



BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS**

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq.*

Wednesday, July 10, 2024 - 6:00 p.m.
560 Magnolia Avenue, Beaumont, CA 92223

TELECONFERENCE NOTICE

*The BCVWD Board of Directors will attend in person at the BCVWD
Administrative Office and/or via Zoom video teleconference pursuant to
Government Code 54953 et. seq.*

To access the Zoom conference, use the link below:
<https://us02web.zoom.us/j/84318559070?pwd=SXlzMFZCMGh0YTFlL2tnUGlpU3h0UT09>

*To telephone in, please dial: **(669) 900-9128**
Enter Meeting ID: **843 1855 9070** / Enter Passcode: **113552***

*For Public Comment, use the “**Raise Hand**” feature if on the
video call when prompted, if dialing in, please **dial *9 to “Raise Hand”**
when prompted*

*BCVWD provides remote attendance options primarily as a matter of
convenience to the public. Unless a Board member is attending remotely
pursuant to provisions of GC 54953 et. seq., BCVWD will not stop or
suspend its in-person public meeting should a technological interruption
occur with respect to the Zoom teleconference or call-in line listed on the
agenda. Members of the public are encouraged to attend BCVWD meetings
in person at the above address. or remotelv usina the options listed.*

Meeting materials are available on the BCVWD website:
<https://bcvwd.org/document-category/regular-board-agendas/>

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BCVWD REGULAR MEETING – JULY 10, 2024

Call to Order: President Covington

Pledge of Allegiance: Director Ramirez

Invocation: Director Slawson

Announcement and Verification of Remote Meeting Participation Pursuant To AB 2449 or GC 54953(b)

Roll Call and Introduction of Staff Members Present

Public Comment

Roll Call - Board of Directors

	President John Covington
	Vice President Daniel Slawson
	Secretary Lona Williams
	Treasurer Andy Ramirez
	Member David Hoffman

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted. If you are present in the Board Room, please fill out a Request to Speak card and deliver it to the Recording Secretary.

At this time, any person may address the Board of Directors on matters within its jurisdiction. 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. **Please limit your comments to three minutes.** Sharing or passing time to another speaker is not permitted.

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

- 1. Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a 2/3 vote of the legislative body, or if less than 2/3 of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
 - a. Item(s) to be removed or continued from the Agenda
 - b. Emergency Item(s) to be added to the Agenda
 - c. Changes to the order of the agenda

ACTION ITEMS

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

2. Reports / Presentations / Information Items

Reports from consultants, contractors, or staff. Presentations or handouts must be provided to the Board members in advance of the Board meeting. Any requested presentations should be limited to no longer than five (5) minutes.

The Board may receive and file the following reports with one motion:

- a. Legislative Action and Issues Report (pages 6 - 30)
- b. Ad Hoc Communications Committee Quarterly Report (pages 31 - 32)

- 3. Consent Calendar:** All matters listed under the Consent Calendar are considered by the Board of Directors to be routine and may be approved in one motion. There will be no

discussion of these items prior to the time the Board considers the motion unless members of the Board, the administrative staff, or the public request specific items to be discussed and/or removed from the Consent Calendar.

- a) Review of June 2024 Invoices Pending Approval (pages 33 - 34)
- b) Status of Declared Local Emergencies Related to Fires (page 35)
 - i) Impact of the Apple Fire pursuant to Resolution 2020-17
 - ii) Impact of the El Dorado Fire pursuant to Resolution 2020-20

4. Resolution 2024-__ Amending the District’s Policies and Procedures Manual (pages 36 - 100)

a.	Policy 3180	Nepotism/ Employment of Relatives and Fraternization
b.	Policy 3160	HIPAA Compliance
c.	Policy 3185	Employee Separation
d.	Policy 3065	Reduction in Force
e.	Policy 3200	Grievance Procedures

5. Request or Increase of Water Service *Will-Serve Letter* for an Expansion to the Existing Calvary Chapel Church Located on Riverside County Assessor’s Parcel Number (APN) 408-070-012 on the Southeast Corner of Brookside Avenue and Orchard Heights Avenue (pages 101 - 108)

6. Request for Increase in Legal Rates by Richards, Watson & Gershon (pages 109 -112)

7. Consideration of Attendance at Upcoming Events and Authorization of Reimbursement and Per Diem (pages 113 - 119)

8. Discussion: District Operations Center (no written Staff Report)

9. Discussion and Authorization for Possible Funds for Improving the Field Office at 12th and Palm (no written Staff Report)

10. Reports For Discussion and Possible Action

a. Ad Hoc Committees

- i. Communications
- ii. Sites Reservoir
- iii. Bogart Park (meeting on 6/10/2024)
- iv. Water Re-Use 3x2 (meeting on 6/4/2024) (Hoffman, Slawson)

b. Directors’ Reports

In compliance with Government Code § 53232.3(d), Water Code § 20201, and BCVWD Policies and Procedures Manual Part II Policies 4060 and 4065 directors claiming a per diem and/or expense reimbursement (regardless of pre-approval status) will provide a brief report following attendance.

- o Riverside County Water Task Force on June 28, 2024 (Slawson)
- o San Gorgonio Pass Water Agency Special Meeting on July 8, 2024 (Slawson)

c. Directors’ General Comments

d. General Manager’s Report

e. Legal Counsel Report

11. Topic List for Future Meetings

- Update / presentation on the AMR / AMI project
- Presentation on the San Bernardino Valley Resource Conservation District
- Presentation on solar power opportunities
- Sites Reservoir update
- Operations Center

12. Announcements

Check the meeting agenda for location and potential teleconference information.

- Finance & Audit Committee special meeting: Thursday, July 11 at 3 p.m.
- Personnel Committee meeting: Tuesday, July 16 at 5:30 p.m.
- San Gorgonio Pass Regional Water Alliance: Wednesday, July 24 at 5 p.m.
- Engineering Workshop: Thursday, July 25 at 6 p.m.
- Finance & Audit Committee meeting: Thursday, Aug. 1 at 3 p.m.
- Beaumont Basin Watermaster Committee: Wednesday, Aug. 7 at 11 a.m.
- Regular Board meeting: Wednesday, Aug. 14 at 6 p.m.

13. Closed Session

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to California Government Code Section 54956.8
Property: APNs 408-080-009, 408-080-010, 408-080,011, 480-080-012
Agency Negotiator: Dan Jaggars, General Manager
Under Negotiation: Price and terms of payment

14. Report on Action Taken During Closed Session

15. 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") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. 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 or within 24 hours' 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 in the Board Room at the District Office. Materials may also be available on the District's website: www.bcvwd.gov.

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 Government Code §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in
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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.gov or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING

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)).



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 2a

Legislative Action and Issues Update

FEDERAL		NO CHANGES MADE	NEW SINCE LAST UPDATE
Issue	Status	Description	
HR 1 Lower Energy Costs Act	3/14/23 Introduced 3/30/23 Passed House 7/2/24: No change in status	Aims to lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting and production of American resources, and by improving water quality certification and energy projects, and for other purposes.	

<p>FEDERAL NEWS From CSDA News: H.R. 7525, the Special District Grant Accessibility Act In a major victory for special districts and the National Special Districts Coalition (NSDC), on May 6, the U.S. House of Representatives overwhelmingly passed the Special District Grant Accessibility Act (H.R. 7525). The legislation would codify a first-ever definition of “special district” in federal law. Additionally, the bill would direct the White House Office of Management and Budget to require federal agencies to ensure that special districts are eligible for all appropriate forms of federal assistance.</p> <p>Federal FY 2025 budget slashes water funding: (From Circle of Blue) FY 2025 Budget A House Appropriations subcommittee approved a fiscal year 2025 budget bill that cuts EPA funding by 20 percent and establishes new policy for land and water.</p> <p>“We have taken meaningful steps to reduce spending on lower-priority programs and direct funding where it is needed most – Indian Country and wildland fire management,” said Rep. Tom Cole (R-OK), chair of the House Appropriations Committee, in a statement.</p> <p>Even popular water programs are targeted. The Clean Water State Revolving Fund would be cut nearly 27 percent, to \$1.2 billion. The Drinking Water State Revolving Fund would be cut 21 percent, to \$884 million. The revolving funds are the main federal water infrastructure investment vehicle. But they will be eroded by earmarks. About half the revolving fund allocation in FY25 is set aside for particular infrastructure projects requested by representatives. Water industry groups have called on Congress to stop taking water infrastructure earmarks out of the revolving funds because the practice endangers the long-term stability of the funds.</p> <p>As for the new policy, the bill would reinstate hardrock mining leases in Minnesota’s Superior National Forest. Democratic and Republican administrations since the Obama years have prohibited and then permitted and then once again prohibited mining in this region near the Boundary Waters Canoe Area Wilderness.</p> <p>The budget bill also minimizes climate change in policymaking. It prohibits federal agencies from putting a price on the social damage from carbon emissions when doing cost-benefit analysis for new regulations.</p>

<p>HR 924 – Stop The Delta Tunnel Act</p>	<p>2/9/23 – Reintroduced 2/9: Ref to House Com on Transportation and Infrastructure 2/10: Ref to Subcommittee 7/2/24: No change in status</p>	<p>This bill prohibits the U.S. Army Corps of Engineers (USACE) from issuing a federal permit that would be necessary to build the proposed Delta Conveyance Project in California. Specifically, the USACE may not issue a Section 404 permit (i.e., a permit that allows for the discharge of dredged or fill material into navigable waters) for the project.</p> <p>Press release from Harder’s office: Bill will prohibit the Army Corps of Engineers from advancing the project.</p> <p>Representative Josh Harder (CA-9) reintroduced his <i>Stop the Delta Tunnel Act</i> which prohibits the Army Corps of Engineers from issuing a federal permit necessary for the State of California to build the Delta Conveyance Project, commonly known as the Delta Tunnel. Rep. Harder is a longtime opponent of the Delta Tunnel project, first voicing his opposition in 2018. KCRA3 News has called Rep. Harder’s <i>Stop the Delta Tunnel Act</i>, “the strongest step yet to stop the state’s proposed giant water tunnel from gaining ground.” Read the bill online here.</p>
<p>HR 1407 – Financing Lead Out of Water Act</p>	<p>3/7/23: Introduced, ref to Com on Ways and Means 7/2/24 No change in status</p>	<p>Allows bonds issued by public water utilities to finance the replacement of private lead service lines to bypass the IRS “private business use” test</p>
<p>HR 1520 – Reauthorization of the Energy and Efficiency Conservation Block Grant</p>	<p>3/7/23: Introduced 3/9 – Ref to House Com on Energy & Commerce 7/2/24: No change in status</p>	<p>Provides grants to state, local and tribal governments to support initiatives that will reduce fossil fuel emissions and conserve energy</p>
<p>HR 1721 /S 806 – Healthy H2O Act</p>	<p>3/22/23: Introduced and ref to Com on Agriculture 4/25: Ref to Subcom on Commodity Markets, Digital Assets, and Rural Development. 7/2/24 No change in status</p>	<p>Provides grants for water testing and treatment technology directly to individuals and nonprofits in rural communities. Water quality systems installed at the faucet or within a building can provide immediate and ongoing protections from known and emerging water contaminants, like PFAS, lead and nitrates</p>
<p>HR 1837 Investing in Our Communities Act</p>	<p>3/28/23: Introduced, ref to Com on Ways and Means 7/2: No change in status</p>	<p>Restores tax-exempt advance refunding for municipal bonds so state and local governments can more efficiently invest in projects throughout their communities.</p>
<p>HR 4540 Water Infrastructure Enhancement Act of 2023</p>	<p>7/11/23: Introduced Ref to Com on Energy & Commerce 7/2/24 No change in status</p>	<p>Amends the Safe Drinking Water Act to establish a program to provide grants to suppliers of water for the purpose of making infrastructure improvements to public water systems, and for other purposes.</p>

<p>HR 4584 National Wildland Fire Risk Reduction Program Act</p>	<p>7/12/23: Introduced Ref to Committees on Science, Space and Technology, and to Econ Development 7/2/24 No change in status</p>	<p>Improves the Federal effort to reduce wildland fire risks, and for other purposes. Zoe Lofgren press release: On 7/12, House Science, Space, and Technology Committee Ranking Member Zoe Lofgren (D-CA) was joined by Congresswoman Suzanne Bonamici (D-OR) to introduce the National Wildland Fire Risk Reduction Program Act, a comprehensive science authorization bill that will identify and invest in research and development, set up warning and forecast systems, develop observation and sensing technologies, and standardize data collection efforts to improve the nation's preparedness, resilience and response to wildfires. The bill will help to fill in knowledge gaps and strengthen coordination of wildfire science efforts across federal science agencies.</p>
<p>HR 4592 Cumulative Impacts Act</p>	<p>7/12/23: Introduced; Ref to Energy & Commerce 7/13: Ref to Water Resources and Environment 7/2/24 No change in status</p>	<p>Establishes a Federal program of cumulative impact assessments under the Clean Water Act and Clean Air Act, and protections for environmental justice and frontline communities overburdened by air and water pollution.</p>
<p>HR 5664: Water Infrastructure Finance and Innovation Act (WIFIA) Amendments 2023</p>	<p>9/21/23 Introduced; Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce 9/22 Referred to the Subcommittee on Water Resources and Environment. 7/2/24 No change in status</p>	<p>Reauthorizes the Water Infrastructure Finance and Innovation Act of 2014 and restore WIFIA funding and financing eligibility to state entities and non-federal cost shares in federally involved projects.</p>
<p>HR 7023 Creating Confidence in Clean Water Permitting Act</p>	<p>1/17/24 Introduced, ref to Com on WR&E 1/31 Com on Transportation and Infrastructure, amended 2/6 Action in House 3/21 Passed House with amendments 3/22 Received in Senate, read twice, ref to Com on Env & Public Works 7/2/24 No change in status</p>	<p>Modifies requirements under the Clean Water Act, including requirements concerning water quality criteria, the National Pollutant Discharge Elimination System (NPDES) program, the permit program for discharging dredged or fill material into waters of the United States, and the meaning of <i>waters of the United States</i>. First, the bill directs the Environmental Protection Agency (EPA) to develop any new or revised water quality criteria for states through a rule. Next, the bill modifies the NPDES program, including by providing statutory authority for provisions that shield NPDES permit holders from liability under certain circumstances. It also provides statutory authority for the EPA to issue general permits under the program. The EPA must also provide written notification two years before the expiration of a general permit. If notice is not provided by that deadline, then discharges under the expired permit may continue until a new permit is issued. Additionally, the bill modifies the permitting program of the EPA and the U.S. Corps of Engineers that regulates the discharge of dredged or fill material into waters of the United States. For example, the bill limits the EPA's veto authority to restrict, prohibit, deny, or withdraw the specification by the Corps of a site for the discharge of dredged or fill material into waters of the United States. The bill also modifies requirements for general permits to discharge dredge or fill material that are issued on a nationwide, regional, or state basis for particular categories of activities, including by extending the maximum term for a general permit from a period of 5</p>

			<p>years to 10 years. It also exempts the Corps from certain consultation and environmental review requirements when reissuing nationwide general permits.</p> <p>Finally, the bill directs the EPA and the Corps to begin a process to issue guidance on the implementation of the 2023 final rule titled <i>Revised Definition of "Waters of the United States"</i>; <i>Conforming</i> and stipulates the guidance must comply with the decision of the Supreme Court in <i>Sackett v. EPA</i></p>
HR 7294 Watershed Protection and Forest Recovery Act of 2024	<p>2/7/2024 Introduced</p> <p>2/7 Ref to House Com on Agriculture</p> <p>7/2/24 No change in status</p>		<p>Congressman Joe Neguse (D-CO) recently introduced legislation – the Watershed Protection and Forest Recovery Act (H.R. 7294) – that would help communities and water users protect their water supply after natural disasters on U.S. Forest Service (USFS) lands. Among other things, the legislation would create a new Emergency Forest Watershed Program (EFWP) within the Department of Agriculture (USDA) that would help streamline recovery efforts and protect water resources downstream of national forests. It also would allow local governments and water providers to enter into agreements with the Forest Service to implement watershed recovery protection measures.</p>
HR 7525 Special District Grant Availability Act	<p>3/5 Introduced, ref to Com on Oversight and Accountability</p> <p>3/7 Committee amendments</p> <p>5/6/24 40 minutes of debate in House, bill passed; motion to reconsider</p> <p>5/7/24 Read twice in Senate and ref to Com on Homeland Sec and Govt Affairs</p>		<p>CSDA requests member action: Contact Congressional Rep with support</p> <p>News from CSDA (March 2024) In a major milestone for the nation's special districts, this month, the U.S. House Oversight and Accountability Committee approved the Special District Grant Accessibility Act. The bill (H.R. 7525), which is sponsored by Representatives Pat Fallon (R-TX) and Brittany Pettersen (D-CO), cleared the committee on an overwhelming 38-2 vote. To view the committee's action on H.R. 7525, please click here. The Special District Grant Accessibility Act embodies the National Special District Coalition's (NSDC's) longstanding legislative objective of codifying in federal law a first ever, formal definition of "special district." In addition to establishing such a definition, H.R. 7525 would direct federal agencies to recognize special districts as local governments for the purpose of ensuring that districts are eligible to receive appropriate forms of federal assistance, including funding and resources through key grant programs. Looking ahead, the legislation is expected to be considered by the full House following Congress' spring break. As of this writing, it remains unclear when House leadership will schedule the bill for a floor vote.</p>
HR 7916 Removing Nitrate and Arsenic in Drinking Water Act	<p>4/9/2024 Introduced, ref to Com on Energy and Commerce</p> <p>7/2/24 No change in status</p>		<p>To amend the Safe Drinking Water Act to provide grants for nitrate and arsenic reduction projects, and for other purposes with priority given to assisting disadvantaged communities.</p> <p>Click here for Valadao press release</p>
HR 7944 Water Systems PFAS Liability Protection Act	<p>4/11/2024 Introduced, ref to committees: Energy and Commerce, and Trans and Infrastructure</p> <p>7/2/24 No change in status</p>		<p>Bipartisan legislation was introduced in the U.S. House of Representatives that would provide a statutory shield for water systems under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for PFAS, and help ensure that polluters, not the public, pay for PFAS cleanup.</p> <p>The bill, H.R. 7944 – the Water Systems PFAS Liability Protection Act – was introduced by Reps. John Curtis (R-Utah) and Marie Gluesenkamp Perez (D-Wash.) in April, and is a companion bill to Senate legislation introduced by Sen. Cynthia Lummis (R-WY) last year. The bill would provide statutory protection for water utilities in light of the designation of PFOA and PFOS as hazardous substances by the Environmental Protection Agency (EPA) under CERCLA. Water groups like NACWA have said a CERCLA designation for PFAS exposes drinking water and wastewater utilities to potential litigation from the manufacturers of PFAS.</p>

<p>S 1449: Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency</p>	<p>5/4/23: Read twice and referred to the Committee on Environment and Public Works 7/2 No change in status</p>	<p>RESTART Act. Reforms permitting and environmental review processes expediting the federal permitting process for important energy, infrastructure, and transportation projects.</p>
<p>S.2161 Canal Conveyance Capacity Restoration Act</p>	<p>6/22/23 Introduced 7/19 Ref to Energy & Nat Resources 7/2 No change in status</p>	<p>Would authorize a one-third federal cost share for restoring canal capacity, including funding of \$289.5 million for the California Aqueduct</p>
<p>S. 2162: Support to Rehydrate the Environment, Agriculture and Municipalities (STREAM Act)</p>	<p>6/22/23 – Introduced 7/19 Ref to Energy & Nat Resources, hearings held 7/2/24 No change in status</p>	<p>Would authorize \$750 million for storage, \$300 million for water recycling, \$150 million for desalination, and \$100 million for drinking water for disadvantaged communities. Would authorize grants for storage and conveyance projects that include environmental benefits, drinking water benefits for disadvantaged communities or other public benefits either as part of the project design or as part of a watershed restoration plan adopted together with the project.</p>
<p>S. 2202 Restore Aging Infrastructure Now (RAIN) Act</p>	<p>6/22/23 Introduced 7/19 Ref to Energy & Nat Resources 7/2/24 No change in status</p>	<p>Would authorize Reclamation to upgrade its aging canals and other facilities when they are repaired to serve multiple purposes, including environmental benefits, and drinking water for disadvantaged communities. Also incentivize agricultural and municipal irrigation districts to participate in these projects to add benefits by providing a 15% discount on the amount owed for repairing the facilities.</p>
<p>S.2250 Voluntary Groundwater Conservation Act</p>	<p>7/11/23: Introduced. Ref to Com on Agriculture, Nutrition and Forestry 7/2/24 No change in status</p>	<p>Creates a new voluntary groundwater easement program at the United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) within the Agricultural Conservation Easements Program</p>
<p>S.2286 Streamlining Federal Grants Act of 2023</p>	<p>7/12/23: Introduced. Ref to Com on Homeland Security and Govt Affairs 12/11 Amended 12/11 Placed on Sen Legislative Calendar 7/2/24 No change in status</p>	<p>Improves effectiveness and performance of certain Federal financial assistance programs, and for other purposes. Sen. Gary Peters press release 7/17/23: WASHINGTON, D.C. – introduced bipartisan legislation that would help streamline the administration of grant programs across the federal government. Governments and organizations in small and rural communities often struggle when applying for federal grants because they lack the necessary resources to navigate a complicated application process. The senators' bill would simplify and streamline this application process to increase access to federal grants for all communities. The legislation builds on a 2019 law led by Peters and Lankford that required federal grant programs to streamline data standards for applications and reporting.</p>

<p>S. 3830 the Low Income Household Water Assistance Program Establishment Act</p>	<p>2/28 Introduced 7/2/24 No change in status</p>	<p>Sen. Padilla press release: Bill would establish a permanent, nationwide water assistance program to help families afford their water bills. During the COVID-19 pandemic, Congress appropriated more than \$1 billion in 2021 to the U.S. Department of Health and Human Services' Administration for Children and Families to help low-income households pay their drinking water and wastewater bills. From June 2021 through September 2023, LHWAP <u>serv</u>ed more than 1.4 million households, restored water and wastewater services 100,479 times, prevented disconnections 753,558 times, and reduced 679,030 water bills, supporting more than 16,000 water and wastewater systems in low-income, Tribal, rural, and urban communities. While LHWAP funding is available in California through March 2024, the program needs congressional authorization to continue. Otherwise, families in need across the country will lose access to this critical lifeline.</p>
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CALIFORNIA

<p>Initiative to Limit the Ability of Voters and State and Local Governments to Raise Revenues for Government Services: Initiative 21-0042A1, "Taxpayer Protection and Government Accountability Act" BCVWD – Oppose / CSDA – Oppose Resolution 2023-16 adopted by the Board in opposition was transmitted to the CSDA advocacy team.</p> <p>UPDATE: From Townsend Public Affairs, Inc. June 20, 2024:</p> <p>The State Supreme Court just ruled that the Taxpayer Protection and Government Accountability Act (other wise known as CBRT Initiative; Taxpayer Deception) WILL NOT be on the ballot in November. The State Supreme Court ruling stated that the Taxpayer Protection Act will <u>revise</u> the Constitution without complying with the appropriate procedures.</p> <p>The state constitution provides that it can be amended by initiative, but efforts to "revise" the constitution must be done by constitutional convention...basically you can't re-write the core functions of state/local government via initiative. The decision is that the Taxpayer Protection Act goes beyond "amendment" and fundamentally alters the core functions of state/local governments, which constitutes a "revision". The Court is saying that the proponents can do that, but in this case, they did not follow the proper steps to do so (constitutional convention).</p> <p>There is no appeal process for the Supreme Court and not enough time to requalify something before the 6/27 ballot deadline, so this is completely off the table now. Plus, the state constitution has never been amended via constitutional convention.</p> <p><i>The Board approved a Resolution in opposition at the 6/14/2023 meeting.</i> Initiative sponsored by the California Business Roundtable qualified for the Nov. 2024 ballot. This initiative is the most consequential proposal to limit the ability of state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges (i.e. water rates and more) since the passage of Propositions 218 and 26. If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs. To learn more about Initiative 21-0042A1 visit csda.net/voterlimitations.</p> <p>Governor signs budget: 6/29/2024 Governor Newsom press release: Governor Gavin Newsom today signed 2024 state budget legislation that brings stability to state finances while preserving key investments in safety net programs, education, addressing homelessness, mental health care reform, and more. As outlined in the agreement announced by the Governor and legislative leaders, the legislation balances the budget in both 2024-25 and 2025-26. It also preserves budget resilience by maintaining \$22.2 billion in total reserves at the end of the 2024-25 fiscal year.</p>
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The state has taken several measures to manage revenue volatility in recent budget cycles, including setting aside a record amount of reserves, focusing most of the surplus on one-time and near-term spending instead of potentially unsustainable long-term and ongoing obligations, and paying tens of billions of dollars toward the state's long-term debt. The budget addresses a \$46.8 billion shortfall through a balanced package of solutions, including spending reductions of \$16 billion.

It avoids deep program cuts, maintaining service levels for several priority issues including Proposition 98 funding for education and investments in Medi-Cal expansion, encampment resolution grants, nonprofit security grants, summer food assistance, updated foster care rates and more. See more detail in this Fact Sheet: <https://www.gov.ca.gov/wp-content/uploads/2024/06/2024-Budget-Agreement-.pdf>

CSDA JUNE UPDATE: Between now and Independence Day, California lawmakers must hear all remaining legislation in second-house policy committees and pass a 2024-25 State Budget that addresses the \$55 billion deficit. The Legislature will then take its Summer Recess in July before returning for a one-month sprint to the end of the biennial Legislative Session August 31. Outside of the state legislative process, court watchers eagerly await word from the California Supreme Court in *Weber v. Weber* related to Initiative 1935, which could retroactively invalidate billions of dollars in special district funding for essential local services. Meanwhile, in Washington D.C., the National Special District Coalition is awaiting action on the Special District Grant Accessibility Act in the U.S. Senate

Heading for the November Ballot (Legislators had until June 27 to decide on what bond measures will be included on the ballot)
See also Cal Matters article on ballot proposals: <https://calmatters.org/newsletter/2024-ballot-measures-california/>

Constitutional Amendment: Protect and Retain the Majority Vote Act: Voting Thresholds. Placed on the ballot via the passage of ACA 13. The Calif Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure. This measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. The California Constitution also permits initiative and referendum powers to be exercised by the voters of each city or county under procedures provided by the Legislature. This measure would expressly authorize a local governing body to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions. Would specify that an advisory question is approved only if a majority of the votes cast on the question are in favor, would further declare that its provisions are severable and that if any provision is held invalid, the other provisions of the act remain valid, as specified.

Constitutional amendment: Local Government Financing: affordable housing and public infrastructure: voter approval. Placed on the ballot via the passage of ACA 1. Amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.
The bill would lower the threshold for voter approval to 55 percent. This measure is a reintroduction of the same bill from the 2019-20 and 2021-22 sessions. It provides for a new 55% voter threshold for local agencies to pass special taxes for certain infrastructure and housing projects. It also provides the same threshold for local governments to pass General Obligation bonds for the same infrastructure and housing projects. There are strict accountability measures attached to these new mechanisms

SB 867 Climate Bond: (from KQED 6/30/2024) California's \$10B Climate Bond Breaks Through Political Gridlock. Days before the final deadline, California lawmakers have settled on language for a \$10 billion climate bond that will be presented to voters for approval in November.

The primary focus of the bond is "to respond to challenges wrought by climate change by investing in natural and built infrastructure," according to an overview of the bond. It also includes some funding for programs cut from the state's budget. At least 40% of the bond must help vulnerable and disadvantaged communities with a median household income of less than 80% of the area average or less than 80% of the statewide median household income.

Delta Conveyance ACWA Update: Voluntary Agreements Funding The Legislature passed a budget bill June 13 that proposes to rescind over \$500 million in funding for Agreements to Support Healthy Rivers and Landscapes, previously known as the Voluntary Agreements. ACWA strongly opposes any reduction in funding for the Agreements, which represent an unprecedented opportunity to improve the Sacramento-San Joaquin Bay-Delta ecosystem by creating a comprehensive program of habitat enhancement projects coupled with more water for fish and wildlife, managed in a collaborative, science-based manner. ACWA developed a coalition letter with more than 40 organizations, urging the Legislature and governor to restore previously committed funding for these Agreements. The governor has until June 30 to negotiate on the budget.

