



BEAUMONT CHERRY VALLEY RECREATION & PARK IMPROVEMENT CORPORATION
SPECIAL MEETING OF THE BOARD OF DIRECTORS
Thursday, July 21, 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. I. 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.

The Regular Session is available by calling: 1(623) 404-9000. Meeting ID: 471-749-1599

You can also join the meeting at <https://meetings.ringcentral.com/j/4717491599>

CLOSED SESSION – Closed Session to Begin at 5:00pm (1 item)

1. Conference with Legal Counsel Regarding Real Estate Property Negotiations – Pursuant to Government Code Section 54956.8. Danny Thomas Ranch I10 Logistics

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

REGULAR SESSION – Regular Session to begin at 5:15pm

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 request to the clerk 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 July 13, 2022
3. **ACTION ITEMS/BIDS & PUBLIC HEARING/REQUESTS:**
 - 3.1 Approval of Termination of Water Rights Agency Agreement

4. ADJOURNMENT:

DECLARATION OF POSTING: I declare under penalty of perjury, that I have been authorized by the Beaumont-Cherry Valley Recreation and Park Improvement Corporation and I have posted the foregoing agenda at the Corporation/District office and web site on July 19, 2022.

A handwritten signature in blue ink that reads "Ryann Flores". The signature is written in a cursive, flowing style.

Ryann Flores, BCVRPD Clerk of the Board



**BEAUMONT CHERRY VALLEY RECREATION & PARK IMPROVEMENT CORPORATION
REGULAR MEETING OF THE BOARD OF DIRECTORS
Wednesday, July 13, 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 – None.

REGULAR SESSION: Regular Session to Begin at 5:00pm.

Regular session began at 5:00pm.

Roll Call:

Director Tinker: Present

Director Valdivia: Present

Director De La Cruz: Arrived a 5:11pm via teleconference

Director Ward: Absent

Treasurer Flores: Present via teleconference

Vice-Chair/Secretary Diercks: Present

Chairman Hughes: Present

Adjustments to Agenda: None.

Presentations: None.

1. **PUBLIC COMMENT:** Chairman Hughes opened for public comment at 5:01pm. Hearing none, public comment closed at 5:01pm.
2. **CONSENT CALENDAR:**
 - 2.1 Minutes of June 8, 2022
 - 2.2 Warrants for 2022
 - 2.3 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. Chairman Hughes confirmed that the finance committee met and approved item 2.2.

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

Director Valdivia would like a copy of the deposits for the Improvement Corporation along with the warrants. General Manager, Duane Burk, noted that the Board will be updated in entirety once they are finalized.

Initial Motion: Director Valdivia

Second: Vice-Chair/Secretary Diercks

Result of Motion: Carried 5-0

Director Tinker: Aye

Director Valdivia: Aye

Director De La Cruz: Arrived after vote

Director Ward: Absent

Treasurer Flores: Aye

Vice-Chair/Secretary Diercks: Aye

Chairman Hughes: Aye

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

None.

4. DEPARTMENT REPORTS:

Foundation Associate: Nick Hughes

- Past Events:
 - Regional Chamber Mixer at Franco Garden on 5/18/2022
 - The Beaumont, Banning, Calimesa, Hemet, and San Jacinto Chambers attended
- 1st Annual Rock the Park at Noble Creek Regional Park Meadow on 6/24/2022 – 6/25/2022
 - Fridays band: Ramsey Street Band
 - Saturdays band: Retro Blast
 - We had 55 classic cars as we only planned for a maximum of 50.
 - The Beaumont Police Department's K-9 program showed up on Saturday all day and did three demonstrations with other law enforcement agencies. They were really excited to do this due to the fact that this was their first time doing demonstrations in a larger crowd for the public to see.
 - The Craft Lounge worked the Beer Garden for this event. Jimmy was very happy with the turnout and was happy to be a part of it.
- Chamber Breakfasts:
 - Nick is attending the three Chamber breakfasts every month and updating the Chambers on Foundation and District events.
- Upcoming Events:
 - We have three concerts coming up (6:00pm – 8:45pm)
 - 7/16/2022: Psychobillies (Classic Rock & Country)
 - 9/3/2022: Delaney & James (Classic Rhythm N Soul)
 - 10/1/2022: Lisa Rose & Friends
 - The cost is \$25.00 per person and includes food. We also will have a bar with beer, wine, and soft drinks.
- Market Nights:
 - 2nd and 4th Friday of every month until October (weather permitting) from 5pm – 9pm

