

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA
Board of Directors Meeting
Agenda
March 16, 2020 at 1:30 p.m.

This meeting location is where members of the public may observe and provide public comment. Members of the public may listen and provide public comment telephonically by calling the following toll free phone number: (866) 212-0875,
Participant passcode: 7006747 #

1. Call to Order, Flag Salute, Invocation and Roll Call

2. Adoption and Adjustment of Agenda

3. Public Comment: Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. To comment on specific agenda items, please complete a speaker's request form and hand it to the board secretary. Speakers are requested to keep their comments to no more than five minutes. Under the Brown Act, no action or discussion shall take place on any item not appearing on the agenda, except that the Board or staff may briefly respond to statements made or questions posed for the purpose of directing statements or questions to staff for follow up.

4. Consent Calendar: If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

- A. Approval of the Minutes of the Regular Board Meeting, March 2, 2020*
(p. 3)
- B. Approval of the Minutes of the Engineering Workshop, March 9, 2020*
(p. 7)

5. Reports:

- A. General Manager's Report
- B. General Counsel Report
- C. Directors Reports
- D. Committee Reports

6. New Business:

- A. Consideration and Possible Action to Adopt a Revised and Updated Director's Travel and Expense Reimbursement Policy* (p. 9)
- B. Discussion of Governor's Executive Order – March 22, 2020* (p. 14)

7. Topics for Future Agendas

8. Announcements:

- A. Finance & Budget Workshop, February 24, 2020 at 1:30 p.m.
- B. Regular Board Meeting, March 2, 2020 at 1:30 p.m.
- C. Engineering Workshop, March 9, 2020 at 1:30 p.m.

9. Closed Session (2 Items)

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9
One potential case

B. PUBLIC EMPLOYEE APPOINTMENT
 Pursuant to Government Code Section 54957
 Title: Consultant/Independent Contractor: Interim general manager
 services during general manager transition

10. Adjournment

Pending Agenda Items:

<i>Request</i>	<i>Requester</i>	<i>Date of Request</i>	<i>Tentative Meeting Date Agenda</i>
Final costs of: Fiesta Recharge; Noble Creek Connection & Temp Connection; Mtn. View Connection	Thompson	12/02/2019	02/03/2020 or 02/17/2020
Property Tax Income Update	Fenn	03/02/2020	Receipt of funds
CalPERS specific questions to be responded by General Counsel Ferre	Board	02/03/2020	Pending response from legal staff
Discussion on Agency Properties	Castaldo	03/02/2020	Pending

***Information included in Agenda Packet**

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. (2) Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. When practical, these public records will also be made available on the Agency's Internet Web site, accessible at: www.sgpwa.com (3) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
March 2, 2020

Directors Present: Ron Duncan, President
Lenny Stephenson, Vice President
Stephen Lehtonen, Treasurer
Blair Ball, Director
David Fenn, Director
David Castaldo, Director
Michael Thompson, Director

Staff Present: Jeff Davis, General Manager
Thomas Todd, Finance Manager
Cheryle Stiff, Executive Assistant
Casmir Olaivar, Social Media Specialist

1. **Call to Order, Flag Salute, Invocation, and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President Duncan at 1:30 p.m., March 2, 2020 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. President Duncan led the Pledge of Allegiance to the flag. Director Thompson gave the invocation. A quorum was present.
2. **Adoption and Adjustment of Agenda:** *President Duncan asked if there were any adjustments to the agenda. There being none the agenda was adopted as published.*
3. **Public Comment:** *President Duncan asked if there were any members of the public that wished to make a public comment on items that are within the jurisdiction of the Agency that are not on today's agenda. No members of the public wished to comment.*
4. **Consent Calendar:**
 - A. Approval of the Minutes of the Regular Board Meeting, February 18, 2020
 - B. Approval of the Minutes of the Finance and Budget Workshop, February 24, 2020
 - C. Approval of the Finance and Budget Workshop Report, February 24, 2020
 - D. Approval of the Minutes of the Special Board Meeting, February 24, 2020

President Duncan asked for a motion on the Consent Calendar. Director Stephenson made a motion, seconded by Director Castaldo, to adopt the consent calendar as amended. Motion passed 7-0.

5. **Reports:**
 - A. General Manager's Written Report:** A written report was not provided in the agenda packet. General Manager Davis verbally provided the report to the Board.

(1) Operations and Water Supply Report: a) The Agency delivered 2064 AF in February. Of this, about 1400 AF was to the BCVWD facility and about 664 AF was to the Fiesta Recharge Facility. b) It is now apparent that San Luis Reservoir will not

fill. Flows to the Fiesta Recharge Facility were reduced to 10 cfs last week and just 5 cfs this week and that will go to zero next week. c) This was the first February in recorded history with no precipitation in the Sierras. February is historically our wettest month. The snowpack is about half what it normally is for this date.

