

FORM APPROVED COUNTY COUNSEL
 BY: H. S. Victor 08/06/08
 MARSHAL L. VICTOR DATE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

340




FROM: TLMA - Transportation Department

SUBMITTAL DATE:
 August 21, 2008

SUBJECT: Acceptance of Hardship Request of the Boe-Del Heights Mutual Water Association and Approval to Fund Waterline Relocations, Miles Avenue, Indio area.

RECOMMENDED MOTION: Authorize the use of Transportation Department funds for the relocation of domestic water facilities that are owned by the Boe-Del Heights Mutual Water Association, and authorize the Director of Transportation, or his designee, to execute all necessary documents between the County of Riverside and the Boe-Del Heights Mutual Water Association.

BACKGROUND: The County of Riverside has entered into a cooperative agreement with the City of Indio and the Coachella Valley Association of Governments for the construction of road and bridge improvements on Miles Avenue and Clinton Street in the Indio area. The first phase

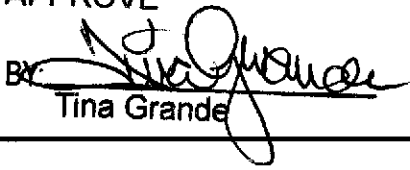

 Juan C. Perez
 Director of Transportation

JCP:sd
 (Continued On Attached Pages)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 12,500	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/2009

SOURCE OF FUNDS: TUMF (CVAG) (75% - initial funding of 100% of County's share), City of Indio (12.5%), Road Dist. IV (12.5% - Reimbursement over a 10 year period).	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
 BY: 
 Tina Grande

County Executive Office Signature

Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 4

Agenda Number:

3.140

The Honorable Board of Supervisors

RE: Acceptance of Hardship Request of the Boe-Del Heights Mutual Water Association and Approval to Fund Waterline Relocations, Miles Avenue, Indio area.

August 21, 2008

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of the project, which consists primarily of the construction of a bridge on Miles Avenue over the Whitewater Stormwater Channel, is under construction.

The Transportation Department intends to submit the second phase of the project to the Board of Supervisors for approval to advertise for public bids by October, 2008. That second phase will include road, traffic signal and storm drain improvements on Miles Avenue, from Madison Street to Clinton Street. The third phase of the project will be advertised and constructed after acquisition of the necessary rights of way. That phase of construction will include road, traffic signal and storm drain improvements on Clinton Street between Miles Avenue and Fred Waring Drive.

