



**BEAUMONT-CHERRY VALLEY WATER DISTRICT
REGULAR MEETING NOTICE AND AGENDA
BOARD OF DIRECTORS ENGINEERING WORKSHOP**

TELECONFERENCE NOTICE

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq. and
California Governor's Executive Order N-25-20
One or more of the BCVWD Directors may attend via teleconference
To access the teleconference:
Please dial **712-770-4010** and Enter Code **754421***

Call to Order: President Covington

Pledge of Allegiance: Vice President Slawson

Invocation: Director Hoffman

Announcement of Teleconference Participation

Roll Call

Teleconference Verification

Public Comment

PUBLIC COMMENT:

At this time, any person may address the Board of Directors on matters within its jurisdiction which are not on the agenda. However, state law prohibits the Board from discussing or taking action on any item not listed on the agenda. Any non-agenda matters that require action will be referred to Staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a speaker's request form and provide the completed form to the Board Secretary prior to the Board meeting. **Please limit your comments to three minutes.** Sharing or passing time to another speaker is not permitted.

ACTION ITEMS

Action may be taken on any item on the agenda. Information on the following items is included in the full Agenda Packet.

1. PUBLIC HEARING

Introduce, Waive Reading, and Place on Agenda for Adoption Ordinance 2020-__: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2001-01 (pages 4 - 10)

2. Resolution 2020-__ Implementing a Temporary Meeting Teleconference Policy in Response to the Impact of the Respiratory Illness Pandemic COVID-19 (pages 11 - 35)

3. **Resolution 2020-___: Ratifying and Proclaiming a District Local Emergency in Response to the Impact of the Respiratory Illness Pandemic COVID-19** (pages 36 - 50)
4. **Resolution 2020-___: Implementing Temporary Policies, Actions and Measures in Response to the District Local Emergency Regarding the Respiratory Illness Pandemic COVID-19** (pages 51 - 53)
5. **Resolution 2020-___: Approving Temporary Regulations Regarding Customer Account Billing and Collections in Response to the District Local Emergency Regarding the Respiratory Illness Pandemic COVID-19** (pages 54 - 60)
6. **Ratification of the General Manager's Declaration of a District Emergency regarding Necessary Immediate Repairs to Well 21** (pages 61 - 62)
7. **Authorize the General Manager to Award a Contract to Red Hawk Services, Inc. in an Amount not to Exceed \$92,566.00 for the Noble Creek Recharge Facilities Phase I Fencing Project** (pages 63 - 70)
8. **General Manager's Report**
9. **Topics for Future Meetings**
10. **Announcements**

- Personnel Committee: Postponed to Monday, March 30 at 5:30 p.m. (subject to change)
- Watermaster Meeting for April 1, 2020 is CANCELLED
- Finance and Audit Committee Meeting: Thursday, April 2 at 3 p.m.
- Regular Board Meeting: Wednesday, April 8, 2020 at 6:00 p.m.
- Engineering Workshop: Thursday, April 23, 2020 at 6:00 p.m.
- Collaborative Agencies Committee Meeting: Wednesday, May 6 at 5:00 p.m.
- Finance and Audit Committee Meeting: Thursday, May 7, 2020 at 3:00 p.m.
- District offices will be closed on Monday, May 25 in observance of Memorial Day
- Personnel Committee: No meeting in May due to Memorial Day holiday

11. Adjournment

NOTICES

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office. Materials may also be available on the District's website: www.bcvwd.org.

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Board Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Board Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.org or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING

I certify that on or before March 23, 2020, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54954.2(a)).

A handwritten signature in black ink, appearing to read 'Yolanda Rodriguez', is written over a horizontal line.

Yolanda Rodriguez,
Director of Finance and Administration



**Beaumont-Cherry Valley Water District
Regular Board Meeting
March 26, 2020**

Item 1

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **PUBLIC HEARING: Introduce, Waive Reading, and Place on Agenda for Adoption Ordinance 2020-01: Providing for Compensation of the Members of the Board of Directors of the Beaumont-Cherry Valley Water District and Superseding Ordinance 2007-01**

Staff Recommendation

- Continue this Public Hearing to the Regular Meeting of May 13, 2020 without taking public testimony, due to limits of teleconferencing as a result of the California Department of Public Health Gathering Guidelines regarding the COVID-19 respiratory illness

OR

- Consider Ordinance 2020-01
- Motion 1:
 - Waive the reading of the Ordinance
- Conduct the Public Hearing
- Motion 2, if desired:
 - Place Ordinance 2020-01 Providing for Compensation of the Members of the Beaumont-Cherry Valley Water District Board of Directors and Superseding Ordinance 2007-01 on the Beaumont-Cherry Valley Board of Directors Regular Meeting agenda of April 8, 2020 at 6 p.m. for adoption

Background

The BCVWD Policy and Procedures Manual, Part II, Section 13J states that *per diem fees shall be reviewed by the Board annually in October each year, with said increase (if any) to be effective January 1 of the next calendar year*. Compensation was set at a rate of \$200 per Ordinance 2007-01, adopted on December 12, 2007 and has not been increased since.

Water Code Section 20201 - 20203 provides authorization for members of the governing Board to receive compensation for each day's service rendered as a member of the Board, not to exceed a total of 10 days per month. The Water Code allows the Board to increase the per diem rate by Ordinance. The increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment.

The per diem rate is per day of service, not per meeting. A Director may attend one or more meetings during a day but will be eligible for only one per diem compensation. Payment of per diems is regulated by the BCVWD Policy and Procedures Manual, Part II, Section 13.



Summary

An analysis of current director per diem rates at comparable agencies was presented to the Board at the October 9, 2019 regular meeting. The Board noted that many other comparable agencies offer health insurance benefits to their elected Board members and directed staff to investigate the possibility of offering some health insurance benefit to BCVWD directors, or consider an equitable compensation rate in lieu of the health benefit.

At its November 25, 2019 meeting, the Personnel Committee directed staff to bring back consideration of the per diem to the full Board with several options, and at its December 18, 2019 meeting the Board chose to move forward with consideration of a per diem increase to \$260.

The cumulative rate of inflation¹ since 2007 has been approximately 22 percent, leaving the compensation of the BCVWD Board of Directors lagging behind. In addition, Board member responsibilities and the complexity of policy oversight has substantially grown. Along with the lack of typical health insurance benefits, these factors point to a need to adjust compensation.

Per the requirements of Water Code Sections 20201 – 20203, this public hearing was advertised in the Beaumont Record-Gazette on March 13 and March 20, 2020.

Staff continues to work toward offering a possible health insurance benefit option for directors or providing a Medical Reimbursement Program option for directors.

Fiscal Impact

The total FY 2020 budget for the fully burdened cost of Director Fees is \$58,479, as approved by the Board on December 18, 2019. The added fiscal impact to the 2020 budget is estimated to be \$17,545, bringing the fully burdened cost of Director Fees to \$76,024 for the FY 2020 budget.

Per Diem Calculation for FY 2020*

Budgeted Meetings by Type	# of Meetings	# of Directors	Total Meetings	Annual per diem cost at \$200	Annual per diem cost at \$260
Regular Meetings	24	5	120	\$24,000	\$31,200
Standing Committees (2)	16	2	32	\$6,400	\$8,320
Ad Hoc Committees (3)	24	2	48	\$9,600	\$12,480
Mandatory Training, Conferences, and Additional Meetings			68	\$13,600	\$17,680
			268 Total Meetings	\$53,600 FY 2020 per diem total	\$69,680 Proposed FY 2020 per diem total
			Fully Burdened Cost	\$58,479	\$76,024

¹ Los Angeles-Riverside-Orange County Consumer Price Index as of November 2019 (U.S. Bureau of Labor Statistics).



* Table is for per diem costs only. Fully burdened calculation takes into account benefit costs to the District including Workers' Compensation, Medicare, and Social Security.

