

## **RESOLUTION 2020-17**

### **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 APPLE FIRE**

**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, 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**, 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 within the Counties of Riverside and San Bernardino as a result of the outbreak of the Apple Fire on July 31, 2020 which prompted California Governor Gavin Newsom to request and receive from the Federal Emergency Management Agency (FEMA) a Fire Management Assistance Grant; and

**WHEREAS**, by August 6, 2020 the fire had grown to more than 28,000 acres into the communities of Cherry Valley and Banning and wildlands including sections of District-owned property and



Bogart Park, and is continuing to grow and threaten thousands of homes and structures prompting evacuations and 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; 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 the Apple Fire; and

**WHEREAS**, the ratepayers of the District are likely experiencing financial hardship during this time of the COVID-19 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 assuring the safety of District employees, property and infrastructure to minimize financial impact to the ratepayers; 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 the Apple Fire 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 Apple Fire 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 disaster created by the Apple Fire 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 the Apple Fire, 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 the Apple Fire to protect



public health, District employees, and District facilities; and

5. 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
6. The Board of Directors hereby authorizes the General Manager and Director of Finance and Administrative Services to execute for and on behalf of the Beaumont-Cherry Valley Water District, a public entity established under the laws of the state of California, an application for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act
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 60 days from the last review.

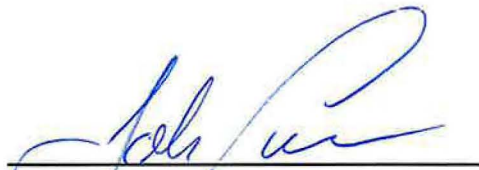
**IT IS FURTHER RESOLVED AND ORDERED** that during the existence of said Local Emergency the powers, functions and duties of the District shall be those prescribed by state law, by ordinances, and resolutions of the Beaumont-Cherry Valley Water District, and that this Local Emergency Proclamation is 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 Emergency Management Department to be forwarded to the Director of the California Governor's Office of Emergency Services.

**ADOPTED** this 12th day of August, 2020 by the following roll call vote:

AYES: Covington, Hoffman, Ramirez, Slawson, Williams  
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:

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



**Attachments:**

- **Exhibit A – General Manager's Proclamation of a State of Emergency dated August 6, 2020**
- **Exhibit B - FEMA Release: FEMA Fire Management Assistance Granted for Apple Fire**
- **Exhibit C - Announcement from the office of Governor Gavin Newsom**

DKJ:ljc





## **PROCLAMATION 2020-02**

### **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 APPLE FIRE**

**WHEREAS**, on Friday, July 31, 2020, a brush fire broke out along Oak Glen Road within the boundaries of the Beaumont-Cherry Valley Water District (BCVWD) and immediately created a significant impact on District operations; and

**WHEREAS**, by August 4, 2020 the fire had grown to more than 26,500 acres into the communities of Cherry Valley and Banning and wildlands including sections of District-owned property and Bogart Park, and is continuing to grow and threaten thousands of homes and structures prompting evacuations and 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; 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 the Apple Fire; 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**, on August 2, 2020, the Governor of California secured a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA) to help ensure the availability of vital resources to suppress the Apple Fire allowing the District to apply for 75 percent reimbursement for its eligible fire suppression costs; and

**WHEREAS**, resources beyond the capability of the District may be necessary to protect its employees and infrastructure and provide mutual aid to assist with firefighting efforts; 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 safety; 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 impacts of the Apple Fire; and

**WHEREAS**, the General Manager finds and determines that:

1. The conditions of extreme peril to the safety of persons and property caused by the Apple Fire exist and are beyond the control of the services, personnel, equipment and facilities of BCVWD and will require the combined forces of many governmental agencies to appropriately respond, and



2. Preparing for, responding to, mitigating and recovering from the Apple Fire 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 are insufficient, and the magnitude of the disaster created by the Apple Fire will likely 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 the Apple Fire, 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
5. 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.

**DATED** this 6 day of August, 2020 by:

**ATTEST:**



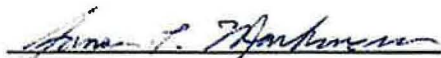
Daniel K. Jaggers, General Manager



Digitally signed by Yolanda Rodriguez  
DN: cn=Yolanda Rodriguez, o=Finance and  
Administration, ou=Finance and Administration,  
email=yolanda.rodriguez@bcvwd.org, c=US  
Date: 2020.08.06 11:41:57 -0700

Yolanda Rodriguez  
Director of Finance and Administration

**APPROVED AS TO FORM:**



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

**Attachments:** FEMA Release: FEMA Fire Management Assistance Granted for Apple Fire  
Announcement from the office of Governor Gavin Newsom





An official website of the United States government  
[Here's how you know](#)



FEMA

## Exhibit B

# FEMA Fire Management Assistance Granted for the Apple Fire

Release Date	Release Number
Aug 3, 2020	RIX-NR-20-31

OAKLAND, Calif. – The Federal Emergency Management Agency (FEMA) has authorized the use of federal funds to assist the State of California in combating the Apple Fire burning in Riverside and San Bernardino counties and the lands of the Morongo Band of Mission Indians.

On Aug. 2, 2020, the State of California submitted a request for a Fire Management Assistance Grant (FMAG) for the Apple Fire. At the time of the request, the fire threatened approximately 3,500 homes in Banning, Oak Glen, Forest Falls, Pioneer Town, and Morongo. The fire also threatened high voltage power lines, fiber optics, and the Banning Heights Watershed area.

The FEMA regional administrator approved the state's request on Aug. 2, 2020, as the fire threatened to become a major incident.

FMAGs provide federal funding for up to 75 percent of eligible firefighting costs. The Disaster Relief Fund provides allowances for FMAGs through FEMA to assist in fighting fires that threaten to cause major disasters. Eligible costs covered by FMAGs can include expenses for field camps, equipment use, materials, supplies and mobilization, and demobilization activities attributed to fighting the fire.

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*FEMA's mission is helping people before, during, and after disasters. Follow FEMA Region 9 online at [twitter.com/femaregion9](https://twitter.com/femaregion9) or view more news releases at [fema.gov/fema-regions/region-ix](https://fema.gov/fema-regions/region-ix).*



# California Secures Federal Assistance to Support Response to Apple Fire in Riverside and San Bernardino Counties

Published: Aug 02, 2020

SACRAMENTO – Governor Gavin Newsom today announced that the state has secured a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency (FEMA) to help ensure the availability of resources to fight the Apple Fire burning in Riverside and San Bernardino counties.

The FMAG will also assist local, state and tribal agencies responding to the fire to apply for 75-percent reimbursement of their eligible fire suppression costs.

The Apple Fire has burned over 20,500 acres of local, state and federal land since it started on July 31, causing mandatory evacuations and threatening homes, businesses and critical infrastructure in Riverside and San Bernardino counties.

The Governor has activated the state's Southern Region Emergency Operations Center in Los Alamitos to coordinate the response to the fire with local, state and federal officials including Cal OES Fire and Rescue, Law Enforcement and Southern Region personnel, CAL FIRE, and others working to address emergency management and mutual aid needs on the ground.

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