

RESOLUTION 2024-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY REGARDING THE APPLE FIRE PURSUANT TO RESOLUTION 2020-17 AND THE EL DORADO FIRE PURSUANT TO RESOLUTION 2020-20

WHEREAS, conditions of disaster or of extreme peril to the health and safety of persons and property had arisen during and resulting from two significant wildfires in the Beaumont-Cherry Valley Water District (BCVWD) service area and adjacent territory which led California Governor Gavin Newsom to proclaim a State of Emergency for California on September 3, 2020; and

WHEREAS, the governing body of the District has the authority to proclaim a local emergency and on August 12, 2020 adopted Resolution 2020-17 ratifying and proclaiming such a local emergency related to the Apple Fire, and on September 9, 2020 adopted Resolution 2020-20 proclaiming a local emergency related to the El Dorado Fire; and

WHEREAS, the Apple Fire was ignited by a diesel vehicle engine on July 31, 2020 and quickly burned portions of Cherry Valley and Oak Glen, and scarred area north of Beaumont and Banning with a burn area of 33,424 acres; and

WHEREAS, the El Dorado Fire ignited just three weeks after the Apple Fire as a result of a pyrotechnic device used at a gender reveal party. The El Dorado fire burned 22,744 acres over 71 days in the San Geronio Wilderness area and necessitated evacuation of Oak Glen and other nearby mountain communities; and

WHEREAS, BCVWD continued to ensure provision of safe and reliable water service to the community by protecting District facilities located in the path of the fire and subsequent flood-prone areas while complying with all federal, state and local laws and regulations for the duration of the fire-related emergency; and

WHEREAS, 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 due to heavy rains in the area of the burn scars; and

WHEREAS, conditions of extreme peril to the safety of persons and property have lessened over time in the aftermath of the fires, and the assistance of other political subdivisions has been essential to protection and response, it is now considered reasonably certain that conditions no longer warrant the emergency situation; and

WHEREAS, while the District General Manager will continue to act as necessary to continue to ensure public health and safety, and protection of District facilities, the additional authorities provided pursuant to Resolutions 2020-17 and 2020-20 are no longer required; and

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that as of August 14, 2024, there no longer exists a state of local emergency within the Beaumont-Cherry Valley Water District as a result of the fires, and the emergency status declared in Resolutions 2020-17 and 2020-20 is hereby terminated.

ADOPTED this _____ day of _____, 2024 by the following roll call vote:


AYES:


NOES:

ABSTAIN:

ABSENT:

ATTEST:



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

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

Attachments:

Exhibit A – Resolution 2020-17

Exhibit B – Resolution 2020-20

EXHIBIT A

POLICY TITLE: OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING
POLICY NUMBER: 5046

5046.1 Purpose. The purpose of this Other Post-Employment Benefits (“OPEB”) Funding policy is to provide reasonable assurance that the cost of those benefits will be funded in an equitable and sustainable manner.

5046.2 Policy.

1. It is the District’s policy to fund the OPEB Trust annually in accordance with the recommended net trust contribution as calculated and set forth in the biennial actuarial valuations outlined in 2. and 3. below.
2. The District will engage an OPEB actuarial consultant to calculate the Actuarially Determined Contribution (ADC) of the District’s OPEB based on biennial actuarial valuations. The ADC will include the normal cost for current service and amortization of the under-funded liability. The normal cost is the current year cost of the program to provide the benefit for current employees in the future. The normal cost will be calculated using the entry age normal cost method using appropriate economic and non-economic assumptions approved by the District.
3. The District will review the actuarial valuations to validate the completeness and accuracy of the employee census data and the reasonableness of the actuarial assumptions. Actuarial valuations involve estimates and assumptions about the probability of occurrence of events far into the future. Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future.

5046.3 Policy Review. The District shall review this Policy annually with the Finance and Audit Committee to determine if any changes to this Policy should be recommended to the Board due to changes in the practices, activities, or circumstances of the District.

EXHIBIT B

POLICY TITLE: PENSION FUNDING
POLICY NUMBER: 5047

5047.1 Purpose. The purpose of this Pension Funding Policy (Policy) is to establish a plan, methodology and a process for funding current and future costs associated with the District's contractual obligations to provide pension benefits, and that the cost of those benefits will be funded in an equitable and sustainable manner.

