



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
PHONE 661-821-4428 • FAX 661-821-0180

ADMINISTRATION COMMITTEE AGENDA

June 16, 2021

11:00 am

In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency, including social distancing directives as a result of the threat of the COVID-19 virus, Board members and BVCS D staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways:

1. **Open Session Webinar Link:** <https://us02web.zoom.us/j/81682243998>
2. **Phone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 816 8224 3998
3. **International numbers available:** <https://us02web.zoom.us/j/81682243998>
4. **Email:** You may submit comments on a specific item to kmcewen@bvcsd.org. Please send your email at least one hour prior to the start of the meeting.

COMMITTEE MEMBERS: Chair: Charles Jensen; Vice-Chair: Steve Roberts
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Richard Bissell; Judith Cagle, Beverly Lydon

AGENDA ITEMS:

1. **Approval of Agenda**
2. **Approve Minutes of the April 21, 2021 Administration Committee Meeting**
3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

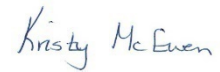
4. **Information & Discussion Items:**
 - A. Policy Review & Discussion
 - i. Temporary Signs on District Property
 - ii. Gate Area Changeable Sign Use

5. **Committee Member Comments**

6. **Staff Comments**

7. **Adjournment:** The next scheduled meeting of the Administration Committee is August 18 2021.

Signed, June 11, 2021



Kristy McEwen, Secretary of the Board



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ADMINISTRATION COMMITTEE MINUTES

April 21, 2021

11:00 am

In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency, including social distancing directives as a result of the threat of the COVID-19 virus, Board members and BVCSD staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways:

1. **Open Session Webinar Link:** <https://us02web.zoom.us/j/89658348623>
2. **Phone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 896 5834 8623
3. **International numbers available:** <https://us02web.zoom.us/j/kc97wdEc8s>
4. **Email:** You may submit comments on a specific item to kmcewen@bvcsd.org. Please send your email at least one hour prior to the start of the meeting.

COMMITTEE MEMBERS: Chair: Charles Jensen; Vice-Chair: Steve Roberts
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Richard Bissell; Judith Cagle, Beverly Lydon

AGENDA ITEMS:

1. **Approval of Agenda**
The Agenda was approved unanimously by the Committee.
2. **Public Comments on Non-Agenda Items**
Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.
 - None
3. **Information & Discussion Items:**
 - A. Member Introductions – Committee members, volunteers and staff introduced themselves and provided background information.
 - B. Committee Process Review
 - i. District Code
 - ii. Roles & Responsibilities

Mr. Malinen explained the District Code as it applies to committees, responsibilities of committee volunteers and the areas of focus of the Administration Committee.

- C. Committee Focus for 2021
 - i. Implement regular review of current policies
 - ii. Special District Leadership Foundation accreditations
 - 1. Continue to pursue District of Distinction and Special District Administrator
 - 2. Remain current on District Transparency Certificate of Excellence
- 4. **Committee Member Comments** – Members were pleased with the list of policies that had been adopted since 2018 and agreed with pursuing the SDLF accreditation.
- 5. **Staff Comments** – None
- 6. **Adjournment:** The meeting was adjourned at 11:31 am. The next scheduled meeting of the Administration Committee is June 16, 2021.

Kristy McEwen

Kristy McEwen, Secretary of the Board

CHAPTER 2

SIGNS

SECTION:

6-2-1: Purpose

6-2-2: Definition Of Sign

6-2-3: General Prohibition Of Signs On District Property

6-2-1: PURPOSE:

The purpose of this chapter is to regulate the placement of signs on District property. (Ord. 18-248, 4-12-2018)

6-2-2: DEFINITION OF SIGN:

A. "Sign" is defined in section 1-3-2 of this Code.

B. "Sign", as used in this chapter, does not include:

1. Any public or legal notice authorized or required by a government agency having jurisdiction.
2. Directional, warning, or information signs or structures required or authorized by a government agency having jurisdiction.

(Ord. 18-248, 4-12-2018)

6-2-3: GENERAL PROHIBITION OF SIGNS ON DISTRICT PROPERTY:

No person may erect, place, or maintain or cause to be erected, placed, or maintained any sign on District property, including rights-of-way, except as permitted by Board policy. (Ord. 18-248, 4-12-2018)



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RESOLUTION 17/18-22

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING POLICIES REGARDING TEMPORARY SIGNS ON DISTRICT PROPERTY

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

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

A. The District has adopted regulations pertaining to the display of signs on District property as set forth in Chapter 2 (Signs) of Title 6 the District Code.

B. District Code Section 6-2-3 states: "No person may erect, place, or maintain or cause to be erected, placed or maintained any sign on any district property, including rights of way, except as permitted by board policy.

C. The Board, acting as a proprietor rather than as a legislative body with respect to public property owned or controlled by the District, desires to establish policies with respect to the display of signs on District property.

D. In establishing such policies, the Board desires to provide opportunities for communication using temporary signs while maintaining community aesthetics and avoiding traffic hazards.

