

ORDINANCE NO. 55

AN ORDINANCE OF THE PAUMA VALLEY COMMUNITY SERVICES DISTRICT REPEALING AND REPLACING ORDINANCE NO. 55 RELATING TO ESTABLISHING POLICIES AND PROCEDURES FOR GATE ACCESS WITHIN THE PAUMA VALLEY COUNTRY CLUB ESTATES

WHEREAS, the Pauma Valley Community Services District ("District") is a public agency organized under the Community Services District Law set forth in California Government Code Sections 61000, et seq.; and

WHEREAS, pursuant to Government Code Section 61100(j), the District is authorized to provide security services within its boundaries to protect lives and property; and

WHEREAS, Section 61060(a) of the Government Code authorizes the District to adopt ordinances to establish policies and procedures governing the District; and

WHEREAS, with the concurrence of the Pauma Valley Roadway Association ("Association"), the District provides gate access management and monitoring services, along with the ingress to and egress from, the Pauma Valley Country Club Estates ("PVCCE"), as depicted on the map attached hereto as Exhibit "A" and incorporated by reference; and

WHEREAS, the District currently regulates policies and procedures for gate access and road usage within the PVCCE under District Ordinance No. 55; and

WHEREAS, the District desires to repeal and replace Ordinance No. 55 to articulate and adopt its own set of policies and procedures pertaining to PVCCE gate access, separate and apart from the Association; and

WHEREAS, it is the District's desire and intent to adopt the Gate Access Policies and Procedures ("Policies and Procedures"), as set forth in Exhibit "B", attached hereto and incorporated by reference, to promote the orderly conduct of business regarding gate access within the PVCCE.

NOW, THEREFORE, the Board of Directors of the Pauma Valley Community Services District does hereby ordain as follows:

Section 1: Policies and Procedures. The District formally establishes and adopts the Gate Access Policies and Procedures attached hereto as Exhibit "B".

Section 2: Enforcement. The District and its employees are hereby authorized to implement and enforce the rules and regulations presented in the Policies and Procedures.

Section 3: Recitals. The Recitals are incorporated herein and made an operative part of this Ordinance.

Section 4: Effective Date. This Ordinance shall become effective thirty (30) days after its adoption pursuant to California Government Code Section 25123.

Section 5: Publication. This Ordinance shall be published within fifteen (15) days after its passage pursuant to California Government Code Section 25124.

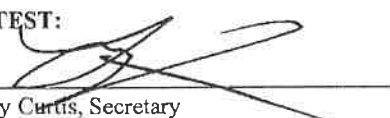
PASSED, APPROVED AND ADOPTED at a regular meeting of the Pauma Valley Community Services Department, held on the 28th day of May 2024.

APPROVED:



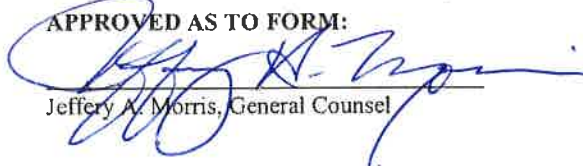
Roland Skumawitz, President

ATTEST:



Larry Curtis, Secretary

APPROVED AS TO FORM:



Jeffery A. Morris, General Counsel

CERTIFICATION

I, Larry Curtis, Secretary of the Board of Directors of the Pauma Valley Community Services District, certify that the foregoing ordinance was introduced at a regular meeting of the Board of Directors on the 28th day of May 2024, and was adopted by the Board of Directors at a special meeting held on the 28th day of May 2024, by the following vote of the Directors:


AYES: Skumawitz, Esparza, Curtis, Collins

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Pauma Valley Community Services District on this 28th day of May 2024.



Larry Curtis, Secretary

Exhibit "A"