(2) General Updates: General Manager Davis reviewed the following with the Board:

- a. New BiOps, Voluntary Agreements review.
- b. Vandalism took place at the Fiesta Recharge Facility. We have received No Trespassing signs and will be installing them soon.
- c. Negotiations for a Delta Conveyance amendment - we had another caucus - we have been moving forward. Another caucus will take place this week.

Director Ball inquired if the Fiesta Recharge Facility should continue to receive water at maximum capacity for the science. General Manager Davis stated that we have already tested the ponds and that there is little to be gained by continuing deliveries. The facility is operating as it is designed to. He noted that the infiltration rates were not as high as anticipated, however BCVWD is currently experiencing the same issue at its facility.

B. General Counsel Report: General Counsel Jeff Ferre stated that he has nothing to report at this time.

C. Directors Reports: **Director Castaldo** reported on the BCVWD Town Hall Meeting regarding its rate action on Thursday, Feb. 20, 2020. He also reported on BCVWD's Engineering workshop that was held on February 27th. **Director Ball** reported on Banning Chamber of Commerce's Breakfast that was held on February 19th. He also attended BCVWD's Engineering workshop that was held on February 27th. **Director Stephenson** reported that he attended YVWD's Board meeting that was held on February 25th. **Director Lehtonen** reported on BCVWD's Town Hall Meeting regarding its rate action on Thursday, Feb. 20, 2020. He also reported on BCVWD's Engineering workshop that was held on February 27th. **President Duncan** reported that he attended the Republican Women's meeting that was held on February 26th. He also attended Banning Chamber of Commerce's Breakfast that was held on February 19th.

D. Committee Reports: None

6. New Business:

A. Consideration and Possible Action on Adding Delivery Points for Yucaipa Valley Water District (YVWD). A staff report and related material were included in the agenda package. General Manager Davis stated that this issue was discussed during the February Engineering workshop. During the workshop General Manager Davis reviewed with the Board YVWD's application for the four additional delivery points, YVWD's purpose for the request, and the reason why this process has taken so long to approve. General Manager Davis stated that YVWD wishes to procure more water in case of an emergency. The requests for these additional delivery points will allow YVWD to store water in a number of different basins. He stated that two of the requested points of delivery are located within the Beaumont Basin -

SGPWA Recharge Facility and BCVWD Recharge Facility. One of the requested points of delivery is located within the Yucaipa Basin – Wilson Creek Facility. The final requested point of delivery is located within the Bunker Hill Basin – Bunker Hill Conjunctive Use Project. The CEQA process for the Bunker Hill CUP has begun but it is not completed. Staff is not recommending approving the Bunker Hill basin as a new delivery point for YVWD at this time. When CEQA is completed for this project staff will bring this item back to the Board for consideration. Staff is recommending that the Board approve three new delivery points for YVWD – Wilson Creek, Fiesta recharge, and BCVWD recharge. The Board could also conditionally approve the Bunker Hill basin as a delivery point, with proof of CEQA compliance required before allowing YVWD to take delivery at that location. After discussion, Director Thompson made a motion, seconded by President Duncan, to approve YVWD's application - conditionally approving the Bunker Hill basin as a delivery point based on CEQA compliance. Motion passed 7-0.

B. Amendment to Delta Conveyance Finance Joint Power Authority Agreement (JPAA). A staff report and supporting documents were included in the agenda package. General Manager Davis informed the Board that this is a housekeeping item. On May 21, 2018, the Board approved Resolution 2018-02, which authorized joining the Delta Conveyance Finance Joint Powers Authority. The existing JPA refers to the Delta Conveyance project as the “California Water Fix.” That project is no longer in existence and the purpose of the amendment is to change references to the “California Water Fix”. In addition, a few other housekeeping changes are included in the amendment. General Manager Davis reviewed the changes with the Board. He reported that the DC Finance JPA is getting ready for a potential bond sale in 2022 to finance the final design and the beginning of construction of the Delta Conveyance project. The amendment allows the JPA Agreement to reflect the fact that there are new members, that certain events have transpired since 2018, and to clarify minor administrative issues. Staff is recommending that the Board adopts Resolution No. 2020-01, approving an amendment to Delta Conveyance Finance Joint Power Authority Agreement. Director Stephenson made a motion, seconded by Director Fenn, to adopt Resolution No. 2020-01. Motion passed 7-0.