Attachment(s)

- Proposed Ordinance 2020-01 Providing for Compensation of the Members of the BCVWD Board of Directors and Superseding Ordinance 2007-01
- Notice of Public Hearing
- Ordinance 2007-01 Providing for Compensation of the Members of the Board of Directors

DJ:ljc

ORDINANCE 2020-__

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE BEAUMONT - CHERRY VALLEY WATER
DISTRICT PROVIDING FOR COMPENSATION OF
THE MEMBERS OF THE BOARD OF DIRECTORS OF
THE DISTRICT AND SUPERSEDING ORDINANCE
2007-01**

WHEREAS, Section 20201 of the California Water Code states that compensation to be received by the governing board of a water district may be increased each calendar year in an amount equal to 5 percent following the operative date of the last adjustment; and

WHEREAS, the Board of Directors of the Beaumont-Cherry Valley Water District last increased its compensation pursuant to Water Code Section 20200 et. seq. on December 12, 2007; and

WHEREAS, a duly noticed public hearing was held on March 26, 2020 to receive and consider public comments regarding the adoption of an ordinance to amend the per diem compensation for the members of the Beaumont-Cherry Valley Water District Board of Directors; and

WHEREAS, this Ordinance was presented to the Board of Directors and was reviewed thoroughly and found to be acceptable to the Board,

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

1. Ordinance 2007-01 and all other previously enacted ordinances providing for Board of Directors compensation are hereby superseded by this Ordinance.
2. Director compensation shall be \$260 for each day's service rendered (per diem) as a Director on behalf of the District.
3. The payment of Director compensation shall be governed by the Beaumont-Cherry Valley Water District Policies and Procedures Manual, Part II, Section 13.
4. In no event shall members of the Board of Directors receive compensation for more than ten (10) days' service in any calendar month, pursuant to Water Code Section 20202.
5. This Ordinance will take effect on July 1, 2020, which is at least sixty (60) days from the date of adoption pursuant to Water Code Section 20204.
6. If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby.
7. The Recording Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation within the District.

//

ADOPTED this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Lona Williams, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District



Beaumont-Cherry Valley Water District

NOTICE OF PUBLIC HEARING
Thursday, March 26, 2020 at 6 p.m.
560 Magnolia Avenue, Beaumont, CA, 92223

**PROPOSED ADOPTION OF ORDINANCE 2020-01:
INCREASING DIRECTORS' COMPENSATION**

NOTICE IS HEREBY GIVEN that the Board of Directors of the Beaumont-Cherry Valley Water District will hold a Public Hearing on Thursday, March 26, 2020, at 6 p.m. or shortly thereafter, at the regularly scheduled meeting of the Beaumont-Cherry Valley Board of Directors at the offices of the Beaumont Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, CA, 92223, regarding the proposed adoption of Ordinance 2020-01 increasing the compensation of the Directors from \$200 per day to \$260 per day.

If you have any questions or need additional information, please phone the Director of Finance and Administrative Services at (951) 845-9581.

Respectfully,

Yolanda Rodriguez
Director of Finance & Administrative Services

DATED: March 3, 2020

ORDINANCE NO. 2007-1

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE
BEAUMONT-CHERRY VALLEY WATER DISTRICT PROVIDING FOR
COMPENSATION OF MEMBERS OF THE
BOARD OF DIRECTORS**

**THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY
WATER DISTRICT, RIVERSIDE COUNTY, CALIFORNIA, DOES ORDAIN as
follows:**

Section 1. Purpose. This Ordinance is enacted pursuant to Section 20200 et seq.
of the Water Code of California.

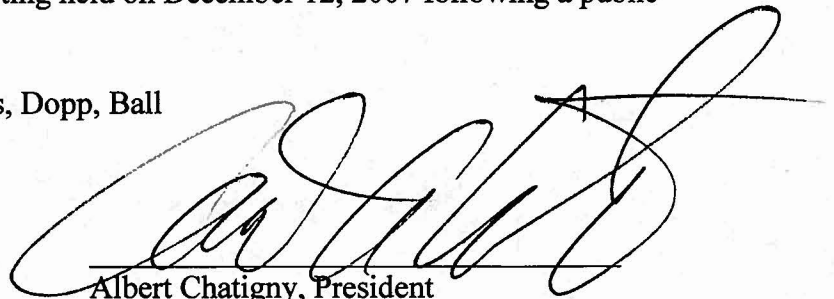
Section 2. Compensation and Operative Date.

A. Each Director shall receive \$200.00 compensation per day for each day's
service rendered at meetings or events specified in the Policy Statement entitled "Board
Member's Compensation and Expense Reimbursement" adopted this same date and as
amended from time to time, not exceeding a total of ten (10) days in any calendar month.


THE FOREGOING ORDINANCE was introduced at a meeting of the Board of
Directors of the Beaumont-Cherry Valley Water District held on December 12, 2007,
following a public hearing, notice of which was published in the Press Enterprise. This
Ordinance takes effect 60 days from and after the date of its passage.

PASSED and ADOPTED by the Board of Directors of the Beaumont-Cherry
Valley Water District at a regular meeting held on December 12, 2007 following a public
hearing by the following vote:

AYES: Chatigny, Parks, Dopp, Ball
NOES: Lash
ABSENT:
ABSTAIN:



Albert Chatigny, President
Beaumont-Cherry Valley Water District and
the Board of Directors thereof



C.J. Butcher, Secretary
Beaumont-Cherry Valley Water District
and the Board of Directors thereof

RESOLUTION 2020-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT IMPLEMENTING A TEMPORARY MEETING TELECONFERENCE POLICY IN RESPONSE TO THE IMPACT OF THE RESPIRATORY ILLNESS PANDEMIC COVID-19

WHEREAS, as the outbreak of respiratory illness COVID-19 as a result of the spread of the novel coronavirus has begun to impact the State of California and nearby communities, the Board of Directors recognizes this disease and the related public health guidelines have a significant impact on operations of the Beaumont-Cherry Valley Water District (BCVWD); and

WHEREAS, on March 18, 2020, pursuant to the BCVWD Policies and Procedures Manual, Section 1E, the General Manager in consultation with the President of the Board of Directors declared a District Emergency pursuant to the Proclamation attached hereto as Exhibit A; and

WHEREAS, on March 4, 2020 California Governor Gavin Newsom declared a state of emergency and implemented strong measures to curtail the spread of the virus and on March 15, 2020 called for the self-isolation of seniors over age 65 and those with chronic conditions; and

WHEREAS, on March 10, 2020 the Riverside County Board of Supervisors ratified a local public health emergency declaration and as of March 18, 2020, there are 779 confirmed cases of COVID-19 in California, including 16 in the Riverside County area and officials expect the number of cases to increase; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, the Board of Directors seeks to adhere to guidelines promulgated by the California Department of Public Health which suggest social distancing of six feet per person at gatherings such as Board meetings, and conducting gatherings only when the activity is essential and cannot be postponed or achieved without gathering; and

WHEREAS, On March 12, 2020, Governor Newsom, via Executive Order N-25-20 suspended statewide Brown Act requirements regarding teleconferencing and provided that a local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comments at a public meeting,

WHEREAS, On March 17, 2020, Governor Newsom, via Executive Order N-29-20 also suspended the statewide Brown Act requirement to provide and ADA publicly accessible location from which members of the public shall have the right to observe and offer public comments at a public meeting so long as the local body provides members of the public to publicly observe and address the meeting telephonically or otherwise electronically; and

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the Beaumont-Cherry Valley Water District Policies and Procedures Manual Part II is hereby revised and amended to include the Temporary Meeting Teleconference Policy attached herewith as Exhibit B. This policy will remain in effect until the Board of Directors terminates the Local Emergency.

ADOPTED this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Lona Williams, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

APPROVED AS TO FORM:

James Markman, Legal Counsel
To the Beaumont-Cherry Valley Water District

Attachments:

- Exhibit A – General Manager’s Proclamation of a Local Emergency dated March 19, 2020
- Exhibit B – Governor’s Proclamation of a State of Emergency dated March 6, 2020
- Exhibit C – Governor’s Executive Order N-25-20 dated March 12, 2020
- Exhibit D – Governor’s Executive Order N-29-20 dated March 17, 2020

DKJ:lj

PROCLAMATION 2020-01

A PROCLAMATION OF THE GENERAL MANAGER OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT DECLARING A DISTRICT LOCAL EMERGENCY WITHIN THE DISTRICT IN RESPONSE TO THE IMPACT OF THE RESPIRATORY ILLNESS PANDEMIC COVID-19

WHEREAS, the governing body of the District has the authority to proclaim a local emergency; and

WHEREAS, California Government Code Section 3100 states that all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law, and the District needs to provide potable water deemed as an essential public service; and

WHEREAS, pursuant to the BCVWD Policies and Procedures Manual, Section 1E, the General Manager in consultation with the President of the Board of Directors may declare a District Local Emergency when said District is affected or likely to be affected by a public calamity and the Board of Directors is not scheduled to meet in a timely manner; and