Making Conservation a California Way of Life: ACWA Update: While the State Water Board works to finalize its regulations implementing Making Conservation a California Way of Life, the Legislature is considering a couple of measures that would make changes to the implementing statutes. ACWA is supporting both SB 1330, by Bob Archuleta (D-Pico Rivera), and SB 1110, by Angelique Ashby (D-Sacramento), and both bills are also sponsored by ACWA members. When the bills were heard in the Senate Natural Resources and Water Committee in April, they were both amended at the behest of the committee. SB 1110 was introduced with the intent to create additional flexibility for the State Water Board on enforcement of the implementing regulations, but the committee amendments stripped the bill of policy, making the bill simply a date extension on enforcement. The sponsor, Regional Water Authority, is working on how to move the bill forward with more significant policy changes. SB 1330 was trimmed in the Senate Committee amendments, but retained more significant policy changes, such as requiring the Department of Water Resources (DWR) to update its landscape data at least every 10 years. The bill was amended to include new provisions, such as requiring DWR to update this data every five years and conduct studies on the efficiency performance for newly constructed landscapes. Both bills are anticipated to be heard in the Assembly Water, Parks and Wildlife Committee on June 25.

In the following At-A-Glance Table are bills that are still pending in this Legislative session on which the Board had taken an official position, or had indicated were of interest for tracking:

AT-A-GLANCE - Legislation	BCVWD Position	ACWA/CSDA position	Status
AB 460: State Water Resources Control Board: water rights and usage: interim relief procedures	OPPOSE	CSDA WATCH ACWA REMOVED OPPOSITION	Bill is in action. ACWA removed opposition due to amendments
AB 627: Drayage trucks: voucher incentive project Heavy-duty trucks-grant-program-operating-requirements		CSDA WATCH	5/1/2024: Ref. to committees on EQ and Transportation 6/5 Hearing canceled at request of author
AB 1337: State Water Resources Control Board: water diversion	OPPOSE	OPPOSE / OPPOSE	Bill is back in action. Passed Assm, now in Senate. Hearing in NR&W postponed, then 7/10 hearing canceled by author
AB 1573: Water conservation: landscape design: model ordinance			9/7/23 – Ordered to inactive by Sen. Stern 7/2/24 Confirmed inactive
SB 366: Calif Water Plan: long term supply targets		CSDA SUPPORT	6/25/24: In Assembly Appropriations

<p>SB 867: Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 -Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, etc. Bond Act of 2023</p>	<p>SUPPORT IF AMENDED*</p>	<p>ACWA: SUPPORT IF AMENDED CSDA: WATCH</p>	<p>7/1/24 – Third Reading - Assembly *Bill has been amended. ACWA worked with authors. CSDA position: Watch See attached CSDA Fact Sheet and news article here: https://www.kqed.org/science/1993540/californias-10b-climate-bond-breaks-through-political-gridlock</p>
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CHANGES MADE	NO CHANGES MADE	NEW SINCE LAST UPDATE	OF INTEREST TO BOARD	BILL IS DEAD
<p>Issue</p>	<p>Status</p>	<p>Description (Most of the following descriptions have been provided by the CSDA)</p>		
<p>ACR 163 Special Districts Week</p>	<p>CHAPTERED</p>	<p>Proclaimed May 19 – May 25, 2024 as Special Districts Week</p>		
<p>AB 305 California Flood Protection Bond Act of 2024</p>	<p>5/31/23 Passed Assm, read first time in Senate 6/14/23 Com on NR&W 5/22: Re-ref to NR&W</p>	<p>If approved by voters, would authorize the issuance of bonds on the amount of \$4.5 billion for flood protection projects. Would provide for submission of these provisions to the voters on the Nov. 2024 ballot.</p>		
<p>AB 460 State Water Resources Control Board: water rights and usage: interim relief procedures</p>	<p>2/6/23 Introduced 6/7/23 Ref to Com on NR&W and JUD 6/27/23 Hearing cancelled by author 7/14/23 2-year bill 6/12/24: Read 2nd time and amended 6/26: Ref to APPR</p>	<p>BCVWD OPPOSED. CSDA: Watch. ACWA removed its opposition due to bill amendments: ACWA removed its opposition to AB 460, by Assemblymember Rebecca Bauer-Kahan (D-Orinda), after significant amendments limited the bill to increasing penalties for certain violations, including illegal diversions. The amendments represented an extraordinary improvement to the bill, which previously would have granted the State Water Resources Control Board new and sweeping authority to prevent diverters from exercising their water rights. With the recent amendments, AB 460 would ensure penalties serve as a deterrent to illegal diversions. ACWA strongly opposed AB 460 as originally introduced in 2023 based on the proposed interim relief authority for the State Water Board and the considerable uncertainty this would have created for water managers and the communities and industries they serve. Would grant the Board explicit authority to adopt and enforce “interim orders” designed to stop water scofflaws from thumbing their noses at state water conservation mandates and increases administrative penalties the Board can impose on those who exceed or disregard regulatory limits of their water rights. (Legal Planet 10/1 1/23) https://legal-planet.org/2023/10/11/california-enacts-major-water-law-reform-legislation-but-more-changes-are-needed/</p>		

<p>AB 627 Drayage trucks: voucher incentive</p>	<p>1/18/24 Passed committee w/ amendments 1/29 Passed Assm, read first time in Senate 5/1 Ref to committees on EQ and TRANS 6/5 Com hearing canceled by author</p>	<p>Existing law establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The state board administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. The Budget Act of 2023 appropriated funds from the Greenhouse Gas Reduction Fund to the state board for zero-emission drayage trucks to be administered through the project and, in expending those funds, requires the state board, before January 1, 2025, to limit the number and award amount levels under the project based on fleet size. This bill would require the state board to ensure that a voucher provided under the project for the purchase of a new, or the retrofit of a used, drayage truck is provided to an operator in an amount determined pursuant to a sliding scale, based on the number of trucks the operator owns. The bill would require the state board to prioritize the award of those vouchers to operators meeting certain criteria. The bill would also require the state board to ensure that these vouchers may be used to purchase a new drayage truck using, or to retrofit a used drayage truck to use, hydrogen fuel cell or battery electric technology as its source of propulsion. CSDA: Watch.</p>
<p>AB 754: Water: management planning – water shortages</p>	<p>2/13/23 – Introduced 6/1: In Senate. Read 1st time, ref to RLS 7/3 Passed Com on NR&W, author's amendments 7/11 Ref to APPR 9/1/23: 2-year bill 7/2/24: No change in status</p>	<p>This bill would require a water shortage contingency plan to include, if based on a description and quantification of each source of water supply, a single reservoir constitutes at least 50% of the total water supply, an identification of the dam and description of existing reservoir management operations, as specified, and if the reservoir is owned and operated by the supplier, a description of operational practices and approaches, as specified. The bill would require a water shortage contingency plan to include reservoir shortage levels relative to the target water supply storage curve that will trigger specified shortage response actions. This bill would require, if based on specified findings related to water supply, a single reservoir constitutes at least 50% of the total water supply, the policies for declaring a water shortage to consider specified information related to that reservoir.</p>
<p>AB 817 Open Meetings: Teleconferencing: subsidiary body</p>	<p>1/16/24: Bill resurrected. 1/25 Amended and passed Assembly, read first time in Senate 5/5 In Sen Rules Com 5/29 Read 2nd time, amended 6/5 Failed passage in LGov, reconsideration granted</p>	<p>This bill would allow "subsidiary bodies" (i.e., a legislative body that serves exclusively in an advisory capacity and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements) to meet remotely without the Brown Act requirements traditionally associated with teleconferencing (e.g., that agenda meeting notices are posted at all teleconference locations) and without regard to any emergency situation. Each member of the subsidiary body would be required to participate through both audio and visual technology. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. This bill contains other related provisions and other existing laws.</p>
<p>AB 1205: Water rights: sale, transfer, or lease: agricultural lands</p>	<p>2/15/23 – Introduced 5/23: Read 1st time in Senate 5/31 Ref to NR&W 9/11 Ordered to inactive by author 7/1 No change in status</p>	<p>Would find and declare that speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater water right previously put to beneficial use on agricultural lands within the state is a waste or an unreasonable use of water. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.</p>

<p>AB 1337 State Water Resources Control Board: water diversion</p>	<p>5/31/23 Passed Assembly. 6/7 Ref to Com on NR&W 7/10 Hearing canceled at request of author 7/14/23: 2-year bill 5/31 Read 1st time in Senate. Ref to RLS 6/21 Hearing in NR&W postponed 7/10 hearing canceled by author</p>	<p>BCVWD OPPOSED. (1) Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. (2) Existing law establishes the State Water Resources Control Board in the California Environmental Protection Agency and vests the board with various powers and duties, including, among other things, to ascertain whether or not water heretofore filed upon or attempted to be appropriated is appropriated under the laws of this state. Existing law authorizes the board to adopt emergency regulations if, among other things, the regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports. This bill would authorize the board to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right. The bill would require the board to adopt regulations to implement this provision. (3) Existing law authorizes the board to issue a cease-and-desist order against a person who is violating, or threatening to violate, certain requirements relating to water use. This bill would additionally authorize the board to issue a cease-and-desist order when a water right holder fails to curtail diversions when water is unavailable under the water right holder's priority of right.</p>
<p>AB 1563: Groundwater sustainability agency: groundwater extraction permit: verification</p>	<p>2/17/23 – Introduced 5/25: Passed Assm, read in Senate 6/7 NR&W and G&F 6/28 Passed w/ Author's amendments 5/12 Hearing canceled 5/13 Bill is again active. Ref to Com on RLS 5/22 Re-ref to LGov</p>	<p>Existing law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. This bill contains other related provisions and other existing laws.</p>
<p>AB 1567: Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy and Workforce Development Bond Act of 2023</p>	<p>2/17/23 – Introduced 5/10 APPR – Suspend File 5/31 Passed Assm 6/1 Read 1st time in Senate. Ref to RLS 6/14 Ref to com on NR&W, GOV&F 10/23 Missed deadline 5/5: In Senate Natural Resources & Water, and in Sen. Govt & Finance 5/13 Re-ref to RLS 5/22 Re-ref to NR&W</p>	<p>The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all programs. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters. This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$45,405,000,000 \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.</p>

<p>AB 1573: Water conservation: landscape design: model ordinance</p>	<p>2/17/23 – Introduced 3/9: Ref to Com on Water, Parks & Wildlife 7/10 Read 2nd time and amended 9/7/23 Ordered to inactive 9/14/23: Failed deadline. 2-year bill 2/26 Confirmed inactive 7/1 No change in status</p>	<p>The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance that is adopted and updated at least every 3 years by DWR, unless the department makes a specified finding. Existing law requires a local agency to adopt the model ordinance or to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, except as specified. Existing law specifies the provisions of the updated model ordinance, as provided. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboreta open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions that require that all new or renovated nonresidential areas install plants that meet specified criteria, and that prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026. The bill would also revise the legislative findings and declarations to state that the model ordinance furthers the state's goal to conserve biodiversity and provide for climate resilience consistent with state drought efforts to eliminate the use of irrigation of nonfunctional turf.</p> <p>BBK Analysis: This bill would enact a prohibition on watering nonfunctional turf with potable water. What is surprising about the amount of time spent debating this bill in association meetings and calls is that there is little opposition to the central purpose of the bill. Putting drinking water on median strips has become almost unthinkable, yet the other details of the bill are truly difficult. Who is responsible for enforcement? SWRCB or local agencies? How is nonfunctional turf defined? Despite little opposition to the core purpose of the bill, the details have been the focus of hours of debate, and it is unclear if there will be broad consensus on the bill.</p>
<p>AB 1820 Housing Development Projects: Fees and exactions</p>	<p>1/11/24 Introduced 4/29 Read 2nd time and amended 4/20 Re-ref to Appr 5/21 Passed Assm, read 1st time in Senate 6/5 From LGov w amendments 6/11 Passed and ref to Housing</p>	<p>This bill would allow applicants for new housing developments to request a preliminary estimate of the total amount of fees and exactions expected to be imposed when submitting preliminary applications for a housing development project. When a local agency determines an application for a housing development project is complete, the bill would require the agency to provide an itemized list and total sum amount of all fees and exactions. ACWA adopted an oppose-unless-amended position based on concerns that preliminary applications for new housing development projects lack the requisite information that allows water and sewer service providers to assess connection and capacity fees</p>
<p>AB 1827: Local Govt: fees and charges: water: higher consumptive water parcels</p>	<p>1/12/24 Introduced 1/29 – Ref to Com on LGov 5/21 Passed Assm, read 1st time in Senate 6/26 Passed LGov 6/27 Read 2nd time</p>	<p>Would provide that the fees or charges for property-related water service imposed or increased, as specified, may include the incrementally higher costs of water service due to specified factors, including the higher water usage demand of parcels. Would provide that the costs associated with higher water demands, the maximum potential water use, or a projected leak water usage demand may be allocated using any method that reasonably assessed the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or project peak water use demand. CSDA - SUPPORT</p>

<p>AB 2079: Groundwater Extraction: large-diameter, high-capacity water wells: permits</p>	<p>2/5/24: Introduced 4/29 Re-ref to APPR 5/20 Passed Assm, read 1st time in Senate 5/29 Ref to NR&W and LGov 6/3 Author's amendments, re-ref to NR&W 6/11 Failed passage from Com</p>	<p>Could affect BCVWD planned wells. Intended to address subsidence. ACWA opposed. Groundwater In early March, the Department of Water Resources released a report that summarizes various approaches local agencies took to comply with two Executive Orders and provides analysis in addition to policy recommendations that could be used to develop future solutions to align land use planning, well permitting, and groundwater management and use. On March 21, Assemblymember Steve Bennett (D-Ventura) amended a spot bill, AB 2079, to include many of the recommendations in the report. The major provisions of AB 2079 include: requiring public disclosures to increase collaboration and transparency; setting minimum standards for local enforcement agencies to permit new wells; exempting certain types of wells and procedures; and imposing a ban on approval of applications for all wells not intended for domestic and public water supply purposes in certain regions of the state. ACWA has adopted an oppose-unless amended position on the bill and it is scheduled to be heard in the Assembly Water, Parks, and Wildlife Committee on April 23.</p>
<p>AB 2257 Local Govt: property-related water and sewer fees and assessments: remedies</p>	<p>2/8/24 Introduced 3/19 Passed JUD and LGov as amended 4/23 From Com w/ author's amendments, re-ref to LGov 5/16 Passed Assm, read 1st time in Senate 5/29 Ref to Jud and LGov 6/19 From Com w amendments, re-ref to LGov 6/20 Read 2nd time and amended</p>	<p>ACWA-sponsored: Prop 218 procedures: Sponsored by ACWA and introduced by Assemblymember Lori Wilson (D-Suisun City), AB 2257 would aid public agencies in defending against Proposition 218 lawsuits by requiring litigants to participate and raise specific objections during the public administrative process. It would also limit the administrative record to evidence presented to the agency during the ratemaking process. ACWA is leading a coalition to support the legislation. A rise in Proposition 218 litigation is making it increasingly difficult to ensure agencies can pass fair and reasonable rates to cover the costs of operations and investments. Oftentimes, these suits are filed without litigants first having raised alleged violations with the public agency during the public notice-and-comment process leading up to the adoption of rates. If passed, AB 2257 would bolster the financial stability of public water and sewer agencies by creating a robust public process that facilitates dialogue, transparency, and the opportunity to resolve issues and avoid costly litigation. This bill is scheduled to be heard in the Assembly Local Government Committee on May 1.</p>
<p>AB 2302 Open Meetings; Local agencies: teleconferences</p>	<p>2/12/24 Introduced 2/26 Ref to Com on LGov 4/11 Passed LGov 4/15 Read second time 5/9 Passed Assm, read 1st time in Senate 6/5 Passed Lov 6/6 Read 2nd time, ordered to 3rd reading</p>	<p>CSDA Summary: This bill would revise the calculation in AB 2449 (Rubio, 2022) for determining the number of permissible teleconferenced meetings pursuant to the alternative teleconference meeting procedures established by that bill. Instead of an upper limit of a period of three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year (or simply two meetings if the legislative body regularly meets fewer than 10 times per calendar year), this bill would limit the use of those alternative teleconference procedures pursuant to a new schedule: - two meetings per year, if the legislative body regularly meets once per month or less - five meetings per year, if the legislative body regularly meets twice per month - seven meetings per year, if the legislative body regularly meets three or more times per month This bill also clarifies that separate meetings occurring on the same calendar day are considered one meeting for the purposes of determining the number of times the alternative teleconferencing procedures are invoked by a board member</p>

	<p>AB 2557 Local agencies: contracts for special services and temporary help: performance reports</p>	<p>2/14/24 Introduced, ref to Com PE&R and JUD 5/22 Read 1st time in Senate, ref to LGov and L,PE&R 6/13 Passed as amended 6/17 Read 2nd time and amended</p>	<p>CSDA analysis: Two similar bills that appear to impair, and functionally prevent, special districts from exercising statutory authority to enter into contracts for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters, including payroll checks, pursuant to Government Code Section 50830. Both bills contain Public Records Act requirements for specific contractor records. As to both bills, the effect is clearly to disincentivize contracting.</p>
	<p>AB 2489 Local agencies: contracts for special services and temporary help</p>	<p>2/13 Introduced 4/29 Read 2nd time and amended, re-ref to APPR 5/16 Held under submission</p>	
	<p>AB 2599 Water: public beaches: discontinuation of residential water service</p>	<p>2/14/24 Introduced 4/18 Passed Assm, read 1st time in Senate, ref to Com on RLS 5/21 From Com on EQ, re-ref to Health 6/20 Passed and ref to APPR 7/1 Ordered to 2nd reading</p>	<p>Discontinuation of Residential Water Service for Nonpayment: ACWA-sponsored AB 2599, authored by the Assembly Environmental Safety and Toxic Materials Committee, would incorporate agreed-upon amendments to SB 3 (Dodd, 2023). The bill passed the Assembly in April, and the Senate Environmental Quality Committee passed the bill on June 5. The bill will next be heard by the Senate Health Committee. SB 3 made various changes to the Water Shutoff Protection Act, including granting the California Attorney General a restitution authority. AB 2599 would provide that this new authority does not cover personal property – as water systems do not have the authority to obtain personal property from their customers – and applies where there “has been unlawful conduct” as opposed to where there “may have been unlawful conduct” under the Act.</p>
	<p>AB 2614: Water policy: California tribal communities</p>	<p>2/14/2024 – Introduced 3/21 Ref to Coms on ES&TM and W,P&W 4/10 Coauthors revised 4/23 Passed com, ref to APPR 5/16 Suspense file</p>	<p>CalMatters Analysis: Defines “tribal water uses” and designates them as a beneficial use of water. Requires the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards), when approving a project or regulatory program, to describe how that project or regulatory program would impact tribal water uses and to incorporate tribal uses of water into water quality control plans. According to the author: “California tribes have been fighting to preserve their way of life since the beginning of California’s history. The state and tribes have been working hand in hand to correct injustices and heal historical trauma. Laws have been passed mandating consultation and preservation of tribal sacred sites and cultural resources. However, tribes cannot maintain their ways of life without access to the plants and animals sustained by healthy rivers and lakes. AB 2614 would establish statewide tribal beneficial water uses, which would ensure all California tribes can benefit from water quality management plans that would place cultural uses on equal footing with other uses.”</p>

	AB 2618 Surplus funds: investment	2/14/24 Introduced 4/1 Ref to Com on B&F 5/1 Passed Assm, read in Senate 5/29 Passed com, read 2 nd time and amended 6/20 Ref to APPR 7/1 Hearing postponed	CSDA Summary: Current law authorizes a local agency that has the authority under law to invest funds, at its discretion, to invest a portion of its surplus funds in deposits at a commercial bank, savings bank, savings and loan association, or credit union that uses a private sector entity that assists in the placement of deposits, subject to certain conditions. Current law, until January 1, 2026, prohibits deposits placed pursuant to that provision from exceeding 50% of the agency's funds that may be so invested and, on and after January 1, 2026, reduces that deposit limit to 30% of the agency's funds that may be so invested. This bill would repeal the reduction to a 30% deposit limit.
	AB 2626 Advanced Clean Fleets regulations: Local governments	2/14/2024 – Introduced 3/21 Passed Committees 4/10 Coauthors revised, re-ref to W,P&W 4/23 Killed in TRANS 4/25/24 Bill is DEAD	CSDA Summary: This bill would extend the compliance dates for local government set forth in the Advanced Clean Fleets Regulation by 10 years. The bill will prohibit the California Air Resources Board from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025.
	AB 2715 Brown Act: Closed sessions	2/14/24 Introduced, ref to LGov 4/24 Read second time, amended, re-ref to LGov 5/16 Read 1 st time in Senate, ref to LGov & Jud 6/26 Passed JUD, ordered to 3 rd reading	The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session with specified individuals on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a legislative body to hold a closed session with other law enforcement or security personnel and to hold a closed session on a threat to critical infrastructure controls or critical infrastructure information, as defined, relating to cybersecurity.
	AB 2729 Residential Fees and Charges	2/15/24 Introduced 5/20 Passed Assm read 1 st time in Senate 5/29 Ref to Coms on LGov and Housing 6/5 Author's amendments, re-ref to LGov 6/26 Passed LGov ref to Housing	CSDA Opposed: This bill would, among other things, for certain developments, defer development impact fees until the certificate of occupancy or its equivalent, lock in those fee amounts prior to the issuance of a building permit, and prohibit the charging on interest on those deferred fees. Consequently, the bill would restrict revenue required to fund essential infrastructure for new homes and shift liability from private developers of new projects to taxpayers currently residing in the communities in which they seek to build.
	AB 2947 Water: turfgrass conversion	2/16/24 Introduced 4/23 Passed with amendments, ref to APPR 5/1 Suspense file 7/2 No change in status	The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance that is adopted and updated at least every three years by the DWR. This bill would prohibit the DWR, when it allocates funding for the programs, from excluding urban water suppliers' turfgrass conversion rebate programs if the program requires the recipient to achieve a net water savings and to use the most efficient turfgrass irrigation equipment. Would require an urban water supplier to report annually on the number of conversions funded and estimated water savings.

	<p>AB 3073 Water testing: illicit substances</p>	<p>2/16/24 Introduced. 3/11 Ref to Com on ES&TM; author's amendments 4/10 Ref to APPR 4/24 Suspend file 7/2 No change in status</p>	<p>Would require the State Water Resources Control board to create a program to test for illicit substances, including, but not limited to, cocaine, fentanyl, methamphetamine, and morphine, in wastewater. Would require local agencies to collect samples for testing by the State Board. By imposing additional duties on local agencies, this would impose a state-mandated local program. Would require the posting of the results on the State Dept of Public Health website.</p>
	<p>AB 3084 Groundwater basin management</p>	<p>2/16/24 Introduced. 7/2 No further action</p>	<p>The SGMA states the intent of the Legislature to provide for the sustainable management of groundwater basins. This bill would express the intent of the legislature to enact future legislation to improve groundwater basin management.</p>
	<p>AB 3090 Drinking Water Standards: emergency notification plan compliance: notification</p>	<p>2/16/24 Introduced. 4/29 Read first time in Sen, ref to Com Rules 6/25 ENROLLED and presented to Gov for signature</p>	<p>Current law requires a public water system to notify the SWRCB and users of the system when any primary drinking water standard is not complied with, when a monitoring requirement is not performed, or on failure to comply with the conditions of any variance or exemption. Current law authorizes and encourages notice through foreign language media in addition to nonwritten notification per the system's emergency notification plan. This bill would further authorize and encourage public water systems to provide notification through public safety communications technology, including the Federal Witness Emergency Alert System, that communicates with groups in the affected geographic area.</p>
	<p>AB 3121 Urban retail water suppliers: informational order: written notice: conservation order: water use efficiency standards and water use reporting: dates written notice: conservation order: dates</p>	<p>2/16/24 Introduced. 4/29 Read third time; read first time in Senate, ref to Com on Rules 6/12 Read 2nd time, ref to APPR 6/24 From committee: Be ordered to second reading file pursuant to Senate Rule 28.8 and ordered to Consent Calendar 6/27 From Consent Cal 7/2 Senate 3rd reading</p>	<p>Current law authorizes the SWRCB, on and after January 1, 2025, to issue a written notice to an urban water supplier that does not meet its urban water objective. After January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet the objective. This bill would instead provide that the date the Board is authorized to issue a written notice to January 1, 2026, and a conservation order to January 1, 2027.</p> <p>(1) Existing law authorizes the State Water Resources Control Board, on and after January 1, 2024, to issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective. Existing law authorizes the board, on and after January 1, 2025, to issue a written notice to an urban retail water supplier that does not meet its urban water use objective. Existing law authorizes the board, on and after January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. This bill would instead provide that the date the board is authorized to issue informational orders is on or after January 1, 2026, the date to issue a written notice is on or after January 1, 2026, 2027, and the date to issue a conservation order is on or after January 1, 2027, 2028, respectively.</p> <p>(2) Existing law requires, on or before January 10, 2024, the Legislative Analyst to provide a report to the appropriate policy committees of both houses of the Legislature and the public evaluating the implementation of the water use efficiency standards and water use reporting. This bill would require the Legislative Analyst to provide a report as described above on or before January 10, 2028.</p>
	<p>AB 3200 Master-metered mobilehome parks and mfd housing: transfer of water systems</p>	<p>2/16/24 Introduced. 4/25 – Failed deadline. Bill is DEAD</p>	<p>This bill would authorize the owner of a master-metered mobile home park or manufactured housing community that provides water service to residents to transfer ownership and operational responsibility to the water corporation providing service in the area in which the park or community is located, or as the park and water corporation mutually agree. Would impose specified duties in connection with the transfer. Would prohibit costs related to the transfer from being passed through to the residents but provide that they are recoverable in rates.</p>

<p>AB 3219 Advanced Clean Fleets Regulation: local governments</p>	<p>2/16/24 Introduced 3/11 Ref to Committees on TRANS and NR 3/12 Author's amendments, re-ref to Trans 7/2 No change in status</p>	<p>CSDA Analysis: Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would provide that the requirements of the Advanced Clean Fleets Regulation do not apply to the purchase by a local government of vehicles with a gross vehicle weight rating greater than 8,500 pounds if the price of the zero-emission version of a vehicle is more than an unspecified percentage of the price of a comparable internal combustion engine version of that vehicle.</p>
<p>AB 3276 Mitigation Fee Act: Reports</p>	<p>2/16/24 Introduced 4/18 Passed and re-ref to H&CD 4/24 Passed, ref to APPR with recommendation to Consent Calendar 5/16 Passed Assm, read 1st time in Senate 7/2 Senate 3rd reading</p>	<p>The Mitigation Fee Act imposes certain requirements on a local agency that imposes a fee as a condition of approval of a development project that is imposed to provide for an improvement to be constructed to serve the development project, or a fee for public improvements, as specified. In this regard, the Mitigation Fee Act requires the local agency to deposit the fee in a separate capital facilities account or fund, and to make certain information about the account or fund for the fiscal year available to the public within 180 days after the last day of each fiscal year. The Mitigation Fee Act requires that information to include, among other things, a brief description of the type of fee in the account or fund, the identification of each public improvement on which fees were expended, and the amount of fee refunds, as specified. <i>The Mitigation Fee Act also requires a local agency to provide a person paying the fee a link to the page on the local agency's internet website where this information is available for review.</i> This bill, on or before the last day of the 2029-30 fiscal year and on or before the last day of every 5th fiscal year thereafter, would additionally require a local agency to post this information with respect to each separate account or fund, established as described above, for the preceding 5 years on the local agency's internet website.</p>
<p>SB 231: Dept of Water Resources: Water Supply Forecasting</p>	<p>1/23/23 Introduced 5/25 Passed Senate 5/25 Read 1st time in Assembly, ref to WP&W 6/19 From Com on WP&W as amended, re-ref to APPR 7/12 Read 2nd time and amended 9/1 Two-year bill 7/2 No change in status</p>	<p>Existing law requires the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health to coordinate the collection, management, and use of agricultural and urban water measurement information provided to each agency. Existing law requires the board, in collaboration with the DWR, the California Bay-Delta Authority or its successor agency, and the State Department of Public Health, to prepare and submit a report to the Legislature by January 1, 2009, evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database. Would require the board, in collaboration with the DWR and the Delta Stewardship Council, the authority or its successor agency, and the State Department of Public Health, to prepare and submit an update to the report to the Legislature by January 1, 2025, evaluating the feasibility, estimated costs, and potential means of financing a water measurement database, as specified. The bill would require the department to inventory its existing drought mitigation and response plans and submit a report to the Legislature identifying these plans and their purposes by December 31, 2025. The bill would require the report to include a recommendation on whether there is a need for a new comprehensive, long-term plan for mitigating and responding to the effects of drought at the state level.</p>
<p>SB 366: Calif Water Plan: long term supply targets</p>	<p>2/8/23 Introduced 5/31 Passed Senate 6/1 Read 1st time in Assm, ref to WP&W 7/11 Hearing canceled 4/8/24 From Committee with amendments; read 2nd time and amended; ref to Com on W,P & W</p>	<p>Existing law requires DWR to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources, known as the California Water Plan. This bill would require DWR to instead establish a stakeholder advisory committee, to expand the membership of the committee to include tribes and environmental justice interests, to prohibit a member of the committee from serving longer than the development of 2 updates, and to require the committee to meet a minimum of 4 times annually. The bill would require the department, to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified water supply targets established by the bill for purposes of "The California Water Plan." The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses. The bill would require the plan to</p>