Map of Pauma Valley Country Club Estates

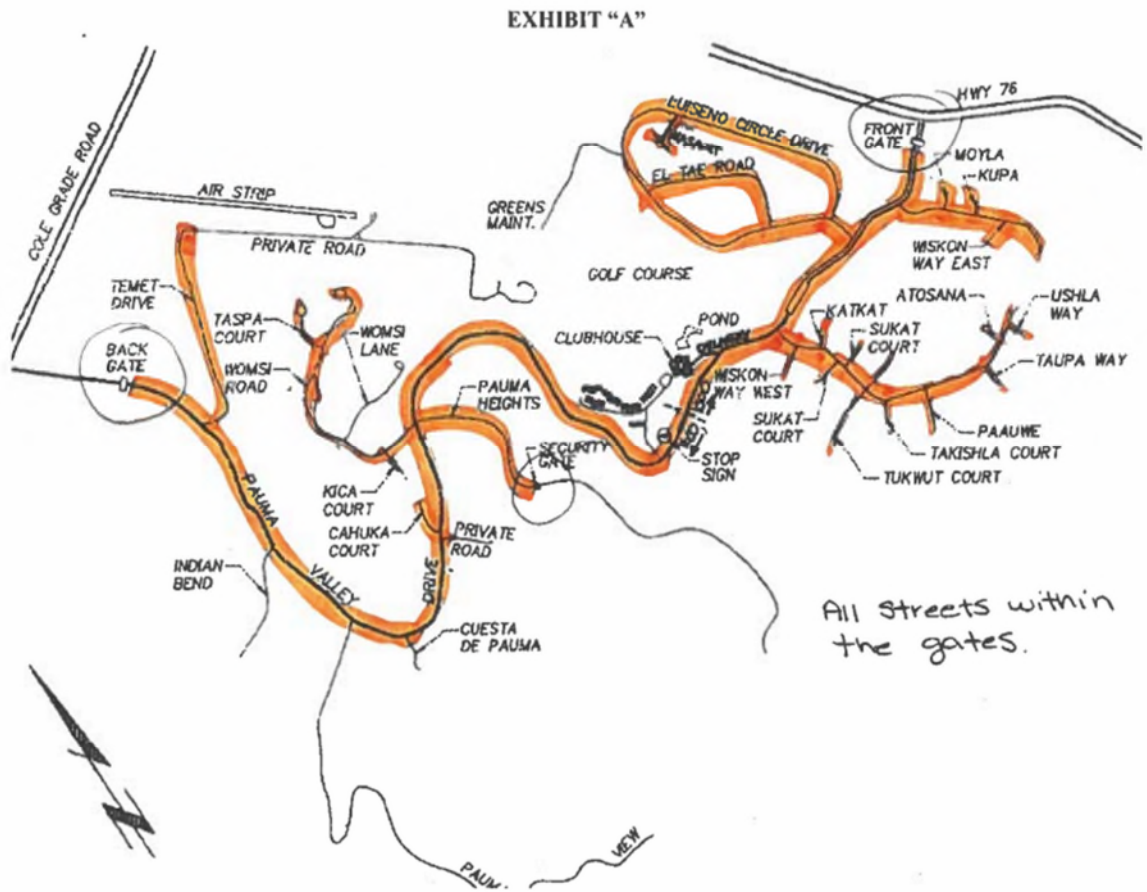



Exhibit "B"

**Pauma Valley Community Services District
Gate Access Policies and Procedures**

	<p style="text-align: center;">Pauma Valley Community Services District Administrative Procedures and Rules</p>	<p>Adoption Date: 06/28/2021</p>
<p style="text-align: center;">GATE ACCESS POLICIES AND PROCEDURES (Pauma Valley Country Club Estates)</p>		<p>Amendment Date: 05/28/2024</p>

ARTICLE 1
GENERAL PROVISIONS

- I. Introduction: Under California Government Code statutory authority, the Pauma Valley Community Services District ("PVCSD" or "District") is authorized to provide a variety of services, including gate access management, security patrol services, and monitoring ingress and egress from the Pauma Valley Country Club Estates ("PVCCE"). (See map attached hereto as Exhibit "A" and incorporated by reference.) It is PVCSD's intent to establish policies and procedures that will be convenient for the public and contribute to the orderly conduct of business regarding gate access for the PVCCE.

- II. Purpose: The purpose of these Gate Access Policies and Procedures ("Policies and Procedures") is to set forth certain policies and procedures by which the functions of the District are carried out. Other District policies and procedures related to gate access may be set forth in specific rules, regulations, resolutions, or policies of the District, whether or not included as part of this document.

- III. Definitions: Except as otherwise herein defined, the following terms used in these Policies and Procedures shall have the meanings set forth below:
 - a. Authorized Individual means a Resident of the PVCCE, the PVRA, and the PVCC.

 - b. Back Gate means the entrance to the PVCCE located on Pauma Valley drive closest to Cole Grade Road.

 - c. Commercial Activity means conduct that requires a Use Permit. Commercial Activity includes long-term rentals of Resident properties and the ongoing activities and events and of PVCC.