C. Consideration and Possible Action to Award a Contract to Roberts Consulting Group for Executive Recruitment Service for the Position of General Manager. A staff report and supporting documents were included in the agenda package. General Counsel Ferre stated that an Ad-Hoc Committee was formed in order to initiate the process for recruiting a new General Manager to take over in July of 2020. On December 2, 2019 the Board took action to issue a Request for Proposals (RFP) for executive recruitment service firm that will assist in all aspects of advertising, interviewing, and helping the Board select a new General Manager. The Board conducted interviews with two firms on February 24, 2020. The Board authorized Legal Counsel to pursue a final version of an agreement with Roberts Consulting Group; said agreement is in the agenda packet. The fee schedule by Roberts Consulting Group is in the amount of a fixed fee of \$27,000, which includes expenses. Roberts Consulting Group has agreed to this contract and has signed it. Staff recommends that the Board take action to award this contract to Roberts Consulting Group. Director Stephenson made a motion,

seconded by Director Thompson, to award a contract to Roberts Consulting Group for executive recruitment services in the amount of \$27,000. Motion passed 7-0.

- 7. Topics for Future Agendas: Director Stephenson** requested further discussion on Nickel water. **Director Fenn** stated that at a previous Finance and Budget workshop there was discussion on income coming from property tax that was on hold due to a pending lawsuit. He requested that staff inform the Board when that money is received or when there is an update. **Director Thompson** requested a review of the Agency's contract with Albert Webb & Associates for the Fiesta Recharge Facility. **Director Ball** stated that on February 3rd the Board had given staff specific questions pertaining to CalPERS. He asked when those questions would be responded to. General Counsel Ferre stated his colleague at BB&K is working on getting answers to those questions. **Director Castaldo** would like discussion on the subject of the Agency's properties and how to utilize them.

8. Announcements:

- A. Engineering Workshop, March 9, 2020 at 1:30 p.m.
- B. Water Conservation and Education Workshop, March 12, 2020 at 1:30 p.m.
- C. Regular Board Meeting, March 16, 2020 at 1:30 p.m.

9. Closed Session (1 Item)

Time: 2:32 pm

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code section 54956.8
Property: Potential water rights/supplies offers from the City of Ventura
Agency negotiator: Jeff Davis, General Manager
Negotiating parties: Lynn Takaichi
Under negotiation: price and terms of payment

The meeting reconvened to open session at: Time: 2:42 pm

General Counsel Jeff Ferre stated that there was no action taken during closed session that is reportable under the Brown Act.

10. Adjournment

Time: 2:42 pm

Draft - Subject to Board Approval

Jeffrey W. Davis, Secretary of the Board

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA 92223
Minutes of the
Board of Directors Engineering Workshop
March 9, 2020

Directors Present: Ron Duncan, President
Leonard Stephenson, Vice President
Blair Ball, Director
David Castaldo, Director
Steve Lehtonen, Director
Mike Thompson, Director

Directors Absent: David Fenn, Director

Staff Present: Jeff Davis, General Manager
Jeff Ferre, General Counsel
Cheryle Stiff, Executive Assistant
Casmir Olaivar, Intern

1. Call to Order, Flag Salute and Roll Call: The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by Vice President Stephenson at 1:30 p.m., March 9, 2020 in the Agency Board room at 1210 Beaumont Avenue, Beaumont, California. Vice President Stephenson led the Pledge of Allegiance to the flag. A quorum was present.

2. Public Comment: No members of the public wished to address the Board at this time.

3. Further Discussion Regarding Water Delivery Charges and Revenues. Three tables summarizing water charges and revenues for 2019, projecting them for 2020, and historical energy costs were included in the agenda package. General Manager Davis reviewed the tables with the Board, noting that these represented additional information that the Board requested at the last discussion. Dan Jaggars of the Beaumont Cherry Valley Water District noted that the Agency “overperformed” on its water rate in 2019 and there were discrepancies in Resolution 2019-02 that he hoped the Board would address.

4. Discussion on Dispensation of Nickel Water. Vice President Stephenson began the discussion by noting that he requested this agenda item. He proposed using the interest earned by the Agency each year to purchase one half of each year’s Nickel water and place it in the Agency’s Beaumont Basin storage account for use in dry years. General Manager Davis reviewed the amount of interest earned by the Agency over the past three years, noting that the 2018-2019 interest was enough to purchase half of that year’s Nickel water. A discussion ensued on whether the Agency may use interest earned by the Debt Service fund to purchase Nickel water. General Counsel Ferre indicated that he would look into this and report back to the Board. The discussion ended pending this new information. Dan Jaggars of the Beaumont Cherry Valley Water District noted that new development is paying its fair share by increasing property tax revenues and indicated that the District would like to support the Agency in its efforts to set an appropriate water rate.