		<p>5/5: In Asm W,P&W 6/25 Passed Com, ref to APPR 6/26 Read 2nd time and amended, re-ref to APPR</p>	<p>include specified components, including an economic analysis and a long-term financing plan. The bill would require the department to develop the long-term financing plan, as provided, to meet the water supply targets and include the final financing plan as part of each update. The bill would require the department to submit to the Legislature an annual report regarding the progress made toward meeting the water supply targets, once established. The bill would also require the department to conduct public workshops to give interested parties an opportunity to comment on the plan and to post the preliminary draft.</p>
<p>SB 597: Building standards: rainwater catchment systems</p>	<p>2/9/23 Introduced 3/21: From RLS w/ author's amendments 5/1 Suspense File 5/24: Passed Senate 6/1: Ref to H&CD 6/21 Passed as amended 6/22 Read 2nd time and amended 7/12 Suspense file 7/2/24 No change in status</p>	<p>The Calif Building Standards Law requires a state agency that adopts or proposes adoption of a building standard to submit the standard to the California Building Standards Commission and makes the commission responsible for publication of an updated edition of the California Building Standards Code every 3 years. Existing law requires the Dept of Housing and Community Development to propose to the commission the adoption, amendment, or repeal of building standards for installation of recycled water systems for newly constructed single-family residential and multifamily residential buildings, as specified. This bill would require the department to conduct research, research and develop recommendations regarding building standards for the installation of rainwater catchment systems in newly constructed residential dwellings. And would authorize the department to propose an amendment or repeal of these mandatory standards as necessary in subsequent code adoption cycles. The bill would authorize the department to expend moneys from the Building Standards Administration Special Revolving Fund for the above-described purposes, upon appropriation by the Legislature, as specified. The bill would require the department, on or before January 1, 2025, to provide a report to specified committees of the Legislature regarding the outcomes of its research and the recommendations developed.</p>	
<p>SB 638: Climate Resiliency and Flood Protection Bond Act of 2024</p>	<p>1/18/23: Introduced 6/1 Passed Senate, read in Assembly 6/28 Author's amendments 7/6 Hearing postponed by committee 7/2/24 No change in status</p>	<p>Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.</p>	
<p>SB 651: CEQA: groundwater recharge projects: Judicial Council rules of court</p>	<p>2/16/23 Introduced 5/24: Passed Senate 5/25: Read 1st time in Assembly 6/1 Ref to WP&W, and NR, amended 6/22 Read 2nd time and amended. Re-ref to Com on Nat Resources 7/2/24 No change in status</p>	<p>Would make it the policy of this state that, to help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the state board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. This bill contains other related provisions and other existing laws.</p>	

<p>SB 867 Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024</p> <p>Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy-Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.</p>	<p>2/17/23 Introduced 5/31 Passed Senate, read in Assembly 5/5/24: In Assm Natural Resources Com 6/29 From Natural Resources Com w amendments 7/1 Assembly Rule 96 suspended. Withdrawn from committee. Ordered to third reading. Joint Rule 62(a) suspended.</p>	<p>SB 867, as amended, Allen. Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy-Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.</p> <p>The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters.</p> <p>This bill would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy-Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 \$10,000,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, drought, flood, and water resilience; wildfire and forest resilience; coastal resilience; extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart agriculture, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean-energy air programs.</p> <p>This bill would provide for the submission of these provisions to the voters at the March 5, 2024, statewide primary election.</p> <p>This bill would become operative only if SB 638 of the 2023-24 Regular Session is enacted and takes effect on or before January 1, 2024.</p> <p><i>This bill would declare that it is to take effect immediately as an urgency statute.</i></p>
<p>SB 903 Environmental Health: product safety: perfluoroalkyl and polyfluoroalkyl substances</p>	<p>1/4/24 Introduced 3/8 From Com on EQ and JUD w/ author's amendments 4/11 Read second time and amended 4/15 Ref to APPR 4/29 Suspend file 7/2 No change in status</p>	<p>Cal Cities reports: This bill would reduce the cost of treating drinking water. The bill would ban the manufacturing, distribution, or sale of any product that intentionally adds PFAS — unless it is currently unavoidable to use — by Jan. 1, 2032. The Department of Toxic Substances Control would need to develop regulations, including penalties for violations, on or before Jan. 1, 2027. State law already prohibits the manufacturing, distribution, or sale of new textiles, youth products, and food packaging that contain regulated PFAS, starting Jan. 1, 2025. State law also bans cosmetic products that intentionally contain PFAS, starting Jan. 1, 2025.</p>

	<p>SB 937 Development projects: permits and other entitlements: fees and charges</p>	<p>1/17/24 Introduced 4/29 Passed APPR 5/21 Passed Senate, read 1st time in Assm 6/17 Passed LGov, read 2nd time ref to H&CD 6/26 Passed as amended, ref to APPR 6/27 Read 2nd time and amended, re-ref to APPR</p>	<p>CSDA Opposed; ACWA Opposed. This bill would prohibit local agencies from requiring payment of connection and capacity fees until the date the certificate of occupancy is issued. Agencies typically collect these fees at the time an application for a new service connection is submitted and approved. ACWA adopted an oppose-unless amended position based on concerns that the bill would significantly delay an agency's ability to recover the costs of services provided for new connections.</p>
	<p>SB 1034: California Public Records Act: state of emergency</p>	<p>2/6/24 Introduced 4/3 Passed JUD as amended 4/4 Read second time and amended, ref to APPR 4/25 Read first time in Assm and held at desk 6/4 Passed JUD as amended, ref to APPR 6/19 Passed APPR and read 2nd time 6/26 Passed 7/1 ordered to special consent calendar</p>	<p>This bill would add an additional circumstance to the list of "unusual circumstances" established within the California Public Records Act that allow for the extension of the typical 10-day time limit for making determinations concerning records in the agency's possession. This bill would include delays associated with a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities. The extension associated with this newly-added provision would not apply to records created during, or related to, the state of emergency, unless the request falls under one of the pre-existing "unusual circumstances" in statute.</p>
	<p>SB 1072 Local Govt: Proposition 218: remedies</p>	<p>2/12/24 Introduced. 4/24 Passed LGov, read second time and amended 5/23 Passed Sen, read 1st time in Assm 6/3 Ref to LGov 6/17 Passed com w author's amendments 6/27 Read 2nd time</p>	<p>Would require, if a property-related fee or charge creates revenues in excess of the local government's reasonable cost of providing the specific benefit or specific government service, that the excess revenues be used only to reduce the subsequently adopted and following property-related fee or charge. The bill would declare that this provision is declaratory of existing law.</p>

	<p>SB 1110: Urban Retail Water Suppliers: Conservation Order</p>	<p>2/13/24 Introduced 4/24 Read second time and amended. Re-ref to APPR 5/21 Passed Senate, read 1st time in Assm 5/28 Ref to Com on WP&W 6/25 Passed as amended, ref to APPR</p>	<p>Existing law authorizes the State Water Resources Control Board, on and after January 1, 2024, to issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective. Existing law requires the board to consider certain information in determining whether to issue an informational order. This bill would require the board to additionally consider lower cost actions the water supplier has implemented or will implement in order to help the water supplier achieve overall water supply resiliency in determining whether to issue an informational order. Existing law authorizes the board, on and after January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. This bill would authorize the board to consider the water supplier's overall water supply management portfolio, including lower cost actions the water supplier has implemented or will implement in order to help the water supplier achieve overall water supply resiliency in deciding whether to issue a conservation order.</p>
	<p>SB 1147 Drinking water: bottled water: Microplastics levels</p>	<p>2/14/24 Introduced 5/16 Passed APPR 5/21 Passed Senate, read 1st time in Assm 6/19 Passed Com on Health and ES&TM w/ author's amendments 6/26 Read 2nd time and ref to APPR</p>	<p>Would require the Office of Env Health Hazard Assessment (OEHA) to study the health impacts of microplastics in drinking water, including bottled water, in order to evaluate and identify safe and unsafe levels of microplastics in those types of water, and on or before January 1, 2026, to develop and deliver to the SWRCB public health goals and a safe level of microplastics in those waters. Would require the SWRCB, on or before January 1, 2028, to adopt and implement those standards and provide them to local water agencies.</p>
	<p>SB 1185 Water conservation: Water use objectives efficiency standards</p>	<p>2/14/24 Introduced 3/18 Passed RULES w/ author's amendments 4/3 Ref to Com on N,R&W 4/23 Failed passage in Committee 4/25 Bill is DEAD</p>	<p><i>This bill would delete the requirement that the board adopt standards, for purposes of urban water use objectives, for water loss and would instead require the board to consider the policies relating to urban water use objectives and proposed efficiency standards' effects on water loss. The bill would also set forth standards, policies, and procedures relating to water use objectives, generally, including, among other things, a prohibition against any water use objective established by the board that causes a reduction of more than 20% when compared to a water supplier's actual water use in 2023 or that exceeds a water use standard recommended by the department. The bill would also authorize any amount of water to be used for a variance from a water use objective and would prohibit any required minimum amount of water for a variance. The bill would impose additional duties on the board, including requiring the board to develop a self-certification process for water suppliers for purposes of validating the amount of water in a variance, as provided.</i></p>
	<p>SB 1210 New housing construction: electrical, gas, sewer, and water service: service connection information</p>	<p>2/15/24 Introduced 4/8 Passed LGov 5/22 Passed Sen, read 1st time in Assm, 6/20 Passed Com, read 2nd time and amended. Re-ref to LGov 6/26 Passed LGov, ref to APPR</p>	<p>- This bill would prohibit a connection or capacity fee assessed on new housing development from exceeding 1% of the reported building permit value of that housing unit. Additionally, the bill would require agencies to issue these fees over a period of at least 10 years commencing on the date when the housing unit is first occupied. ACWA adopted an oppose position based on significant concerns that the bill would result in revenue shortfalls by preventing agencies from recovering the costs of providing service to new housing developments</p>

	<p>SB 1218 Water: emergency water supplies</p>	<p>2/15/24 Introduced, ref to Com on RLS 4/23 Passed Com, ref to APPR. 5/24 Passed Senate, read 1st time in Assm 6/18 Passed Com on WP&W w authro's amendments 6/25 ref to APPR</p>	<p>Would declare that it is the established policy of the State to encourage and incentivize, but not mandate, the development of emergency water supplies, and to support their use during times of water shortage.</p>
	<p>SB 1255 Public water systems: needs analysis: water rate assistance programs</p>	<p>2/15/24 Introduced, ref to Com on RLS 4/1 Passed Com w amendments, read second time and amended, re-ref to EQ 4/17 Passed Com and ref to APPR 4/29 Suspense file 5/22 Passed Senate, read first time in Assm 6/19 Read 2nd time and amended 6/26 Passed and ref to Com on U&E</p>	<p>Would require the SWRCB to develop a needs analysis of the state's public water systems on or before May 1, 2025, and on or before May 1 of each year thereafter ACWA Opposed unless amended: SB 1255, by Senator Maria Elena Durazo (D-Los Angeles), would create a water low income rate assistance (LIRA) program that would apply to water suppliers that serve over 3,300 residential connections. The Community Water Center, Clean Water Action and Leadership Counsel for Justice and Accountability are sponsoring this bill. As introduced, the bill was limited to the State Water Resources Control Board gathering specified data on affordability issues for community water systems with fewer than 3,000 connections (later amended to 3,300 connections). The bill was then amended to additionally propose a LIRA program that would apply to retail water suppliers that serve over 3,300 residential connections. The program would be funded through voluntary contributions from ratepayers who are not eligible for assistance. These ratepayers would be committed to making the contribution unless they opted-out. ACWA supports a statewide water LIRA program that is workable and efficient. ACWA's State Legislative Committee on May 31 adopted an oppose-unless-amended position on SB 1255 as proposed to be amended due to serious concerns about its workability.</p>
	<p>SB 1330 Urban retail water supplier: water use</p>	<p>2/16/24 Introduced, 4/24 Read second time and amended. Ref to APPR 5/20 Passed Senate, read 1st time in Assm 5/28 Ref to Com on WP&W 6/13 From Com w author's amendments 6/26 Read 2nd time and amended. Re-ref to APPR</p>	<p>Current law requires the DWR in coordination with the SWRCB, to conduct necessary studies and investigations, and recommend for adoption appropriate variances for unique uses that can have a material effect on an urban water retail supplier's urban water use objective. Requires, in recommending variances, to also recommend a threshold of significance for each recommended variance. Currently law requires an urban water retail supplier to request and receive approval for inclusion of a variance in calculating their water use objective. This bill would require the SWRCB to adopt variances recommended by the DWR for unique uses and would provide that variances adopted by the Board shall not be subject to a threshold of significance. Would require an urban retail water supplier to self-certify the amount of water included in its urban water use objective that is attributable to a variance. Would require the SWRCB to randomly audit a select number of variances per year.</p>

<p>SB 1390 Groundwater recharge: floodflows: Diversion</p>	<p>2/16/24 Introduced, ref to Com on Rules 2/29 Ref to Com on N,R&W 4/23 Passed as amended, ref to APPR 4/24 Read second time and amended. Re-ref to APPR 5/24 Passed Sen, read 1st time in Assm 6/25 From Com on WP&W w amendments 6/26 Read 2nd time and amended, ref to APPR</p>	<p>Current law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Current law requires the appropriation to be for some useful or beneficial purpose. Current law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency that has adopted a local plan of flood control or has considered flood risks as part of its most recently adopted general plan has given notice, as provided, of imminent risk of flooding and inundation of lands, roads, or structures. Current law also requires the person or entity making the diversion for groundwater recharge purposes to file with the State Water Resources Control Board a final report 15 days after the diversions cease. These requirements apply to diversions commenced before January 1, 2029. This bill would extend the operation of these requirements to diversions commenced before June 1, 2032. The bill would revise, recast, and expand the conditions that are required to be met for the diversion of floodwaters for groundwater recharge that do not require an appropriative water right. The bill would require that a local or regional agency take specified actions, including making a declaration that diversion of floodflows for groundwater recharge from a delineated stretch of waterway within its jurisdiction is in accordance with one of certain enumerated plans relating to flood control or flood risk, as specified, or a county emergency operations plan. The bill would require diversions to cease no later than 90 days after commencing, unless they are renewed, and would authorize a local or regional agency to renew a diversion for an additional 30 days by notifying the board of its intention to continue diverting 15 days before its expiration.</p>
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Attachment: CSDA Fact Sheet: Climate Resilience Bond Funding for compliance with zero emission vehicle (ZEV) mandates
END



FACT SHEET: Climate Resilience Bond Funding for compliance with zero emission vehicle (ZEV) mandates

Authors: Current Climate Resilience Bond measures include Senate Bill 638 (Eggman), Assembly Bill 1567 (Garcia) and SB 867 (Allen)

Position: **REQUEST \$500 MILLION IN STATE BOND FUNDING**

- Request inclusion of up to \$500 million in any Climate Resilience Bond to help special districts, cities, and counties fund Infrastructure and Vehicles to comply with the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) regulation / zero emission vehicles (ZEV) mandates among other priorities.

Locations: Various

Summary: CSDA seeks funding to help local governments comply with the CARB ACF regulation / ZEV mandates, and parity with other local governments for eligibility for any funding of like services.

Major Provisions: CSDA requests that any climate-related statewide bond measure:

- Allocate up to \$500 million for compliance with the ACF mandates for ZEVs and the infrastructure necessary to fuel, service, and operate them.
- Include general parity and equitable access to funding among local governments providing like services.

Background: CARB ACF regulation.

State and local government vehicle fleets, including city, county, special district, and state agency fleets, are required to ensure 50 percent of medium-duty and heavy-duty vehicle purchases are zero-emission beginning in 2024 and 100 percent of purchases are zero-emission by 2027. Small government fleets, defined as those with 10 or fewer vehicles and those in designated counties, must start their ZEV purchases beginning in 2027. Alternatively, local government fleet owners may elect to meet ZEV targets using the ZEV Milestones Option, which allows for a graduated percentage of fleets to be in compliance by certain dates and depending on vehicle type. State and local government fleets may purchase either ZEVs or near-ZEVs, or a combination of ZEVs and near-ZEVs, until 2035. Starting in 2035, only ZEVs will meet the mandate.

Talking Points:

- Local agency surveys show that local agency fleet managers indicate several challenges to compliance including:
 - ZEV versions of the needed medium-duty and heavy-duty vehicles are not currently being manufactured and pricing is not readily available for the small number that could meet their needs.
 - Electrical infrastructure and charging systems are a challenge to fund, plan, design, build, and put into service in time to operate the mandated vehicles.
 - Electrical reliability is dangerously inadequate, particularly during events where medium-duty and heavy-duty vehicles for utilities and other essential service providers are most critical.



- Lack of funding mechanisms and the expense of available vehicles. Nearly all local revenue sources are Constitutionally limited, and voter constrained. Costs to provide services are already far outpacing the ability to raise revenues.
- Even \$500 million for local agencies through a Climate Resilience Bond would not be nearly sufficient to cover the immense anticipated costs to comply with ACF. However, any funds will be helpful to assist agencies in their initial efforts to comply.

Frequently Asked Questions:

Question: What are the purchase deadlines special districts are facing to comply with ACF?

Answer:

- By purchase schedule method: Generally, 50 percent of medium-duty and heavy-duty vehicle purchases are zero-emission beginning in 2024 and 100 percent of vehicle purchases are zero-emission by 2027.
- By Milestone Method: A graduated percentage of the fleet, depending on vehicle type through 2033 or 2039.

Question: What challenges are special districts facing to comply with ACF?

Answer:

- CSDA members report concerns obtaining charging or refueling infrastructure on the extremely short, mandated timeline.
- Required vehicle acquisition, particularly of specialty vehicles necessary for the specialized services special districts provide, is infeasible.
- Costs are exorbitant and special districts lack sufficient funding mechanisms.
- Power reliability is inadequate, particularly during emergency events where the medium-duty and heavy-duty vehicles affected by the regulation become critical to communities' health and safety.

Question: What are the costs to comply with ACF?

Answer:

This is brand new territory and not all aspects of the related industries are fully mature, available, or fully understood. Notably, the California Department of Transportation (Caltrans) has requested a \$279 million Fleet Replacement Budget Change Proposal (Request 2660-068-BCP-2024-GB) for each of two years to begin to comply with the mandate. The Caltrans plan is to acquire over 2,100 medium and heavy-duty compliant vehicles and related infrastructure and staffing within two years.

The thousands of special district, city, and county vehicle fleets impacted by the ACF mandate will have similar or greater costs, but perhaps without the economies of scale that the state may benefit from.



**Beaumont-Cherry Valley Water District
Special Board Meeting
July 10, 2024**

Item 2b

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Ad Hoc Communications Committee Quarterly Report

Executive Summary

As re-established by President Covington for the 2024 Fiscal Year, the Communications Committee has met bi-monthly to monitor activities related to the CV Strategies contract scope of work, keep abreast of District communications efforts, and provide recommendations to the Board and staff for public outreach.

Summary

As of June 30, 2024, the following actions activities have taken place:

Table 1-Summary of Activity From May to June 2024

Items	Outreach	Activity	Status	Timeframe
1	Facebook Growth	2 new followers	Ongoing	May to June 2024
2	Twitter/X	n/a	n/a	No longer available
3	Press Release	Water Quality Report	Completed	Completed June 30 for July 1 posting
4	Bill Inserts	Water Quality Report	Completed	Mailed June 27, 2024
5	Bill Messaging	Payment Options	Ongoing	Monthly
6	Website Development	Updated Water Rates Study	Completed	June 2024
7	Conservation Messaging	Social media, website, media	Ongoing	Monthly

Table 2-Upcoming 2024 Activity

Items	Outreach	Activity	Status	Timeframe
1	Bill Messaging	Payment Options	Ongoing	Monthly
2	Bill Messaging	Water Quality Report	In progress	July/August



Items	Outreach	Activity	Status	Timeframe
3	Conservation Messaging	Social media, website, media	Ongoing	Monthly
4	Press Release	Stormwater Solutions	In progress	July 2024
5	Website Development	Online Start and Ending application	In progress	Goal: July 2024
6	Video	Final interviews pending	In progress	Goal: August 2024
7	Press Release	AMR/AMI Project	In Progress	Goal: August 2024
8	2025 Cost of Study	Website	Ongoing	Monthly
9	2025 Cost of Study	Mini social media inserts	Pending	Goal: September 2024

District staff, with help from CV Strategies, has achieved a BCVWD brand look and feel for communications, and it is easy for customers to identify items from the District. The Committee is evaluating the effectiveness of the District’s social media presence and staff continues to identify cost saving measures by creating various outreach items in-house.

Fiscal Impact

As of May 31, 2024, the total expenses related to activity by CV Strategies have totaled \$26,022.50.

As the CV Strategies contract was approved by the Board of Directors for \$99,715 for the fiscal year 2024, along with a 2023 carryover for a District video of \$5,500, there is \$79,192.50 remaining for fiscal year 2024.

Staff Report prepared by Sylvia Molina, Assistant Director of Finance and Administration



**Beaumont-Cherry Valley Water District
Board of Directors Regular Meeting
July 10, 2024**

Item 3a

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Approval of Pending Invoices

Staff Recommendation

Approve the pending invoice totaling \$6,911.83

Background

Staff has reviewed the pending invoice and found the services rendered were acceptable to the District.

Fiscal Impact

There is a \$6,911.83 impact to the District which will be paid from the 2024 budget.

Attachment(s)

1. Richards Watson Gershon Invoice #248161

Staff Report prepared by William Clayton, Finance Manager



T 213.626.8484
F 213.626.0078
Fed. I.D. No. 95-3292015

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071

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DAN JAGGERS, GENERAL MANAGER
BEAUMONT- CHERRY VALLEY WATER DISTRICT
560 MAGNOLIA AVENUE
BEAUMONT, CA 92223-2258

Invoice Date: June 10, 2024
Invoice Number: 248161
Matter Number: 12788-0001

 GENERAL COUNSEL SERVICES

For professional services rendered through May 31, 2024

Fees	6,857.50
Costs	54.33
Total Amount Due	\$6,911.83

TERMS: PAYMENT DUE UPON RECEIPT

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE TO

RICHARDS, WATSON & GERSHON
350 South Grand Avenue, 37th Floor
Los Angeles, CA 90071

RICHARDS WATSON GERSHON



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 3b

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Status of Declared Local Emergencies related to Fires

- i) Impact of the Apple Fire pursuant to Resolution 2020-17
- ii) Impact of the El Dorado Fire pursuant to Resolution 2020-20

Staff Recommendation

Extend the Declarations of Local Emergency pursuant to Resolutions 2020-17 and 2020-20.

Executive Summary / Status Update

Emergency conditions due to the results of the Apple Fire and El Dorado Fire in 2020 are continuing. District staff experienced mud and debris flows during various storm events through the winter months and have prepared facilities for the possibility of significant thunderstorms across the burn scars this summer. Operations staff are closely monitoring weather models and participate in weekly weather updates from the National Oceanic and Atmospheric Administration (NOAA) San Diego office. Collaboration with Riverside County Flood Control and Water Conservation District (RCFC&WCD) continue with mitigation efforts on District owned property within portions of Noble Creek to capture mud and debris prior to making its way into the community during significant storm events. Further efforts continue in Edgar Canyon to capture stormwater when available and of good quality while diverting larger storm flows that continue to produce mud and debris.

Staff recommends renewal of the resolutions to allow provision of extraordinary police powers; immunity for emergency actions; authorize issuance of orders and regulations; and activate pre-established emergency provisions. The declaration of emergency is a prerequisite for requesting state or federal assistance.

Background

Conditions of disaster or of extreme peril to the health and safety of persons and property have arisen during and resulting from two significant wildfires within and adjacent to the BCVWD service area. California Governor Gavin Newsom proclaimed a State of Emergency for California on September 3, 2020. The District exercised its authority to proclaim a local emergency with adoption of Resolution 2020-17 on August 12, 2020 related to the Apple Fire, and Resolution 2020-20 on September 9, 2020 related to the El Dorado Fire.

The Board of Directors has received updates and reviewed the status of the local emergencies at least every 60 days, continuing the emergency due to threats of mudslides, debris flows, and potential damage to District facilities and equipment.

Fiscal Impact

The fiscal impact to the District is substantial and ongoing. The District will process expenses and request California Disaster Assistance Act funding to assist with these costs.

Staff Report prepared by James Bean, Director of Operations and Lynda Kerney, Executive Assistant



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 4

STAFF REPORT

TO: Board of Directors

FROM: Ren Berioso, Human Resources Manager

SUBJECT: Resolution 2024-__: Amending the District’s Policies and Procedures Manual Part I:
 Section 43 Nepotism/Employment of Relatives and Fraternization
 Section 39 HIPAA Compliance
 Section 44 Confidentiality in Resignations
 Section 20 Reduction in Force
 Section 47 Grievance Procedures

Staff Recommendation

Adopt Resolution 2024-__ Amending the District Policies and Procedures Manual Part I

Executive Summary

Staff requests consideration of the policy amendments as recommended by the Personnel Committee. The proposed draft policies have been reviewed by Legal Counsel.

Background

On March 18, 2009, the Board of Directors adopted Resolution 2009-05, establishing a Policies and Procedures Manual applicable to the Board of Directors and District staff. The document has been updated periodically as needed over the years, and in 2018, the Personnel Committee directed staff to review, revise and update all polices in order of priority based on safety and legal standards. Staff has worked to address policies individually and has produced drafts based on advice of legal counsel and the human resources consultant, changes in state and federal law, and review of sample policies from the Association of California Water Agencies / Joint Powers Insurance Authority (ACWA-JPIA), the California Special Districts Association (CSDA), and other water districts and local agencies.

Discussion

Staff presents the listed policies for Board consideration. The following attachments herewith provide detailed information on proposed changes and / or new policy recommendations.

Action

Approve the following changes to the BCVWD Policies and Procedures Manual Part I:

	Replace or Revise Policy:	With the New or Revised Policy:
A	Section 43 Nepotism/Employment of Relatives	3180 Nepotism/Employment of Relatives and Fraternization
B	Section 39 HIPAA Compliance	3160 HIPAA Compliance
C	Section 44 Confidentiality in Resignations	3185 Employee Separation



D	Section 20 Reduction in Force	3065 Reduction in Force
E	Section 47 Grievance Procedures	3200 Grievance Procedures

Fiscal Impact: Described by each staff report regarding the policy to be amended.