E. The areas where the Board intends permit such temporary signs (e.g., District rights of way) are known as "nonpublic forums." In such nonpublic forum areas it has been recognized that a government agency has the right to designate limited areas for communicative activities and to make distinctions in access on the basis of subject matter and speaker identity, provided it does not make distinctions based on the speaker's viewpoint.

F. Based on the above findings, the Board desires to establish policies and procedures regarding temporary signs on District property used for the promotion and identification of special events held on District property and for District Board elections.

SECTION 2. Proprietary Capacity; Changes to Policy.

In adopting this Resolution, the Board is acting in its proprietary capacity as to District property. The policies set forth in this Resolution may be changed at a regular public meeting of the Board of Directors.

SECTION 3. Intent as to Public Forum.

The Board declares its intent that the District property where temporary signs are permitted will not function as a public forum, but rather, such property is designated as a limited public forum, and that this declaration as to public forum type will apply strictly and only to the specified area and for the specified time period.

SECTION 4. Definitions.

Unless otherwise specifically defined in this Resolution, all words and phrases will have the meanings defined in Section 1-3-2 and 6-2-2 of the District Code.

“Campaign sign” means a sign for the purpose of influencing voters with respect to the election of a candidate for the Board of Directors.

“District property” means all land located within the District (including District rights of way) which is owned or held (whether in fee, easement, leasehold or other interest) by the District.

"Election period" means the period commencing 60 days before any District election for members of the Board of Directors.

“Temporary sign” means a sign constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, wood or other light materials, with or without frames, which is not intended for or suitable for long-term or permanent display, due to the materials used.

SECTION 5. Signs Must Be Permitted or Exempted.

A. No sign may be erected on District property unless such sign is exempt under District Code Chapter 2 of Title 6, permitted under a lease or other written agreement with the District, or permitted in accordance with this Resolution and, where required, a District property sign approval has first been granted.

B. All District property sign approvals must be consistent with the policies stated in this Resolution.

C. Any sign erected on District property contrary to the policies stated in this Resolution may be summarily removed as a trespass and a nuisance by the District.

SECTION 6. Temporary Campaign Signs.

At least 30 days prior to an election period, the General Manager, subject to Board approval, will identify an area or areas on District property where temporary campaign signs may be placed during an election period (“designated sign area”). Such designated sign area(s) will be selected based on general visibility of the signs as well as traffic safety to ensure no interference with driver visibility and must be at a safe set back distance from any District street or road. All temporary campaign signs placed in a designated sign area will be subject to the following regulations:

1. Number: The number of temporary campaign signs permitted per candidate in a designated sign area will depend on the size of the designated sign area, and will be determined at the time an area is designated for the placement of temporary campaign signs. It is the Board’s intent that the number of signs permitted will be the minimum number reasonably necessary to identify candidates for the Board of Directors.
2. Spacing: At minimum separation distance between temporary campaign signs will also be established at the time a designated sign area is established.
3. Area: No temporary campaign sign may exceed six square feet in area.
4. Height: No temporary campaign sign may exceed four feet in height from the adjacent ground level to the top of the sign.

5. Lighting: No temporary campaign sign may be illuminated.
6. Removal: All temporary campaign signs must be removed from District property within seven days after the applicable Board election.

SECTION 7. Temporary Signs Permitted for Special Events; Approval Procedures.

A. When the District allows or sponsors a special event on District property, the District may permit temporary signs identifying and advertising such event subject to such time, place, manner, size, and quantity of temporary signs allowed as may be determined by the General Manager or his or her designee.

B. The General Manager will cause to be prepared and make available to the persons or organizations responsible for a special event on District property a form of application for a District property sign approval. The application form must indicate the time, place, manner, size, and quantity of temporary signs requested.

C. After receiving a complete application, the General Manager will cause such application to be reviewed and render a written decision to approve or deny such application within 15 days of the application date. The General Manager's approval may include special terms or conditions which may be stated on the approval as the General Manager deems necessary to protect the public safety and general welfare.

D. The General Manager's approval of the application will indicate the District's consent, in its proprietary capacity, for placement of the temporary signage on District property. The processing fee for each application, if any, will be established by Board resolution.

E. Applications which are denied, or approvals which are revoked or suspended, may be appealed to the Board of Directors.

SECTION 8. Severability.

If any section, subsection, sentence, clause or phrase of this Resolution 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 Resolution. The Board of Directors hereby declares that it would have passed and adopted this Resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date.

This Resolution is effective upon adoption.

PASSED, APPROVED AND ADOPTED on March 22, 2018, by the following vote:

AYES: Carlyn, Roberts, Baron, Grace
NOES: None
ABSENT: None
ABSTAIN: None

Gil Grace, Board President
Bear Valley Community Services District

ATTEST:

I hereby certify that the above Resolution No. 17/18-22 was duly introduced, read, and adopted by the District at a regularly noticed meeting held on March 22, 2018.

