

RESOLUTION 2023-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL

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, upon review and discussion, the Personnel Committee of the Board of Directors has recommended revisions to the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources consultant; and

WHEREAS, the Board of Directors has reviewed and considered the revisions to the BCVWD Policy and Procedures Manual attached hereto as Exhibits A, B, C, and D, finds the policies relevant and acceptable, and 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 that the BCVWD Policies and Procedures Manual is revised as follows:

The following BCVWD Policy Sections are replaced in entirety with the new policies as listed:

Manual Section	Attachment	Replacement Policy No.	Title
Part 3 Section 19	Exhibit A	5090	Records Retention
Part 4 Section 5	Exhibit B	6025	Public Documents and Public Records Act Requests

The following new policies are added to the Manual:

Attachment	Policy No.	Title
Exhibit C	3230	Workers' Compensation
Exhibit D	3231	Accommodations for Disability

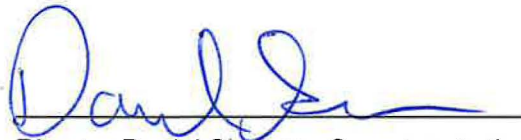
ADOPTED this 14 day of June, 2023, by the following vote:

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

ATTEST:



Director David Hoffman, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Daniel Slawson, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

POLICY TITLE: RECORDS RETENTION
POLICY NUMBER: 5090

5090.1 **Goal.** To provide guidelines to staff regarding the retention or disposal of District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

5090.2 **Definitions.**

5090.2.1 Records. The California Public Records Act (CPRA) (Government Code Section 7920, et al.) defines a public record as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

5090.2.2 Vital Records. Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District. Vital records are listed in Appendix A.

5090.2.3 Non-Records. Material not usually included within the definition of records, such as unofficial copies of documents kept only for convenience or reference, working papers, appointment logs, stocks of publications and processed documents, and library material intended solely for reference or exhibition. This may also include rough notes, calculations or document drafts assembled or created and used in the preparation or analysis of other documents and not kept in the ordinary course of business.

5090.2.5 Transitory Record. Records whose value is comparatively short-lived and should be discarded when they have fulfilled the purpose for which they were created. Examples: copies of reproduced / printed material of general information, originals / copies of documents kept solely for tickler, suspense or follow-up, or duplicates / extra copies of records.

5090.2.6 Records Retention Schedule. The Records Retention Schedule (Appendix B) sets forth the District's legally required records retention schedule governing the retention and authority to destroy official public records.

5090.2.7 Retention Period. The Retention Period is the length of time a record must be retained to fulfill its administrative, fiscal, and/or legal function.

5090.3 **Custodian of Records.** The Director of Finance and Administration is designated the District's Custodian of Records.

5090.4 **Implementation.** The Board of Directors' approval of this Records Retention Policy by Resolution constitutes authority for the General Manager to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below and as per Appendix B, the Records Retention Schedule.

5090.5 **Records Storage Locations.**

- 5090.5.1 Each department head is responsible for the management of department-related files.
- 5090.5.2 The BCVWD hard copy records archive is located in a secure room in the Administration Building (the "Vault.")
- 5090.5.3 Vital Records shall be kept in the Vault.

5090.6 **Authority.** Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, the guidelines prepared by the State Controller's office, and the California Secretary of State Local Government Records Management Guidelines, the following qualifications will govern the retention and disposal of records of the District:

- 5090.6.1 Duplicate. Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.
- 5090.6.2 Recent Documents. Originals of records, papers and documents more than two (2) years old that were prepared or received in any manner other than pursuant to State or Federal statute and would not normally be retained in the District's ordinary course of business may be destroyed without the necessity of copying to photographic or electronic media. (Government Code 60201). However, see Section 60201(d) for specific records which may not be destroyed.
- 5090.6.3 Necessity. In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, developments, etc.
- 5090.6.4 Administrative Value. Those records which document the functions for which the District is responsible and have administrative value as long as they assist the District in performing current or future work, or contain basic facts about the District's origin, policies, functions, organization, and significant administrative decisions.
- 5090.6.5 Legal Value. Records have legal value if they contain evidence of legally enforceable right or obligations, for example legal opinions, fiscal documents representing agreements, leases, titles, contracts, easements, and records of action.
- 5090.6.6 Fiscal Value. Records of fiscal value are those pertaining to the financial transactions of the District such as budgets, ledgers, and payrolls.
- 5090.6.7 Research, Historical, or Archival Value. These records have enduring value because they reflect significant historical events or document the history and development of the District.