Attachments

1. Proposed Resolution 2024-__
 - a. 3180 Nepotism/Employment of Relatives and Fraternalization (clean)
 - b. 3160 HIPAA Compliance (clean)
 - c. 3185 Employee Separation (clean)
 - d. 3065 Reduction in Force (clean)
 - e. 3200 Grievance Procedures (clean)
2. 3180 Nepotism/Employment of Relatives and Fraternalization – Staff Report
 - a. 3180 Redline
 - b. 3180 Side-by-Side
3. 3160 HIPAA Compliance – Staff Report
 - a. 3160 Redline
 - b. 3160 Side-by-Side
4. 3185 Employee Separation – Staff Report
 - a. 3185 Redline
 - b. 3185 Side-by-Side
 - c. 3185 California Labor Law
5. 3065 Reduction in Force – Staff Report
 - a. 3065 Redline
 - b. 3065 Side-by-Side
 - c. BCVWD MOU Article 18
6. 3200 Grievance Procedures – Staff Report
 - a. 3200 Redline
 - b. 3200 Side-by-Side
 - c. BCVWD MOU Article 19
 - d. Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure

Staff Report prepared by Ren Berioso, Human Resources Manager



ATTACHMENT 1	Resolution
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RESOLUTION 2024-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL PART I: REPLACING SECTION 43 NEPOTISM / EMPLOYMENT OF RELATIVES WITH POLICY 3180 NEPOTISM / EMPLOYMENT OF RELATIVES AND FRATERNIZATION, SECTION 39 HIPAA COMPLIANCE WITH POLICY 3160 HIPAA COMPLIANCE; SECTION 44 CONFIDENTIALITY IN RESIGNATIONS WITH POLICY 3185 EMPLOYEE SEPARATION; SECTION 20 REDUCTION IN FORCE WITH POLICY 3065 REDUCTION IN FORCE; AND SECTION 47 GRIEVANCE PROCEDURES WITH POLICY 3200 GRIEVANCE PROCEDURES

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 subject policies attached hereto and listed below, finds the revised 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 as follows:

The BCVWD Policies and Procedures Manual Sections:

Part I Section 43	Nepotism/Employment of Relatives
Part I Section 39	HIPAA Compliance
Part I Section 44	Confidentiality in Resignations
Part I Section 20	Reduction in Force
Part I Section 47	Grievance Procedures

are hereby replaced in entirety with the revised policies attached hereto as follows:



Exhibit A	Policy 3180	Nepotism/Employment of Relatives and Fraternization
Exhibit B	Policy 3160	HIPAA Compliance
Exhibit C	Policy 3185	Employee Separation
Exhibit D	Policy 3065	Reduction in Force
Exhibit E	Policy 3200	Grievance Procedures

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DRAFT UNTIL APPROVED

DRAFT UNTIL APPROVED

 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

Attachments:

Exhibit A	Policy 3180	Nepotism/Employment of Relatives and Fraternization
Exhibit B	Policy 3160	HIPAA Compliance
Exhibit C	Policy 3185	Employee Separation
Exhibit D	Policy 3065	Reduction in Force
Exhibit E	Policy 3200	Grievance Procedures



EXHIBIT A

POLICY TITLE: NEPOTISM/EMPLOYMENT OF RELATIVES AND FRATERNIZATION
POLICY NUMBER: 3180

3180.1 Policy. The Nepotism-Employment of Relatives and Fraternization Policy is established to maintain a fair, transparent, and unbiased work environment by addressing the employment of relatives and persons who are engaged in a romantic and/or sexual relationship with a current employee or Board Member within the organization. The purpose is to prevent conflicts of interest, ensure equal opportunities for applicants and all employees, and maintain the integrity of the District's hiring and promotion processes.

3180.2 Selection Process/Equal Opportunity. It is the policy of the District to seek the best possible candidates for its staff through appropriate recruitment procedures. It is also the policy of the District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status, as well as romantic and/or sexual relationships with a current District employee. Employment actions include, but are not limited to, hiring promotion, transfer, disciplinary action, and termination.

Relatives, and persons engaged in a romantic and/or sexual relationship with a current employee or Board Member may be considered for employment, provided that they meet the required qualifications and standards for the position. All hiring decisions will be based on merit, qualifications, and the needs of the District. When a relative or a person who is engaged in a romantic and/or sexual relationship with a District employee or Board Member is being considered for employment, promotion, or transfer, the District employee shall have no involvement in the recruitment, employment, promotion, or transfer of the person, either directly or indirectly, nor shall that employee take any action that would directly or indirectly impact the employment of the relative or individual with whom there exists a romantic and/or sexual relationship.

Furthermore, the District retains the right to refuse to appoint, promote, or transfer a person to a position in the same department, division or facility, wherein his/her familial, marital, or romantic/sexual relationship to another employee or Board Member has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The Department Head, in consultation with the Human Resources Manager, shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. Considerations shall include the following:

- A. The two (2) employees having a direct or indirect supervisory relationship.
- B. The two (2) employees handling financial transactions together.
- C. The two (2) employees having regular job duties which require performance of shared duties or the same or related work assignment.
- D. The two (2) employees having the same immediate supervisor.
- E. An actual or perceived conflict of interest or having an adverse impact on supervision, safety, security, morale, or efficiency of the workplace that cannot be adequately mitigated.



3180.3 Determination. Where the Department Head, in conjunction with the Human Resources Manager, has made a determination based upon the above stated factors that such adverse impact does not exist, this determination shall be reviewed by the General Manager or his/her designee. The General Manager or his/her designee may deny employment based on adverse impact; or hire any potential employee who has a relative or romantic and/or sexual relationship with an employee currently working for the District. If the General Manager is the hiring manager, the determination to hire shall be made by the Personnel Committee of the Board of Directors.

3180.4 Relatives Defined. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships as defined by Labor Code Section 245.5 (c) spouse, domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. . In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined by this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision except as stated herein.

3180.5 Applicability. This policy shall apply to all full-time, part time, temporary and contracted employees of the District.

3180.6 Supervisory Relationship. For purposes of this policy, “supervisory employee” or “supervisor” means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not merely routine or clerical nature, but requires the use of independent judgement. Employees, including the General Manager may not be placed in a position where they directly supervise or manage a relative or an individual with whom they have a romantic or sexual relationship. (Please refer to Section 3180.8 Conflict of Interest Management)

3180.7 Disclosure Requirement. Current employees and applicants for employment are required to disclose the existence of a relative working within the organization to Human Resources on the applicable form at the time of application for employment or promotion is made. Current employees and applicants for employment who are engaged in a romantic and/or sexual relationship with an employee at the District shall disclose the relationship to the Human Resources Director at the time of interview, or when the relationship begins, if it occurs after hire. Failure to disclose such relationships may result in disciplinary action for any such District employee, and disqualification of a candidate.

3180.8 Conflict of Interest Management. When two (2) existing employees marry, and/or engage in a romantic and/or sexual relationship, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager or his/her designee, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager or his/her designee that one of the employees must separate from District employment within sixty (60) days. The choice of who shall separate from District service shall be



made by the General Manager or his/her designee. Relatives may be eligible for promotion or transfer based on their qualifications and performance. Decisions regarding promotions or transfers will be made objectively, considering the best interest of the District by the General Manager or his/her designee. If the conflict of interest is between the General Manager and the employee, the decision to separate shall be determined by the Full Board of Directors through the recommendation of the Personnel Committee.

3180.9 Fraternization Defined. Fraternization means a romantic and/or sexual relationship between a supervisor and subordinate employee within the direct chain of command or same Department.

3180.10 Access to District Funds. With regard to related employees and the Beaumont-Cherry Valley Water District's funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access to district funds or any advisory input for the management of district funds.

3180.11 Volunteers. Non-paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be determined and appointed by the General Manager or his/her designee.

3180.12 Violation of Policy. In a conflict of interest or other threat to the efficient operation of the District should develop, it is the duty of the involved employees to immediately notify the applicable Department Head and the Human Resources Manager. The District reserves the right to reasonably investigate the situation to determine whether a violation of this policy exists and therefore threatens the working conditions at the District. If the District determines that the proscribed violation of this policy exists, remedial and/or disciplinary measures, including but limited to a transfer, re-assignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy. In such cases, the District shall apply applicable due process procedures.

3180.13 Consequences of Violation. Violations of this policy will may result in disciplinary action, up to and including termination of employment. The severity of the consequences will depend on the nature and impact of the violation.



EXHIBIT B

POLICY TITLE: HIPAA COMPLIANCE
POLICY NUMBER: 3160

3160.1 **Purpose:** The Health Insurance Portability and Accountability Act (HIPAA) and the District's policy is aimed to provide protection of protected health information (PHI) in accordance with the law. This information includes medical records, conversations regarding medical treatment, and billing information related to the employee's health.

3160.2 **Employee Rights:** The HIPAA privacy rule gives employees the following rights:

- The right to authorize disclosure of their medical records.
- The right to request or inspect a copy of their medical records.
- The right to have mistakes corrected at any time.

3160.3 **Condition of Employment:** Authorization as required under HIPAA for disclosure of PHI will be a condition of employment or continued employment with the District to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful need for medical information.

3160.4 **Protection of Employee Health Information:** The District shall ensure the proper safeguarding and confidentiality of all records in which an employee's protected health information (PHI) is contained.

3160.5 **Remedial Action.** Refusal to authorize release of PHI to a District personnel with a job authority to know, in any of the above instances will be grounds for denial of employment or discipline up to and including termination.

3160.6 **Disclosure.** The District may disclose protected health information (PHI) as required by law, for example, in response to a court order or subpoena. The District may also disclose such information in response to a law enforcement or regulatory agency's request.



EXHIBIT C

POLICY TITLE: EMPLOYEE SEPARATION

POLICY NUMBER: 3185

3185.1 **Purpose.** The District is committed to ensure that employee separations, including voluntary and involuntary separations and separations due to death of an employee, are handled in a professional manner with minimal disruption to ongoing work functions.

3185.2 **Application.** Employees of all classifications shall comply with the separation process described in the implementation section of this policy.

3185.3 **Voluntary Separation.** A voluntary separation of employment occurs when an employee informs his or her supervisor of the employee's intent to resign or when an employee is absent from work for three (3) consecutive workdays and fails to contact his or her supervisor.

3185.3.1 **Notice of Resignation.** Employees who voluntarily resign are requested to provide two (2) weeks' notice to facilitate a smooth transition out of the District. If an employee provides less notice than requested, the General Manager or his/her designee shall review the circumstance to determine if the resigned employee is eligible for rehire.

3185.3.2 **Form of Resignation Notice.** All resignations must be confirmed in writing. Employee Resignation Letters must include the reason for leaving from the District and the effective date of separation. Employees who resign shall receive a confirmation of resignation notice within 24 to 48 hours. Resigning employees are required to provide resignation notice to their immediate supervisor or Human Resources Department. If supervisor received the notice, the Human Resources Department must be informed within 24 hours to initiate the separation process.

3185.3.3 **Rescission of Resignation.** Employees generally will not be allowed to rescind a resignation, whether given verbally or in writing, unless the circumstance is reviewed by the General Manager or his/her designee. Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so with their direct supervisor, Department Head, Human Resources or General Manager or his/her designee.

3185.3.4 **Exit Interview.** Resigning employees will be scheduled for an exit meeting to ensure that all tools and equipment are returned and to provide an opportunity to discuss any feedback, questions or concerns related to employment with the District.

3185.3.5 **Eligibility for Rehire.** Employees who resign in good standing (i.e. no active disciplinary action) and whose documented performance is meeting and/or exceeding expectations under the District's performance evaluation process may be eligible for reemployment.

3185.4 **Involuntary Separation.** An involuntary separation of employment and/or the inability of an employee to perform the essential functions of his or her job with or without a reasonable accommodation may result in an involuntary separation. An employee may also be discharged for any legal reason including but not limited to, misconduct, tardiness, absenteeism, unsatisfactory



performance or inability to perform. An employee may also be discharged without cause, pursuant to at-will employment status.

Depending on the nature of the offense, the District reserves the right to combine and/or omit steps or immediately issue a separation. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization and its reputation.

3185.4.1. **Review.** Before any action is taken to discharge an employee, the employee's direct supervisor must request for a review of a specific action item by Human Resources, the Department Head and General Manager or his/her designee.

3185.4.2. If it is determined that the involuntary separation is the appropriate course of action after a review of the circumstance surrounding the involuntary separation, the employee's supervisor and Human Resources will notify the employee as soon as practicable.

3185.5 **Job Abandonment.** An employee absent without approved leave for three (3) consecutive working days who fails to notify the immediate supervisor and provide an acceptable reason for the absence or who otherwise abandons employment with the District, shall be considered to have automatically resigned from the District service unless the immediate supervisor in conjunction with the Department Head and Human Resources approves additional leave with or without pay to cover the absence.

Job Abandonment may apply in any circumstances where the employee:

1. Fails to obtain approved leave prior to any period of absence for three (3) consecutive working days;
2. Fails to return to work, for three (3) consecutive working days, following an approved leave of absence or upon expiration of an off work order;
3. Refuses to accept or fails to respond to an offer of accommodation that would permit the employee to return to work;
4. Fails to provide appropriate documentation to substantiate any period of absence for three (3) consecutive working days;
5. Fails to cooperate with the Human Resources Department's attempt to engage in the interactive process such that, based on the information available to the immediate supervisor in the absence of the employee's cooperation, the immediate supervisor is unable to determine if an accommodation would allow the employee to return to employment; or
6. Fails to notify the immediate supervisor or Human Resources of the employee's absence.

3185.5.1 **Employee Contact.** the Human Resources Department shall exhaust all means of contacting the absent employee beginning on the second day of absence without notice. The immediate supervisor and Department Head shall be notified of the updates of said contact attempts.

3185.5.2. **Notice of Job Abandonment.** Before separation from service takes effect as a result of job abandonment, the employee shall be given written notice of the facts supporting the



proposed action and provided an opportunity to respond to the Human Resources Department or designee. The employee shall have five (5) workdays from the date of service of the written notice to respond to Human Resources Department or designee.

3185.5.3 Decision. If, based on the evidence provided by the employee in any timely response, the Human Resources or designee determined that the reasons for the automatic resignation have been refuted or that good cause has been shown, the employee shall not be considered to have automatically resigned.

If the employee does not respond within five (5) working days from the date of service of the written notice, the proposed action of automatic resignation shall become final, and the employee shall be determined to have automatically resigned. The employee will be given written notice that the response was untimely, and the employee is determined to have automatically resigned.

If the employee submits a response and the immediate supervisor, Department Head and Human Resources find that the proposed action of automatic resignation is justified, the General Manager or his/her designee shall serve on the employee written notice that the employee has been determined to have automatically resigned from the District service and the effective date of such resignation.

3185.5.4 General Manager's Job Abandonment. If the General Manager abandons his or her job as identified under Section 3185.5, the Human Resources Manager or his/her designee shall consult with the Personnel Committee to make a recommendation to the Full Board of Directors to determine that the General Manager has automatically resigned from his or her position.

3185.6 Death of an Employee. A separation due to the death of an employee will be made effective as of the date of death.

3185.7 Final Pay. An employee who resigns or is discharged will be paid through the last day of employment, plus any unused Vacation time. Non-Exempt employees will receive payment for overtime worked that has not already been paid. The employee's direct supervisor should ensure that Human Resources Department receives the deceased employee's final hours worked. The final paycheck shall be provided to employee based on the following:

1. Voluntary Separation with notice will be the last day of the notice period.
2. Voluntary Separation without notice will be within seventy-two (72) hours from the last hour prior to separation.
3. Involuntary Separation shall be on the same day the employment has been terminated. If the terminated employee is not present to receive the final pay, this shall be mailed to the individual's verified mailing address together with the final pay stub.

3185.7.1 Forwarding Address and Final Pay. Departing employees will be asked to confirm their forwarding address with Human Resources Department to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address or direct deposited to bank account on record by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation will be paid out consistent with the Memorandum of Understanding (MOU), Policy Number District 3075 Vacation (policy) and applicable laws.

3185.8 Confidentiality in Resignation or Discharge. To the extent permitted by law, District staff



and Directors shall keep confidential the circumstances giving rise to an employee's resignation or discharge from the District.

3185.9 **Public Record.** This policy is itself a public record which the District must release upon request.



EXHIBIT D

POLICY TITLE: REDUCTION IN FORCE
POLICY NUMBER: 3065

3065.1 **Reduction in Force.** When it becomes necessary to reduce the workforce as a result of lack of work, lack of funds, economic conditions, reorganization, or in the interests of efficiency or similar reasons, the District may initiate an involuntary employment separation without cause under the District's "at will" employment policy. When implementing a reduction in force, the General Manager or his/her designee may consider any criteria that is business related and that is not prohibited by law. The reduction may be referenced as "layoff," but this will not change the basic policy of "at will" employment.

3065.2 **Demotion or Transfer in Lieu.** A transfer is a move from one department or division within the same classification and salary range. At the discretion of the General Manager or his/her designee, employees may be demoted or transferred to a different or comparable classification in lieu of termination or layoff where the employee possesses the minimum qualifications for the new position or classification and can immediately perform the functions of the job.

3065.3 **Layoff and Recall under MOU.** Where specific procedures for layoff and recall are provided in an MOU, the MOU procedures will be followed for a reduction in force involving employees covered by the MOU. Unless otherwise expressly provided in the MOU, discipline, and review procedures, if any, will not apply to the reduction in force or layoff.

3065.4 **Notice.** In the event of a reduction in force (layoff), the District will give at least ten (10) calendar days' notice to affected employees of an impending layoff. The District may substitute pay in lieu of notice for all or a portion of the ten (10) calendar days.

3065.5 **Re-Employment List.** Where required under the terms of an MOU, the District will maintain a re-employment list for each classification from which a covered employee was laid off. Former employees will be recalled from the list to a vacancy in their former classification or comparable position based on their length of continuous service with the District (see Policy 3060 Continuity of Service). A former employee not eligible for recall from a re-employment list may apply for any vacancies within the District.

3065.6 **List Removal.** An individual will be removed from a re-employment list under the circumstances listed below. It is the responsibility of the individual to maintain a current U.S. Mailing address on file with the District Human Resources Department where the individual can receive and respond to notices on a timely basis. The District shall not be responsible for misdirected recall notices or failure of delivery. Removal will occur:

1. After six (6) months from the date of separation;
2. If the individual declines recall or fails to respond to a notice of recall within five (5) workdays of the date of mailing;
3. If the individual accepts other employment with the District at the same or higher rate of pay; or



4. If the individual notifies the District that they are no longer available for recall as a result of accepting other employment or for other reasons.

3065.7 **Service Records.** Previous regular, full-time employees who return to work within 6 months of a reduction in force or layoff will have their former length of continuous service restored (less the period not employed as a result of the reduction in force or layoff). Previous regular employees called back on a part-time basis will be credited with additional service on an hour-for-hour basis. Former re-employed regular, full-time employees within twelve (12) months from separation date shall restore their previous vacation accrual rate. Former re-employed regular full-time, part-time and temporary employees within six (6) months from their separation date shall restore their previously accrued sick leave (See Policy 3060 Continuity of Service).



EXHIBIT E

POLICY TITLE: GRIEVANCE PROCEDURES

POLICY NUMBER: 3200

3200.1 **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation or application of any negotiated agreement, rule or regulation governing personnel matters.

3200.2 **Exception.** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.

3200.3 **Right to Representation.** Employees are entitled to representation in the preparation and presentation of their grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.

3200.4 **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.

1. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed to have been waived. Prior to filling a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matter giving rise to the grievance.
2. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the Human Resources Department or designee for mediation, within five (5) days of receipt of the immediate supervisor's answer. Upon receipt of a written grievance, the Human Resources Department shall discuss the complaint with the Department Head for possible resolution. After discussion, the Human Resources Manager and the Department Head shall meet with the employee and his representative within ten (10) business days. The Department Head shall render a written decision no later than three (3) days after the Step 2 meeting.
3. **Step 3.** In the event the problem is not resolved through formal discussion as outlined in Step 2, the grievance shall be reduced to writing, and submitted to the General Manager or his/her designee, within five (5) days of receipt of the Department Head's answer. Upon receipt of a written grievance, the General Manager or his/her designee meet with the employee, his representative and the Department Head no later than ten (10) business days. The General Manager or his/her designee shall render a written decision no later than three (3) days after the Step 3 meeting.
4. **Step 4.** Should the grievance not be resolved in Step 3, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel



Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review and render a written decision ten (10) days thereafter, which decision shall be final.

3200.5 Personnel Committee. The Personnel Committee shall, as soon as possible, schedule a hearing to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. If appropriate and in accordance with the law, the hearing will be held in closed session. The Committee's decision shall be announced in open session immediately after the closed session in which it was made. Contrary terms of this procedure notwithstanding, closed sessions will only be conducted in compliance with requirements of applicable law, including California's open meeting law, the Brown Act.

3200.6 Grievance Involving General Manager. In the event that the General Manager is directly involved, the formal grievance shall be submitted in writing to the Human Resources Department or designee within five (5) business days and shall be presented to the Personnel Committee. The Personnel Committee shall meet with the General Manager, the grievant and his/her representative within ten (10) business days to discuss the grievance. The Personnel Committee shall render a written decision within seven (7) business days, which decision shall be final.

3200.7 Basic Rules.

1. If an employee does not present the grievance or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
2. By agreement in writing, the parties may extend any and all-time limitations specified above.
3. If an employee with a pending grievance separates from employment with the District for any reason, the grievance shall be automatically dismissed.
4. The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.
5. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3200.8 Retaliation. Retaliation against a person who files a grievance or good faith complaint regarding any alleged violation of the Memorandum of Understanding or of the Policies and Procedures will not be tolerated.



ATTACHMENT 2	3180 Nepotism/Employment of Relatives and Fraternization
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Executive Summary

At the April 16, and June 18, 2024 Personnel Committee meetings, Human Resources (HR) staff proposed changes to the Nepotism/Employment of Relatives policy by adding sections that provide the District leadership thorough guidance in hiring, promoting, or transferring a candidate or employee when there a potential conflict of interest. HR staff, in collaboration with Legal Counsel and the Personnel Committee is proposing these changes to comply with Section 87 of California Code of Regulations regarding nepotism and personal relationship within the public sector agencies, and to establish a fair, ethical, transparent, and unbiased work environment in the District's hiring, transfer, and promotion practices by all individuals in the management team including the General Manager or his/her designee.

Background

At the April 16, 2024 Personnel Committee meeting, HR Staff proposed a revised draft that includes the District's commitment to create an environment of equal opportunity for all employees by setting clear guidelines in hiring, promoting and maintaining employees in all classifications regardless of their familial, fraternal and/or marital relationships. The revised policy draft also included language that provides guidance for Human Resources and Department Heads to identify a potential conflict of interest through a list of considerations. Staff also proposed additional sections providing the General Manager, through the Personnel Committee, with decision power to deny employment if such occurrence constitutes nepotism or fraternization, to require potential hires and current employees to disclose conflict of interest resulting from nepotism or fraternization, and to impose possible disciplinary actions in violation of said policy upon a thorough investigation by Human Resources, in partnership with the Department Head.

The Personnel Committee identified that the revised draft policy did not address situations if the General Manager was the one directly involved and/or where there was a conflict of interest. HR staff was directed to add language that provides the Board of Directors with the power to decide for the course of action in said conflict of interest between the General Manager and an employee and to add the General Manager's designee as a contingency measure in the absence of the General Manager in rendering a decision in lieu of this proposed policy draft.

At the June 18, 2024 Personnel Committee Meeting, HR staff presented the proposed changes and were approved by the Personnel Committee to move to the next Regular Board Meeting for discussion and approval. The proposed redline draft version includes recommendations from the HR staff that were reviewed subsequently by Legal Counsel. Changes were made to ensure that legal requirements are met, risks are mitigated, and to ensure integrity of the District's practices.

Discussion

Table 1, Summary of Policy Changes, outlines the proposed changes to the current Nepotism/Employment of Relative and Fraternization policy that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
1	3180.1	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.1 Added language of the District's commitment to create a fair, unbiased and transparent work environment.	No fiscal impact.
2	3180.2	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.2 Legal Counsel added sexual relationships as the instance that should be free from discrimination in the selection process when this policy is implemented.	No fiscal impact.
3	None	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.2 Added language that include a recusal of the District employee in the hiring and selection process if the applicant is a relative or is involved in a romantic relationship.	No fiscal impact.
4	Section 43, A	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the policy to define the process.	3180.2 Added language that the Department Head shall consult HR Manager for any conflict of interest in the hiring or promotional opportunity. Added a list of considerations that constitute conflict of interest.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
5	Section 43, B	None	The General Manager shall review any potential conflict of interest for potential hiring or termination of an employee.	<p>3180.3 Broadened the section discussing the process for completeness.</p> <p>3180.3 Added General Manager's designee as directed by Personnel Committee and added language that, gives the Personnel Committee the hiring authority if the GM is the hiring manager.</p>	No fiscal impact.
6	Section 43, C	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	<p>3180.4 Legal Counsel added Labor Code reference to define familial relationships in an Anti-nepotism policy. Also added "Domestic Partner".</p> <p>Legal Counsel recommends deleting the paragraph of California Civil Code 4100 as this is outdated.</p>	No fiscal impact.
7	Section 43, D	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	<p>3180.5 Added all employee classifications for completeness. Added the General Manager in the section in the list of employees where this policy applies.</p>	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
8	Section 43, E and J	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.6 Added language that an employee may not be placed in the same department with a supervisor he/she has romantic relationships with.	No fiscal impact.
9	None	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.7 Added the Disclosure Requirement if conflict of interest exists.	No fiscal impact.
10	Section 43, F	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.8 Added language that relatives may be eligible for promotion or transfer based on merit and reviewed by the general manager. Also, added General Manager's designee to the section. Added "if the conflict of interest is between the General Manager and employee, The Full Board will decide which one of the two to fire.	No fiscal impact.
11	None	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.9 Add a section for Prohibition of Fraternization between direct supervisor and employee supervised.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
12	Section 43, H	None	The Personnel Committee has the decision power to hire or deny employee in accordance with the policy.	Deleted since this is stated on Section 3180.3	No fiscal impact.
13	3180.11	None	No language in the current policy.	Add General Manager's designee to the section.	No fiscal impact.
14	None	None	No language in the current policy.	3180.12 Add a section to immediately report any violation of this policy to HR Department for investigation.	No fiscal impact.
15	None	California Code of Regulations, Title 2, Sections 83.5, 83.6 and 87	No language in the current policy.	3180.13 Add a section for disciplinary measures in violation of this policy as recommended by the Legal Counsel.	No fiscal impact.

Fiscal Impact

There is no fiscal in the proposed changes to this policy.

Attachments

1. Redline draft version of 3180 Nepotism/Employment of Relatives and Fraternalization Policy
2. Side-by-side version of 3180 Nepotism/Employment of Relatives and Fraternalization Policy

POLICY TITLE: NEPOTISM/-EMPLOYMENT OF RELATIVES AND FRATERNIZATION
POLICY NUMBER: 3180

3180.1 Policy. The Nepotism-Employment of Relatives and Fraternization Policy is established to maintain a fair, transparent, and unbiased work environment by addressing the employment of relatives and persons who are engaged in a romantic and/or sexual relationship with a current employee or Board Member within the organization. The purpose is to prevent conflicts of interest, ensure equal opportunities for applicants and all employees, and maintain the integrity of the District's hiring and promotion processes.

3180.2 Selection Process/Equal Opportunity. It is the policy of the District to seek the best possible candidates for its staff through appropriate recruitment search procedures. It is also the policy of the District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status, as well as romantic and/or sexual relationships with a current District employee. -Employment actions include, but are not limited to, hiring promotion, transfer, disciplinary action, and termination.

Relatives, and persons engaged in a romantic and/or sexual relationship with a current employee or Board Member may be considered for employment, provided that they meet the required qualifications and standards for the position. All hiring decisions will be based on merit, qualifications, and the needs of the District. When a relative or a person who is engaged in a romantic and/or sexual relationship with a District employee or Board Member is being considered for employment, promotion, or transfer, the District employee shall have no involvement in the recruitment, employment, promotion, or transfer of the person, either directly or indirectly, nor shall that employee take any action that would directly or indirectly impact the employment of the relative or individual with whom there exists a romantic and/or sexual relationship.

Furthermore, the District retains the right to refuse to appoint, promote, or transfer a person to a position in the same department, division or facility, wherein his/her familial, marital, or romantic/sexual relationship to another employee or Board Member has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head/Department Head, in consultation with the Human Resources Manager, shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. Considerations shall include the following:

- A. The two (2) employees having a direct or indirect supervisory relationship.
- B. The two (2) employees handling financial transactions together.
- C. The two (2) employees having regular job duties which require performance of shared duties or the same or related work assignment.
- D. The two (2) employees having the same immediate supervisor.
- E. An actual or perceived conflict of interest or having an adverse impact on supervision, safety, security, morale, or efficiency of the workplace that cannot be adequately mitigated.

3180.32 Determination. Where the department head/Department Head, in conjunction with the Human Resources Manager, has made a determination based upon the above stated factors that such adverse impact does not exist, this determination shall be reviewed by the General Manager or his/her designee. -prior to any appointment being made. If the General Manager or his/her designee may deny employment based on adverse impact; or hire any potential employee who has a relative or romantic and/or sexual relationship with an employee currently working for the District. If the General Manager is the hiring manager, the determination to hire shall be made by the Personnel Committee of the Board of Directors.

3180.43 Relatives Defined. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships as defined by Labor Code Section 245.5 (c): spouse, domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. ~~A spouse is a partner in marriage as defined in California Civil Code 4100.~~ In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined by this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision ~~exempt except~~ as stated herein.

