

CLEARLAKE OAKS COUNTY WATER DISTRICT

RESOLUTION NO. 26-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF CLEARLAKE OAKS COUNTY WATER DISTRICT ADOPTING A POSTING CASE POLICY AND RESERVING THE DISTRICT POSTING CASE AS A NONPUBLIC FORUM FOR OFFICIAL NOTICES

WHEREAS, the Clearlake Oaks County Water District (“District”) is a county water district organized and operating under the County Water District Law, Water Code section 30000, et seq., and the Board of Directors (“Board”) is the governing body of the District pursuant to Water Code section 30575; and

WHEREAS, the District is required by law to post agendas, notices, and other materials in locations freely accessible to the public, including agendas for regular and special meetings of the Board under Government Code sections 54954.2 and 54956, as well as notices required by the California Public Records Act (Government Code section 7920.000 et seq.), article XIII D of the California Constitution (Proposition 218), and other applicable law (collectively, “Official Notices”); and

WHEREAS, the District owns and maintains a locked posting case located at 13280 E. State Highway 20, Clearlake Oaks, CA 95423 (“Posting Case”) for the purpose of satisfying these posting obligations; and

WHEREAS, the timely and unobstructed posting of Official Notices is essential to the District’s compliance with the Brown Act and related laws, and the placement of unauthorized materials on or within the Posting Case, or the removal, defacement, or obstruction of Official Notices, may obscure or impair those notices, create confusion as to which materials are official, and expose the District’s actions to procedural challenge; and

WHEREAS, the District has never opened the Posting Case to expressive activity by the public, and the Board desires to confirm that the Posting Case is a nonpublic forum reserved exclusively for the District’s own Official Notices; and

WHEREAS, under established First Amendment principles, a public entity may reserve government property that is not a traditional or designated public forum for its intended purposes, provided that the restriction is reasonable in light of the purpose served by the property and is not an effort to suppress expression based on the speaker’s viewpoint; and

WHEREAS, the Posting Case Policy attached hereto as Exhibit A applies uniformly to all unauthorized materials without regard to content or viewpoint, is narrowly directed to preserving the integrity and visibility of Official Notices, and provides for the documentation, temporary retention, and return upon request of removed materials; and

WHEREAS, the proposed Posting Case Policy has been presented to the Board for consideration at a duly noticed public meeting held in accordance with the Ralph M. Brown Act, at which members of the public were afforded an opportunity to comment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Clearlake Oaks County Water District as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. Adoption of Policy. The Board hereby adopts the Posting Case Policy attached hereto as Exhibit A and incorporated herein by this reference (“Policy”).

Section 3. Findings. The Board finds and determines that (a) the Posting Case is, and always has been, intended and used solely for the posting of Official Notices by authorized District staff; (b) the District has not by policy or practice opened the Posting Case for expressive activity by the public and does not intend to do so; (c) reserving the Posting Case exclusively for Official Notices is reasonable in light of the District’s legal obligation to post Official Notices in a manner that is accessible, legible, and readily identifiable as official; and (d) the Policy is content-neutral and viewpoint-neutral and will be applied uniformly to all unauthorized materials.

Section 4. Designation of Posting Location. The Board designates the Posting Case as a location at which the District shall post agendas for meetings of the Board and its committees pursuant to Government Code sections 54954.2 and 54956, in addition to the District’s internet website and any other posting location designated by the Board or required by law.

Section 5. Implementation. The General Manager is authorized and directed to take all actions reasonably necessary to implement the Policy, including posting the notice described in Section 5.1 of the Policy on or near the Posting Case, designating the District staff authorized to post and remove materials, and establishing the log and retention procedures described in Section 3.2 of the Policy. The General Manager shall complete the bracketed information in Sections 1 and 5.2 of the Policy and may thereafter update such information administratively without further Board action.

Section 6. Prior Policies. This Resolution and the Policy supersede any prior Board policy, resolution, or practice to the extent inconsistent herewith.

Section 7. CEQA. The Board finds that adoption of this Resolution is not a “project” within the meaning of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) because it constitutes general policy and procedure making that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this Resolution or the Policy is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, and the Board declares that it would have adopted each remaining portion irrespective of the invalidity of any other portion.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Clearlake Oaks County Water District at a regular meeting held on the 15th day of October, 2026, by the following vote:

AYES: ARCHACKI, HEZMAN, MCNUGH, WHITTIER, CROZIER
NOES: _____
ABSTAIN: _____
ABSENT: _____

By: 
Stanley Archacki, President



ATTEST

By: Olivia Mann
Olivia Mann, Board Secretary

**EXHIBIT A - BOARD POLICY NO. 2026-14
DISTRICT POSTING CASE**

1. Purpose.

This Policy governs the use of the locked posting case owned and maintained by Clearlake Oaks County Water District (the "District") and located at 13280 E. State Highway 20, Clearlake Oaks, CA 95423 (the "Posting Case"). The Posting Case exists solely to enable the District to satisfy its legal obligations to post agendas, notices, and other materials required by the Ralph M. Brown Act (Government Code § 54950, et seq.), the California Public Records Act, Proposition 218 notice requirements, and other applicable law (collectively, "Official Notices").

2. Authorized Uses.

2.1. The Posting Case, including its interior and all exterior surfaces, is reserved exclusively for the posting of Official Notices by authorized District staff.

2.2. (a) No person other than authorized District staff may place, affix, attach, tape, insert, lean, hang, or otherwise post or display any material on (1) any interior or exterior surface of the Posting Case; (2) any door, frame, glazing, lock, hinge, bracket, mounting hardware, handle, or protective cover; or (3) any District-installed sign or plate stating official use of the Posting Case. No person other than authorized District staff may remove, deface, obscure, or obstruct any Official Notice posted therein, or tamper with any lock, hinge, or hardware of the Posting Case.

(b) Examples of prohibited materials include, without limitation, commercial notices, community announcements, flyers, stickers, decals, placards, and any other private expression, regardless of content or viewpoint.

2.3 This Policy applies uniformly to all subject matter and viewpoints. No category of unauthorized material is treated more or less favorably than any other; all unauthorized postings are treated identically under Section 3 below regardless of content.

3. Unauthorized Material.

3.1. District staff are authorized and directed to promptly remove any unauthorized material affixed to the Posting Case, consistent with this Policy.

3.2. Prior to disposal, staff shall: (a) photograph the removed material together with the date and location of removal; (b) log the date, time, and general description of the material removed; and (c) retain the physical material for a period of thirty (30) days following removal, after which it may be discarded if unclaimed. A claimant may request return by describing the material and approximate posting date; staff shall verify against the log before release. The District assumes no liability for damage to, deterioration of, or loss of any removed material during storage or after disposal.

3.3. Nothing in this Policy shall be construed to authorize the District or its staff to retaliate against, single out, or treat differently any individual or organization based on the content or viewpoint of removed material. Removal shall be undertaken solely on the basis that the material was affixed without authorization to District property.

4. No Public Forum.

Nothing in this Policy, nor any past practice of the District, shall be construed to create a designated or limited public forum on or with respect to the Posting Case. The District expressly reserves the Posting Case for the sole purpose stated in Section 1.

5. Public Notice.

5.1. The General Manager is authorized to take all actions reasonably necessary to implement this Policy, including posting a notice on or near the Posting Case that states:

“Official District Notices Only. Unauthorized materials will be removed. Unauthorized removal, defacement, or obstruction of Official Notices, or tampering with the Posting Case or its hardware, may be referred to appropriate authorities and may result in civil or criminal remedies as permitted by law.”

5.2. Questions regarding this Policy shall be directed to the General Manager.