

Resolutions 2007

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AVILA BEACH COMMUNITY SERVICES DISTRICT

Post Office Box 309, Avila Beach, CA 93424
Office and Meeting Room - 191 San Miguel Street, Avila Beach
Telephone (805) 595-2664 FAX (805) 595-7623

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION 2007-1

RESOLUTION COMMENDING MIKE HARKNESS, FOR SERVICE AS FIRE BATTALION CHIEF TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT

WHEREAS, MIKE HARKNESS has served the Avila Beach Community Services District as Battalion Chief since January 2000; and

WHEREAS, MIKE HARKNESS was instrumental in assisting the District through the process of securing alternative fire protection services to the community and administering those services to the community during the reconstruction of the homes and businesses as a result of the Unocal Remediation Project; and

WHEREAS, MIKE HARKNESS was instrumental in completing contract arrangements for the District's fire protection in recent years and facilitated the sale of a surplus fire engine on behalf of the District; and

WHEREAS, MIKE HARKNESS has been highly effective in providing consistent vision and public accountability to the community of Avila Beach as Battalion Chief; and

WHEREAS, MIKE HARKNESS has earned the respect and admiration of his colleagues and the community for his dedication and service to the community of Avila Beach;

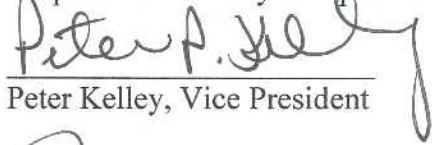
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Avila Beach Community Services District, San Luis Obispo County, California, as follows:

That the Avila Beach Community Services District does hereby recognize and commend Mike Harkness for his seven years of dedication, leadership, and commitment as Battalion Chief for the Avila Beach Community Services District, and adopts this Resolution as a public statement of their recognition.

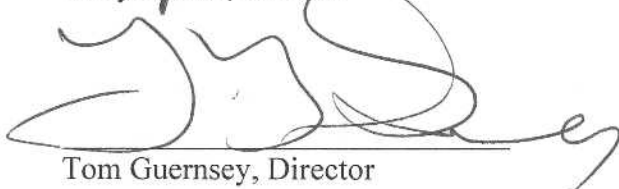
Upon Motion of Director Kelley, seconded by Director Guernsey, and on the following roll call vote to wit:

AYES:	Kelley, Guernsey, Brown
NOES:	None
ABSENT:	Helenius, Bernardo
ABSTAINING;	None

The foregoing Resolution 2007-1 Commending Battalion Chief Mike Harkness is hereby adopted this 10th day of April 2007.


Peter Kelley, Vice President


Terry Brown, Director


Tom Guernsey, Director

ATTEST: 
John L. Wallace, General Manager

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2007-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DECLARING WEEDS, DRY GRASS, AND TRASH TO BE A NUISANCE AND THREAT TO PUBLIC SAFETY, AND PROVIDING FOR ABATEMENT

WHEREAS, there exists on certain lots and parcels of real property within the District, weeds, dry grass, brush, litter and other flammable material which endanger the public safety,

WHEREAS, The Board of Directors finds these conditions constitute a public nuisance and safety hazard and deem that these conditions should be abated,

WHEREAS, pursuant to law, notice shall be given to destroy, remove, and clear, dry weeds, grass, brush, litter, trash and other flammable materials on certain lots and parcels of land within the District, and a hearing where concerns about such matters will be heard is hereby set for the 12th day of June at 7:00 P.M. at the Avila Beach Community Services District meeting place at 50 San Juan Street, Avila Beach Ca. 93424,

WHEREAS, the Fire Chief of the Avila Beach Fire Department (CAL Fire Contract Agency) is hereby designated as the person referred to in the Health and Safety code 14890, to abate these conditions.

NOW, THEREFORE, be it resolved that the Fire Chief is hereby directed to post notice and send written notice to property owners where the conditions described above exist.