WHEREAS, any actions that the District may take to ensure the continuation of critical services to protect the safety of customers and to provide for immunities that will protect the District for actions taken, as covered under the California Emergency Services Act; and

WHEREAS, working with the County of Riverside, this proclamation authorizes the undertaking of powers and invoking and disseminating emergency orders (e.g., emergency orders, emergency spending authorities, emergency or pre-established contracting, order necessary Personal Protective Equipment, recovery, etc.) and regulations necessary to provide for the protection of life, property, and the environment; and

WHEREAS, this proclamation establishes that an emergency exists, and that if mutual aid of in-county resources are needed to assist the District, as covered under the California Master Mutual Aid Agreement and any local agreements to provide mutual aid should be sufficient to establish, and that the Emergency Services Act applies; and

WHEREAS, this proclamation establishes that an emergency exists, and if out-of-county assistance is needed, requests for mutual aid should follow procedures set forth by the Standardized Emergency Management System (SEMS) and the Governor's Office of Emergency Services (CalOES), including obtaining mission numbers through the County of Riverside Emergency Management Department from CalOES for responding agencies. This is particularly important for possible reimbursement of extraordinary expenses in the event of a proclaimed "State of Emergency" or in the event of a presidential declaration of disaster when state or federal disaster relief funds become available; and

WHEREAS, conditions of disaster or of extreme peril to the health and safety of persons and property have arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease which led to California Governor Gavin Newsom, to proclaim a State of Emergency for California on March 4, 2020; and

WHEREAS, currently COVID-19 has spread globally to more than 70 countries, infecting more than 180,000 persons and causing more than 7,100 fatalities worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat this virus; and

WHEREAS, on March 10, 2020 the Riverside County Board of Supervisors ratified a local public health emergency declaration and as of March 15, 2020, there are 779 confirmed cases of COVID-19 in California, including 16 in the Riverside County area, with 3 COVID-19 related deaths, and officials expect the number of cases to increase; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, the City of Beaumont declared a Local Emergency to Protect the Health, Safety and Welfare of residents during the COVID-19 pandemic; and

WHEREAS, the District's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, the ratepayers of the District may experience financial hardship during this pandemic and it is the responsibility of every level of government to protect the public and take the necessary action to eliminate or reduce its expected negative consequences including a moratorium on utility shutoffs; and

WHEREAS, the Beaumont-Cherry Valley Water District has a responsibility to the ratepayers and residents of the District: to provide safe, clean and reliable water, and recognizes this is an essential requirement for public health; and

WHEREAS, per Government Code 8630 a Local Emergency declared by the General Manager shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Board of Directors; and

WHEREAS, after consideration of all facts reasonably available presently for review and all items, the General Manager now desires to proclaim the existence of a state of Local Emergency to make additional resources available to address the effects of COVID-19; and

WHEREAS, the General Manager finds and determines that:

1. COVID-19 may result in serious illness or death and is easily transmissible from person to person; and
2. The conditions of extreme peril to the safety of persons caused by COVID-19 exist and are beyond the control of the services, personnel, equipment and facilities of BCVWD and will require the combined forces of all governmental agencies to appropriately respond, and
3. Preparing for, responding to, mitigating and recovering from the spread of COVID-19 requires the District to divert resources from normal day-to-day operations and has and will continue to impose extraordinary requirements on and expenses to the District, and

4. That resources of the Beaumont-Cherry Valley Water District may be insufficient, and the magnitude of the public health and economic disaster created by COVID-19 may be beyond the capabilities of the District, and
5. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, employment of sufficient personnel, use of mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19, the District may require additional assistance in the future, and proclamation of Local Emergency allows additional resources to flow to the District in a timely manner, and
6. The Board of Directors of the Beaumont-Cherry Valley Water District are not currently meeting and cannot be immediately called into session;

NOW THEREFORE, IT IS HEREBY PROCLAIMED by the General Manager of the Beaumont-Cherry Valley Water District that:

1. A Local Emergency now exists throughout the Beaumont-Cherry Valley Water District, and
2. Staff is directed to implement the District's Emergency Plan as applicable and outlined in the District's Policies and Procedures Manual, Part III, Section 1

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency the powers, functions and duties of the District shall be those prescribed by state law, by ordinances, and resolutions of the Beaumont-Cherry Valley Water District, and that this Local Emergency Proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the Board of Directors of the Beaumont-Cherry Valley Water District and is in effect until rescinded by said Board of Directors.

IT IS FURTHER PROCLAIMED AND ORDERED that all District departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the District's finance department; and complete an Initial Damage Estimate (IDE) Category B, and forward that information to the Riverside County Emergency Management Department (EMD) on a daily basis.

BE IT FURTHER RESOLVED AND ORDERED that a copy of this Proclamation be forwarded to the Riverside County EMD to be forwarded to the Director of the California Governor's Office of Emergency Services.

DATED this 19th day of March, 2020 by:

ATTEST:



Daniel K. Jaggers
General Manager
Beaumont-Cherry Valley Water District



Yolanda Rodriguez
Director of Finance and Administration
Beaumont-Cherry Valley Water District

APPROVED AS TO FORM:

James Markman, Legal Counsel
To the Beaumont-Cherry Valley Water District

Attachments:

- Exhibit A – Governor’s Proclamation of a State of Emergency dated March 6, 2020
- Exhibit B – District Policies and Procedures Manual, Part III, Section 1

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and



WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; 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.

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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

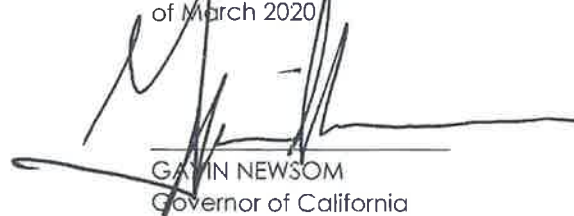
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

1. EMERGENCY PREPAREDNESS

- A. **Policy.** It is the policy of the District to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency and protect the safety of staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency duties.
- B. **Emergency.** Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.
- C. **Emergency Preparedness.** The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally-recognized four (4) phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs incurred during the emergency.
- D. **Standardized Emergency Management System.** The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.
- E. **District Emergency Declaration.** When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within fourteen (14) days at a regular, special or emergency Board meeting.
- F. **Authorization During District Emergencies.** The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts of up to two-hundred fifty thousand dollars (\$250,000), as authorized by Public Contract Code §20567 and §22050.

- G. **Mutual Aid.** The California Master Mutual Aid Agreement (Government Code §8561, §8615, and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.
- H. **Continuity of Management.** The District's emergency plan will list at least two (2) successors to critical staff identified in the plan, including the General Manager. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.
- I. **Status Reports.** In June of each year, the General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within sixty (60) days of the occurrence of a declared District Emergency.

2. EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS

- A. **Purpose of the Policy.** To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents, including possible armed intruders or related threats on District facilities or properties.
- B. **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. In recent time frames, incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer or person known to the agency involved. The person often is upset at an event or person who works at the facility. However, armed intruders can be any variety of persons who have an anger situation affecting one or more staff members or other related persons to the District. Often, incidents involving armed intruders escalate to include multiple persons and potentially taking of hostages, including District customers. Threats of these types and risks are to be considered extreme emergencies and the safety and well being of employees and/or customers is the highest priority.
- C. **Response to an Incident.** Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously for safety purposes. Any Director or staff employee observing or sensing that a violent or hostile situation is occurring should consider taking precautionary and safety actions. Any event resulting in awareness of a possible violent act including possible gunfire, explosion, fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises including but not limited to:

EXHIBIT B -- PROPOSED POLICY

TEMPORARY MEETING TELECONFERENCE POLICY IN RESPONSE TO THE IMPACT OF THE RESPIRATORY ILLNESS PANDEMIC COVID-19

PURPOSE

- To adhere to the Gathering Guidelines promulgated by the California Department of Public Health and protect the health and safety of BCVWD directors, employees and the public while maintaining transparency.
- To maximize the opportunity to limit gatherings by implementing the provisions of Governor Gavin Newsom's Executive Order N-25-20 dated March 12, 2020.

