



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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April 11, 2020

Judith K. Dulcich
Presiding Judge, Kern County Superior Court
1415 Truxtun Avenue, Suite 212
Bakersfield, CA 93301

Jerry D. Troxel
Foreperson, Kern County Grand Jury
1415 Truxtun Avenue, Suite 600
Bakersfield, CA 93301

RE: 2019-2020 Final Report, Kern County Grand Jury

I am writing in response to the 2019-2020 Final Report, Kern County Grand Jury that was provided to Bear Valley Community Services District on January 8, 2020 and released to the public on January 15, 2020. General Manager William J. Malinen has met with staff to discuss each finding and each conclusion and recommendation. Outlined below is the District's response to the Grand Jury's recommendations.

R1. The Bear Valley Community Services District should develop a procedure, and inform all security gatehouse personnel, to allow the general public access to all public meetings and public facilities. The District should comply with Government Codes sections 54950 and 54953(a) immediately. (Finding 4)

Response: The District agrees with this recommendation and it has been implemented. Gate house personnel have been instructed that, 30 minutes prior to meeting start times, they are to grant access to members of the public expressing a desire to attend public meetings of the District. The District has also revised its agenda forms to include a notice that non-residents may also contact the District to obtain a gate pass to attend a public meeting.

R2. The Bear Valley Community Services District should restrict public access to the Water Reclamation Plant with proper signage near the gate and other useful security measures by June 1, 2020. (Findings 1,2, and 3)

Response: The District agrees with this recommendation and it is being implemented. Since the report was issued, Wastewater Treatment Plant staff have ordered and installed new warning signage around the wastewater facility perimeter. Additionally, the gate is now closed when staff is not on the premises (lunch break, etc.). Quotes are being obtained from vendors for installation of an automatic entry gate.

Pictures of the signage are attached.

R3. The Bear Valley Community Services District should work closely with the Kern County Fire Department to ensure that the Hazard Reduction Ordinances are strictly enforced to be consistent with these ordinances. (Finding 5)

Response: The District agrees with this recommendation in part and it will be implemented as described. The Kern County Fire Department (KCFD) is the agency responsible for enforcement of the County's Hazard Reduction Ordinances. After June 1st of each year, KCFD Station 16 in Bear Valley Springs begins a process of inspections of designated areas for compliance with the ordinances. Upon identifying a property out of compliance, KCFD officials issue a County ordinance violation citation. From there, the Hazard Reduction Office of the KCFD ensures that fines are paid and reinspection occurs. The Bear Valley Community Services District does not have legal authority to enforce Kern County Hazard Reduction Ordinances, but is available to provide general assistance as requested from the KCFD.

R4. The Bear Valley Community Services District should consider the development of an alternate exit route for emergency evacuations. (Finding 6)

Response: The District agrees with this recommendation, and has been and will continue to explore and implement, subject to financial and legal limitations, additional emergency routes. Finding Number Six (F6) of the Grand Jury's report states that "In case of fire, earthquake, or other natural disasters, the 5,000 residents have only one way in and one way out, which is through the main security gate on Bear Valley Road".

While Bear Valley Road is considered the primary evacuation route in case of an emergency, there are actually five additional routes leading out of the Valley. In 2018, the Bear Valley Police Department conducted a survey of the state of these routes and reported its findings to the Public Safety Committee and the General Manager. Three of these routes were found to be not viable for use as evacuation routes due to steep hills, sharp turns, and washed-out areas too dangerous to be relied upon during an emergency. Improvements to these routes are prohibitive because they all traverse private property. Two of the five routes—Skyline Road and Deertrail Drive—proved somewhat viable ingress and egress, depending upon the time of year and current conditions, although both also traverse across private property. Of these two routes, Deertrail Drive, which leads out of the Valley to the north, crosses over private property, Tejon Ranch, for approximately two miles.

Deertrail Drive has been identified by the District as a potentially viable evacuation route. It is two lanes wide for its entirety, and in well-enough repair to accommodate most types of vehicles. The District has worked closely with the Kern County Fire Department in planning for evacuations during an emergency. The Fire Department agrees that the Deertrail Drive route could be used, but only after its viability has been verified at the time of the evacuation, and vehicles should be escorted to maintain order. This route has a series of locked gates. Both the Bear Valley Police Department and the Kern County Fire Department possess keys to these gates. The District is currently working to obtain cost estimates for improvements to the portion of Deertrail Drive within the District. Two miles of this route cross over private property, Tejon Ranch; however, this private property portion is lower in elevation and is in significantly better repair than the portion inside the District. The District is looking for grant funding for this project, and would welcome financial assistance from the County, which receives significant gas tax revenues from the State collected from Bear Valley Springs residents but has never provided any of these funds directly to the District to help maintain our public roads.

