ORDINANCE NO. 26-270

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT ADDING CHAPTER 5 TO TITLE 7 OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT CODE PROHIBITING THE USE OF POTABLE WATER TO IRRIGATE NONFUNCTIONAL TURF, AND AMENDING SECTIONS 7-1-5, 7-1-14, 7-4-1, 7-4-6, 7-4-8, AND 7-4-12 OF THAT CODE OF THE CODE

WHEREAS, the Bear Valley Community Services District ("District") is a community services district organized and existing under the Community Services District Law, Government Code section 61000 et seq., and provides retail potable water service to the Bear Valley Springs community in Kern County; and

WHEREAS, the District operates public water system No. CA1510038, comprising approximately 110 miles of water lines, 16 groundwater wells, and 43 storage tanks with a total storage capacity of 4.57 million gallons, and serving approximately 2,855 active potable water service connections and a population of approximately 5,600; and

WHEREAS, the District is a "public water system" as defined in Health and Safety Code section 116275 and Water Code section 10608.12, subdivision (z); and

WHEREAS, Assembly Bill 1572 added Water Code section 110 and Chapter 2.5 (commencing with section 10608.14) to Part 2.55 of Division 6 of the Water Code, and amended Water Code sections 10540, 10608.12, and 10608.22; and

WHEREAS, Water Code section 110, subdivision (a)(1), declares that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem; and

WHEREAS, Water Code section 10608.14, subdivision (a), prohibits the use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities, as of dates phased by property ownership under paragraphs (1) through (5) of that subdivision; and

WHEREAS, Water Code section 10608.14, subdivision (d), requires public water systems, by no later than January 1, 2027, to revise their regulations, ordinances, or policies governing water service to include the requirements of subdivisions (a) and (b) of that section, as revised by the State Water Resources Control Board pursuant to subdivision (c), and to communicate those requirements to their customers on or before that date; and

WHEREAS, the District itself is a local public agency and a public water system, and properties owned by the District are subject to the January 1, 2027, compliance date under Water Code section 10608.14, subdivision (a)(2); and

WHEREAS, Water Code section 10608.14, subdivision (b), provides that the use of potable water is not prohibited to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need; and

WHEREAS, Government Code section 61060, subdivision (a), authorizes the District to adopt ordinances following the procedures of Article 7 (commencing with section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code, and subdivision (b) authorizes the District to adopt by ordinance and enforce rules and regulations for the administration, operation, use, and maintenance of the facilities and services listed in Part 3 of the Community Services District Law, including the water service authorized by Government Code section 61100, subdivision (a); and

WHEREAS, Government Code section 61064, subdivision (a), provides that violation of any rule, regulation, or ordinance adopted by a board of directors of a community services district is a misdemeanor punishable pursuant to Penal Code section 19, and subdivision (b) provides that any citation issued by a district for such a violation may be processed as an infraction pursuant to Penal Code section 17, subdivision (d); and

WHEREAS, Water Code section 375 authorizes a public entity that supplies water at retail, including a special district, to adopt and enforce by ordinance a water conservation program to reduce the quantity of water used by persons within its service area, Water Code section 376 provides that such an ordinance is effective upon adoption and shall be published within 10 days after adoption, and Water Code section 377 provides for misdemeanor, civil, and administrative civil liability for violations of such a program; and

WHEREAS, the District previously adopted Chapter 4 of Title 7 of this Code (Water Conservation) by Ordinance 17-245 on March 23, 2017, as a water conservation program, and this Ordinance supplements that program with permanent requirements that apply without regard to any declared water shortage stage condition; and

WHEREAS, the District previously adopted Chapter 12 of Title 1 of this Code (Administrative Citations) by Ordinance 18-249 on May 24, 2018, pursuant to Government Code section 53069.4, making any violation of this Code subject to an administrative fine and establishing the procedures for imposition, hearing, and collection of such fines; and

WHEREAS, the District's potable water supply is limited and costly, a substantial share of the District's supply is purchased from and imported by the Tehachapi-Cummings County Water District, and the elimination of potable irrigation of nonfunctional turf advances the District's water supply reliability; and

WHEREAS, the District produces recycled water at its wastewater treatment facility and distributes that recycled water to the Oak Tree Golf Course, and also provides untreated non-potable water service, and turf irrigated exclusively with recycled water or other non-potable water is not subject to Water Code section 10608.14 or to this Chapter, consistent with existing section 7-4-8 of this Code; and