POLICY

1. The Brown Act allows a legislative body to use any type of teleconferencing in connection with any meeting (Government Code § 54953 (b)).
2. Teleconference is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio, or video, or both."
3. Teleconference meetings must be conducted in a manner that protects the statutory and constitutional rights of citizens (Government Code § 54953 (b)(3)).
4. The Governor's Executive Order N-25-20 states:
 - a. A local legislative 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 attend and to address the local legislative body, during the period in which local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events.
 - b. All requirements in 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 waived.
5. In response to the California Public Health Department's Gathering Guidance to use phones, videos, or videoconferencing to reduce the need for close interactions, the Beaumont-Cherry Valley Water District will implement this Temporary Meeting Teleconferencing Policy, effective until the termination of the District's Local Emergency by the Board of Directors or until the provisions under the Governor's Executive Order are no longer in effect.
6. The following components of the Brown Act related to teleconferencing have been ***suspended***:
 - a. Notice of each teleconference location from which a member will be participating in a public meeting.
 - b. Each teleconference location be accessible to the public.

- c. Members of the public may address the body at each teleconference conference location.
 - d. Post agendas at all teleconference locations.
 - e. At least one member of the state body be physically present at the location specified in the notice of the meeting.
 - f. During teleconference meetings, at 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.
7. As urged by the Governor's Executive Order, the BCVWD will "use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of 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 its meetings."

TELECONFERENCE MEETING PROCEDURE

Applicable to any meetings held by BCVWD that are subject to the Brown Act.

Responsible	Step	Action	Notes
Director of Finance and Administration	1	Contact members of the Board of Directors to poll who prefers to use teleconferencing	<ul style="list-style-type: none"> Remind the Board members that all votes must be taken by roll call when teleconferencing is in use. Under the Executive Order, teleconference locations do not have to be posted or accessible to the public, nor does a quorum of members need to be present within the jurisdiction. A Board member may phone in from a location of their convenience.
Information Technology Manager	2	Set up the needed equipment for teleconferencing of the meeting, such as A/V needs and conference call capability	None of the elected officials need be physically present in the Board Room for the meeting. Only essential staff will need to be present to participate. Technology must be available (such as a speakerphone) to enable the public to participate in the meeting.
Administrative Assistant	3	Post proper advance notice of the meeting per Brown Act regulations. Identify that the meeting will make use of Teleconferencing.	List at least one publicly available location from which members of the public shall have the right to observe and offer public comment as provided by the Brown Act and consistent with the Americans with Disabilities Act. This means the Board Room will still be open to the public. Other teleconference locations do not have to be listed specifically.
Administrative Assistant	4	Prepare agenda packets as usual, with fewer paper copies as deemed appropriate	Care must be taken to assure that all materials are clear, readable and available to both those present and

			those teleconferencing. This is part of legal due process under Government Code § 54953 (b)(3). There will be no opportunity to provide handouts to teleconference participants.
Staff	5	Set up the Board Room according to CDC guidelines for social distancing and assure ADA compliance	
Legal Counsel or Director of Finance and Administration	6	At the opening of the meeting, read into the record the documentation (script) regarding the agenda posting, the Governor's Executive Order, setup of teleconference facilities, attendance, and roll calls in compliance with the Brown Act	
Director of Finance and Administration	7	Remind Board members that all votes must be taken by roll call.	
Information Technology Manager	8	Assure that any teleconferencing of Closed Session is not available to the public and non-essential staff	Consider delaying any closed session items to a meeting when all Board members are physically present.

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-25-20

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 remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; 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, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, 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 attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. 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, on the conditions that:

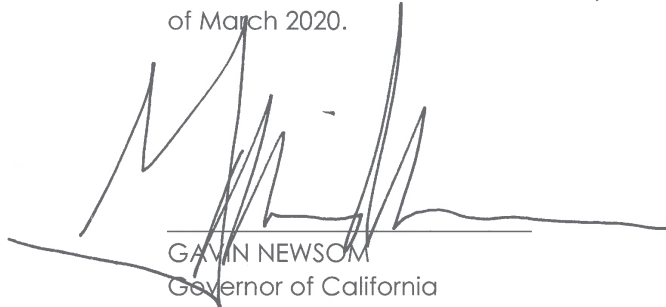
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, 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 12th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**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, at 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.

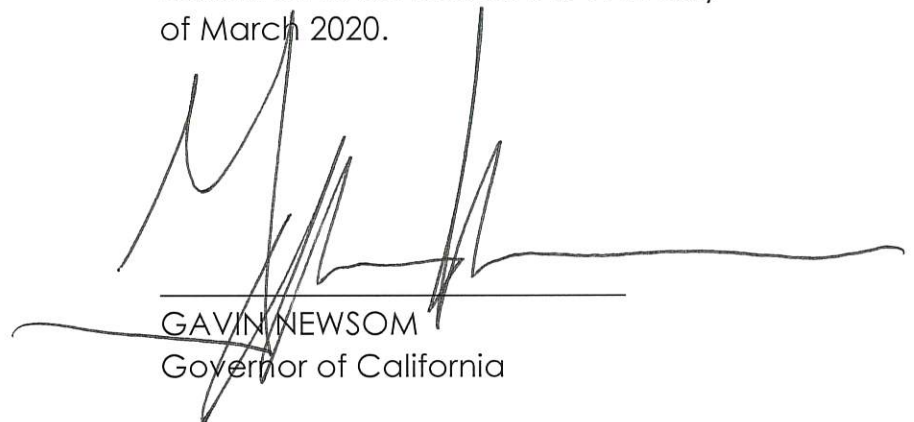
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

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.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

RESOLUTION 2020-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT RATIFYING AND PROCLAIMING A DISTRICT LOCAL EMERGENCY IN RESPONSE TO THE IMPACT OF THE RESPIRATORY ILLNESS PANDEMIC COVID-19

WHEREAS, the governing body of the District has the authority to proclaim a local emergency; and

WHEREAS, California Government Code Section 3100 states that all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law, and the District needs to provide potable water deemed as an essential public service; and

WHEREAS, pursuant to the BCVWD Policies and Procedures Manual, Section 1E, the General Manager in consultation with the President of the Board of Directors may declare a District Local Emergency when said District is affected or likely to be affected by a public calamity and the Board of Directors is not scheduled to meet in a timely manner; and

WHEREAS, any actions that the District may take to ensure the continuation of critical services to protect the safety of customers and to provide for immunities that will protect the District for actions taken, as covered under the California Emergency Services Act; and

WHEREAS, working with the County of Riverside, this proclamation authorizes the undertaking of powers and invoking and disseminating emergency orders (e.g., emergency orders, emergency spending authorities, emergency or pre-established contracting, order necessary Personal Protective Equipment, recovery, etc.) and regulations necessary to provide for the protection of life, property, and the environment; and

WHEREAS, this proclamation establishes that an emergency exists, and that if mutual aid of in-county resources are needed to assist the District, as covered under the California Master Mutual Aid Agreement and any local agreements to provide mutual aid should be sufficient to establish, and that the Emergency Services Act applies; and

WHEREAS, this proclamation establishes that an emergency exists, and if out-of-county assistance is needed, requests for mutual aid should follow procedures set forth by the Standardized Emergency Management System (SEMS) and the Governor's Office of Emergency Services (CalOES), including obtaining mission numbers through the County of Riverside Emergency Management Department from CalOES for responding agencies. This is particularly important for possible reimbursement of extraordinary expenses in the event of a proclaimed "State of Emergency" or in the event of a presidential declaration of disaster when state or federal disaster relief funds become available; and

WHEREAS, conditions of disaster or of extreme peril to the health and safety of persons and property have arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease which led to California Governor Gavin Newsom, to proclaim a State of Emergency for California on March 4, 2020; and

WHEREAS, currently COVID-19 has spread globally to more than 70 countries, infecting more than 180,000 persons and causing more than 7,100 fatalities worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat this virus; and

WHEREAS, on March 10, 2020 the Riverside County Board of Supervisors ratified a local public health emergency declaration and as of March 15, 2020, there are 779 confirmed cases of COVID-19 in California, including 16 in the Riverside County area, with 3 COVID-19 related deaths, and officials expect the number of cases to increase; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, the City of Beaumont declared a Local Emergency to Protect the Health, Safety and Welfare of residents during the COVID-19 pandemic; and

WHEREAS, the District's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, the ratepayers of the District may experience financial hardship during this pandemic and it is the responsibility of every level of government to protect the public and take the necessary action to eliminate or reduce its expected negative consequences including a moratorium on utility shutoffs; and

WHEREAS, the Board of Directors of the Beaumont-Cherry Valley Water District restates its responsibility to the ratepayers and residents of the District: to provide safe, clean and reliable water, and recognizes this is an essential requirement for public health; and

WHEREAS, the Board of Directors finds and determines that:

