

**A SUMMARY OF ORDINANCE NO. 17-247 AN ORDINANCE OF BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AMENDING AND RESTATING CHAPTER 7 OF TITLE 1 OF THE DISTRICT CODE PERTAINING TO CLAIMS AGAINST THE DISTRICT TO DELEGATE THE AUTHORITY TO ADMINISTER CHAPTER 7 AND SETTLE CERTAIN CLAIMS TO THE GENERAL MANAGER.**

The following is a summary of Ordinance No. 17-247, which was introduced by the Bear Valley Community Services District Board of Directors on June 8, 2017 and adopted on July 27, 2017, at a meeting to be held at the Bear Valley Community Services District, located at 28999 South Lower Valley Road, Tehachapi, CA 93561.

Ordinance No. 17-247 amends Chapter 7, Title 1 of the Bear Valley Community Services District Code pertaining to claims against the District to delegate the authority to administer Chapter 7 and settle certain minor claims to the General Manager. The amendment may be summarized as follows:

Addition of Section 1-7-5, which provides the General Manager with authority to administer and settle claims against the District up to a maximum settlement payment amount of \$1,000.

Ordinance 17-247 was adopted by the following vote:

AYES:	Baron; Muell; Roberts; Grace; Carlyn
NOES:	None
ABSENT:	None
ABSTAIN:	None

A certified copy of the full text of the ordinance is available upon request and posted for review in the District Office at 28999 South Lower Valley Road, Tehachapi, CA 93561 and on the District's website. This ordinance will be in full force and effective thirty (30) days after its adoption, and published and posted as required by law.

Full Text of Ordinance 17-247 follows:

**ORDINANCE NO. 17-247**

**AN ORDINANCE OF BOARD OF DIRECTORS OF  
THE BEAR VALLEY COMMUNITY SERVICES DISTRICT  
AMENDING AND RESTATING CHAPTER 7 OF TITLE 1 OF THE DISTRICT CODE  
PERTAINING TO CLAIMS AGAINST THE DISTRICT  
TO DELEGATE THE AUTHORITY TO ADMINISTER CHAPTER 7 AND  
SETTLE CERTAIN CLAIMS TO THE GENERAL MANAGER.**

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

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

- A. Chapter 7 of Title 1 of the District Code (“Chapter 7”) establishes certain procedures for the presentation and resolution of claims against the Bear Valley Community Services District for money or damages.
- B. Because minor claims can generally be resolved more expeditiously by staff, and the administrative processing of such minor claims will avoid the need for Board consideration during public meetings, the Board desires to amend Chapter 7 to add a new Section 1-7-5 that delegates authority to administer Chapter 7 and settle certain claims to the General Manager as permitted by California Government Code section 935.4.
- C. This ordinance amends and restates Chapter 7 to achieve the above-stated purpose.

**SECTION 2. Environmental Findings.** The Board of Directors exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act (“CEQA”). The approval of this ordinance is not a “project” under CEQA as that term is defined in Public Resources Code section 21065 and in the CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically, Section 15378, in that the proposed ordinance is a fiscal activity pertaining to the filing and resolution of claims for money or damages against the District and not a commitment to any specific project which may result in a potentially significant physical impact on the environment. Moreover, even if the enactment of this ordinance was considered a project under CEQA, it would be exempt Section 15061(b)(3) of the CEQA Guidelines, because the adoption of this ordinance will implement a regulatory process that will not foreseeably result in construction or other physical activities, either directly or indirectly, and that therefore it can be seen with certainty that the enactment of this ordinance does not have the potential to result in any significant effect on the environment.

**SECTION 3. Amendment to District Code Chapter 1-7.** Chapter 7 of Title 1 of the Bear Valley Community Services District Code is amended and restated as set forth in the attached Exhibit A.

**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. Publication.** The Secretary of the Board of Directors is directed to cause this ordinance to be published in the manner required by law.

David Edmonds  
Bear Valley Community Services District General Manager

Date: 09/11/2017

Publication Date: 09/20/2017