WHEREAS, the Board of Directors finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15307 (actions by regulatory agencies for protection of natural resources) and section 15308 (actions by regulatory agencies for protection of the environment), because the Ordinance restricts the use of potable water and will result in the conservation of water resources. Additionally, and in the alternative, the Board of Directors finds the adoption of this Ordinance exempt under CEQA Guidelines section 15061, subdivision (b)(3), because it can be seen with certainty that there is no possibility that adoption of this Ordinance may have a significant effect on the environment; and

WHEREAS, this Ordinance was introduced at a regular meeting of the Board of Directors held on October 22, 2026, and adopted at a regular meeting held on November 12, 2026, not less than five days after introduction, in accordance with Government Code section 25131.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The recitals set forth above are true and correct and are incorporated by this reference as findings of the Board of Directors.

SECTION 2. Addition of Chapter. Chapter 5 is hereby added to Title 7 of the Bear Valley Community Services District Code, to read as follows:

CHAPTER 5: NONFUNCTIONAL TURF

Section

7-5-1 Purpose and Authority
7-5-2 Definitions
7-5-3 Prohibition; Compliance Dates
7-5-4 Exceptions
7-5-5 Functional and Nonfunctional Turf; Illustrative Examples
7-5-6 Certification and Records
7-5-7 Postponement of Compliance Deadlines; Local Enforcement Forbearance
7-5-8 Enforcement; Notice of Violation; Penalties
7-5-9 Dispute and Appeal
7-5-10 Coordination with Other Enforcement Agencies
7-5-11 District Technical Assistance
7-5-12 District-Owned Property

7-5-13 Relationship to Other Provisions of This Code

§ 7-5-1 PURPOSE AND AUTHORITY.

A. The purpose of this chapter is to implement Water Code section 10608.14 within the district's service area, to satisfy the district's obligation under Water Code section 10608.14, subdivision (d), and to conserve the district's potable water supply.

B. This chapter is adopted under Government Code sections 61060, subdivisions (a) and (b), 61064, and 61100, subdivision (a), Water Code sections 375, 376, and 377, Water Code section 10608.14, subdivision (g)(1), and Government Code section 53069.4. This chapter constitutes a water conservation program adopted pursuant to Water Code section 375, and supplements the water conservation program set forth in chapter 4 of this title.

C. The requirements of this chapter apply at all times and do not depend upon the declaration of a stage one (1), two (2), or three (3) condition under section 7-4-3 of this title.

D. This chapter does not authorize any use of potable water that state law prohibits, and does not relieve any person of any obligation imposed by state law. In the event of any conflict between this chapter and Water Code section 10608.14 or the regulations of the State Water Resources Control Board adopted thereunder, state law controls.

§ 7-5-2 DEFINITIONS.

A. **Incorporation by reference**. The definitions in Water Code section 10608.12, as that section may be amended from time to time, govern the construction of this chapter. Without limiting the foregoing, the terms "common area," "common interest development," "community service organization or similar entity," "community space," "disadvantaged community," "functional turf," "homeowners' association," "institutional water user," "nonfunctional turf," "potable water," "public water system," "recreational use area," "recycled water," and "turf" have the meanings given in Water Code section 10608.12, subdivisions (g), (h), (i), (j), (l), (m), (o), (q), (u), (x), (z), (aa), (ab), and (ae), respectively.

B. **Additional definitions**. For purposes of this chapter, and notwithstanding title 1, chapter 3 of this code:

NON-POTABLE WATER: Water that is not suitable for human consumption, including recycled water and untreated surface or lake water furnished by the district under its non-potable water service.

REGULATED PROPERTY: A property to which the prohibition in Water Code section 10608.14, subdivision (a), applies, as identified in section 7-5-3.

RESPONSIBLE PARTY: The owner of a Regulated Property and, where different, the district water service account holder for the service through which the irrigation water is delivered. This term is in addition to, and does not replace, the term "responsible person" as defined in section 1-12-2 of this code.

§ 7-5-3 PROHIBITION; COMPLIANCE DATES.

A. **Prohibition**. No person shall use potable water supplied by the district to irrigate nonfunctional turf located on commercial, industrial, or institutional property, other than a cemetery, or on property of a homeowners' association, common interest development, or community service organization or similar entity, on and after the applicable date set forth in subsection B of this section.