5090.7 **Legal Requirements.** Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

5090.7.1 Standard for Unalterable Duplication Is Met. The record, paper or document is scanned, photographed, reproduced or copied to an approved trustworthy electronic media in a manner approved for permanent, unalterable electronic media records by the Association for Information and Image Management (AIIM), and/or the California Code of Regulations and stored and maintained in a safe and separate location. Such duplication must utilize a "trusted system" which means a combination of technologies, policies, and procedures for which there is no plausible scenario in which a public record retrieved from or reproduced by the system could differ substantially from the public record that is originally stored. See Government Code Section 12168.7.

5090.7.2 Accurate Reproduction. The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details;

5090.7.3 Accessible. The photographs, microphotographs, trustworthy electronic records, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

5090.8 Destruction of Records.

5090.8.1 When records not covered by the Vital Records List (Appendix A) or Records Retention Schedule (Appendix B) no longer fulfill the value for which they were created, they should be destroyed unless they have some historic or research significance.

5090.8.2 If a federal or state statute or regulation specifies a longer retention period for any records, the statute or regulation overrides this schedule.

5090.8.3 Unnecessary Records not required by law or the Retention Schedule to be retained for a longer period, and not related to any ongoing District business or transaction, including any real property interest or pending claim or litigation, may be destroyed upon authorization five (5) years after the related event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five (5) years from the end of the fiscal period to which it applies, if not required by law to be further retained.

5090.8.4 Records slated for destruction should be listed on the appropriate current form and may be destroyed after review of the list and signature of the General Manager or his/her designee.

APPENDIX A – VITAL RECORDS

Vital Records. Records which, because of the information they contain, are essential to one or all of the following:

- a. The resumption and/or continuation of operations;
- b. The recreation of legal and financial status of the District, in case of a disaster;
- c. The fulfillment of obligations to bondholders, customers, and employees.
- d. Vital records include but are not limited to the following:

Vital Records				
1	Agreements / Contracts / Leases		30	Grants, successful: supporting documentation and reports
2	Annexations and detachments		31	Improvement districts
3	As-built drawings		32	Individual water rights
4	Annual Comprehensive Financial Report (ACFR)		33	Individual claims / settlements
5	Audits		34	Inventory
6	Bonds: Authorization, registers		35	Journal vouchers
7	Bonds: Employee fidelity		36	Ledgers
8	Capital improvements: project files		37	Legal files: Claims
9	Contract drawings		38	Licenses and permits
10	Customer statements / UB		39	Loans and grants
11	Deeds		40	Maps
12	Depreciation schedule		41	Memorandum of Understanding
13	Development: project files and WSLs		42	Minutes of Board meetings
14	Disposal of surplus and excess property		43	Payroll Register
15	Disposal of scrap materials		44	Policies, Rules and Regulations
16	District insurance records / certificates		45	Purchase orders and requisitions
17	District water rights		46	Resolutions and ordinances
18	Easements / Rights of Way		47	Permits: Hazardous materials, spraying, storage
19	Employee accident reports, injury claims, and settlements		48	Rights of way and easements
20	Employee earning records		49	Source of Supply
21	Employee fidelity bonds		50	SCADA database
22	Employee insurance records		51	Statements of Economic Interests
23	Employee benefits: plan documents		52	State surplus acquisitions
24	Encroachment permits (by others)		53	Warehouse requisitions
25	Encroachment permits (by BCVWD)		54	Warrants (with backup)
26	Expense reimbursements		55	Warrant / voucher register
27	Facility improvement plans		56	Water rights and history
28	Fixed assets / property records / deeds		57	Well permits
29	GIS database, maps		58	Workers Compensation

POLICY TITLE: PUBLIC DOCUMENTS AND PUBLIC RECORDS ACT REQUESTS
POLICY NUMBER: 6025

6025.1 Purpose of policy:

6025.1.1 To provide guidance to staff regarding provision of information available to the public, in order to assure transparency and compliance with the California Public Records Act (CPRA) (Government Code Section 7920.000 et. seq.)

6025.1.2 To work collaboratively across the District's departments to ensure complete and accurate information is provided.

6025.1.3 To assure respect of the confidentiality and privacy rights of employees, vendors, and ratepayers where protected.

