

IN THE BOARD OF DIRECTORS

AVILA BEACH COUNTY WATER DISTRICT

RESOLUTION NO. 91- 1

PRESENT: Directors Marshall Ellis, Herman Maulhardt,
Evelyn Phelan, Grladys Misakian and Tom Harrington
ABSENT: None

DATED: February 5, 1991

RESOLUTION AMENDING RESOLUTION NO. 90-1
RELATIVE TO CLARIFYING PROCEDURES FOR
ISSUANCE OF WATER AVAILABILITY PERMITS

WHEREAS, by its Ordinance 2A-76 the District declared there to be a threatened water emergency due to shortage of water available to the District for new or expanded developments, and established thereby a procedure for issuance of water availability permits as a condition to new or increased water service by the District; and

WHEREAS, by its Resolution No. 80-1 the District established certain procedures governing the issuance of water availability permits, which procedures were amended by its Resolution No. 90-1; and

WHEREAS, the Board now finds that it is necessary for the orderly administration of Ordinance 2A-76 that such procedures be amended, so as to establish a time limit for the duration of "will serve" letters issued by the District,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF AVILA BEACH COUNTY WATER DISTRICT AS FOLLOWS:

1. The procedures for issuance of water availability permits in accordance with Ordinance 2A-76, and as presently set forth in Resolution No. 90-1, are hereby amended to read as follows:
 - A. Parties applying for water availability permits shall have their names placed on a priority list, called a "Water Availability List," in the order in which applications are made, and indicating the total number of anticipated units for which a permit is applied for.
 - B. As the District determines that water is available to serve new customers or units, permits shall be issued in order of

priority on the list if there is sufficient available water to serve the party holding the highest priority; should the amount of water available be less than that requested by the party holding the highest priority, that party will have the following options:

- (a) Modify his development plans to conform to the amount of water available and advise the District within thirty (30) days after notice of his intention to do so;
- (b) Retain his position on the water availability list until the requested amount of water is declared available, in which case the District shall offer the available water to the party holding the next highest priority.

C. When the Board determines that a water availability permit may be issued for a development, the applicant shall be so advised in writing by the District. The applicant shall then have fifteen (15) days in which to advise the District in writing that they intend to proceed with their project; otherwise, their entitlement to a water availability permit at that time shall lapse and a permit shall be offered to the next applicant on the water availability list.

D. When the District issues a "will serve" letter to the County of San Luis Obispo for a proposed development, such letter shall remain in effect for a period of one (1) year from date of issuance, at which time it shall lapse.

2. This Resolution shall be in effect and operative only so long as Ordinance No. 2A-76 of this District is in effect.

On Motion of Director Misakian, seconded by Director

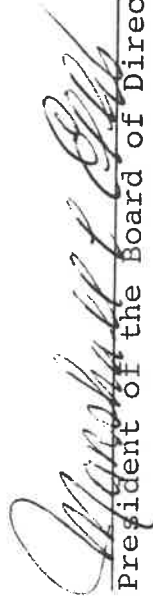
Harrington, and on the following roll call vote, to-wit:

AYES: Directors Ellis, Harrington, Maulhardt, Misakian and Phelan

NOES: None

ABSENT: None

The foregoing Resolution was adopted this 5th day of February, 1991.


President of the Board of Directors

ATTEST:

Carolee Fisher

Carolee Fisher, District Secretary

APPROVED AS TO FORM:

STEPHEN N. COOL, Attorney for District