5. Discussion of Potential Revisions to Board Travel and Expense Policy. A copy of the current policy, adopted in 2011, as well as a proposed new policy, were included in the agenda package. General Counsel Ferre noted that the current policy is not consistent with recent changes to the Water Code, while the proposed policy is. General Manager Davis explained the reasons for some of the specific language in the existing policy while noting that he had reviewed and agreed with the proposed policy. Upon further discussion, President Duncan moved, seconded by Director Thompson, to bring the proposed new policy to the Board for consideration. The motion passed 6-0 with Director Fenn absent.

6. Announcements:

- A. Water Conservation and Education Committee, March 12, 2020 at 1:30 pm
- B. Regular Board Meeting, March 16, 2020 at 1:30 pm.
- C. Finance and Budget Workshop, March 23, 2020 at 1:30 pm.

9. Adjournment: Vice President Stephenson adjourned the meeting at 2:24 p.m.

Draft - subject to Board approval

Jeff Davis, Secretary to the Board

LMF

MEMORANDUM

TO: Board of Directors

FROM: Legal Counsel

RE: Consideration And Possible Action To Adopt A Revised And Updated Director's Travel And Expense Reimbursement Policy

DATE: March 16, 2020

Summary:

With regular changes in the law, as well as in the way travel is conducted and expensed, it is recommended that public agencies regularly review and update their policies on director travel and expense reimbursement. Enclosed is a draft of a revised and updated Director's Travel And Expense Reimbursement Policy which could be adopted by the Board.

Recommendation:

It is recommended that the Board adopt the revised and updated Director's Travel And Expense Reimbursement Policy as set forth in the enclosure and upon its adoption, said Policy will supersede the existing policy.

Detailed Report:

Upon adoption of the proposed Policy, the current policy, dated as of January 3, 2011, will be superseded and shall be of no further force or effect. The Government Code sets parameters for reimbursement of expenses incurred in the performance of official duties by directors. Such guidelines address permissible expenses, the requirement for a policy, reimbursement rates and the reporting of expenses. The enclosed Policy is in accordance with such parameters.

Fiscal Impact:

There is no fiscal impact from adopting the proposed Policy. Future reimbursement payments to Directors will be subject to the Policy.

SAN GORGONIO PASS WATER AGENCY
DIRECTORS' TRAVEL AND EXPENSE REIMBURSEMENT POLICY

(Revised _____, 2020)

1. GENERAL STATEMENT OF POLICY

The Board of Directors (“Board”) of the San Gorgonio Pass Water Agency (“Agency”) is charged with establishing and maintaining the policies of the Agency in accordance with State Law, and with providing general oversight of the administration of the Agency.

Each Director, whether elected at large or by division, is responsible to the members of the general public within the Agency, as well as the public in his or her own division, for the proper conduct of Agency affairs. Each Director is also responsible to the Board itself. In the fulfillment of these responsibilities, Directors must be informed of and familiar with the Agency Law, other State laws and regulations, and the general programs and policies of the Agency.

This Directors’ Travel And Expense Reimbursement Policy (“Policy”) is premised on a finding by the Board that activities which fulfill the Directors’ obligation to be informed are of benefit to the Director, the Board, the Agency, and the members of the public, and that the activities listed below are directly related to furthering the Agency’s mission. Directors must be informed about national, state-wide, and local water, groundwater, wastewater programs and related issues. Ordinary and necessary business expenses are expenses that have been incurred while a Director is engaging in an activity that is fulfilling the Agency’s mission.

This Policy shall be interpreted and implemented pursuant to State law governing payments to Directors including, but not limited to, Water Code Section 20200 et seq. and Government Code Section 53232.1 et seq.

2. MEETINGS AND DAYS OF SERVICE

Meetings and days of service which will be eligible for reimbursement shall include, but are not limited to, meetings or events of the following organizations:

Association of California Water Agencies;
ACWA – Joint Powers Insurance Authority;
California Special Districts Association.

3. GENERAL RULES REGARDING TRAVEL AND EXPENSE REIMBURSEMENT

Agency rules with respect to reimbursement for actual, ordinary, and necessary business expenses (including travel expenses) incurred in such activities are subject to annual budget limitations set by the Board. Each budget shall include the appropriation of an amount for travel expenses for members of the Board. The amount shall be clearly indicated in the budget under Directors' Travel and Education. This amount may be revised from time to time as approved by the Board as part of the applicable process for budget approval and amendment. Any expenses incurred for the purposes as set forth herein within the budgeted amount shall be reviewed, ratified for payment by the Finance and Budget Committee and recommended for approval by the Board of Directors. Any amounts which are outside of this Policy, and therefore not approved for payment or reimbursement, will be the responsibility of the applicable Director.