B. **Compliance dates**. Consistent with Water Code section 10608.14, subdivision (a), the prohibition applies as of the following dates:

1. All properties owned by the Department of General Services: January 1, 2027.

2. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in subsection B(5) of this section: January 1, 2027. This paragraph includes properties owned by the district.

3. All other institutional properties and all commercial and industrial properties: January 1, 2028.

4. All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities: January 1, 2029.

5. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community: January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on those properties to climate-appropriate landscapes, whichever is later.

C. **Ownership controls the applicable date**. The compliance date applicable to a Regulated Property is determined by the ownership of the property, without regard to whether the property is leased to or operated by another person or entity. A property owned by the district and leased to another person or entity is subject to the January 1, 2027 date under subsection B(2) of this section.

D. **Single-family residences**. This chapter does not apply to single-family residential property, and nothing in this chapter restricts the irrigation of turf at a single-family residence. The permanent water conservation measures in section 7-4-5(A) of this title continue to apply to all district customers, including single-family residences.

E. **Non-potable and recycled water**. This chapter applies only to the use of potable water. Consistent with section 7-4-8 of this title, turf irrigated exclusively with recycled water or other Non-Potable Water is not subject to this chapter. Where potable water is used to supplement or substitute for Non-Potable Water on nonfunctional turf, that use is subject to this chapter.

§ 7-5-4 EXCEPTIONS.

Notwithstanding section 7-5-3, and consistent with Water Code section 10608.14, subdivision (b), the use of potable water is not prohibited by this chapter:

A. To the extent necessary to ensure the health of trees and other perennial nonturf plantings; or

B. To the extent necessary to address an immediate health and safety need.

C. **Application of subsection A**. Where potable water is delivered to trees or other perennial nonturf plantings and to nonfunctional turf through a single irrigation valve, the Responsible Party shall deliver water to the trees or plantings efficiently by drip, bubbler, or subsurface irrigation. Nonfunctional turf watered incidentally within the root zone of a tree or other perennial nonturf planting is permitted; irrigation of nonfunctional turf outside that root zone is not.

D. **Application of subsection B**. A claim under subsection B is an applied determination based on the specific condition presented, and must be documented to the district. Subsection B does not create a standing or categorical exemption for any property, and the district may require the Responsible Party to demonstrate the immediate health and safety need and to discontinue the irrigation when the need abates.

E. **No other exceptions**. No exception, exemption, waiver, suspension, or modification granted under section 7-1-5(G) or (H) or section 7-4-6 of this title, and no forbearance granted under section 7-5-7, excuses compliance with Water Code section 10608.14 or with this chapter.

§ 7-5-5 FUNCTIONAL AND NONFUNCTIONAL TURF; ILLUSTRATIVE EXAMPLES.

A. The examples in this section are illustrative only and are subordinate to the definitions in Water Code section 10608.12, subdivisions (m), (j), (u), and (aa). No example in this section authorizes the irrigation of turf that is nonfunctional turf under state law.

B. Turf that is ordinarily functional in the district's service area, if located in a recreational use area or community space:

1. Sports fields and ballfields;

2. Golf course playing surfaces, including tees, fairways, greens, and roughs;

3. Playgrounds and picnic grounds;

4. Designated pet exercise areas;

5. Turf at the equestrian facilities and along equestrian trails regulated under section 6-3-15 of this code, used for riding, showing, or spectator recreation;

6. Turf at district lakes and shoreline areas used for recreation regulated under sections 6-3-16 through 6-3-18 of this code;

7. Campground and park turf used for recreation, whether formal or informal;

8. Turf at the Whiting Center and Oak Tree Country Club grounds designated by the district or the property owner to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings, where that designation is documented and the area is used for such events.

C. Turf that is ordinarily nonfunctional in the district's service area:

1. Turf located within street rights-of-way, medians, roundabouts, and parkway strips;

2. Turf in and around parking lots and parking islands;

3. Ornamental frontage, entry monument, and gatehouse turf maintained for appearance rather than use;

4. Turf at the district's administrative office, corporation yard, wastewater treatment facility, well sites, tank sites, and booster station sites, other than any portion designated and used as a recreational use area or community space;

5. Turf enclosed by fencing or other barriers that permanently preclude human access for recreation or assembly;

6. Slope, buffer, and setback turf that is not used for recreation or community gathering.

§ 7-5-6 CERTIFICATION AND RECORDS.