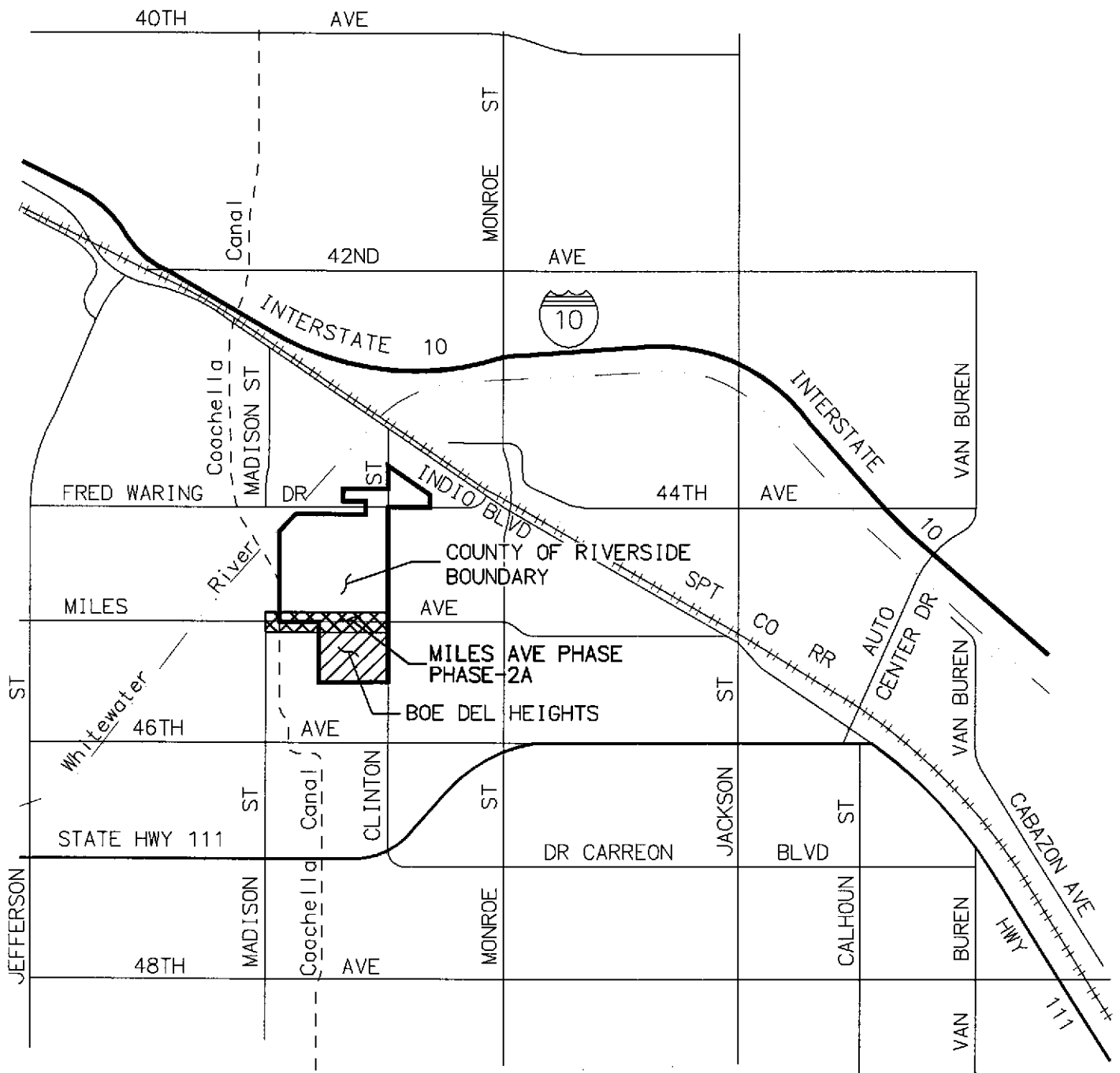
The Boe-Del Heights Mutual Water Association owns domestic water facilities that are in conflict with the planned improvements on Miles Avenue (Phase II) and need to be relocated to do this project. The work of relocating those conflicting domestic water facilities is the responsibility of the owner. However, the small water association has submitted a financial statement and a claim of financial hardship to the Transportation Department, and has requested that the County arrange for funding of the required utility relocations due to the severe financial hardship that relocation work would impose on the water association.

After review of the claim of hardship, and after meeting and discussing the matter with the representative of the water association, the Transportation Department supports the request for financial assistance in this matter. The County's funding share of 12.5% of the estimated waterline relocation cost of \$100,000 would be \$12,500 for which funds are available in the project budget. The City of Indio and the Coachella Valley Association of Governments have each agreed to fund their respective project shares of the waterline relocation cost.

It is our opinion that, if the water association were to be required to fund the relocation work, the association would be severely impacted financially, which could ultimately impact their ability to deliver water to their 117 customers, and/or significantly delay the road project until they would be able to fund this work.

It is recommended that the Transportation Director or his designee be authorized to execute any documents between the County and the water association that are necessary to facilitate the necessary relocations. This approach was successfully utilized in a similar hardship case, and is estimated to reduce the administrative effort and cost required.

Project No. B2-0389



CITY OF INDIO

BOE-DEL HEIGHTS MUTUAL WATER ASSOCIATION
P.O. Box 1057 Indio California 92202

760-347-2313 760-702-0089

County of Riverside · Transportation and Land Management Agency
Transportation Department

Attention: Stan Dery · Cindi Wachi

May 7, 2008

Serious Hardship Request

To Whom it may concern,

I am writing this letter in response to a document I received from the R.C. Transportation and Land Management Agency, regarding an improvement project plan initiated by the County of Riverside and the City of Indio. Evidently the design engineers for this project have confirmed that our facilities are in conflict with the proposed project. Please refer to your copy of the RCTLMA letter for a specific description of the engineering conflicts.

While, I will not at this time, question the accuracy of your engineering consultants measurements and subsequent determinations as to the conflicts and RC standards they attribute to BDHMWA. I will however point out that any and all of the water lines and/or fire hydrants within our water distribution system; were situated and installed only after we acquired the legal permits and inspections required by the County of Riverside to do so. We understood those permits and approvals to be a protection against, and especially to avoid the possibility of having to bear the expense of relocating any waterlines and fire hydrants in the future. Just for the record, our waterlines and fire hydrants are legally and properly situated, albeit in an inconvenient location for your proposed improvements. I may or may not be proven wrong, however I do believe our waterlines and water hydrants are in their original 1947 location, and if there has been encroachment over the years it was Riverside County and/or the City of Indio that encroached, not BDHMWA. This hardship request in no way waives our right argue for any prior property rights; as depending on the outcome of this request, it may be in our best interest to research the historical recordings back to the original 1947 maps and survey markers.

