



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: March 15, 2023

TO: LAFCo Commissioners

FROM: Kai Luoma, Executive Officer 

SUBJECT: Sphere of Influence Review:
 LAFCo 20-09S Bell Canyon Community Services District

Recommendations:

- A. Determine that the action to review the sphere of influence for the Bell Canyon Community Services District (BCCSD or District) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.
- B. Adopt Resolution LAFCo 22-09S (Attachment 2) making determinations and reviewing the sphere of influence for the BCCSD pursuant to Government Code Section 56425(g), including that a sphere of influence update is not necessary.

Background:

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.), the Commission was required to determine and adopt a sphere of influence (or “sphere”) for each city and special district on or before January 1, 2008. A sphere of influence is defined in Government Code Section 56076 as the probable physical boundary and service area of a local agency, as determined by the Commission. Every five years thereafter, the Commission must, as necessary, review and update each sphere of influence (Government Code Section 56425(g)).

LAFCo staff began a review and/or update to the sphere of influence for the BCCSD in 2020 and determined that preparation of a municipal service review (MSR) report was warranted. The Commission first considered the final draft of the MSR at its September 15, 2021, meeting. At that meeting (staff reports and materials for that meeting are available [here](#)), representatives of the BCCSD asserted that the draft MSR contained numerous deficiencies, inaccuracies, and errors and requested that the item be continued. The Commission continued the item for six

COMMISSIONERS AND STAFF

COUNTY	CITY	DISTRICT	PUBLIC
Jeff Gorell	Jenny Crosswhite, Vice-Chair	Raul Avila	Pat Richards, Chair
Janice S. Parvin <i>Alternate</i>	John C. Zaragoza <i>Alternate</i>	Mary Anne Rooney <i>Alternate</i>	<i>Alternate</i>
Matt LaVere	Susan Santangelo	Mohammed A. Hasan	David J. Ross
Executive Officer Kai Luoma	Deputy Executive Officer Andrea Ozdy	Office Manager/Clerk Richelle Beltran	Legal Counsel Jeffrey Barnes

months (to the March 16, 2022, meeting) and directed staff and Legal Counsel to work with the BCCSD to address the asserted deficiencies and inaccuracies.

During the six months, LAFCo staff and Legal Counsel reviewed all materials submitted by the BCCSD in support of the asserted deficiencies. LAFCo staff and Legal Counsel found the BCCSD's arguments to be unpersuasive, concluding that the MSR did not contain the deficiencies and inaccuracies as asserted by the BCCSD, and conveyed this determination to the BCCSD. Soon thereafter, the then BCCSD President, Dennis Roy, suggested that a meeting take place to include him, BCCSD legal counsel, Pam Lee, the LAFCo Executive Officer, and LAFCo Legal Counsel. The discussion at this meeting, which was followed by a second soon after, convinced Mr. Roy that the MSR was, in fact, largely accurate, and that the BCCSD would (1) withdraw its position that the MSR was deficient/inaccurate and support its acceptance by the Commission, and (2) the BCCSD would commit to addressing and resolving the issues raised in the MSR. Ms. Lee submitted a letter acknowledging the BCCSD's new position (Attachment 4).

At the March 16, 2022, Commission meeting (meeting materials are available [here](#)), staff recommended, with the support of the BCCSD, that the Commission accept the MSR and continue consideration of the sphere of influence review/update for one year (to the March 15, 2023, meeting) to allow the BCCSD time to address the issues raised in the MSR. The Commission unanimously supported staff's recommendation.

In early February 2023, LAFCo staff and Legal Counsel met with representatives of the BCCSD, including its president, Michael Robkin, vice president Peter Machuga, and Ms. Lee to discuss its progress in addressing the matters raised in the MSR. Having demonstrated substantial progress, staff invited the BCCSD representatives to make a presentation to the Commission to inform it of their progress. This presentation was made at the February 15, 2023 LAFCo meeting. In addition, on February 14, 2023, Ms. Lee submitted a letter to the Commission summarizing actions that have been or will be taken by the BCCSD (Attachment 3).

Discussion:

District Information

Bell Canyon is an unincorporated residential subdivision that encompasses an area of approximately 1,677 acres. The boundaries of the BCCSD generally align with the those of the Bell Canyon community and its sphere of influence is coterminous with its jurisdictional boundaries (Attachment 1). There are approximately 672 single family residential homes and the population is estimated to be approximately 2,109. According to the 2022 MSR, there are a total of 795 residential parcels; therefore, 123 have not been developed. The projected population for the community at buildout is approximately 2,500.

The following discussion is formatted to match the MSR, beginning under the heading Review of Municipal Services (page 9 of the MSR – the MSR was provided to the Commission for its

February 15, 2023 meeting and is available on the LAFCo website [here](#)). It provides a summary of each subsection of the MSR, followed by a summary of the BCCSD's position pursuant to its letters dated February 25, 2022 (Attachment 4) and February 14, 2023 (Attachment 3), discussions between staff and the BCCSD representatives, and the information conveyed by the BCCSD to the Commission on February 15, 2023.

BCCSD Authorized Services and Functions (beginning on page 9 of the MSR)

LAFCo has determined that the following services/functions are those that have been recognized or approved by LAFCo. The BCCSD is authorized to provide only these services/functions. All other services and functions allowed for in the CSD principal act are "latent powers" and require LAFCo approval in order for the BCCSD to exercise them¹.

- Solid Waste Removal: The MSR identifies no concerns or issues with how the BCCSD provides solid waste service and this service was not raised in the BCCSD's letter.
- Traffic Patrol: As explained in the MSR, the BCCSD is authorized to provide "Enhanced traffic patrol under the provisions of a contract with the California Highway Patrol." Outside of a contract with the California Highway Patrol (CHP), the BCCSD has no power or authority to provide traffic patrol or enforcement services or expend funds thereon. This service has not been provided since 2013.

BCCSD Response: The BCCSD understands that its authority to provide traffic patrol/enforcement is limited to doing so under a contract with the CHP and that it has no authority to provide traffic patrol/enforcement itself. According to the BCCSD, it is seeking to execute a new contract with the CHP to again provide this service.

- Emergency Medical Services: As explained in the MSR, the BCCSD is authorized to provide "Emergency medical (advanced life support) services under the provisions of a contract with the City of Los Angeles Fire Department." Outside of a contract with the City of Los Angeles Fire Department (LAFD), the BCCSD has no power or authority to provide or expend funds on emergency medical services. This service has not been provided for many years.

BCCSD Response: The BCCSD understands that its authority to provide emergency medical (advanced life support) services is limited to doing so under a contract with the LAFD and that it does not have authority to provide this service itself.

¹ Govt. Code § 56050.5 – "'Latent service or power' means those services, facilities, functions, or powers authorized by the principal act under which the district is formed, but that are not being exercised, as determined by the [local agency formation] commission pursuant to subdivision (i) of Section 56425."

Govt. Code § 61106 – "(a) If a [community services district] board of directors desires to exercise a latent power, the district shall first receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3. (b) After receiving the approval of the local agency formation commission, the board of directors may, by ordinance, order the exercise of that power."

- Community Recreation Programs: As explained in the MSR, the BCCSD is authorized to “Organize, promote, conduct and advertise community recreation programs.” Because the BCCSD has no full-time staff, community recreational programs have been promoted, organized, staffed, and hosted by the homeowner’s association (HOA) and its staff and held on and in HOA-owned facilities. The BCCSD covers the costs. However, the BCCSD has no authority to provide recreation programs/services through or by the HOA, a private entity.

BCCSD Response: The BCCSD will no longer utilize HOA staff or its services to provide recreation events and activities and will cease all reimbursement/grants to the HOA. Future events will be organized, promoted, conducted and hosted by BCCSD staff or under contract with a provider that meets the requirements of the CSD principal act.

- Security Services: As explained in the MSR, the BCCSD is authorized to provide “Security services, including but not limited to, burglar and fire alarm services to protect lives and property” and that it appears that the BCCSD is not providing this service and has not provided this service since it was authorized by LAFCo 2007.

BCCSD Response: The BCCSD acknowledges that it does not provide this service. However, the BCCSD desires to retain the authority to provide this service and is currently developing the necessary ordinances to do so.

- Graffiti Abatement: As explained in the MSR, the BCCSD is authorized to provide “Graffiti abatement services” and that it appears that the BCCSD is not providing this service and has not provided this service since it was approved by LAFCo in 2007.

BCCSD Response: The BCCSD acknowledges that it does not provide this service. However, the BCCSD desires to retain the authority to begin to provide this service and is currently developing the necessary ordinances to do so.

BCCSD Non-Authorized Services and Functions (beginning on page 13 of the MSR)

- **Traffic Enforcement**

MSR Summary: Though the BCCSD is not authorized to provide or fund traffic patrol/enforcement service itself, the BCCSD has exercised various traffic enforcement/patrol related activities. It has budgeted approximately \$110,000 for traffic enforcement services and expended approximately \$62,000 since fiscal year 2014-15. These include, but are not limited to, a grant of \$50,000 to the HOA to make traffic-related improvements at the HOA-owned front gate and the purchase and operation of a decoy traffic car. Since late 2018, HOA staff has driven the decoy vehicle, with State of California markings, for purposes of traffic enforcement.

BCCSD Response Summary: Henceforth, the BCCSD will not engage in traffic patrol/enforcement services unless it either: 1) receives LAFCo approval to exercise the latent power to provide law enforcement services itself, pursuant to Govt. Code § 61100(i)², or 2) it executes a contract with another public agency which provides law enforcement services, pursuant to Govt. Code § 61070³, to provide the service. Last year, the BCCSD terminated its authorization for HOA staff to utilize the decoy vehicle, the State of California markings⁴ on the car were removed, and the BCCSD disposed of the vehicle. Any future traffic enforcement conducted by the HOA will be kept entirely separate from the BCCSD

- **Emergency Medical Training**

MSR Summary: Outside of a contract with the LAFD, the BCCSD has no power or authority to provide or expend funds on emergency medical (advanced life support) services. Nevertheless, in 2015-2016 the BCCSD expended approximately \$4,000 for cardiopulmonary resuscitation (CPR) training for community members.

BCCSD Response Summary: In the future should the BCCSD desire to perform emergency medical training services itself, it will seek LAFCo approval for the activation of a latent power to exercise this service, pursuant to Government Code § 61100(n)⁵. Any future emergency medical training will be under a contract with the LAFD or other public agency which provides emergency medical (advanced life support) services. Future CPR training for community members will occur under the BCCSD's recreational program authority.

- **Parks and Recreation Facilities**

MSR Summary: The BCCSD is not authorized to acquire, construct, improve, maintain, or operate recreation facilities, including parks and open space. Nevertheless, since fiscal year 2014-15, the BCCSD has given the HOA over \$100,000 for the repair and/or maintenance of recreation facilities owned and operated by the HOA, including a park, hiking trails, and related bathroom facilities. In recent years, the BCCSD has budgeted several hundred thousand dollars for improvements to the park and trails. In October 2020, the BCCSD executed an agreement with the HOA to lease the park and two hiking trails and approved

² Govt. Code § 61100(i) – Subject to LAFCo approval, “Within its boundaries, a [community services] district may do any of the following: Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.”

³ Govt. Code § 61070 – “A [community services] district may contract with any local agency, state department or agency, federal department or agency, or any tribal government for the provision by or to the district of any facilities, services, or programs authorized by this division, within or without the district, subject to compliance with Section 56133.”

⁴ As discussed during the December 2021 and February 2023 meetings, the BCCSD emergency vehicle also displayed “State of California” markings. These markings have since been removed.

⁵ Govt. Code § 61100(n) – Subject to LAFCo approval, “Within its boundaries, a [community services] district may do any of the following: Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code.”

funds to make improvements to them, however, the HOA was to continue to maintain and operate the parks and trails.

BCCSD Response Summary: The BCCSD acknowledges and understands that it does not have the legal authority to acquire, improve, or maintain the park and hiking trails or any other recreation facilities. The BCCSD will not fund or make any improvements to any recreation facilities until it receives LAFCo approval to do so, pursuant to the Govt. Code § 61100(e)⁶. In addition, at its February 28, 2022, BCCSD board meeting, the board approved the termination of the lease agreement with the HOA and directed staff to pursue the activation of the aforementioned latent power. As explained previously, the BCCSD will not utilize the HOA or its staff in any capacity, including the operation and maintenance of any recreation facilities that it may acquire in the future.

- **Community Emergency Response Team (CERT)**

MSR Summary: The BCCSD does not have the legal authority to fund or provide CERT services but, nevertheless, approved \$51,000 to fund CERT service over four years. The MSR notes various discrepancies between approved budgets, annual audits, and monthly budget to actual reports. It appears that thousands of dollars of these funds budgeted for CERT services may have been improperly expended on recreational programs and/or HOA facilities.

The BCCSD does not address this matter specifically in its letters. However, given that the BCCSD acknowledges in its letter that it does not have the authority to provide emergency-related services itself (see below), staff believes that the BCCSD likely also acknowledges that it lacks authority to provide or fund this service.

Regarding the discrepancies between approved budgets, annual audits, and monthly budget reports, the BCCSD has indicated that it has adopted financial management policies related to fund balance, purchasing, financial reports, audits, and credit card use.

- **Fire/Emergency Related Services**

MSR Summary: The BCCSD does not have the legal authority to provide or fund fire suppression/protection or emergency related services, including the purchase of related equipment. It does not have authority to enter into contracts or to receive and/or administer grants for such services and equipment, or to sponsor any type of councils or committees related to such services. Nevertheless, the BCCSD purchased a vehicle

⁶ Govt Code § 61100(e) Subject to LAFCo approval, “Within its boundaries, a [community services] district may do any of the following: Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.”

equipped with specialized equipment to be used in Bell Canyon during an emergency; approved the pursuit of over \$300,000 in Cal Fire grant funds for fire prevention activities; sponsored the local Bell Canyon Fire Safe Council and applied for and received a \$37,000 grant from the State that it administers on behalf of the Fire Safe Council.

BCCSD Response Summary: The BCCSD acknowledges and understands that it does not have the legal authority to provide fire protection and/or prevention services, which remains a latent power pursuant to Government Code Section 61100(d)⁷. The BCCSD will not pursue any additional grants related to fire suppression/prevention services.

- **School Bus Stop**

MSR Summary: The BCCSD has no authority to manage, operate, or maintain a school bus stop, yet, according to the BCCSD, it has managed, operated, and maintained property it owns for purposes of a school bus stop.

BCCSD Response Summary: The bus stop occupies a portion of a “multi-use parcel” owned by the BCCSD. The parcel is also used by the BCCSD for recycling events and certain recreational programs, both of which are authorized services of the BCCSD. The bus stop is maintained by the HOA. The BCCSD will pursue a lease to the HOA for that portion of the parcel devoted to the bus stop.

Relationship Between the BCCSD and HOA

- **Legal Authority of the BCCSD to Grant Funds to the HOA**

MSR Summary: As explained in the MSR, the BCCSD has granted and/or reimbursed tens of thousands of dollars of public taxpayer funds to the HOA for purposes of traffic enforcement/patrol, recreation facilities, and recreation programs. The BCCSD has no express or implied legal authority to provide/fund recreation programs through the HOA, and no legal authority to provide/fund services related to recreation facilities, including the maintenance of and improvements to parks and trails. Further, it has no authority to provide traffic enforcement services itself. Therefore, the granting of funds to the HOA for these services appears to be an improper use of public funds.

BCCSD Response Summary: The District has agreed that, going forward, it will not utilize HOA staff or HOA services to provide services or put on events and activities, and will not make any future reimbursements/grants to the HOA for contribution toward improvements owned and operated by the HOA. This should eliminate any further concern with “grants” being provided by the District to the HOA. To the extent any staff is necessary for the

⁷ Govt. Code § 61100(d) – Subject to LAFCo approval, “Within its boundaries, a district may do any of the following: Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.”

District to provide services or put on events or activities, the District will use either its own staff or a specialized outside provider in compliance with all of its legal requirements and statutory obligations.

- **Public Records and Meetings**

MSR Summary: As explained in the draft MSR, taxpayer funds granted to and spent by the HOA are improperly shielded from public scrutiny and accountability. Transparency is further eroded by the fact that public notices for BCCSD board meetings are posted within the gated community and board of director meetings take place within HOA owned facility located behind the HOA-owned and operated front gate, the purpose of which is to prevent the public from entering the community. The Brown Act requires the board meeting notices and board meetings be accessible to the public at large, not just to those who reside in the community.

BCCSD Response Summary: As mentioned above, the BCCSD has committed that it will no longer utilize services of the HOA or its staff and will no longer grant, reimburse, or give to the HOA public funds. The BCCSD has and will take actions to address the issue related to the Brown Act. The BCCSD has installed a weatherproof bulletin board and signage outside the community's front gate where it now posts notices for public meetings. The BCCSD is exploring its options to provide parking and safe access to the bulletin board. In addition, posted meeting agendas/notices now include instructions for members of the public that will allow them entry into the community to attend board meetings.

- **Conflicts of Interest**

MSR Summary: As explained in the draft MSR, two members of the BCCSD board of directors also serve on the HOA board of directors, which may result in the appearance of, if not actual, conflicts of interest.

BCCSD Response Summary: To address this matter, the District has adopted a Conflict of Interest Code, as well as a resolution requiring District board members who also serve on the HOA board to recuse themselves from any actions related to HOA. Most importantly, as stated above, the BCCSD will no longer reimburse or grant funds to the HOA or utilize the HOA or its employees to provide services.

Written Determinations

Government Code Section 56425(e) requires that, in determining the sphere of influence of an agency, the Commission consider and prepare a written statement of its determinations with respect to each of the following:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.* (Section 56425(e)(1))

There are approximately 672 single family residential homes and the population is estimated to be approximately 2,109 within the BCCSD. According to the 2022 MSR accepted by Ventura LAFCo, there are a total of 795 residential parcels; therefore, 123 have not been developed. The projected population for the community at buildout is approximately 2,500.

- (2) *The present and probable need for public facilities and services in the area.* (Section 56425(e)(2))

The BCCSD provides solid waste and recreation program services. It is seeking to execute a contract with the CHP under which the CHP would provide traffic enforcement. In addition, the BCCSD is developing ordinances to begin providing security and graffiti abatement services.

- (3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* (Section 56425(e)(3))

The BCCSD is authorized to provide the following services:

- Rubbish, recycling and greenwaste removal
- Enhanced traffic patrol under the provisions of a contract with the California Highway Patrol
- Emergency medical (advanced life support) services under the provisions of a contract with the City of Los Angeles Fire Department
- Organize, promote, conduct and advertise community recreation programs
- Security services, including but not limited to burglar and fire alarm services to protect lives and property
- Graffiti abatement

The BCCSD currently provides solid waste and recreational program services. It has not provided traffic patrol under a contract with the CHP since 2013. It does not provide emergency medical services under a contract with the LAFD, nor has it provided security services or graffiti abatement services since LAFCo authorized the provision of those services in 2007. However, the BCCSD is seeking to enter a new contract with the CHP to provide traffic patrol services and has taken necessary steps to begin providing security and graffiti abatement services.

The BCCSD has made substantial progress in resolving the matters identified in the MSR. It will no longer exercise or expend funds on unauthorized services/functions, rely on the HOA or its staff to provide services, or provide grants or reimbursements to the HOA.

- (4) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency. (Section 56425(e)(4))*

The District's sphere of influence does not include territory that is known to be a community of interest. No disadvantaged unincorporated communities (defined in Government Code Section 56033.5 as communities having an annual median household income that is less than 80 percent of the statewide annual median household income), are located within or contiguous to the District's sphere of influence.

- (5) *For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection. . . the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence. (Section 56425(e)(5))*

The review of the District's sphere of influence is not considered an update (i.e., a modification) to the sphere. Additionally, no disadvantaged unincorporated communities are located within or contiguous to the District's sphere of influence.

California Environmental Quality Act (CEQA)

A project is defined in CEQA Section 21065, in part, as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Staff recommends that the Commission find that the review of the District's sphere of influence is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." No change in regulation, land use, or development will occur as a result of the recommended sphere of influence review.

Notice of Public Hearing

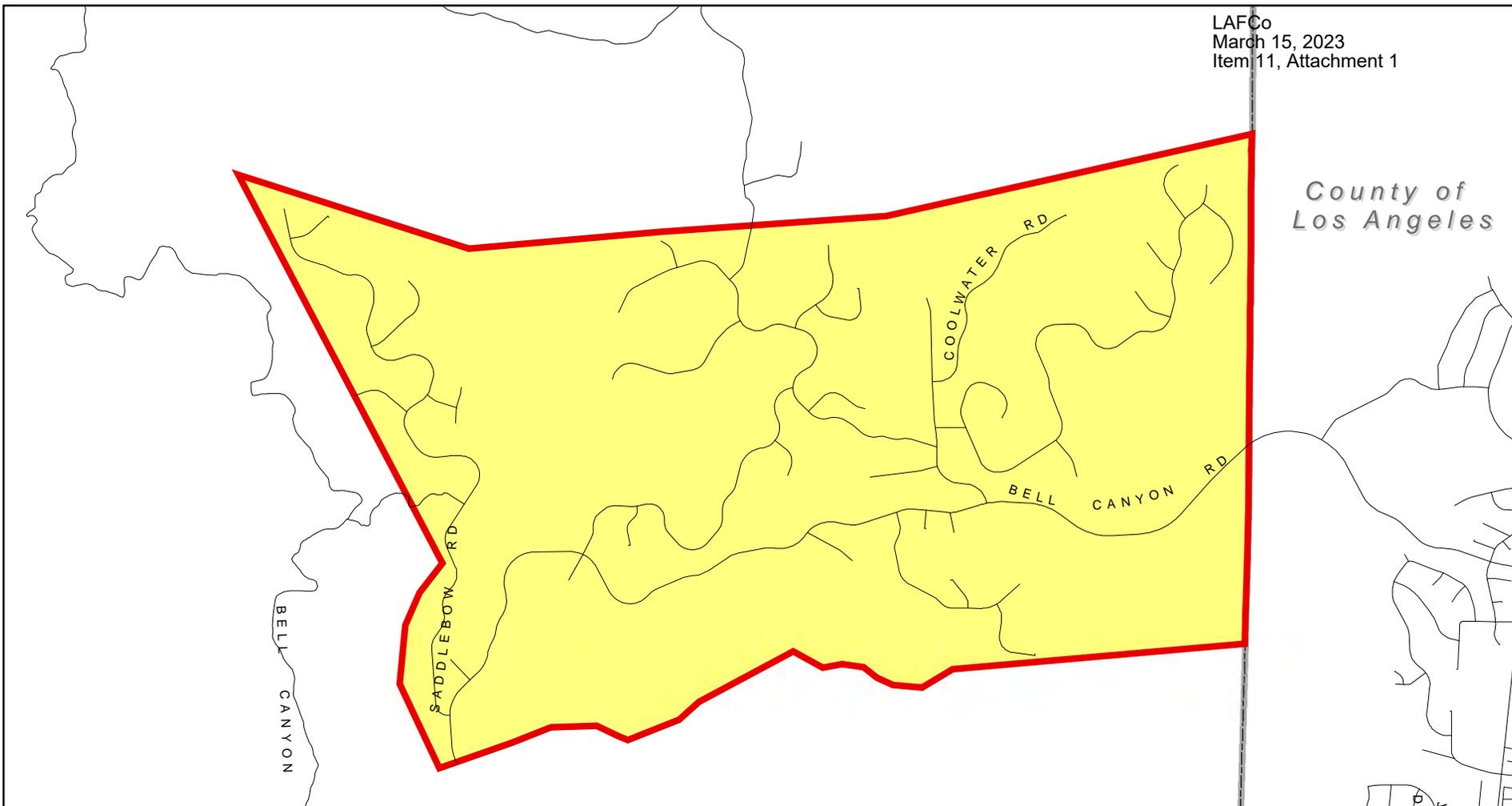
This matter has been noticed as a public hearing pursuant to Government Code Section 56427. Additionally, all affected agencies have been notified of the public hearing.

Attachments:

1. Existing Sphere of Influence Map for the BCCSD
2. LAFCo 22-09S Resolution
3. Letter from Pam Lee, dated February 14, 2023
4. Letter from Pam Lee, dated February 25, 2022

LAFCo makes every effort to offer legible map files with the online and printed versions of our reports; however, occasionally the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCo office by request.

County of
Los Angeles



Legend

-  Sphere of Influence Boundary - 1676.93 acres
-  District Boundary - 1676.93 acres

Bell Canyon Community Services District

Current as of March 18, 2015

Prepared by County of Ventura - IT Services Department - GIS Services
State Plane Coordinate System California Zone V - NAD 27

This map was compiled from records and computations



LAFCO 20-09S

**RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND REVIEWING THE
SPHERE OF INFLUENCE FOR BELL CANYON COMMUNITY
SERVICES DISTRICT**

WHEREAS, Government Code § 56425 et seq. requires the Local Agency Formation Commission (LAFCo or Commission) to develop and determine the sphere of influence of each local governmental agency within the County; and

WHEREAS, Government Code § 56425(g) requires that on or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update the sphere of influence of each city and special district; and

WHEREAS, the Commission reviewed the sphere of influence for the Bell Canyon Community Services District (BCCSD or District) in 2005, 2010, and 2015;

WHEREAS, the Commission desires to review the sphere of influence for the District; and

WHEREAS, no change in regulation, land use, or development will occur as a result of reviewing the sphere of influence for the District; and

WHEREAS, at the times and in the manner required by law, the LAFCo Executive Officer gave notice of the consideration of this item by the Commission; and

WHEREAS, the sphere of influence review item was duly considered at a public hearing on March 15, 2023, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed, and considered all oral and written testimony for and against the sphere of influence review including, but not limited to, the LAFCo Staff Report dated March 15, 2023, and recommendations; and

WHEREAS, the Commission accepted the Municipal Service Review report for the District dated March 16, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Commission as follows:

- (1) The LAFCo Staff Report dated March 15, 2023, and recommended review of the sphere of influence for the District are adopted; and
- (2) The subject sphere of influence review is assigned the following distinctive short form designation:
LAFCO 20-09S BELL CANYON COMMUNITY SERVICES DISTRICT SPHERE OF INFLUENCE REVIEW; and
- (3) An update (modification) to the sphere of influence for the District is not necessary; and
- (4) The sphere of influence review for the District is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines, and LAFCo staff is directed to file a Notice of Exemption as the lead agency pursuant to § 15062 of the CEQA Guidelines; and
- (5) The Commission has considered the criteria set forth in Government Code § 56425(e) and determines as follows:

a. *The present and planned land uses in the area, including agricultural and open-space lands. (§ 56425(e)(1))*

There are approximately 672 single family residential homes and the population is estimated to be approximately 2,109 within the BCCSD. According to the 2022 MSR accepted by Ventura LAFCo, there are a total of 795 residential parcels; therefore, 123 have not been developed. The projected population for the community at buildout is approximately 2,500.

b. *The present and probable need for public facilities and services in the area. (§ 56425(e)(2))*

The BCCSD provides solid waste and recreation program services. It is seeking to execute a contract with the CHP under which the CHP would provide traffic enforcement. In addition, the BCCSD is developing ordinances to begin providing security and graffiti abatement services.

c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. (§ 56425(e)(3))*

The BCCSD is authorized to provide the following services:

- Rubbish, recycling and greenwaste removal
- Enhanced traffic patrol under the provisions of a contract with the California Highway Patrol
- Emergency medical (advanced life support) services under the provisions of a contract with the City of Los Angeles Fire Department
- Organize, promote, conduct and advertise community recreation programs
- Security services, including but not limited to burglar and fire alarm services to protect lives and property
- Graffiti abatement

The BCCSD currently provides solid waste and recreational program services. It has not provided traffic patrol under a contract with the CHP since 2013. It does not provide emergency medical services under a contract with the LAFD, nor has it provided security services or graffiti abatement services since LAFCo authorized the provision of those services in 2007. However, the BCCSD is seeking to enter a new contract with the CHP to provide traffic patrol services and has taken necessary steps to begin providing security and graffiti abatement services.