5. ADJOURNMENT: Motion was made to adjourn the meeting at 5:12pm.

WHEN RECORDED MAIL TO:

Beaumont-Cherry Valley Recreation & Park District
390 W. Oak Valley Parkway
P.O. Box 490
Beaumont, CA 92223
Attn: Duane Burk, General Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APNs: 407-210-001, 407-210-002, 407-210-004, 407-200-009, 407-200-011 and 407-200-012

TRA: 056-014

DOCUMENTARY TRANSFER TAX: \$ -0- (no consideration). The termination herein is being recorded to release interests in a water rights agency agreement, and is not a change in ownership under §63 of the California Revenue and Taxation Code.

Signature of declaring party

TERMINATION OF WATER RIGHTS AGENCY AGREEMENT

THIS TERMINATION OF WATER RIGHTS AGENCY (this "*Termination*") is made as of _____, 2022 (the "*Effective Date*"), by I10 LOGISTICS OWNER, a Delaware limited liability company ("*I10 Logistics*"), BEAUMONT-CHERRY VALLEY RECREATION & PARK IMPROVEMENT CORPORATION, a California public benefit organization ("*Foundation*"), and BEAUMONT-CHERRY VALLEY RECREATION & PARK DISTRICT, a special district of the State of California ("*District*", along with I10 Logistics and Foundation, the "*Parties*", and each a "*Party*").

RECITALS

A. Reference is hereby made to that certain *Water Rights Agency Agreement* recorded in the Official Records of Riverside County (the "*Official Records*") as Instrument No. 2021-0000372 (the "*Agency Agreement*"), between I10 Logistics and the successors-in-interest to TSG Cherry Valley, L.P., a Delaware limited partnership, as "Owner", including (i) the Foundation, which currently holds fee title to the portion of the land subject to the Agency Agreement and improved with a single-family residence, and (ii) the District, which currently holds fee title to the remainder of the land that is subject to the Agency Agreement. Terms used but not defined herein shall have the meaning given in the Agency Agreement.

B. The Parties hereby wish to terminate the Agency Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, and the mutual covenants contained herein and in the Agency Agreement, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby agree as follows:

1. Termination. The Agency Agreement is hereby terminated.
2. Entire Agreement. This Termination is the final expression of the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto.
3. Successors and Assigns. This Termination and any rights created hereby shall inure to the benefit of the successors and assigns of the Parties.

4. Governing Law. The parties expressly agree that this Termination shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.

5. Counterparts. This Termination may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

[Signature Page(s) Attached]

IN WITNESS WHEREOF, the undersigned have executed this Termination as of the date first above written.

"I10 LOGISTICS"

I10 LOGISTICS OWNER, LLC,
a Delaware limited liability company

By: I10 Logistics Investments, LLC,
a Delaware limited liability company,
its sole member

By: SRI – I10 LDC, LLC,
a Delaware limited liability company,
its administrative member

By: _____
Name:
Title:

ACKNOWLEDGMENT

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)
) ss.
COUNTY OF ORANGE)

On _____, 2022, before me, _____, 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: _____ (Seal)

“FOUNDATION”

BEAUMONT-CHERRY VALLEY RECREATION &
PARK IMPROVEMENT CORPORATION, a California
public benefit corporation

By: _____
Duane Burk
General Manager

ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, 2022, before me, _____, 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: _____ (Seal)

“DISTRICT”

BEAUMONT-CHERRY VALLEY RECREATION &
PARK DISTRICT, a public district of the State of
California

By: _____
Duane Burk
General Manager

ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, 2022, before me, _____, 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: _____ (Seal)