5047.2 Background. The District provides its permanent employees with a defined benefit pension through the California Public Employees' Retirement System (CalPERS). Recent changes at CalPERS have increased the District's required payments to the pension plan and decreased the plan's funded status. The District is anticipating that CalPERS will continue to enact changes to increase the financial stability of its pension program, and that those changes will result in higher District contributions. The District has assessed options to help address the increased pension costs and their volatility and has determined that it would be beneficial to join a trust in which to set aside District funds for future pension payments.

5047.3 Policy. It is the policy of the District to fulfill its obligation to maintain fiscally responsible management practices and to ensure that promised pension benefits are funded. To that end, the District will meet its pension funding obligations as follows:

- 1. Actuarially Determined Contributions:** Each fiscal year, the District will contribute to CalPERS the amount determined by CalPERS actuaries to be the minimum required employer contribution for that year. The minimum employer contribution consists of two components, normal cost and unfunded accrued liability ("UAL"). The normal cost is expressed as a rate that is applied to pensionable payroll costs and reflects the cost of pension benefits earned by employees in the current fiscal year. The UAL payment is a flat dollar amount that represents a portion of the cost of past benefits earned by employees, but for which, because of deviations in actual experience and changes in assumptions about investment performance, the normal cost rates established for those prior years have been determined to be insufficient to provide the promised retirement benefit. The CalPERS actuaries recalculate the total UAL each year and an updated multi-year amortization schedule is provided to show the projected annual minimum required employer payments.
- 2. Annual UAL Payment:** CalPERS offers the option to make monthly payments on the UAL or prepay the entire annual UAL amount at a discounted level by the end of July. Assuming the District's current reserves meet their respective reserve policies, the District will prepay its annual UAL payment each July to achieve budgetary savings.
- 3. Section 115 Pension Trust:** The District will establish and maintain a pension stabilization fund in the form of a Section 115 Pension Trust (Trust). Assets in the Trust may be used only for pension related costs and at the direction of the Board. The District's objective with the Trust is to accumulate assets to fund its CalPERS pension costs and future obligations, as well as mitigate the budget impact of costs associated with future UAL. The District will strive to meet the following guidelines:

- a. Ongoing Deposits: The District will consider making additional contributions to the Trust on an annual basis at a minimum every year. District staff may bring forward an additional contribution to the Trust Plan. The total recommended contribution amount within the following year's annual budget will be approved by the Board via Resolution as part of the annual Resolution adopting said annual District budget.
- b. Use of Trust Funds: Funds as allowed by the Trust may be used for any of the following purposes: (1) District's annual UAL payment to CalPERS, (2) District's annual normal cost payment to CalPERS, (3) reimbursement to the District for CalPERS pension costs, and (4) Additional Discretionary Payments to CalPERS. Withdrawals will be recommended by the General Manager or designee during the budget process or as a separate Board Agenda Item for approval.

4. Additional Discretionary Payments: CalPERS allows member agencies to make Additional Discretionary Payments (ADPs) at any time and in any amount, which would serve to reduce the District's UAL and future required contributions. Once the District's Trust is established, the District has the option to make ADPs to CalPERS using the assets held in the Trust, if desired. The District will consider ADPs within the context of its annual evaluation of reserve levels, budgetary requirements, funded ratio, and other timing considerations unique to CalPERS' investment performance. ADPs may prove to be advantageous in the future once Trust levels are funded to sufficient thresholds to stabilize budgetary volatility.

5047.4 Delegation of Authority. The management oversight responsibility for the District's pension program is delegated by the Board to the General Manager. The General Manager may delegate the authority to conduct transactions and to manage the operation of the Section 115 Trust to the Director of Finance and Administration. These officers shall meet regularly to discuss retirement costs and to review CalPERS actuarial report and the District's normal cost and UAL. Contributions and withdrawals must meet the District's fiscal objectives. No person may engage in additional pension transactions except as expressly provided under the terms of this Policy.

5047.5 Reporting. Addressing retirement costs is a dynamic process. CalPERS makes adjustments annually to the District's normal Cost and Unfunded Accrued Liability (UAL). These changes require multi-year financial planning and for the District to make corresponding budgetary adjustments. The District shall therefore evaluate its pension liabilities each year.

After the release of the most current CalPERS actuarial report, District staff shall present a summary of each plan's funding status. New amortization levels shall be specifically addressed. This information shall be presented during a public Board meeting, which shall include a summary of funding status, funding progress compared to prior years, as well as any recommended actions and/or budget adjustments to address areas of concern.