The BCCSD has made substantial progress in resolving the matters identified in the MSR. It will no longer exercise or expend funds on unauthorized services/functions, rely on the HOA or its staff to provide services, or provide grants or reimbursements to the HOA.

d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency. (§ 56425(e)(4))*

A disadvantaged unincorporated community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income (Government Code § 56033.5). No

disadvantaged unincorporated communities are located within or contiguous to the District's sphere of influence.

- e. ***For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection. . . the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence. (§ 56425(e)(5))***

The review of the District's sphere of influence is not considered an update (i.e., a modification) to the sphere. Additionally, no disadvantaged unincorporated communities are located within the District's sphere of influence.

- (6) The sphere of influence for the District is hereby reviewed and is generally depicted in Exhibit A, "Bell Canyon Community Services District," attached hereto; and
- (7) LAFCo staff is directed to have the official Geographic Information System (GIS) sphere of influence data maintained for the Ventura LAFCo by the Ventura County Information Technology Services Department as the official sphere of influence record for the District updated consistent with this action.

This resolution was adopted on March 15, 2023.

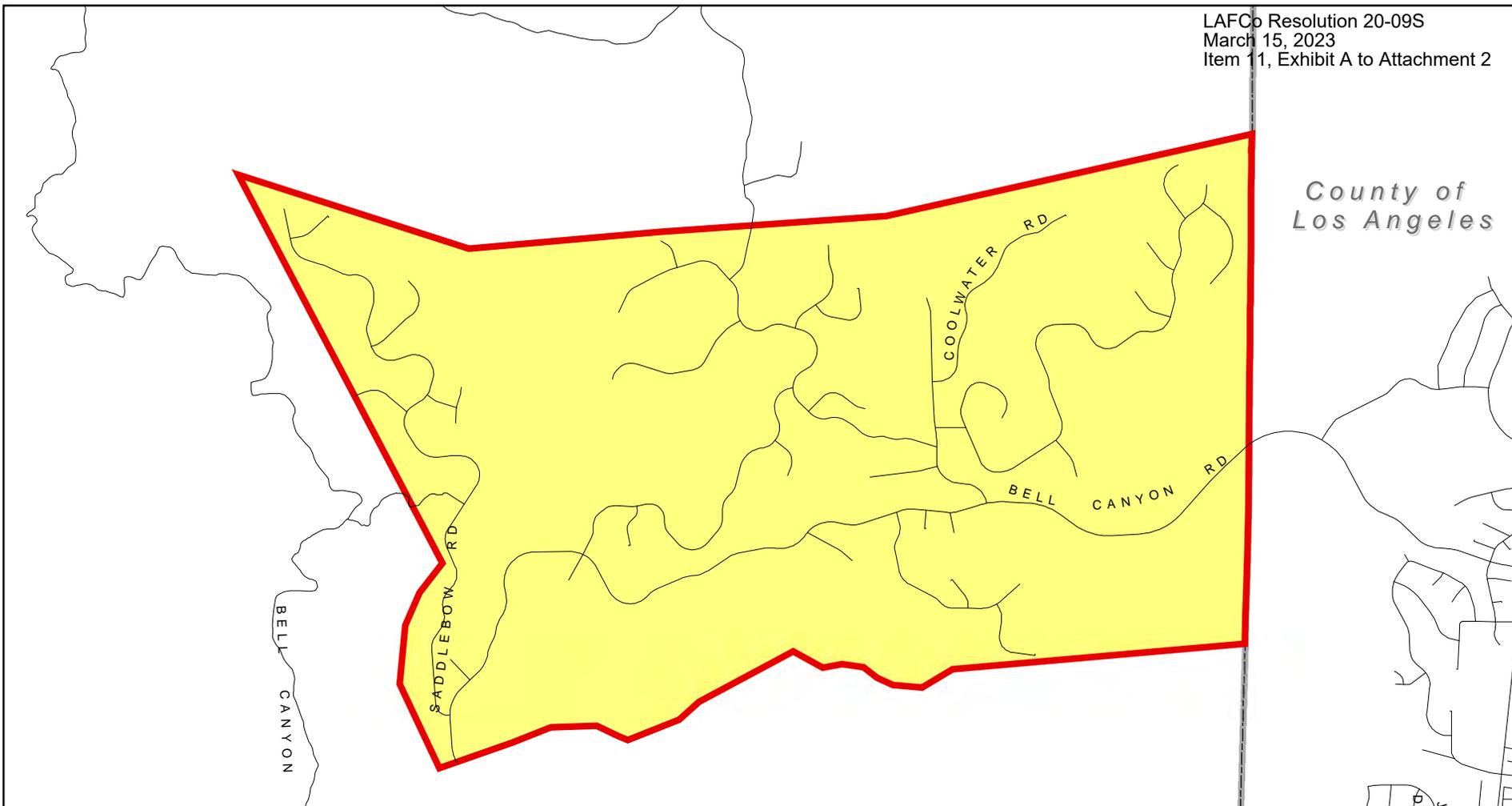
	AYE	NO	ABSTAIN	ABSENT
Commissioner Avila	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Crosswhite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Gorell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Rooney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Hasan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner LaVere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Ross	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Santangelo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3-15-23 
Date Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: Bell Canyon Community Services District
Ventura County Information Technology Services Department

County of
Los Angeles



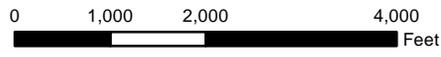
Legend

-  Sphere of Influence Boundary - 1676.93 acres
-  District Boundary - 1676.93 acres

Bell Canyon Community Services District

Current as of March 18, 2015

Prepared by County of Ventura - IT Services Department - GIS Services
State Plane Coordinate System California Zone V - NAD 27
This map was compiled from records and computations





February 14, 2023

VIA E-MAIL

Honorable Chair and Commissioners
Ventura LAFCo
801 S. Victoria Avenue, Ste. 301
Ventura, CA 93003

Kai Luoma, Executive Officer
Ventura LAFCo
801 S. Victoria Avenue, Ste. 301
Ventura, CA 93003

Re: Bell Canyon CSD Sphere of Influence (LAFCo 20-09S)

Dear Honorable Chair, Commissioners, and Mr. Luoma:

This letter serves to provide an update on the status of the Bell Canyon Community Services District (“District”) on its proposed actions and implementation plan as it relates to the District’s Municipal Services Review (“MSR”) that was approved on March 16, 2022 and the upcoming Sphere of Influence (“SOI”) review and update on March 15, 2023.

As you may recall, on March 16, 2022, LAFCo adopted the District’s MSR and continued the SOI review and update for one year to March 15, 2023 to allow the District to take action to address issues raised in the MSR and to implement an action plan that serves to bring the District into legal compliance and ensure proper and effective operations in its provision of services to the community. That action plan was outlined in the District’s letter dated February 25, 2022 to the Commission

Earlier this month on February 1, 2023, the District Board President Michael Robkin and Vice President Peter Machuga met with LAFCo Executive Officer Kai Luoma and LAFCo Legal Counsel Jeff Barnes to discuss the status of the District’s implementation and action plan. The District provided an update to its implementation checklist (See Attachment 1) and indicated it would provide a full update via letter with the relevant documents. To that end the District has taken the following actions as proposed in its February 25, 2022 letter.

A. The District’s Relationship with the Bell Canyon HOA and District "Grants" to the HOA

1. District expenditures on Recreational Events and Front Gate Security Improvements

February 25, 2022 Proposed Actions: “The District has agreed that, going forward, it will not utilize HOA staff or services to provide services or put on events and activities, and will not make any future reimbursements to the HOA for

contribution toward improvements owned and operated by the HOA, such as the front gate reimbursement for enhanced security improvements. This should eliminate any further concern with “grants” being provided by the District to the HOA. To the extent any staff is necessary for the District to provide services or put on events or activities, the District will use either its own staff or a specialized outside provider in compliance with all of its legal requirements and statutory obligations. Furthermore, the District is looking to enhance its staffing to provide it the ability to independently perform certain day-to-day tasks and operations in furtherance of its authorized services under the sole direction and control of the District General Manager and District Board of Directors.”

Action and Implementation to Date: The District has stopped utilizing HOA staff and services to put on events, and has not provided funding for the HOA for said purposes. Thus, there are no “grants” or other expenditures to the HOA.

In an effort to improve the overall tracking and management of District fund expenditures, the District has implemented various financial policies related to reimbursement, credit card use, purchasing, financial reports and auditing, and fund balances. Some of the policies are contained in the District’s newly adopted Policy Manual, while others are stand-alone policies. (See Attachment 2 [Policy Manual and Electronic Communications Policy], Attachment 3 [Reimbursement Policy], Attachment 4 [Purchasing Policy].) With respect to recreational events and programming, the District has adopted an Event Planning and Operation Policy to provide oversight on the event-planning process and ensure proper safeguards on the use of District services and District expenditures. (See Attachment 5 [Event Planning and Operation Policy].)

In addition, the District has created two new part-time employment positions for the administration of day-to-day activities and recreation event-planning: (i) Management Analyst, and (ii) Recreation Events Coordinator. These part-time positions were adopted by resolutions by the District Board and function under the supervision of the General Manager. Included in the resolutions are their job descriptions as well as their salary ranges. (See Attachment 6 [Resolutions creating Management Analyst and Recreation Event Coordinator positions].)

2. Fund Expenditures for Parks, Trails and Restrooms

February 25, 2022 Proposed Actions: “... the District will apply to LAFCo for activation of its latent power under Government Code Section 61100(e) before proceeding with any park or trail improvements contemplated by the District. Until such application for the latent power is approved by LAFCo, the District will not provide any further funding of recreational facilities or trail improvements beyond its existing authorized power for hosting recreational events.”

Action and Implementation to Date: The District has not budgeted any funds for the 2022-2023 year for parks, trails, or other recreational facilities maintenance or operations. (See Attachment 7

[2022-2023 Budget].) Furthermore, to date, the District has not expended any funds for such purposes. (See Attachment 8 [Treasurer’s Report].)

B. The Brown Act

February 25, 2022 Proposed Actions: “The District is committed to complying with the Brown Act and making its actions and public records open and transparent to all members of the public. The District has already made and will continue to make its Board meetings accessible for all members of the public, not just Bell Canyon residents, to attend in-person as well as via teleconference. All notices and agendas will continue to be posted on the District’s website and physically at its office, as well as beyond the community gate at the newly installed public bulletin board near the County line. The District will also add signage to the new posting location outside the gated community that alerts the public to the location of this new CSD community bulletin board. Each District agenda posted in the future will include notice of the availability and procedures for public access to any BCCSD meeting conducted inside the boundaries of the HOA gated community.”

Action and Implementation to Date: The District has made great strides in providing notices to the public and allowing public participation at Board meetings. Even before February 25, 2022 the District has welcomed members of the public to attend Board meetings and has not restricted access to residents only. (See Attachment 9 [Sample meeting agendas].) Furthermore, the District has been posting and continues to post its meeting agendas and notices on the District’s website and physical bulletin boards located within and outside of the community gates that are publicly accessible. The District holds all Board meetings in full compliance with the Brown Act, including teleconferencing and public comment requirements. In fact, the District has adopted Brown Act policies in relation to the conduct of public meetings. (See Attachment 2 [Policy Manual].)

C. Conflicts of Interest

February 25, 2022 Proposed Actions: “In order to provide further assurance against potential conflicts of interest in the future arising in connection with an individual District decision having a direct impact upon the HOA, the District will be taking the following actions: (i) adopting a Conflicts of Interest Code applicable to all District Board members intended to identify and provide for recusal from decisions where a conflict of interest might arise, (ii) adopting a policy requiring the recusal of District Board members who are also serving on the HOA Board of Directors from actions involving contracts with or payments to the HOA, and (iii) requesting that the HOA adopt a policy limiting the number of District Board members who may serve on the HOA Board at the same time to not more than two (2) individuals.”

“Furthermore, as the District has already stated in Section A.1 above, the District

will not delegate performance of any of its services to the HOA, and will eliminate any reimbursement to the HOA for capital improvements owned and controlled by the HOA. This will greatly reduce the potential for conflicts of interest for members serving concurrently on both the District Board and HOA board.”

“Moreover, to provide more transparency and accountability, the District is in the process of updating its by-laws and developing a set of rules and regulations for its Board and the District to follow that will enhance transparency and accountability. Such by-laws, rules, and regulations are being reviewed and finalized by the District’s legal counsel, and will be presented before the Board at a public meeting in the near future for review, comment, and approval.”

Action and Implementation to Date: The District reiterates that there is *no conflict of interest or incompatibility of offices* when a Boardmember of the HOA simultaneously serves as a member of the District Board, as confirmed by the Fair Political Practices Commission and the Ventura County District Attorney’s office. (See Attachment 10 [FPPC Opinion (1998)], Attachment 11 [Ventura County District Attorney’s Report (2013)].)

Nonetheless, in furthering transparency and improving public trust in its officers, the District has adopted a Conflicts of Interest Code that is compliant with the FPPC. Moreover, the District has adopted a resolution regarding the dual directorship of District Board members on the HOA and required recusals of those District Board members whenever an issue regarding contracts and goods and services with the HOA comes up for Board consideration. (See Attachment 12 [Resolution on Conflict of Interest Code and Resolution on Dual Directorship].)

Furthermore, as previously stated above, the District has minimized its interactions with and fund expenditures to the HOA.

D. Traffic Patrol and Decoy Vehicle

February 25, 2022 Proposed Actions: “Going forward, the District will not engage in traffic patrol services unless it either (i) activates its latent power with LAFCo to employ its own peace officers, pursuant to Penal Code Section 830 *et seq* or (ii) contracts for such service with the CHP or another qualifying public entity. Should the District decide at some point to again contract with the CHP or another qualifying public agency, the District will inform LAFCo prior to entering such contract.”

“...In addition, questions were raised with respect to the decoy vehicle’s decals and potential confusion surrounding the “State of California” wording on the door of the decoy vehicle. Please note that the vehicle does not use the State’s seal or any other emblem to represent that the vehicle belongs to the State. Nonetheless, to avoid any further confusion, the District has removed any reference to “State of California”

and any "seal" or "insignia" on the vehicle body. Given the issues that have arisen from the decoy vehicle, the District has further instructed the District's general manager to proceed with disposition of the patrol vehicle as the District does not have any further foreseeable use for the patrol vehicle at this time."

Action and Implementation to Date: With respect to the HOA, the District has already terminated any authorization for the HOA and its security personnel to operate the decoy vehicle at any time or for any purpose, and has terminated any further HOA access to the decoy vehicle. Any future traffic enforcement activities of the HOA will be kept entirely separate from any actions of the District with respect to its traffic patrol efforts. The District has also sold its patrol vehicle, and has removed decals from the remaining vehicle. (See Attachment 13 [decals removed from vehicle].)

E. Limitation of Delivery of Emergency-Related Services; No Stand-Alone Emergency Response Training

February 25, 2022 Proposed Actions: "The District acknowledges that Government Code Section 61100(n) only allows emergency medical services to be provided in accordance with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act under the Health and Safety Code. Accordingly, to the extent the District desires to perform emergency medical services itself, it will do so in accordance with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act under the Health and Safety Code, and will first seek approval from LAFCo to conduct such services. Otherwise, the District will continue to perform such services through LAFD/VCFPD. To the extent the District desires to provide CPR classes, it will do so through LAFD/VCFPD."

Action and Implementation to Date: The District has not and will not provide emergency medical services, and to the extent it will do so in the future, it will utilize services of LAFD/VCFPD. With respect to CPR classes, the District will contract with a CPR provider to provide classes as a recreational activity or program.

F. Security Services/Graffiti Abatement

February 25, 2022 Proposed Actions: "Since the District desires to preserve its ability to provide security and graffiti abatement services on its own, the District will adopt ordinances outlining the details under which such services will be provided to the residents of the Bell Canyon community, including the type and manner in which security services, including burglar and fire alarm services, and graffiti abatement will be provided. As previously stated, the District intends on employing its own staff to provide those services. Specific details on the ordinances and the services will be provided to LAFCo prior to adoption and

implementation of any action by the District on this item.”

Action and Implementation to Date: The District is in the process of adopting the security services ordinance and the graffiti abatement ordinances, and drafts from first reading are included herewith. (See Attachment 14 [Graffiti Abatement Ordinance], Attachment 15 [Security Services Ordinance].)

G. Park Property and Recreational Facilities

1. Park/Recreational Facilities

Proposed Actions: “Because it is the District’s desire to fund certain improvements to the Park and related facilities, the District will apply for the latent power under Government Code Section 61100(e) with LAFCo for the acquisition, construction, improvement, maintenance, or operation of recreational facilities, in the same manner as a recreation and park district under Recreation and Park District law.”

Action and Implementation to Date: The District still fully intends to file an application for the latent power for the improvement, maintenance or operation of recreational facilities, as authorized under the Government Code.

2. Triunfo Property

February 25, 2022 Proposed Actions: “Because the District’s needs to secure permanent access to the Park and related facilities as a part of its core purpose, the District will proceed with acquiring the Triunfo parcel as soon as possible. However, no improvement will be made to the access parcel of the Park until the District has secured authority to active its powers under Government Code Section 61100(e). Promptly following confirmation of the understandings set forth in this letter, the District will, with LAFCo support and guidance, move forward with an application for activation of its latent powers under Government Code Section 61100(e) with LAFCo for the acquisition, construction, improvement, maintenance, or operation of recreational facilities, in the same manner as a recreation and park district under Recreation and Park District law.”

Action and Implementation to Date: The District is in the process of executing a purchase and sale agreement with Triunfo for the acquisition of the property. Upon completion of the transaction, the District will not develop or utilize the property for recreational facilities until it applies for and receives the latent power for the improvement, maintenance or operation of recreational facilities, as authorized under the Government Code.

3. Multi-Use Parcel

February 25, 2022 Proposed Actions: “Because the District does not wish to

directly use and does not itself utilize the Multi-Use parcel for a bus stop or transportation services, the District will enter into a ground lease with the HOA for the latter's use of a portion of the Multi-Use parcel as a bus stop. The District has not provided funding for and will not provide any funding for the bus stop operation or maintenance, and that will be the sole responsibility of the HOA. The District will continue to use the remainder of the Multi-Use parcel for hosting community recreation programs and trash and recycling events, and no further approval from LAFCo is required with respect to such already authorized activities. If in the future the District intends to improve the Multi-Use parcel with any park or recreational facilities, it will seek activation of its powers under Government Code Section 61100(e) before undertaking such improvements.”

Action and Implementation to Date: The District is in the process of developing a lease agreement for the HOA to continue utilizing a portion of the Multi-Use Parcel for a bus stop. The is not currently expending any funds on the bus stop, and the District has also inquired with LAFCo regarding the application for transportation services, in the event the District desires to take over the maintenance or operation of the bus stop. However, the District is not involved with the maintenance or operation of the bus stop at this time.

H. Fire-Safe Council Grant

February 25, 2022 Proposed Action: “The District has agreed to not further pursue any grants of this nature in the future. As to the disbursement of the balance of the existing grant, LAFCo has informed the District that it is up to the District to determine how to deal with the existing grant. The District will deal directly with CalFire on disbursement of remaining grant funds, and, following close out of the existing grant, will cease any further activity with respect to this CalFire program.”

Action and Implementation to Date: The District received confirmation directly from CalFire regarding the remaining grant fund distribution, and has ceased any further activity with respect to grant applications from CalFire. The District has no intention of and will not apply for any grants on fire suppression or fire activities under said CalFire program.

I. Conclusion

Based on the foregoing, the District believes it has substantially complied with most, if not all, requirements of the MSR and taken actions necessary to be up to date in its legal compliance for the SOI review and update. Accordingly, the District believes that the Commission should vote to maintain the SOI of the District as it is currently operating. Please let me know if you have any questions. Again, we appreciate your time and efforts in reviewing this process and the progress of the District.

Honorable Chair and Commissioners of LAFCo
February 14, 2023
Page 8

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee

PKL:PKL

Copy: Michael Robkin, District Board President (via email)
Peter Machuga, District Board Vice President (via email)
Judith Lantz, District Board member (via email)
Richard Levy, District Board member (via email)
Eric Wolf, District Board member (via email)
Gregory McHugh, District Interim General Manager (via email)

ATTACHMENT 1



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

MSR IMPLEMENTATION CHECKLIST (DRAFT)

The following lists the proposed actions on the MSR/SOI, pursuant to the District's February 25, 2022 letter to LAFCo. Updates as of the February 1, 2023 meeting between LAFCo and the District representatives are noted in blue.

<u>Activity</u>	<u>Proposed Actions</u>	<u>Notes</u>
District Expenditures on Rec Events and Front Gate	District will not utilize HOA staff or services to provide services or put on events and activities	Completed/On-going
	District will not make future reimbursements to HOA for contribution toward improvements owned by HOA	Completed/On-going
	District will potentially enhance District staffing for day-to-day operations	Completed/On-going
	District created the position of Management Analyst (PT), with resolution, job description, and pay range District will be creating position of Recreation Event Coordinator (PT) with resolution, job description, and pay range. District will be updating the position of General Manager with resolution, job description, and contract	Reso 22-01 adopted 4-25-2022; Readopted 23-06 on 2-13-2023 District explained that the current Recreation Event Coordinator currently works full time for the HOA, and part-time for the district after 5PM. Mr. Luoma confirmed that was acceptable practice. Reso 23-07 adopted 2-13-2023
District Expenditures for Parks, Trails, and Restrooms	District will apply to LAFCo for latent power for recreation facilities	Application for latent powers for park and rec facilities requires a plan for services,

		<p>including initial and ongoing funding sources and maintenance requirements</p> <p>District in the process of engaging consultant. LAFCo side will take 2-3 months. Consultant side may take 4-6 months.</p>
	<p>District will not provide further funding of recreational facilities or trail improvements beyond existing authorized power for hosting recreational events</p> <p>Board meetings to be accessible to all members of public to attend in person or via teleconference</p> <p>District has included information on agendas welcoming public participation and informing public on how to enter community to attend in person or to attend via teleconference</p> <p>Notices and agendas will be posted outside of gates on bulletin board.</p> <p>District will purchase/acquire property surrounding bulletin board and seek permission to pave and construct parking spot at existing turn out to allow public to view board safely</p>	<p>Completed/On-going</p> <p>Completed/On-going</p> <p>Completed/On-going</p> <p>Mr. Luoma and Mr. Barnes confirmed that District would not need to apply for latent power for transportation, street maintenance, or lighting to acquire and improve property for parking spot</p> <p>District suggested to provide photo of bulletin board location and proposed parking spot for Feb 15 meeting presentation</p>
<p>Brown Act Compliance</p>		

	<p>District will also provide easily legible signage of bulletin board location</p>	<p>Completed.</p>
<p>Conflict of Interest</p>	<p>District will adopt Conflict of Interest Code</p> <p>District will adopt policy requiring recusals of board members who simultaneously serve on HOA board from actions involving contracts or expenditures to HOA</p>	<p>Completed. Reso. 22-04 adopted 7-25-2022</p> <p>Completed Reso. 23-04 adopted 1-31-2023</p> <p>Ms. Lee stated that District's non-use of HOA services for CSD events and activities, and non-comingling or provision of funds to HOA will minimize any potential conflict of interest. Mr. Luoma and Mr. Barnes confirmed that separating HOA and CSD finances, as described by Ms. Lee, should completely resolve the HOA election law and CSD/HOA dual directorship issue.</p>
	<p>District will request HOA to adopt a HOA policy limiting number of HOA board members who may serve on District Board</p>	<p>District is limited by election law regarding legal requirements and limitations on who can run for and be elected to District Board (and cannot prohibit HOA boardmembers from running or being elected to District Board).</p> <p>Discussion of Brown Act issue if 3 or more District members serve on HOA board, and how that issue was out of scope for LAFCo and the SOI. Ms. Lee stated that to the extent the purview and scope of HOA and District are different and subject matters do not overlap, there is no issue. If subject</p>

		<p>matters do overlap, it would pose Brown Act issues and would require noticing for . In any event, there are not 3 District members who serve on HOA board.</p>
Traffic Patrol	<p>District will not engage in traffic enforcement services unless it activates latent power to employ own peace officers OR it contracts for services with CHP or another qualifying public agency</p>	<p>Completed/On-going</p> <p>District has re-engaged discussions with CHP to resume traffic enforcement services and will be negotiating a contract.</p>
	<p>District has terminated authorization for HOA to provide security personnel to operate decoy vehicle. District has already removed decals re: "State of California"</p>	<p>Completed.</p> <p>Mr. Robkin will check to see if District's Tahoe vehicle contains any State of California decals, and if so, will remove them.</p>
Emergency-Related Services; CERT	<p>District will utilize LAFD/VCFPD for any emergency medical services, CERT training, CPR classes, etc.</p>	<p>On-going</p> <p>LAFCo to check if they can share their legal opinion justifying their position on CERT training, that CSD cannot apply for latent power for emergency-related services for CERT training provided by LAFD, VCFPD, or other fully fledged public agency emergency service provider.</p> <p>District reiterated that, due to its relatively remote location and entrance into the community, and long delays for emergency and first responders to arrive during an</p>

		<p>emergency (up to one week in cases of a large 100-year earthquake, for example), providing CERT training is of value because of the need to integrate with volunteer fire department and later with other emergency service providers during a major disaster. District does not agree with LAFCo position, but because HOA is handling CERT training without District involvement, the point is moot.</p> <p>LAFCo will confirm that District can offer CPR training as a recreational activity</p>
<p>Security Services, including burglar and fire alarm services</p>	<p>District will adopt ordinance authorizing the manner in which it provides security services, such as burglar and fire alarm services</p> <p>Two options for security at District events held on HOA-owned property:</p> <ul style="list-style-type: none"> (i) District rents HOA property (e.g. parking lot) and Districts provides security; OR (ii) HOA rents HOA property to District under a full-service use/license agreement to include providing security, but only to the extent that transaction is arms-length and HOA also offers this service to other parties that rent or utilize HOA-owned property 	<p>District to adopt ordinance in the next few meetings</p> <p>LAFCo confirmed District could install cameras in the park under security services power without violating park and rec facilities powers</p>
<p>Graffiti Abatement</p>	<p>District will adopt ordinance authorizing the manner in which it provides graffiti abatement</p>	<p>Completed</p> <p>Ord. 22-02 adopted 10-24-2022; will readopt Ord 23-02 on 2-27-2023</p>

Park and Recreational Facilities	District will apply for the latent power under Government Code Section 61100(e) with LAFCo for the acquisition, construction, improvement, maintenance, or operation of recreational facilities	
Triunfo Property	District will proceed with acquiring the Triunfo parcel as soon as possible. However, no improvement will be made to the access parcel of the Park until the District has secured authority to activate its powers under Government Code Section 61100(e).	On-going Purchase/Sale agreement for property being finalized and expects to open escrow in February 2023
Multi-use Parcel	<p>District will enter into a ground lease with the HOA for the latter's use of a portion of the Multi-Use parcel as a bus stop.</p> <p>District will not provide any funding for the bus stop operation or maintenance, and that will be the sole responsibility of the HOA</p> <p>District will continue to use the remainder of the Multi-Use parcel for hosting community recreation programs and trash and recycling events, and no further approval from LAFCo is required with respect to such already authorized activities.</p>	<p>Lease agreement being finalized with HOA</p> <p>Completed. LAFCo to provide more information on how District can apply to operate a bus stop under transportation power</p> <p>Completed/On-going</p>
Fire-Safe Council Grant	<p>District has agreed to not further pursue any grants of this nature in the future.</p> <p>LAFCo has informed the District that it is up to the District to determine how to deal with the existing grant. The District will deal directly with CalFire on disbursement of remaining grant funds, and, following close out of the</p>	Completed/On-going

	existing grant, will cease any further activity with respect to this CalFire program	

ATTACHMENT 2

RESOLUTION NO. 23-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ADOPTING A POLICY MANUAL REGARDING THE POLICIES AND PROCEDURES OF THE DISTRICT AND THE BOARD OF DIRECTORS

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, as a public agency, the District is required to comply with certain laws, including but not limited the Brown Act governing open meeting and transparency laws, the Public Records Act governing access to public records, the Political Reform Act governing conflicts of interest, ethics, and political campaigns, various employment laws, and other statutory requirements; and

WHEREAS, the Board of Directors now wishes to adopt a policy manual that establishes the policies and procedures governing the Board of Directors and the District with respect to the aforementioned laws and statutory requirements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Board of Directors hereby approves and adopts the attached Policy Manual in Exhibit "A", attached hereto, which establishes the policies and procedures with respect to the governance of the District and the Board of Directors.

