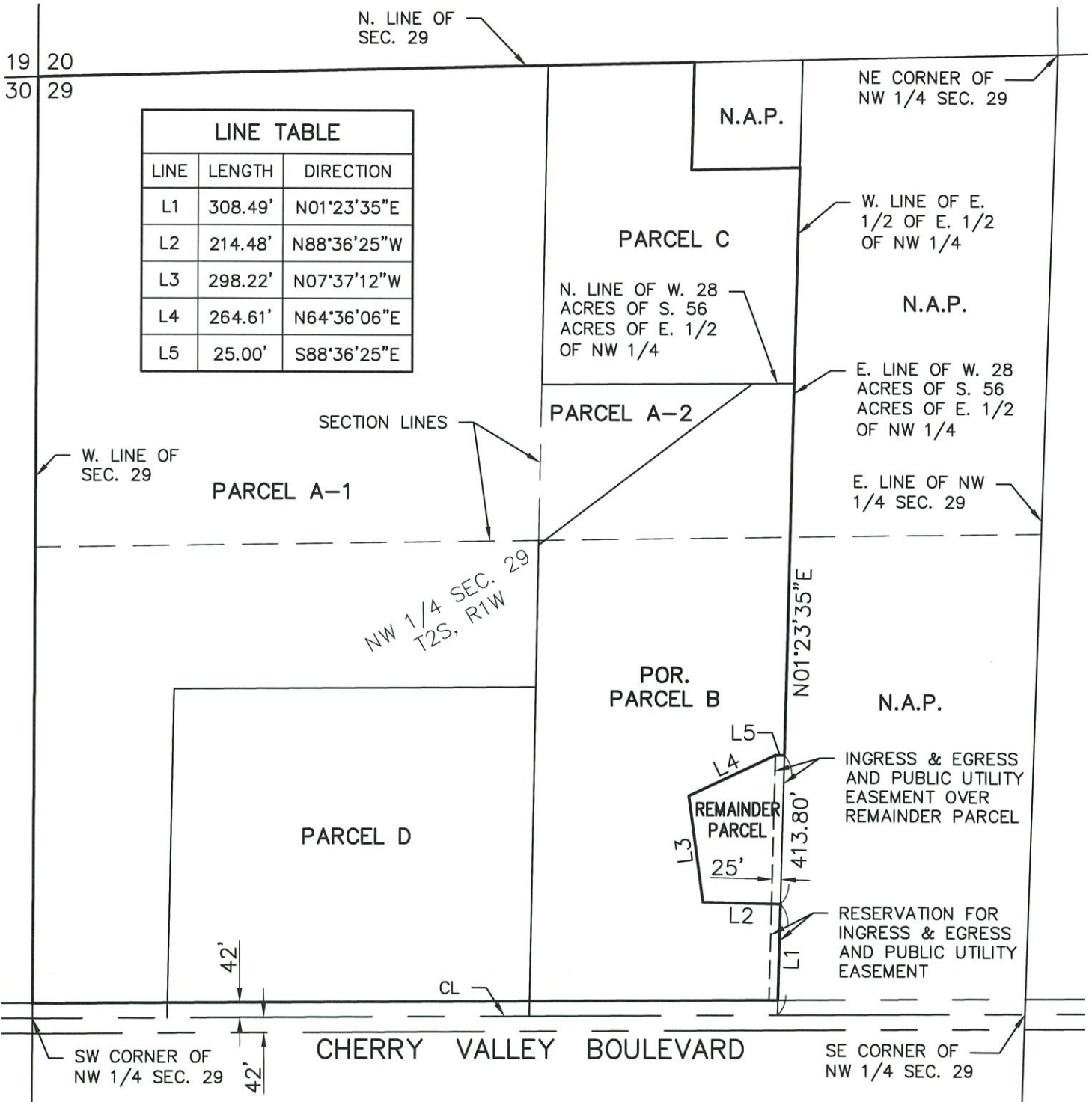
EXHIBIT A

MAP OF PROPERTY TO BE TRANSFERRED

EXHIBIT "B" - PLAT



SCALE: 1"=400'



Steven H. Ritchey
 STEVEN H. RITCHEY
 P.L.S. 7288, EXP. 12/31/22

5/19/2022
 DATE

LEC
 LAND
 ENGINEERING
 CONSULTANTS, INC.

P.O. BOX 541, 650 AVENUE K
 CALIMESA, CALIFORNIA 92320
 TEL: 909-795- 8882
 FAX: 909-795-8818

EXHIBIT "B" - PLAT



SCALE: 1"=200'

N. LINE OF S. 56
ACRES OF E. 1/2
OF NW 1/4

744.41'

N89°34'30"E
116.26'

N52°36'40"E

NW 1/16 COR.
OF SEC. 29

W. LINE OF E. 1/2 OF
E. 1/2 OF NW 1/4

E. LINE OF W. 28 ACRES
OF S. 56 ACRES OF E.
1/2 OF NW 1/4

1759.23'

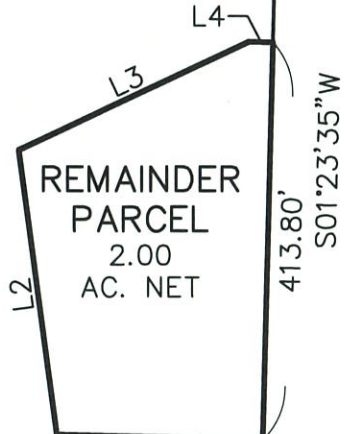
LINE TABLE		
LINE	LENGTH	DIRECTION
L1	214.48'	N88°36'25"W
L2	298.22'	N07°37'12"W
L3	264.61'	N64°36'06"E
L4	25.00'	S88°36'25"E

POR.
PARCEL B
22.34 AC. GROSS
23.00 AC. NET

W. LINE OF W.
28 ACRES

1311.10'

NW 1/4 SEC. 29
T2S, R1W



REMAINDER
PARCEL
2.00
AC. NET

S01°23'35"W
413.80'

INGRESS & EGRESS AND
PUBLIC UTILITY EASEMENT
OVER PARCEL B FOR
REMAINDER PARCEL

25'

308.49'

1374.35' 42' 42' 687.17'
N89°34'30"E CHERRY VALLEY BOULEVARD

W. 1/4 COR.
OF SEC. 29

Steven H. Ritchey
STEVEN H. RITCHEY 5/19/2022
P.L.S. 7288, EXP. 12/31/22 DATE



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