

## RESOLUTION 21/22-02

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AMENDING AND RESTATING THE DISTRICT'S POLICIES REGARDING TEMPORARY SIGNS ON DISTRICT PROPERTY

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

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

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

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

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

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

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

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

**SECTION 2. Proprietary Capacity; Changes to Policy.**

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

**SECTION 3. Intent as to Public Forum.**

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

**SECTION 4. Definitions.**

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

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

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

**SECTION 5. Signs Must Be Permitted or Exempted.**

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

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

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

**SECTION 6. Temporary Signs Permitted for Special Events; Approval Procedures.**

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

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

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

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

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

**SECTION 7. Severability.**

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Resolution. The Board of Directors hereby declares that it would have passed and adopted this Resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 8. Repeal of Prior Policies.**

The District's policies for temporary signs on District Property adopted under Resolution No. 2017/18 - 22 are hereby repealed and replaced by the policies set forth in this Resolution.

**SECTION 9. Effective Date.**

This Resolution is effective upon adoption.

**PASSED, APPROVED AND ADOPTED** on July 8, 2021 by the following vote:

|          |                            |
|----------|----------------------------|
| AYES:    | Carlyn, Grace, Quinn, Hahn |
| NOES:    | Jensen                     |
| ABSENT:  | None                       |
| ABSTAIN: | None                       |

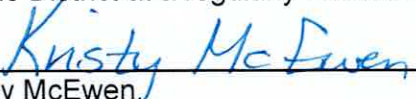


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Gregory Hahn, President  
Bear Valley Community Services District

ATTEST:

I hereby certify that the above Resolution No. 21/22-02 was duly introduced, read, and adopted by the District at a regularly noticed meeting held on July 8, 2021.

  
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Kristy McEwen,  
Secretary of the Board of Directors