SECTION 3. The Board of Directors hereby directs the General Manager to publish the Policy Manual on the District's website and authorizes the General Manager or their designee to create any forms or other administrative procedures necessary and proper to carry out the purposes the Policy Manual.

SECTION 4. If any provision in the Policy Manual, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of the Policy Manual, or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board of Directors hereby declares that it would have passed this Resolution, the Policy Manual, and each provision thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 5. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED on the 23rd day of January 2023, by the following vote:

AYES:
NOES:
ABSENT:

Michael Robkin, President

ATTEST:

Greg McHugh, Interim General Manager/Secretary

I, _____, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT “A”

[See following pages]



POLICY MANUAL

Table of Contents

1.	INTRODUCTION.....	4
1.1	Purpose of Board Policies	4
1.2	Adoption/Amendment of Policies	4
2.	EMPLOYMENT POLICIES.....	4
2.1	Equal Employment Opportunity	4
2.2	At-Will Employment.....	5
3.	ANTI-DISCRIMINATION AND ANTI-HARASSMENT	5
3.1	Harassment; Discrimination.....	5
3.2	Mandatory Training	6
3.3	Reporting and Investigating Complaints of Discrimination or Harassment.....	6
3.4	Additional Resources	6
3.5	Retaliation.....	7
3.6	Workplace Violence	7
3.7	Sexual Assault, Domestic Violence & Stalking	7
3.8	Abusive Conduct and Bullying.....	8
4.	CONFLICT OF INTEREST	8
5.	BUSINESS CONDUCT AND ETHICS	10
5.1	Conduct.....	10
5.2	Dishonest Acts.....	10
5.3	Conducting Non-District Business.....	10
6.	BOARD OF DIRECTORS AND OFFICERS.....	11
6.1	Board President & Vice President.....	11
6.2	Board Stipend.....	11
6.3	Ethics Training.....	12
6.4	Credit Card Use	12
7.	BOARD MEETINGS AND BROWN ACT PROCEDURES	12
7.1	Rules of Order for Board Meetings.....	12
7.1.1	General.....	12
7.1.2	Obtaining the Floor	12
7.1.3	Motions	13
7.1.4	Order of Business	13
7.1.5	Decorum.....	14
7.1.6	Parliamentary Procedures; Amendment of Rules of Order.....	14
7.2	Minutes of District Proceedings.....	14

7.3	Board of Directors Meeting Agenda	15
7.4	Special Meetings	15
7.5	Board Actions and Decisions.....	15
7.6	Tie Votes	16
7.7	Board Vacancy Policy	16
7.7.1	Vacancies.....	16
7.7.2	Appointments	16
7.8	Public Comments	16
7.8.1	Time Limitations.....	17
7.8.2	Speaker Cards and Procedures	17
7.8.3	Additional Procedures for Public Comment on Agenda Items	17
8.	DISTRICT ADVOCACY	18
9.	COMMITTEES	18
9.1	Committees of the Board of Directors.....	18
9.2	Committee Selection.....	19
10.	CONTRACTS.....	19
11.	FINANCIAL	19
11.1	District Purchases.....	19
11.2	Fund Balances/Fund Balance Policy.....	20
11.3	Reimbursements	20
11.4	Financial Reports and Auditing	20
12.	RECORDS RETENTION.....	21
13.	DISTRICT OBLIGATIONS.....	23
13.1	General Manager Responsibilities and Functions.....	23
13.2	Media Relations	23
13.3	Training, Education, and Conferences Policy.....	23
14.	PUBLIC RECORDS ACT	24
14.1	Methods to Assist the Public in Making Requests	24
14.2	Receiving a Request	24
14.3	Responding To A Request	25
14.4	Providing Responsive Documents.....	26

1. INTRODUCTION

1.1 Purpose of Board Policies

It is the intent of the Board of Directors of the Bell Canyon Community Services District (“District”) to maintain a policy manual. Contained herein is a comprehensive listing of the Board’s current policies, which are the rules and regulations enacted by the Board. The Policy Manual will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of the District business are to be conducted.

If any policy or portion of a policy contained within the Policy Manual is in conflict with rules, regulations, or legislation having authority over the District, said rules, regulations, or legislation shall prevail.

1.2 Adoption/Amendment of Policies

Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Boardmember or the Policy Committee. The proposed adoption or amendment shall be submitted with all necessary attachments as an agenda item of the next appropriate meeting of the Board of Directors. At that time, the Board of Directors may take action on the proposed policy or amendment, or they may vote to refer the proposal to the Policy Committee for consideration and recommendation.

Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Boardmember for review in a manner that complies with the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

2. EMPLOYMENT POLICIES

2.1 Equal Employment Opportunity

The District is an equal opportunity employer and makes decisions on the basis of merit. District policy prohibits unlawful discrimination based on race, color, creed, gender, gender expression or identity, religion, marital status, registered domestic partner status, age, national origin or ancestry, pregnancy, childbirth or related medical conditions, physical or mental disability, medical condition including genetic characteristics, sexual orientation, gender identity or expression or any other consideration made unlawful by Federal, State, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and prohibited.

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations and prohibits unlawful discrimination by or against any employee of the District, including Supervisors and co-workers.

The primary objectives of this Policy are as follows:

- Ensure the recruiting, hiring and training for all job classifications are done without regard to sex, gender, race, creed, color, religion, class, disability, national origin, age, political or union affiliation, marital status, medical condition or sexual orientation.
- Ensure that employment decisions further the principle of Equal Employment Opportunity.
- Ensure that promotion decisions further the principle of Equal Employment Opportunity and that those criteria which are not discriminatory for promotions be used.
- Ensure that other policies and procedures are administered without regard to a protected class.

2.2 At-Will Employment

All District personnel are employed on an at-will basis and may be terminated with or without cause and with or without notice at any time by the District. Except as otherwise provided by a written employment agreement or other applicable local, state, or federal law or order, nothing in this Policy Manual creates a property right in, or an expectation of, continued employment at the District.

3. ANTI-DISCRIMINATION AND ANTI-HARASSMENT

The District is committed to providing an environment free of unlawful harassment and discrimination. District policy prohibits all forms of harassment and unlawful discrimination in the workplace. This includes harassment or unlawful discrimination based in regard to sex, gender, gender identity or expression, race, creed, color, religion, class, disability, national origin, age, political or union affiliation, military/veteran's status, marital status, medical condition, sexual orientation, or any other characteristic protected by federal, state or local law ("protected status").

This policy applies to all Boardmembers, employees, vendors, and visitors. The District does not tolerate sexual or other unlawful harassment at the work place or in any work-related situation by anyone. The District also prohibits unlawful discrimination and harassment of non-employees by employees in connection with any administration, enforcement, business, service or professional relationship with the District . If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee will be disciplined, up to and including discharge. The District will also seek to protect employees from harassment by non-employees in the work place or in work-related situations.

3.1 Harassment; Discrimination

The District strictly prohibits unlawful discrimination or harassment in the workplace against any protected status of person as set forth above. Unlawful discrimination is any action or conduct by which an employee or Boardmember is treated differently or less favorably than others similarly situated to him or her for the sole reason that he or she is a member of a legally protected class.

Harassment includes all forms of offensive or unwelcome physical or verbal conduct that interferes with an employee's or Boardmember's work or creates an offensive or hostile working environment, based on a protected status. Such conduct constitutes harassment when (a) submission to such conduct is made a condition of employment, either expressly or implied, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or (c) such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is also unlawful to discriminate or harass based on the perception or association of a protected status.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- • Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- • Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- • Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- • Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors; and
- • Retaliation for reporting or threatening to report harassment.

3.2 Mandatory Training

All Boardmembers and employees who are hired by the District will be given a copy of this Policy Manual and will receive guidance from the District on its provisions and the District's commitment to provide a workplace free from harassment, discrimination, and retaliation. In addition, all supervisors and employees will be trained in accordance with the requirements of FEHA (Government Code § 12950.1) and implementing regulations.

3.3 Reporting and Investigating Complaints of Discrimination or Harassment

Any Boardmember or employee who believes he or she has been unlawfully discriminated against or harassed should bring the matter to the attention of the General Manager or General Legal Counsel immediately and provide a full and accurate report of the underlying facts either verbally or in writing. Upon notification of a harassment complaint, the District shall promptly and in good faith commence or conduct an investigation of the complaint and supervise and/or investigate the complaint. The investigation will generally include interviews with (1) the complainant; (2) the accused harasser; and (3) any person that is believed to have relevant knowledge concerning the complaint. This may include victims of similar conduct.

All such reports will be kept confidential to the greatest extent possible, but some disclosure will be necessary to conduct a proper investigation. In each case, the employee reporting the problem will receive a written reply from the District on the results of the investigation and whether appropriate action has been taken.

3.4 Additional Resources

FEHA (California Govt. Code Sections 12940 *et seq.*) prohibits unlawful discrimination or harassment based on a protected status. Boardmembers or employees may file complaints about harassment or other illegal employment discrimination with the California Fair Employment and Housing Commission (FEHC), or with the California Department of Fair Employment and Housing (DFEH). The DFEH is authorized to accept and investigate complaints of employment discrimination, and to mediate settlements. The FEHC has authority to issue accusations against employers, conduct formal hearings, and award reinstatement, back pay, damages, and other affirmative relief. Boardmembers or employees may also file complaints with the federal Equal Employment Opportunity Commission (EEOC). Additionally, the EEOC can be reached at (800) 669-4000 or on the Internet at www.eeoc.gov, and the DFEH can be reached at (800) 884-1684 or (916) 478-7200 or on the Internet at www.dfeh.ca.gov.

3.5 Retaliation

The District prohibits retaliation because of the person's truthful and good faith opposition to a practice they reasonably believe to constitute employment discrimination or harassment or because of their participation in a discrimination investigation, proceeding, or hearing. Any retaliatory action because of such opposition or participation will not be tolerated; and may also be unlawful. Opposition to perceived harassment or discrimination includes threatening to file a discrimination complaint with the EEOC, the DFEH, or court, or complaining about alleged employment discrimination or harassment to a manager, co-worker, or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. Opposition in a manner which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees is not protected. Participation includes filing, testifying, or assisting in any manner in an investigation, proceeding, hearing, or litigation under federal or state employment discrimination statutes or at other hearings regarding protected employee rights.

Anyone who believes they have been retaliated against in violation of this Policy may inform the General Manager or General Legal Counsel, and investigation of complaints shall be conducted as provided in this policy. FEHA prohibits retaliation against employees because they have filed a complaint with the DFEH, participated in an investigation, proceeding, or hearing with either agency, or opposed by practice made unlawful by the FEHA.

Malicious Complaint: While the District vigorously defends one's right to work in an environment free of harassment and/or discrimination, it also recognizes that false accusations of harassment/discrimination can have serious consequences. Accordingly, anyone who is found, through the District's investigation, to have knowingly falsely accused another person of harassment/discrimination will be subject to appropriate disciplinary action, up to and including termination, or other legal proceeding.

3.6 Workplace Violence

The District does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. No Boardmember or employee shall make any threat, either physical or verbal, against another Boardmember or employee or member of the public. No one, other than those required by their position, shall bring a weapon (exclusive of personal defense chemical spray) of any type to a District facility, outside or immediately adjacent to a District building or place in a District vehicle or equipment.

All Boardmembers or employees are required to report immediately any threats or incidents of violence. All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. The District is required to investigate, or to cause to be investigated, incidents of violence or threats of violence. In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. The District will not tolerate retaliation against any employee who reports workplace violence or participates in any investigation.

3.7 Sexual Assault, Domestic Violence & Stalking

The District shall comply with California Labor Code Sections 230 and 230.1 which prohibits discrimination or adverse employment action against an employee who is a victim of domestic violence, sexual assault, or stalking, for taking time off from work to address such domestic violence, sexual assault, or stalking, for seeking medical attention, counseling, participating in safety planning or obtaining services from a domestic violence shelter program or rape crisis center.

As a condition of taking time off for the purposes set forth under Labor Code Section 230 and 230.1, the employee is required to give their supervisor reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. In the event of an unscheduled absence due to domestic violence, sexual assault and/or stalking, the District will not take any action against the employee if the employee, within a reasonable time after the absence, provides [a] written certification to the employer.

3.8 Abusive Conduct and Bullying

It is the policy of the District to maintain a workplace free from any form of abusive conduct or bullying. The receiving of any complaints of alleged acts of abusive conduct or bullying will be taken seriously and will be promptly and objectively investigated, and offenders will be appropriately disciplined.

"Abusive conduct" is defined under Government Code Sections §12950.1(g)(2) as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employee's legitimate business interests. For example, abusive conduct may take the form of, but not limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious.

Another form of abusive conduct may also be referred to as bullying. In addition to the above definition, examples of workplace bullying may include, but not limited to the spreading of malicious rumors, or insulting someone by word or behavior, ridiculing or demeaning someone, picking on someone or setting them up to fail, exclusion or victimization, unfair or discriminatory treatment, overbearing supervision or other misuse of power or position, making threats or comments about job security without basis, slapping, pushing, shoving, punching, or otherwise physically attacking someone, or deliberately undermining a competent worker by unnecessarily overloading their work and constant criticism.

The District shall provide training against abusive conduct/bullying, as required by law.

4. CONFLICT OF INTEREST

The District maintains a commitment to conducting business according to the highest achievable ethical standards. State law (California Government Code § 53235, et seq.) requires public officials to complete two hours of training in ethics principles and laws every two years. In addition to Boardmembers, the District requires the training of its General Manager.

PURPOSE: The Political Reform Act (California Government Code §81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes.

STATEMENTS OF ECONOMIC INTEREST: District Board members and designated employees, contractors, and officers shall file statements of economic interest with the Bell Canyon Community Services District using the forms provided by the FPPC in accordance with the regulations referred to herein. Designated employees, contractors, and officers are those who make or participate in the making of decisions which may foreseeably have a material effect on economic interests. Upon receipt of the statements filed by persons holding designated positions as defined hereinafter, the Secretary,

acting as the Filing Official, shall forward a copy of each such statement to the Ventura County Clerk-Recorder, who shall be designated as the Filing Officer.

DESIGNATED POSITIONS: Persons occupying the following designated positions must file Statements of Economic Interests on forms provided by the FPPC for the specified disclosure categories listed after the position name, and make those disclosures consistent with California Code of Regulations §18730 et seq.:

Board Members (Categories 1, 2, 3, 5)

General Manager (Categories 1, 2, 3, 5)

General Counsel (Categories 1, 2, 3, 5)

Consultants (Category 2)

Each of the above positions must file a Statement of Economic Interests for each of the Categories of Disclosure set forth hereinafter. The Board may require different levels of disclosure for consultants and other persons employed by the District.

CATEGORIES OF DISCLOSURE: For listing the categories of disclosure, the following terms shall have the meanings set forth herein:

- “Business entity” means a commercial, for-profit entity.
- “Business position” means a position with a business entity. The threshold for reporting is an interest with fair market value of \$2,000 or more or such different amount as the FPPC regulations shall specify.
- “Business income” means income from a business entity in excess of \$500 annually other than income which is exempt from being reported pursuant to FPPC regulations.

Each of the above persons must file a Statement of Economic Interests for each of the categories of disclosure that the position has been designated to disclose. Categories of disclosure are listed hereinafter:

- Category 1: Interests in real property that are located within the boundaries of the District including any leasehold, beneficial or ownership interest or option to acquire such interest in real property. This does not include the filer’s primary residence.
- Category 2: Business positions or investments in or income from persons or business entities engaged in appraisal, acquisition or disposal of real property within the boundaries of the District.
- Category 3: Business positions or investments in business entities and income from any sources, if the business entities or sources of income provide services, supplies, materials, machinery or equipment to or for the use of the District.
- Category 4: Business positions or investments in business entities and income from any sources, if the business entities or sources of income are subject to the regulation or supervision of the District, including but not limited to, the issuance or granting of franchises or permits or land use control or regulation.
- Category 5: Business positions or investments in business entities and income from any sources, if:
 - a. The Business entities or sources of income have filed a claim or have a claim pending against the District.

- b. The designated employee's duties involve the handling or processing of such a claim.

ADDITIONAL POSITIONS: Additional positions may be designated by the Board of Directors by amending this policy when it has been determined that persons in these additional positions make or participate in the making of decisions which may foreseeably have a material effect on economic interests. The Board of Directors shall determine the required disclosure categories at the time of designation.

CONFLICTS OF INTEREST; GOVERNMENTAL DECISIONS: No Boardmember or person holding a designated position shall make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of their economic interests unless the public official can establish either 1) that the effect is indistinguishable from the effect on the public generally, or 2) a public official's participation is legally required.

DETERMINATION OF CONFLICT OF INTEREST; GOVERNMENTAL DECISIONS: For this Policy, a determination of whether a conflict of interest exists shall be made through an analysis of the facts and circumstances in accordance with the provisions of California Code of Regulations §18700-18709, together with any amendments hereinafter adopted.

CONFLICTS OF INTEREST; CONTRACTS: District directors, officers, and employees shall comply with California Government Code §1090 et seq.

EMPLOYEES AND CONSULTANTS: No employee or consultant of the District shall make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know that they have a disqualifying conflict of interest.

5. BUSINESS CONDUCT AND ETHICS

Public confidence is important to any organization. For a special district entity, public confidence is vital. To warrant continued public trust, public entities and their employees and officials must be above reproach, steadfastly adhering to the highest ethical standards and business practices. The District expects each employee and Boardmember to follow such standards and practices at all times.

5.1 Conduct

Each Boardmember and employee should adhere to high standards of professional and personal behavior on and off the job. Deficiencies in personal or business conduct can result in termination of employment, removal as a volunteer, or public censure.

5.2 Dishonest Acts

Committing a dishonest act, attempting to defraud the public, shoplifting, theft, etc. or a breach of trust is not permitted. Boardmembers and employees cannot use District funds for personal use. Discharge from employment or official removal for certain dishonest, fraudulent, and criminal acts is required by certain regulatory agencies and governing laws.

5.3 Conducting Non-District Business

Boardmembers and employees may not conduct personal business, non-District-related business (including business for the Bell Canyon Homeowner’s association that is not related to the District) or business for another employer during their scheduled working hours or with District equipment or materials.

6. BOARD OF DIRECTORS AND OFFICERS

Fundamentally, the powers of the Board of Directors are to be utilized for the good of the community and its residents; to provide for the health, safety, and general welfare of the citizenry.

The Board of Directors is the policy-making and law-making body of the District. State law and local ordinances define the powers and responsibilities of the Board.

It is important to note that the five members of the Board of Directors acts as one body. No member has any extraordinary powers beyond those of other members. While the President has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by a majority vote of the Board. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Board to a course of action. Boardmember should respect adopted Board policy.

6.1 Board President & Vice President

The President of the Board of Directors shall serve as the presiding officer at all Board meetings. They shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. During Board proceedings, the President facilitates discussion, gauges direction, and listens for majority support prior to calling for a vote on a motion. The President does not possess any power of veto. State law allows the President to move or second an action.

In the absence of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as the presiding officer of the meeting.

The President and Vice President shall be elected once each year at the regularly scheduled meeting in December.

Should either the office of the President or Vice President become vacant, the Board shall elect a successor at the next regular meeting or at a special meeting called for that purpose and such election shall be for the unexpired term of that office.

6.2 Board Stipend

Each member of the Board of Directors may receive compensation for each Board meeting attended, at an amount established by District resolution. Such compensation is subject to the maximum amount in Government Code Section 61047. The Board shall vote annually before June 1 of each year whether or not to accept any compensation authorized by resolution or the By-Laws.

6.3 Ethics Training

In satisfaction of Government Code sections 53232.2 and 53232.3 (AB 1234), the District has adopted a travel reimbursement policy and an ethics training policy.

6.4 Credit Card Use

The General Manager and each Boardmember may be issued a District credit card, upon request. Currently, the General Manager and the Boardmember authorized to sign checks is issued a District credit card for District official business use.

Use of the credit card is restricted only for official District business. Any expenses associated with travel and meetings must be in compliance with the Travel and Reimbursement and Ethics Training Policy. Any purchases of supplies or services must be in compliance with the procurement requirements and purchasing policies, as applicable. Use of credit cards for any personal or non-District-related business is strictly prohibited and in violation of State law (e.g., Gov. Code § 8314; Penal Code § 424, Political Reform Act, as applicable).

All purchases and use of the District credit card shall be accompanied by a receipt and description of the District-related purpose within one month of the credit card charge.

Use of a District credit card in violation of this policy may result in any or all of the following:

- Loss of card privileges;
- A demand for restitution to the District;
- For District employees, disciplinary action, up to and including termination, dependent upon severity and frequency; and
- For the misuse of public resources and/or fraud, civil or criminal actions or other legal proceeding.

7. BOARD MEETINGS AND BROWN ACT PROCEDURES

7.1 Rules of Order for Board Meetings

7.1.1 General

In accordance with this policy, action items shall be brought before and considered by the Board by motion. These rules of order are intended to be followed to ensure the effective discussion, debate, and decision making of all items before the Board.

If a Boardmember believes that the rules of order are not being maintained or procedures are not adequate, then the Boardmember should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Boardmember, then it may be appealed to the Board for consideration. A majority of the Board will govern and determine the point of order.

7.1.2 Obtaining the Floor

Any Boardmember desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

7.1.3 Motions

Any Boardmember, including the President, may make or second a motion. A Boardmember should not make a motion until the public in attendance has had an opportunity to comment on the agenda item being considered. A motion shall be introduced and considered as follows:

A Boardmember makes a motion; another Boardmember seconds the motion; and the President states the motion.

Once the motion has been stated by the President, it is open to discussion and debate. After the [motion] has been fully debated, and after the public in attendance has had an opportunity to comment [on the main motion], the President will call for the vote.

Any Boardmember may move to immediately bring the question being debated to a vote, suspending any further debate, as long as the public in attendance has had an opportunity to comment on the proposed action. The motion must be made, seconded, and approved by a majority vote of the Board.

Secondary Motions. Generally, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. In a few exceptions, a secondary motion concerning the main motion may be made and considered before voting on the main motion.

Motion to Amend – A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

Motion to Table – A main motion may be indefinitely tabled before it is voted on by a motion made to table, which is then seconded and approved by a majority vote of the Board.

Motion to Postpone – A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

Motion to Refer to Committee – A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

Motion to Close Debate and Vote Immediately – As provided above, any Boardmember may move to close debate and immediately vote on a main motion.

Motion to Adjourn – A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

7.1.4 Order of Business

The established order for conduct of the official business of the Board of Directors is as follows. The Board, at any time, by simple majority of those present, vote to consider items in a different order. This section summarizes each meeting component.

1. Call to Order / Roll Call
2. Public Comments and Suggestions – This time is provided for people to address the Board or submit written communications on matters *not* on the agenda. At the conclusion of *all* oral communications, the Board may respond to statements. Any request that requires Board action

will be set for a future agenda or referred to staff. Speakers addressing the Board may be limited to **three** minutes, with a maximum of **five** minutes, with total time allotted not to exceed 45 minutes unless the presiding officer extends. No resident shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Board, or offer suggestions for the betterment of District affairs.

3. New Business
4. Board of Directors and General Manager Communications/Committee Reports/Report on Meetings - All reports shall be specifically limited to items relating to District business. Boardmembers shall govern themselves as to the length of their comments, but shall, generally, not exceed 10 minutes.
5. Closed Session: Litigation and/or Personnel and /or Real Estate consideration
6. Adjournment

7.1.5 Decorum

The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making statements that are not germane to items under the subject jurisdiction of the District, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

The President may also declare a short recess during any meeting.

7.1.6 Parliamentary Procedures; Amendment of Rules of Order

Parliamentary procedures set the agreed-upon standard for conducting business. For general guidance, the Board of Directors will follow Roberts' Rules of Order and Rosenberg's Rules of Order, which are an abbreviated version of Roberts'. Certain processes are subject to state code and must be complied with. The Board will accept direction from the General Manager and General Legal Counsel on the code. When necessary to resolve issues that may arise over the process, the presiding officer will refer to the General Legal Counsel who will act as the parliamentarian. Upon such advice, the Board will vote and follow the decision of the majority. However, no ordinance, resolution, or any other action of the Board shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Board to observe any such rules.

By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

- temporarily suspend these rules in whole or in part;
- amend these rules in whole or part; or
- both.

7.2 Minutes of District Proceedings

The General Manager of the Board shall keep minutes of all regular and special meetings of the Board of Directors.

The minutes of the Board shall include:

- a. Date, place, and type of each meeting

- b. Directors present and absent by name
- c. Call to order
- d. Arrival of tardy Directors by name, or if absence takes place when any agenda items are acted upon
- e. Adjournment of the meeting
- f. Complete information as to each subject including the roll call record of the vote on a motion
- g. A record of all contracts entered into
- h. Adoption of the annual budget
- i. Financial reports
- j. Approval of all policies and Board-adopted regulations

The Secretary shall distribute draft copies of the minutes to members of the board at the same time that they distribute the Agenda for the next Regular Meeting.

All resolutions and ordinances adopted by the Board shall be numbered like so: (Fiscal Year)- (Consecutive numbering, beginning with 01) – E.g: 23-01

7.3 Board of Directors Meeting Agenda

The General Manager, in collaboration with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Boardmember may contact the General Manager and request that an item be placed on the agenda no later than 96 hours prior to the meeting time.

At least 72 hours prior to the time of all regular meetings, and 24 hours prior to the time of a special meeting, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the site of the meeting and on the District’s bulletin boards.

7.4 Special Meetings

The Presiding Officer or a majority of the Board may, when they deem it necessary, call a special meeting of the Legislative Body for the purpose of transacting the business designated in the call.

7.5 Board Actions and Decisions

The Board shall act only by ordinance, resolution, or motion.

Action can only be taken by the vote of the majority of the board of directors. A majority of the current number of directors holding office constitutes a quorum for the conduct of business. For example, if there are four seats filled and one vacant, three votes are required to take action and three directors constitute a quorum. Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.

Some actions of the Board require a 2/3-majority vote of the Board and are specified by Code, Statute, and/or District Policy.

7.6 Tie Votes

Tie Votes shall be lost motions unless an additional motion is made which obtains a majority vote to break the tie. When all Legislative Body members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. In such case the findings in support of the decision shall be those of the lower body. If a tie vote results at a time when less than all members of the Legislative Body are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Legislative Body, unless otherwise ordered by the Legislative Body.

7.7 Board Vacancy Policy

7.7.1 Vacancies

Vacancies shall be deemed to exist as provided in [Government Code § 1770](#).

Directors intending to vacate their seat should notify the General Manager with a formal written letter of resignation.

Once a vacancy exists, the District has a total of sixty (60) days in which to take action. If the Board fails to take action within sixty (60) days or if there is a lack of a quorum to take action, Government Code §1780 provides that the Ventura County Board of Supervisors may appoint a successor to fill the vacancy.

The General Manager shall publish the notice of vacancy within three (3) business days from the time they receive the written letter of resignation. The Board will then appoint a new director no sooner than fifteen (15) days after the vacancy has been published. The notice shall appear on the District's website, social media, and the local paper. It shall outline the appointment process, due date, and require a résumé detailing qualifications and experience from all candidates seeking appointment.