5047.6 Policy Review. The District shall review this Policy periodically to determine if changes to this policy are necessary to ensure progress is being made towards funding the District's CalPERS pension costs and mitigating the impact of the costs associated with future UAL.

EXHIBIT C

POLICY TITLE: VOLUNTEER PERSONNEL WORKERS' COMPENSATION INSURANCE
POLICY NUMBER: 3050

3050.1 **Policy.** An unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits.

3050.2 **Authorization.** The Legislature of the State of California has provided through legislation (Labor Code §3363.5) authorization for the inclusion of such coverage in the District's Workers' Compensation Insurance policy.

3050.3 **Retaliation.** The District shall not take adverse action against a volunteer eligible for workers compensation and reports an illness or injury or files a claim under this policy.

EXHIBIT D

POLICY TITLE: LETTERS OF RECOMMENDATION
POLICY NUMBER: 3040

3040.1 **Purpose.** This policy is to establish guidelines for the issuance of letters of recommendation by Beaumont-Cherry Valley Water District. This policy ensures that letters of recommendation are provided consistently, ethically, and in a manner that reflects the values and standards of the District.

3040.2 **Scope.** This applies to the General Manager or his/her designee, Department Heads, Managers and Supervisors who are requested to write letters of recommendation on behalf of current or former employees of all classifications. This policy does not apply to contracted employees.

3040.3 **Request Process.** The requester must submit a formal request in writing at least two (2) weeks in advance of the due date to their immediate supervisor and must be forwarded to Human Resources for review and processing. Human Resources may request supporting documentation from the requester.

3040.4 **Authority.** The General Manager or his/her designee shall process all requests for references and letters of recommendation. The General Manager or his/her designee may designate a Department Head, Manager, or Supervisor to respond to the request. The letter of recommendation will be produced as determined by the General Manager or his/her designee no later than two (2) weeks from date of request in writing.

3040.5 **Limitations.** The General Manager or his/her designee are not obligated to write letters of recommendation and may decline requests at his/her own discretion. Letters of recommendation must not be written for individuals for whom the author has a familial or fraternal relationship that may pose a conflict of interest (See Policy 3180 Nepotism/Employment of Relatives and Fraternalization Policy for more information).

3040.6 **Recordkeeping.** If a reference or a letter of recommendation is provided, a copy will be submitted to Human Resources to be included in the individual's personnel file.

EXHIBIT E

POLICY TITLE: PERSONAL LEAVE OF ABSENCE
POLICY NUMBER: 3105

3105.1 **Purpose.** This policy is to establish guidelines for employees requesting a personal leave of absence. The implementation of this policy aims to balance the needs of employees for time away from work with the operations requirements of the District.

3105.2 **Eligibility.** This policy applies to full-time and part-time, regular employees who have successfully passed their six (6)-month introductory period or probation. Temporary and contracted employees are not eligible for personal leave under this policy. If an employee is under six (6) months of tenure, the General Manager or his/her designee has the authority to approve or deny the request.

3105.3 **Authority.** The General Manager or his/her designee has the authority to approve personal leave of absence request with the recommendation of the Department Head, immediate supervisor and Human Resources after a careful review of the circumstance surrounding the personal leave of absence request. The General Manager or his/her designee also has the authority to deny a request for personal leave, and such denial is not disciplinary or subject to appeal.

3105.4 **Process.** A written request must be submitted to the immediate supervisor in writing and must be forwarded within two (2) workdays to Human Resources. Two (2) weeks' prior notice is generally required unless there is an extenuating circumstance to be determined by the General Manager or his/her designee that prevents the requester from the two (2) weeks' notice requirement. The District may request supporting documentation for review and consideration of the personal leave of absence request.

3105.5 **Duration.** Employees may be granted a Personal Leave of Absence without pay for valid and compelling personal reasons for period of up to thirty (30) calendar days. Extensions beyond thirty (30) days may be considered but are not guaranteed. The General Manager or his/her designee will consider the following factors to determine if a personal leave of absence is warranted:

1. Reason for leave of absence.
2. Length of Service.
3. Performance and work records.
4. The District's legitimate business needs.

3105.6 **Conditions.** The approved personal leave of absence has the following conditions:

1. The personal leave of absence is generally unpaid unless the employee chooses to use accrued sick, vacation or administrative leave hours during the leave period.
2. During the personal leave of absence, the employee's position may be filled temporarily.
3. Health and other ancillary benefits may be continued during the personal leave of absence. Employees on a personal leave of absence must contact Human Resources to arrange for payment of ancillary benefit premiums during the personal leave of absence.

