

RESOLUTION 2020-20

**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
EL DORADO 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 El Dorado Fire on September 5, 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 September 9, 2020 the fire had grown to more than 11,000 acres into the communities of Cherry Valley, Oak Glen, Forest Falls and wildlands including sections of District-owned property, 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 El Dorado 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 El Dorado 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 El Dorado 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 El Dorado 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 El Dorado 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 9th day of September, 2020 by the following roll call vote:

AYES: Covington, Hoffman, Ramirez, Slawson, Williams
 NOES:
 ABSTAIN:
 ABSENT:



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

ATTEST:


 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 State of Emergency dated September 9, 2020
- Exhibit B - FEMA Release: FEMA Fire Management Assistance Granted for El Dorado Fire
- Exhibit C - Announcement from the office of Governor Gavin Newsom

DKJ:ijk

PROCLAMATION 2020-03

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 EL DORADO FIRE

WHEREAS, on Saturday, September 5, 2020, a brush fire broke out in El Dorado Ranch Park within the boundaries of the Yucaipa Valley Water District (YVWD) and quickly spread to within the boundaries of the Beaumont-Cherry Valley Water District (BCVWD), immediately creating a significant impact on District operations; and

WHEREAS, by September 9, 2020 the fire had grown to more than 11,000 acres into the communities of Cherry Valley, Oak Glen, Forest Falls and wildlands including sections of District-owned property, 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 El Dorado 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 September 8, 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 El Dorado 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 El Dorado 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 El Dorado 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 El Dorado 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 El Dorado 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 09 day of September, 2020 by:

Daniel K. Jaggers Digitally signed by Daniel K. Jaggers
DN: cn=Daniel K. Jaggers, o=Beaumont-Cherry Valley Water District, ou, email=daniel.jaggers@bcvwd.org, c=US
Date: 2020.09.09 14:48:30 -07'00'

Daniel K. Jaggers, General Manager

ATTEST:



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: 2020.09.09 16:38:37 -07'00'

Yolanda Rodriguez
Director of Finance and Administration

APPROVED AS TO FORM:



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: 2020.09.10 09:34:58 -07'00'

authorized for Mr. Markman

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

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

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



Attachment 1

FEMA Fire Management Assistance Granted for the El Dorado Fire

Release Date	Release Number
Sep 8, 2020	RIX-NR-20-46

OAKLAND, Calif. – The Federal Emergency Management Agency (FEMA) has authorized the use of federal funds to assist the state of California in combating the El Dorado Fire burning in San Bernardino County.

On Sept. 6, 2020, the state of California submitted a request for a Fire Management Assistance Grant (FMAG) for the El Dorado Fire. At the time of the request, the fire threatened approximately 3,700 homes around Yucaipa, Oak Glen, Mountain Home and Forest Falls, with mandatory evacuations in place for more than 1,600 people. The fire also threatened a power plant and associated transmission lines.

The FEMA regional administrator approved the state’s request on Sept. 6, 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.

For more information on FMAGs, visit [fema.gov/assistance/public/fire-management-assistance](https://www.fema.gov/assistance/public/fire-management-assistance).

###

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

Last updated Sep 8, 2020

[Accessibility](#) [Accountability](#) [Careers](#) [Contact Us](#) [FOIA](#) [Glossary](#) [No FEAR Act](#)

[Plug-Ins](#) [Privacy](#) [Report Disaster Fraud](#) [Website Information](#) [DHS.gov](#) [USA.gov](#)

[Inspector General](#)



FEMA

Attachment 2

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on September 3, 2020, I proclaimed a State of Emergency for an Extreme Heat Event affecting California, causing near-record temperatures throughout California; and

WHEREAS on September 4, 2020, the Creek Fire began burning in Fresno County, and has since spread into Madera County and is threatening Mariposa County; and

WHEREAS on September 5, 2020, the El Dorado Fire began burning in San Bernardino County and the Valley Fire began burning in San Diego County; and

WHEREAS the Creek, El Dorado, and Valley Fires have collectively burned tens of thousands of acres, destroyed homes and other structures, forced the evacuation of thousands of residents, and continue to threaten homes and critical infrastructure; and

WHEREAS the number of fires actively burning statewide has resulted in a significant strain on California's mutual aid system, making it increasingly difficult for jurisdictions to obtain the necessary in-state and out-of-state firefighting resources to respond to these fires; and

WHEREAS high temperatures and dry conditions are expected to continue, which, combined with extremely dry fuels, will further exacerbate the current wildfire situation in California; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the Creek, El Dorado, and Valley Fires; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the Creek, El Dorado, and Valley Fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and 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 Creek, El Dorado, and Valley Fires; 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 the mitigation of the effects of the Creek, El Dorado, and Valley Fires.

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 Fresno, Madera, and Mariposa counties due to the Creek Fire; in San Bernardino County due to the El Dorado Fire; and in San Diego County due to the Valley Fire.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Governor's Office of Emergency Services shall provide assistance to local governments, if appropriate, 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.
3. As necessary to assist local governments and for the protection of public health and safety, public and private property, and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, equipment, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. 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 these fires.
4. The California National Guard is hereby mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Governor's Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time period beginning September 4, 2020, and ending on the close of business on March 4, 2021, and who are otherwise eligible for unemployment insurance benefits.
6. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of certain fees, are suspended with regard to any request for replacement of a driver's license or identification card, vehicle registration certificate, or certificate of title, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.
7. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are suspended with regard to any registration or transfer of title by any resident who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
8. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are hereby suspended with regard to any request for copies of certificates of birth, death, and marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.
9. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the State Department of Social Services' jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, 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 and shall only be in effect so long as necessary to address the direct impacts of these fires.

10. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the Department of Public Health may waive any of the licensing requirements of Chapters 1 and 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic or health facility identified in Health and Safety Code sections 1200 and 1250 that is impacted by the fires. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of these fires.

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 6th day of September 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State