7.7.2 Appointments

All applications for the vacant Board position shall be included in the agenda packet for the regular meeting of the Board of Directors taking place at least fifteen (15) days after the posting, and all candidates shall be encouraged to attend. The Board may hear candidate statements and shall vote to select the new Boardmember.

A Boardmember appointed to fill a vacancy that occurs in the first half of a term of office and at least 130 days prior to the next general district election shall serve until the next scheduled election that takes place. The winner of the election then serves the remainder of the term.

A Boardmember appointed to fill a vacancy that occurs during the first half of a term of office but less than 130 days prior to the next general district election, or that occurs during the second half of a term of office, shall serve until the expiration of the vacated term of office.

The General Manager shall notify the Ventura County Elections Official within fifteen (15) days of the appointment.

7.8 Public Comments

At the beginning of any Board of Directors meeting the public shall be afforded the right to comment on any and all issues not on the agenda within the subject matter jurisdiction of the Board. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a "General Public Comment" heading. With regard to matters not on the agenda, the Board may ask questions of persons who raise new matters during the General Public Comment period or otherwise, and the Presiding Officer should handle such matters. However, all Board questions must be limited to facts-only informational inquiries, and the Board may not discuss the merits, express any opinions or ask questions that convey opinions or thought processes with respect to any non-agendized issue. The public shall also be afforded the right to comment on every item appearing on the agenda prior to the Board's consideration of that item.

7.8.1 Time Limitations

The Presiding Officer has the full prerogative to maintain meeting order and decorum, and so long as public speakers are provided reasonable and fair opportunities to speak, public speakers are to be given three to five minutes for public comment, however, at the prerogative of the Presiding Officer, time limits may be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.

7.8.2 Speaker Cards and Procedures

Any member of the public upon being recognized, must identify the subject or subjects (whether agendized or not) upon which they intend to speak, and state their name unless the speaker desires comments to be anonymous. Speakers shall not be required to give any other information as a condition of speaking. All remarks and questions shall be addressed to the Board and not to any individual Boardmember, the audience, staff member or other person.

At the close of the speaker's comments, or the close of the period for public comment members of the Board may ask staff to respond to the speaker's comments. Thereafter, members of the Board may refer the matter to staff for investigation and/or response; or request that the matter be placed on an agenda for a subsequent meeting for action by the Legislative Body.

7.8.3 Additional Procedures for Public Comment on Agenda Items

Members of the public shall have the opportunity to address the Board of Directors on each and every item listed on the agenda. Public comments on an agenda item may be heard either in combination with the General Public Comment period at the start of the meeting, or at the time the Board opens the item, or both, as determined by the Board and set forth in the agenda.

The purpose of the public comment period is to receive input from the public, not to create a debate between the members of the Board and the public. Members of the Board should generally refrain from debating members of the public during the period for public comment, but if members of the Board desire to clarify comments by members of the public, they may ask factual questions, and if necessary, should do so during the public comment period.

The Presiding Officer should clearly open and close the public comment period.

No signs of partiality, prejudice or disrespect should be evident on the part of individual Public Officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

The Presiding Officer shall be fair and equitable in allocating public hearing time to individual speakers. The Presiding Officer will determine and announce limits on speakers at the start of the public comment period. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing.

The Presiding Officer/Legislative Body should engage in active listening. The members of the Board of Directors should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

8. DISTRICT ADVOCACY

The Board of Directors may only take action to advocate for or against legislative, regulatory, or other government agency proposals if such proposals impact the lives of District constituents and directly relate to the authorized powers or services of the BCCSD. Members of the public may request that the Board of Directors take action to advocate for such proposals by requesting that an item be placed on the agenda of a Board of Directors meeting. Directors and District Staff may also request that items related to advocacy be placed on the agenda of a Board of Directors meeting.

9. COMMITTEES

9.1 Committees of the Board of Directors

The Board shall appoint standing and ad hoc committees as may be deemed necessary or advisable by the Board. The duties and membership of each committee shall be determined at the time of formation, subject to change by a majority vote of the Board. A standing committee shall exist in perpetuity to carry out its function, unless otherwise directed by the Board of Directors. An ad hoc committee shall be considered dissolved when its final report has been made, or upon the date certain specified upon creation.

The Board shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's first regular meeting in January.

At the first meeting of the committee, the members of the committee shall elect a Committee Chairperson. The Committee Chairperson, may choose, in their own discretion, to conduct the meeting in accordance with the Rules of Order for Board Meetings (as specified in this manual) or in any other way that complies with all applicable public meeting laws.

The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns. Said assignments may be made by the Committee Chairperson, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

9.2 Committee Selection

Committees may, at their prerogative, declare an interest in having public membership on their committee. This can be recommended to the Board of Directors, which may choose to appoint members of the public to the committee for a term length chosen by the Board. Upon this decision, (a) committee position(s) will be declared “open”.

Upon the declaration of “openings”, the Board shall solicit applications from the public and will determine a deadline for the receipt of these applications. Applications shall be received for at least three weeks.

Openings for District committees shall be posted on both Bulletin Boards, and if directed, on the District’s website, for at least two weeks. At any Board meetings during this period, openings will be announced on the agenda. Openings will be advertised through an official press release. Openings will also be advertised through any other means as directed by the Board of Directors. The application deadline and the length of term shall be included in all advertising.

Applications for District committees shall consist of a one page maximum letter from the applicant that details why they should be considered to be a member of the committee and, if directed by the Board of Directors, a completed FPPC Form 700 (financial conflict of interest statement). The application details shall be included in all advertising and posting.

Within four weeks of the application deadline, the Board of Directors shall appoint an applicant to fill the opening unless a majority of the Board votes to restart the process with a new deadline to obtain more applications, consistent with the policy described herein. Existing applicants will be considered automatically as part of the new process.

10. CONTRACTS

Upon a decision of the Board of Directors to solicit qualifications and proposals from interested parties, the Board of Directors shall appoint an ad hoc committee to be responsible for reviewing and recommending proposers to the Board of Directors for selection. The committee shall be made up of no more than two members of the Board of Directors, the General Manager, but may also include a member of the public.

Upon the close of the acceptance period of proposals, the General Manager will meet and review all proposals submitted. The committee will narrow down the proposals received, select finalists, conduct interviews with those finalists, and then refer the list of finalists along with its preferred choice to the Board of Directors.

The committee shall be responsible for preparing a written report to the Board of Directors detailing the qualifications, merit, and proposal of the recommended proposer. The Board of Directors will then be responsible for taking action to execute an agreement.

11. FINANCIAL

11.1 District Purchases

The General Manager will be in charge of purchases for the District. The General Manager may make purchases up to **\$1,500** at their discretion *to pay for expenses as consistent with the direction of the Board*; purchases for larger amounts must be approved by the Board of Directors.

11.2 Fund Balances/Fund Balance Policy

The District requires that sufficient funds be available to provide a stable financial base throughout the District's fiscal and budget cycles. The goal of the policy is to maintain adequate levels of fund balance (reserves) to mitigate any current or future financial risks the District may encounter. To retain a stable financial base, the District needs to maintain unrestricted fund balance sufficient to fund cash flows of the District and to provide reserves for funding capital projects, unanticipated program expenditures, revenue shortfalls of an emergency nature or other unforeseen events.

The District currently operates with a General Fund. The General Fund may have both Restricted and Unrestricted Fund Balance. Restricted fund balances are generally imposed by legal restrictions on the expenditure of the funds. Unrestricted Fund balance can include committed, assigned and unassigned fund balance. Committed and assigned fund balance indicate amounts set aside by the Board of Directors for a specific purpose. Committed and assigned fund balances shall be spent for the approved purpose but may be redirected by majority approval of the Board of Directors.

The Board of Directors is establishing the following designated fund balance accounts (reserves) to assist in the five-year start-up phase for the District.

11.3 Reimbursements

Whenever District employees or Directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) purchased to carry out the official business of the District, or "Training Education and Conferences Policy" related expenses, a request for reimbursement may be submitted to the General Manager.

Cash advances for these purposes is not permitted.

Those seeking reimbursement shall submit their requests on a reimbursement form approved by the General Manager. Stipulations of the reimbursement form will be:

- Submission within thirty days of the expense.
- An explanation of the District-related purpose for the expenditure(s); and,
- Receipts evidencing each expense shall be attached.

The General Manager will review and approve reimbursement requests. Reimbursement requests by the General Manager will be reviewed and approved by a designee of the Board.

11.4 Financial Reports and Auditing

The General Manager shall have a recognized auditing firm audit the district's book annually at the end of each fiscal year.

Annual audits shall be clearly posted on the District website within fourteen days of its completion and received by the General Manager.

12. RECORDS RETENTION

The purpose of this policy is to provide guidelines to staff regarding the retention or destruction of District records; provide for the identification, maintenance, safeguarding and destruction of records in the normal course of business; ensure prompt and accurate retrieval of records; and, ensure compliance with legal and regulatory requirements.

The General Manager, or his or her designee, is authorized by the Board to interpret and implement this policy, and to cause to be destroyed any or all such records, papers, and documents that meet the qualifications listed in this policy.

Pursuant to Government Code Section 60200, *et seq.* the following qualifications will govern the retention and destruction of District records.

1. The General Manager shall be the official custodian of all District records. No records shall be removed from the District, deleted, or destroyed without express authorization of the General Manager given in accordance with this policy, provided that the General Manager may delegate the authority under this Policy to another employee of the District.
2. District records shall be retained for the period of time indicated on the Record Retention Schedule (attached as Attachment 1). In some instances, circumstances may exist which justify the retention of a particular record for a longer period of time.
3. District records (whether originals or reproductions) may be destroyed at the end of their applicable retention period unless the General Manger, or his or her designee, determines there is a compelling reason to continue retention of the document.
4. Any duplicate record may be destroyed at any time so long as the original or a permanent electronic or other permanent record of which is maintained in accordance with this policy.
5. All original records to be destroyed must be listed. Requests for the destruction of original records must be approved by the General Manager and the General Counsel prior to destruction. A Request for Records Destruction/Certificate of Destruction and listing of documents to be destroyed, and copy of the appropriate page(s) from the records retention schedule shall be filed in the District.
6. The following records shall be retained permanently in their original form, unless the Record Retention Schedule expressly authorizes the records to be preserved in a permanent electronic format or other permanent method of preserving a copy:
 - a. Records that relate to the formation, change of organization, or reorganization of the District;
 - b. Ordinances and resolutions adopted by the Board;
 - c. Minutes of any meeting of the Board;
 - d. Records that relate to the title to real property in which the District has an interest;

- e. Records determined by the Board or the General Manager to be of significant and lasting historical, administrative, engineering, legal, fiscal, or research value; and
 - f. Records required by law to be permanently retained.
7. Regardless of the retention periods indicated on the Record Retention Schedule, the following records shall continue to be retained:
- a. Records that are the subject of any pending request made pursuant to the California Public Records Act, whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice that the request has been denied;
 - b. Records that relate to any pending construction that the District has not accepted or to which a stop notice claim legally may be presented;
 - c. Records that relate to any nondischarged debt of the District;
 - d. Records that relate to any pending claim or litigation or any settlement or other disposition of litigation within the past two years;
 - e. Records that relate to any nondischarged contracts to which the District is a party;
 - f. Records that have not fulfilled the administrative, fiscal, or legal purpose for which it was created or received;
8. All records authorized for destruction shall be destroyed and disposed of in a commercially reasonable manner.
9. The District may utilize alternative storage methods for those records which are not required to be maintained in their original form. Upon Board authorization, District records may be photographed, microphotographed, reproduced by electronic video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document. This preservation must comply with minimum standards or guidelines recommended by the American Standards Institute or the Association for Information on Image Management for recording of permanent records or non-permanent records.
- a. The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium shall be maintained in conveniently accessible files with provision being made by the District for preserving, examining, and using files.
 - b. The reproductions can be certified, and such certified reproductions shall be deemed to be original public records for all purposes pursuant to Government Code §60203. Certification of the record must comply with standards approved by the California Attorney General, including a statement of identity, description and disposition or location of the records reproduced and the date, reason, and authorization for such reproduction.

13. DISTRICT OBLIGATIONS

13.1 General Manager Responsibilities and Functions

The General Manager shall be responsible for all executive and administrative functions of the District and as consistent with the following provisions of Government Code 61051:

- a. The implementation of the policies established by the board of directors for the operation of the district.
- b. The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.
- c. The supervision of the district's facilities and services.
- d. The supervision of the district's finances.

13.2 Media Relations

The Board President, General Manager, or their designees, are the only persons authorized to provide comment to members of the media on behalf of the Bell Canyon Community Services District.

Board members may make their own personal position known about any matter, which is pertinent to the business of the District, including Board decisions, provided that they are not speaking on behalf of the District.

Board members, the General Manager, and District employees will refrain from making personal statements to the media without clearly prefacing such remarks that they are their personal views and not those of the District.

Official press statements of the District shall not include any adverse reflection on the Board of Directors, General Manager, Employees, or Board decisions.

All Board members shall be able to inspect and/or obtain a copy of any press release so filed.

Media statements and press releases must not include information for the purpose of personal promotion.

Press releases will be made available to the general public by publishing on the District's website and social media accounts on the day of release.

A media release should not quote Board members, the General Manager, or District employees without their prior knowledge.

13.3 Training, Education, and Conferences Policy

District staff and members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation.

Given Board approval, there is no limit as to the number of Directors attending a particular conference or seminar when it is determined that their attendance is beneficial to the District.

Attendance at training, education, and conference events that has been pre-approved for reimbursement is eligible for receipt of reimbursement for travel, meals, lodging, and event fees, as detailed in the Reimbursement Policy. Pre-approval for Board Directors or the General Manager is performed by the Board of Directors. Pre-approval for District staff, other than the General Manager, is performed by the General Manager.

Reimbursements for attendance for which pre-approval was not obtained can be approved only at the discretion of the Board of Directors and should only happen under extenuating circumstances.

The Board of Directors will consider payment for the cost of certification renewal for the certifications deemed pertinent and beneficial to the activities of the board and/or its employees, less any late fees or penalties due to individual negligence.

Education or training required by the District as a condition of continued employment in the employee's present position shall be reimbursable at one-hundred percent (100%) or paid directly by the District and shall take place on District time.

14. PUBLIC RECORDS ACT

The purposes of this Policy are: (1) to establish regulations for members of the public to follow when submitting a request to inspect and/or copy public records to the District pursuant to the California Public Records Act ("PRA"); (2) to provide guidance to staff regarding preparing responses to all PRA requests received; (3) to clearly set forth the District's policies and procedures for handling requests to inspect and/or copy public records; and (4) is designed to be in compliance with the PRA and all existing laws pertaining to disclosure of public records in order to facilitate the public's right of access as prescribed by law.

The General Manager, or their designee, is authorized by the Board to interpret and implement this Policy, and to develop any forms or other administrative procedures necessary and proper to carry out the purposes of this Policy.

Pursuant to Government Code Section 7920.000, et seq., the following qualifications will govern the District's response to a request for inspection or copying of records pursuant to the PRA.

If any provision of this Policy conflicts with current State or federal law, the law shall take precedence.

14.1 Methods to Assist the Public in Making Requests

The General Manager will create and maintain, or cause to be created and maintained, a District email address for the receipt of PRA requests via email.

The General Manager will create and maintain, or cause to be created and maintained, a form consistent with the requirements of the PRA, to assist in the making of PRA requests by the public, whether by email or other written means.

14.2 Receiving a Request

The General Manager fulfills the function of the Board Secretary and acts as the District's official Custodian of Records. As such, the General Manager is responsible for overseeing the administrative processing of PRA requests to ensure compliance with the response requirements of the PRA. All PRA

requests must be directed to the General Manager. If a member of the public attempts to submit a PRA request to anyone other than the General Manager, the requesting person must understand and accept that the District's response may be delayed. All PRA requests received by anyone other than the General Manager must be directed to the General Manager as soon as possible after receipt, and in any event, no later than 24 hours after receipt.

PRA requests may be submitted verbally or in writing. The requestor may access public records by inspecting public records at a location designated by the General Manager during normal business hours. The General Manager may promulgate reasonable procedures to control access consistent with any declared emergency. The requestor may also request copies of public records. The District shall not delay or obstruct the inspection or copying of public records. Copies of public records to be created by the District will incur a charge per the District's fee schedule, and any copying charges must be paid prior to release of the copies of the requested records. Electronic records will not incur any copying charges but may incur other charges depending on the types of electronic records requested, as provided in the PRA.

A PRA request should describe the requested records with enough focus, specificity, and clarity that the General Manager can identify and locate the records being sought. For example, the PRA request should include dates, names, locations, addresses, departments, forms, or reports sought. A requestor might not know how to clearly state his/her request. If a request is unclear or overly broad, the General Manager has a duty to make a reasonable effort to assist the requestor with clarifying or narrowing the PRA request. To the extent reasonable, the General Manager should also describe the physical location of the potentially responsive records and whether the records are stored electronically as well. The General Manager should also provide suggestions for overcoming any practical basis for denying access to the records.

When the General Manager receives a PRA request from a requestor, the General Manager shall attempt to ensure that the PRA request includes:

- The requestor's name and contact information for purposes of replying to the request;
- Whether the PRA request is for inspection of records or copying of records;
- If the requestor wants copies, the requestor should indicate whether he/she wants the responsive records in electronic format or as hard copies, understanding that hard copies will incur charges per the District's fee schedule;
- As detailed of a description of the records requested as practicable; and
- A date range for the requested records.

14.3 Responding To A Request

The District has 10 days to respond to a PRA request with the District's determination of what documents exist, and what documents are exempt from disclosure, if any. If a PRA request is received after business hours or on a weekend or holiday, then the next business day will be considered the date of receipt. If the tenth day falls on a weekend or holiday, then the next business day is considered the deadline for responding to the PRA request.

The PRA specifies four "unusual circumstances" under which the District may extend the 10-day response period by an additional 14 days:

- i. The District needs to search for and collect the requested records from field facilities or other establishments;
- ii. The District needs to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in the requestor's PRA request;
- iii. The District needs to consult with another agency that has a substantial interest in the request (such as a State agency), or among multiple departments with a substantial interest in the request; or
- iv. In the case of electronic records, the District needs to compile data, write programming language or a computer program, or construct a computer report to extract data.

If the District is having difficulty responding to a PRA request within the 10-day response period, and the circumstances do not justify a 14-day extension on the response period, the District may obtain an extension if the requester agrees. Contact the requestor to ask for an extension. If the requestor agrees, try to obtain the consent in writing.

14.4 Providing Responsive Documents

If a PRA request asks for the inspection of public records, then within the first 10 days of receiving the PRA request (or more days if an extension applies), the General Manager shall respond to the PRA request and notify the requestor whether responsive records exist and when those responsive records will be available for inspection. The General Manager's response shall also invite the requestor to contact the General Manager to set an appointment for inspecting the responsive records during the District's regular business hours. In the alternative, the General Manager may post the responsive records on the District's website and direct the requestor to that website for inspection. The District does not have to allow the inspection of public records to occur within a certain time period, but the District may not unreasonably delay or obstruct the requestor's opportunity to inspect the records.

Although the General Manager must respond to a PRA request within 10 days of receipt (or more days if an extension applies), the General Manager is not required under the PRA to provide the responsive public records along with that 10-day response (or post-extension response). When the General Manager provides the responsive records, the General Manager shall explain any redacted or withheld records and cite the applicable Government Code Sections. The District may charge a reasonable fee for the direct costs of duplication, or a statutory fee, if applicable. A "direct cost of duplication" generally does not include search and retrieval time, but does include maintenance costs and the salary of the staff person for time spent copying or scanning records. Fees may be waived, as applicable, at the discretion of the General Manager.

Category	Subcategory	Retention Period	Additional Requirements	Additional Notes
Administrative/General	Board meeting agendas and packets	2	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas.	
Administrative/General	Board meeting minutes	P	GC 60201	
Administrative/General	Board meeting recordings, audio/video	3 months	GC 34090.7	
Administrative/General	Bylaws	P	For districts that have Bylaws	May destroy 5 years after superseded (repealed).
Administrative/General	Claims	C+5	GC 25105.5	
Administrative/General	Conflict of Interest Code	S + 7	May be kept in permanent electronic format or other permanent method for preserving a copy after 2 years	
Administrative/General	Contract, services or goods provided to District (not including construction contracts)	T+4	GC 60201	
Administrative/General	Correspondence, general	2	Letters; emails; memos [note GC provides 2 years; AB 1184 would be 2 years for public agency e-mails]	
Administrative/General	Expense reimbursement	3		
Administrative/General	FPPC - Form 700	7	FPPC filings; May be kept in permanent electronic format or other permanent	
Administrative/General	FPPC - other forms	7	FPPC Regs. 18944; FPPC filings; May be kept in permanent electronic format or other permanent 18944.1; GC 82015 method for preserving a	
Administrative/General	Formation records	P	GC 60201	
Administrative/General	Grant application, successful	C+5		
Administrative/General	Grant funding records	C+5		
Administrative/General	Judgments; court orders; settlement agreements	P		
Administrative/General	Ordinances	P	GC 60201	May destroy 5 years after superseded (repealed, invalid, or unenforceable)
Administrative/General	Policies and procedures	S+3		
Administrative/General	Public Records Act requests	C+2		
Administrative/General	Resolutions	P		May destroy 5 years after superseded (repealed, invalid, or unenforceable)

Administrative/General	Rules and regulations	S+3	
Administrative/General	Software license agreement and documentation	C+3	
Administrative/General	Staff reports	2	
Board of Directors	Campaign disclosure, elected	7	GC 81009(c), (g) FPPC filings; May be kept in permanent electronic format or other permanent method for preserving a copy after 2 years
Board of Directors	Campaign disclosure, not elected	E+5	GC 81009(b), (g) FPPC filings; May be kept in permanent electronic format or other permanent method for preserving a copy after 2 years
Board of Directors	Election records	E+4	Candidate statements; nomination papers
Board of Directors	Ethics training certificates	7	GC 53235.2
Board of Directors	Expense reimbursement	3	
Board of Directors	FPPC - Form 700	7	GC 81009(e) FPPC filings; May be kept in permanent electronic format or other permanent method for preserving a copy after 2 years
Board of Directors	FPPC - other forms	7	FPPC Regs. 18944; FPPC filings; May be kept in permanent electronic format or other permanent 18944.1; GC 82015 method for preserving a copy after 2 years
Board of Directors	Oath of office	T+6	
Board of Directors	Travel records	7	
Construction/Purchasing	Bid packages (successful)	C+2	
Construction/Purchasing	Bids and proposals (unsuccessful)	C+2	
Construction/Purchasing	Bond, surety	T+3	
Construction/Purchasing	Construction records	C+10	GC 60201 All records related to construction projects, such as successful bids, contracts,
Construction/Purchasing	Contract, construction	P	

Construction/Purchasing	Correspondence, environmental review	C+3	
Construction/Purchasing	Developer agreements	P	
Construction/Purchasing	Environmental review	P	EIRs; negative declarations; notices of exemption; notices of
Construction/Purchasing	Planning documents	S+3	
Construction/Purchasing	Plans and specifications	P	District approved as-built records
Construction/Purchasing	Requests for proposals	C+2	
Finance - Accounting	Accounts payable	7	Invoices; check copies; supporting documents
Finance - Accounting	Accounts receivable	7	Invoices; check copies; supporting documents
Finance - Accounting	Asset records	D+7	
Finance - Accounting	Audit reports	P	
Finance - Accounting	Bank reconciliations	5	26 CFR 1.6001-1 Statements; summaries for receipts disbursements & reconciliation
Finance - Accounting	Bank statements	7	
Finance - Accounting	Billing records	4	Customer name, service address, meter reading, usage, payments, applications/cancellations
Finance - Accounting	Budget, adopted	P	Annual operating budget approved by legislative body
Finance - Accounting	Budget, operating	3	Operating budget and related updates
Finance - Accounting	Checks	4	CCP 337 Paid; cancelled; voided; payroll
Finance - Accounting	Correspondence, acctg., and collection	7	
Finance - Accounting	Deposit slips; receipts	4	CCP 337 Checks; coins; currency
Finance - Accounting	Expense reimbursement	3	
Finance - Accounting	Financial statements/reports	3	
Finance - Accounting	Invoices	7	
Finance - Accounting	Petty cash records	3	
Finance - Accounting	Purchase orders	3	

Finance - Accounting	Tax records and reports	C+4	29 USC 436; 26 CFR 31.6001.1-4
Finance - Accounting	Tax returns	C+5	CFR 31.6001.1; 29USC 436
Legal	Litigation; case files	T+5	GC 60201 All documentation pertaining to the claim
Legal	Legal memoranda and advice	4	CCP 340.6, 343
Personnel	Application for employment <i>(hired)</i>	T+3	LC 1198.5
Personnel	Application for employment (not hired)	2	GC 12946 Recruitment record, applications and interview documents for applicants not selected for hire; retention period from end of recruitment period plus 2 years
Personnel	Contract, employment	T+3	LC 1198.5
Personnel	Correspondence, personnel	T+3	LC 1198.5
Personnel	Disability claim	T+3	LC 1198.5
Personnel	Employee benefits records	T+6	29 USC 1027; 28 Benefit plans; health insurance programs; extension of benefits for separated employees; insurance policies (health, vision, dental, etc.) CCR 560; 29 CFR 1627.3(b)(2)
Personnel	Employee licenses/certifications, including certifications of	T+1	
Personnel	Employee manual	S+2	
Personnel	Expense reimbursement	3	
Personnel	Immigration records (I-9 forms)	3 or T+1	8 CFR 274a.2(b)(2)(i)(A)
Personnel	Paychecks	7	GC 60201
Personnel	Pension records	P	

Personnel	Personnel file	T+3	LC 1174, 1198.5, 1198.5	Applications; resumes; job descriptions; documents signed by employee; accident reports; injury claims; records of hiring, promotion, discipline & termination; May be kept in permanent electronic format or other permanent method for preserving a copy after end of employment
Personnel	Recruitment records (hired)	T+3	LC 1198.5	
Personnel	Recruitment records (not hired)	2	GC 12946	Recruitment record, applications and interview documents for applicants not selected for hire; retention period from end of recruitment period plus 2 years
Personnel	Salary and wage changes	T+3	LC 1198.5	
Personnel	Terms and Conditions of Employment	P		
Personnel	Time records	2	29 CFR § 516.6	Time cards, tickets and clock records
Personnel	Unemployment claims	T+3		Recommended to be permanent due to possible future negotiations
Personnel	Wages; rates; payroll; earnings; deductions; garnishments	3	GC 60201	May be kept in permanent electronic format or other permanent method for preserving a copy after end of employment
Personnel	Withholding certificates	T+3		
Personnel	Worker's compensation records	5	8 CCR 15400.2	Claim files; reports; working files; Claim files with awards for future benefits must not be destroyed, but may be kept in permanent electronic format or other permanent method for preserving a copy 2 years after the claim is closed or becomes inactive.
Property	Agreements for purchase or sale	P	GC 60201	5 years from the date of injury or from the date on which the last provision of compensation benefits occurred as defined in Labor Code Section 3207,
Property	Deeds	P	GC 60201	Documents related to title to real property in which the
Property	Easements and licenses	P	GC 60201	Documents related to title to real property in which the district has an interest
Property	Equipment repair records	3		
Property	Fixed assets	D+4		

Property	Lease, equipment	T+4	CCP 337
Property	Lease, real property	T+4	CCP 337.2
Property	Maintenance records, buildings and machinery	4	
Property	Mortgages	T+4	CCP 337
Property	Plans and specifications	P	
Property	Property tax and assessment records (paid to District)	P	
Property	Property taxes paid by District	10	
Property	Title reports	P	GC 60201
			Documents related to title to real property in which the district has an interest
Risk	Accident reports (settled)	4	
Risk Management	Insurance policy	P	

LEGEND	
C = Completion/Closed	S = Supersede
D = Disposal of underlying asset	T = Termination
P = Permanent	

CITATIONS			
OSHA - Occupational Safety & Health Act	OSHA - Occupational Safety & Health Act	OSHA - Occupational Safety & Health Act	OSHA - Occupational Safety & Health Act
CAC - Calif Administrative Code Development	CFR - Code of Federal Regulations	H&S - Health & Safety	UFC - Uniform Fire Code
CCP - Code of Civil Procedure	EC - Election Code	HUD - Housing and Urban Development	USC - United States Code
CCR - Code of Calif Regulations	FMLA - Family & Medical Leave Act 1993	LC - Labor Code	

RESOLUTION NO. 23-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING THE ELECTRONIC COMMUNICATION POLICY

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, the Board of Directors is committed to effective and efficient operation of its administration and to securing confidential or proprietary information; and

WHEREAS, the Board of Directors is committed to complying with the California Public Records Act; and

WHEREAS, the Board of Directors now wishes to establish an electronic communication policy to serve the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

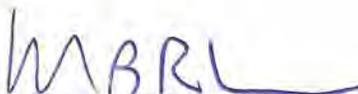
SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Board hereby adopts the Electronic Communications Policy attached hereto as "Exhibit A".