A. **State certification**. Consistent with Water Code section 10608.14, subdivision (e), an owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area, other than a cemetery, shall certify to the State Water Resources Control Board, commencing June 30, 2030 and every three years thereafter through

2039, that the property is in compliance with Chapter 2.5 of Part 2.55 of Division 6 of the Water Code. An owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity shall so certify commencing June 30, 2031 and every three years thereafter through 2040.

B. **Form**. Certification shall be made on the form created by the State Water Resources Control Board under Water Code section 10608.14, subdivision (c), if and when such a form is issued. The district shall post information regarding the certification requirement and any State Water Resources Control Board form on the district's website.

C. **District records**. A Responsible Party shall, upon written request of the General Manager, provide the district with information reasonably necessary to determine compliance with this chapter, including the location and approximate square footage of turf on the property, the designation of turf areas as functional or nonfunctional, and the source of irrigation water for each area. The district shall allow not less than 30 days to respond.

D. **No local periodic self-certification requirement**. Except as provided in subsection C of this section, this chapter does not require a Responsible Party to file a periodic self-certification with the district.

§ 7-5-7 POSTPONEMENT OF COMPLIANCE DEADLINES; LOCAL ENFORCEMENT FORBEARANCE.

A. **State authority**. Water Code section 10608.14, subdivision (c), authorizes the State Water Resources Control Board, upon a showing of good cause including economic hardship, critical business need, and potential impacts to human health or safety, to postpone a compliance deadline by up to three years. The district has no authority to postpone, waive, or extend a compliance date established by state law. The district shall direct any person seeking a postponement to the State Water Resources Control Board.

B. **Local forbearance**. A Responsible Party may apply to the General Manager for forbearance from local enforcement under this chapter, on a showing of good cause including economic hardship, critical business need, or potential impacts to human health or safety, and a demonstrated good faith effort to comply. The General Manager may grant forbearance for a period not exceeding one year, subject to conditions, and may extend it once for good cause. Any grant of forbearance shall be reported to the Board at its next regular meeting, consistent with the practice established by section 7-4-6 of this title. A grant of forbearance:

1. Applies only to enforcement by the district under this chapter;

2. Does not authorize the use of potable water to irrigate nonfunctional turf, does not excuse compliance with Water Code section 10608.14, and does not affect the certification obligations in section 7-5-6; and

3. Does not limit enforcement by the State Water Resources Control Board, the County of Kern, or any other entity authorized by Water Code section 10608.14, subdivision (g)(1).

C. The district shall provide written notice of the limitations in subsection B of this section to every applicant for forbearance.

§ 7-5-8 ENFORCEMENT; NOTICE OF VIOLATION; PENALTIES.

A. **Enforcement authority**. The General Manager is authorized to enforce this chapter. This chapter constitutes a water conservation program adopted pursuant to Water Code section 375, and violations are subject to Water Code section 377, to Government Code section 61064, and to administrative fines under title 1, chapter 12 of this code.

B. **Investigation and inspection**. The district may verify compliance by staff observation from a public right-of-way, from district property, or from district facilities, by review of water use and metering data, by investigation of reports received from any source, and by site inspection with the consent of the Responsible Party or pursuant to an inspection warrant obtained under Code of Civil Procedure section 1822.50 *et seq.*

C. **Notice of violation**. Before imposing any penalty, the district shall issue a written notice of violation to the Responsible Party in the manner provided by section 7-4-12(A) of this title. The notice shall specify the nature of the violation, the location of the nonfunctional turf at issue, the corrective action required, and a period of not less than 30 days to correct the violation, and shall state the appeal rights under section 7-5-9.

D. **Administrative citation.** If the violation is not corrected within the period stated in the notice of violation, an Enforcement Officer may issue an administrative citation under title 1, chapter 12 of this code. The amount of the fine shall be as established by resolution of the Board under section 1-12-6(A) or, if no amount is established, as set forth in that section. Each day a violation continues is a separate violation under section 1-12-4(B).

E. **Administrative civil liability for continuing violations**. In addition to or in lieu of an administrative citation, the district may impose administrative civil liability under Water Code section 377, subdivisions (b), (c), and (e), for a violation that continues after the correction period stated in the notice of violation, in an amount not to exceed $10,000 per violation, provided that administrative civil liability under this subsection shall not exceed the limits established by Water Code section 377.

