

ORDINANCE NO. 09-230

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
BEAR VALLEY COMMUNITY SERVICES DISTRICT
ADOPTING THE DISTRICT CODE**

WHEREAS, the Bear Valley Community Services District adopts the Bear Valley Community Services District Code by Ordinance No. 99-147 in 1999; and

WHEREAS, the Code has been amended from time to time since its adoption in 1999; and

WHEREAS, the Administrative Committee has completed a review of the District Code; and

WHEREAS, the Board of Directors desire to adopt a new District Code and repeal the prior the Code.

THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT does ordain as follows:

Section 1. This Ordinance shall be known as the Bear Valley Community Services District Code, and may be cited as such, and will be referred herein as the "District Code."

Section 2. The District Code is here by adopted and incorporated herein by reference.

Section 3. From and after the date of passage of this ordinance, the Bear Valley CSD, District Code containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the Board of Directors of the District, shall be accepted in all courts without question as the official code and law of the District as enacted by the District officials.

Section 4. There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official District Code is identified by the proper catchline and is inserted in the proper place in each of the official copies, one copy of which shall be maintained in the office of a District official, certified as to correctness and availability for inspection at any and all times that said office is regularly open.

Section 5. All ordinances of a general nature included in this official Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordnances included in said official District Code. All ordinances

of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the District Code. Such ordinances are not intended to be included in the official District Code.

Section 6. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the District to be misrepresented thereby.

Section 7. All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 8. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Section. The Board of Directors hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions are declared invalid or unconstitutional.

Section 9. Publication of Summary of Ordinance. A summary of this ordinance, approved by the District's legal counsel, together with the ayes and noes, shall be published twice as follows: a) at least five days prior to its final passage in the Tehachapi News, a newspaper published and circulated in the County of Kern, and b) before the expiration of fifteen (15) days after its final passage in the Tehachapi News, a newspaper published and circulated in the County of Kern. A copy of the full text of this ordinance shall be on file in the Secretary to the Board of Directors office on and after the date following introduction and passage and shall be available to any interested member of the public.

Section 10. Effective Date; Posting. This ordinance is effective thirty (30) days after its adoption, and before the expiration of fifteen (15) days after its adoption, this ordinance or a summary thereof shall be published in the Tehachapi News.

I hereby certify that the foregoing ordinance was introduced at a Regular Meeting of the Board of Directors, held on November 13, 2008, and PASSED and ADOPTED by the Board of Directors of the Bear Valley Community Services District, at a Regular Meeting held on January 8, 2009, by the following roll call vote:

AYES: KORDES, ROMANO, NORTHCUTT, SAMUELS, ZANUTTO

NOES: NONE


ABSENT: NONE

ABSTAIN: NONE



Don Kordes, President
Bear Valley Community Services District

ATTEST:



Sandy Janzen, District Secretary