Kristy McEwen,
Secretary of the Board of Directors

STAFF REPORT

AGENDA ITEM #11C *Proposed Campaign Sign Locations for General District Election*

MEETING DATE: August 23, 2018

PREPARED BY: Jeff Kermode
Assistant General Manager



AGENDA TITLE: Proposed Campaign Sign Locations for General District Election

RECOMMENDATION

Approve the Assistant General Manager's recommendations as listed below for the 2018 General District Election, as authorized by Board Resolution 17/18-22.

1. Bear Valley Road non-vehicular right-of-way, between Buttercup Court and Cumberland Road, will be the designated campaign sign location.
2. There must be a minimum $\frac{1}{4}$ mile (1320 feet) separation between signs for the same Board candidate, resulting in a total of four signs per Board candidate on each side of the road.
3. There must be a minimum twenty-foot separation between signs of different Board candidates.

BACKGROUND

The Board passed Resolution 17/18-22 adopting policies regarding temporary signs on District property. Specifically, regarding temporary campaign signs, the Resolution requires the General Manager, subject to Board approval, to identify an area or areas on District property where temporary campaign signs may be placed during an election period. The Resolution also requires a determination on the number of signs allowed by each candidate and the minimum separation distance between signs.

As a reminder, the Resolution also limits temporary campaign signs to a maximum of six square feet in area and a maximum height of four feet from ground level to the top of the sign. The Resolution prohibits illumination of the signs and requires that the signs be removed from District property within seven days after the election.

ANALYSIS

During prior Board meetings the Board has expressed its preference that the designated campaign sign location be along Bear Valley Road between the entry gate and Cumberland Road, a distance of approximately 0.8 miles. All community residents travel along this roadway, providing maximum exposure to the candidate signs. In addition, the District right-of-way in this area is sufficient for the safe placement of the signs. The Resolution also expresses the Board's intent that the permitted number of signs will be the minimum number reasonably necessary to identify candidates for the Board of Directors.

FISCAL IMPACT

No fiscal impact.

STAFF REPORT

AGENDA ITEM #11C

Proposed Campaign Sign Locations for General District Election

RESULT OF RECOMMENDED ACTION

Implementation of the Board's intent to provide posting of temporary campaign signs on designated District property.

RECOMMENDED MOTION

"I move the Board of Directors APPROVE the Assistant General Manager's recommendations for the designated campaign sign location, sign separation distances, and total number of temporary campaign signs per Board candidate, and that this information be conveyed to the candidates for election to the Board of Directors."

STAFF REPORT

AGENDA ITEM # 9C
District Sign Ordinance and Policies



MEETING DATE: April 12, 2018

PREPARED BY: Donald M. Davis, General Counsel

AGENDA TITLE: Resolution 17/18-24 Amending the Policy Regarding the Gate Area Changeable Copy Sign

RECOMMENDATION

ADOPT Resolution 17/18-24 Amending the Policy Regarding the Gate Area Changeable Copy Sign.

BACKGROUND

Following the recent amendment to the District Code regarding signs on District Property, it is appropriate for the Board to review and consider updating the District’s existing policy regarding the District’s changeable copy sign at the gate area adopted under Resolution 97-911.

DISCUSSION

The existing policy establishes priority use of the sign in the following order: 1) BVCSA announcements, 2) BVSA announcements, and 3) non-commercial announcements by individuals and organizations. The policy also establishes an application process, grounds for denial of an application, time periods of use, and limitations on liability.

The proposed policy would maintain all of these provisions with some modification. Specifically, the policy would clarify the types of messages that may be posted, which fall into two categories: (1) a “public information announcement,” which means an announcement of general public interest concerning the operations or activities of the District or the Bear Valley Springs Association (“Association”), and which announcement has been directed to be posted by the respective Board or General Manager of the District or Association; and (2) a “special community event announcement,” which means an announcement regarding a special community event that is open to the residents of the District and that occurs on any property owned or controlled by the District or the Association. The intent of these definitions is to clarify that announcements by the District and Association are to be “official announcements” approved by the respective boards and general managers. The general public announcements will be limited to special events that are both open to the public and occur on public or community property (i.e., District and Association property). This is a proper limitation as the sign is on public property and is owned by the District.

The other substantive revision to the existing policy is a clarification that District and Association announcements may supersede those of the general public if there is a conflict over the dates. Nevertheless, the policy does encourage the District and Association to allow some public use of the sign when there is an overlapping need, to the extent possible.

FISCAL IMPACT

There will continue to be some staff time involved in processing of approvals for the changeable copy sign, but such time has historically been minimal.

RECOMMENDED MOTION

STAFF REPORT

AGENDA ITEM # 9C
District Sign Ordinance and Policies

“I move to ADOPT Resolution 17/18-24 Amending the Policy Regarding the Use of the Gate Area Changeable Copy Sign.

Attachments:

Proposed Policy Resolution
Resolution 97-911

Public Information Announcement – an announcement of general public interest concerning the operations or activities of the District of the Bear Valley Springs Association, and which announcement has been directed to be posted by the respective Board or General Manager of the District or Association.

Special Community Event – an announcement regarding a special community event that is open to the residents of the District and that occurs on any property owned or controlled by the District or the Association.