

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,  
ESTABLISHING REGULATIONS FOR CUSTODY AND USE OF  
THE DISTRICT SEAL, DISTRICT LOGO, AND DISTRICT INSIGNIA**

**WHEREAS**, the Phelan Piñon Hills Community Services District ("District") is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to the California Government Code Section 61000, *et seq.*;

**WHEREAS**, the District has a District seal that is not protected from unauthorized use by ordinance or copyright law;

**WHEREAS**, California Government Code § 34501.5 and Elections Code § 18304 solely protect agency seals by prohibiting the use of an agency seal in campaign literature or mass mailing with the intent to deceive voters;

**WHEREAS**, the unauthorized use, reproduction or facsimile of a District seal for any purpose may create a misleading, erroneous or false impression that the document, item, statement, event, and/or organization is authorized, supported, and/or sponsored by the District or a public official;

**WHEREAS**, the District desires to protect its official seal from all unauthorized uses to prevent fraud, deception, misrepresentation, and/or abuse; and

**WHEREAS**, the District's Board of Directors ("Board") seeks to ensure that the District seal, District logo, and other District insignia are used only for purposes directly related to the official business of the District, or as expressly authorized.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Phelan Piñon Hills Community Services District as follows:

**SECTION 1: RECITALS**

The Board hereby finds and determines that the above Recitals are true and correct and are incorporated herein.

**SECTION 2: DEFINITIONS**

A. "District Seal" means the official seal of the District as adopted by the Board by minute action on February 25, 2009. The District seal is described as a form of a die two inches in diameter; the form of the die is one circle. Within the circle is a view of a green hills, a light brown desert floor, a blue sky, and a Joshua tree centered in the foreground; imprinted inside the perimeter of the circle at the top are the words

"PHELAN PIÑON HILLS" and at the bottom are the words "COMMUNITY SERVICES DISTRICT." Imprinted above the hills and Joshua tree are the letters "PPHCSD" which are an acronym for the Phelan Piñon Hills Community Services District; imprinted to the left of the Joshua tree are the letters "EST." which is an abbreviation of established; imprinted to the right of the Joshua tree is the number "2008" which represents the year the District was formed. (SEE EXHIBIT A)

B. "District Logo" means the District's primary logo used on letterhead and other documents, and is an illustrative logo with a blue mountains/hills, a setting sun between the peaks, and a gold/yellow, wavy line below the mountains. (SEE EXHIBITS B-1 AND B-2)

C. "District Insignia" means in addition to the District logo and District seal, as designated by the Board, any other logos, website banners, letterhead, business cards, or emblems depicting or including the District, as approved by the District's General Manager ("General Manager").

### **SECTION 3: USE OF THE DISTRICT SEAL, DISTRICT LOGO, AND DISTRICT INSIGNIA**

A. The General Manager or designee, acting as the custodian of the District Seal, District Logo and any District Insignia, is authorized to use or affix the District Seal, District Logo and any District Insignia to all certificates and documents as may be required by law, by this Ordinance to authenticate official District documents or to indicate institutional sanction for official, legal and ceremonial purposes.

B. The District Seal, District Logo and any District Insignia shall only be used for purposes directly connected with the official business of the District except upon written authorization of the General Manager or designee.

C. District officers, employees, and members of the Board may use stationery, printed materials and other articles with the District Seal, District Logo or District Insignia while acting within the scope of their office or employment.

D. The General Manager shall designate the particular motor vehicle or other vehicles or items of property belonging to the District, or in connection with which replicas or near representations of the District Seal, District Logo or District Insignia shall be used. The District officers or employees having immediate charge or control of the motor vehicles or property shall obtain replicas of the District Seal, District Logo or District Insignia from the General Manager or designee and affix the same thereto and maintain the same thereon.

E. The Board retains the right to create variations of the District Seal and District Logo, and to adopt and establish other official District Seals and District Logos. Such variations may include, but are not limited to, centennial or other seals or logos which mark anniversaries, events, and/or any other District occasion the Board wishes

to commemorate. The District Seal and District Logo may only be altered pursuant to direction by the Board.