3180.54 Applicability. This policy shall apply to all full-time, part time, temporary and contracted employees of the District. ~~It shall also apply to all temporary, part time employees, and contract employees of the District.~~

3180.65 Supervisory Relationship. For purposes of this policy, “supervisory employee” or “supervisor” means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not merely routine or clerical nature, but requires the use of independent judgement. Employees, including the General Manager may not be placed in a position where they directly supervise or manage a relative or an individual with whom they have a romantic or sexual relationship (Please refer to Section 3180.8 Conflict of Interest Management).

3180.7 Disclosure Requirement. Current employees and applicants for employment are required to disclose the existence of a relative working within the organization to Human Resources on the applicable form at the time of application for employment or promotion is made. Current employees and applicants for employment who are engaged in a romantic and/or sexual relationship with an employee at the District shall disclose the relationship to the Human Resources Director at the time of interview, or when the relationship begins, if it occurs after hire. Failure to disclose such relationships may result in disciplinary action for any such District employee, and disqualification of a candidate.

3180.86 Conflict of Interest Management. When two (2) existing employees marry, and/or engage in a romantic and/or sexual relationship, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager or his/her designee, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager or his/her designee that one of the employees must separate from District employment within sixty (60) days. The choice of who shall separate from District service shall be made by the General Manager or his/her designee. Relatives may be eligible for promotion or transfer based on their qualifications and performance. Decisions regarding promotions or transfers will be made objectively, considering the best interest of the District by the General Manager or his/her designee. If the conflict of interest is between the General Manager and the employee, the decision to separate shall be determined by the Full Board of Directors through the recommendation of the Personnel Committee.

3180.9 Fraternalization Defined. Fraternalization means a romantic and/or sexual relationship between a supervisor and subordinate employee within the direct chain of command or same Department.

3180.109 Access to District Funds. With regard to related employees and the Beaumont-Cherry Valley Water District’s funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access

to district funds or any advisory input for the management of district funds.

3180.1109 Volunteers. Non-paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be determined and appointed by the General Manager or his/her designee.

~~3180.10 No employee of the District shall have supervision over a relative.~~

3180.12 Violation of Policy. In a conflict of interest or other threat to the efficient operation of the District should develop, it is the duty of the involved employees to immediately notify the applicable Department Head and the Human Resources Manager. The District reserves the right to reasonably investigate the situation to determine whether a violation of this policy exists and therefore threatens the working conditions at the District. If the District determines that the proscribed violation of this policy exists, remedial and/or disciplinary measures, including but limited to a transfer, re-assignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy. In such cases, the District shall apply applicable due process procedures.

3180.130 Consequences of Violation. Violations of this policy will may result in disciplinary action, up to and including termination of employment. The severity of the consequences will depend on the nature and impact of the violation.

CURRENT POLICY

43. NEPOTISM - EMPLOYMENT OF RELATIVES

A. It is the policy of the District to seek the best possible candidates for its staff through appropriate search procedures. It is also the policy of District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Furthermore, the District retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.

PROPOSED POLICY

POLICY TITLE: NEPOTISM EMPLOYMENT OF RELATIVES AND FRAUDULENCE
POLICY NUMBER: 3180

3180.1 Policy. The Nepotism-Employment of Relatives and Fraudulent Policy is established to maintain a fair, transparent, and unbiased work environment by addressing the employment of relatives and persons who are engaged in a romantic and/or sexual relationship with a current employee or Board Member within the organization. The purpose is to prevent conflicts of interest, ensure equal opportunities for applicants and all employees, and maintain the integrity of the District's hiring and promotion processes.

3180.2 Selection Process-Equal Opportunity. It is the policy of the District to seek the best possible candidates for its staff through appropriate recruitment search procedures. It is also the policy of the District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status, as well as romantic and/or sexual relationships with a current District employee. Employment actions include, but are not limited to, hiring, promotion, transfer, discipline, action, and termination.

Relatives and persons engaged in a romantic and/or sexual relationship with a current employee or Board Member may be considered for employment, provided that they meet the required qualifications and standards for the position. All hiring decisions will be based on merit, qualifications, and the needs of the District. When a relative or a person who is engaged in a romantic and/or sexual relationship with a District employee or Board Member is being considered for employment, promotion, or transfer, the District employee shall have no involvement in the recruitment, employment, promotion, or transfer of the person, either directly or indirectly, nor shall that employee take an action that would directly or indirectly impact the employment of the relative or individual with whom there exists a romantic and/or sexual relationship.

Furthermore, the District retains the right to refuse to appoint, promote, or transfer a person to a position in the same department, division or facility, wherein his/her familial, marital, or romantic/sexual relationship to another employee or Board Member has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head/Department Head, in consultation with the Human Resources Manager, shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. Considerations shall include the following:

- A. The two (2) employees having a direct or indirect supervisory relationship.
- B. The two (2) employees handling financial transactions together.
- C. The two (2) employees having regular job duties which require performance of shared duties or the same or related work assignment.
- D. The two (2) employees having the same immediate supervisor.
- E. An actual or perceived conflict of interest or having an adverse impact on supervision, safety, security, morale, or efficiency of the workplace that cannot be adequately mitigated.

3180.32 Determination. Where the department head/Department Head, in conjunction with the Human Resources Manager, has made a determination based upon the above stated factors that such adverse impact does not exist, this determination shall be reviewed by the General Manager or his/her designee prior to any appointment being made. If the General Manager or his/her designee may deny employment based on adverse impact, or hire any potential employee who has a relative or romantic and/or sexual relationship with an employee currently working for the District, if the General Manager is the hiring manager, the determination to hire shall be made by the Personnel Committee of the Board of Directors.

- B. Where the department head has made a determination that such adverse impact does not exist, this determination shall be reviewed by the General Manager prior to any appointment being made. If the General Manager determines that an adverse impact would in fact occur, the Personnel Committee shall be notified.
- C. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100. In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined in this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision except as stated herein.
- D. This policy shall apply to all employees of the District. It shall also apply to all part time employees and contract employees of the District.
- E. For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- F. When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager that one of the employees must separate from District employment within 60 days. The choice of who shall separate from District service shall be made by the General Manager.
- G. With regard to related employees and the Beaumont-Cherry Valley Water District's funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access to district funds or any advisory input for the management of district funds.
- H. The hiring of all future employees who have a relative working for the District shall be subject to the approval of the District's Personnel Committee, which shall take into consideration whether such employment would violate this policy.
- I. Non paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be approved by the General Manager.

3180.43 Relatives Defined. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships as defined by Labor Code Section 245.5 (k): spouse, domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. ~~A spouse is a partner in marriage as defined in California Civil Code 4100.~~ In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined by this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision ~~except as stated herein.~~

3180.54 Applicability. This policy shall apply to all full-time, part-time, temporary and contract employees of the District. ~~It shall also apply to all temporary, part-time employees, and contract employees of the District.~~

3180.65 Supervisory Relationship. For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not merely routine or clerical in nature, but requires the use of independent judgment. Employees, including the General Manager may not be placed in a position where they directly supervise or manage a relative or an individual with whom they have a romantic or sexual relationship. ~~Please refer to Section 3180.9 Conflict of Interest Management.~~

3180.7 Disclosure Requirement. Current employees and applicants for employment are required to disclose the existence of a relative working with in the organization to Human Resources on the applicable form at the time of application for employment or promotion is made. Current employees and applicants for employment who are engaged in a romantic and/or sexual relationship with an employee at the District shall disclose the relationship to the Human Resources Director at the time of interview or when the relationship begins, if it occurs after hire. Failure to disclose such relationships may result in disciplinary action for any such District employee, and disqualification of a candidate.

3180.96 Conflict of Interest Management. When two (2) existing employees marry, and/or engage in a romantic and/or sexual relationship, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager or his/her designee, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager or his/her designee that one of the employees must separate from District employment within sixty (60) days. The choice of who shall separate from District service shall be made by the General Manager or his/her designee. Relatives may be eligible for promotion or transfer based on their qualifications and performance. Decisions regarding promotions or transfers will be made objectively, considering the best interest of the District by the General Manager or his/her designee. ~~If the conflict of interest is between the General Manager and the employee, the decision to separate shall be determined by the Full Board of Directors through the recommendation of the Personnel Committee.~~

3180.9 Fraternalization Defined. Fraternalization means a romantic and/or sexual relationship between a supervisor and subordinate employee within the direct chain of command or same Department.

3180.109 Access to District Funds. With regard to related employees and the Beaumont-Cherry Valley Water District's funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access

J. No employee of the District shall have supervision over a relative

to district funds or any advisory input for the management of district funds.

3180.1109 ~~Volunteers.~~ Non-paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be determined and appointed by the General Manager or his/her designee.

~~3180.110~~ ~~No employee of the District shall have supervisory over a relative~~

3180.12 **Violation of Policy.** In a conflict of interest or other threat to the efficient operation of the District should develop, it is the duty of the involved employees to immediately notify the applicable Department Head and the Human Resources Manager. The District reserves the right to reasonably investigate the situation to determine whether a violation of this policy exists and therefore threatens the working conditions at the District. If the District determines that the proscribed violation of this policy exists, remedial and/or disciplinary measures, including but not limited to a transfer, re-assignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy. In such cases, the District shall apply applicable due process procedures.

3180.130 **Consequences of Violation.** Violations of this policy will may result in disciplinary action, up to and including termination of employment. The severity of the consequences will depend on the nature and impact of the violation.



ATTACHMENT 3	Staff Report - 3160 HIPAA Compliance
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Executive Summary

At the June 18, 2024 Personnel Committee meeting, Human Resources (HR) staff proposed changes to the Policy Number 39 HIPAA Compliance as Policy Number 3160 HIPAA Compliance to include sections that include District’s commitment to safeguarding employees’ Protected Health Information (PHI), the employees’ rights under HIPAA (Health Insurance Portability and Accountability Act), and the District’s right to disclose PHI under any legal circumstances. Though Legal Counsel advised that this policy is not necessarily applicable to the District given its line of business, the proposed changes are in compliance with the universal HIPAA regulations and mitigating legal risks towards the District for any release of medical information which were approved by the Personnel Committee.

Background

At the June 18, 2024 Personnel Committee meeting, HR staff proposed a revised draft version that includes sections stating the purpose of upholding HIPAA regulations in the District, a list of employee’s rights under HIPAA, and the District’s commitment to protect the employee medical records. HR staff also added the District’s responsibility to disclose or release employee’s PHI as required by law, such as subpoenas or a court order.

As part of the ongoing review process of District policies, staff presented the proposed redline version to Legal Counsel for review and provided HR staff an option to exclude the policy due to the nature of the District’s business. Staff explained to the Personnel Committee that HIPAA is a universal law that applies to all entities both private and public sector. Although the District is not a HIPAA-covered entity in its entirety, HR staff, in collaboration with the General Manager, recommended keeping said policy to avoid any legal risks to the District should there be a breach of confidentiality, in light of a release of an employee’s medical record. Changes were also made to modernize the policy language, and to keep up with the industry standards. The Personnel Committee has concurred with staff to retain the HIPAA Compliance policy to ensure that the District is given sufficient guidance in keeping and releasing employees medical records and mitigating legal risks.

Discussion

Table 1, Summary of Policy Changes, outlines the proposed changes to the current HIPAA Compliance policy that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
1	Section 39, A	Health Insurance Portability and Accountability Act (HIPAA)	The District upholds HIPAA for disclosure of PHI as a condition of employment.	Moved to section 3160.3 .	No fiscal impact.
2	No section	Health Insurance Portability and Accountability Act (HIPAA)	Though there's no policy in place, the District has been committed to upholding HIPAA.	3160.1 Added a section that provides the District's commitment to uphold HIPAA	No fiscal impact.
3	No Section	Health Insurance Portability and Accountability Act (HIPAA)	Though there's no written policy, the District ensures Protected Health Information (PHI) is safeguarded.	3160.4 Added a section that discusses the aligns with the District's safeguarding of Protected Health Information (PHI).	No fiscal impact.
4	Section 39, A	Health Insurance Portability and Accountability Act (HIPAA)	The District has remedial actions for employees not conforming to the HIPAA policy.	Moved the Remedial Actions part of Section A to new Section 3160.5 .	No fiscal impact.
5	No Section	Health Insurance Portability and Accountability Act (HIPAA)	The District's practice is to provide legal entities that has a job authority to know the PHI as required by law such as workers compensation claims, subpoenas or court order.	3160.6 Added a section that requires the District to release PHI in accordance to law such as subpoenas or court orders. This releases the District towards legal liabilities.	No fiscal impact.



Fiscal Impact

There is no fiscal impact with the proposed policy changes.

Attachments

1. Redline draft version of 3160 HIPAA Compliance
2. Side-by-Side version of 3160 HIPAA Compliance

POLICY TITLE: HIPAA COMPLIANCE
POLICY NUMBER: 3160

3160.1 **Purpose:** The Health Insurance Portability and Accountability Act (HIPAA) and the District's policy is aimed to provide protection of protected health information (PHI) in accordance with the law. This information includes medical records, conversations regarding medical treatment, and billing information related to the employee's health.

3160.2 **Employee Rights:** The HIPAA privacy rule gives employees the following rights:

- The right to authorize disclosure of their medical records.
- The right to request or inspect a copy of their medical records.
- The right to have mistakes corrected at any time.

3160.3 **Condition of Employment:** Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the District to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful need for medical information. ~~Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.~~

3160.4 **Protection of Employee Health Information:** The District shall ensure the proper safe-guarding and confidentiality of all records in which an employee's protected health information (PHI) is contained.

3160.5 **Remedial Action.** Refusal to authorize the release of PHI to a District personnel with a job authority to know, in any of the above instances will be grounds for denial of employment or discipline up to and including termination.

3160.6 **Disclosure.** The District may disclose protected health information (PHI) as required by law, for example, in response to a court order or subpoena. The District may also disclose such information in response to a law enforcement or regulatory agency's request.

CURRENT POLICY

39. HIPAA COMPLIANCE

A. Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the District to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.

PROPOSED POLICY

POLICY TITLE: HIPAA COMPLIANCE
POLICY NUMBER: 3160

3160.1 Purpose: The Health Insurance Portability and Accountability Act (HIPAA) and the District's policy is aimed to provide protection of protected health information (PHI) in accordance with the law. This information includes medical records, conversations regarding medical treatment, and billing information related to the employee's health.

3160.2 Employee Rights: The HIPAA privacy rule gives employees the following rights:

- The right to authorize disclosure of their medical records.
- The right to request or inspect a copy of their medical records.
- The right to have mistakes corrected at any time.

3160.3 Condition of Employment: Authorization as required under the ~~Health Insurance Portability and Accountability Act (HIPAA)~~ for disclosure of ~~protected health information (PHI)~~ will be a condition of employment or continued employment with the District to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful need for medical information. ~~Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.~~

3160.4 Protection of Employee Health Information: The District shall ensure the proper safe-guarding and confidentiality of all records in which an employee's protected health information (PHI) is contained.

3160.5 Remedial Action. Refusal to authorize the release of PHI to a District personnel with a job authority to know in any of the above instances will be grounds for denial of employment or discipline up to and including termination.

3160.6 Disclosure. The District may disclose protected health information (PHI) as required by law, for example, in response to a court order or subpoena. The District may also disclose such information in response to a law enforcement or regulatory agency's request.



ATTACHMENT 4	Staff Report - 3185 Employee Separation
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Executive Summary

At the June 18, 2024 Personnel Committee meeting, Human Resources (HR) staff proposed changes to the Policy Section 44 Confidentiality in Resignation and unproduced Policy 3177 Resignations and Job Abandonment as Policy Number 3185 Employee Separation adding several sections that discuss different types of employee separations, guidance for managers in rescinding resignations, job abandonment guidelines for HR Department, and final pay processing for separated employees. The revised policy draft will provide more clarity in processing terminations and mitigate any legal risks or claims against the District in lieu of separation which were approved by the Personnel Committee to move to the next Regular Board meeting for discussion and approval.

Background

At the November 21, 2023 Personnel Committee meeting, HR staff proposed to add Policy 3177 Resignations and Job Abandonment as a separate policy in the policy tracking sheet, but the draft had not been prepared. After a thorough review, staff crafted the proposed draft Policy 3185 Employee Separations, including Section 44 Confidentiality in Resignation within the policy since both policies are related subjects entirely based on resignation and/or termination.

At the June 18, 2024 Personnel Committee meeting, HR staff presented a revised draft version of Section 44 Confidentiality in Resignation with Policy 3185 Employee Separation, and added more sections that discuss voluntary and involuntary separations, job abandonment and HR's responsibility to contact employees in lieu of job abandonment, death of an employee, and final pay processing for separated individuals. Based on their research, HR staff identified that the District had no guidelines in place for these different types of employee separations, which may pose a legal risk to the District in the event of a wrongful termination and are insufficient guidance for the upper management to process these sensitive matters. The employee separation procedure in place is noted in Policy 3215 Personnel Action Form (PAF). The Personnel Committee approved the revised draft policy to move forward to the next Regular Board meeting for discussion and approval but noted that there must be a procedure in place in the future that would allow the District to recover any amount that a resigning or terminated employee owes the District while he/she was employed, such as education expenses or unreturned possession of District-owned equipment, after separation.

As part of the ongoing review process of all District policies, staff presented the proposed redline version to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws. Changes were also made to modernize the policy language, and to keep up with the industry standards.



Discussion

Table 1, Summary of Policy Changes, outlines the proposed changes to Confidentiality in Resignation (Employee Separation) policy that are in reference to the redline draft version attached herewith.

Table 1 – Summary of Policy Changes

Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
1	No Section	California Labor Law (Department of Industrial Relations)	District is committed to ensure that all separations are handled appropriately without disruption to Operations.	3185.1 Added District's commitment in writing.	No fiscal impact.
2	No Section	None	In practice, is applicable to all District personnel.	3185.2 Added policy "Application" section to provide clarity for the policy's application.	No fiscal impact.
3	No Section	None	The District has always regarded voluntary separation when an employee informs his supervisor or HR of his intent to resign on his/her own accord.	3185.3 Added Voluntary Separation section in writing to provide clarity of what voluntary separation means.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
4	No Section	None	The District encourages all employees who wish to resign to provide at least 2 weeks' notice to give the District time to plan things accordingly.	3185.3.1 Added Notice of Resignation section in writing to allow the District to have a smooth transition upon employee's departure.	No fiscal impact.
5	No Section	None	The District encourages employees to put in writing a resignation notice.	3185.3.2 Added Form of Resignation Notice section for clarity and completeness.	No fiscal impact.
6	No Section	None	The District currently has an open-door policy for anyone who would want to discuss the nature of resignation.	3185.3.3 Added Rescission of Resignation section that provides guidance to supervisors and Human Resources Department.	No fiscal impact.
7	No Section	None	The District has been conducting exit interviews for resignations for feedback.	3185.3.4 Added an Exit Interview section.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
8	No Section	None	The District has always been practicing determining a resigned employee's eligibility for rehire.	3185.3.5 Added Eligibility for Rehire section to guide supervisors or Human Resources in rehiring an individual.	No fiscal impact.
9	No Section	California Labor Law (Department of Industrial Relations) EEOC At-Will Employment	The District has a practice of involuntarily separating an employee though there is no actual written policy that covers this.	3185.4 Added definition of what constitutes an involuntary resignation to protect the District against legal claims resulting wrongful termination.	No fiscal impact.
10	No Section	California Labor Law (Department of Industrial Relations) EEOC At-Will Employment	In practice, the District reviews recommendations for an involuntary separation to reduce legal risk.	3185.4.1 Added Review sub-section to allow HR, Department Head and General Manager, or his/her designee, to review supervisor's intent to terminate an employee.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
11	No Section	None	The District communicates the intent to terminate an employee in a timely manner.	3185.4.2 Added section to provide timeline in notifying the employee of a discharge from the District.	No fiscal impact.
12	No Section	California Labor Law (Department of Industrial Relations) EEOC At-Will Employment	No guideline in place.	3185.5 Added Job Abandonment section that provides HR and District leadership in dealing with an employee who abandons his/her job.	No fiscal impact.
13	No Section	California Labor Law (Department of Industrial Relations) EEOC At-Will Employment	No guideline in place.	3185.5.1 Added Employee Contact sub-section that provides these guidelines to Human Resources.	No fiscal impact.
14	No Section	California Labor Law (Department of Industrial Relations) EEOC At-Will Employment	No guideline in place, however job descriptions include language that employees are at-will.	3185.5.2 Added Notice of Job Abandonment sub-section to provide employee who abandoned his/her job an opportunity to respond.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
15	No Section	<p>California Labor Law (Department of Industrial Relations)</p> <p>EEOC At-Will Employment</p>	<p>has Although no written procedure is in place, the employee is deemed to have abandoned their job if no contact was established for 3 days.</p>	<p>3185.5.3 Added Decision sub-section to allow HR, Department Head and the General Manager to decide if the employee is deemed to have abandoned his/her job.</p>	<p>No fiscal impact</p>
16	No Section	<p>California Labor Law (Department of Industrial Relations)</p> <p>EEOC At-Will Employment</p>	<p>No procedure in place.</p>	<p>3185.5.3 Added a section that allows the Board of Directors to determine job abandonment for a General Manager.</p>	<p>No fiscal impact</p>
17	No Section	<p>EEOC At-Will Employment</p>	<p>The District automatically deems an employee resigned at the time of his or her death.</p>	<p>3185.6 Added a Death of an Employee section.</p>	<p>No fiscal impact</p>



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
18	No Section	None	The District has been following California Labor Codes related to processing final pay for resigned or terminated employees.	<p>3185.7 Added Final Pay section to provide District management guidance on processing final pay for different types of separation.</p> <p>3185.7.1 Added subsection to ensure District verifies mailing address for final pay.</p>	No fiscal impact.
19	Section 44, A	None	Separations are kept confidential.	Moved section to 3185.8 Confidentiality in Resignation or Discharge.	No fiscal impact.
20	Section 44, B	None	If requested by legal authorities, the separation details can be released.	Moved section to 3185.9 Public Record.	No fiscal impact

Fiscal Impact

The fiscal impact for any separation is related to the final pay for the employee, although this is included in the Annual Operating Budget.

Attachments

1. Redline draft version of 3185 Employee Separation
2. Side-by-side version of 3185 Employee Separation
3. California Labor Law - Termination of Employment

POLICY TITLE: CONFIDENTIALITY REGARDING RESIGNATIONS EMPLOYEE SEPARATION
POLICY NUMBER: 3185

3185.1 **Purpose.** The District is committed to ensure that employee separations, including voluntary and involuntary separations and separations due to death of an employee, are handled in a professional manner with minimal disruption to ongoing work functions.

3185.2 **Application.** Employees of all classifications shall comply with the separation process described in the implementation section of this policy.

3185.3 **Voluntary Separation.** A voluntary separation of employment occurs when an employee informs his or her supervisor of the employee's intent to resign or when an employee is absent from work for three (3) consecutive workdays and fails to contact his or her supervisor.

3185.3.1 **Notice of Resignation.** Employees who voluntarily resign are requested to provide two (2) weeks' notice to facilitate a smooth transition out of the District. If an employee provides less notice than requested, the General Manager or his/her designee shall review the circumstance to determine if the resigned employee is eligible for rehire.

3185.3.2 **Form of Resignation Notice.** All resignations must be confirmed in writing. Employee Resignation Letters must include the reason for leaving from the District and the effective date of separation. Employees who resign shall receive a confirmation of resignation notice within 24 to 48 hours. Resigning employees are required to provide resignation notice to their immediate supervisor or Human Resources Department. If supervisor received the notice, the Human Resources Department must be informed within 24 hours to initiate the separation process.

3185.3.3 **Rescission of Resignation.** Employees ~~are~~ generally will not be allowed to rescind a resignation, whether given verbally or in writing, ~~once the resignation has been confirmed by Human Resources Department~~, unless the circumstance is reviewed by the General Manager or his/her designee. Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so with their direct supervisor, Department Head, Human Resources or General Manager or his/her designee.

3185.3.4 **Exit Interview.** Resigning employees will be scheduled for an exit meeting to ensure that all tools and equipment are returned and to provide an opportunity to discuss any feedback, questions or concerns related to employment with the District.

3185.3.5 **Eligibility for Rehire.** Employees who resign in good standing (i.e. no active disciplinary action) and whose documented performance is meeting and/or exceeding expectations under the District's performance evaluation process may be eligible for reemployment.

3185.4 **Involuntary Separation.** An involuntary separation of employment and/or the inability of an employee to perform the essential functions of his or her job with or without a reasonable accommodation may result in an involuntary separation. An employee may also be discharged for any legal reason including but not limited to, misconduct, tardiness, absenteeism, unsatisfactory performance or inability to perform. An employee may also be discharged without cause, pursuant to at-will employment status.

Adopted by Resolution 2019-08, 08/14/2019

Depending on the nature of the offense, the District reserves the right to combine and/or omit steps or immediately issue a separation. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization and its reputation.

3185.4.1. **Review.** Before any action is taken to discharge an employee, the employee's direct supervisor must request for a review of a specific action item by Human Resources, the Department Head and General Manager or his/her designee.

3185.4.2. If it is determined that the involuntary separation is the appropriate course of action after a review of the circumstance surrounding the involuntary separation, the employee's supervisor and Human Resources will notify the employee as soon as practicable.

3185.5 **Job Abandonment.** An employee absent without approved leave for three (3) consecutive working days who fails to notify the immediate supervisor and provide an acceptable reason for the absence or who otherwise abandons employment with the District, shall be considered to have automatically resigned from the District service ~~as of the last day on which the employee worked or the last day of approved leave~~ unless the immediate supervisor in conjunction with the Department Head and Human Resources approves additional leave with or without pay to cover the absence.

Job Abandonment may apply in any circumstances where the employee:

1. Fails to obtain approved leave prior to any period of absence for three (3) consecutive working days;
2. Fails to return to work, for three (3) consecutive working days, following an approved leave of absence or upon expiration of an off work order;
3. Refuses to accept or fails to respond to an offer of accommodation that would permit the employee to return to work;
4. Fails to provide appropriate documentation to substantiate any period of absence for three (3) consecutive working days; ~~or~~
5. Fails to cooperate with the Human Resources Department's attempt to engage in the interactive process such that, based on the information available to the immediate supervisor in the absence of the employee's cooperation, the immediate supervisor is unable to determine if an accommodation would allow the employee to return to employment; ~~or~~
6. ~~Fails to notify the immediate a-supervisor or Human Resources of the employee's absence.;~~

3185.5.1 **Employee Contact.** the Human Resources Department shall exhaust all means of contacting the absent employee beginning on the second day of absence without notice. The immediate supervisor and Department Head shall be notified of the updates of said contact attempts.

3185.5.2. **Notice of Job Abandonment.** Before separation from service takes effect as a result of job abandonment, the employee shall be given written notice of the facts supporting the proposed action and provided an opportunity to respond to the Human Resources Department or designee. The employee shall have five (5) workdays from the date of service of the written notice to respond to Human Resources Department or designee.

3185.5.3 **Decision.** If, based on the evidence provided by the employee in any timely response, the Human Resources or designee determined that the reasons for the automatic resignation have been refuted or that good cause has been shown, the employee shall not be considered to have automatically resigned.

Adopted by Resolution 2019-08, 08/14/2019

If the employee does not respond within five (5) working days from the date of service of the written notice, the proposed action of automatic resignation shall become final, and the employee shall be determined to have automatically resigned. The employee will be given written notice that the response was untimely, and the employee is determined to have automatically resigned.

If the employee submits a response and the immediate supervisor, Department Head and Human Resources find that the proposed action of automatic resignation is justified, the General Manager or his/her designee shall serve on the employee written notice that the employee has been determined to have automatically resigned from the District service and the effective date of such resignation.

3185.5.4 **General Manager's Job Abandonment.** If the General Manager abandons his or her job as identified under Section 3185.5, the Human Resources Manager or his/her designee shall consult with the Personnel Committee to make a recommendation to the Full Board of Directors to determine that the General Manager has automatically resigned from his or her position.

3185.6 **Death of an Employee.** A separation due to the death of an employee will be made effective as of the date of death.

3185.7 **Final Pay.** An employee who resigns or is discharged will be paid through the last day of ~~work~~employment, plus any unused Vacation time. Non-Exempt employees will receive payment for overtime worked that has not already paid. ~~All payment will be made less outstanding loans, overpayments, advances or other agreements the employee may have with the District.~~ The employee's direct supervisor should ensure that Human Resources Department receives the deceased employee's final hours worked. The final pay check shall be provided to employee based on the following:

1. Voluntary Separation with notice will be the last day of the notice period.
2. Voluntary Separation without notice will be within seventy-two (72) hours from the last hour prior to separation.
3. Involuntary Separation shall be on the same day the employment has been terminated. If the terminated employee is not present to receive the final pay, this shall be mailed to the individual's verified mailing address together with the final pay stub.