1. The conditions of extreme peril to the safety of persons caused by COVID-19 exist and are beyond the control of the services, personnel, equipment and facilities of BCVWD and will require the combined forces of all governmental agencies to appropriately respond, and
2. Preparing for, responding to, mitigating and recovering from the spread of COVID-19 requires the District to divert resources from normal day-to-day operations and has and will continue to impose extraordinary requirements on and expenses to the District, and
3. That resources of the Beaumont-Cherry Valley Water District may be insufficient, and the magnitude of the public health and economic disaster created by COVID-19 may be beyond the capabilities of the District, and
4. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, employment of sufficient personnel, use of mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19, the District may require additional assistance in the future, and proclamation of Local Emergency allows additional resources to flow to the District in a timely manner

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that:

1. The Board of Directors hereby ratifies and proclaims that a Local Emergency now exists throughout the Beaumont-Cherry Valley Water District, and
2. The Board of Directors hereby directs staff to implement its Emergency Plan as applicable and outlined in the District's Policies and Procedures Manual, Part III, Section 1, and
3. The Board of Directors hereby directs staff to request concurrence in local emergency by the State Director of the Office of Emergency Services and to notify the Cal-OES Southern Region Administrator of this proclamation of local emergency; and
4. The Board of Directors hereby suspends its rules and policies regarding personnel and procurement to the extent necessary within the law to allow full and expedited response to any unforeseen emergency situations to address the effects of COVID-19 to protect public health, District employees, and District facilities; and
5. The Board of Directors hereby suspends the District's Rules and Regulations, Part 6 – Customer Account Billing and Collections as detailed in Exhibit B; and
6. The Board of Directors hereby authorizes the General Manager or his designee to request or provide Mutual Aid assistance per the District's Policies and Procedures Manual, Part III, Section 1G
7. The Board of Directors hereby directs staff to provide a review of this Local Emergency proclamation at every regularly scheduled Board of Directors meeting until terminated, with no review to exceed 21 days from the last review.

IT IS FURTHER RESOLVED AND ORDERED that during the existence of said Local Emergency the powers, functions and duties of the District shall be those prescribed by state law, by ordinances, and resolutions of the Beaumont-Cherry Valley Water District, and that this Local Emergency Proclamation is in effect until rescinded by the Board of Directors of the Beaumont-Cherry Valley Water District.

BE IT FURTHER RESOLVED AND ORDERED that a copy of this Proclamation be forwarded to the Riverside County EMD to be forwarded to the Director of the California Governor's Office of Emergency Services.

ADOPTED this _____ day of _____, 2020 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Lona Williams, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

APPROVED AS TO FORM:

James Markman, Legal Counsel
To the Beaumont-Cherry Valley Water District

Attachments:

- Exhibit A – General Manager’s Proclamation of a Local Emergency dated March 19, 2020
- Exhibit B – Governor’s Proclamation of a State of Emergency dated March 6, 2020

DKJ:ljc

PROCLAMATION 2020-01

A PROCLAMATION OF THE GENERAL MANAGER OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT DECLARING A DISTRICT LOCAL EMERGENCY WITHIN THE DISTRICT IN RESPONSE TO THE IMPACT OF THE RESPIRATORY ILLNESS PANDEMIC COVID-19

WHEREAS, the governing body of the District has the authority to proclaim a local emergency; and

WHEREAS, California Government Code Section 3100 states that all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law, and the District needs to provide potable water deemed as an essential public service; and

WHEREAS, pursuant to the BCVWD Policies and Procedures Manual, Section 1E, the General Manager in consultation with the President of the Board of Directors may declare a District Local Emergency when said District is affected or likely to be affected by a public calamity and the Board of Directors is not scheduled to meet in a timely manner; and

WHEREAS, any actions that the District may take to ensure the continuation of critical services to protect the safety of customers and to provide for immunities that will protect the District for actions taken, as covered under the California Emergency Services Act; and

WHEREAS, working with the County of Riverside, this proclamation authorizes the undertaking of powers and invoking and disseminating emergency orders (e.g., emergency orders, emergency spending authorities, emergency or pre-established contracting, order necessary Personal Protective Equipment, recovery, etc.) and regulations necessary to provide for the protection of life, property, and the environment; and

WHEREAS, this proclamation establishes that an emergency exists, and that if mutual aid of in-county resources are needed to assist the District, as covered under the California Master Mutual Aid Agreement and any local agreements to provide mutual aid should be sufficient to establish, and that the Emergency Services Act applies; and

WHEREAS, this proclamation establishes that an emergency exists, and if out-of-county assistance is needed, requests for mutual aid should follow procedures set forth by the Standardized Emergency Management System (SEMS) and the Governor's Office of Emergency Services (CalOES), including obtaining mission numbers through the County of Riverside Emergency Management Department from CalOES for responding agencies. This is particularly important for possible reimbursement of extraordinary expenses in the event of a proclaimed "State of Emergency" or in the event of a presidential declaration of disaster when state or federal disaster relief funds become available; and

WHEREAS, conditions of disaster or of extreme peril to the health and safety of persons and property have arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease which led to California Governor Gavin Newsom, to proclaim a State of Emergency for California on March 4, 2020; and

WHEREAS, currently COVID-19 has spread globally to more than 70 countries, infecting more than 180,000 persons and causing more than 7,100 fatalities worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat this virus; and

WHEREAS, on March 10, 2020 the Riverside County Board of Supervisors ratified a local public health emergency declaration and as of March 15, 2020, there are 779 confirmed cases of COVID-19 in California, including 16 in the Riverside County area, with 3 COVID-19 related deaths, and officials expect the number of cases to increase; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, the City of Beaumont declared a Local Emergency to Protect the Health, Safety and Welfare of residents during the COVID-19 pandemic; and

WHEREAS, the District's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, the ratepayers of the District may experience financial hardship during this pandemic and it is the responsibility of every level of government to protect the public and take the necessary action to eliminate or reduce its expected negative consequences including a moratorium on utility shutoffs; and

WHEREAS, the Beaumont-Cherry Valley Water District has a responsibility to the ratepayers and residents of the District: to provide safe, clean and reliable water, and recognizes this is an essential requirement for public health; and

WHEREAS, per Government Code 8630 a Local Emergency declared by the General Manager shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Board of Directors; and

WHEREAS, after consideration of all facts reasonably available presently for review and all items, the General Manager now desires to proclaim the existence of a state of Local Emergency to make additional resources available to address the effects of COVID-19; and

WHEREAS, the General Manager finds and determines that:

1. COVID-19 may result in serious illness or death and is easily transmissible from person to person; and
2. The conditions of extreme peril to the safety of persons caused by COVID-19 exist and are beyond the control of the services, personnel, equipment and facilities of BCVWD and will require the combined forces of all governmental agencies to appropriately respond, and
3. Preparing for, responding to, mitigating and recovering from the spread of COVID-19 requires the District to divert resources from normal day-to-day operations and has and will continue to impose extraordinary requirements on and expenses to the District, and

4. That resources of the Beaumont-Cherry Valley Water District may be insufficient, and the magnitude of the public health and economic disaster created by COVID-19 may be beyond the capabilities of the District, and
5. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, employment of sufficient personnel, use of mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19, the District may require additional assistance in the future, and proclamation of Local Emergency allows additional resources to flow to the District in a timely manner, and
6. The Board of Directors of the Beaumont-Cherry Valley Water District are not currently meeting and cannot be immediately called into session;

NOW THEREFORE, IT IS HEREBY PROCLAIMED by the General Manager of the Beaumont-Cherry Valley Water District that:

1. A Local Emergency now exists throughout the Beaumont-Cherry Valley Water District, and
2. Staff is directed to implement the District's Emergency Plan as applicable and outlined in the District's Policies and Procedures Manual, Part III, Section 1

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency the powers, functions and duties of the District shall be those prescribed by state law, by ordinances, and resolutions of the Beaumont-Cherry Valley Water District, and that this Local Emergency Proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the Board of Directors of the Beaumont-Cherry Valley Water District and is in effect until rescinded by said Board of Directors.

IT IS FURTHER PROCLAIMED AND ORDERED that all District departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the District's finance department; and complete an Initial Damage Estimate (IDE) Category B, and forward that information to the Riverside County Emergency Management Department (EMD) on a daily basis.

BE IT FURTHER RESOLVED AND ORDERED that a copy of this Proclamation be forwarded to the Riverside County EMD to be forwarded to the Director of the California Governor's Office of Emergency Services.