6025.2 Intent. It is the intent of the District to respond to public records requests as required by the CPRA, whether written or verbal, subject to various exemptions therein. Some of these exemptions are discussed herein below. (*See also Policy 5100 – Press Relations and Social Media, and Policy 3001 Employee Information and Personal Data.*)

6025.3 Staff will respond to requests for public records in accordance with the CPRA as the Act now exists or may hereafter be amended, and nothing in this policy is intended nor shall it be construed to conflict with the terms of the CPRA.

6025.4 Requests for public records should be in writing on the applicable District form (available on the Shared drive). However, the law allows for verbal or informal requests and such will be accepted. Such informal requests might include the Board meeting agenda, agenda staff reports, meeting minutes, ordinances, or resolutions of the Board or of any committees. If possible, verbal requests should be memorialized in writing and agreed to by the requestor. This can help minimize disputes over what records are actually being sought.

6025.5 Employees are not permitted to give or report any information about the District, its directors, another employee, outside vendor, ratepayer, client, or consultant, to anyone outside the District, except as expressly required by law (e.g., in criminal investigations). CPRA requests should be forwarded (whether verbal or written) to the Director of Finance and Administration and copied to the Director of Information Technology for handling.

6025.6 Response. Designated staff will respond in writing to all requests as soon as possible after they are received, but no later than ten (10) days thereafter, subject to the fourteen (14) day extension authorized in certain situations, as provided by Government Code Section 7922.535. The required written response must include a determination of whether the request seeks records in the possession or under the control of the District, whether any such records will not be produced, including the basis for non-disclosure (e.g., an exemption to disclosure applies) and the person or position responsible for that determination, and the estimated date when the non-exempt, responsive records will be produced. Responsive non-exempt records must be provided within a "reasonable" time after providing the determination letter.

6025.7 Release of Records Regarding Litigation, Personnel or Medical Matters

6025.7.1 Depending on the nature of the request, the District retains the right, in certain circumstances, to withhold information when legally required or request more time to process a request:

6025.7.1.1 Pending litigation. Requests for records pertaining to pending litigation or

exposure to litigation will be referred to District counsel.

6025.7.1.2 Personnel. Requests for records pertaining to personnel-related information will be handled by legal counsel, Human Resources, and the Director of Finance and Administration. See *Policy 3001 Employee Information and Personal Data*.

6025.8 In accordance with the CPRA and *Sander vs. State Bar of California*, administrative staff will provide specific, identifiable records but will NOT create a new record, research records for particular types of information or analyze information which may be contained in public records in response to a CPRA request. However, as required by Government Code Section 7922.600, administrative staff is required to assist requestors by helping to identify records that are responsive to a request or its purpose, and by identifying physical locations where such records exist. Also noted that special rules apply for records in an electronic database. See Section 6025.8.1 below.

6025.8.1 An exception may be made if it is more efficient to produce a new record responsive to the information desired than provide numerous underlying documents, e.g., to run a report.

6025.9 Board Meeting Documents. Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public as required by Government Code 54957.5 (within the Ralph M. Brown Act). A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at no charge.

6025.10 Fee Schedule. A reasonable fee which cannot exceed the direct costs of duplication shall be charged to defray expenses associated with the duplicating process. In addition, under certain circumstances specified in the CPRA or by case law, the District may charge for the cost of preparing and producing certain records including those (i) requiring an outside service to duplicate, or (ii) held in electronic format, including the cost of programming and computer services necessary to produce a copy of the record or data requested.

6025.11 Legal Review and Exemptions

6025.11.1 The Director of Finance and Administration, upon review of the request, will determine whether a legal review for exemptions is required before the request can be processed.

6025.11.2 Should legal review be required, the Director of Finance and Administration will notify the District's legal counsel and request a review, specifying any needed response time.

6025.11.3 Documents that include personal information may be subject to redaction in order to protect confidentiality. Social Security numbers shall always be redacted.

6025.11.4 Legal counsel shall have final determination on any questionable exemptions. The CPRA contains many exemptions to disclosure of public records. Some of the more common exemptions include:

6025.11.4.1 Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

6025.11.4.2 Records pertaining to pending litigation to which the public agency is a party, or to claims made until the pending litigation or claim has been finally adjudicated or otherwise settled.

6025.11.4.3 Personnel medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

6025.11.4.4 Social Security numbers, test questions, scoring keys, and other examination data used to administer an exam for employment.

6025.11.4.5 Names, credit history, utility usage data, home addresses and home telephone numbers of utility customers (with specific exceptions, e.g., court orders, other governmental agencies, etc.)

6025.11.4.6 The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreements are obtained. This provision does not include documents related to eminent domain actions.