SECTION 3. This Resolution shall become effective upon the date of adoption as set forth herein.

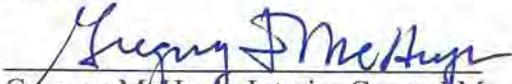
PASSED AND ADOPTED on the 13th day of February 2023, by the following vote:

AYES: Machuga, Levy, Wolf, Robkin
NOES: LANIZ
ABSENT:



Michael Robkin, President

ATTEST:



Gregory McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT "A"

[See following pages]

Electronic Communication Policy

PURPOSE

To establish a policy that defines the requirements the Bell Canyon Community Services District (the "District") will follow for managing and using Electronic Communication to meet the City's operational needs and ensure strict alignment and compliance with all applicable sunshine/transparency laws. This Policy sets the standard of respectful and professionally written Electronic Communication. Moreover, this Policy prohibits the use of personal email or other personal messaging accounts for District-related matters. The Policy recognizes that District Directors and Officers ("officials") may communicate through text messages on a personal device. These communications are permitted by this Policy so long as communications that constitute a record subject to disclosure are forwarded to a District-provided device or account. This Policy is intended to further the California Public Records Act requirement that its provisions be "broadly construed" because its statutory scheme "furthers the people's right of access." (Cal. Const., art. 1, § 3, subd. (b)(2).)

SCOPE

This Policy applies to officials and employees whether hired, elected, or appointed, volunteers and District contractors acting on behalf of the District and/or who have access to, use of, or are involved in the receipt, creation, maintenance or storage of the District's Electronic Communication (collectively referred to as "District officials"). Records may be required to be disclosed if they are: 1) writings that relate in a substantive way to District business; 2) prepared by the District (this includes District officials); 3) retained, owned, or used by the District (again, this includes District officials).

DEFINITIONS

The following definitions apply within this policy:

1. **Electronic Communication** – information created or received via an electronic transmittal system, including any attachments transmitted with the message, along with its descriptive transmission metadata.
2. **Electronic Transmittal System** – one or more computer networks, hardware, and software applications used to create, receive, and transmit information and documents electronically.

3. **Instant Messaging (IM)** – an electronic system that allows users to determine whether a certain party or parties are connected to the messaging system and allows them to exchange messages and files with those parties in real time.
4. **Thread** – an electronic conversation of at least one response on a similar subject; the conversation can be broken or continuous in nature.
5. **Social Media** – web-based collaborative applications used to connect individuals with common interests and share information.

Electronic communication, **including emails, email threads, text messaging, instant messaging, social media, blogs, and any other form of electronic communication** used to conduct *District business* are subject to this Policy.

POLICY

- Electronic Communication created or received related to District business must be conducted on/transferred to District accounts. Emails or text messages sent or received for the purpose of District business are District property and must be maintained on/transferred to District equipment and in compliance with this Policy. In the event that personal accounts are inadvertently used to conduct District business, the individual owner/operator of the personal account and/or device shall forward the communication to a District-provided device or account once such an account or device is available. Text messages on personal accounts and/or devices that constitute records subject to disclosure shall be retained as records and forwarded to a District device or account.
- Electronic communication created, stored, sent, or received using District electronic devices and communication services are the sole property of the District. The District reserves the right to retrieve, disclose, and make proper use of any and all such Electronic Communication. Therefore, District officials shall have no expectations of privacy for correspondence created through District electronic devices or District electronic transmittal systems that relates to District business.
- District officials may store confidential information or messages and shall take necessary precautions (e.g. using passwords to protect the devices/communication accounts) to ensure that District electronic devices and systems containing confidential information are accessed only by individuals with permission to view such confidential information. These requirements may

be expanded to comply with other applicable laws (i.e. Department of Justice regulations to ensure that sensitive information remains confidential).

- Electronic Communication determined to be relevant to a legal matter or financial audit may be subject to a legal hold. This hold will be conducted and put in place by the District General Manager until further instruction is received from the District Legal Counsel.
- Social media is used exclusively for the distribution of District information. Also, it is understood that social media is subject to public disclosure. Therefore, social media posts shall be professional and responsible with a direct nexus to the District's business.
- Prohibited Types of Electronic Communication include:
 - Messages that violate local, state or federal laws
 - Messages that violate individual rights or create a potential liability for the District
 - Messages that conflict with any District policy
 - Messages of a harassing or discriminatory nature on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, political affiliation, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law
 - Messages that use racial, religious or ethnic slurs
 - Messages intended to harass or annoy
 - Messages for campaigning or political purposes
 - Messages that contain threats to personal safety
 - Messages of a pornographic or obscene nature
 - Messages that constitute or promote spam, chain letters, or pyramid schemes
 - Messages that intentionally misrepresent one's identity for improper or illegal acts
 - Messages that use forged email header information

Public Records Requests

Pursuant to the California Supreme Court holding in *City of San Jose v. Superior Court of Santa Clara County*, text messages, emails, and other Electronic Communications that deal in some substantive manner to the conduct of the public business created on, stored on, and/or transmitted by personal accounts or personal electronic devices are subject to disclosure under the California Public Records Act. Due to this holding, District officials' communications about District business may be subject to disclosure under the California

Public Records Act no matter where those communications are maintained (i.e., personal devices or accounts). Records may be required to be disclosed if they are: 1) writings that relate in a substantive way to District business; 2) prepared by the District (this includes District officials); 3) retained, owned, or used by the District (again, this includes District officials).

Upon receipt of a Public Records Request that seeks communications from a District official related to District business, the District General Manager or their staff shall forward the request and the Affidavit included with this Policy to District officials subject to the Public Records Request. The Affidavit affirms that the District official has reviewed his/her personal accounts and/or devices and made a thorough search for, and provided, electronic records pertaining or relating to the conduct of the District's business. The District official shall provide to the District General Manager all responsive records and the executed Affidavit on a timely basis so that the District General Manager may comply with the timelines required under the Public Records Act.

The Public Records Act provides that all responders "shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." Gov't Code sec. 6255(a). The Public Records Act further states that "a response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing." Gov't Code sec. 6255(b). As such, if any District official asserts that records in his/her possession regarding District business are not to be disclosed under attorney-client privilege or other basis, that written statement must come from the District official directly in his/her Affidavit. Should any District official fail to produce all responsive records or fully and adequately complete the Affidavit, as described herein and required by the Public Records Act, the District retains the right to seek indemnification or reimbursement of any attorneys' fees or liability against such District official in any litigation by a requester to enforce the provisions of the Public Records Act.

As a guideline, the following examples of communications help shed light on what constitutes a public record. When a Public Records Request is received, each communication will be analyzed on a case-by-case basis:

Subject to Disclosure	
Content of Records	Why they would be disclosed
A District employee's emails to their supervisor on their private email accounts reporting a co-worker's misappropriation of District funds	Emails likely relate in a substantive way to the District's finances, are prepared by a District employee and the alleged

	act is potentially a violation California law.
A District Director's emails to another Director on their private accounts about citizens' concerns of increased graffiti within the District and suggestions on ways to reduce graffiti	Emails likely relate in a substantive way to the maintenance of District property and may be prepared by a District official.
A subcontractor's emails to the District Accountant on Accountant private email account regarding the state of the District bulletin board	Emails likely relate in a substantive way to the District property and presumably will be used or retained by the District
A Director texts or emails a Ventura County or California State official with a question about how to achieve compliance with California Law.	Electronic messages relate in a substantive way to the BCCCSO business and presumably will be maintained by the Director until used or retained by the District
A developer's emails to a Director on the Director's private email account regarding response to a previous Information Request to the District	Emails likely relate in a substantive way to District operations and presumably will be retained by the District (and the response by the Director to the developer may be prepared by the District staff

Not Subject to Disclosure	
Content of Records	Why they would generally not be disclosed
A District employee's emails to their supervisor on their private email accounts regarding a co-worker's personal spending habits	Emails do not relate in a substantive way to the District
A Director's email to another Council Member on their private accounts about not being able to attend a CERT meeting	Emails do not relate in a substantive way to the District
A subcontractor's emails to a contractor of the District regarding the state of the City's park facilities	Emails are not prepared, owned, used, or retained by the District
A Director's text messages to another Director on their private devices discussing a District employee's personal life.	Text messages do not relate in a substantive way to the District

Bell Canyon Community Services District
Event Planning and Operation Policy
Approval Date: February 13, 2023
Revised Date:

POLICY REVIEW

This Policy may be amended or modified by the District General Manager, from time to time, as necessary, to account for changes in legal, regulatory or operational requirements.

ATTACHMENT 3

RESOLUTION NO. 23-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING THE REIMBURSEMENT POLICY

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, the Board of Directors is committed to openness and transparency regarding the use and expenditures of public funds; and

WHEREAS, the Board of Directors now wishes to establish a reimbursement policy to serve the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Board hereby adopts the Reimbursement Policy attached hereto as "Exhibit A".

SECTION 3. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED on the 13th day of February 2023, by the following vote:

AYES: Wolfe, Machuga, Levy, Robkin
NOES: LANTZ
ABSENT:

MBR
Michael Robkin, President

ATTEST:

Gregory McHugh
Gregory McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California DO HEREBY CERTIFY that the

foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT "A"

[See following pages]

REIMBURSEMENT POLICY

Purpose:

To explain District policy on expense reimbursement

Scope:

This Policy applies to all Directors, Staff and any person being sponsored by the District.

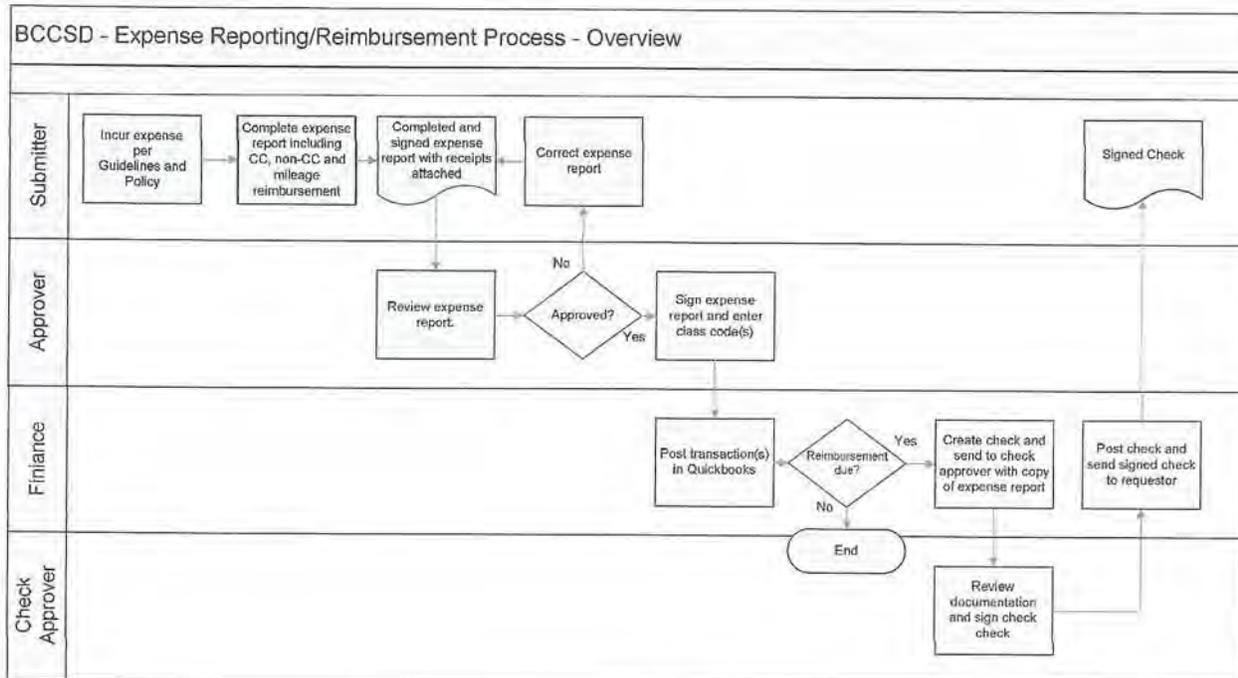
Policy:

Bell Canyon Community Services District recognizes the necessity for staff, Directors, certain activities led by committees to incur legitimate expenses.

The preferred method of procurement is via our purchasing policy. For major purchases, ongoing contracted services or professional services engagements the District requires obtaining a contract or quote including a description of what is being delivered along with pricing and payment terms. For purchases of \$25,000 competitive bidding is required by law. Proof of receipt or verification of service delivery by a District employee or Director is also required for payment. See District Purchasing Policy.

For smaller items including but not limited to office supplies, office equipment, vehicle expenses or event supplies and vendors, we have a reimbursement process. Such items are procured per an approved budget. For some items the General Manager may use the District credit card.

This process to be used for these items:



Process outline:

1. Incur expenses per guidelines and policy such as:
 - a. Expenses are incurred as part of an approved travel request, are within guidelines or an approved exception
 - b. Expenses incurred to support normal District operations – office expenses, District vehicle expenses, necessary furniture and office equipment for the District office, postage, communications, printing, etc.
 - c. Expenses incurred as part of an approved Event Plan
 - d. In all cases proper itemized receipts are obtained
 - e. In the case of a personal service contract a current W-9 is obtained along with a contract or statement of services and an invoice are obtained
 - f. In the case of a vendor a contract and W-9 as well as a statement of services and an invoice are obtained
 - g. Everything is submitted with a District expense report for reimbursement
 - h. Reimbursement will be net of any costs for which a District credit card is used or for which a check has been issued
2. A completed expense report is submitted with all needed documentation including itemized receipts attached to an expense report.
 - a. Only a single recreation event can be reported on a single expense report
 - b. Expenses charged to the District credit card and expenses not using the District credit card can go on the same expense report. Any reimbursement will be net of charges to the District credit card.
3. Submit the completed expense report and all attachments including receipts to the approver:

Submitter	Approver (for amounts greater than \$1500 see District Purchasing Policy)
Employee, Contractor, Vendor, Volunteer	General Manager
General Manager	Board President
Directors	General Manager

4. Approver reviews expense report. If OK, signs, assigns class code(s), and sends to Finance. If not OK, notes defects and returns to submitter for correction and resubmittal.
5. When Finance receives an approved expense report they post the transaction(s) to QuickBooks. If no reimbursement is due, the report is filed.

Bell Canyon Community Services District

Reimbursement Policy

Approval Date: February 13, 2023

Revised Date:

6. If a reimbursement is due, Finance will generate a check payable to the submitter for the reimbursement and forwards the check and expense report to the check approver.
7. Check approver will review the documentation and the check. If OK, they sign the check and return the package to Finance. If there are questions, the Approver will note the questions on the documentation and return the package to Finance. Finance will then obtain second check signature. Normally General Manager and one Officer sign all checks.
8. When finance receives an approved check package with two signatures they will post the check and send the signed check to the submitter. The documentation is filed. If a check package is returned unsigned they respond to the approvers notes.

ATTACHMENT 4

RESOLUTION NO. 23-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING THE PURCHASING POLICY

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, the Board of Directors is committed to openness and transparency regarding the use and expenditures of public funds; and

WHEREAS, the Board of Directors now wishes to establish a purchasing policy to serve the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Board hereby adopts the Purchasing Policy attached hereto as "Exhibit A".

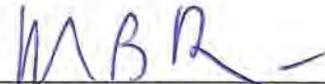
SECTION 3. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED on the 13th day of February 2023, by the following vote:

AYES: Lantz, Levy, Mechuga, Robkin, Wolf

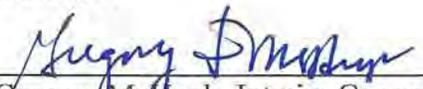
NOES:

ABSENT:



Michael Robkin, President

ATTEST:



Gregory McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California DO HEREBY CERTIFY that the

foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT "A"

[See following pages]

PURCHASING POLICY

The purchasing policy of the Bell Canyon Community Services District is a set of guidelines and procedures that outline a process to make best value purchasing decisions including the approval process, types of products and services that can be purchased, supplier selection criteria and cost management strategies.

The policy helps to ensure that purchases are made in a consistent, cost effective and transparent manner while considering factors such as quality, delivery, and other relevant factors.

Purpose:

The purpose of this purchasing policy is to establish a standardized process for making purchases, ensuring that all transactions are made in a responsible and cost-effective manner.

Scope:

This policy applies to all purchases made by the District, regardless of the size or nature of the transaction, except periodic payments for budgeted contracted ongoing services as these go through the contract review and approval process.

Policy:

Purchase Approval

All purchases must be approved by the General Manager and/or Board Officer, or majority vote of the Board based on the amount of the transaction. Approval must be secured before a vendor commitment is made. In many cases, budget approval constitutes approval to purchase, for example a specific event detailed line-item budget approved by the board specifically for that event (not the annual budget) does not require further approval to purchase items in the budget for that event.

Up to \$1500	General Manager
Over \$1500 to \$5000	2 signatures required, General Manager plus one officer
Over \$5000*	Majority vote of the Board

When procuring materials, supplies, equipment and services costing less than One Thousand Five Hundred Dollars (\$1,500.00), price competition is not required. However, every attempt should be made to secure the most reasonable price for the goods to be obtained.

Bell Canyon Community Services District
Purchasing Policy
Approval Date: February 13, 2023
Revised Date:

When procuring materials, supplies and equipment costing over One Thousand Five Dollars (\$1,500.00) the purchase shall be based, wherever possible, on at least three (3) bids/quotes. The bid/quote shall be awarded to the lowest responsible bidder.

The District may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf if better value can be obtained by the District by utilizing this method of purchase. As an alternative, the District may request the purchasing agent of a local government agency to make purchases of materials, equipment, or supplies not related to new construction on its behalf if this method of purchase reduces the cost of acquisition to the District.

The above does not include periodic payments for contract services that have already been negotiated and budgeted. For example, the Waste Management invoice is approximately \$40,000 per month. Other smaller approved ongoing costs are telephone, internet, insurance, etc. The General Manager is authorized to approve such invoices as the budget and contract (or service) would have already been approved by the Board. Such expenditures should be visibly included in a monthly financial report from the GM to the Board.

A credit card issued to the General Manager may be used for individual item purchases up to \$1500. The Credit Card Log must be completed before card is charged. An expense report must also be submitted for accounting purposes if there is a reimbursement due. The credit card log is submitted to the Bookkeeper along with original receipts weekly.

Supplier Selection

Suppliers must be evaluated based on quality, delivery, and price.

A list of Board approved "best value" vendors with a proven history of providing value as recommended by the General Manager will be used when possible. This will be developed over time.

For all "public projects" (as defined in Public Contract Code Section 22002), the District shall follow bidding procedures and requirements under the Public Contract Code. The lowest responsible bidder will be awarded the contract for the public project.

The Board of Directors hereby adopts the Uniform Public Construction Cost Accounting Act for the purpose of prescribing regulations governing purchases and contracts awarded by the District for "public projects" and "maintenance work," as defined in Public Contract Code Section 22002. In accordance with the Uniform Public Construction Cost Accounting Act, the District shall utilize the Act's procedures and definitions when contracting for "public projects" or "maintenance work."

Professional Services

The procurement of the professional services of any architect, landscape architect, engineer, artist, environmental consultant, land surveyor, construction project manager, accountant, appraiser, financial advisor, attorney, or other provider of professional services involving a high degree of technical or individual skill will be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement, or pursuant to issuance of a request for proposals or qualifications. Offerors must provide evidence that the person or firm carrying out contract responsibilities possesses the expertise and experience to perform the requisite professional services. The contract file must contain a written summary of the basis on which notice to potential offerors was given and on which the award was made.

Cost Management

The District will strive to negotiate the best possible prices for goods and services, taking into consideration the total cost of ownership for any capital items.

Record Keeping

A record of all purchases must be kept for auditing purposes including copies of all orders, invoices, proof of delivery or service(s) received (this can be an attestation on an invoice by the approver) and receipts per District Document Retention policy. This will be accomplished through payment and reimbursement processes.

Contract requirement

Ongoing service delivery (e.g. waste management) require contracts to be in place. This does not include public utilities such as telephone and basic internet access. Service vendors will be evaluated based on price and service terms to the District.

Review and Amendment

This policy will be reviewed yearly by the General Manager and suggested changes will be recommended to the Board.

ATTACHMENT 5

RESOLUTION NO. 23-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING THE EVENT PLANNING AND OPERATION POLICY

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, the Board of Directors is committed to openness and transparency regarding the use and expenditures of public funds; and

WHEREAS, the Board of Directors now wishes to establish an event planning and operation policy to serve the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Board hereby adopts the Event Planning and Operation Policy attached hereto as "Exhibit A".

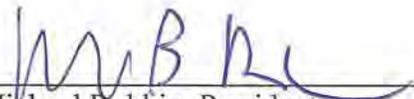
SECTION 3. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED on the 19th day of February 2023, by the following vote:

AYES: Wachugan, Levy, Wolf, Robkin

NOES:

ABSENT: Judy


Michael Robkin, President

ATTEST:


Gregory McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California DO HEREBY CERTIFY that the

foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT "A"

[See following pages]

EVENT PLANNING AND OPERATION POLICY

Purpose:

To explain District policy on event planning and operation.

Scope:

This Policy applies to all personnel involved in the planning and delivery of District sponsored events.

Policy:

For the purpose of event planning and operation, the Board shall establish a Recreation Advisory Committee (RAC). The Committee shall be made up of the following:

- 1-2 CSD Board members
- 2-3 members of the community (one member shall be a current member of the Bell Canyon Event Planning Committee)
- Recreation Events Coordinator
- The General Manager and/or Recreational Director

The RAC reports to the General Manager and will be responsible for the following in collaboration with the General Manager:

- Develop a draft expense budget prior to the end of the fiscal year (April – May) for the following year's event program. That budget shall be presented to the Board for review and approval. It shall include a list of suggested events and schedules as well as amounts for each event with major line items or line item categories identified. It will also indicate when detailed event planning for each event should begin. This budget shall be presented to the Board and the Board shall decide which events will be included, the amount to be budgeted for each event, and the total event program budget for the following fiscal year.
- During the fiscal year, work with the Bell Canyon Event Planning Committee (group of resident volunteers) to develop a specific plan for each event defining event content, logistics, and a detailed line item budget for each event prior to that event. This event plan is presented to the Board for review and approval prior to the expenditure of any funds. The approved plan will also be sent to Finance so they are aware of what to expect.
- Appoint an Event Chair to accomplish the delivery of each event. They may be from the community members of the RAC or from the Bell Canyon Event Planning Committee.

Bell Canyon Community Services District

Event Planning and Operation Policy

Approval Date: February 13, 2023

Revised Date:

- The Event Chair shall conduct a “debrief” session for each specific event within one month after the event has concluded. A copy of the debrief notes will be sent to the GM who will share with the Board.

The RAC shall meet monthly (or more often when the members deem it necessary) and as a Committee of the Board, shall keep meeting minutes. A Secretary shall be selected from the RAC members for this purpose.

The RAC and Bell Canyon Event Planning Committee shall follow District Purchasing and Expense reporting/reimbursement policies, and other District policies as may apply.

ATTACHMENT 6

RESOLUTION No. 23-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT RESTATING THE APPROVAL OF THE MANAGEMENT ANALYST CLASSIFICATION AND JOB DESCRIPTION

WHEREAS, the Board of Directors of the Bell Canyon Community Services District (“District”) desires to approve a new “Management Analyst” job classification and adopt a job description for the classification, subject to any requirements under applicable law.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Bell Canyon Community Services District does hereby resolve as follows:

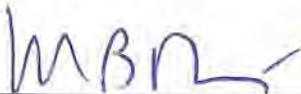
1. The unrepresented part-time classification of “Management Analyst” is hereby created. The classification will be included within the District’s Miscellaneous Employees Unit, which is unrepresented.
2. The initial *hourly* compensation for the *part-time* Management Analyst classification shall be as follows:

	Step 1	Step 2	Step 3	Step 4
Management Analyst	\$30.00	\$31.50	\$33.08	\$34.73
<i>merit step increases 5%</i>				

3. The job description for the Management Analyst classification, attached hereto as Exhibit A, is hereby adopted.
4. This resolution shall be effective as of the date of its adoption, subject to any applicable requirements under the law.

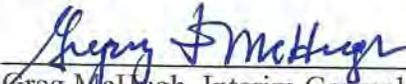
PASSED AND ADOPTED on the 13th day of February 2023, by the following vote:

AYES: *Machuga, Robkin, Wolf, Levy*
NOES: *Lantz*
ABSENT:



Michael Robkin, President

ATTEST:



Greg McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT A



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

**MANAGEMENT ANALYST JOB DESCRIPTION
(PART TIME)**

Job Title:	Management Analyst	Prepared Date:	April 2022
Reports To:	General Manager	Approved by:	Board of Directors
FLSA Status:	Exempt	Approved Date:	
Category:	Management		

JOB SUMMARY:

Performs responsible and detailed analysis involving administrative and technical issues associated with the delivery of public services by the District. The Management Analyst is expected to work independently on complex projects, such as researching federal, state, and local statutes, regulations, and laws, monitoring and tracking budgets, monitoring and coordinating a variety of management indicators, strategic planning efforts and monitoring progress, and performing a variety of communications and public relations functions. Preparation of various agenda reports and presentations to the Board and community groups may be required, as well as ability to perform analysis of legislative mandates and development and implementation of programs to respond to such legislative mandates, as needed.

REPRESENTATIVE DUTIES: (Duties may include, but are not limited to, the following)

Plans, organizes, and carries out special research projects and other assignments intended to solve or prevent organizational challenges, to help determine a course of action, or to offer recommendations to District administration and/or elected policy makers.

Coordinates annual preparation of program objectives and performance measures with management and supervisory staff.

Coordinates review of program performance and achievement of established objectives for assigned programs.

Monitors and coordinates the Board's strategic plans and Staff's implementation plan, providing regular updates and annual review of progress.

Prepares policy drafts and procedural recommendations for review and discussion.

As assigned, represents District management at internal and external functions, and meets with groups and individuals concerned with programs.

Serves as communications liaison monitoring the District's website and other social media, keeping information updated and provide timely posting of news events.

Investigate, analyze, develop and prepare special studies or projects and corresponding documentation and special reports; make recommendations.

Assist with providing cost analysis of a variety of financial projects.

Prepares and presents materials for operational research, legislative and program planning.

May serve as project leader involving other staff or organizations on a variety of programs.

Performs other duties as required.