F. **Procedure for administrative civil liability**. Administrative civil liability under subsection E shall be imposed only after notice and an opportunity for hearing. The district shall initiate the proceeding by a complaint issued pursuant to Water Code section 377.5, served at least 30 days before the hearing and stating the basis for the proposed civil liability order. The hearing shall be conducted by a hearing officer appointed by the General Manager under section 1-12-2 of this code who did not

participate in the investigation. In determining the amount, the district shall consider all relevant circumstances, including the nature and persistence of the violation, the extent of the harm caused, the length of time over which the violation occurred, any corrective action taken, and the Responsible Party's good faith efforts to comply.

G. **Volumetric penalty**. The district may impose a volumetric penalty under Water Code section 377, subdivision (i), in an amount established by resolution of the Board, applied to potable water used in violation of this chapter.

H. **Other remedies**. The remedies in this section are cumulative and in addition to any other remedy available at law or in equity, including civil action and injunctive relief. Nothing in this chapter limits the authority of the State Water Resources Control Board, the County of Kern, or any other entity authorized by Water Code section 10608.14, subdivision (g)(1).

I. **Collection; no discontinuation of service**. Administrative fines and administrative civil liability imposed under this section shall be collected as provided in sections 1-12-12 and 1-12-13 of this code. Amounts imposed under this section shall not be added to a water service account, and nonpayment of an amount imposed under this section shall not be a basis for discontinuation of water service. Section 7-1-14 of this title does not apply to violations of this chapter.

§ 7-5-9 DISPUTE AND APPEAL.

A. **Notice of violation**. A Responsible Party who disputes a determination that turf is nonfunctional, or who disputes a notice of violation issued under section 7-5-8(C), may appeal in the manner provided by section 7-4-12(B) of this title. The written appeal shall be received by the district within ten (10) days of the mailing of the notice of violation, a notice not appealed within ten (10) days is final. The district shall mail notice of the hearing to the property owner and to the person in whose name service is maintained at least ten (10) days prior to the regular or special meeting at which the appeal will be heard. The Board may affirm, reverse, or modify the notice of violation. The appeal may include a site map, photographs, documentation of designated recreational or community use, and evidence of the irrigation water source.

B. **Administrative citations**. An administrative citation issued under section 7-5-8(D) is contested and heard as provided in sections 1-12-8 through 1-12-11 of this code, including the requirement of an advance deposit of the fine and the hardship waiver procedure in section 1-12-8(B), and is subject to judicial review under Government Code section 53069.4.

C. **Administrative civil liability**. An order imposing administrative civil liability under section 7-5-8(E) is subject to the hearing provided in section 7-5-8(F) and to judicial review as provided by law.

D. **Stay.** The filing of a timely appeal under subsection A stays the issuance of an administrative citation and the accrual of any daily amounts under section 7-5-8(E) until the Board has acted. A stay under this subsection does not stay the underlying prohibition in section 7-5-3, does not stay any obligation to pay water service charges, and does not stay any district remedy for nonpayment of water service charges.

§ 7-5-10 COORDINATION WITH OTHER ENFORCEMENT AGENCIES.

A. Consistent with Water Code section 10608.14, subdivision (g)(2), an entity authorized to enforce Chapter 2.5 of Part 2.55 of Division 6 of the Water Code that is not a retail public water system shall notify the district at least 30 days prior to enforcing that chapter against a property served by the district. The district designates the General Manager as the recipient of such notices, at the district's administrative office, 28999 S. Lower Valley Road, Tehachapi, California 93561.

B. Nothing in subsection A precludes enforcement by any entity identified in Water Code section 10608.14, subdivision (g)(1), including the County of Kern, once adequate notice is given.

C. The General Manager is authorized to enter into a memorandum of understanding with the County of Kern, or with any other entity with concurrent enforcement authority, to coordinate enforcement, avoid duplicative action, and establish notice and referral procedures.

§ 7-5-11 DISTRICT TECHNICAL ASSISTANCE.

Consistent with section 7-4-4 of this title, the district shall make available to its customers information and technical assistance regarding compliance with this chapter, including guidance on identifying functional and nonfunctional turf, conversion of nonfunctional turf to climate-appropriate landscaping, available rebate and incentive programs, and available non-potable and recycled water service.

§ 7-5-12 DISTRICT-OWNED PROPERTY.

The General Manager shall complete an inventory of turf on district-owned property identifying each area as functional or nonfunctional and identifying the source of irrigation water for each area, and shall report to the Board on the district's compliance with section 7-5-3(B)(2) and on any conversion projects required. Nothing in this section extends the compliance date applicable to district-owned property.