6025.11.4.7 Confidential information from closed session meetings of the Board of Directors. (Government Code 54957.5(a), 54963)

6025.11.5 Legal counsel will advise the Director of Finance and Administration as to what documents should not be provided and the supporting reasons, and the Director of Finance and Administration will inform the requesting party of any limitation to the request.

EXHIBIT C

POLICY TITLE: **WORKERS' COMPENSATION**
POLICY NUMBER: **3230**

3230.1 All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with particular benefits in the event of a work-related illness, injury, or accidental death. The District pays the total cost of this coverage, whether through a self-insurance mechanism or an insurance product. If an employee sustains a work-related illness or injury, he or she must report the illness or injury to Human Resources or their supervisor within 24 hours of the occurrence. Failure to do so could result in a delay in benefits.

3230.2 The workers' compensation claims administrator or insurance carrier will make all payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence.

3230.3 The District provides medical treatment for work-related injuries and illnesses through designated hospitals or clinics. Clinics are selected due to their experience in treating work-related injuries; an emergency hospital may be needed in significant injury situations and used for first treatment pending added review by Human Resources.

3230.4 Employees injured in a work-related accident will be referred to the designated clinic unless the District has received a written notice that the employee wishes to be treated by their health care provider. This notification must have been submitted to the employee's supervisor or Human Resources before treating the injury.

3230.5 To the extent required by law, all medical information, such as diagnosis, treatment, and medical history, shall be kept private. Employee medical records will be maintained separately from employee personnel files.

3230.6 Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with a notice of their right to seek workers' compensation benefits in a form provided by Human Resources and shall promptly report doing so to Human Resources.

3230.7 Human Resources is the point of contact for designated clinics and the workers' compensation insurance provider, if applicable. Human Resources is the point of contact for employees on a leave of absence or other reasonable accommodation due to a workplace injury or illness.

3230.8 Notice of workers' compensation benefits shall be posted annually as required by law by or at the direction of Human Resources.

3230.9 **Procedure.**

1. In the event of workplace injury or illness, the employee reports said injury or illness to their supervisor or Human Resources within twenty-four (24) hours of the event.
2. Human Resources or the employee's supervisor will provide first aid treatment, refer the employee to the designated clinic, or contact emergency services (911) using their best judgment and following the Injury and Illness Prevention Plan and all District policies and

procedures.

3. Employees may be required to submit to a drug and/or alcohol test following District policy.
 4. When it is safe and appropriate, Human Resources and the employee's supervisor will complete the required Workers' Compensation claim paperwork and provide all legally mandated notices to the employee.
 5. The employee's supervisor and Human Resources will complete an investigation of the incident leading to workplace injury or illness.
 6. Human Resources will make recommendations for retraining or modification to prevent a recurrence.
 7. Human Resources will maintain all required records for OSHA, the State of California, etc.
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EXHIBIT D

POLICY TITLE: ACCOMMODATIONS FOR DISABILITY
POLICY NUMBER: 3231

3231.1 The employment-related provisions of the Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA") apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who possesses all the skills, qualifications, and experience for a position and, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

3231.1.1 In California, disabilities are broadly defined as conditions that limit a significant life activity, including physical and mental disabilities and medical conditions such as cancer or HIV/AIDS. California definitions and protections can be broader than protections under federal law.

3231.1.2 The District will not treat a qualified employee or applicant less favorably because of a history of disability, because of the employer's belief that the individual may have a disability, or because of the individual's relationship with a person with a disability.

3231.2 The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship to the District would result, following federal or state law. An applicant or employee who requires accommodation to perform the job's essential functions should inform the General Manager, or their supervisor, to request an evaluation of such an accommodation. The District will participate in the interactive process with the employee to determine whether or not a reasonable accommodation exists which does not present an undue hardship to the District. When appropriate or required by law, the District will engage in a timely, good-faith, interactive process. The point of the process is to remove barriers that keep people from performing jobs they could do with some form of accommodation.

3231.3 Accommodations guidelines may include, but are not limited to:

1. The District will evaluate job applicants regardless of their actual or perceived disabilities.
2. The District shall not ask about the nature or severity of disabilities, nor will it require an applicant to take medical or psychological exams that are not routinely given to other prospective hires.
3. The District may ask applicants about their ability to perform job-related functions and respond to a request for a reasonable accommodation.
4. The District may ask for medical certification of an employee's or applicant's need for reasonable accommodation.