3185.7.1 **Forwarding Address and Final Pay.** Departing employees will be asked to confirm their forwarding address with Human Resources Department to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address or direct deposited to ~~ba~~enk account on record by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation will be paid out consistent with the Memorandum of Understanding (MOU), Policy Number District 3075 Vacation (policy) and applicable laws.

3185.8 **Confidentiality in Resignation or Discharge.** To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation ~~or discharge~~termination from the District.

3185.92 **Public Record.** This policy is itself a public record which the District must release upon request.

Commented [RTG1]: The District cannot make deductions from an employee's final paycheck (other than normal tax withholdings, insurance premiums, etc.) even if the employee owes the District money. The employee has to authorize any such deductions in writing.

Adopted by Resolution 2019-08, 08/14/2019

CURRENT POLICY

44. CONFIDENTIALITY REGARDING RESIGNATIONS

- A. To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation/termination from the District.
- B. **Public Record.** This policy is itself a public record which the District must release upon request.

PROPOSED POLICY

POLICY TITLE: ~~CONFIDENTIALITY REGARDING RESIGNATIONS~~ EMPLOYEE SEPARATION **POLICY NUMBER: 3185**

- 3185.1 **Purpose.** The District is committed to ensure that employee separations, including voluntary and involuntary separations and separations due to death of an employee, are handled in a professional manner with minimal disruption to ongoing work functions.
- 3185.2 **Application.** Employees of all classifications shall comply with the separation process described in the implementation section of this policy.
- 3185.3 **Voluntary Separation.** A voluntary separation of employment occurs when an employee informs his or her supervisor of the employee's intent to resign or when an employee is absent from work for three (3) consecutive workdays and fails to contact his or her supervisor.
- 3185.3.1 **Notice of Resignation.** Employees who voluntarily resign are requested to provide two (2) weeks' notice to facilitate a smooth transition out of the District. If an employee provides less notice than requested, the General Manager or his/her designee shall review the circumstance to determine if the resigned employee is eligible for rehire.
- 3185.3.2 **Form of Resignation Notice.** All resignations must be confirmed in writing. Employee Resignation Letters must include the reason for leaving from the District and the effective date of separation. Employees who resign shall receive a confirmation of resignation notice within 24 to 48 hours. Resigning employees are required to provide resignation notice to their immediate supervisor or Human Resources Department. If supervisor received the notice, the Human Resources Department must be informed within 24 hours to initiate the separation process.
- 3185.3.3 **Rescission of Resignation.** Employees are generally will not be allowed to rescind a resignation, whether given verbally or in writing ~~once the resignation has been confirmed by Human Resources Department~~, unless the circumstance is reviewed by the General Manager or his/her designee. Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so with their direct supervisor, Department Head, Human Resources or General Manager or his/her designee.
- 3185.3.4 **Exit Interview.** Resigning employees will be scheduled for an exit meeting to ensure that all tools and equipment are returned and to provide an opportunity to discuss any feedback, questions or concerns related to employment with the District.
- 3185.3.5 **Eligibility for Rehire.** Employees who resign in good standing (i.e. no active disciplinary action) and whose documented performance is meeting and/or exceeding expectations under the District's performance evaluation process may be eligible for reemployment.
- 3185.4 **Involuntary Separation.** An involuntary separation of employment and/or the inability of an employee to perform the essential functions of his or her job with or without a reasonable accommodation may result in an involuntary separation. An employee may also be discharged for any legal reason including but not limited to misconduct, tardiness, absenteeism, unsatisfactory performance or inability to perform. An employee may also be discharged without cause, pursuant to at-will employment status.

Depending on the nature of the offense, the District reserves the right to combine and/or omit steps or immediately issue a separation. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization and its reputation.

3185.4.1. **Review.** Before any action is taken to discharge an employee, the employee's direct supervisor must request for a review of a specific action item by Human Resources, the Department Head and General Manager or his/her designee.

3185.4.2. If it is determined that the involuntary separation is the appropriate course of action after a review of the circumstance surrounding the involuntary separation, the employee's supervisor and Human Resources will notify the employee as soon as practicable.

3185.5 Job Abandonment. An employee absent without approved leave for three (3) consecutive working days who fails to notify the immediate supervisor and provide an acceptable reason for the absence or who otherwise abandons employment with the District, shall be considered to have automatically resigned from the District service as of the last day on which the employee worked or the last day of approved leave, unless the immediate supervisor in conjunction with the Department Head and Human Resources approves additional leave with or without pay to cover the absence.

Job Abandonment may apply in any circumstances where the employee:

1. Fails to obtain approved leave prior to any period of absence for three (3) consecutive working days;
2. Fails to return to work, for three (3) consecutive working days, following an approved leave of absence or upon expiration of an off work order;
3. Refuses to accept or fails to respond to an offer of accommodation that would permit the employee to return to work;
4. Fails to provide appropriate documentation to substantiate any period of absence for three (3) consecutive working days; or
5. Fails to cooperate with the Human Resources Department's attempt to engage in the interactive process such that, based on the information available to the immediate supervisor in the absence of the employee's cooperation, the immediate supervisor is unable to determine if an accommodation would allow the employee to return to employment; or
6. Fails to notify the immediate supervisor or Human Resources of the employee's absence;

3185.5.1 **Employee Contact.** the Human Resources Department shall exhaust all means of contacting the absent employee beginning on the second day of absence without notice. The immediate supervisor and Department Head shall be notified of the updates of said contact attempts.

3185.5.2. **Notice of Job Abandonment.** Before separation from service takes effect as a result of job abandonment, the employee shall be given written notice of the facts supporting the proposed action and provided an opportunity to respond to the Human Resources Department or designee. The employee shall have five (5) workdays from the date of service of the written notice to respond to Human Resources Department or designee.

3185.5.3 **Decision.** If, based on the evidence provided by the employee in any timely response, the Human Resources or designee determined that the reasons for the automatic resignation have been refuted or that good cause has been shown, the employee shall not be considered to have automatically resigned.

If the employee does not respond within five (5) working days from the date of service of the written notice, the proposed action of automatic resignation shall become final, and the employee shall be determined to have automatically resigned. The employee will be given written notice that the response was untimely, and the employee is determined to have automatically resigned.

If the employee submits a response and the immediate supervisor, Department Head and Human Resources find that the proposed action of automatic resignation is justified, the General Manager or his/her designee shall serve on the employee written notice that the employee has been determined to have automatically resigned from the District service and the effective date of such resignation.

3185.5.4 General Manager's Job Abandonment. If the General Manager abandons his or her job as identified under Section 3185.5, the Human Resources Manager or his/her designee shall consult with the Personnel Committee to make a recommendation to the Full Board of Directors to determine that the General Manager has automatically resigned from his or her position.

3185.6 Death of an Employee. A separation due to the death of an employee will be made effective as of the date of death.

3185.7 Final Pay. An employee who resigns or is discharged will be paid through the last day of ~~work~~ employment, plus any unused Vacation time. Non-Exempt employees will receive payment for overtime worked that has not already paid. ~~All payment will be made less outstanding loans, overpayments, advances or other agreements the employee may have with the District. The employee's direct supervisor should ensure that Human Resources Department receives the deceased employee's final hours worked. The final paycheck shall be provided to employee based on the following:~~

1. Voluntary Separation with notice will be the last day of the notice period.
2. Voluntary Separation without notice will be within seventy-two (72) hours from the last hour prior to separation.
3. Involuntary Separation shall be on the same day the employment has been terminated. If the terminated employee is not present to receive the final pay, this shall be mailed to the individual's verified mailing address together with the final pay stub.

3185.7.1 Forwarding Address and Final Pay. Departing employees will be asked to confirm their forwarding address with Human Resources Department to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address or direct deposited to bank account on record by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation will be paid out consistent with the Memorandum of Understanding (MOU), Policy Number District 3075 (vacation policy) and applicable laws.

3185.8 Confidentiality in Resignation or Discharge. To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation or ~~discharge~~ ~~termination~~ from the District.

3185.92 Public Record. This policy is itself a public record which the District must release upon request.



TERMINATION OF EMPLOYMENT

Within the State of California, employment may be terminated at the will of either party. Both the employer and the employee are free to end the employment relationship at any time, with no penalty being assessed to either. Unless the parties have previously agreed to the contrary, there is no notice required to be given by either party.

Employment covered by a collective bargaining agreement (union contract) is subject to the terms and conditions of the particular agreement. The Division of Labor Standards Enforcement (DLSE) does not have jurisdiction over such employment, and an employee should contact a representative of their local union when a dispute arises.

When an employee feels that they have been terminated, harassed or discriminated against based on their race, religion, gender, color, national origin, ancestry, disability, medical condition, marital status, age (over 40), sexual orientation or denial of family medical leave, they should contact the Department of Fair Employment and Housing at 1-800-884-1684 or at www.dfeh.ca.gov.

An employee who feels that he/she has been assaulted, threatened with assault, or feel he/she is in danger, should contact their local law enforcement office. Other forms of harassment generally require the filing of a lawsuit in civil court.

The DLSE has jurisdiction when an employee has been retaliated against for participating in a protected activity. For a list of protected activities that include filing a complaint with this office, jury duty participation and complaining about safety, contact one of the DLSE's offices. (Labor Code § 98.7)



ATTACHMENT 5	Staff Report - 3065 Reduction in Force
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Executive Summary

At the June 18, 2024 Personnel Committee meeting, Human Resources (HR) staff proposed changes to Policy Section 20 Reduction in Force as Policy Number 3065 Reduction in Force to include a section that discusses the District’s responsibility to provide at least ten (10) days’ notice to the employees affected by layoff or recall to align with Article 18 of the current Memorandum of Understanding (MOU). The policy draft also includes revising the Service Records section to align with the language stated in Policy 3060 Continuity of Service to mitigate any legal ramifications towards the District. The Personnel Committee approved the revised draft to move forward to the next Regular Board meeting for discussion and approval.

Background

At the June 18, 2024 Personnel Committee meeting, HR staff proposed a revised draft version to modernized the current language and to include a section that requires the District to provide at least ten (10) days’ notice prior in the event of a layoff and recall to align with Article 18 of the MOU. Additionally, said section allows the District to substitute pay in lieu of notice for the whole or portion of the ten (10) calendar days following the layoff and recall that was not written in the MOU. Legal Counsel and HR staff also noted that, in the event that the District workforce reached 75 and above, the 10 calendar days of notice shall then be extended to thirty (30) calendar days in legal compliance with Worker Adjustment and Retraining Notification (WARN) Act of 1988.

Additionally, HR staff revised the language of the Service Records section to align with the provisions of Policy 3060 Continuity of Service, giving guidance to the District should a laid-off and/or recalled full-time, part-time or temporary employee be reinstated to their current position. Generally, the intent of this policy draft is to provide guidance to the District in reference to the past years where there had been massive layoffs. The Personnel Committee approved the revised policy draft to move to the next Regular Board meeting for discussion and approval.

As part of the ongoing review process of all District policies, staff presented the proposed redline version to Legal Counsel for review to ensure compliance with applicable labor laws, and to promote clarity and completeness. Changes were also made to modernize the policy language, address historical events, and to keep up with the industry standards.

Discussion

Table 1, Summary of Policy Changes, outlines the proposed changes to the current Reduction in Force policy that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
1	Section 20, A	None	Word used was termination.	3065.1 Changed the word “termination” to “separation”. Add General Manager’s designee.	No fiscal impact.
2	Section 20, B	None	No language in the said section	3065.2 Added a definition of transfer for clarity. Added word “comparable.” Added General Manager’s designee.	No fiscal impact.
3	No Section	None	MOU Article 18 states that the District should provide 10 calendar days’ notice prior to employee layoff and recall.	3065.4 Added a section that aligns with the MOU provision and also add language that pay may be substituted in lieu of a layoff in the 10 calendar days’ notice.	Fiscal impact is the employee hourly rate computation of the calendar days following the layoff.
3	Section 20, D	None	Employees can be recalled from the list to a vacancy to their former classification.	3065.5 Added “comparable position” to allow employees to be recalled by the District in some other positions that are comparable to their former classifications. Add reference to Policy 3060 Continuity of Service.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
4	Section 20, E	None	No reference to the Human Resources Department as the division that maintains employee file.	3065.6 Added Human Resources as the custodian of employee files. Changed the word "termination" to "separation".	No fiscal impact.
5	Section 20, J	None	No language referencing this to Policy 3060 Continuity of Service.	3065.7 Added language to include guidelines for reemployed full-time, part-time, and temporary employees for the restoration of their vacation accrual rate and sick leaves incurred align with Policy 3060 Continuity of Service.	No fiscal impact.

Fiscal Impact

The fiscal impact is the employee’s hourly rate for the purpose of computing the ten (10) calendar days’ notice in lieu of a layoff.

Attachments

1. Redline draft version of 3065 Reduction in Force
2. Side-by-side version of 3065 Reduction in Force
3. BCVWD Memorandum of Understanding Article 18

POLICY TITLE: REDUCTION IN FORCE
POLICY NUMBER: 3065

3065.1 **Reduction in Force.** When it becomes necessary to reduce the workforce as a result of lack of work, lack of funds, economic conditions, reorganization, or in the interests of efficiency or similar reasons, the District may initiate an involuntary employment ~~separation termination~~ without cause under the District's "at will" employment policy. When implementing a reduction in force, the General Manager or his/her designee may consider any criteria that is business related and that is not prohibited by law. The reduction may be referenced as "layoff," but this will not change the basic policy of "at will" employment.

3065.2 **Demotion or Transfer in Lieu.** A transfer is a move from one department or division within the same classification and salary range. At the discretion of the General Manager or his/her designee, employees may be demoted or transferred to a different or comparable classification in lieu of termination or layoff where the employee possesses the minimum qualifications for the new position or classification and can immediately perform the functions of the job.

3065.3 **Layoff and Recall under MOU.** Where specific procedures for layoff and recall are provided in an MOU, the MOU procedures will be followed for a reduction in force involving employees covered by the MOU. Unless otherwise expressly provided in the MOU, discipline and review procedures, if any, will not apply to the reduction in force or layoff.

3065.4 Notice. In the event of a reduction in force (layoff), the District will give at least ten (10) calendar days' notice prior to affected employees of an impending layoff. The District may substitute pay in lieu of notice for all or a portion of the ten (10) calendar days.

3065.~~54~~ **Re-Employment List.** Where required under the terms of an MOU, the District will maintain a re-employment list for each classification from which a covered employee was laid off. Former employees will be recalled from the list to a vacancy in their former classification or comparable position based on their length of continuous service with the District (see Policy 3060 Continuity of Service). A former employee not eligible for recall from a re-employment list may apply for any vacancies within the District.

3065.~~65~~ **List Removal.** An individual will be removed from a re-employment list under the circumstances listed below. It is the responsibility of the individual to maintain a current U.S. Mailing address on file with the District Human Resources Department where the individual can receive and respond to notices on a timely basis. The District shall is not be responsible for misdirected recall notices or failure of delivery. Removal will occur:

1. After six (6) months from the date of ~~separation~~termination;
2. If the individual declines recall or fails to respond to a notice of recall within five (5) work days of the date of mailing;
3. If the individual accepts other employment with the District at the same or higher rate of pay; or
4. If the individual notifies the District that they are no longer available for recall as a result of accepting other employment or for other reasons.

3065.~~76~~ **Service Records.** Previous regular, full-time employees who return to work within 6 months of a re-

Adopted by Resolution 20-XX, Date

duction in force or layoff will have their former length of continuous service restored (less the period not employed as a result of the reduction in force or layoff). Previous regular employees called back on a part-time basis will be credited with additional service on an hour-for-hour basis. Former re-employed regular, full-time employees within twelve (12) months from separation date shall restore their previous vacation accrual rate. Former re-employed full-time, part-time and temporary employees within six ~~twelve (6-12)~~ months from their separation date shall restore their previously accrued sick leave (See Policy 3060 Continuity of Service).

Adopted by Resolution 20-XX, Date

CURRENT POLICY

PROPOSED POLICY

POLICY TITLE: REDUCTION IN FORCE
POLICY NUMBER: 3065

20. REDUCTION IN FORCE

A. Reduction in Force. When it becomes necessary to reduce the workforce as a result of lack of work, lack of funds, economic conditions, reorganization, or in the interests of

3065.1 Reduction in Force. When it becomes necessary to reduce the workforce as a result of lack of work, lack of funds, economic conditions, reorganization, or in the interests of efficiency or similar reasons, the District may initiate an involuntary employment separation ~~without~~ without cause under the District's "at will" employment policy. When implementing a reduction in force, the General Manager or his/her designee may consider any criteria that is business related and that is not prohibited by law. The reduction may be referenced as "layoff," but this will not change the basic policy of "at will" employment.

3065.2 Demotion or Transfer in Lieu. A transfer is a move from one department or division within the same classification and salary range. At the discretion of the General Manager or his/her designee, employees may be demoted or transferred to a different or comparable classification in lieu of termination or layoff where the employee possesses the minimum qualifications for the new position or classification and can immediately perform the functions of the job.

3065.3 Layoff and Recall under MOU. Where specific procedures for layoff and recall are provided in an MOU, the MOU procedures will be followed for a reduction in force involving employees covered by the MOU. Unless otherwise expressly provided in the MOU, discipline and review procedures, if any, will not apply to the reduction in force or layoff.

3065.4 Notice. In the event of a reduction in force (layoff), the District will give at least ten (10) calendar days' notice prior to affected employees of an impending layoff. The District may substitute pay in lieu of notice for all or a portion of the ten (10) calendar days.

3065.54 Re-Employment List. Where required under the terms of an MOU, the District will maintain a re-employment list for each classification from which a covered employee was laid off. Former employees will be recalled from the list to a vacancy in their former classification or comparable position based on their length of continuous service with the District (see Policy 3060 Continuity of Service). A former employee not eligible for recall from a re-employment list may apply for any vacancies within the District.

3065.66 List Removal. An individual will be removed from a re-employment list under the circumstances listed below. It is the responsibility of the individual to maintain a current U.S. Mailing address on file with the District Human Resources Department where the individual can receive and respond to notices on a timely basis. The District shall be responsible for misdirected recall notices or failure of delivery. Removal will occur:

1. After six (6) months from the date of separation ~~termination~~;
2. If the individual declines recall or fails to respond to a notice of recall within five (5) work days of the date of mailing;
3. If the individual accepts other employment with the District at the same or higher rate of pay; or
4. If the individual notifies the District that they are no longer available for recall as a result of accepting other employment or for other reasons.

3065.76 Service Records. Previous regular, full-time employees who return to work within 6 months of a re-

efficiency or similar reasons, the District may initiate an involuntary employment termination without cause under the District's "at will" employment policy. When implementing a reduction in force, the General Manager may consider any criteria that is business related and that is not prohibited by law. The reduction may be referenced as "layoff," but this will not change the basic policy of "at will" employment.

B. Demotion or Transfer in Lieu. At the discretion of the General Manager, employees may be demoted or transferred to a different classification in lieu of termination or layoff where the employee possess the minimum qualifications for the new position or classification and can immediately perform the functions of the job.

C. Layoff and Recall under MOU. Where specific procedures for layoff and recall are provided in an MOU, the MOU procedures will be followed for a reduction in force involving employees covered by the MOU. Unless otherwise expressly provided in the MOU, discipline and review procedures, if any, will not apply to the reduction in force or layoff.

D. Re-Employment List. Where required under the terms of an MOU, the District will maintain a re-employment list for each classification from which a covered employee was laid off. Former employees will be recalled from the list to a vacancy in their former classification based on their length of continuous service with the District, as defined under this Manual. A former employee not eligible for recall from a re-employment list may apply for any vacancy with the District.

E. List Removal. An individual will be removed from a re-employment list under the circumstances listed below. It is the responsibility of the individual to maintain a current U.S. Mail address on file with District where the individual can receive and respond to notices on a timely basis. The District is not responsible for misdirected recall notices or failure of delivery. Removal will occur:

- i. After six (6) months from the date of termination;
- ii. if the individual declines recall or fails to respond to a notice of recall within five (5) work days of the date of mailing;
- iii. if the individual accepts other employment with the District at the same or higher rate of pay; or
- iv. if the individual notifies the District that he or she is no longer available for recall as a result of accepting other employment or for other reasons.

F. Service Records. Previous regular employees who return to work within six (6) months of a reduction in force or layoff will have their former length of continuous service restored (less the period not employed as a result of the reduction in force or layoff). Previous regular employees called back on a part-time basis will be credited with additional service on an hour-for-hour basis.

duction in force or layoff will have their former length of continuous service restored (less the period not employed as a result of the reduction in force or layoff). Previous regular employees called back on a part-time basis will be credited with additional service on an hour-for-hour basis. Former re-employed regular, full-time employees within twelve (12) months from separation date shall restore their previous vacation accrual rate. Former re-employed full-time, part-time and temporary employees within six (6) months from their separation date shall restore their previously accrued sick leave (See Policy 3060 Continuity of Service).

one hundred and eighty (180) days. If said leave of absence will be in excess of one hundred and eighty (180) **calendar** days, the General Manager may extend a temporary employee's assignment, hire a regular employee to fill the vacancy, promote or transfer an employee, or appoint an interim employee, depending on the District's needs.

A temporary employee will not be eligible for any fringe benefits including holiday pay, vacation pay, health insurance coverage, jury duty pay, bereavement pay, or items of a similar nature, nor will he/she accrue seniority or leave of absence rights unless required by federal, state, or local law.

Article 17: Performing Work Out of Classification

Employees required by their supervisor to work a normal shift in a temporary classification higher than his/her current classification will be paid a step increase equivalent to five percent (5%) of his/her base pay rate for those hours worked performing the duties of the higher classification. This out of class work shall be clearly identified by the supervisor, which will require authorization by the supervisor at the beginning of the normal work shift, in which said out of class work is performed.

Should an employee be required to work temporarily in a classification paying less than his/her established rate, he/she will be paid at their normal rate.

Performing work out of classification is limited to a total of six (6) months within a calendar year.

Article 18: Layoff and Recall

Should the District be required to reduce the bargaining unit work force for any reason, the following shall be the layoff procedure:

1. Temporary bargaining unit employees shall be laid off first.
2. Should a further reduction be necessary, full-time probationary bargaining unit employees shall be laid off next.
3. Full-time employees shall be laid off last.

The District shall notify an employee of their intention to lay him/her off at least **ten (10)** calendar days prior to the date the layoff is to take effect. Employee Association Representatives will be notified in the event of a layoff in each circumstance. Recall to work shall be in reverse order of layoff based on a Re-Employment list that shall expire six (6) months from the date of layoff.

Article 19: MOU Grievance Procedure

A MOU grievance is any alleged violation, or major difference of opinion, as to the interpretation or application of the negotiated MOU agreement.

An employee is entitled to representation in the preparation and presentation of his/her MOU grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.



ATTACHMENT 6	Staff Report - 3200 Grievance Procedures
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Executive Summary

At the June 18, 2024 Personnel Committee meeting, Human Resources (HR) staff proposed changes to the Grievance Procedures policy to align with Article 19 Grievance Procedure of the 2022-2026 Memorandum of Understanding (MOU) by adding language that includes additional steps in the procedure of filing a grievance by represented employees. Staff is also proposing adding a section that provides guidance if the General Manager is directly involved in the grievance, and an anti-retaliation statement, to mitigate any potential legal risks regarding District’s response to a filed grievance. The policy draft was reviewed and approved by the Personnel Committee to move forward to the next Regular Board meeting for discussion and approval.

Background

At the June 18, 2024 Personnel Committee meeting, HR staff proposed a revised draft that aligns with the language in the current Memorandum of Understanding (MOU) adopted January 1, 2022, which includes an additional level of escalation (Step 2) allowing Human Resources, in partnership with the Department Head, to mediate on a grievance filed if unresolved in Step 1 of the process. This section of the current policy did not match the language written in MOU. HR staff also proposed adding a section that provides thorough guidance if the General Manager is the employee directly involved in the grievance process, allowing the matter to be escalated to the Personnel Committee for final decision. Additionally, staff proposed adding the dismissal of a grievance if the complainant chose to resign from the District, and a section that provides zero tolerance on retaliation against an employee who filed a complaint. The Personnel Committee approved the policy draft to move forward to the next Regular Board meeting for discussion and approval.

As part of the ongoing review process of all District policies, staff presented the proposed redline version to Legal Counsel for review to ensure compliance with MOU language and applicable labor laws such as California Code of Regulations 1073 – Grievance Procedure. Changes were also made to modernize the policy language, and to keep up with the industry standards.

Discussion

Table 1, Summary of Policy Changes, outlines the proposed changes to the current Grievance Procedures (policy) that are in reference to the redline draft version attached herewith.



Table 1 – Summary of Policy Changes

Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
1	Section 47, C	Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure	Employees under the MOU Group have the right to representation in a grievance procedure.	3200.3. Added "Right to" to the section title.	No fiscal impact.
2	No Section	Article 19 of BCVWD Memorandum of Understanding (MOU)	Not written in the policy but follows the MOU for grievance procedure.	3200.4.2 Added Step 2 to the procedure, allowing HR and Department Head to mediate if grievance is unresolved in Step 1, following the procedure written in the MOU.	No fiscal impact.
3	Section 47, D, ii	Article 19 of BCVWD Memorandum of Understanding (MOU)	In the policy, the Step 2 process is mediation by the General Manager. MOU has this as step 3.	3200.4.3 Moved the section to Step 3 to align with the MOU.	No fiscal impact.
4	Section 47, E	Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure	The Personnel Committee will hold a hearing in closed session if grievance is escalated to Step 4.	3200.5 Improved the language of this section.	No fiscal impact.



Row Number	Policy Section	State / Federal Law requirement	BCVWD current practice	Added/Revised Sections	Fiscal Impact of Option
5	No Section	Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure	No written policy or provision in the MOU stating if the General Manager is involved in the grievance complaint.	3200.6 Added a section for when the General Manager is involved in the grievance and the escalation to Personnel Committee through HR.	No fiscal impact.
6	Section 47, F	Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure	No Section for guidance in the grievance procedure if the complainant is separated for any reason.	3200.7.3 Added a sub-section that the grievance will be dismissed if the employee is separated from the District for any reason.	No fiscal impact.
7	No Section	Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure	No Section for anti-retaliation.	3200.8 Added a section against retaliation to staff if filing a grievance.	No fiscal impact.

Fiscal Impact

There is no fiscal impact in the implementation of the said policy changes.

Attachments

1. Redline draft version of 3200 Grievance Procedures
2. Side-by-side version of 3200 Grievance Procedures
3. Article 19, BCVWD Memorandum of Understanding (2022-2026)
4. Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure

POLICY TITLE: GRIEVANCE PROCEDURES
POLICY NUMBER: 3200

3200.1 **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation of application of any negotiated agreement, rule or regulation governing personnel matters.

3200.2 **Exception.** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.

3200.3 **Right to Representation.** ~~An~~ Employees ~~are~~ is entitled to representation in the preparation and presentation of ~~his~~-~~their~~ grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.

3200.4 **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.

1. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed to have been waived. Prior to filing a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matter giving rise to the grievance.
2. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the Human Resources Department or designee General Manager for mediation, within five (5) days of receipt of the immediate supervisor's answer. Upon receipt of a written grievance, the Human Resources Department shall discuss the complaint with the Department Head for possible resolution.- After discussion, Upon receipt of a written grievance, the General Manager Human Resources Manager and the Department Head shall meet with the employee and his representative within ten (10) business days. The General Manager Department Head shall render a written decision no later than three (3) days after the Step 2 meeting.
- 2-3. **Step 3.** In the event the problem is not resolved through formal discussion as outlined in Step 2, the grievance shall be reduced to writing, and submitted to the General Manager or his/her designee, within five (5) days of receipt of the Department Head's answer. Upon receipt of a written grievance, the General Manager or his/her designee meet with the employee, his representative and the Department Head no later than ten (10) business days. The General Manager or his/her designee shall render a written decision no later than three (3) days after the Step 3 meeting.
4. **Step 43.** Should the grievance not be resolved in Step ~~32~~, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review, and render a written decision ten (10) days thereafter, which decision shall be final.