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience:

Working knowledge of the principles, practices, and administration of District businesses and services, in order to perform highly complex and technical duties at a level generally acquired through completion of a Bachelor's degree in public or business administration or equivalent; and /or

Two or more years of progressively complex and responsible related work experience to gain sufficient knowledge and familiarity with theories and principals for application to practical problems and solutions.

Licenses and Certifications:

Must possess a valid California State driver's license and maintain satisfactory motor vehicle record.

Knowledge of:

Principles and practices of organization and public administration, budget analysis and administration; Statistical and graphical presentation methods; Pertinent local, state, and federal laws, ordinances, and rules; Principles and practices of legislative process; Principles of project management; Principles of supervision and management; Principles and practice of marketing, community outreach and public information; and Principles and practices of social media outlets

Skills:

Modern office procedures, methods and computer equipment; typing, power point, excel spreadsheet

Ability To:

Under limited supervision, define organizational, operational, and management problems succinctly; collect appropriate data to support research aims, draw reasonable conclusions therefrom, and to conceptualize solutions effectively. The issues involved will regularly require incumbents to interpret a variety of technical instructions, possibly given in mathematical, diagrammatic, scientific, or statutory forms, and to deal with both abstract and concrete variables.

Independently perform professional analytical work within deadlines; Identify, research and respond to

questions from other staff, outside organizations, and the public; Prepare and present technical reports, requests for proposal, contracts, and agreements; Analyze financial data, fiscal and actuarial reports; Conduct, prepare, and present special studies related to assigned operations; Assist in supervision, training and evaluation of staff; Research, analyze and resolve technical administrative issues; Work with and maintain confidentiality of information; Operate and use modern office equipment including computers and applicable software and databases. Expert in use of advanced Microsoft Office Suite (Office, Excel, Power Point, Access and Outlook).

Working Conditions, Essential Job Functions

While performing the duties of this job, the employee is regularly required to drive, sit, walk, and stand for extended periods of time, and may be required to read, write, and analyze material under short deadlines. Some lifting of usual office/business materials. Must be able to conduct complex business research, either independently or as part of a group, requiring the application of advanced quantitative and qualitative research methods; Confidentiality is expected.

Works in a normal office environment where there are little or no physical discomforts; possible travel to worksites or conferences with exposure to groups of individuals, changes in weather, noise, dust, or dirt.

Work week generally will be Monday thru Friday. Must be willing to work long days, and evenings and weekends.

RESOLUTION No. 23-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT APPROVING THE RECREATION EVENTS COORDINATOR CLASSIFICATION AND JOB DESCRIPTION

WHEREAS, the Board of Directors of the Bell Canyon Community Services District (“District”) desires to approve a new “Recreation Events Coordinator” job classification and adopt a job description for the classification, subject to any requirements under applicable law.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Bell Canyon Community Services District does hereby resolve as follows:

1. The unrepresented part-time classification of “Recreation Events Coordinator” is hereby created. The classification will be included within the District’s Miscellaneous Employees Unit, which is unrepresented.

2. The initial *hourly* compensation for the *part-time* Recreation Events Coordinator classification shall be as follows:

	Step 1	Step 2	Step 3	Step 4
Recreation Events Coordinator	\$30.00	\$31.50	\$33.08	\$34.73
<i>merit step increases 5%</i>				

3. The job description for the Recreation Events Coordinator classification, attached hereto as Exhibit A, is hereby adopted.

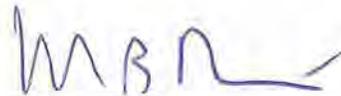
4. This resolution shall be effective as of the date of its adoption, subject to any applicable requirements under the law.

PASSED AND ADOPTED on the 13th day of February 2023, by the following vote:

AYES: *Machuga, Robkin, Wolf, Levy*

NOES: *Lant2*

ABSENT:



Michael Robkin, President

ATTEST:



Greg McHugh, Interim General Manager/Secretary

I, Gregory McHugh, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

EXHIBIT A



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

RECREATION EVENTS COORDINATOR JOB DESCRIPTION
(PART TIME)

Job Title:	Recreation Events Coordinator	Prepared Date:	February 2023
Reports To:	General Manager	Approved by:	Board of Directors
FLSA Status:	Non-Exempt	Approved Date:	
Category:	Miscellaneous		

JOB SUMMARY:

Under direction of General Manager, oversees and coordinates the operations and services of assigned community recreation programs, events, and activities; assesses needs, plans, implements, supervises and evaluates instructors, vendors, service providers, and other staff or agents. Preparation of various agenda reports and presentations to the Board and community groups may be required, as well as ability to perform analysis of implementation of programs, events, and activities, as needed.

REPRESENTATIVE DUTIES: (Duties may include, but are not limited to, the following)

Plans and organizes assigned recreation activities in the areas of sports, youth, seniors, instructional classes, or recreation programs, events, and activities.

Recruits, trains, schedules, and supervises a variety of personnel and volunteers.

Develops new recreational programs and activities by researching trends, community requests, and evaluating community needs.

Promotes recreational programs, events, and activities; prepares informational and marketing other materials and methods.

Observes and monitors the quality of programs, events, and activities.

Prepares and controls equipment inventory and stock deliveries.

Orders, inspects, and maintains recreation equipment and materials.

Develops and administers program budgets and monitors expenses; provide input in the preparation of the budget.

Maintains records and develops reports concerning new or ongoing programs and program effectiveness; prepares statistical reports as required.

Processes contractor and vendor payments.

Collects and accounts for program fees and registration, if applicable; maintains appropriate financial records and prepares mandated reports.

Responds to requests and inquiries from the general public; provides information regarding assigned recreational program area; analyzes inquiries and determine steps necessary to resolve issues.

Performs other duties as required.

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience:

An associates' degree from an accredited college or university with major course work in recreation, physical education, public administration, or a related field.

Two years of increasingly responsible technical and supervisory experience in recreation program coordination.

Licenses and Certifications:

Must possess a valid California State driver's license and maintain satisfactory motor vehicle record.

Knowledge of:

Basic operations, services and activities of the recreation program to which assigned; Methods and techniques of planning, organizing, implementing, and coordinating assigned recreation program, event, or activity; Basic principles of budget preparation and control; Basic principles of supervision, training, and performance evaluation; Principles and practices of recreation program development and implementation; Methods and techniques of special events planning and coordination; Techniques used in public relations and customer service practices; Rules and equipment used in assigned recreation program area; Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases; Principles and procedures of record keeping; Principles of business letter writing and basic report preparation.

Skills:

Modern office procedures, methods and computer equipment; typing, power point, excel spreadsheet

Ability To:

Coordinate and direct assigned recreation programs; Assist in the coordination and promotion of District-sponsored events; Develop, coordinate, organize, and conduct assigned recreation programs, activities, events, or classes in assigned area; Recruit, select, train, and evaluate a variety of personnel and volunteers; Understand community needs in recreational areas and evaluate activities according to those needs; Recommend and implement goals and objectives for providing assigned recreation services; Elicit community and organizational support for assigned recreation programs; Allocate limited resources in a cost effective manner; Prepare and administer assigned program budgets.

Working Conditions, Essential Job Functions

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed in a standard office environment and at indoor and outdoor recreational facilities with travel to different locations; work and/or walk on various types of surfaces including slippery or uneven surfaces; extensive public contact; incumbents may be required to work extended hours including evenings and weekends.

Physical: Primary functions require sufficient physical ability and mobility to work in an office and recreation facility setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; to travel to other locations using various modes of transportation; and to verbally communicate to exchange information.

ATTACHMENT 7



FY 2022-2023
APPROVED BUDGET
(Aug. 10, 2022)

<u>REVENUES</u>	<u>approved</u>
Property Taxes	\$ 663,000
Interest	\$ 1,500
Miscellaneous Income	<u>\$ 3,000</u>
Total Revenue	\$ 667,500
<u>EXPENDITURES</u>	
<u>Basic Services</u>	
Residential Trash - Solid Waste	\$ 485,000
CSD Vehicle Expenses	\$ 2,200
Restroom Maintenance	\$ 8,500
Clean-up Events	\$ 2,000
Recreational Activities	\$ 85,000
Security services	\$ 5,000
Graffiti abatement services	\$ 5,000
Emergency medical services (through Ventura)	\$ 5,000
Traffic enforcement services	<u>\$ 5,000</u>
Subtotal Basic Services	\$ 602,700
<u>General and Administrative Expenses</u>	
Outside Services	\$ 5,000
Rent	\$ 3,000
Payroll - General Manager	\$ 26,000
Payroll - Management Analyst	\$ 15,000
Payroll tax expense (approx 10% of payroll)	\$ 4,100
Legal Services	\$ 45,000
Accounting and Bookkeeping	\$ 3,500
Annual Certified Audit	\$ 12,000
Dues	\$ 2,000
Taxes and Admin Fees - Ventura County	\$ 7,700
LAFCo Fee	\$ 350
Telephone and Internet	\$ 300
Office Supplies / Printing	\$ 1,000
Insurance	\$ 7,000
Election Costs	\$ 1,000
Latent Powers Application	\$ 5,000
Meetings	<u>\$ 1,200</u>
Subtotal Gen/Admin Expenses	\$ 139,150
<u>OPERATING SURPLUS (DEFICIT)</u>	<u>\$ (74,350)</u>
<u>CAPITAL EXPENDITURES</u>	
Park Improvements	\$ -
<u>NET SURPLUS (DEFICIT)</u>	<u>\$ (74,350)</u>

ATTACHMENT 8

2/12/2023	BELL CANYON COMMUNITY SERVICES DISTRICT		
	TREASURER'S REPORT		
	JANUARY 31, 2023		
CASH ON HAND @ JUNE 30, 2022			
Union Bank Checking #6383 NEW			\$1,003,310
Bank of So Cal Investment			\$951,940
TOTAL CASH ON HAND @ JUNE 30, 2022			\$1,955,251
INCOME: 7/1/22-1/31/23			
PROPERTY TAX REVENUE	420,858		
INTEREST EARNED	2,848		
INCOME - EVENTS	3,101		
SDRMA - INSURANCE REIMB-CROWN VIC SOLD	795		
TOTAL INCOME	\$427,602		
INVOICES PAID: JULY-JANUARY			
COUNTY ADMIN FEES	-1,539		
ALESHIRE & WYNDER	-32,845		
BARBARA HOLOWATY	-7,664		
BCA	-312		
BCCC RENT	-1,750		
BRADLEY RENTAL SERVICES -EVENT EXP	-1,006		
CALGROVE RENTALS - EVENT EXP	-557		
CALIF SPECIAL DISTRICTS	-2,205		
DELUXE BUSINESS CHECKS	-30		
DENNIS ZINE - PAYROLL	-16,223		
DENNIS ZINE - REIMBS	-286		
EMPLOYMENT DEVELOPMENT DEPT - PAYROLLTAX	-587		
EVENTS MADE-4U - EVENT EXP	-576		
GREG MCHUGH - PAYROLL	-2,821		
GREG MCHUGH - REIMB FIRE SAFETY EXP	-279		
IRS-PAYROLL TAX	-7,648		
JEFFREY ALFREDO PEREZ -EVENT EXP	-850		
LOLA MERINO - EVENT EXP	-315		
MICHAEL MIRTH -EVENT EXP	-54		
MILES LEWIS -EVENT EXP	-1,000		
MOVIN ON UP PRODUCTIONS - EVENT EXP	-437		
MUSICK, PEELER & GARRETT	-10,650		
NORA YESSAYAN - EVENT EXP	-850		
PIP PRINTING - EVENT EXP	-244		
ROSEMERY SOLORZANO - EVENT EXP	-850		
SPECIAL EVENT PROZ -EVENT EXP	-13,234		
STREAMLINE - WEBSITE	-1,200		
SWANK MOTION PICTURES -EVENT EXP	-275		
THE HARTFORD	-484		
UNION BANK VISA - LEVY	-8,630		
UNION BANK VISA - ZINE	-134		
UNITED SITE SERVICE	-5,177		
VENTURA CO SPECIAL DISTRICTS	-154		
WASTE MANAGEMENT	-282,819		
BELL CANYON FIRE SAFE COUNCIL-FUNDS DISBURSED	-15,055		
TOTAL INVOICES PAID - JULY-JANUARY	-\$418,740		
TOTAL CASH ON HAND @ JANUARY 31, 2023			\$1,964,113
Prepared By: Barbara Holowaty, Bookkeeper			
Approved:			

BELL CANYON COMMUNITY SERVICES DISTRICT	<u>FY 2022-2023</u> <u>Budget</u>	%	JANUARY 31, 2023 Actual to Date	%
<u>Revenue</u>				
Property Taxes	\$ 663,000	99.33%	420,858	99%
Interest	1,500	0.22%	2,848	1%
Other Income (Event)	3,000		3,101	1%
	-			0%
Total Revenues	\$ 667,500	100%	\$426,807	100%
<u>Operating Expenditures</u>				
<u>Basic Services</u>				
Residential Trash/Solid Waste Removal	\$ 485,000		282,819	
CSD Vehicle Expenses	2,200		1,912	
Restroom Maintenance	8,500		5,177	
Cleanup Events	2,000		0	
Recreational Events	85,000		27,472	
Security Services	5,000		0	
Graffiti Abatement Services	5,000		0	
Emergency Medical Services (thru Ventura)	5,000		0	
Traffic Enforcement	5,000		0	
Total Operating Expenditures	\$ 602,700	81%	\$ 317,380	81%
<u>General & Administrative</u>				
Outside Services	5,000		3,531	
Rent	\$ 3,000		1,750	
Payroll - General Manager	26,000		20,258	
Payroll - Management Analyst	15,000		2,875	
Payroll Tax Expense	4,100		1,834	
Legal Services	45,000		26,589	
Accounting & Bookkeeping Services	3,500		5,382	
Annual Certified Audit	12,000		0	
Dues	2,000		2,205	
Tax Administration Fees (Ventura County)	7,700		1,539	
LAFCO Fee	350		0	
Telephone & Internet	300		0	
Office Supplies / Printing / Postage	1,000		460	
Insurance	7,000		6,032	
Election Costs	1,000		0	
Latent Powers Application	5,000		0	
Meetings	1,200		286	
Total General & Admin Expenses	\$ 139,150	19%	\$ 72,741	19%
TOTAL EXPENDITURES	\$ 741,850	100%	\$ 390,121	100%
NET SURPLUS / DEFICIT	\$ (74,350)		\$36,686	

ATTACHMENT 9



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

SPECIAL MEETING

OF THE BOARD OF DIRECTORS

DATE/TIME : August 29, 2022 at 7:00 p.m.

Bell Canyon Community Services District welcomes any member of the public to attend the meeting, either in-person at the Bell Canyon Association Community Center, Conf. Room Suite 1 (30 Hackamore Lane) or via teleconference, pursuant to Assembly Bill 361 (2021). Any non-resident who wishes to attend in-person can, upon their arrival, inform the front gate of their attendance at the District's meeting. Anyone who wishes to attend via teleconference (Zoom) can use the link below. No pre-registration is required for either in-person or teleconference attendance.

<https://us02web.zoom.us/j/83573881048?pwd=YUJsa19QcWdvZnNyOWdKV0pDY3pXQT09>

Meeting ID: 835 7388 1048

Passcode: 282657

One tap mobile: +14086380968,,83573881048#,,,,*282657# US (San Jose)

Agenda Materials

The complete agenda for this meeting is available at <https://bellcanyoncsd.specialdistrict.org> and at the District Office, 30 HACKAMORE LANE, SUITE #2B, BELL CANYON SUITE CA 91307. Any materials submitted to the legislative body after distribution of this agenda will be available for public inspection at the District Office. Requests for agenda materials or meeting participation assistance can also be made by email to bellcanyoncsd@gmail.com.

Americans with Disabilities Act (ADA) Accommodations

In compliance with the ADA, any person with a disability who requires accommodation in order to participate in a meeting should contact the District Office at bellcanyoncsd@gmail.com to request accommodation. The District will use its best efforts to provide reasonable accommodations related to the meeting.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

1. Call to Order and Roll Call

2. Public Forum / Comments

In accordance with Government Code Section 54954.3, every agenda for a special meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item listed on this agenda, before or during the legislative body's consideration of the item. No action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2(b).

3. Business Items

3A. Remote Board Meeting Findings Under AB 361

Review and approve Resolution No. 22-05 entitled:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE BOARD OF DIRECTORS VIA REMOTE TELECONFERENCE FOR A 30-DAY PERIOD FROM AUGUST 22, 2022 THROUGH SEPTEMBER 21, 2022, PURSUANT TO THE RALPH M. BROWN ACT, AS AMENDED BY ASSEMBLY BILL NO. 361

for the purpose of making findings for holding remote Board meetings

3B. Swearing In of New Director

Conduct swearing in of Boardmember Michael Robkin.

3C. Minutes from previous Board meetings

Review and approve the July 11, 2022 special meeting minutes, the July 25, 2022 regular meeting minutes, and the August 10, 2022 special meeting minutes.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

3D. Monthly Financial Report and Payment to Vendors

3E. Future Recreational Events/Coordinator

Discuss and consider future recreational events and related matters, including:

- 1) Halloween budget and vendor selection
- 2) CSD campout event budget
- 3) Insurance for campout event and hiring of event coordinator.

3F. November 2022 General Elections

Provide update on and discuss upcoming November 2022 District General Elections.

3G. District Document Storage, Website, Emails

Discuss and provide direction regarding document storage system for District, website organization, and district email.

3H. Fire Safe Council

Discuss status of Fire Safe Council Grant.

4. Reports

4A. Report from General Manager

Report on various BCCSD matters and/or respond verbally to questions or comments from the prior meeting.

4B. Board of Directors Communications / Committee Reports / Meeting Reports

Report on various matters of BCCSD community interest, including reports concerning committees on which the Boardmembers serve and reports on meetings/conferences attended



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

5. Closed Session

5A. Conference with Real Property Negotiator(s) (Gov't Code § 54956.8)

Property: APN 685-0-060-235

Owner: Triunfo Water & Sanitation District

District Negotiator: General Manager

6. Adjournment

Next Meeting: September 26, 2022 at 7:00 p.m.

The agenda was prepared by legal counsel and posted on August 26, 2022 prior to 7:00 p.m.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

SPECIAL MEETING

OF THE BOARD OF DIRECTORS

DATE/TIME : February 13, 2023 at 6:00 p.m.

LOCATION: Zoom call only

Bell Canyon Community Services District welcomes any member of the public to attend the meeting via teleconference, pursuant to Assembly Bill 361 (2021). Use the following Zoom link to attend. No pre-registration is required for attendance.

<https://us02web.zoom.us/j/82881317358?pwd=dVBLTTlyblhpZEJaUIR1cWJ6d1dhZ09>

US: +1 507 473 4847

Meeting ID: 828 8131 7358 Passcode: 123456

AGENDA

In accordance with Government Code Section 54954, Notice is hereby given that the Board of Directors of the Bell Canyon Community Services District will hold a Special meeting at 6:00 PM on Monday, February 13 via zoom to consider those items set forth in the following agenda, except in accordance with Government Code Section 54954.2[b]. The Board reserves the right to modify the order in which items are heard.

Agenda Materials

The complete agenda for this meeting is available at <https://bellcanyoncsd.specialdistrict.org> and at the District Office, 30 HACKAMORE LANE, SUITE #2B, BELL CANYON SUITE CA 91307. Any materials submitted to the legislative body after distribution of this agenda will be available for public inspection at the District Office. Requests for agenda materials or meeting participation assistance can also be made by email to gfmchugh.bcfsc@gmail.com.

Americans with Disabilities Act (ADA) Accommodations

In compliance with the ADA, any person with a disability who requires accommodation in order to participate in a meeting should contact the District Office at gfmchugh.bcfsc@gmail.com to request accommodation. The District will use its best efforts to provide reasonable accommodations related to the meeting.



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

1. 6:00 PM Call to Order and Roll Call

2. Brown Act Training

3. 7:00 PM Public Forum/Comments. In accordance with Government Code Section 54954.3, every agenda for a regular meeting of the Board of Directors shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless that action is otherwise governed by Government Code Section 54954.2[b].

4. BUSINESS ITEMS

4A. Minutes of Prior Meeting

Review and consider for approval the following minutes from the prior Board meetings:

- 3A1. 8/29/22
- 3A2. 9/19/22
- 3A3. 9/22/22
- 3A3. 10/24/22
- 3A4. 10/26/22
- 3A5. 11/29/22
- 3A6. 1/31/23

4B. CHP Update

4C. New Ordinances

Introduce for first reading the following ordinances:

- 3C1. 23-01 (SB-1383) Organic Waste
- 3C2. 23-02 Graffiti Abatement
- 3C3. 23-03 Security Services

4D. New Policies

Review and consider for approval the following District policies:

- 4D1. Event Planning
- 4D2. Purchasing
- 4D3. Reimbursement
- 4D4. Electronic Communication



BELL CANYON COMMUNITY SERVICES DISTRICT
30 HACKAMORE LANE
BELL CANYON, CALIFORNIA 91307

- 4D5. Travel
- 4D6. Office Access

4E. Website update

Provide an update on the status of the website

4F. Employment Resolutions

Review and consider approval of the job descriptions and pay schedule of Management Analyst (part-time) and Events Recreation Coordinator (part-time) positions.

5. Reports

5A. Report from General Manager

Report on various BCCSD matters and/or respond verbally to questions or comments from the prior meeting.

5B. Reports from Directors / Committee Meetings

Report on various matters of BCCSD community interest, including reports concerning committees on which the Boardmembers serve and reports on meetings/conferences attended.

5. Closed Session – separate Zoom link to be provided

5A. Conference with Legal Counsel-Anticipated Litigation

(Gov. Code 54956.9(d)(4): (1 matter)

6. Adjournment

ATTACHMENT 10



FAIR POLITICAL PRACTICES COMMISSION

P.O. Box 807 • 428 J Street • Sacramento, CA 95812-0807
(916) 322-5660 • Fax (916) 322-0886

September 16, 1998

Gale Guthrie
Guthrie & Guthrie
3461 Robin Lane, Suite 2
Cameron Park, California 95682

**Re: Your Request for Advice
Our File No. I-98-209**

Dear Mr. Guthrie:

This letter is in response to your request for informal assistance regarding the provisions of the Political Reform Act (the "Act").¹ (Regulation 18329(c)(1), copy enclosed.)²

QUESTION

Does a conflict of interest exist for an individual serving as a director of a homeowners' association and on a board of directors of a community services district?

CONCLUSION

The Act does not prohibit an individual from serving as a member of the board of directors of a community services district and as a director of a homeowners' association. However, if the homeowners' association is a source of income or other economic interest to the individual, he or she may not participate in any district decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the homeowners' association.

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

FACTS

You are writing on behalf of your client, Greenstone Country, a community services district ("district"). The district and a homeowners' association have an ongoing contractual relationship where the district pays the association money for performing certain services. The homeowners' association is a California nonprofit mutual benefit corporation. On September 14, 1998, in a telephone conversation with your secretary, I obtained the name of the district you represent.

ANALYSIS

Holding Offices

The Act does not prohibit a public official from holding any public position. Thus, the Act does not prohibit an individual from serving on the board of directors of a community services district. Moreover, the Act does not regulate an individual's conduct as a director of a private entity, such as a homeowners' association.³

However, the conflict-of-interest provisions of the Act (Section 87100 et seq., discussed below) do prohibit a public official from participating in a decision that will have a financial effect on his or her economic interests. This prohibition is applied on a decision-by-decision basis.

Conflicts of Interest

Section 87100 prohibits any public official from making, participating in making, or otherwise using his or her official position to influence a governmental decision in which the official has a financial interest.

Section 87103 specifies that a public official has a financial interest if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the official or a member of his or her immediate family, or on among other things:

³ The Commission has no jurisdiction over any provisions outside the Political Reform Act. There may be other laws that would apply to your fact pattern that are outside our jurisdiction.

“(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

* * *

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made.”

Section 87103(a), (c), (d) and (e).

Accordingly, if an individual is employed with a business entity, the business entity would be a potentially disqualifying economic interest for purposes of Section 87103(a) and (d). Section 82005 defines "business entity" as an organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. As a nonprofit entity, the homeowners' association is not a "business entity" as defined by the Act.

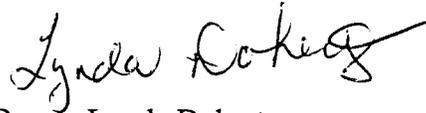
Entities also become economic interests of an official if they are *sources of income* to the official or sources of gifts. Thus, if an individual receives income or gifts from the homeowners' association, it would be a potentially disqualifying economic interest to the individual. (Section 87103(c) and (d).)

You have not provided any facts pertaining to a specific decision. However, we have enclosed some general materials pertaining to conflicts of interest for your information.

If you have any other questions regarding this matter, please contact me at
(916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel

A handwritten signature in black ink, appearing to read "Lynda Doherty", with a long horizontal flourish extending to the right.

By: Lynda Doherty
Political Reform Consultant, Legal Division

SGC:LD:jlw

Enclosure

ATTACHMENT 11



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTEN

District Attorney

March 22, 2013

Board of Directors
Bell Canyon Community Services District
30 Hackamore Lane, Suite 16
Bell Canyon, CA 91307

Re: Citizen's Complaint Regarding Allegations of Criminal Conduct Involving the
Bell Canyon Community Services District

Dear Board of Directors of the Bell Canyon Community Services District:

In response to a citizen's complaint, the Ventura County District Attorney's Office examined allegations of criminal conduct related to the Bell Canyon Community Services District (CSD). During the course of our investigation, the CSD, through its counsel, invited recommendations for areas which could be improved to ensure the CSD is in compliance with the law.

Misappropriation of Public Funds Allegation

One of the allegations was that the CSD misappropriated public funds through improper payments to the Bell Canyon Association (BCA). BCA employees provide the CSD with administrative services pursuant to a \$10,500 contract services agreement between the CSD and the BCA. Historically, the BCA provided its employees with an annual holiday bonus, consisting of an additional week's salary and a holiday luncheon. Although not included in any of the BCA employment contracts, the available evidence suggests the holiday bonus was part of an established compensation package. For many years, the BCA had sufficient funding to provide its employees with the holiday bonus. In recent years, however, the BCA reported that its budget was insufficient to cover the cost, even with donations provided by homeowners to cover the shortfall. As a result, one of the members of the CSD Board of Directors chose to voluntarily donate her personal finances to the BCA to ensure its employees received their holiday bonuses.

In 2009 during a public CSD board meeting, the CSD Board of Directors discussed appropriating CSD funds to ensure the BCA employees providing administrative services to the CSD would

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Criminal Prosecutions

W. CHARLES HUGHES
Chief Deputy District Attorney
Administrative Services

MICHAEL D. SCHWARTZ
Special Assistant District Attorney

R. MILES WEISS
Chief Deputy District Attorney
Special Prosecutions

KENNETH A. VALENTINI
Chief Investigator
Bureau of Investigation

continue receiving their customary holiday bonuses as part of their overall employment package. The CSD Board of Directors unanimously decided, contingent upon approval from CSD's counsel, to "contribute up to \$5,000 toward the Bell Canyon Association's holiday bonus fund should it fall short of covering one week's pay for each employee. This contribution includes the District's participation in the employees' holiday luncheon."¹ CSD counsel provided a legal opinion that such an expenditure would be legally permissible because the CSD contracts with the BCA to provide administrative services and because the year-end holiday bonus furthers the public purpose of ensuring that BCA employees will continue providing necessary services benefitting the CSD. After receiving that legal opinion, the CSD provided the BCA with approximately \$1,061 for the holiday bonuses and approximately \$1,208 for the holiday luncheon.