 - d. District or PVCSD means the Pauma Valley Community Services District

 - e. Gate Attendant means a person employed by PVCSD that works at a Gatehouse.

- f. Gatehouse means the Gate Attendant staff building located at the Main Gate.
- g. Guest Lane means the left ingress lane at the Main Gate closest to the Gatehouse.
- h. Main Gate means the entrance to the PVCCE located off Highway 76.
- i. Not in Good Standing means a person having delinquent dues or fees owed to the District. Those persons who do not meet the definition of "Not in Good Standing" shall be deemed to be in "Good Standing".
- j. Pass means an official PVCSD document, displayed on the dashboard of the vehicle (if a printed pass), that grants access within the gates of PVCCE for a specific period of time.
- k. Pass Scanner means the scanner located at the Back Gate.
- l. Pauma Heights Gate means the entrance to the PVCCE located directly off Pauma Heights Road.
- m. PVCC means the Pauma Valley Country Club.
- n. PVCCE means the Pauma Valley Country Club Estates.
- o. PVCSD or District means the Pauma Valley Community Services District.
- p. PVRA means the Pauma Valley Roadway Association.
- q. Resident means a PVCCE homeowner or individual(s) authorized to reside in or live on a PVCCE homeowner's property.
- r. RFID Transponder means a Radio Frequency ID tag for gate access issued by PVCSD.
- s. Roadway means the PVRA roads and streets, as depicted on Exhibit "A".
- t. Security Patrol Officer means an employee of PVCSD, or his or her designee, authorized to affect the safety and security of property and persons within the PVCSD service area.
- u. Service Persons means those individuals or entities providing commercial or personal services to Residents or Guests of PVCCE, PVRA, PVCSD, or PVCC.
- v. Signage means any printed information placed or posted on any Roadway, adjacent areas or curbs.
- w. Street Legal refers to vehicles with current licenses and registration documentation.

- x. Use Permit means a permit or license that is required to be issued by an authority having jurisdiction, prior to the commencement of activity that requires such permit or license.
- y. Written Authorization means a properly displayed printed pass, digital pass, active RFID, or an authorization letter from the PVCSD management team.

ARTICLE 2

RESPONSIBILITIES

- I. Gate Attendants: PVCSD shall provide Gate Attendants at the Main Gate to monitor alarm events (e.g., for Wastewater Treatment Plant failures, lift station failures, power outage failures, etc.); take incoming calls; monitor police and emergency radio traffic; and provide visitor management services to control ingress into PVCCE and egress out of PVCCE, in accordance with these Policies and Procedures.
- II. Security Patrol Officers: PVCSD shall provide Security Patrol Officers, with vehicles labeled as Security vehicles, to patrol its areas of responsibility (including PVCCE), respond to Gatehouse-dispatched events, provide emergency assistance to PVCCE Residents and guests, monitor access of the PVCCE community, and investigate breaches of these Policies and Procedures.
- III. Passes: PVCSD shall provide for the issuance of Passes, as defined herein, to those entitled to receive them, upon presentation of necessary documents. Individuals seeking an RFID tag or designation as a recognized contractor at a gatehouse will be referred to the PVCSD office.
- IV. Gatehouse Equipment: PVCSD shall be responsible for maintaining gatehouse equipment, inclusive of rolling gates, barrier arms, and all control systems required for their proper operation.

ARTICLE 3

ROADWAY USAGE WITHIN PVCCE

- I. Drivers: Drivers of motorized vehicles, except golf carts, must hold a valid driver's license, registration, and proof of insurance to drive within the gates of PVCCE.
- II. Recreational Activities: Any recreational activities which present a potential safety hazard, as reasonably determined by PVCSD, will be logged and reported to the proper authorities.
- III. Traffic Control Signs: Drivers of vehicles on any Roadway within the District are requested to observe and adhere to traffic control signs for the overall safety of the public.
- IV. Conformity: Drivers and their vehicles will be reported to the proper authorities by the District if they are not in conformity with the California Vehicle Code.

- V. Authorized Vehicles: Excluding golf carts, use of vehicles that are not Street Legal in California, such as motorized skateboards and motorized dirt bikes, will be reported to the PVRA, and if necessary, to the proper authorities by PVCSD personnel.

ARTICLE 4 **WRITTEN AUTHORIZATION**

- I. Written Authorization: There shall be no access to the PVCCE without PVCSD-issued Written Authorization. Visitor Passes must be current and displayed on the dashboard of the vehicle. RFIDs must be active to be classified as acceptable Written Authorization. Without PVCSD issued Written Authorization, vehicles will be logged and reported to the proper authorities.