R5. The District's Emergency Action Plan should be in place and operating within minutes of an emergency. (Findings 7 and 8).

Response: The District agrees with this recommendation, and it is being implemented subject to the limitations noted below. The Bear Valley Community Services District maintains a robust and detailed Emergency Operations Plan written and updated by the Disaster Preparedness Advisory Council and the Public Safety Committee, and adopted by the District Board of Directors. The Plan outlines the District's planned response to extraordinary emergency situations such as natural disasters, technological incidents, and national security emergencies. The Plan includes official and approved documents that describe principles, policies, and concepts of operations. These documents include such elements as continuity of government, emergency functions of governmental agencies, mobilization and application of resources, mutual aid, and public information.

The plan is implemented as early as possible in the event of an emergency. The Grand Jury reports states that,

On the October 10, 2019 visit, the Grand Jury witnessed the Emergency Action Plan, when the power was turned off to the District by the power company. While the Board of Directors meeting had generator power, there was a lack of coordination as to where residents, needing power, were to report for assistance.

Public Safety Power Shutoffs at the onset are not considered emergencies by the State Office of Emergency Services (OES) or by the Kern County Office of Emergency Services.

Prolonged outages compounded by inclement weather can create the need for emergency services. However, this was not the case on October 10, 2019. Power was cut at approximately 3:00 pm; a charging station was set up by 10:00 that evening.

The District is in the process of establishing a "Prolonged Power Outage Plan" which outlines services available to the public when circumstances warrant them. The District is working to determine what capabilities and responsibilities are required of the District and how best to satisfy the needs of the community. Currently, a "charging station" will be opened up within 24 hours of a power outage for use by residents to charge household devices. Priority is given to residents with medical devices that require electricity. Other "emergency" services such as sheltering and warming centers currently appear outside the District's ability to provide.

R6. The District should immediately call a CodeRED when power is shut off due to high winds, storms, or other emergencies to provide residents an opportunity to seek appropriate refuge in a timely manner. (Findings 7 and 8).

Response: The District agrees with this recommendation in part, and is pursuing implementation as noted. The District has established protocols for the use of the CodeRED emergency notification system. Common uses include dangerous road conditions (snow and ice), road closures affecting potential egress, change in road restrictions (4-wheel drive only), severe storm warnings, and fires. Public Safety Power Shutoffs may qualify as an emergency triggering a CodeRED notification if there is a significant risk to public safety such as severe weather conditions or high fire danger. The District is currently working on developing a

CodeRED policy to clarify and make uniform those instances when the CodeRED notification system is used, and anticipates completing this policy by June 1, 2020.

R7. The District should designate refuge locations and have appropriate supplies and backup power before an emergency, then notify the residents by June 1, 2020. (Finding 7).

Response: The District agrees with this recommendation in part. During the District's emergency planning, staff identified areas within the Valley where large numbers of residents could temporarily assemble out of harm's way. These "refuge" areas include the Golf Course, the Equestrian Center, Cub Lake, the baseball field, and others. Part of the future evolution of the Emergency Plan involves identification of resources including generator power to have on-hand at these areas during an emergency. Due to the unpredictable nature of wildland fires, pre-designation of refuge areas (during the planning stage) is impossible and is dependent upon the location of the fire, wind, and other climatological conditions. The District is working on integrating maps of these potential locations into its Emergency Operations Plan.

R8. The District should follow the process of Prop 218 to reevaluate the rate assessments for the purpose of increasing the fees, in an effort to offset the increase in costs associated with the District's operations. (Finding 10)

Response: The District agrees with this recommendation. When the District proposes a utility rate change subject to Prop 218, the District does follow Prop 218 requirements throughout the process. Over the last few years, management has been taking steps to more accurately budget, analyze operating results, and project fund balances for the District's various enterprise and service funds. As any rate increases may have an impact on our residents, management has prioritized which funds need increased revenues the most. In FY 18-19, the District completed a Water System Rate Study for its Water Enterprise Fund and adopted increased water rates after holding community informational meetings and going through the Prop 218 process. The District has recently completed a draft Sewer Rate Study for its Wastewater Enterprise Fund and will be holding community informational meetings prior to scheduling a public hearing and going through the Prop 218 process to increase its sewer rates. Next fiscal year, the District plans on completing a rate study for its Solid Waste Fund and will follow the same process of holding informational meetings and going through the Prop 218 process. The District will continue to assess the fiscal conditions of its other funds and funding sources and will follow applicable Prop 218 requirements if and when any increases to special taxes, assessments, and fees or charges are needed.

Respectfully,

Steve Roberts
President, Board of Directors