DATED this 19th day of March, 2020 by:

ATTEST:



Daniel K. Jaggers
General Manager
Beaumont-Cherry Valley Water District



Yolanda Rodriguez
Director of Finance and Administration
Beaumont-Cherry Valley Water District

APPROVED AS TO FORM:

**James Markman, Legal Counsel
To the Beaumont-Cherry Valley Water District**

Attachments:

- **Exhibit A – Governor’s Proclamation of a State of Emergency dated March 6, 2020**
- **Exhibit B – District Policies and Procedures Manual, Part III, Section 1**

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; 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.

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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

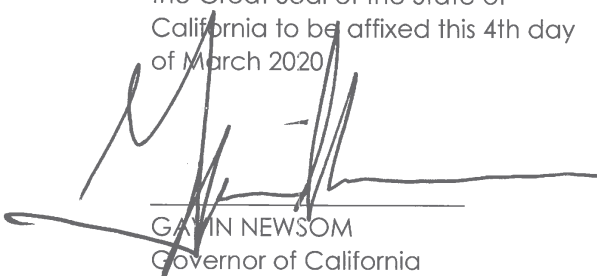
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

1. EMERGENCY PREPAREDNESS

- A. **Policy.** It is the policy of the District to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency and protect the safety of staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency duties.
- B. **Emergency.** Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.
- C. **Emergency Preparedness.** The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally-recognized four (4) phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs incurred during the emergency.
- D. **Standardized Emergency Management System.** The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.
- E. **District Emergency Declaration.** When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within fourteen (14) days at a regular, special or emergency Board meeting.
- F. **Authorization During District Emergencies.** The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts of up to two-hundred fifty thousand dollars (\$250,000), as authorized by Public Contract Code §20567 and §22050.

- G. **Mutual Aid.** The California Master Mutual Aid Agreement (Government Code §8561, §8615, and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.
- H. **Continuity of Management.** The District's emergency plan will list at least two (2) successors to critical staff identified in the plan, including the General Manager. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.
- I. **Status Reports.** In June of each year, the General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within sixty (60) days of the occurrence of a declared District Emergency.

2. EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS

- A. **Purpose of the Policy.** To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents, including possible armed intruders or related threats on District facilities or properties.
- B. **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. In recent time frames, incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer or person known to the agency involved. The person often is upset at an event or person who works at the facility. However, armed intruders can be any variety of persons who have an anger situation affecting one or more staff members or other related persons to the District. Often, incidents involving armed intruders escalate to include multiple persons and potentially taking of hostages, including District customers. Threats of these types and risks are to be considered extreme emergencies and the safety and well being of employees and/or customers is the highest priority.
- C. **Response to an Incident.** Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously for safety purposes. Any Director or staff employee observing or sensing that a violent or hostile situation is occurring should consider taking precautionary and safety actions. Any event resulting in awareness of a possible violent act including possible gunfire, explosion, fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises including but not limited to:

RESOLUTION 2020-__

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
IMPLEMENTING TEMPORARY
POLICIES, ACTIONS AND MEASURES IN RESPONSE TO THE
DISTRICT LOCAL EMERGENCY REGARDING THE RESPIRATORY ILLNESS PANDEMIC
COVID-19**

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, as the outbreak of respiratory illness COVID-19 as a result of the spread of the novel coronavirus has begun to impact the State of California and nearby communities, the Board of Directors recognizes this disease and the related public health guidelines have a significant impact on operations of the Beaumont-Cherry Valley Water District (BCVWD); and

WHEREAS, the Board of Directors seeks to adhere to guidelines promulgated by the California Department of Public Health which suggest social distancing of six feet per person at gatherings such as Board meetings, and conducting gatherings only when the activity is essential and cannot be postponed or achieved without gathering; and

WHEREAS, given these guidelines, staff has recommended for adoption the proposed emergency measures as outlined in Exhibit A which temporarily revise and amend the BCVWD Policies and Procedures Manual due to COVID-19 Coronavirus; and

WHEREAS, the Board of Directors finds and determines that COVID-19 may result in serious illness or death and is easily transmissible from person to person and therefore extraordinary measures may be necessary to protect its employees and public health; and

WHEREAS, the Board of Directors has reviewed and considered the said temporary measures to the BCVWD Policies and Procedures Manual attached as Exhibit A, and finds the policies relevant and acceptable, and deems said policies to be in the best interest of the District,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the Beaumont-Cherry Valley Water District Policies and Procedures Manual is hereby revised and amended to adopt the temporary emergency measures attached as Exhibit A, provided that if any provision contained in Exhibit A to this Resolution is in conflict with then current state or federal legislative or case law, that legislative or case law shall prevail and shall be followed.

ADOPTED this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

//
//
//
//

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment: EXHIBIT A - BCVWD Policies and Procedures Manual – Part II Revision



BEAUMONT-CHERRY VALLEY WATER DISTRICT

EXHIBIT A

TEMPORARY POLICIES, ACTIONS AND MEASURES

The following shall be temporarily implemented due to the COVID-19 Coronavirus pandemic.

1. The main office facility shall be closed to the public and reassessed on a week-by-week basis by the General Manager and the President of the Board of Directors. The BCVWD website will list office hours and closure information for ratepayers.
2. The General Manager shall have authority to furlough non-essential employees to minimize exposure to ongoing risk, and to comply with local health department requirements.
3. All employees may be eligible for paid Emergency Leave due to COVID-19 Coronavirus of up to 140 hours for full time employees (and proportionate leave for part-time employees) to be approved on a case-by-case basis by Human Resources and the General Manager. This leave would be triggered by the following employee events:
 - a. Lack of childcare due to school closure
 - b. Employee or family¹ member sick or displaying respiratory symptoms
 - c. Unable to work due to Quarantine conditions
 - d. Family² Emergency due to COVID-19 Coronavirus
 - e. Doctor mandated time off work due to COVID-19 Coronavirus
 - f. Employees furloughed (sent home) due to COVID-19 Coronavirus
4. Telework/Telecommuting will be instituted for District employees, such as department heads and various essential staff, in order to maintain the health of essential staff.
5. Telework/Telecommuting will be instituted for vulnerable employees (as determined confidentially by Human Resources) who may have medical conditions that would increase the severity of COVID-19 Coronavirus.
6. At the discretion of the General Manager, field staff will deploy from their home rather than the field office in order to facilitate social distancing and maintain water operations.

These temporary measures will be in effect until terminated by the Board of Directors or the termination of the Local District Emergency, whichever occurs first.

Approved and Adopted by the Board of Directors on (DATE)

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Daniel K. Jagers
General Manager of the
Beaumont-Cherry Valley Water District

¹ "Family" is defined in the BCVWD Policies and Procedures Manual, Part I, Section 24: Sick Leave.

² "Family" is defined in the BCVWD Policies and Procedures Manual, Part I, Section 24: Sick Leave.

RESOLUTION 2020-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT APPROVING TEMPORARY REGULATIONS REGARDING CUSTOMER ACCOUNT BILLING AND COLLECTIONS IN RESPONSE TO THE DISTRICT LOCAL EMERGENCY REGARDING THE RESPIRATORY ILLNESS PANDEMIC COVID-19

WHEREAS, at its meeting on December 18, 2019, the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2019-17, establishing SB 998-compliant revisions to the District's Regulations Governing Water Service – Part 6: Customer Account Billing and Collections; and

WHEREAS, as the outbreak of respiratory illness COVID-19 as a result of the spread of the novel coronavirus has begun to impact the State of California and nearby communities, the Board of Directors recognizes this disease and the related public health guidelines have a significant impact on operations of the Beaumont-Cherry Valley Water District (BCVWD); and

WHEREAS, on March 19, 2020, pursuant to the BCVWD Policies and Procedures Manual, Section 1E, the General Manager in consultation with the President of the Board of Directors declared a District Emergency pursuant to the Proclamation attached hereto as Exhibit B; and

WHEREAS, on March 4, 2020 California Governor Gavin Newsom declared a state of emergency and implemented strong measures to curtail the spread of the virus including provision of assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 advising that many Californians are experiencing substantial losses of income and requesting the California Public Utilities Commission to monitor measures undertaken by public utility providers to implement customer service protections for water utilities in response to COVID-19 ; and

WHEREAS, numerous public water utilities are instituting ratepayer protections; and

WHEREAS, the Board of Directors finds and determines that:

- a. COVID-19 may result in serious illness or death and is easily transmissible from person to person and therefore extraordinary measures may be necessary to protect District employees and public health; and
- b. Certain portions of the existing Regulations Governing Water Service – Part 6: Customer Account Billing and Collections should be temporarily altered to alleviate ratepayer hardship and provide for employee safety due to the COVID-19 pandemic; and
- c. The recommended temporary Regulations continue to comply with the mandates set forth by SB 998 and comport with the Governor's Executive Order N-28-20; and

WHEREAS, the Board of Directors has reviewed and considered the temporary Regulations, finds them relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken:

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

1. The applicable portions of the BCVWD Regulations Governing Water Service, Part 6 are hereby temporarily superseded by the measures outlined in the attached Exhibit A,
2. These temporary Regulations Governing Water Service will be in effect until the termination of the District Local Emergency as declared by the Board of Directors.