At the following Agency Board meeting after expenses are incurred or the event or service takes place, each Director shall briefly report on meetings attended at Agency expense. If more than one Director attends, a joint report may be made.

4. ORDINARY AND NECESSARY BUSINESS EXPENSES.

Those ordinary, necessary and reasonable business expenses incurred as a result of activities directly related to Agency purposes are reimbursable. Because the Agency is a public agency, such expenses should be carefully considered, bearing in mind that these are public funds and that only a reasonable level of expense is warranted. Expenses incurred by Directors in connection with such activities are reimbursable if they fall within the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the following guidelines:

- (a) All expenses must be reasonable and necessary, and Directors will exercise prudence in all expenditures;
- (b) Reimbursement will be made only for expenses that qualify as reimbursable expenses under an Internal Revenue Service accountable plan;
- (c) The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate;
- (d) Expenditures for food and lodging will be moderate and reasonable. The Agency shall not pay for, nor reimburse, any expenses for alcoholic beverages.
- (e) Upon incurring these expenses, Directors will submit a request for reimbursement, accompanied by evidence of payment of such expenses or receipts for all amounts, consistent with the requirements of an IRS accountable plan and the provisions of this Policy.
- (f) All requests for reimbursement will be submitted within a time period and subject to the requirements of this Policy and as otherwise specified by the Board from time to time. Requests for reimbursement shall be submitted on forms provided by the Agency and will: (i) state the Agency-related purpose for the expenditure; and (ii) be accompanied by receipts evidencing each expense or other documentation deemed satisfactory by the Board pursuant to this Policy, consistent with the requirements of an IRS accountable plan. Expenditures that are improper or otherwise not properly accounted for, or not consistent with the prohibition against gifts of public funds set forth in the California Constitution, will not be reimbursed or accepted by the Agency. Where such improper expenses have been paid by the Agency, they will be promptly refunded to the Agency or deducted from monies otherwise due a Director.

5. SPECIFIC TYPES OF EXPENSES

(a) Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed if it is determined that a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available. The Agency assumes no responsibility for any maintenance, operational costs, accidents, fines etc., incurred by the Director while using a personal vehicle.

(b) Lodging. Lodging expenses will be reimbursed or paid for when travel on official Agency business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, then travelers must request government rates, when available. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable under this Policy.

- (c) Telephone/Fax/Cellular. Directors will be reimbursed for actual telephone and fax expenses incurred on Agency business. Telephone bills should identify which calls were made on Agency business. For cellular calls, when the Director has a particular number of minutes included in the Director's plan, the Director can identify the percentage of calls made on Agency business.
- (d) Internet. Directors will be reimbursed for Internet access connection and/or usage fees away from home if Internet access is necessary for Agency-related business.
- (e) Airport Parking. Long-term parking must be used for travel exceeding 24 hours.
- (f) Other Expenses. Baggage handling fees of up to \$10.00 per bag and gratuities of up to 15 percent will be reimbursed.
- (g) Travel expenses will include round-trip airfare, actual reasonable expenses for ground transportation to and from airports and hotels, car rental, and/or mileage reimbursement (at the maximum allowable per mile rate established from time to time by the IRS) for use by Directors of privately owned vehicles in the conduct of Agency business.
- (h) No reimbursement claim or request for overnight accommodations will be approved for expenses incurred within the Agency service area.
- (i) Reasonable accommodation expenses (or at the daily rate as specified pursuant to an IRS accountable plan) will be reimbursed only for the Director, and such expenses will not be reimbursed for guests or family members of the Director.
- (j) Where reasonably possible, accommodations will be obtained in proximity to the conference or meeting site.
- (k) Directors will be entitled to receive reimbursement for the reasonable cost of meals, including tips, or at the daily rate as specified pursuant to an IRS accountable plan.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

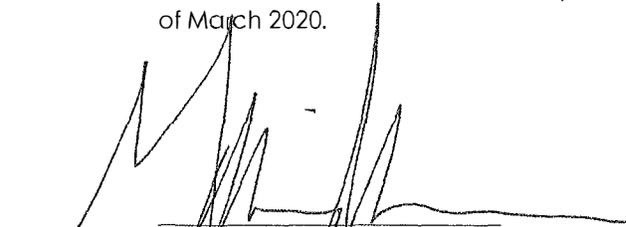
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State