4. Vacation, sick leave and administrative leave accruals may be suspended during the personal leave of absence.

3105.7 **Return.** Employees returning from personal leave of absence must notify their supervisor and Human Resources at least five (5) calendar days to allow the District for future planning and reasonable accommodation if applicable.

3105.8 **Confidentiality and Recordkeeping.** All personal leave of absence requests and related documentation will be treated confidentially unless disclosure is required by law and stored in the employee's personal file.

EXHIBIT F

POLICY TITLE: RESPIRATORY PROTECTION PROGRAM
POLICY NUMBER: 3140

3140.1 **Commitment.** The District is committed to maintaining an injury and illness free workplace, and is making every effort to protect its employees from harmful airborne substances. This is accomplished through engineering controls such as ventilation or substitution with a less harmful substance, and through administrative controls limiting the duration of exposure. When and if these methods are not adequate, or if the exposures are brief and intermittent, or simply to minimize employee's exposure to airborne substances, the District shall provide respirators to allow employees to breathe safely in potentially hazardous environments.

3140.2 **Responsibility.** The Human Resources or his/her designee through the department's Safety Programs shall have the authority and responsibility for overall management and administration of the District's Respiratory Protection Program. The program consists of the following:

1. Preparing, evaluating and modifying the written respiratory protection program.
2. Identifying, locating, and maintaining ongoing surveillance and evaluation of airborne exposures.
3. Selecting respirators.
4. Conducting medical screening for potential respirator users.
5. Conducting respirator fit testing and assignment.
6. Training.
7. Recordkeeping.

3140.3 **Program Administration.** Suggestions and comments from employees about exposure conditions, respirators, personal health changes and training issues will be addressed promptly by Human Resources or his/her designee. An annual formal audit will be conducted of the entire program. The form "Respirator Program Evaluation Worksheet" will be used to document the evaluation and to record recommended changes.

3140.4 **Respirator Selection.** Where engineering and administrative means do not achieve the desired control, or in the case of emergency, respirators must be worn. Different types of respirators are available for a variety of applications, and it is necessary to ensure that the proper NIOSH/MSHA approved respirator is selected and used for the kind of work being performed and the hazards involved.

3140.5 **Evaluating Respirator Wearing Health Status.** Even with the appropriate equipment and adequate training provided, an employee's health status must be considered before allowing respirator use. The wearer's physical and medical condition, duration and difficulty of tasks, toxicity of the containment, and type of respirator all affect an employee's ability to wear a respirator while working. Construction work or work with lead, asbestos, cotton dust and certain carcinogens make this evaluation mandatory.

3140.6 **Medical Evaluation.** Each respirator wearing will be interviewed, using the form "Physical Status Questionnaire" to determine whether the employee should be given a medical evaluation.

When medical review is necessary, the form "Referral for Medical Evaluation," along with the questionnaire and "Respirator Selection Information" Form, are sent to the wearer's physician for prompt action. Before any employee is fit tested for a respirator, either the questionnaire or the medical evaluation form must be completed and signed to certify the employee's ability to wear a respirator.

3140.7 Fit Testing & Assignment. After the appropriate type of respirator is selected and the employee's ability to work while wearing a respirator is certified, a qualitative fit test will be conducted to choose the best fitting face piece and determine the specific brand, model and size for each employee.

1. Quantitative fit testing numerically measures the face piece fit and is the preferred alternative to qualitative fitting. Although it requires specialized equipment and trained personnel, some exposures, for example asbestos, require a quantitative fit test.
2. Qualitative fit testing and assignment will be performed according to procedures in Appendix C in this guide. The form "Respirator Fit Testing & Assignment" is used to record test results and document respirator assignment. The form "Respirator Selection Summary" summarizes all respirator assignments.

3140.8 Training. Training in the need, use, limitations, inspection, fit checks, maintenance and storage of the equipment is ordinarily initiated during the fit test and will be completed. Detailed instructions for the use and care of the respirator are provided by the manufacturer with the equipment, and this information is used in the training. The form "Respirator User Training and Education" is a guide and record of the training received.

3140.9 Recordkeeping. Each major component of the program will be documented by Human Resources to: verify that each activity has occurred; evaluate the success of the program; and to satisfy regulatory requirements. These records include the written program, exposure determination, respirator selection, physical status evaluation, fit testing and respirator assignment, training form and program assessment.