ARTICLE 5 **GATE ACCESS**

- I. Policy Inquiries: Inquiries regarding Gate Access policies and RFID Transponders, shall be directed to the PVCSD offices or website at www.paumavalleycsd.com.
- II. Gate Attendants and Security Patrol Officers: Gate Attendants and Security Patrol Officers are authorized to request drivers' licenses of those seeking gate access.
- III. Good Standing Status: Individuals who are Not in Good Standing with the PVCSD may not be permitted to obtain and/or utilize RFID Transponders. Said individuals must request a Visitor Pass until their Good Standing status is restored.

ARTICLE 6 **PASSES**

- I. Gate Access Passes: A Pass to access PVCCE issued by the District can be electronically or manually generated, and will be in the form of either a Guest Pass or a Service Pass, as defined by this Article. Those wishing to enter the PVCCE without an RFID Transponder or without a Pass must register with a Gate Attendant to receive a Pass. Individuals generating an electronic Pass on their own computer may enter through the Back Gate (using the Pass Scanner) or through the Guest Lane of the Main Gate, where their Pass will be scanned by the Gate Attendant. Categories of Passes include:
- a. An Electronic Pass is one generated through an authorized individual's account in the gate access system. It can also be created by a Gate Attendant, thus enabling the individual named on such Pass to retrieve, print, and utilize it. Individuals authorized to create an Electronic Pass can do so only if said individual is in Good Standing with PVCSD. An Electronic Pass is valid only for the date(s) indicated on said Pass.
- b. A Visitor Pass, generated by a Gate Attendant, is for a guest of an Authorized Individual, and is used only if the Authorized Individual has advised the Gate Attendant of the guest's arrival, or responds to the Gate Attendant's phone call

inquiring about the guest seeking entrance. A Guest Pass is valid for use by the party named on the Pass and only for the date(s) indicated. All Guests who enter PVCCE will be subject to the Policies and Procedures listed herein, unless otherwise superseded by an additional Ordinance or Resolution of the PVCSD.

- c. A Service Pass, generated by a Gate Attendant, is for a Service Person of an Authorized Individual, and is issued only if the Authorized Individual has advised the Gate Attendant of the Service Person's arrival, or responds to the Gate Attendant's phone call inquiring about a Service Person seeking entrance. A Service Pass is valid only for use by the party named on the Pass and only for the date(s) indicated. All Service Persons who enter PVCCE will be subject to the Policies and Procedures listed herein, unless otherwise superseded by an additional Ordinance or Resolution of the PVCSD.

- II. Visibility: Printed Passes must be clearly visible/readable on the vehicle's dashboard at all times while the vehicle is entering a PVCCE gate or driving on or parked on a PVCCE Roadway.

ARTICLE 7

VISITORS

- I. Notification: Residents, agents, PVCC members and PVCC staff must notify a Gate Attendant of the name and arrival time of a visitor requiring a Pass. In the absence of such notification, no individual will be admitted unless the Gate Attendant is immediately able to contact the individual requesting admission.
- II. Guest Pass: Upon approved access, the Gate Attendant will issue a Guest Pass, as provided for in Article 6, valid for up to seven (7) days unless otherwise specifically authorized by PVCSD management for a longer duration, and will record appropriate information thereon. When issued, all Passes are specific to the individual named on the Pass.

ARTICLE 8

REAL ESTATE ACTIVITY

- I. Real Estate Agents/Brokers/Appraisers: Real estate agents, brokers and appraisers who are not Residents or PVCC members will be issued a Guest Pass at the Main Gate after presenting identification and indicating the property to be visited. Individuals inquiring about real estate within PVCCE will not be admitted unless accompanied by a real estate agent, broker, or appraiser.
- II. Open House: A Resident, agent, or real estate salesperson must notify the Gate Attendant on duty of the name(s) and arrival time of the visitors requiring a Pass for access. Absent such notification, the visitors will not be admitted. A Resident, agent or real estate salesperson must abide by all Policies and Procedures herein. Open house Signage shall not be permitted near, or adjacent to PVCCE access gates.