ADOPTED this _____ day of _____, 2020 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

Director Lona Williams, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

APPROVED AS TO FORM:

James Markman, Legal Counsel
To the Beaumont-Cherry Valley Water District

Attachments:

- Exhibit A – Temporary Regulations Regarding Customer Account Billing and Collections
- Exhibit B – General Manager’s Proclamation of a Local Emergency dated March 19, 2020
- Exhibit C – Governor’s Executive Order N-28-20

DKJ:lj



BEAUMONT-CHERRY VALLEY WATER DISTRICT

EXHIBIT A

TEMPORARY REGULATIONS REGARDING CUSTOMER ACCOUNT BILLING AND COLLECTIONS

The following measures pursuant to the District's Regulations Governing Water Service – Part 6: Customer Account Billing and Collections shall be temporarily implemented due to the COVID-19 Coronavirus pandemic:

1. The main office facility shall be closed to the public and reassessed on a week-by-week basis by the General Manager and President of the Board of Directors. The BCVWD website will list office hours and closure information for ratepayers.
2. During the District Local Emergency, the on-line and phone payment fee of \$1.75 shall be suspended for all ratepayers while the main office facility is closed to the public.
3. PAYMENT OF BILLS:
 - a. During the period of District Local Emergency, the payment grace period shall be extended to 60 days. No unpaid balance will be considered past due or delinquent until the 61st day of non-payment.
 - b. No penalties will be imposed on past due or delinquent balances until after 90 days of non-payment.
4. LATE FEES
 - a. No late fees shall be charged during the period of District Local Emergency.
 - b. Late fees will begin to accrue in accordance with the provisions set forth in Regulations Governing Water Service – Part 6: Customer Account Billing and Collections following the termination of the District Local Emergency.
5. DISCONNECTION
 - a. No water service will be disconnected during the period of District Local Emergency.

These temporary Regulations are fully in compliance with SB 998 and comport with the Governor's Executive Order N-28-20 dated March 16, 2020.

These temporary measures supersede the provisions in the BCVWD Regulations Governing Water Service – Part 6: Customer Account Billing and Collections and will be in effect until terminated or re-evaluated by the Board of Directors or the termination of the District Local Emergency, whichever occurs first.

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-28-20

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 remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

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) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

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.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



**Beaumont-Cherry Valley Water District
Regular Board Meeting
March 26, 2020**

Item 6

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Ratification of the General Manager's Declaration of a District Emergency regarding Necessary Immediate Repairs to Well 21

Staff Recommendation

Ratify the General Manager's Declaration of a District Emergency to address the necessary immediate repairs to Well 21 in accordance with the District's Policy and Procedures.

Background

At the March 11, 2020 Regular Board meeting, District staff informed the Board that Well 21 had been experiencing excessive vibration (i.e. higher than normal). Staff performed vibration testing and determined that a significant increase in Well 21's historical vibration was present. District staff therefore shut the pumping unit down and identified Well 21 as "Out of Service" and in need of repair.

Due to the Novel Coronavirus (COVID-19), the uncertainties of this pandemic, and the possibility that the work pool and or materials and equipment supplies may be depleted in the coming months when temperatures and demands will increase, District management staff has identified the repair of Well 21 constitutes an "Emergency Condition" for the District.

The District's Policies and Procedures Manual, Part III, Sections 1B, 1E and 1F provide procedures to address emergencies, including water supply:

B. Emergency. Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.

E. District Emergency Declaration. When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within fourteen (14) days at a regular, special or emergency Board meeting.

F. Authorization During District Emergencies. The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and



enter into emergency contracts of up to \$250,000, as authorized by Public Contract Code §20567 and §22050.

In addition, the Policies and Procedures Manual Part III, Section 17J – Purchasing Policy, contains procedures for Emergency Purchases:

J. Emergency Purchases. Emergency purchases may be made without competitive bidding when unforeseen circumstances present an immediate risk of:

- *Harm or hazard to the public health, safety and welfare;*
- *Damage to District property; or*
- *Serious interruption of District essential services*

Since emergency purchases do not normally provide the District an opportunity to obtain competitive quotes, sound judgment shall be used in keeping such orders to an absolute minimum. And,

Emergency purchases at Level 5 (more than \$25,000) require notification of the General Manager within 24 hours. The General Manager will notify the President and/or Vice President of the Board of Directors within an additional 24 hours.

Staff will solicit at least three (3) informal bids from the responsive bidders from the District's most recent well projects.

Fiscal Impact

Funds are available from the Capital Replacement Reserve for completion of this work.



**Beaumont-Cherry Valley Water District
Regular Board Meeting
March 26, 2020**

Item 7

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: **Authorize the General Manager to Award a Contract to Red Hawk Services, Inc. in an Amount Not to Exceed \$92,566.00 for the Noble Creek Recharge Facility Phase I Fencing Project**

Staff Recommendation

Authorize the General Manager to enter into a contract with Red Hawk Services, Inc. for Bid Schedule 1A for an amount not to exceed \$92,566.00 (including contingency) to construct approximately 2,730 linear feet of six-foot high (6') galvanized chain link fencing (without 3 strand barbed wire top finish) at the Noble Creek Recharge Facility Phase 1;

Or

Consider alternative fencing option authorization.

Background

The Beaumont-Cherry Valley Water District (BCVWD) Board of Directors and District staff have discussed various options to secure the Noble Creek Recharge Facility Phase 1 (NCRF PH I), located on the east side of Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard. The overall NCRF is approximately 82 acres, of which Phase I is approximately 28.5 acres with Phase 2 consisting of approximately 53.5 acres.

The Phase I facility was constructed in 2006 and intended to allow day use with a "community park" purpose. The facility is currently open to the public from sunrise to sunset with an open space parking area and trails between and along the sides of the recharge ponds, however, there is 24-hour access to the public via foot traffic. Additionally, NCRF PH I has a white split-rail vinyl fence around the perimeter of the percolation ponds and the property.

Noble Creek bisects the Phase I and Phase 2 facilities with Phase 2 being on the east side of the creek and constructed in 2014. The Phase 2 facility has a 6' galvanized chain link fence around its perimeter and does not allow access to the public. See Figure 1 for the Project Site Map.

District staff prepared and issued contract documents for proposed fencing options to be constructed along the perimeter of NCRF PH I for the frontage on Beaumont Avenue and Cherry Valley Boulevard on February 13, 2020. The fencing Bid Schedule options identified three (3) different fence options; galvanized, extruded bonded, and fused bonded (1, 2, and 3 respectively). For each fence type, the contract bid documents also detailed a 6' and 8' high option for each fence type (1A, 1B, 2A, 2B, 3A, and 3B respectively). A non-mandatory pre-bid meeting was held on February 25, 2020 with an addendum to the contract documents issued on March 5, 2020. Bids were due to be submitted on March 11, 2020 and the District received two (2) bids. The bids



received were from Red Hawk Services, Inc. and Fence Corp, Inc. Each company is relatively local with Red Hawk Services, Inc. located in Perris and Fence Corp, Inc. located in Riverside.