3200.5 **Personnel Committee.** The Personnel Committee shall, as soon as possible, schedule a hearing ~~in closed session~~ to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. If appropriate and in accordance with the law, the hearing will be held in closed session. The Committee's decision shall be announced in open session immediately after

Adopted by Resolution 2019-08, 08/14/2019

the closed session in which it was made. Contrary terms of this procedure notwithstanding, closed sessions will only be conducted in compliance with requirements of applicable law, including California's open meeting law, the Brown Act.

3200.6 **Grievance Involving General Manager.** In the event that the General Manager is directly involved, the formal grievance shall be submitted in writing to the Human Resources Department or designee within five (5) business days and shall be presented to the Personnel Committee. The Personnel Committee shall meet with the General Manager, the grievant and his/her representative within ten (10) business days to discuss the grievance. The Personnel Committee shall render a written decision within seven (7) business days, which decision shall be final.

3200.76 **Basic Rules.**

1. If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
2. By agreement in writing, the parties may extend any and all time limitations specified above.
- ~~2.3. If an employee has a grievance, pending decision in any steps, and chose to resign from the District with a pending grievance separates from employment with the District for any reason, the grievance shall be automatically dismissed.~~
- ~~3.4.~~ The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.
- ~~4.~~~~5.~~ A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3200.8 **Retaliation.** Retaliation against a person who files a grievance ~~and~~ good faith complaint regarding any alleged violation of the Memorandum of Understanding or of the Policies and Procedures will not be tolerated.

CURRENT POLICY

47. GRIEVANCE PROCEDURES

- A. **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation of application of any negotiated agreement, or any law, rule or regulation governing personnel matters.
- B. **Exception.** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.
- C. **Representation.** An employee is entitled to representation in the preparation and presentation of his grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.
- D. **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.
 - i. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed waived. Prior to filling a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matters giving rise to the grievance.
 - ii. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the General Manager, within five (5) days of receipt of the immediate

PROPOSED POLICY

POLICY TITLE: GRIEVANCE PROCEDURES POLICY NUMBER: 3200

- 3200.1 **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation of application of any negotiated agreement, rule or regulation governing personnel matters.
- 3200.2 **Exception.** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.
- 3200.3 **Right to Representation.** An employee is entitled to representation in the preparation and presentation of his grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.
- 3200.4 **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.
 1. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed waived. Prior to filling a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matter giving rise to the grievance.
 2. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the Human Resources Department or designee General Manager for mediation, within five (5) days of receipt of the immediate supervisor's answer. Upon receipt of a written grievance, the Human Resources Department shall discuss the complaint with the Department Head for possible resolution. After discussion, the Department Head shall meet with the employee and his representative within ten (10) business days. The General Manager Department Head shall render a written decision no later than three (3) days after the Step 2 meeting.
 - 2-3. **Step 3.** In the event the problem is not resolved through formal discussion as outlined in Step 2, the grievance shall be reduced to writing, and submitted to the General Manager or his/her designee, within five (5) days of receipt of the Department Head's answer. Upon receipt of a written grievance, the General Manager or his/her designee meet with the employee, his representative and the Department Head no later than ten (10) business days. The General Manager or his/her designee shall render a written decision no later than three (3) days after the Step 3 meeting.
 4. **Step 4.** Should the grievance not be resolved in Step 3, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review, and render a written decision ten (10) days thereafter, which decision shall be final.
- 3200.5 **Personnel Committee.** The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. If appropriate and in accordance with the law, the hearing will be held in closed session. The Committee's decision shall be announced in open session immediately after

supervisor's answer. Upon receipt of a written grievance, the General Manager shall meet with the employee and his representative. The General Manager shall render a written decision no later than three (3) days after the Step 2 meeting.

- iii. **Step 3.** Should the grievance not be resolved in Step 2, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review, and render a written decision ten (10) days thereafter, which decision shall be final.

E. **Personnel Committee.** The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made. Contrary terms of this procedure notwithstanding, closed sessions will only be conducted in compliance with requirements of applicable law, including California's open meeting law, the Brown Act.

F. **Basic Rules.**

- i. If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
- ii. By agreement in writing, the parties may extend any and all time limitations specified above.
- iii. The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.
- iv. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

the closed session in which it was made. Contrary terms of this procedure notwithstanding, closed sessions will only be conducted in compliance with requirements of applicable law, including California's open meeting law, the Brown Act.

3200.6 **Grievance Involving General Manager.** In the event that the General Manager is directly involved, the formal grievance shall be submitted in writing to the Human Resources Department or designee within five (5) business days and shall be presented to the Personnel Committee. The Personnel Committee shall meet with the General Manager, the grievant and his/her representative within ten (10) business days to discuss the grievance. The Personnel Committee shall render a written decision within seven (7) business days, which decision shall be final.

3200.7 **Basic Rules.**

- 1. If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.
- 2. By agreement in writing, the parties may extend any and all time limitations specified above.
- 2-3. If an employee has a grievance pending decision in any steps, and these to resign from the District with a pending grievance separates from employment with the District for any reason, the grievance shall be automatically dismissed.
- 3-4. The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.
- 4—5. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3200.8 **Retaliation.** Retaliation against a person who files a grievance or good faith complaint regarding any alleged violation of the Memorandum of Understanding or of the Policies and Procedures will not be tolerated.

one hundred and eighty (180) days. If said leave of absence will be in excess of one hundred and eighty (180) **calendar** days, the General Manager may extend a temporary employee's assignment, hire a regular employee to fill the vacancy, promote or transfer an employee, or appoint an interim employee, depending on the District's needs.

A temporary employee will not be eligible for any fringe benefits including holiday pay, vacation pay, health insurance coverage, jury duty pay, bereavement pay, or items of a similar nature, nor will he/she accrue seniority or leave of absence rights unless required by federal, state, or local law.

Article 17: Performing Work Out of Classification

Employees required by their supervisor to work a normal shift in a temporary classification higher than his/her current classification will be paid a step increase equivalent to five percent (5%) of his/her base pay rate for those hours worked performing the duties of the higher classification. This out of class work shall be clearly identified by the supervisor, which will require authorization by the supervisor at the beginning of the normal work shift, in which said out of class work is performed.

Should an employee be required to work temporarily in a classification paying less than his/her established rate, he/she will be paid at their normal rate.

Performing work out of classification is limited to a total of six (6) months within a calendar year.

Article 18: Layoff and Recall

Should the District be required to reduce the bargaining unit work force for any reason, the following shall be the layoff procedure:

1. Temporary bargaining unit employees shall be laid off first.
2. Should a further reduction be necessary, full-time probationary bargaining unit employees shall be laid off next.
3. Full-time employees shall be laid off last.

The District shall notify an employee of their intention to lay him/her off at least **ten (10)** calendar days prior to the date the layoff is to take effect. Employee Association Representatives will be notified in the event of a layoff in each circumstance. Recall to work shall be in reverse order of layoff based on a Re-Employment list that shall expire six (6) months from the date of layoff.

Article 19: MOU Grievance Procedure

A MOU grievance is any alleged violation, or major difference of opinion, as to the interpretation or application of the negotiated MOU agreement.

An employee is entitled to representation in the preparation and presentation of his/her MOU grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.

An employee and any representation will be unimpeded and free from restraint, discrimination, interference with the MOU, or reprisal in seeking appropriate adjustment of a MOU grievance. The following steps illustrate the MOU grievance procedure:

Step 1: A MOU grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within the said time requirement, the MOU grievance will be deemed to have been waived. Prior to filing a written MOU grievance, an employee will first discuss the matter with his/her immediate supervisor. The immediate supervisor shall respond, either orally or in writing, within three (3) business days of the discussion with the employee concerning the matters giving rise to the MOU grievance.

Step 2: In the event the problem is not resolved through informal discussion as outlined in Step 1, the MOU grievance will be submitted in writing to Human Resources, within five (5) business days of receipt of the immediate supervisor's answer. Upon receipt of a written MOU grievance, Human Resources shall meet with the employee and his/her representative within ten (10) business days. Human Resources will review the matter with management and shall render a written decision no later than three (3) business days after the Step 2 meeting.

Step 3: In the event the problem is not resolved through the procedure outlined in Step 2, the MOU grievance shall be submitted in writing to the General Manager, within five (5) business days of receipt of the response from Human Resources. Upon receipt of a written MOU grievance, the General Manager shall meet with the employee, his/her representative, and with management within ten (10) business days. The General Manager shall render a written decision no later than three (3) business days after the Step 3 meeting.

Step 4: Should the grievance not be resolved in step 3, it may then be appealed by the grievant, in writing, to the Personnel Committee of the Board of Directors within three (3) business days. The Personnel Committee shall meet with the grievant, and his/her representative, within ten (10) business days of submission for review and render a written decision ten (10) business days thereafter, which decision shall be final.

A MOU grievance will be considered resolved based on the last determination if it is not advanced by the grievant within the time limits provided. If a supervisor or manager fails to respond within the time limit provided, the employee may advance the grievance to the next step within the time limits provided. If the nature of the MOU grievance concerns the safety of employees and/or the public, the grievant may choose to skip to Step 2 or 3 to issue the grievance to either Human Resources or the General Manager directly.

Article 20: Progressive Discipline

- i. The General Manager, or his/her designee has the authority to discipline or terminate any employee. The following is a nonexclusive list of the types of disciplinary action which may be imposed.
 - A. Oral or written warnings.
 - B. Probation - the placing of an employee in a position wherein his/her past and current performance is being reevaluated. Failure to improve his/her performance during the probationary period will result in further disciplinary action.

- LII > State Regulations > California Code of Regulations
- > Title 15 - Crime Prevention and Corrections
- > Division 1 - Board of State and Community Corrections
- > Chapter 1 - Board of State and Community Corrections
- > Subchapter 4 - Minimum Standards for Local Detention Facilities
- > Article 6 - Programs and Services
- > **Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure**

Cal. Code Regs. Tit. 15, § 1073 - Grievance Procedure

State Regulations Compare

(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold incarcerated workers shall develop written policies and procedures whereby all incarcerated persons have the opportunity and ability to submit and appeal grievances relating to any conditions of confinement, including but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include:

- (1) a grievance form;
- (2) instructions for registering and appealing a grievance, including relevant deadlines;
- (3) a process for submission and handling of anonymous grievances;
- (4) resolution of the grievance at the lowest appropriate staff level;
- (5) appeal to the next level of review;

- (6) written reasons for denial of grievance at each level of review which acts on the grievance;
- (7) provision for a non-automated initial response within a reasonable time limit which shall not exceed a period of 15 calendar days;
- (8) provision for resolving questions of jurisdiction within the facility;
- (9) provision for providing a copy of the grievance, appeal, response, and related documents to the incarcerated person; and,
- (10) The facility manager or designee shall conduct regular review of grievances, responses, and appeals.

(b) Grievance System Abuse:

The facility may establish written policy and procedure to control the submission of an excessive number of grievances.

Notes

Cal. Code Regs. Tit. 15, § 1073

1. Change without regulatory effect renumbering former section 1033 to section 1073 (Register 86, No. 32).
2. Amendment of first paragraph filed 8-4-94; operative 9-5-94 (Register 94, No. 31).
3. New closing paragraphs filed 1-26-98; operative 2-25-98 (Register 98, No. 5).
4. Reorganization of subsection designators filed 1-30-98 pursuant to section 100, title 1, California Code of Regulations; operative 2-25-98 (Register 98, No. 5).
5. Amendment of section heading and section filed 11-17-2022; operative 1-1-2023 (Register 2022, No. 46).

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1. Change without regulatory effect renumbering former section 1033 to section 1073 (Register 86, No. 32).
2. Amendment of first paragraph filed 8-4-94; operative 9-5-94 (Register 94, No. 31).
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5. Amendment of section heading and section filed 11-17-2022; operative 1/1/2023 (Register 2022, No. 46).



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 5

STAFF REPORT

TO: Board of Directors

FROM: Dan Jagers, General Manager

SUBJECT: Request for Increase of Water Service *Will-Serve Letter* for an Expansion to the Existing Calvary Chapel Church Located on Riverside County Assessor's Parcel Number (APN) 408-070-012 on the Southeast Corner of Brookside Avenue and Orchard Heights Avenue

Staff Recommendation

Consider the request for water service *Will-Serve Letter* for the proposed expansion to the Calvary Chapel church located on Riverside County Assessor's Parcel Number (APN) 408-070-012 subject to payment of all deposits and fees to the District and securing all approvals from the City of Beaumont, and:

- A. Approve the Application and furnish an increase to service *Will-Serve Letter* per conditions as enumerated, or
- B. Deny the Application for water service

Executive Summary

The Applicant, Travis Heaps (on behalf of Calvary Chapel), has requested domestic and irrigation water service from the District for the proposed expansion to the existing property located at 1780 Orchard Heights Avenue (see Attachment 1 – APN 408-070-012 Location Map). The Project is currently receiving water service from the District and is requesting an increase to service *Will-Serve Letter* for the increase in water consumption based on the proposed improvements. A summary of the existing Church Project has been provided in Table 1, below.

Table 1 – Project Summary

Applicant	Travis Heaps (on behalf of Calvary Church)
Owner / Developer	Calvary Chapel – Beaumont
Development Type	Commercial
Development Name	Calvary Chapel
Annexation Required (Yes/No)	No
Existing Total Consumption	2.5 EDUs
Estimated Potable Consumption	1.0 EDU
Estimated Non-Potable Consumption	3.8 EDUs
Total Increased Water Consumption	2.3 EDUs

Background

The Applicant, Travis Heaps (on behalf of Calvary Chapel), has requested an increase of water service from the District for the increase in water demand (allocation) to the existing church located at 1780 Orchard Heights Avenue which proposes construction of a new worship building, future children's center and recreation building (see Attachment 2 – APN 408-070-012 Site Plan). The recreation building (Phase 3) is not included as a part of the Project at this time (see



Attachment 3 – Phasing Plan) and is not included in the estimated water demands in Table 1. Said future building will be required to an additional service request in the future.

The Project is currently served by a combination meter which provides the existing domestic, irrigation and fire flow demands located at the northwest corner of the parcel by a 12-inch 3040 Pressure Zone (PZ) steel pipeline. The Applicant will be required to install a separate irrigation meter with backflow assembly to service the irrigation demands of the Project, which is the current District standard. The existing combination meter may continue to be utilized for domestic and fire demands so long as the size of the system is able to meet the fire flow demands.

Discussion

The Applicant has worked with District staff to estimate the Project water consumption for this Project as well as existing facilities which has been summarized in Table 2, below.

Table 2 – Proposed and Existing Water Consumption

Demand	Estimate Consumption (GPD)	Estimate Consumption (EDUs)
Potable Water Demand	487	1.0
Irrigation Water Demand	1,851	3.8
Total Water Demand	2,338	4.8

District staff analyzed the historical existing water consumption for the existing site and has summarized the results in Table 3, below.

Table 3 – Existing Water Consumption

Demand	Est. Consumption (GPD)	Est. Consumption (EDUs)
Potable Water Consumption ¹	487	1.0
Irrigation Water Consumption ¹	731	1.5
Total Water Consumption	1,218	2.5

1. The domestic and irrigation demands of the existing Project are served from the same meter. The separation of domestic vs irrigation existing consumption has been estimated by District staff.

District staff has compared the proposed total water consumption to the existing water consumption. The Applicant will be credited 2.5 EDUs based upon their existing water consumption. District staff has provided a summary of the net difference in water consumption below, in Table 4.

Table 4 – Water Consumption Summary

Description	Domestic (GPD)	Domestic (EDUs)	Irrigation (GPD)	Irrigation (EDUs)
Proposed Consumption ¹	487	1.0	1,851	3.8
Existing Consumption ²	487	1.0	731	1.5
Total Net Increase	0	0.0	1,120	2.3

1. Values derived from Table 2

2. Values derived from Table 3



As mentioned previously, the Applicant will be required to install a new irrigation meter with a backflow assembly, per District standards. The final domestic and irrigation meter sizes will be determined by the Applicant. Upon approval of service, the Applicant shall pay all applicable District deposits and fees, including, but not limited to, water capacity charges, meter charges, and GIS deposits (as applicable).

Fire Flow requirements will be determined by the City of Beaumont (or County of Riverside) Fire Department and will dictate actual required fire suppression needs of the Project.

Conditions of Development

Prior to final Project development, the following conditions must be met:

1. The Applicant shall conform to all District requirements (including the Regulations Governing Water Service) and/or all City of Beaumont requirements.
2. The Applicant will be required to prepare a water service connection plan / exhibit for irrigation service. Should the proposed project demands exceed the existing potable service capabilities, the Applicant shall be responsible for the design and costs associated with a new fire and potable service connection.
3. The District reserves the right to review annual consumption data (water consumption audit) and adjust the Applicant's capacity charges (facilities fees) at the end of this phase of construction as well as at final buildout of the Project and when project facilities are placed into service, for any amount greater than 4.8 EDUs (1.0 EDU [487 gpd] for the domestic demand and 3.8 EDUs [1,851 gpd] for the irrigation demand) as identified in Table 2.
4. In the event the Applicant constructs facilities which require additional water (i.e., expansion or change of use [Phase 3]), the Applicant will be required to request an additional service increase from the District for the service to facilitate the increased consumption requirements and pay all additional capacity charges (facilities fees) related to these upgrades.
5. To minimize irrigation consumption, the District requires the Applicant conform to all City of Beaumont Amended Chapter 17.06 "Landscape Standards" Ordinance pertaining to water efficient landscape requirements, and the following:
 - a. Landscaped areas, which have functional turf, shall have "smart irrigation controllers" which use Evapotranspiration (ET) data to automatically control the watering. Systems shall have an automatic rain sensor to prevent watering during and shortly after rainfall, automatically determine watering schedule based on weather conditions, and not require seasonal monitoring changes.
 - b. Landscaping in non-turf areas should be drought-tolerant, consisting of planting materials which are native to the region. Irrigation systems for these areas should be drip or bubbler type.
 - c. The District will provide irrigation service so long as landscape areas are not converted to areas of use with water demands greater than the landscape plan which will be added as part of the service agreement. In the event modifications



are made to the landscape the applicant shall require approval for any proposed modifications .

Fiscal Impact

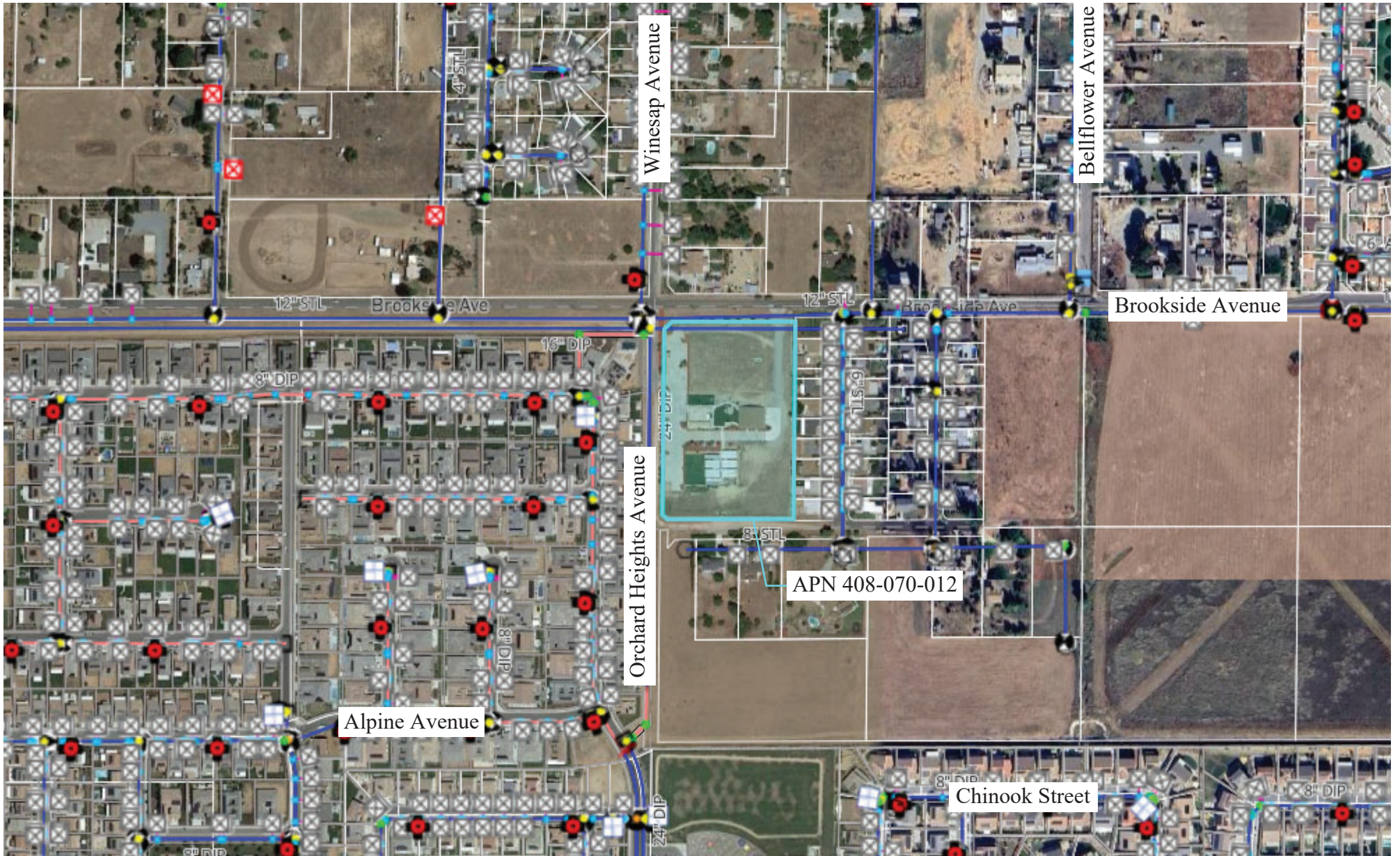
No negative fiscal impact to the District. All fees and deposits will be paid by the Applicant prior to providing service.

Attachments

1. APN 408-070-012 Location Map
2. APN 408-070-012 Site Plan
3. APN 408-070-012 Phasing Plan
4. APN 408-070-012 Will Serve Letter Application

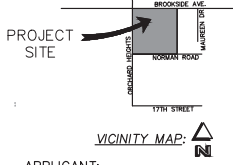
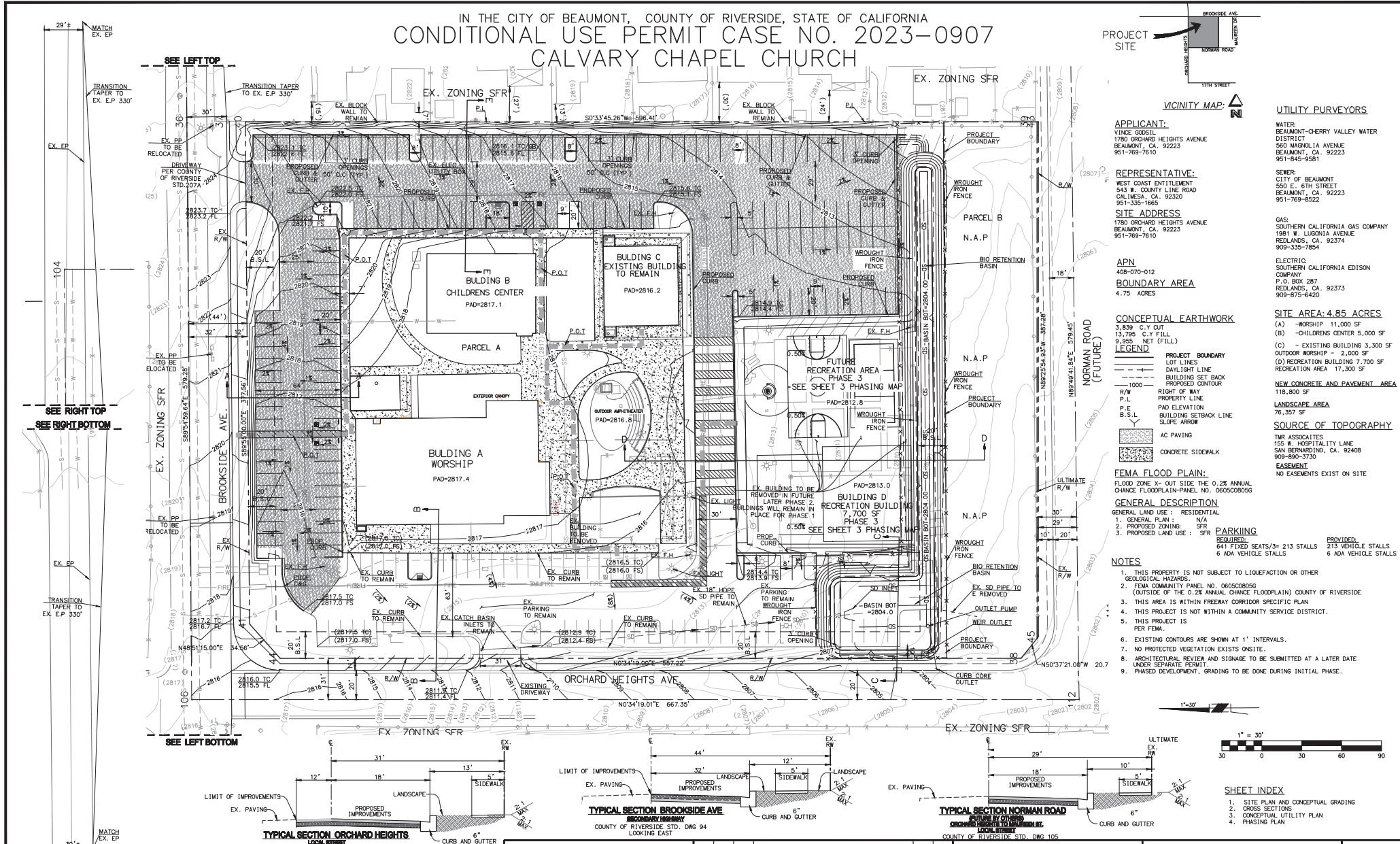
Staff Report prepared by Evan Ward, Civil Engineering Assistant

Attachment 1 - APN 408-070-012 Location Map



Attachment 2 - APN 408-070-012 Site Plan

IN THE CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA CONDITIONAL USE PERMIT CASE NO. 2023-0907 CALVARY CHAPEL CHURCH



APPLICANT:
VINCE GOSSIL
1780 ORCHARD HEIGHTS AVENUE
BEAUMONT, CA. 92223
951-769-7610

REPRESENTATIVE:
WEST COAST ENTITLEMENT
543 N. COUNTY LINE ROAD
CALIFORNIA, CA. 92320
951-335-1665

SITE ADDRESS:
1780 ORCHARD HEIGHTS AVENUE
BEAUMONT, CA. 92223
951-769-7610

UTILITY PURVEYORS:
WATER:
BEAUMONT-CHERRY VALLEY WATER DISTRICT
550 MARIONA LANE
BEAUMONT, CA. 92223
951-845-9581
SEWER:
CITY OF BEAUMONT
550 E. 6TH STREET
BEAUMONT, CA. 92223
951-769-8522
GAS:
SOUTHERN CALIFORNIA GAS COMPANY
1981 W. LUCONIA AVENUE
REDLANDS, CA. 92374
909-335-7854
ELECTRIC:
SOUTHERN CALIFORNIA EDISON
P.O. BOX 287
REDLANDS, CA. 92373
909-975-6460

APN: 408-070-012
BOUNDARY AREA: 4.75 ACRES

CONCEPTUAL EARTHWORK:
3,839 C.Y. CUT
13,795 C.Y. FILL
9,955 NET (FILL)

LEGEND:
PROJECT BOUNDARY
LOT LINES
DAYLIGHT LINE
BUILDING SET BACK
PROPOSED CONTOUR
R/W RIGHT OF WAY
P.L. PAD ELEVATION
B.S.L. BUILDING SETBACK LINE
SLOPE ARROW
AC PAVING
CONCRETE SIDEWALK

SITE AREA: 4.85 ACRES
(A) - WORSHIP 11,000 SF
(B) - CHILDRENS CENTER 5,000 SF
(C) - EXISTING BUILDING 3,300 SF
(D) RECREATION BUILDING 7,700 SF
RECREATION AREA 17,300 SF

NEW CONCRETE AND PAVEMENT AREA: 118,800 SF

LANDSCAPE AREA: 76,357 SF

SOURCE OF TOPOGRAPHY:
TMR ASSOCIATES
155 W. HOSPITALITY LANE
SAN BERNARDINO, CA. 92408
909-890-3730
EASEMENT:
NO EASEMENTS EXIST ON SITE

FEMA FLOOD PLAN:
FLOOD ZONE X; OUT SIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN-PANEL NO. 060508056

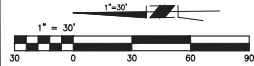
GENERAL DESCRIPTION:
GENERAL LAND USE : RESIDENTIAL
1. GENERAL PLAN : N/A
2. PROPOSED ZONING : SFR
3. PROPOSED LAND USE : SFR

PARKING:
REQUIRED: 641 FIXED SEATS/3- 213 STALLS
6 ADA VEHICLE STALLS
PROVIDED: 213 VEHICLE STALLS
6 ADA VEHICLE STALLS

NOTES:

- THIS PROPERTY IS NOT SUBJECT TO LIQUEFACTION OR OTHER GEOLOGICAL HAZARDS.
- FEMA COMMUNITY PANEL NO. 060508056 (OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) COUNTY OF RIVERSIDE
- THIS AREA IS WITHIN FREWAY CORRIDOR SPECIFIC PLAN
- THIS PROJECT IS NOT WITHIN A COMMUNITY SERVICE DISTRICT.
- THIS PROJECT IS PER FEMA.
- EXISTING CONTOURS ARE SHOWN AT 1' INTERVALS.
- NO PROTECTED VEGETATION EXISTS ONSITE.
- ARCHITECTURAL, REVIEW AND SIGNAGE TO BE SUBMITTED AT A LATER DATE UNDER SEPARATE PERMIT.
- PHASED DEVELOPMENT, GRADINGS TO BE DONE DURING INITIAL PHASE.