Penal Code section 424, subdivision (a)(1), prohibits officers of a district, or persons charged with the safekeeping or disbursement of public monies, from appropriating any portion thereof to the use of another without authority of law. Article XVI, section 6 of the California Constitution prohibits public entities from making gifts of public funds for private purposes. (*Sturgeon v. County of Los Angeles* (2008) 167 Cal.App.4th 630.) The payment of bonuses for work already performed can serve a public purpose, however, if expensed to ensure the continued recruitment and retention of qualified employees. (*Jarvis v. Cory* (1980) 28 Cal.3d 562.) The determination of what constitutes a public, rather than private, purpose is "primarily a matter for the Legislature, and its discretion will not be disturbed by the courts so long as that determination has a reasonable basis." (*County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 746.)

It is legally questionable whether the expenditures at issue here served a public purpose. Expenditures of this nature, bonuses and luncheons, are not traditionally authorized public expenditures, particularly because the benefits were not conferred upon public employees, but rather, were provided to employees of a private organization with whom the CSD contracted for administrative services. Nevertheless, the available evidence suggests the CSD justified its expenditures on the basis that they served the public purpose of retaining BCA employees who provide necessary, effectual services benefitting the CSD. Because the BCA employees, in fact, provided administrative services to the CSD, we cannot say the CSD's legislative determination that the expenditures served a public purpose is without a reasonable basis.

Furthermore, because members of the CSD Board of Directors did not approve the expenditures until after receiving legal advice and approval from CSD counsel, it cannot be proven that members of the CSD Board of Directors criminally misappropriated public funds within the meaning of Penal Code section 424 because it cannot be proven they acted with criminal intent or criminal negligence. (*Stark v. Superior Court* (2011) 52 Cal.4th 368.)

Nevertheless, to avoid any issues regarding the lawfulness of expenditures to the BCA, in the future, the CSD should consider including all payments necessary to secure the administrative services of the BCA's employees in one, single arms-length negotiated agreement, rather than

¹ Contained in Item X, "New Business," from the minutes of the November 30, 2009, CSD board meeting.

providing the BCA with separate funds specifically designated to subsidize the BCA's holiday bonus fund.

Conflict of Interest Allegation

Another allegation was that Carol Henderson had an impermissible conflict of interest because she simultaneously served as CSD general manager and as BCA executive director/general manager. Under the Political Reform Act, public officials may not participate in making, or in any way attempt to use their official positions to influence, governmental decisions in which they know or have reason to know they have a financial interest. (Gov. Code, §87100.) Carol Henderson cannot simultaneously serve as CSD general manager and receive more than \$500 salary from the BCA, as doing so constitutes an impermissible conflict of interest.

The Bell Canyon Community Services District is a local government agency. (Gov. Code, §61000 et seq.) As general manager of the CSD, Henderson is a public official within the meaning of Government Code section 82048.

Government Code section 61051 provides that the duties of a community services district general manager include "[t]he supervision of the district's finances." As CSD general manager, Henderson participated in the making of a governmental decision by preparing and monitoring the CSD's annual budget that includes the budgetary line item, "Contract Services," which appropriated \$10,500 to the BCA for the administrative services of the BCA's employees.

Henderson's assistance with preparing and presenting the CSD budget to the CSD Board of Directors qualifies as participation in the making of a governmental decision within the meaning of California Code of Regulations, title 2, section 18702.2.² Further, her participation is not solely ministerial, secretarial, manual, or clerical within the meaning of California Code of Regulations, title 2, section 18702.4, subdivision (a)(1).

Henderson has an economic interest in the BCA because she received more than \$500 income from the BCA within 12 months prior to her participating in the making of a governmental decision that had an impact on the BCA. (Cal. Code Regs., title 2, §18703.3(a)(1).)³

Because the CSD budget prepared and monitored by Henderson specifically lists "Contract Services" in the amount of \$10,500 (to be appropriated to the BCA), Henderson's economic interest is directly involved in the governmental decision which she participated in making. (Cal. Code Regs., title 2, §18704.1(a)(2).)

² "A public official 'participates in the making of a governmental decision' ... when, acting within the authority of his or her position, the official: ... (b) Advises or makes recommendations to the decision maker either directly or without significant intervening substantive review, by: ... (2) Preparing or presenting any report, analysis, or opinion, orally, or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision." (Cal. Code Regs., title 2, §18702.2.)

³ Under Government Code section 82047, the BCA is a "person," defined as "an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert."

Henderson's economic interest in the decision is material because the payment of \$10,500 to the BCA had a financial effect on the BCA, which was a source of income to Henderson. (Cal. Code Regs., title 2, §18705.3(a).)

Further, because the CSD budget prepared and monitored by Henderson specifically lists "Contract Services" in the amount of \$10,500 (to be appropriated to the BCA), it was reasonably foreseeable that Henderson's participation in creating the CSD budget would have a material financial effect on her economic interest. (Cal. Code Regs., title 2, §18706.)

In summary, as supervisor of the CSD's finances, Henderson included in her recommended budget that certain administrative services be contracted out to the BCA, of which she is a paid employee. While the contract appears to be a fair and efficient means of providing the administrative services, it is not the only possible way or the only possible price by which the CSD could obtain the services. Henderson's paid position with the BCA renders her participation in the CSD's decision an unlawful conflict of interest. That the resulting contract appears to be fair and beneficial to both parties does not eliminate the conflict.

The law provides some exceptions to the conflict of interest prohibitions, but none are applicable here. Specifically, Henderson's reasonably foreseeable material financial effect is distinguishable from the effect on the public generally (Cal. Code Regs., title 2, §18707.1) and her participation was not legally required despite the conflict of interest. (Cal. Code Regs., title 2, §18708(a).)

Although Henderson has an impermissible conflict of interest, our office is exercising its discretion not to file criminal charges at this time because neither the Ventura Local Agency Formation Commission (LAFCO) nor CSD counsel identified the conflict of interest, because her participation in making the Contract Services agreement is subject to review and approval by the Board of Directors of both the CSD and the BCA, and because it does not appear from the facts presented to us that Henderson took unfair advantage of the conflict. However, if the conflict of interest continues, the District Attorney's Office will reevaluate the matter for enforcement action.

The CSD must take measures to remedy the unlawful conflict of interest and ensure that if whoever holds the position of CSD general manager participates in any governmental decision that has a material financial effect on the BCA, that individual does not receive a salary from the BCA or have a reasonably foreseeable, material economic interest in the BCA. One means of eliminating the conflict would be to select a general manager who is not an employee of the BCA. If another general manager is selected, the BCA executive director would be free to attend CSD meetings and provide public input.

Issue Regarding Members of the CSD Board of Directors Simultaneously Serving as Members of the BCA Board of Directors

During the course of our investigation, an issue was raised regarding the legality of members of the CSD Board of Directors simultaneously serving as members of the BCA Board of Directors.

The duties associated with membership on the BCA Board of Directors are not deemed inconsistent or incompatible to the duties of being a member of the CSD Board of Directors within the meaning of Government Code sections 1099 and 1126 because while the CSD qualifies as a local, public agency within the meaning of Government Code section 1125, the BCA does not.

As the California Fair Political Practices Commission (FPPC) concluded in an Advice Letter, the Political Reform Act "does not prohibit an individual from serving as a member of the board of directors of a community services district and as a director of a homeowner's association. However, if the homeowner's association is a source of income or other economic interest to the individual, he or she may not participate in any district decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the homeowner's association." (*Gale Guthrie* (September 16, 1998) Cal.Fair.Pol.Prac.Com.Adv. I-98-209, 1998 WL 671300 (copy enclosed).)

Although we are aware of no facts which would constitute an unlawful conflict of interest for the individuals serving as members of both the CSD and the BCA Board of Directors, public confidence would be enhanced by eliminating the appearance of impropriety created by their dual directorship.⁴ The government has the "right to the absolute, undivided, uncompromised allegiance of public officials." (*People v. Honig* (1996) 48 Cal.App.4th 289, 324-325.) Although many of the interests of the CSD and the BCA often intersect, that will not always be the case. For example, it may be in the best interest of the CSD to receive the services under the Contract Services agreement by expending as few taxpayer funds as possible, while the best interest of the BCA may be to obtain more money under the agreement. When interests diverge, the public would best be served by public officials who are not torn between their interest in the CSD and their interest in the BCA, as "no person can, at one and the same time, faithfully serve two masters representing diverse or inconsistent interests with respect to the service to be performed." (*Stockton Plumbing & Supply Co. v. Wheeler* (1924) 68 Cal.App. 592, 601.)

Conclusion

The District Attorney's Office has concluded that despite the legally questionable nature of the CSD's appropriation of public funds for the BCA's holiday bonus fund, the CSD's justification for why the expenditures served a legitimate public purpose cannot be said to have been without a reasonable basis. Furthermore, because the CSD directors did not approve the expenditures until after obtaining approval from the CSD's legal counsel, it cannot be proven that any members of the CSD Board of Directors criminally misappropriated public funds. Nevertheless, in the future, the CSD should consider including all payments for the administrative services of the BCA's employees in one, single arms-length negotiated agreement.

⁴ From the facts presented, the individuals serving as members of both the CSD and BCA Board of Directors do not have an economic interest in the BCA because the BCA is a non-profit corporation, not qualifying as a business entity (*Gale Guthrie, supra*), and because BCA directors do not receive income from the BCA. (Cal. Code Regs., title 2, §18703.3.)

Board of Directors, Bell Canyon Community Services District

March 22, 2013

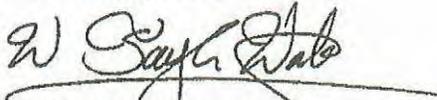
Page 6

We have concluded that Carol Henderson has an unlawful conflict of interest in serving as both CSD general manager and BCA executive director/general manager. However, we are exercising our discretion not to file criminal charges against her at this time. As discussed above, the CSD must take action to ensure that whoever holds the position as CSD general manager is not a paid employee of the BCA or have another impermissible reasonably foreseeable, material economic interest in the BCA.

We have also concluded that serving simultaneously as both a member of the CSD Board of Directors and as an unpaid member of the BCA Board of Directors does not constitute an unlawful conflict of interest. However, public confidence would be enhanced by eliminating the appearance of impropriety created by the dual directorship.

Accordingly, we are closing our review at this time. If you have any questions regarding our conclusions, please feel free to contact me directly at (805) 654-2667.

Very truly yours,



W. TAYLOR WATERS
Deputy District Attorney

WTW\cb

Enclosure

pc: Ventura County Grand Jury
Anthony Trembley, Attorney at Law
Barry Groveman, Attorney at Law
Michael Rabkin, Attorney at Law

ATTACHMENT 12

RESOLUTION No. 22-04

**RESOLUTION OF THE BOARD OF DIRECTORS OF BELL
CANYON COMMUNITY SERVICES DISTRICT APPROVING
A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act (Government Code section 81000 *et seq.*) requires state and local government agencies, including special districts, to adopt and promulgate conflict of interest policies or codes; and

WHEREAS, the Fair Political Practices Commission had adopted Code of Regulations section 18730, which contains the terms of a standard Conflict of Interest Code consistent with state law requirements; and

WHEREAS, the Board of Directors desires to adopt the attached Conflict of Interest Code in substantial compliance with state law and have said Conflict of Interest Code supersede any previously adopted policy or code regarding conflicts of interest under Government Code section 81000 *et seq.*; and

WHEREAS, the Board of Directors continues to seek and to provide transparency to the public by complying with state law regarding conflicts of interest codes.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BELL
CANYON COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE:**

1. **Incorporation of Recitals.** The Recitals set forth above are incorporated herein and made an operative part of this Resolution
2. **Adoption.** The terms of Title 2, California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby adopted and incorporated by reference and, together with Exhibit A in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Bell Canyon Community Services District.
3. **Superseded.** The provisions of all prior Conflict of Interest Codes and Amendments thereto previously adopted by the Bell Canyon Community Services District are hereby superseded.
4. **Other Resolutions.** Upon the effective date of this Resolution, adopted herein, the Resolution shall supersede any and all prior resolutions adopted that are in conflict with this Resolution.
5. **County of Ventura Approval.** Upon approval of the Conflict of Interest Code by the Board of Directors, the General Manager, or their designee, is authorized and directed to forward the approved Conflict of Interest Code to the Clerk of the Board for the Ventura County Board of Supervisors, for placement on a future agenda for

review and approval by the County, as required by California Government Code Section 87303. The General Manager, or their designee, is further authorized to carry out all necessary and proper steps for executing this direction.

6. **Severability**. If any provision in this Resolution, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of this Resolution, or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board of Directors hereby declares that it would have passed this Resolution, and each provision thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

7. **Effective Date**. The provisions of this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED on the ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

Geoff Abadee, President

ATTEST:

Dennis Zine, General Manager/Secretary

EXHIBIT A

PURPOSE: The Political Reform Act (California Government Code §81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes.

STATEMENTS OF ECONOMIC INTEREST: District Board members and designated employees, contractors, and officers shall file statements of economic interest with the Bell Canyon Community Services District using the forms provided by the FPPC in accordance with the regulations referred to herein. Designated employees, contractors, and officers are those who make or participate in the making of decisions which may foreseeably have a material effect on economic interests. Upon receipt of the statements filed by persons holding designated positions as defined hereinafter, the Secretary, acting as the Filing Official, shall forward a copy of each such statement to the Santa Barbara Clerk-Recorder, who shall be designated as the Filing Officer.

DESIGNATED POSITIONS: Persons occupying the following designated positions must file Statements of Economic Interests on forms provided by the FPPC for the specified disclosure categories listed after the position name, and make those disclosures consistent with California Code of Regulations §18730 et seq.:

Board Members (Categories 1, 2, 3, 5)

General Manager (Categories 1, 2, 3, 5)

General Counsel (Categories 1, 2, 3, 5)

Consultants (Category 2)

Each of the above positions must file a Statement of Economic Interests for each of the Categories of Disclosure set forth hereinafter. The Board may require different levels of disclosure for consultants and other persons employed by the District.

CATEGORIES OF DISCLOSURE: For listing the categories of disclosure, the following terms shall have the meanings set forth herein:

“Business entity” means a commercial, for-profit entity.

“Business position” means a position with a business entity. The threshold for reporting is an interest with fair market value of \$2,000 or more or such different amount as the FPPC regulations shall specify.

“Business income” means income from a business entity in excess of \$500 annually other than income which is exempt from being reported pursuant to FPPC regulations.

Each of the above persons must file a Statement of Economic Interests for each of the categories of disclosure that the position has been designated to disclose. Categories of disclosure are listed hereinafter:

Category 1: Interests in real property that are located within the boundaries of the District including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Category 2: Business positions or investments in or income from persons or business entities engaged in appraisal, acquisition or disposal of real property within the boundaries of the District.

Category 3: Business positions or investments in business entities and income from any sources, if the business entities or sources of income provide services, supplies, materials, machinery or equipment to or for the use of the District.

Category 4: Business positions or investments in business entities and income from any sources, if the business entities or sources of income are subject to the regulation or supervision of the District, including but not limited to, the issuance or granting of franchises or permits or land use control or regulation.

Category 5: Business positions or investments in business entities and income from any sources, if:

- a. The Business entities or sources of income have filed a claim or have a claim pending against the District.
- b. The designated employee's duties involve the handling or processing of such a claim.

ADDITIONAL POSITIONS: Additional positions may be designated by the Board of Directors by amending this policy when it has been determined that persons in these additional positions make or participate in the making of decisions which may foreseeably have a material effect on economic interests. The Board of Directors shall determine the required disclosure categories at the time of designation.

CONFLICTS OF INTEREST; GOVERNMENTAL DECISIONS: No Director or person holding a designated position shall make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of their economic interests unless the public official can establish either 1) that the effect is indistinguishable from the effect on the public generally, or 2) a public official's participation is legally required.

DETERMINATION OF CONFLICT OF INTEREST; GOVERNMENTAL DECISIONS: For this Policy, a determination of whether a conflict of interest exists shall be made through an analysis of the facts and circumstances in accordance with the provisions of California Code of Regulations §18700-18709, together with any amendments hereinafter adopted.

CONFLICTS OF INTEREST; CONTRACTS: District directors, officers, and employees shall comply with California Government Code §1090 et seq.

EMPLOYEES AND CONSULTANTS: No employee or consultant of the District shall make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know that they have a disqualifying conflict of interest.

RESOLUTION NO. 23--04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ADOPTING A POLICY REGARDING DUAL DIRECTORSHIP ON THE DISTRICT AND ON THE BELL CANYON ASSOCIATION (HOA)

WHEREAS, the Bell Canyon Community Services District is a public agency and special district established in accordance with and having the authority and powers defined in the Community Districts Law, codified under Government Code Section 61100 *et seq.* (the District's Principal Act); and

WHEREAS, as a public agency, the District is required to comply with certain laws, including but not limited the Brown Act governing open meeting and transparency laws, the Public Records Act governing access to public records, the Political Reform Act (Gov. Code § 81000 *et seq.*) governing conflicts of interest, ethics, and political campaigns, various employment laws, and other statutory requirements; and

WHEREAS, the District's jurisdiction is wholly located within the boundaries of Bell Canyon Association (BCA), a non-profit homeowners association formed under and governed by the Davis-Stirling Act; and

WHEREAS, the Board of Directors now wishes to adopt a policy in compliance with the Political Reform Act's conflict of interest requirements regarding the District's Board members serving on the board of the BCA simultaneously.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bell Canyon Community Service District, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. In compliance with the Political Reform Act and the District's adopted conflict of interest code, each board member of the District's Board of Directors who is also simultaneously a current board member of the BCA shall be required to recuse him/herself from, and shall not make or participate in the making of, a decision involving the BCA which may foreseeably have a material effect on the economic interest of said board member.

SECTION 3. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED on the ___ day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

Michael Robkin, President

ATTEST:

Greg McHugh, Interim General Manager/Secretary

I, _____, Interim General Manager of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

ATTACHMENT 13



420

BELL CANYON CSD



420

BELL CANYON CSD

ATTACHMENT 14

ORDINANCE NO. 23-02

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE BELL CANYON COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING REGULATIONS
REGARDING GRAFFITI ENFORCEMENT AND COST
RECOVERY AND FINDING OF EXEMPTION FROM CEQA**

WHEREAS, the placement of graffiti on public and private property is detrimental to the health, safety and welfare of the community in that it creates urban blight, encourages gang activity and reduces property values and business opportunities; and

WHEREAS, the Board of Directors of the Bell Canyon Community Services District (“District”) finds and determines that the placement of graffiti on public and private property is a public nuisance; and

WHEREAS, California Government Code Section 61100(q) authorizes community services districts to provide for summary abatement of graffiti and that Ventura County Local Agency Formation Commission (“LAFCo”) granted that same power to the District in 2007; and

WHEREAS, California Civil Code Section 1714.1 also provides for parental or guardian liability for property damage caused by a minor, and provides for periodic increases in the amount of damages that may be recovered; and

WHEREAS, the Board of Directors of the District desires to enact this ordinance for graffiti abatement, which Ordinance shall repeal and supersede any and all prior ordinances or resolutions related to this subject matter.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. The following regulations for the abatement of graffiti within the District’s jurisdiction is hereby enacted:

1. Intent and purpose—Findings.

- a. Section 61100(q) of the Government Code authorizes the District to provide for the removal of graffiti or other inscribed material from public or privately owned permanent structures located on public or privately owned real property located within the District. The District finds that graffiti, on public and private properties, is a blighting factor on the neighborhood, encourages other acts of malicious vandalism, causes an increase in crime and depreciates the value of the adjacent and surrounding properties.

- b. The District further finds and determines that graffiti is obnoxious, is inconsistent with the District's property maintenance goals, aesthetic standards and unless it is quickly removed from public and private properties, other properties soon become the target of graffiti. Such defacement of property is most often committed by persons under the age of eighteen years using aerosol or pressurized containers of paint, indelible markers and pens, paint sticks, and glass etching tools, and done in connection with gang and/or tagging activities.

2. Definitions

The following words, phrases and terms shall have the meanings as indicated:

“Aerosol paint container” means any aerosol container six ounces or less net weight contents, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substances capable of defacing property with permanent, indelible or waterproof ink, paint or other liquid.

“Glass etching tool” means any professional etching tool or glass cutter.

“Graffiti” means:

(a) Any act which results in the altering or defacing of any real or personal property through the use of paint, spray paint, markers, paint sticks, glass etching tools, objects or other substances capable of destroying property, which acts shall include, but not be limited to, the writing, defacing, marring, inscribing, scratching, painting or affixing of other markings on buildings or structures, including, but not limited to, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, curbs, curbstones, street lamp posts, hydrants, trees, electric light or power or telephone or telegraph poles, fire alarms, drinking fountains, parking meters, trash receptacles or mail boxes.

(b) Any act which results in the altering or defacing of any real or personal property through the use of paint, spray paint, markers, paint sticks, glass etching tools, objects or other substances capable of destroying property, which is offensive to a reasonably sensitive person.

“Graffiti implement” means an aerosol paint container, an indelible marker, a paint stick, a glass etching tool, or any similar device.

“Indelible marker” means any marker, pen or similar implement with a tip which, at its broadest width, is greater than one-eighth inch, containing a fluid which is not soluble in water.

“Paint stick” means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance which is not water soluble, capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-eighth of an inch in width, visible from a distance of twenty feet.

“Responsible adult” means a parent or legal guardian of an individual under the age of eighteen years. A responsible adult may also include an agent of the parent or legal guardian provided said agent is over eighteen years of age.

3. Prohibition of graffiti.

- a. It is unlawful for any person to apply graffiti upon any wall, rock, street, bridge, building, fence, gate, structure, tree or other real or personal property, whether owned publicly or privately, without the permission of the owner, lessee or operator of such property.
- b. It is unlawful for any person who owns or is otherwise in control of any real property within the District to permit or allow graffiti to be placed upon or remain on any permanent structure located on such property when the graffiti is visible from the street or other public or private property.
- c. Any individual who is found guilty of violating any provisions of this chapter shall pay restitution to the property owner, in addition to authorized penalties. If the violator is a minor, the parent or guardian shall be responsible for payment of restitution.

4. Possession by minors.

It is unlawful for any person under the age of eighteen years who is not accompanied by a responsible adult to have in his or her possession any graffiti implement:

(a) Upon a public property, unless the person is attending or traveling to or from a school at which the person is enrolled, and the person is participating in a class at said school which has, as a written requirement of the class, the need to use such a graffiti implement;

(b) Upon private property without the consent of the owner, tenant or operator of such private property.

5. Removal.

- a. Any person applying graffiti within the District shall have the duty to remove same in a manner approved by the District within twenty-four (24) hours after notice by the District or the public or private owner of the property involved. The notice to the person applying graffiti shall be in writing and shall be addressed and served in the manner provided below. Failure of any person to so remove graffiti shall constitute an additional violation of this chapter. Consistent with Civil Code Section 1714.1, where graffiti is applied by minors, the parent or guardian shall be responsible for such removal or payment for the cost thereof and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages.
- b. Whenever the General Manager or his or her designated representative determines that graffiti exists upon property owned by the District, it shall be removed as soon as possible. When property is owned by a public entity other than the District, the removal of the graffiti may be authorized by the General Manager or his or her representative and removal undertaken by District personnel or

independent contractor only after securing written consent of the public entity having jurisdiction over the property.

- c. Whenever the District becomes aware, or is notified and determines that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the District, the District shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the General Manager, or his or her designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

6. Non-liability for consensual removal.

- a. Prior to entering upon private property or property owned by a public entity other than the District for the purpose of removal of graffiti, the District shall attempt to secure the consent of the property owner and a release of the District from liability for private or public property or liability damage.
- b. If a responsible party fails to remove the offending graffiti within the time herein specified, or if the District shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the District consistent with the terms of this section, the District shall commence abatement and cost recovery proceedings for other removal of the graffiti.

7. Nuisance.

It is declared that graffiti is obnoxious and a nuisance. It is further declared that any surface of a structure on a parcel of land which has been defaced with graffiti after removal more than five (5) times in twelve (12) months shall constitute a graffiti-attracting surface and is a nuisance.

8. Reporting graffiti; reward.

- a. The District may pay to any person who provides information which leads to the arrest and conviction of any person who applies any drawing, inscription, figure or mark, commonly known as graffiti, to a surface of real or personal property, a reward as established from time to time by resolution. The amount of any reward paid pursuant to this section may be sought from the person arrested and convicted as restitution in addition to any other restitution associated with the removal of graffiti. .
- b. Claims for rewards under this section shall be filed with the General Manager. Each claim shall: (i) specifically identify the date, location and kind of property damaged or destroyed; (ii) identify by name the person who was convicted or confessed to the damage or destruction of District property; and (iii) identify the

court and the date upon which the conviction occurred or the place and the date of the confession.

- c. No claim for reward shall be allowed by the District unless an authorized representative of the District investigates and verifies the accuracy of the claim and recommends that it be allowed.
- d. The person committing the graffiti, or if an unemancipated minor, the custodial parent of said minor, shall be liable for reward paid pursuant to this section.
- e. In the event of multiple contributors of information, the reward amount shall be divided by the District in the manner it shall deem appropriate.
- f. For the purposes of this section, diversion of the offending violator to a community service program or a plea bargain to a lesser offense shall constitute a conviction.

9. Penalties.

- a. Any person found in violation of any provision of this regulation may be issued an administrative citation by any employee of the District, with a fine of up to \$100 (1st citation), \$200 (2nd citation), and \$500 (each subsequent citation in a 12-month period). A responsible person to whom a citation is issued shall be liable for and shall pay to the District the fine or fines described in the citation when due pursuant to the provisions of this regulation.
- b. Violation of any section of this regulation may be punished as a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or by both such fine and imprisonment.
- c. For continuing violations, each day a violation of a policy exists shall be a separate violation and be subject to a separate fine. A citation may charge a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more policy sections.
- d. The District may take into consideration the fact that a person has been issued citations when the District is determining whether to grant, modify, suspend, revoke, or deny any permit, license, agreement or any type of discretionary use approval for that person, and such citations are evidence that the person has committed actions that are not compatible with the health, safety and general welfare of other persons and businesses in the vicinity.
- e. Pursuant to Government Code Section 38772(a), any person who places graffiti on any public or privately owned structure, wall, fence or other work of improvement, including natural and manmade objects, located on publicly or privately owned real property within the District, shall be personally liable for any and all costs incurred in connection with the removal of any graffiti caused by that person, including all abatement costs, attorneys' fees and court costs to the

prevailing party, removal costs, costs of repair and/or replacement, and the law enforcement costs incurred by the District in identifying and apprehending the person. The District is authorized to initiate a legal action to enforce this section, or to recover these costs by any other means provided by law. Recovery of attorneys' fees and court costs by the prevailing party shall be limited to those individual actions or proceedings in which the District elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees, and in no case shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the District in the action or proceeding. Disposition of a criminal prosecution relating to placement of graffiti does not preclude the District from seeking full cost recovery as provided herein.

10. Abatement procedures.

- a. The General Manager may institute procedures for abatement of property upon which graffiti exists. Pursuant to California Government Code Sections 38773.1 and 38773.2, the District may elect that the costs of the abatement, as confirmed by the Board of Directors, shall constitute a lien against: the property of the graffiti perpetrator; and/or, if the graffiti perpetrator is a minor, the property of the parent(s) or legal guardian(s) having custody and control of the minor.
- b. Prior to the recordation of the lien, the District shall issue notice of the lien to the owner of record of the parcel of land, based on the last equalized assessment roll or the supplemental roll, whichever is more current. Notice of the lien shall be personally served upon the minor or other person who perpetrated the graffiti nuisance, or the minor's parents or legal guardian. If personal service cannot be made after diligent search, the notice may be posted in a conspicuous place on the property where abatement occurred, or any other means of service authorized by California Government Code Section 38773.2(b).
- c. Such notice shall describe the parcel of property which is to be subject to the lien, state the amount which the person, parent or guardian is required to pay pursuant to this chapter and indicate that unless payment is received by the District within ten days of the notice, the lien shall be recorded against the described real property.
- d. If the total costs of the abatement are not paid to the District in full within ten days after the date of service of the notice, the General Manager or designee may record, in the county recorder's office in the county in which the parcel of land is located, a lien, which, from the date of recording, shall have the force, effect, and priority of a judgment lien and shall continue in full force and effect until the entire amount due is paid in full.
- e. The lien shall specify: the amount of the lien; the District as the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded parcel owner.