Summary

Tables 1, 2, and 3 set forth bids received for each Bid Schedule separated by fence material option and height:

Table 1

Noble Creek Recharge Facility Phase I Fencing					
<i>Bid Schedule 1 - Galvanized Chain Link Fence</i>					
Bidder	Base Bid Schedule 1A (6 FT)	Base Bid Schedule 1B (8 FT)	Additive Bid (3-Strand Barbed Wire)	Total Bid Schedule 1A	Total Bid Schedule 1B
Red Hawk Services, Inc.	\$76,919.15	\$95,678.94	\$7,231.58	\$84,150.73	\$102,910.52
Fence Corp, Inc.	\$89,555.60	\$98,621.76	\$6,642.16	\$96,197.76	\$105,263.92

Table 2

Noble Creek Recharge Facility Phase I Fencing					
<i>Bid Schedule 2 - Extruded Bonded Chain Link Fence</i>					
Bidder	Base Bid Schedule 2A (6 FT)	Base Bid Schedule 2B (8 FT)	Additive Bid (3-Strand Barbed Wire)	Total Bid Schedule 2A	Total Bid Schedule 2B
Red Hawk Services, Inc.	\$88,593.24	\$121,269.17	\$10,943.00	\$99,536.24	\$132,212.17
Fence Corp, Inc.	\$98,621.76	\$122,862.56	\$6,642.16	\$105,263.92	\$129,504.72

Table 3

Noble Creek Recharge Facility Phase I Fencing					
<i>Bid Schedule 3 - Extruded Bonded Chain Link Fence</i>					
Bidder	Base Bid Schedule 3A (6 FT)	Base Bid Schedule 3B (8 FT)	Additive Bid (3-Strand Barbed Wire)	Total Bid Schedule 3A	Total Bid Schedule 3B
Red Hawk Services, Inc.	\$102,043.67	\$129,605.13	\$10,943.00	\$112,986.67	\$140,548.13
Fence Corp, Inc.	\$92,214.12	\$113,499.44	\$6,642.16	\$98,856.28	\$120,141.60

District staff further identifies that the galvanized fencing material used to enclose nearby surrounding establishments (including the recently completed San Geronimo Pass Water Agency Recharge Facility), District staff is recommending the Board of Directors consider approving the 6' galvanized chain link fencing option for the NCRF PH I facility. Table 4 below sets forth associated costs to enter into contract with Red Hawk Services, Inc. to proceed with fencing installation per Base Bid Schedule 1A. Said work includes a 10% contingency.



Table 4

Item	Description	Base Amount (Basis of Award)
1	Base Bid Work (Installation of 6' High Chain Link Fencing, Access Gates, and Appurtenances (with barbed wire)	\$84,150.73
	Contingency (10%)	\$8,415.07
Total Requested Contract Amount		\$92,566.00

It should be further noted that barbed wire top finish is part of the Staff recommended fencing option.

Fiscal Impact

The fiscal impact to the District for this project will be an amount not to exceed \$92,566.00, as set forth in Tables 4. This not-to-exceed amount includes additional funds to provide approximately 10% contingencies for construction related costs.

While the Noble Creek Recharge Facility – Phase I Fencing Project is not part of the District's 2020 Operating/Capital Budget, funds are available from the Capital Replacement Reserve budget for completion of this work.

Attachment(s)

Attachment 1 – Project Location Map

Attachment 2 – District Approved Project Plans



Attachment 1 Project Location Map



Not to Scale



Attachment 2

District Approved Project Plans

LOCATED WITHIN A PORTION OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 1 WEST, S.B.M.

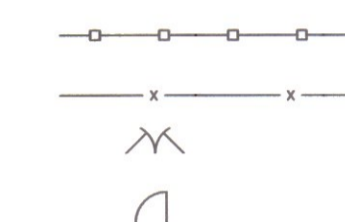


SHEET INDEX



LEGEND

EXIST. CHAINLINK FENCE
PROPOSED CHAINLINK FENCE
PROPOSED DOUBLE SWING GATE
PROPOSED 4' MANGATE



 48 hours **BEFORE** excavation
1-(800)227-2600
CALL Underground Service Alert

BEAUMONT-CHERRY VALLEY WATER DISTRICT					
ENGINEERING					
SYM	REVISIONS			DATE	BY



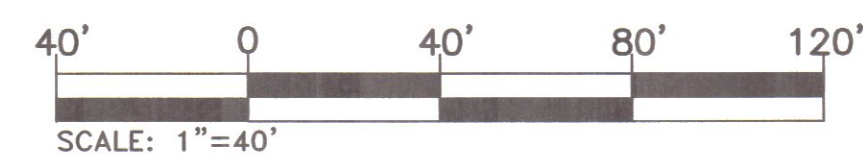
560 Magnolia Ave. • Beaumont, CA. 92223 • 951-845-9581

APPROVED BY _____
REGISTERED ENGINEER No. 72332 DATE 02-13-2020

SCALE	AS NOTED	<div style="text-align: center;"> <h1>BCVWD</h1> <p>NOBLE CREEK RECHARGE FACILITY PHASE I FENCING PLAN</p> <p>TITLE, VICINITY MAP, SHEET INDEX, LEGEND, CONSTRUCTION NOTES</p> </div>	SHEET
FIELD BOOK	N/A		1
DESIGN	DAB		OF 3 SHEETS
DRAWN	DAB		---
CHECKED	MBS/DKJ		FILE NO

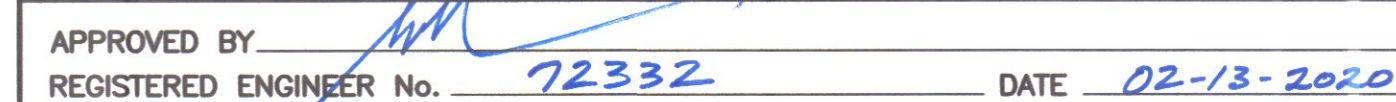
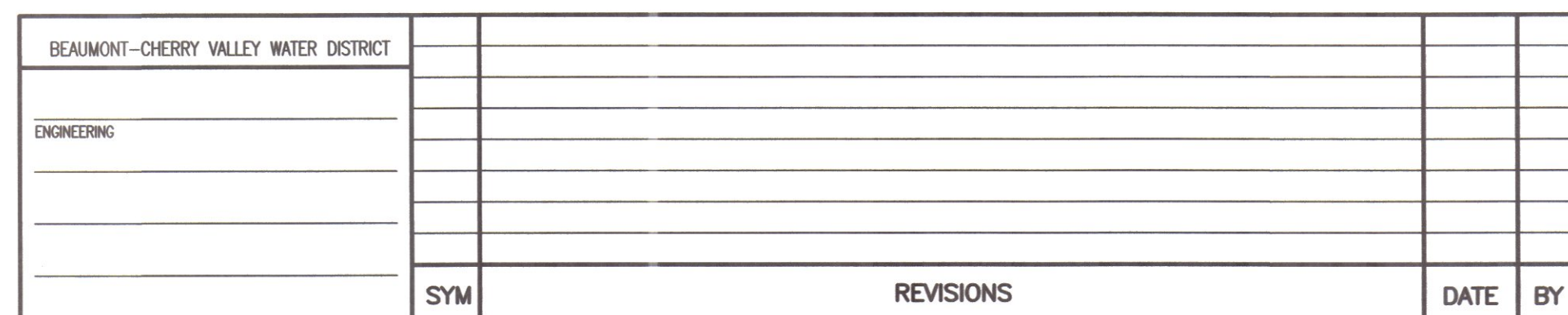
Topographic map showing a proposed road alignment. The alignment is marked with stationing from 15+42 to 28+51. Key features include:

- Matchline:** Located on the left side, labeled "MATCHLINE SEE SHEET 2".
- Stationing:** Marked along the alignment at intervals of 100 feet, with specific points like 15+42, 16+00, 16+29, 16+33, 17+00, 18+00, 18+65, 18+69, 19+00, 20+00, 21+00, 22+00, 22+30, 22+34, 23+00, 24+00, 24+47, 24+51, 25+00, 26+00, 27+00, 27+77, and 28+51.
- Contours:** Shown as brown lines indicating elevation changes.
- Existing Features:**
 - EX. ASPHALT BERM:** Indicated by a line with 'x' marks.
 - EX. CHAIN LINK FENCE:** Indicated by a line with 'o' marks.
- North Arrow:** Located in the bottom right corner, pointing towards the top right.



①	INSTALL 6' HIGH CHAIN LINK FENCE PER BID SCHEDULE
③	INSTALL 4' WIDE CHAIN LINK GATE PER BID SCHEDULE "XX"
④	INSTALL 25' WIDE CHAIN LINK DOUBLE SWING GATE PER BID SCHEDULE "XX" (OPTIONAL 25' WIDE AUTOMATIC ROLLING GATE PER ADDITIVE BID ITEM "XX")

1. DIMENSIONS SHOWN ON PLANS ARE APPROXIMATE.
CONTRACTOR SHALL FIELD VERIFY AND QUOTE FENCING
MATERIALS BASED UPON ACTUAL FIELD MEASUREMENTS.



LE No.