§ 7-5-13 RELATIONSHIP TO OTHER PROVISIONS OF THIS CODE.

A. This chapter supplements and does not replace chapters 1 and 4 of this title. The permanent water conservation measures in section 7-4-5(A) and the stage condition measures in section 7-4-5(B) through (D) continue to apply to all district customers according to their terms.

B. In the event of a conflict between this chapter and any other provision of this code, this chapter controls as to the use of potable water to irrigate nonfunctional turf.

SECTION 3. Amendments to Existing Code Sections. Pursuant to section 1-1-3 of this code, the following sections of the Bear Valley Community Services District Code are amended:

A. Section 7-1-5 (General Restrictions; Requirements) is amended by adding the following subsection:

> J. **Nonfunctional Turf**: No suspension or modification granted under subsection G or H of this section may excuse compliance with Water Code section 10608.14 or with chapter 5 of this title.

B. Section 7-1-14 (Violation; Penalty; Service Disconnection) is amended by adding the following sentence at the end:

> This section does not apply to violations of chapter 5 of this title, which are governed by section 7-5-8.

C. Section 7-4-1 (Authority) is amended to read:

> The Community Services District Law (Gov. Code, §§ 61060, 61064, 61100) and the California Water Code (Wat. Code, §§ 375, 376, 377) authorize a Community Services District that supplies water for the benefit of persons within its service area to adopt and enforce a Water Conservation Program to reduce the quantity of water used in order to conserve the district's water supplies and to avoid or minimize the effects of any future shortage.

D. Section 7-4-6 (Enforcement Authority) is amended by adding the following sentence at the end:

> No exception granted under this section may excuse compliance with Water Code section 10608.14 or with chapter 5 of this title.

E. Section 7-4-8 (Use of Recycled Water) is amended by adding the following sentence at the end:

> See also section 7-5-3(E) of this title.

F. Section 7-4-12 (Notice; Appeal) is amended by adding the following subsection:

> C. Application to Chapter 5: The notice and appeal procedures in this section apply to notices of violation issued under section 7-5-8(C) of this title.

SECTION 4. CEQA. The Board of Directors finds that this Ordinance is exempt from CEQA on the grounds stated in the recitals. The General Manager is directed to file a Notice of Exemption with the Kern County Clerk within five working days after adoption.

SECTION 5. Severability. If any provision of this Ordinance, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the remaining provisions or applications, which shall remain in full force and effect. The Board declares that it would have adopted this Ordinance and each provision, sentence, clause, and phrase irrespective of the invalidity of any other portion. This section is in addition to, and does not limit, title 1, chapter 2 of this code.

SECTION 6. Customer Notification. The General Manager is directed to communicate the requirements of Water Code section 10608.14, subdivisions (a) and (b), and of Chapter 5 of Title 7, to the district's customers on or before January 1, 2027, as required by Water Code section 10608.14, subdivision (d), including by bill insert, direct written notice to affected property owners, and posting on the district's website.

SECTION 7. Certification, Publication, and Effective Date.

A. The Secretary of the District shall certify to the adoption of this Ordinance, shall cause it to be entered at length in the district's ordinance book, and shall record the vote of each Director in the minutes, in accordance with Government Code sections 25121 and 25122.

B. The Secretary shall cause this Ordinance to be published within 10 days after adoption, in full, in the Tehachapi News or another newspaper of general circulation printed, published, and circulated in the district, pursuant to Water Code section 376 and Government Code section 6061, or, if there is no such newspaper, posted in three public places within the district within 10 days after adoption. Such publication also satisfies the requirement of Government Code section 25124 that the Ordinance be published within 15 days after passage together with the names of the Directors voting for and against it.

C. As a water conservation program adopted pursuant to Water Code section 375, this Ordinance is effective upon adoption pursuant to Water Code section 376. To the extent this Ordinance is adopted under Government Code section 61060, subdivision (a), it takes effect 30 days after final passage pursuant to Government Code section 25123.

INTRODUCED at a regular meeting of the Board of Directors of the Bear Valley Community Services District held on October 22, 2026.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Bear Valley Community Services District held on November 12, 2026, by the following vote:

AYES: Lewis, Frevert, Hernandez, Paparella
NOES: None
ABSENT: Tabor
ABSTAIN: None

President, Board of Directors

ATTEST:

Secretary of the District

APPROVED AS TO FORM:

District Counsel