That said, the simple fact is BDHMWA is a very small water distribution system, servicing 117 homes. The Boe-Del Heights sub-division was established around 1947, so the homes here are growing on 60 years old. Property owners pay approx. \$260.00 per year for their share of water rights. The residents, I would guess average income at around 35,000-40,000 per yr., there are probably 10 or 12 in the 50,000-60,000 range, and a significant number of 20,000 or below. We also have a higher than average number of elderly residents on social security. I know the County generated an urban development survey that categorized all of the areas in Indio into different income brackets, and this area was I think considered 75,000-80,000 income range...but that is way off, no where near the actual income level of the residents here.

The assessments we receive go directly to the maintenance and repair of the well and outlying distribution system. We manage to keep a very small reserve for emergency situations. One major emergency would easily wipe us out financially. We have been lucky so far, although, we do have our fair share of costly minor emergencies each year. Every year we wind up robbing Peter to pay Paul, and much needed improvements are put off for another year.

That brings us to the issue at hand, if it is the case that we are required to incur the costs of replacing the waterlines and fire hydrants as set forth in your analysis; it would not be merely a serious financial hardship, but rather it would render us completely and totally incapable of maintaining our well and water system. Therefore we ask that you give all consideration to waiving our portion of the funding that will be required to implement your improvement projects on both Miles and Clinton Avenues. We do greatly appreciate the enormity of this request, however quite honestly our only other option is to claim bankruptcy and relinquish our water rights to the imminent domain of another water system.

Thank you for your cooperation,


Cindy Moreno

Secretary Boe-Del Heights Mutual Water Association

P.S. I would also like to request a consideration, to allow the installation of an emergency water connection from the City of Indio water system to ours, during this improvement project; this is a something we have long needed to address; I believe this would be a perfect opportunity to arrange an equitable resolution; This request does presume our costs would be substantially reduced as this project will most likely already lay bare all of the necessary waterlines to facilitate an easy connection between these two water systems, we would thereby only be charged for the materials and labor

required by the City of Indio Water Authority to make the required connections. If this could be arranged I am reasonably sure we could afford to pay for the materials and labor it would require to secure an emergency connection.



CALIFORNIA BANK
TRUST

P.O. Box 489, Lawndale, CA 90260-0489

Statement of Accounts

Page 1 of 1

This Statement: March 31, 2008
Last Statement: February 29, 2008

Account 2460015881

DIRECT INQUIRIES TO:

Customer Service 1 (800) 400-6080

0074273

4092-06-1000-CBT-PC0019-00000

BOE DEL HEIGHTS MUT WTER ASSOC
PO BOX 1057
INDIO CA 92202-1057

Indio
81-701 Highway 111
Indio, CA 92201-5414
(760) 347-6158

SUMMARY OF ACCOUNT BALANCE

Account Type	Account Number	Checking/Savings Ending Balance	Outstanding Balances Owed
PF Interest Checking	456015881	\$20,171.72	

PF INTEREST CHECKING 2460015881

7/8 0

Previous Balance	Deposits/Credits	Charges/Debits	Checks Processed	Ending Balance
19,669.75	2,262.31	1,760.34	0.00	20,171.72

2 DEPOSITS/CREDITS

Date	Amount	Description
03/28	2,261.50	DEPOSIT 5338105588
03/31	0.81	INTEREST PAYMENT 0001919080

4 CHARGES/DEBITS

Date	Amount	Description
03/03	527.17	IMP IRRIG DIST POWER BI *****42053 REF # 122000493693580 1101664635
03/03	19.54	IMP IRRIG DIST POWER BI *****42064 REF # 122000493693581 1101664636
03/31	1,194.09	IMP IRRIG DIST POWER BI *****42053 REF # 122000493576738 1101623863
03/31	19.54	IMP IRRIG DIST POWER BI *****42064 REF # 122000493576739 1101623864

0 CHECKS PROCESSED

There were no transactions this period.

DAILY BALANCES

Date	Balance	Date	Balance	Date	Balance
03/03	19,123.04	03/28	21,384.54	03/31	20,171.72

INTEREST

Interest Earned This Interest Period	\$0.81	Number Of Days This Interest Period	31
Interest Paid Year-To-Date 2008	\$3.49	Annual Percentage Yield Earned	0.05%

Current interest rate is 0.05% with no rate change this interest period



MEMBER FDIC