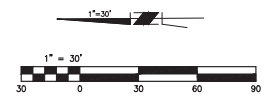
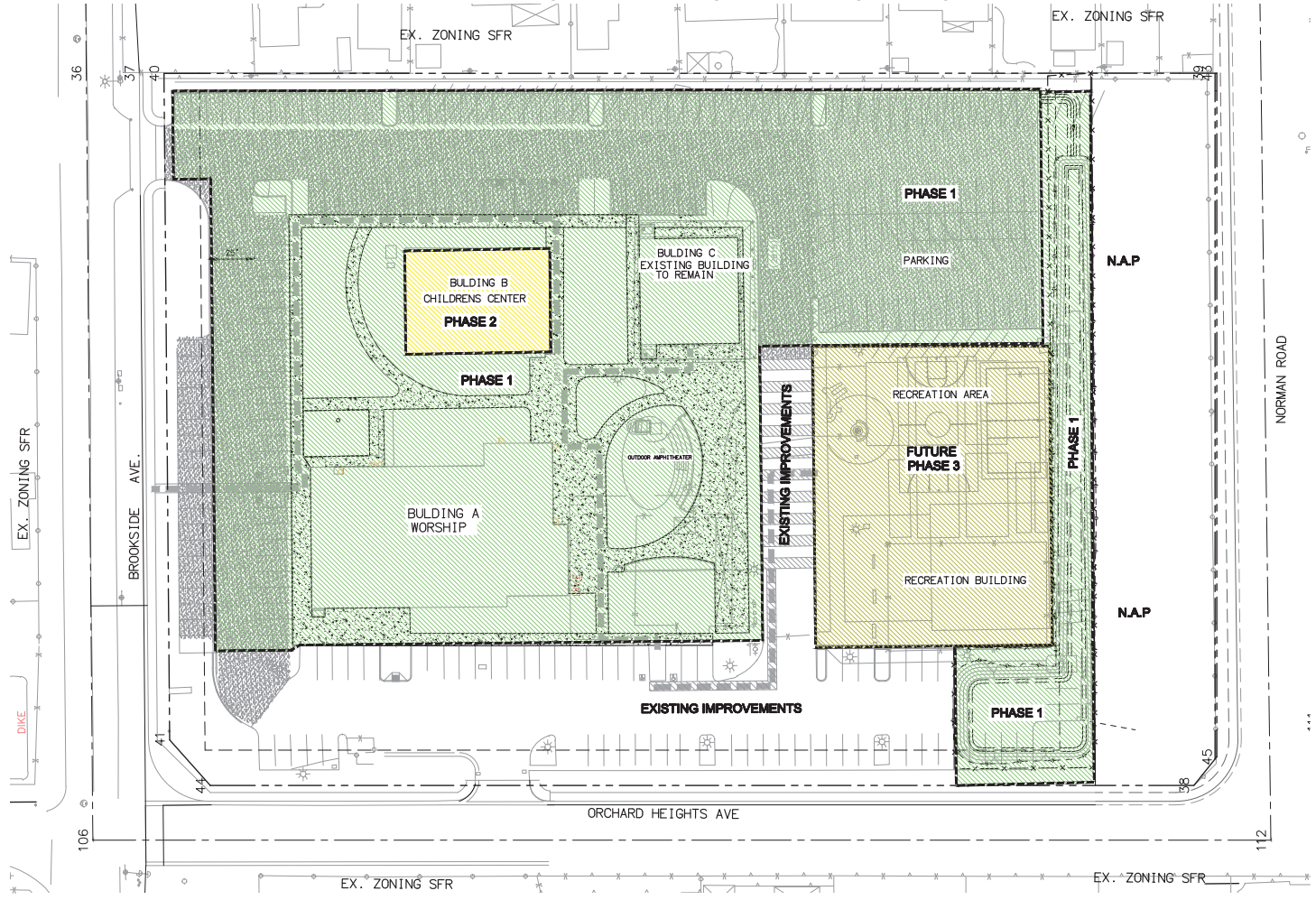
NOTE:
THIS IS CONCEPTUAL GRADE PLAN IS BASED ON AVAILABLE DATA AT THE TIME THIS WAS PREPARED. DURING FINAL ENGINEERING PHASE THE LAYOUT AND DESIGN MAY CHANGE BASED ON EX. CONDITIONS OR DESIGN REQUIREMENTS UNKNOWN AT THE TIME THIS PLAN WAS PREPARED. DETAILS, CONSTRUCTION ITEMS AND NOTES WILL BE PROVIDED DURING THE FINAL ENGINEERING PHASE.



PREPARED UNDER THE SUPERVISION OF: JOSEPH M. LONG RCE NO. 80591 DATE _____		DATE BY MARK DESIGNED BY: _____		REVISIONS DRAWN BY: _____		APPRO. DATE CHECKED BY: _____		CITY OF BEAUMONT APPROVED _____ 20____ BY: _____	CALVARY CHAPEL CHURCH C.U.P 2023-0907 SITE PLAN AND CONCEPTUAL GRADE PLAN	SHEET 1 OF 4
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Attachment 3 - APN 408-070-012 Phasing Plan

IN THE CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 CONDITIONAL USE PERMIT CASE NO. 2023-0907
 CALVARY CHAPEL CHURCH



				CITY OF BEAUMONT		CALVARY CHAPEL CHURCH C.U.P 2023-0907 PHASING PLAN		SHEET <u>3</u> OF <u>4</u>
PREPARED UNDER THE SUPERVISION OF:				APPROVED _____ 20__		BY: _____		PREPARED FOR:
JOSEPH M. LONG	RCE NO. 80591	DATE	DATE	BY	MARK	REVISIONS	APPR. DATE	
				DESIGNED BY:		DRAWN BY:	CHECKED BY:	

Attachment 4 - APN 408-070-012 Will Serve Letter Application



BEAUMONT CHERRY VALLEY WATER DISTRICT

560 Magnolia Avenue • PO Box 2037

Beaumont, CA 92223-2258

Phone (951) 845-9581

www.bcvwd.org


Will Serve Request Water Supply Assessment (SB210)

Applicant Name: West Coast Entitlement	Contact Phone # [REDACTED]
Mailing Address: [REDACTED]	Fax #: [REDACTED]
City: [REDACTED]	E-mail: [REDACTED]
State & Zip: [REDACTED]	
Service Address: 1780 Orchard Heights Avenue, Beaumont Ca 92223	
Assessor's Parcel Number (APN), Tract Map No. Parcel Map No.: 408-070-012	
Project Type: <input type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Minor Subdivision (5 lots or less) <input type="checkbox"/> Major subdivision (6+ lots) <input checked="" type="checkbox"/> Other	
Site Map Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The letter should be delivered to:

<p>Recipient: [REDACTED] [REDACTED] [REDACTED]</p> <p>PLEASE CHOOSE ONE:</p> <p><input checked="" type="checkbox"/> Mail (above address) <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Will pick up</p>
--

The District reserves the right to impose terms and conditions in Will Serve Letters and/or Water Supply Assessment Reports that take into account water availability issues, conservation issues and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.



Applicant's Signature

04/16/2024

Date



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 6

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Request for Increase in Legal Rates by Richards, Watson & Gershon

Staff Recommendation

Approve the rate increase for legal service by Richards, Watson & Gershon.

Executive Summary

Based upon the long-term legal services of James Markman and his team, Richards, Watson & Gershon, staff is requesting the Board of Directors consider updating legal counsel's request for a rate increase for legal services, per legal staff position, effective July 1, 2024. Legal counsel has not requested a fee increase since beginning representation to the District in 2011.

Background

Beaumont-Cherry Valley Water District (District) has utilized Richards, Watson & Gershon (RWG) for legal services fees since October 2, 2011. Over the past 13 years, RWG has maintained the same rates of service for staff members representing the District and providing legal advice and direction. Due to the increased costs associated with inflation and personnel costs, RWG has determined that an increase in the hourly rates associated with their services is appropriate.

The services provided by the team at RWG, especially legal counsel James L. Markman, have been professional, timely, and insightful. Their legal service has been beneficial, which provided guidance to all areas within the District, as well as special projects, like the policy reviews with Human Resources.

Attached includes the agreement to amend fees associated with the legal services with RWG with the exhibits. Exhibit A contains the compensation schedule to RWG effective July 1, 2024 and details the cost of service. Exhibit B provides the 2024 billing rates proposed for approval per RWG position.

Fiscal Impact

The fiscal impact is unknown as it will be based on the hourly rate of staff members selected by Richards, Watson & Gershon, based on the requests from the District. In 2023, legal services totaled \$59,955.33 and for January through April of 2024, legal services totaled \$20,852.56. The 2024 Operating Budget included \$79,000.00 for legal services.

Attachments

1. Amendment Number 1 to Legal Service Agreement

Staff Report prepared by Sylvia Molina, Assistant Director of Finance and Administration and Cenica Smith, Administrative Assistant

Attachment 1

AMENDMENT NO. 1 TO LEGAL SERVICES AGREEMENT

This Amendment No. 1 is made and entered into as of _____, 2024 by and between Beaumont-Cherry Valley Water District (“District”) and the law firm of Richards, Watson & Gershon (“RWG”), a California professional corporation.

A. Recitals.

- (i) The parties hereto entered into a Legal Services Agreement (“the Agreement”); effective October 2, 2011.
- (ii) The Agreement provided for District to receive legal services from RWG, with James L. Markman doing so in the capacity of General Counsel, and in consideration of the payment of legal fees specified in Exhibits A and B to the Agreement.
- (iii) The parties desire to continue the provision of legal services in accordance with the Agreement with fees payable specified in Exhibit A attached hereto, effective _____, 2024.

B. Amendment 1.

- 1. The Agreement hereby is amended by replacing Exhibits A and B to the Agreement with Exhibits A and B hereto, thereby adjusting the compensation schedule applicable to the legal services provided.
- 2. Other than as expressly amended hereby, the Agreement, and each and every term and provision thereof remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Amendment.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

**RICHARDS, WATSON & GERSHON,
a Professional Corporation**

By: _____

James L. Markman

Attest: _____

EXHIBIT A
COMPENSATION SCHEDULE
RICHARDS, WATSON & GERSHON
BEAUMONT-CHERRY VALLEY WATER DISTRICT
EFFECTIVE JULY 1, 2024

General Services for District. “General Services” shall include all services referred to in paragraph 2 of this Agreement except those defined below as “Special Services,” “Litigation Services,” “Bond Counsel Services,” and any other service provided under a separate legal services agreement. General Services shall be billed and compensated at the rate of \$350 per hour for services of James L. Markman, \$300 per hour for services of other RWG shareholders and senior counsel and \$250 per hour for firm associate attorneys.

Litigation Services. “Litigation Services” shall include the representation of District in all court proceedings, arbitrations and adversarial administrative proceedings before entities other than District. Litigation Services will be billed and compensated at the Firm’s then-current standard hourly rates for the attorney providing such service discounted by 20%. The Firm’s standard hourly rates are adjusted from time to time, typically at the beginning of each calendar year. RWG shall provide District with written notice of all changes in standard hourly rates, which shall become immediately effective without approval from District. A schedule of current standard hourly rates is attached hereto as Exhibit “B.”

Bond Counsel Services. “Bond Counsel Services” shall include representing any District-related entity in the capacity of either Bond Counsel and/or Disclosure Counsel. Fees for Bond Counsel Services will be calculated based on the size of the issuance under industry standards and as agreed to by the Firm and General Manager.

Costs. District shall reimburse RWG for costs in connection with our representation of District. Such costs include extraordinary and substantial copying costs concerning large documents and other materials, court fees, litigation costs, messenger and delivery services, and other similar costs, and costs for travel other than by automobile and lodgings when directed by the Board of Directors or the General Manager. Such costs frequently are billed to the firm from third-party vendors. Therefore, there sometimes will be a delay between the time such costs are incurred and the time when they appear on an invoice to the District.

EXHIBIT B

RICHARDS, WATSON & GERSHON 2024 STANDARD BILLING RATE

	YEARS OF PRACTICE	HOURLY RATE
SHAREHOLDERS	20+	\$490 - \$600
SHAREHOLDERS	15+	\$475
SHAREHOLDERS	10+	\$460
SHAREHOLDERS	7+	\$450
SR. ATTORNEYS	20+	\$460 - \$550
SR. ATTORNEYS	15+	\$475
SR. ATTORNEYS	10+	\$460
SR. ATTORNEYS	7+	\$450
ASSOCIATES	6+	\$385
ASSOCIATES	5+	\$370
ASSOCIATES	4+	\$350
ASSOCIATES	3+	\$340
ASSOCIATES	2+	\$330
ASSOCIATES	1+	\$310
ASSOCIATES	1-	\$295
LAW CLERKS		\$240
PARALEGALS		\$230

01/01/2024



**Beaumont-Cherry Valley Water District
Regular Board Meeting
July 10, 2024**

Item 7

STAFF REPORT

TO: Board of Directors
FROM: Dan Jagers, General Manager
SUBJECT: Consideration of Attendance at Upcoming Events and Authorization of Reimbursement and Per Diem

Staff Recommendation

Evaluate director attendance at upcoming events for possible pre-approval or approval after attendance for compensation and / or expense reimbursement pursuant to Policies 4060 and 4065 and vote to pre-approve any selected activities.

SAMPLE MOTION:

I move that the Board pre-approve the attendance of all directors at these events for purposes of per diem and reimbursement of associated reasonable and necessary expenses per District policy: _____ (list events)

Background

Event attendance is governed by BCVWD Policies and Procedures Manual Part II Policy 4060 Training, Education and Conferences, and Part II Policy 4065 Remuneration / Director Per Diem Fees. Per Government Code 53232.3(d), Directors will either prepare a written report for distribution to the Board or make a verbal report during the next regular meeting of the Board. Directors desiring to attend events not specifically enumerated and preauthorized by BCVWD policy should obtain pre-approval via vote of the Board in order to receive a per diem and/or expense reimbursement.

Upcoming Events

For registration of attendance at any event, Board members should contact the Administrative Assistant.

Activities and events that are, may already be, or can be voted as preapproved for per diem and/or expense reimbursement for attendance:

1 - SAVE THE DATE

- Water Education Foundation annual Water Summit in Sacramento Oct. 30
- ACWA Fall Conference: Dec. 3-5 in Palm Desert

2 - NEW EVENTS

DATE / TIME	EVENT A	DIRECTOR INTEREST	
Thu. Jul 18 11 am to Noon	<p>ACWA Virtual Event: Mastering the Op-Ed – From Concept to Publication \$30 per person</p> <p>Unlock the power of persuasive communication with CAPIO and ACWA in our dynamic webinar on mastering the art of crafting and placing op-eds. Dive deep into the process that transforms ideas into impactful opinion pieces, from selecting compelling topics to successfully pitching them to editorial boards. During this session you'll hear from veteran newspaper representatives about key to elevating your agency's communication strategy and getting out important information to key audiences.</p> <p>Key Takeaways:</p> <ul style="list-style-type: none"> • Writing Techniques: Discover how to distill complex topics into clear, engaging and readable content. • Selecting Op-Ed Worthy Topics: Learn to identify op-ed-worthy topics in collaboration with your leadership team. Understand the criteria for choosing topics that resonate with your audience and support your organization's objectives. • Crafting the Op-Ed: Explore the essential components of a compelling op-ed, including background information, problem/solution framing, and the importance of being prepared for revisions and questions. • Personalizing the Pitch: Master the art of tailoring your pitch to different editorial boards. Learn how to personalize your approach to increase the likelihood of publication. • Timing and PR Perspective: Understand the strategic timing for op-ed submissions and the public relations considerations involved in pitching an op-ed 	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ	SLAWSON
Preapproved (Table A, 6)		WILLIAMS	

DATE / TIME	EVENT B – Conflicts with BIA Water Conference	DIRECTOR INTEREST	
Fri. Aug. 9 7:30 – 9 am	<p>Beaumont Chamber of Commerce Breakfast Speaker: Riverside County District Attorney Michael Hestrin Noble Creek Community Center – Copper Room 390 W. Oak Valley Parkway, Beaumont \$25 per person / Reservation deadline: June 6 Please advise the Administrative Assistant 8 days in advance if you would like to attend. The breakfasts are the second Friday of each month. Speakers vary, but information is not generally available in a timely manner.</p>	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ	SLAWSON
Preapproved (Table A, 6)		WILLIAMS	

DATE / TIME	EVENT C – by request	DIRECTOR INTEREST	
Tue. Aug. 20 1 pm – 5 pm	Building Industry Association of Orange County Future Housing & Sustainability Conference Key Conference Topics include: The Future of Housing and Real Estate, Energy and Sustainability, Orange County Infrastructure and Housing Policy and Politics Moulton Niguel Water District 26161 Gordon Rd, Laguna Hills, Ca 92653 Registration: \$75 (see attachment) https://members.biasc.org/events/biasc-housing-panel-rock-show	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ REQUESTED	SLAWSON
REQUIRES VOTE		WILLIAMS	
Estimated cost per conference attendee			
Conference registration		\$	75.00
Hotel (not requested)		\$	0.00
Transportation (driving vehicle 157.20 miles RT @ .67 cents mile - IRS rate)		\$	105.32
Director per diem (1 day @ \$296.4 per day)		\$	296.40
Estimated cost per conference attendee:		\$	476.72

DATE / TIME	BRING BACK, Per Board request EVENT D - Conflicts with 9/11/2024 Regular Board Meeting	DIRECTOR INTEREST	
Mon-Thu Sept 9-12	California Special Districts Association (CSDA) Annual Conference and Exhibitor Showcase Monterey, CA Schedule and program options available here: https://www.csda.net/annualconference/schedule Education and networking event. Come together with special district leaders from across the state to meet with industry suppliers, hear the best in special district topics with more than 30 breakout session options, network with peers, and more at the leadership conference for special districts.	COVINGTON MAYBE	HOFFMAN
APPROVAL		RAMIREZ	SLAWSON
Preapproved (Table A, 10)		WILLIAMS MAYBE	
Estimated cost per conference attendee (Indian Wells Sept. 9 -12)			
Conference registration with meal package (early bird - prior to 8/9/24)		\$	775.00
Hotel [check in 9/9, check out 9/12 (3 nights @ \$215 +tax and fees) est.]* (Hotel room block reservation cutoff is 8/21/24)		\$	720.00
Meals and incidentals (3.5 days: 3 dinners, 1 lunch (those not included with conference meal package) (US GSA Monterey per diem \$31 per dinner / \$17 lunch / \$16 breakfast)		\$	110.00
Transportation (driving personal vehicle 92 miles RT @ .67 cents mile - IRS rate)		\$	61.64
Director per diem (4 days @ \$296.4 per day)		\$	1,185.60
Estimated cost per conference attendee:		\$	2,852.24

DATE / TIME	EVENT E	DIRECTOR INTEREST	
Thu., Sept 19 5:00 pm	Beaumont Chamber of Commerce State of the City Dinner and Chamber Hero Awards Speaker: Mayor David Fenn Morongo Golf Club at Tukwet Canyon	COVINGTON	HOFFMAN
APPROVAL	5:00 – Networking and Dinner / 5:30 - Program	RAMIREZ	SLAWSON
Preapproved (Table A, 7)	Cost: \$75 per person	WILLIAMS	

DATE / TIME	EVENT F – Bring Back per Board request	DIRECTOR INTEREST	
Two days: Wed Sep 25 Thu Sep 26 9 to noon	CSDA Virtual Workshop / SDLA Module The Board’s Role in Finance Cost: \$ 230 Discuss important financial concepts, reports, and policies specific to public agencies and special districts. How to ask the right questions, how to link the finance process to District mission and goals, how to develop and analyze CIPs and reserve guidelines	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ	SLAWSON MAYBE
Preapproved (Table A, 10)		WILLIAMS MAYBE	

3 - ON CALENDAR

DATE / TIME	EVENT G	DIRECTOR INTEREST	
Fri. Jul 12 7:30 – 9 am	Beaumont Chamber of Commerce Breakfast Speaker: Janice Mrkonjic, MSJC, Director of Community and Contract Education	COVINGTON	HOFFMAN
APPROVAL	Noble Creek Community Center – Copper Room 390 W. Oak Valley Parkway, Beaumont	RAMIREZ	SLAWSON
Preapproved (Table A, 6)	\$25 per person / Reservation deadline: June 6 Please advise the Administrative Assistant 8 days in advance if you would like to attend. The breakfasts are the second Friday of each month. Speakers vary, but information is not generally available in a timely manner.	WILLIAMS	

DATE / TIME	EVENT H – Conflicts with Chamber Breakfast	DIRECTOR INTEREST	
Fri. Aug. 9 7:00 am – 1:00 pm	Building Industry Association 18th Annual Southern California Water Conference Keynote Speaker: Wade Crowfoot, Secretary, California Natural Resources Agency	COVINGTON	HOFFMAN
APPROVAL	Double Tree Hotel – 222 N Vineyard Ave Ontario Registration: \$125 https://www.biabuild.com/water-conference	RAMIREZ	SLAWSON YES
Preapproved (Table A, 8)		WILLIAMS YES	

DATE / TIME	EVENT I – Note some time overlap with CSDA webinar	DIRECTOR INTEREST	
Tue Aug 13 10 to 3:30	ACWA Region 9 Event: Building the Future: Water Workforce Development Solutions At Wilson Creek Winery, Rancho California Road, Temecula Cost: \$75 Program here: https://www.acwa.com/wp-content/uploads/2024/03/Preliminary-Program-Agenda-Region-9.pdf Join us for an engaging program that will address the pressing workforce challenges of the water industry. Tomorrow’s Talent Founder Dr. Dale Marsden will offer a keynote titled, “Innovating the Water Workforce: What if we could build an intergenerational talent pipeline for the next 100 years?” Discover how talent has been cultivated over the past century and envision what the next hundred years will bring. A panel of experts will share insights on igniting student interest in water careers, recruiting skilled candidates, diverse avenues for attracting future employees, and much more. Through interactive roundtable discussions, attendees will also gain practical ideas for building successful workforce development programs and regional collaboration. Lunch and ample networking opportunities will be provided.	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ	SLAWSON YES
Preapproved (Table A, 2)		WILLIAMS YES	

DATE / TIME	EVENT J – Overlap with ACWA event	DIRECTOR INTEREST	
Tue Aug 13 10 a.m. to noon	CSDA Webinar: Demystifying LAFCOs: Boundaries, Latent Powers, Consolidations, Municipal Service Reviews, More Cost: \$0 FREE Practical, informative discussion of the key provisions of the Cortese-Knox-Hertzberg Act, how LAFCOs work on the ground, and how and why special districts benefit from being informed and active participants. Taught by two attorneys with significant LAFCO experience, as well as a LAFCO executive officer, this webinar provides attendees an overview of the LAFCO process and why it is important for special districts. Topics include: LAFCO role and laws governing agency formations, consolidations, dissolutions, and boundary changes, e.g. annexations, detachments; LAFCOs’ power over services, such as when a special district seeks to expand or activate a latent service power; and municipal service reviews and how districts can turn MSR to their advantage. Board Members, General Managers, and staff will benefit and will learn how special districts can ensure their voice is heard by serving as special district representatives on LAFCO Boards	COVINGTON YES	HOFFMAN YES
APPROVAL		RAMIREZ YES	SLAWSON YES
Preapproved (Table A Line 10)		WILLIAMS YES	

DATE / TIME	EVENT K – Conflicts with Eng Workshop on 8/22	DIRECTOR INTEREST	
Aug. 21 - 23 Wed-Friday	Urban Water Institute Annual Water Conference Paradise Point Resort, San Diego \$795 Early Bird Registration (before 7/15) The conference program has been posted: https://assets.noviams.com/novi-file-uploads/uwi/events/agendas/uwi_fall24_confprogram-agenda-only-6-20-24-1.pdf	COVINGTON	HOFFMAN
APPROVAL		RAMIREZ YES	SLAWSON MAYBE
Preapproved (Table A, 19)		WILLIAMS MAYBE	
Estimated cost per conference attendee:			
Conference registration with meal package (Early bird before 7/15/24)		\$	795.00
Hotel [check in 8/21, check out 8/23 (2 nights @ \$239 +tax and fees) est.]*		\$	1,130.40
Hotel parking (\$44 per day @ 3 days)		\$	132.00
Meals and incidentals (3 days: 3 dinners (those not included with conference meal package) (US GSA Riv Co per diem \$17 breakfast, \$18 lunch, \$34 per dinner)		\$	136.00
Transportation (driving personal vehicle 226 miles RT @ .67 cents mile - IRS rate)		\$	151.42
Director per diem (3 days @ \$296.40 per day)		\$	1,185.60
Estimated cost per conference attendee:		\$	3,530.42

Fiscal Impact

The fiscal impact will depend on the number of directors attending an event and the event costs.

Budget Tracking 2024	Training, Education and Travel		FY 2024 Approved Budget: \$47,000
As of this date	Expenditures	Budget Remaining	Percent expended
05/31/2024	\$13,723.28	\$33,276.72	29.20%

Attachments

1. EVENT C - Building Industry Association of Orange County - Future Housing & Sustainability Conference



ORANGE COUNTY

FUTURE HOUSING & SUSTAINABILITY

CONFERENCE

TUESDAY, AUGUST 20, 2024
MOULTON NIGUEL WATER DISTRICT
26161 GORDON RD, LAGUNA HILLS, CA 92653
1:00PM - 5:00PM

KEY CONFERENCE TOPICS INCLUDE:

- THE FUTURE OF HOUSING & REAL ESTATE
- ENERGY & SUSTAINABILITY
- ORANGE COUNTY INFRASTRUCTURE
- HOUSING POLICY & POLITICS

SPEAKERS + MORE TO BE ANNOUNCED:



Joaquin Esquivel
Chair, California State
Water Resources
Control Board



Adán Ortega
Chair, Metropolitan
Water District of
Southern California



Duane D. Cove
President, Moulton
Niguel Water District



Jordan G. Levine
Senior VP & Chief
Economist, California
Association of REALTORS®
(C.A.R.)



Donald Wagner
Supervisor,
County of Orange



Austin Lombard
Mayor,
City of Tustin



Alex Rounghy
Mayor Pro Tem,
City of
Laguna Beach



Tom Grable
Chairman, CBIA
Division President
Tri-Pointe Homes



Ron Eguchi
Chair, National Utility
Infrastructure Initiative
Advisory Panel



Joane Kim Lopez
CEO, Moulton Niguel
Water District



Dave Stefanides
CEO, Orange
County Realtors
(OCRA)



Nicole Murray
Chair, BIAOC
Division President
Shea Homes



Brooke Dol
Chapter President, BIAOC
Director of Community
Development
Shea Homes



Mike Balsano
Senior VP,
Governmental
Relations
Bancroft Mission Viejo



Eric Neilson
VP Community
Development,
Turnkey Homes



Jeff Montejano
CEO, BIAOC



Carlos Rodriguez
Senior VP,
BA BIC CHAPTER



Adam Wood
VP,
BIAOC

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