ORDINANCE NO. 26-273

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 3 (PUBLIC SAFETY), CHAPTER 3 (EMERGENCY PREPAREDNESS), SECTIONS 3-3-1, 3-3-3, 3-3-4, 3-3-5, AND 3-3-6.

The Board of Directors for the Bear Valley Community Services District does ordain as follows:

SECTION 1. Findings.

The Board of Directors finds as follows:

A. The District has reviewed Chapter 3 of Title 3 of the District Code to update its emergency preparedness provisions.

B. The District's emergency preparedness provisions should be updated to remove references to the Tehachapi Mountain Community Response Plan, clarify the National Incident Management System, and establish Disaster Service Worker responsibilities for District employees.

C. The Disaster Preparedness Advisory Council should be eliminated, and annual review of the District Emergency Plan and transmittal of plans to the office of emergency services should be assigned to the Public Safety Committee.

SECTION 2. Amendments to District Code Title 3 Chapter 3.

Title 3 (Public Safety), Chapter 3 (Emergency Preparedness) of the Bear Valley Community Services District Code is amended as follows:

A. Section 3-3-1 is amended in its entirety to read as follows:

3-3-1 PURPOSES

A. Additional Authority: Due to the potential isolation of Bear Valley Springs following an emergency, this chapter is designed to implement and augment the California Emergency Services Act (Cal. Gov't Code, §§ 8550 et seq.) and the Kern County Emergency Plan, to the extent they are applicable to the district. The district shall use the National Incident Management System (NIMS) as it is used by the State of California and the County of Kern which integrates the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS). Where applicable, specific references to sections of the California Emergency Services Act and to NIMS regulations and guidelines will be included in the following sections of this chapter.

B. Identification and Power Succession: The intent of this chapter is to identify key personnel, to provide for standby officers and succession of department heads, and to define duties and responsibilities in the event of an emergency affecting the district.

B. Section 3-3-3 is amended in its entirety to read as follows:

3-3-3 NIMS (NATIONAL INCIDENT MANAGEMENT SYSTEM) ADOPTED AS POLICY

NIMS, as it is used by the State of California and the County of Kern, is hereby adopted as the official policy of the district.

C. Section 3-3-4 is amended in its entirety to read as follows:

3-3-4 DISTRICT EMERGENCY PLAN

A copy of the district's emergency plan will be kept on file at the district office and will be reviewed annually by the Public Safety Committee (PSC). In the event of a contradiction between the plan and this code, this code will prevail. The PSC shall supply a copy of any plans developed pursuant to this chapter to the office of emergency services.

D. Section 3-3-5 is amended in its entirety to read as follows:

3-3-5 PROCLAMATION OF AN EMERGENCY OR LOCAL INCIDENT

A. Request for Proclamation: Immediately upon becoming aware of an emergency period within the district, the Emergency Management Director or Incident Commander shall request the Kern County office of emergency services to proclaim a local emergency for the district. The request shall be made through Kern County communications (control-1) or by the most expeditious method available.

B. Activation of NIMS (National Incident Management System): Immediately upon receipt of notice to the Board, the Emergency Management Director or the Incident Commander that a local emergency has been proclaimed for the district, NIMS shall be activated and implemented as appropriate to the scope of the emergency and the district's role in response to the emergency.

C. Response to Incident: In the case of a local incident within the capability of the district, the Incident Commander may activate the incident command system and respond as the incident dictates.

D. National Incident Management System: NIMS is the national framework for managing emergencies and planned events. It gives agencies a shared structure, terminology, and process so they can work together effectively. Key elements include:

1. Incident Command System: Establishes command, roles, responsibilities, and reporting relationships.
2. Unified Command: Allows agencies with different authorities to coordinate without surrendering their legal authority.
3. Resource management: Tracks personnel, equipment, facilities, and mutual-aid resources.
4. Communication: Promotes common terminology and interoperable systems.
5. Emergency Operations Centers: Supports field operations through coordination, information sharing, and resource allocation.

6. Public information: Coordinates accurate and consistent emergency messaging.

7. Training and exercises: Prepares personnel to perform assigned emergency roles.

For BVCSD, NIMS provides a framework for the District, Bear Valley Police Department, Kern County OES, fire services, public works, utilities, and outside agencies to operate within one coordinated system.

E. Section 3-3-6 is amended in its entirety to read as follows:

3-3-6 DISASTER SERVICE WORKERS

Under California Government Code Sections 3100 and 3101, all Bear Valley Community Services District employees are designated as Disaster Service Workers. During a declared emergency or disaster, employees may be assigned duties outside their normal job responsibilities based on the needs of the District. Employees must report as directed, follow the established chain of command, and perform assigned emergency duties consistent with their training, abilities, and applicable law. Department heads and supervisors are responsible for communicating assignments, maintaining employee accountability, and ensuring personnel receive appropriate emergency preparedness training.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. Environmental Quality Act.

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and is not a project which has the potential for causing a significant effect on the environment. The approval of the code amendments in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical change in the environment. Any specific development project that may result from these changes will be subject to environmental review. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these District code amendments are exempt from review under CEQA and no further environmental review is necessary.

SECTION 5. Effective Date.

The Secretary of the Board of Directors is directed to cause this ordinance to be published in the manner required by law. This Ordinance shall take effect and be enforced 30 days after its adoption.

INTRODUCED at a regular meeting of the Board of Directors of the Bear Valley Community Services District held on December 10, 2026.

PASSED AND ADOPTED by the Board of Directors of the Bear Valley Community Services District on the ___ day of _____, 20___, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____
Board President

ATTEST:

BY: _____
Secretary of the Board of Directors

APPROVED AS TO FORM:

BY: _____
District Counsel