F. The District Manager or designee is authorized to determine the appropriate use of District Insignia. The District Manager shall not approve any use of the District Insignia in such a manner as to suggest District endorsement of events, political issues, products, and other uses that are prohibited by law, or in a discriminatory manner or manner inconsistent with this Ordinance.

#### **SECTION 4: PROHIBIT USES OF DISTRICT SEAL, DISTRICT LOGO, AND DISTRICT INSIGNIA**

A. It is unlawful for any person or entity to make use of the District Seal, District Logo, and/or District Insignia or any portion, facsimile, mock-up, or reproduction thereof, or make or use of any design, symbol, emblem, insignia or similar device that is an imitation of said District Seal, District Logo, or District Insignia, or that may be mistaken therefor, that is designed, intended or likely to confuse, deceive or mislead the public, for private or commercial purposes or for any purpose other than the official business of the District without the express written consent of the General Manager or their designees under the authority granted by the Board.

B. No person, firm, association, or corporation shall use the District Seal, District Logo, and/or District Insignia, or any facsimile thereof for purposes of supporting or opposing the nomination or election to any District or other public office of him or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such District Seal, District Logo, and/or District Insignia on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This Section shall not be applicable to writings issued by the District or the Board as a whole pursuant to law.

C. Unauthorized use of the District Seal, District Logo, and/or District Insignia for commercial, malicious, deceptive, fraudulent, or other unauthorized purposes without the express written authorization of the District is declared to be a public nuisance and the District can abate or enjoin such use pursuant to this Ordinance.

#### **SECTION 5: PENALTIES**

Violation of this Ordinance may be prosecuted as an infraction or misdemeanor, as determined by the Board, and punishable by a fine not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Nothing herein prevents the District from using any other available civil, criminal, and/or administrative remedies allowed by law to protect the District Seal, District Logo, and District Insignia from improper or illegal use.

## **SECTION 6: ENFORCEMENT OFFICER**

The General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the Board or be reasonably necessary, for enforcement of the Ordinance.

## **SECTION 7: CONFLICTING PROVISIONS**

If any provision of this Ordinance is in conflict with any applicable federal or state law or regulation, the federal or state law or regulation shall govern. If provisions of this Ordinance are in conflict with each other, other provisions of the District's regulations or policies, or any other resolution or ordinance of the District, the more restrictive provisions shall control.

## **SECTION 8: SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

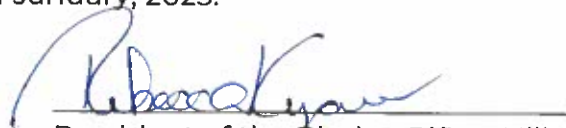
## **SECTION 9: PUBLICATION AND POSTING**

The Secretary of the Board is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation printed and a copy of the full text must be posted at the District office at least five (5) days prior to the meeting. The full text of this Ordinance must be published within ten (10) days after adoption with the names of the directors voting for and against the adoption, and must likewise be posted at the District office.

## **SECTION 10: EFFECTIVE DATE**

This Ordinance shall take effect and be in force thirty (30) days after its passage and the District Clerk is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing a newspaper of general circulation published in the District.

**APPROVED AND ADOPTED** this 4<sup>th</sup> day of January, 2023.



President of the Phelan Piñon Hills  
Community Services District and  
of the Board of Directors thereof.

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SAN BERNARDINO        )

I, Kimberly Sevy, Secretary of the Board of Directors of the Phelan Piñon Hills Community Services District, do hereby certify that the foregoing Ordinance, being Ordinance No. 2023-01, was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on 4th day of February 2023, and that it was so adopted by the following vote:


AYES:           Hays, Hoffman, Kujawa, Roberts, Snyder

NOES:

ABSENT:

ABSTAIN:

ATTEST:

  
\_\_\_\_\_  
Secretary of the Phelan Piñon Hills  
Community Services District and  
of the Board of Directors thereof.

SEAL



EXHIBIT A



EXHIBIT B-1



EXHIBIT B-2