- f. If the lien is discharged, released or satisfied, either through payment or foreclosure, the General Manager or his or her designee shall record notice of the discharge containing the information specified in this section as to the lien and any other lien recorded against other parties pursuant to the same incidence of graffiti. Any such liens and releases of liens shall be indexed in the grantor-grantee index.
- g. An administrative fee as established from time to time by resolution of the District shall be added as part of any abatement proceedings.

11. Notice.

Any notice to private property owners to be served by the District under this chapter shall be addressed to the name and address as it appears on the last tax assessment roll by depositing a copy of the notice in the United States mail, certified, with postage fully affixed, or by personally delivering a copy of the notice to the owner of the property. The service shall be complete at the time of deposit in the mail or when personal service is effectuated. The failure of any person to receive such notice shall not affect the validity of any legal proceedings regarding removal of the graffiti.

12. Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

SECTION 3. The Board of Directors finds and determines that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the District that will not result in direct or indirect physical changes in the environment, and therefore not a project. Accordingly, no further environmental review is necessary. Furthermore, given that the Ordinance is not related to a specific project, the Ordinance (i) will not impact a sensitive environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on the environment through successive projects of the same type, in the same place, over time; (iii) does not have any unusual circumstances that will have a significant effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance, and the regulations on graffiti abatement is exempt from CEQA pursuant to Public Resources Code Section 21080.17.

SECTION 4. This Ordinance shall repeal and supersede all prior ordinances relating to graffiti abatement.

SECTION 5. This Ordinance shall become effective 30 days following its adoption.

PASSED AND ADOPTED this ___ day of February, 2023.

AYES:
NOES:
ABSENT:

Michael Robkin, President

ATTEST:

Gregory McHugh, Interim General Manager/Secretary

I, _____, Interim General Manager/Secretary of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.

ATTACHMENT 15

ORDINANCE NO. 23-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT ESTABLISHING REGULATIONS REGARDING SECURITY SERVICES, INCLUDING BUT NOT LIMITED TO FIRE ALARM AND BURGLARY SERVICES, AND FINDING OF EXEMPTION FROM CEQA

WHEREAS, California Government Code Section 61100(j) authorizes community services districts to provide for security services, including, but not limited to, burglar and fire alarm services, to protect lives and property within the District’s jurisdiction, and that Ventura County Local Agency Formation Commission (“LAFCo”) granted that same power to the District in 2007; and

WHEREAS, the Board of Directors of the Bell Canyon Community Services District (“District”) desires to enact this ordinance for security services, which Ordinance shall repeal and supersede any and all prior ordinances or resolutions related to this subject matter.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. The following regulations for the provision of security services within the District’s jurisdiction is hereby enacted:

1. Intent and Purpose—Findings.

Pursuant to Section 61100(j) of the Government Code and authorization of the Local Agency Formation Commission, the District provides Security Services necessary to protect lives and property within the boundaries of the District. In situations where prevention of an incident or offense is not possible, the function of Security Patrol Officers is to observe and report the incident to a law enforcement agency, such as the California Highway Patrol or Ventura County Sheriff’s Department, except as otherwise authorized by this ordinance. Security Patrol Officers are not peace officers, and except in limited circumstances as authorized in this Ordinance, are not responsible for any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

2. Definitions.

The following words, phrases and terms shall have the meanings as indicated:

“Board” means the Board of Directors of the Bell Canyon Community Services District.

“Customer” shall mean a District resident or property owner to whom District service is provided.

“District” means the Bell Canyon Community Services District.

“Premises” means a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for security services. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a residential unit.

“Security Patrol Officer/s” means those persons hired by the District to provide patrol services, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the General Manager.

“Security Services” means the security services provided by the District necessary to protect lives and property within the boundaries of the District, including but not limited to fire alarm and burglary services, and does not include any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

3. Scope of Security Services.

- a. The District shall provide Security Services at such level or to such extent as the Board may authorize as part of the annual budget process, or from time to time as the Board deems appropriate. This includes mobile patrol of all areas within the boundaries of the District and the set up of security cameras upon public property for security surveillance.
- b. The District shall operate a community system to maintain contact with local law enforcement, fire, and other emergency services, as well as appropriate entities within the District.

4. Violations and Penalties.

Pursuant to Government Code Section 61064(a), violation of a provision of this ordinance is a misdemeanor, punishable by imprisonment not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both. Alternatively, any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

5. Penalty for Obstructing Security Patrol Officer.

Any person who willfully interferes with a Security Patrol Office in the performance of his/her duties pursuant to this Ordinance may be punished as set forth in Section 4 above.

6. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

SECTION 3. The Board of Directors finds and determines that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of the District that will not result in direct or indirect physical changes in the environment, and therefore not a project. Accordingly, no further environmental review is necessary. Furthermore, given that the Ordinance is not related to a specific project, the Ordinance (i) will not impact a sensitive environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on the environment through successive projects of the same type, in the same place, over time; (iii) does not have any unusual circumstances that will have a significant effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance, and the regulations on graffiti abatement is exempt from CEQA pursuant to Public Resources Code Section 21080.17.

SECTION 4. This Ordinance shall repeal and supersede all prior ordinances relating to graffiti abatement.

SECTION 5. This Ordinance shall become effective 30 days following its adoption.

PASSED AND ADOPTED this ___ day of February, 2023.

AYES:

NOES:

ABSENT:

Michael Robkin, President

ATTEST:

Gregor y McHugh, Interim General Manager/Secretary

I, _____, Interim General Manager/Secretary of the Bell Canyon Community Services District, Ventura County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the Board of Directors of the Bell Canyon Community Services District on the date and by the vote indicated herein.



February 25, 2022

VIA E-MAIL

Honorable Chair and Commissioners
Ventura Local Agency Formation Commission
801 S. Victoria Avenue, Ste. 301
Ventura, CA 93003

Kai Luoma, Executive Officer
**Ventura Local Agency Formation
Commission**
801 S. Victoria Avenue, Ste. 301
Ventura, CA 93003

Re: Bell Canyon CSD Sphere of Influence (LAFCo 20-09S)

Dear Honorable Chair, Commissioners, and Mr. Luoma:

Thank you for the series of meetings that LAFCo, acting through Mr. Luoma and legal counsel Mr. Alberto Boada, had with District Board President Dennis Roy and me regarding the draft Municipal Services Review (“MSR”) and the Sphere of Influence (“SOI”) for the District. The meetings were in held in furtherance of the LAFCo Commission’s direction for the parties to discuss the issues raised in the draft MSR and at the SOI hearing on September 15, 2021. Pursuant to the parties’ agreement, this letter summarizes our understanding of the discussions at the meetings, as well as the proposed actions to be taken on issues related to the MSR and SOI.

As a result above meetings, LAFCo staff provided the District representatives with an enhanced understanding of their good faith concerns with certain past actions and operating procedures of the District. We hope that LAFCo staff also concluded that the actions and procedures of the District, while having room for improvement, have also been undertaken in good faith and with a proper intent. Given the good faith basis motivating both parties, the District has determined that, rather than continuing to focus on differences in understanding or interpretation of past actions, the most productive path forward is for the District to supersede and replace its prior letter objecting to the draft MSR/SOI with this letter setting forth a shared understanding with LAFCo concerning the modifications to District procedures designed to address LAFCo's concerns and, and establish a confirmed basis for improved District operations in the future. It is the District’s hope that many, if not all, of the outstanding issues are clarified through this letter and will be resolved to LAFCo's satisfaction in the manner set forth herein.

Based on the discussions between LAFCo staff and the District representatives, this letter shall act to supersede the District’s position as previously stated in its prior letter dated November 4, 2021 to the LAFCo Commission.

A. The District’s Relationship with the Bell Canyon HOA and District "Grants" to the HOA

1. District expenditures on Recreational Events and Front Gate Security Improvements

We discussed the LAFCo assertion that the District made “grants” amounting to “hundreds of thousands of dollars of taxpayer funds” to the HOA over the course of several years (2015-2020) with respect to services provided by the HOA in connection with certain District sponsored recreational events and in connection with a \$50K payment by the District to the HOA in reimbursement of certain security and traffic control software and hardware installed at the front gate to the community. LAFCo’s concern was that the District was circumventing its public agency obligations and giving public funds to a private entity without public accountability, transparency, or control as to how such funds were expended.

In a previous letter to the Commission dated November 4, 2021, the District provided copies of account ledgers, check requests, and actual checks issued for various recreational event and activity expenditures between 2015 and 2020 showing that most of the recreational event expenditures were provided directly by the District to third party service providers and vendors in arms-length transactions . Only minor payments were made to the HOA for reimbursements for the cost of clean-up, security, and other ancillary activities performed by the HOA staff related to the events and activities.

With respect to the front gate reimbursement for security improvements, LAFCo staff stated that, by reimbursing the HOA for security equipment that the District does not directly operate and control, the District is delegating its power to provide traffic patrol and security services to the HOA to perform, which is not permitted under the law, as such services must be performed by the District or delegated to another qualifying public agency. LAFCo staff also pointed out that traffic patrol services is not one of the enumerated latent powers of a community services district listed under Government Code Section 61100, and was only granted to the District circa 2005 by LAFCo as a special service with the specific limitation of being provided through the CHP.

Proposed Actions: The District has agreed that, going forward, it will not utilize HOA staff or services to provide services or put on events and activities, and will not make any future reimbursements to the HOA for contribution toward improvements owned and operated by the HOA, such as the front gate reimbursement for enhanced security improvements. This should eliminate any further concern with “grants” being provided by the District to the HOA. To the extent any staff is necessary for the District to provide services or put on events or activities, the District will use either its own staff or a specialized outside provider in compliance with all of its legal requirements and statutory obligations. Furthermore, the District is looking to enhance its staffing to provide it the ability to independently perform certain day-to-day tasks and operations in furtherance of its authorized services under the sole direction and control of the District General Manager and District Board of Directors.

LAFCo has agreed to review the draft MSR and consider revision of the language, where applicable, to remove reference to “hundreds of thousands of dollars” of improper expenditures

and to acknowledge the expenditures that were made were in furtherance of a good faith effort to advance the purposes of the District, although they may have, in their implementation, exceeded the proper limits on the manner of achieving those objectives.

2. Fund Expenditures for Parks, Trails and Restrooms

The draft MSR also references approximately \$110,000 in payments from the District to the HOA between the fiscal years of 2014/2015 and 2019/2020 for parks, trails, and restrooms. As a District that is authorized to provide community recreation programs, it is the District's position that it also has the inherent authority under Government Code Section 61060(d) to acquire real and personal property by contract or otherwise and to manage, occupy, and dispose of such property for the benefit of the District.

During the meetings, LAFCo did not dispute the District's power to acquire fee or leasehold interests in property in the name of the District, or the right of the District to manage, occupy, and dispose of such property for the benefit of the District. However, LAFCo pointed out that to the extent the District intended to improve any District property with any physical improvements or recreational facilities, then such actions fall under Government Code Section 61100, paragraph (e) as a latent power to acquire, improve, maintain, and operate recreation facilities, pursuant to the Recreation and Park District Law (as distinct from the District's existing power to coordinate and deliver recreational programming and events). That latent power to construct additional recreational improvements and engage in other capital expenditures intended to provide or enhance recreational facilities under Government Code Section 61100(e) is not currently authorized by LAFCo, and LAFCo's position is that the District would need to apply for and be granted such additional powers before any improvement of any property owned or leased by the District for that purpose may proceed.

The District pointed out that there are two distinct issues: (i) the District's acquisition of an interest in property for the benefit of the District under Government Code Section 61060(d), and (ii) the District's acquisition, improvement, maintenance, and operation of recreational facilities (such as parks and open space) under Government Code Section 61100(e). Under the first issue, the District may lease, license, or acquire any interest in property to exercise an already authorized power without further authorization or approval from LAFCo. However, since the power to acquire as well as improve parkland is set forth as a latent power under Section 61100(e), the District will follow LAFCo's recommendation that the District first obtain from LAFCo authorization to activate the District's latent powers under 61100(e) to improve or construct recreational facilities, including parks and trails improvements, before proceeding with the proposed Community Park Lease or expending District funds to improve that land or install or operate any enhanced park or trail improvements.

Proposed Actions: The clarification and distinction drawn by LAFCo staff is constructive and helpful in the District's understanding on this point. In furtherance of that spirit of cooperation, the District will apply to LAFCo for activation of its latent power under Government Code Section

61100(e) before proceeding with any park or trail improvements contemplated by the District. Until such application for the latent power is approved by LAFCo, the District will not provide any further funding of recreational facilities or trail improvements beyond its existing authorized power for hosting recreational events.

B. The Brown Act

The draft MSR mentions that the District Board meetings and public records must be accessible and available to all members of the public, not just those residing within the Bell Canyon community. As previously explained at the September 15 public hearing and during the meetings, the District does provide all members of the public with unrestricted access to its Board meetings. That is, any member of the public outside of the Bell Canyon community simply informs the front gate that they are there to attend the District Board meeting that day and access is provided; no pre-registration is required and no limitations are imposed on access. HOA employees at the front gate have been instructed that on the dates of the District Board meetings, they are required to let all members of the public in who are present to attend the meeting. Furthermore, the District will continue to allow public attendance and comment via teleconference (e.g. Zoom), in addition to having in-person Board meetings, so the public may attend the meetings remotely if that is their preference.

As for publicly available Board meeting agendas and notices, the District has been timely posting its agendas and notices on its website at www.bellcanyoncsd.specialdistrict.org for some time. The District has also begun physically posting its agendas/notices on a weatherproof bulletin board in a publicly accessible location outside of the gated community and just inside the Ventura County border with Los Angeles County. The area where this posting occurs is open to the public 24/7 and does not require that the public approach or enter the Bell Canyon community in order to access this notice information.

Regarding public records under the Public Records Act, the District has posted relevant public records, such as the District's annual budget, audits, and various policies, on its website. Any other public record not exempt from disclosure can be requested by contacting District staff and filling out a form.

Proposed Actions: The District is committed to complying with the Brown Act and making its actions and public records open and transparent to all members of the public. The District has already made and will continue to make its Board meetings accessible for all members of the public, not just Bell Canyon residents, to attend in-person as well as via teleconference. All notices and agendas will continue to be posted on the District's website and physically at its office, as well as beyond the community gate at the newly installed public bulletin board near the County line. The District will also add signage to the new posting location outside the gated community that alerts the public to the location of this new CSD community bulletin board. Each District agenda posted in the future will include notice of the availability and procedures for public access to any BCCSD meeting conducted inside the boundaries of the HOA gated community.

C. Conflicts of Interest

The draft MSR suggests that it is a potential or apparent conflict of interest for a District Board member to also serve as a concurrent HOA board member. However, the District Attorney (DA) investigation referred to in the draft MSR clearly states that as a matter of law there is *no actual conflict of interest* in simply holding membership on both boards. While it is generally true that a public official cannot hold two public offices that are incompatible at the same time unless an exception applies,¹ serving as a member of the HOA Board of Directors is not a public office, and there is no legal prohibition on simultaneously serving on both boards at the same time.

Additionally, the FPPC, the State body responsible for enforcing the Political Reform Act (“PRA”), which regulates campaign financing, conflicts of interest, lobbying, and governmental ethics, has previously concluded, in the same manner as the District Attorney, that the PRA “does not prohibit an individual from serving as a member of the board of directors of a community services district and as a director of a homeowner’s association.” Rather, the only applicable limitation is that “if a homeowner’s association is a source of income or other economic interest to the individual, he or she may not participate in any district decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the homeowner’s association.”²

Proposed Action: In order to provide further assurance against potential conflicts of interest in the future arising in connection with an individual District decision having a direct impact upon the HOA, the District will be taking the following actions: (i) adopting a Conflicts of Interest Code applicable to all District Board members intended to identify and provide for recusal from decisions where a conflict of interest might arise, (ii) adopting a policy requiring the recusal of District Board members who are also serving on the HOA Board of Directors from actions involving contracts with or payments to the HOA, and (iii) requesting that the HOA adopt a policy limiting the number of District Board members who may serve on the HOA Board at the same time to not more than two (2) individuals.

Furthermore, as the District has already stated in Section A.1 above, the District will not delegate performance of any of its services to the HOA, and will eliminate any reimbursement to the HOA for capital improvements owned and controlled by the HOA. This will greatly reduce the potential for conflicts of interest for members serving concurrently on both the District Board and HOA board.

Moreover, to provide more transparency and accountability, the District is in the process of updating its by-laws and developing a set of rules and regulations for its Board and the District to follow that will enhance transparency and accountability. Such by-laws, rules, and regulations are being reviewed and finalized by the District’s legal counsel, and will be presented before the Board

¹ Gov. Code §§ 1099; 1126.

² *Gale Guthrie* (September 16, 1998) Cal.Fair.Pol.Prac.Com.Adv. I-98-209, 1998 WL 671300.

at a public meeting in the near future for review, comment, and approval.

D. Traffic Patrol and Decoy Vehicle

As stated previously in Section A.2 of this letter, the District is authorized to provide traffic patrol services under the provisions of a contract with the CHP, and the District has the inherent power under Government Code Section 61070 to decide whether to provide the service itself or contract with another public agency for the provision of such service. The District acknowledges that the power to provide traffic patrol is not an express latent power under Government Code Section 61100 and was specifically requested by the District and approved by LAFCo within its granting authority. Thus, according to LAFCo, any traffic patrol service must be (i) through a contract with CHP, (ii) through a contract with another qualifying public agency, or (iii) provided by the District itself through the employment of peace officers.

Proposed Actions: Going forward, the District will not engage in traffic patrol services unless it either (i) activates its latent power with LAFCo to employ its own peace officers, pursuant to Penal Code Section 830 *et seq* or (ii) contracts for such service with the CHP or another qualifying public entity. Should the District decide at some point to again contract with the CHP or another qualifying public agency, the District will inform LAFCo prior to entering such contract.

With respect to the HOA, the District has already terminated any authorization for the HOA and its security personnel to operate the decoy vehicle at any time or for any purpose, and has terminated any further HOA access to the decoy vehicle. Any future traffic enforcement activities of the HOA will be kept entirely separate from any actions of the District with respect to its traffic patrol efforts.

In addition, questions were raised with respect to the decoy vehicle's decals and potential confusion surrounding the "State of California" wording on the door of the decoy vehicle. Please note that the vehicle does not use the State's seal or any other emblem to represent that the vehicle belongs to the State. Nonetheless, to avoid any further confusion, the District has removed any reference to "State of California" and any "seal" or "insignia" on the vehicle body. Given the issues that have arisen from the decoy vehicle, the District has further instructed the District's general manager to proceed with disposition of the patrol vehicle as the District does not have any further foreseeable use for the patrol vehicle at this time.

E. Limitation of Delivery of Emergency-Related Services; No Stand-Alone Emergency Response Training

The District is authorized to provide emergency medical (advance life support) services under the provisions of a contract with the Los Angeles Fire Department ("LAFD"). At this time the District is not contracting with the LAFD for this service because emergency medical services are currently being provided to the District by LAFD under the terms of a contract directly between LAFD and Ventura County Fire Protection District ("VCFPD") that does not require any District

involvement. While, as with other services granted by LAFCo, the District has the inherent power under Government Code Section 61070 to decide whether to provide the service itself or contract with another public agency for the provision of such service, LAFCo pointed out that, in accordance with Government Code Section 61100, paragraph (n), the power to provide emergency medical services granted by LAFCo must be in accordance with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act under the Health and Safety Code. Thus, to the extent the District desires to perform emergency medical services itself, rather than through LAFD/VCFPD or another qualified public agency, LAFCo asserts that the District would be required to fully comply with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act in hiring and retaining employees (e.g. EMS technicians) to act as emergency personnel. Under this standard, allowing the District provide stand-alone emergency training classes such as CPR to residents, and use of the District's emergency vehicle to respond to individual emergencies, would not qualify as an authorized service under Government Code Section 61100(n).

Proposed Actions: The District acknowledges that Government Code Section 61100(n) only allows emergency medical services to be provided in accordance with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act under the Health and Safety Code. Accordingly, to the extent the District desires to perform emergency medical services itself, it will do so in accordance with the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act under the Health and Safety Code, and will first seek approval from LAFCo to conduct such services. Otherwise, the District will continue to perform such services through LAFD/VCFPD. To the extent the District desires to provide CPR classes, it will do so through LAFD/VCFPD.

F. Security Services/Graffiti Abatement

The District is authorized to provide security services, including but not limited to burglar and fire alarm services, to protect lives and property, and to perform graffiti abatement services. Again, as with other services granted by LAFCo, the District has the inherent power under Government Code Section 61070 to decide whether to provide those services itself or contract with another public agency for the provision of such services. The draft MSR suggests that the security services and graffiti abatement services have not been exercised.

During the meetings, the parties discussed the District's desire to retain authority to provide security and graffiti abatement services, and LAFCo reiterated that the District would be able to do so on its own or contract with another public agency for such services but could not use the HOA for the provision of these services or reimburse the HOA for costs incurred in connection therewith.

Proposed Actions: Since the District desires to preserve its ability to provide security and graffiti abatement services on its own, the District will adopt ordinances outlining the details under which such services will be provided to the residents of the Bell Canyon community, including the type

and manner in which security services, including burglar and fire alarm services, and graffiti abatement will be provided. As previously stated, the District intends on employing its own staff to provide those services. Specific details on the ordinances and the services will be provided to LAFCo prior to adoption and implementation of any action by the District on this item.

G. Park Property and Recreational Facilities

As briefly mentioned in Section A.3 above, it is acknowledged that the District has the existing authority to provide community recreational programs, and may acquire a fee or leasehold interest in real property for the benefit of the District in furtherance of such purpose. The District does not, however, have authority to improve or construct recreation facilities unless and until the latent power to do so under Government Code Section 61100(e) has been activated through LAFCo.

1. Park/Recreational Facilities

Other than the small multi-use parcel owned by the District, all of the common area locations within the District's boundaries, including the community park ("Park"), community center, and trails, are owned by the HOA. As a result, if the District puts on a recreation event or program, as it is authorized to do, the District is required to secure access to these areas for this purpose. There is no other physical location for such events and programs to occur.

Nonetheless, as previously stated in Section A.3 above, the District understands that there is a difference between (i) the District's acquisition of an interest in property for the benefit of the District under Government Code Section 61060(d), and (ii) the District's acquisition, improvement, maintenance, and operation of recreational facilities (such as parks and open space) under Government Code Section 61100(e). Thus, the expenditure of District funds on acquiring, improving or maintaining the Park or trails pursuant to the Community Park Lease with the HOA, which constitutes acquisition, improvement, maintenance, and operation of recreational facilities (such as parks and open space) under Government Code Section 61100(e), will be deferred until the District has secured LAFCo approval of the activation of its latent powers under Government Code Section 61100(e).

Proposed Actions: Because it is the District's desire to fund certain improvements to the Park and related facilities, the District will apply for the latent power under Government Code Section 61100(e) with LAFCo for the acquisition, construction, improvement, maintenance, or operation of recreational facilities, in the same manner as a recreation and park district under Recreation and Park District law.

2. Triunfo Property

The District has long leased a parcel of property adjacent to the Park ("Triunfo parcel") for the purpose of gaining access to the Park without objection or issue. The Triunfo parcel is a surplus land parcel that Triunfo has determined it does not need and would be willing to permanently

dispose of. Triunfo and the District have been discussing the District's acquisition of the parcel because such access is the only access to the Park, and, without control over access to the Park, the District recreational activities and programs would be jeopardized.

Proposed Actions: Because the District's needs to secure permanent access to the Park and related facilities as a part of its core purpose, the District will proceed with acquiring the Triunfo parcel as soon as possible. However, no improvement will be made to the access parcel of the Park until the District has secured authority to active its powers under Government Code Section 61100(e). Promptly following confirmation of the understandings set forth in this letter, the District will, with LAFCo support and guidance, move forward with an application for activation of its latent powers under Government Code Section 61100(e) with LAFCo for the acquisition, construction, improvement, maintenance, or operation of recreational facilities, in the same manner as a recreation and park district under Recreation and Park District law.

3. Multi-Use Parcel

The draft MSR states that the District has no authority to own, manage, operate, or maintain a bus stop. However, the parcel of property ("Multi-Use parcel") currently being used as a bus stop for children to be picked up by a school bus was a grant of land from the County of Ventura back in 2008 (and prior to that before 2005 was a lease from the County to the District). The improvement of the land for the bus stop itself was through a grant from the Boeing company. Currently, maintenance of the Multi-Use parcel is provided by the HOA, which also maintains the bus stop. The District does not use the property as a bus stop, but rather uses the land for the public purpose of providing open space for the community's use and as a location for community events, recycling collection area during clean up events, recreational activities and other permitted District functions. Such use of the Multi-Use parcel for putting on community recreation programs is a permissible use of the property authorized by LAFCo.

Proposed Actions: Because the District does not wish to directly use and does not itself utilize the Multi-Use parcel for a bus stop or transportation services, the District will enter into a ground lease with the HOA for the latter's use of a portion of the Multi-Use parcel as a bus stop. The District has not provided funding for and will not provide any funding for the bus stop operation or maintenance, and that will be the sole responsibility of the HOA. The District will continue to use the remainder of the Multi-Use parcel for hosting community recreation programs and trash and recycling events, and no further approval from LAFCo is required with respect to such already authorized activities. If in the future the District intends to improve the Multi-Use parcel with any park or recreational facilities, it will seek activation of its powers under Government Code Section 61100(e) before undertaking such improvements.

H. Fire-Safe Council Grant

Government Code Section 61116 specifically authorizes community services districts to receive grant funds from any public or private agency in furtherance of the district's purposes. In reliance

upon that authorization in December 2020, the District applied for and received a fire safety grant from the State of California's CalFire, which intended to be used purely as a pass-through grant from the District to the Fire Safe Council, a separate 501(c)(3) entity. which would actually administer the grant. The District so far has only received and passed through a portion of the grant award.

At the time of its application for the grant, the District believed in good faith that its ability to receive the aforementioned grant as a pass-through was part of its emergency and security services related to the protection of lives and property.

During the meetings, however, LAFCo pointed out that the purpose of the fire grant actually serves as fire protection services, which is not a latent power (Gov. Code § 61100(d)) that has been granted to the District by LAFCo. The District acknowledges that it does not have the authority to provide fire protection services, and as a result, agreed that it would not pursue any further such grants.

Proposed Action: The District has agreed to not further pursue any grants of this nature in the future. As to the disbursement of the balance of the existing grant, LAFCo has informed the District that it is up to the District to determine how to deal with the existing grant. The District will deal directly with CalFire on disbursement of remaining grant funds, and, following close out of the existing grant, will cease any further activity with respect to this CalFire program.

I. Conclusion

Based on the foregoing, the District believes the outstanding issues, as they were presented in the draft MSR and initially objected to by the District, have either been resolved or the process for their resolution has been set out in detail. We reiterate that, with respect to those outstanding issues, this letter shall act to supersede the District's position as previously stated in its prior letter dated November 4, 2021 to the LAFCo Commission. The District thanks LAFCo again for its time, cooperation, and consideration in this matter, and for the professionalism and expertise of its staff shown at our recent in person meetings. If you have any further questions, please contact me at the email or phone number above. If you are in agreement with all of the proposed actions and remedial measures set forth in this letter, the District requests your confirmation of that understanding.

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee

PKL:PKL

Honorable Chair and Commissioners of LAFCo
February 25, 2022
Page 11

Copy: Dennis Roy, District Board President (via email)
Geoff Abadee, District Board member (via email)
Judith Lantz, District Board member (via email)
Richard Levy, District Board member (via email)
Eric Wolf, District Board member (via email)
Dennis Zine, District General Manager (via email)