ARTICLE 9
PROPERTY USE PERMITS

- I. Commercial Activity: Gate Attendants shall not admit any person, and Security Officers shall not permit any person to use any Roadway to access a property for Commercial Activity, unless Written Authorization to do so is issued by PVCSD.
- II. Applicable Permits: Each Resident shall be responsible for obtaining applicable Use Permits from the PVRA.
- III. Estate Sales/Garage Sales/Yard Sales: Residents planning to host an estate sale, garage sale or yard sale, where participation is invited from individuals not residing within PVCCE, must apply to the PVRA for applicable authorization.
- IV. Visitor Notification: A Resident or agent must notify the Gate Attendant on duty of the name and arrival time of any visitor who will require a Pass for access to the PVCCE. Individuals requesting admittance to attend a permitted activity must be on an approved list and will be issued a Pass for the duration of one day only and for the single destination indicated on the Pass.

ARTICLE 10
UNATTENDED GATES

- I. Access: Access at unmanned gates without a Gate Attendant present will be enabled by RFID Transponders or by direct communication with the Gate Attendant on duty at the Main Gate. Unmanned gates are equipped with video and two-way voice communication. Vehicles attempting access at an unmanned gate without a RFID Transponder, or an electronic Pass will not be admitted and must enter through the Main Gate.

ARTICLE 11
EMERGENCY

- I. Emergency Vehicles: California Highway Patrol, San Diego County Sheriff, Cal Fire, EMTs, ambulance service, and similar emergency vehicles shall receive immediate access at any PVCCE gate, at any time.

ARTICLE 12
VIOLATIONS

- I. Notices of Violation:
 - a. NOV: A Notice of Violation ("NOV") is a citation issued by PVCSD for a violation of these Gate Access Policy and Procedures. The cause of the violation shall be set forth in writing and mailed or otherwise personally provided to the individual cited in the NOV. Property owners will ultimately be held responsible for the actions of their guests, visitors, tenants, Service Persons, and family members, and will be

responsible for penalty assessments associated with the NOV.

- b. Appeals: Any person issued an NOV may appeal the NOV or the penalties associated with the NOV to the PVCSD General Manager within thirty (30) days of the issuance date of the NOV. The General Manager shall review the evidence, including any input received from the appellant, and shall issue a written decision on the appeal and send a copy of the decision to the appellant. The General Manager's decision may be appealed to the PVCSD Board of Directors within thirty (30) days of the date of the General Manager's written determination. The PVCSD Board of Directors shall consider the matter during an open session, after providing at least ten (10) calendar days' written notice of the meeting to the appellant. The appellant shall be entitled to present evidence at the PVCSD Board meeting. The Board's decision on the matter, which may be accompanied by written findings or findings described in the Board meeting minutes, shall be conclusive of the appellant's administrative appeal rights to PVCSD.

II. Citable NOV Offenses: Citable NOV offenses include, but may not be limited to:

- a. tailgating through gate access barrier arms
- b. barrier arm contact and/or damage
- c. gate contact and/or damage
- d. traffic control Signage or device damage
- e. damage to any miscellaneous infrastructure of the gate systems
- f. Pass violations; and/or
- g. illegal ingress to or egress from PVCCE.

III. Penalties. For any violation of these Policies and Procedures, PVCSD may assess monetary penalties or revoke RFID access to the gates, or both, as follows:

- a. Monetary Penalties: PVCSD may impose monetary penalty assessments for violations of these Policies and Procedures as follows:
 - i. 1st violation= Warning
 - ii. 2nd violation= \$150
 - iii. 3rd or more violations= \$350

The PVCSD Board of Directors may modify the above amounts, by Resolution, as the Board deems advisable. The above monetary penalties are in addition to the true cost of any damage to the PVCSD gate and barrier arm system, as described in Section IV (Damages) of this Article.

- b. RFID Privileges. PVCSD may revoke or suspend RFID gate access privileges for anyone other than Residents seeking access to their residence or to PVCC, or to a PVCC member seeking access to PVCC.

IV. Damages: Damages to the PVCCE gate and/or barrier arm access system will be billed to the party responsible (e.g., Resident or Service Person, as applicable) for said damage on an at-cost (plus labor) basis; however, consistent with Section I of this Article, property owners will ultimately be held responsible for the actions of their guests, visitors, tenants, Service Persons, and family members. Failure to pay any such damages, or any unpaid monetary assessment, may warrant PVCSD's application to a court of law or to the County Tax Collector's office for collection, which PVCSD staff is authorized to pursue at its discretion. Any damages to the PVCSD gate and barrier arm infrastructure or system will be billed in addition to any monetary penalty associated with an NOV, as described in Section III(a) (Monetary Penalty) of this Article.

