

ORDINANCE NO. 24-258

**AN ORDINANCE OF BOARD OF DIRECTORS OF THE BEAR VALLEY
COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 1,
CHAPTER 8, SECTIONS 1-8-2 AND 1-8-3 TO MODIFY THE DISTRICT'S
INVESTMENT GUIDELINES**

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

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

- A. Section 1-8-2 of the District Code designates the depository for the District's operating monies.
- B. Section 1-8-2 is outdated and lists Bank of the West as the District's depository. The District uses Bank of the Sierra as its current depository, and as such desires to amend Section 1-8-2 to reflect this change.
- C. Section 1-8-3 of the District Code grants the District the power to invest its surplus monies in the Local Agency Investment Fund and the Kern County Treasury Pool.
- D. There may exist alternative investment funds that the District is eligible to invest in that may be beneficial to the District.
- E. The Board desires to amend section 1-8-3 of the District Code in order to broaden the District's ability to invest surplus monies.

SECTION 2. Amendment to District Code Section 1-8-2. Section 1-8-2 of Chapter 8 of Title 1 of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

"1-8-2: DESIGNATION OF DEPOSITORY:

All of the operating monies of the district (checking and savings accounts) shall be deposited with the following depository: Bank of the Sierra."

SECTION 3, Amendment to District Code Section 1-8-3. Section 1-8-3 of Chapter 8 of Title 1 of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

"1-8-3 INVESTMENTS:

- A. **Surplus Monies:** To the extent feasible, the district shall invest its surplus monies (cash in the treasury not required for the immediate needs of the district) in the local agency investment fund (LAIF) of the state, the Kern County treasury pool (KCTP), or any other investment fund that the District is eligible to invest in as determined by the District's Investment Policy, as may be amended from time to time. The Treasurer shall present a monthly investment report and a quarterly investment report showing the status of all district investments as required by California Government Code section 53646. The District's Investment Policy shall be reviewed at least annually. The Board of Directors may also establish a revolving fund pursuant to article 15 of chapter 4 of part 1 of division 2 of title 5 of the Government Code.

B. Authorized Signers for LAIF, KCTP or other investment transfers as authorized by the District's Investment Policy: The General Manager, Treasurer, and district secretary are authorized to transfer monies between the District's investment accounts and operating bank accounts. Transfers may be made by any one of the authorized persons."

SECTION 4. 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 5. 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 6. 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




Martin Hernandez, Board President

ATTEST:

BY: 

Denise Jelleschitz
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