

**ORDINANCE NO. 24-257**

**AN ORDINANCE OF BOARD OF DIRECTORS OF THE BEAR VALLEY  
COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 1,  
CHAPTER 5, SECTION 1-5-10 TO MODIFY THE PROCEDURE FOR MAKING  
APPOINTMENTS TO COMMITTEES**

The Bear Valley Community Services District Board of Directors ordains as follows:

**SECTION 1. Findings.** The Board of Directors finds as follows:

- A. Section 1-5-10 of the District Code grants to the Board of Directors the power to create committees—including standing committees, ad hoc committees, and Board subcommittees—which shall review matters of district interest and to render advice and recommendations to the Board.
- B. Subdivision (B)(1) of Section 1-5-10 provides that the president of the Board appoint two Board members to each standing committee annually. This subdivision further provides that the president of the Board will designate which board members will serve as the chair and vice chair of the respective committee.
- C. Subdivision (D)(3) of Section 1-5-10 provides the guideline that appointments of volunteers to ad hoc committees will be made by the President of the Board at a Board meeting.
- D. The Board desires to amend sections 1-5-10 (B)(1) and 1-5-10 (D)(3) of the District Code in order to enhance the District Code’s conformity with state law and bolster the public transparency of the committee appointment process.

**SECTION 2. Amendment to District Code Section 1-5-10(B)(1).** Section 1-5-10(B)(1) of Chapter 5 of Title 1 of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

“B. Composition; Appointment; Organization Of Standing Committees:

1. Each standing committee will be composed of two (2) board members nominated annually by the president at the Regular Meeting of the Board of Directors in January. The President’s nominations may then be approved by a majority of the Board by a motion vote. The President may appoint up to three (3) volunteers who are not board members, which may be approved by a majority of the Board by a motion vote. The president will designate which of the board members will serve as the chair and vice chair of the committee.”

**SECTION 3. Amendment to District Code Section 1-5-10(B)(5).** Section 1-5-10(B)(5) of Chapter 5 of Title 1 of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

“5. A volunteer may be removed from a committee at any time by a majority of the Board by a motion vote.”

**SECTION 4. Amendment to District Code Section 1-5-10(D)(3).** Section 1-5-10(D)(3) of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

“D. Ad Hoc Committees: The board may establish an ad hoc committee that includes volunteers to assist with a specific issue. The following guidelines pertain to establishing such a committee:

3. The opportunity for volunteers to participate in the ad hoc committee must be publicized at the regular board meetings, on the district website, and, when practicable, in the local news media. Employees of the district may not serve on an ad hoc committee. Nominations of volunteers will be made by the president at a board meeting, which may be approved by a majority of the Board by a motion vote. The number of volunteers on an ad hoc committee should not exceed five (5).”

**SECTION 5. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6. CEQA.** CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed amendments are not a “project” within the meaning of CEQA because the amendments seek to provide clarification of purchasing procedures and authority of the General Manager of the District, address inconsistencies between definitions, and delete text that is no longer necessary. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061 (b) (3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical changes in the environment. Any specific development projects that may result from these changes will be subject to environmental review. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these District Code amendments are exempt from review under CEQA and no further environmental review is necessary.

**SECTION 7. EFFECTIVE DATE.** The Secretary of the Board of Directors is directed to cause this ordinance to be published in the manner required by law. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED AND ADOPTED** by the Board of Directors of the Bear Valley Community Services District on the 14th day of November, 2024 by the following vote:

**AYES: Frevert, Lewis, Cagle, Hernandez**

**NOES: None**

**ABSENT: Grace**

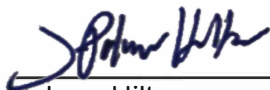
**ABSTAIN: None**

  
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Martin Hernandez, Board President

ATTEST:

BY:   
\_\_\_\_\_  
Secretary of the Board of Directors

APPROVED AS TO FORM:

BY:   
\_\_\_\_\_  
Palmer Hilton  
Interim General Counsel

STATE OF CALIFORNIA     )  
COUNTY OF KERN         ) ss.

I, Denise Jelleschitz, Secretary of the Board of Directors of the Bear Valley Community Services District, do hereby certify that the foregoing Ordinance was introduced by the Board of Directors of the Bear Valley Community Services District at a regular meeting held on November 14, 2024, and duly adopted at a regular meeting held on November 14, 2024, by the following vote:

AYES:                   MEMBERS: Frevert, Lewis, Cagle, Hernandez

NOES:                   MEMBERS: None

ABSENT:               MEMBERS: Grace

ABSTAIN:              MEMBERS: None

  
Denise Jelleschitz, Board Secretary