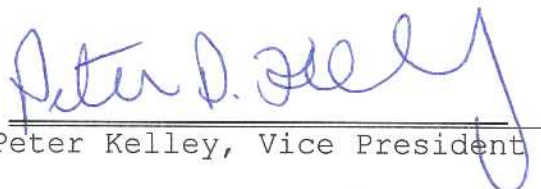
ON MOTION of Director Brown, seconded by Director Bernardo, and on the following roll call vote, to wit:

AYES: Brown, Bernardo, Kelley

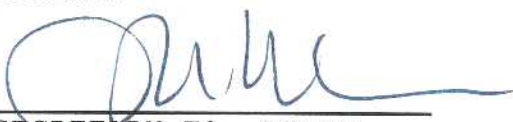
NOES: None

ABSENT: Helenius, Guernsey

The foregoing resolution is hereby adopted this 8th day of May 2007.


Peter Kelley, Vice President

ATTEST:


SECRETARY TO BOARD

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2007-3

RESOLUTION FINDING NO OBJECTIONS TO WEED AND RUBBISH ABATEMENT PROCEEDINGS AND ORDERING THE ABATEMENT OF THE NUISANCES.

WHEREAS, a time was set for the hearing before the Board of Directors of the Avila Beach Community Services District of objections from the public to the proposed removal of weeds from various lots and parcels within the District, as described in Resolution #2007-1, previously adopted; and it appearing that notice of this hearing has been duly and regularly given as required by law, and it appearing that no persons have come forward to object to the proposal, and that the President has declared the hearing closed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AS FOLLOWS:

1. That any objections to said proposal were heard and resolved;
2. That the District has jurisdiction to proceed to perform the work of removal;
3. That the Fire Department is ordered to abate the nuisance referred to in Resolution 2007-1 on the lots and parcels described in Exhibit A, attached hereto;
4. That upon completion of said abatement, the Fire Chief

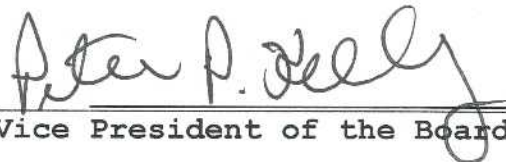
shall submit to this Board, as provided in Health and Safety code 14905, an itemized written report showing the cost of abatement to each parcel abated where clearing was done by the Fire Department.

5. That said report shall be heard and considered by the Board on July 10, 2007 at the regular meeting time, along with any objections from owners liable to be assessed. The Fire Chief shall cause a copy of said report to be posted at the Board meeting place at least 3 days prior to said meeting, as required by law, and file his Certificate of Posting.

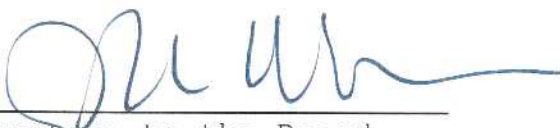
ON MOTION of Director Bernardo, seconded by Director Kelley, and on the following roll call vote, to wit:

AYES: Bernardo, Kelley, Brown, Guernsey
NOES: None
ABSENT: Helenius

PASSED AND ADOPTED this 12th day of June 2007.


Vice President of the Board

ATTEST:


Secretary to the Board

RESOLUTION NO 2007-4

A RESOLUTION OF THE GOVERNING BODY OF THE **AVILA BEACH COMMUNITY SERVICES DISTRICT** APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SIXTH AMENDED JOINT POWERS AGREEMENT

WHEREAS, the **Avila Beach Community Services District**, a public agency duly organized and existing under and by virtue of the California Government Code and laws of the State of California (the "Member Agency"), has entered into the Fifth Amended and Restated Joint Powers Agreement (the "Original Agreement"), relating to the Special District Risk Management Authority (the "Authority"); and

WHEREAS, the **Avila Beach Community Services District** and the other members of the Authority (the "Members") find it beneficial to amend the Original Agreement (i) to amend Article 25 of the agreement regarding administrative fees paid by the Authority to the California Special District Association, and (ii) to make certain other amendments to the Original Agreement; and

WHEREAS, in order to implement the foregoing, the Member Agency and the Members propose to execute and enter into a Sixth Amended Joint Powers Agreement (the "Amended JPA Agreement"); and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Governing Body is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE MEMBER AGENCY AS FOLLOWS:

Section 1. Findings. The Governing Body of **Avila Beach Community Services District**, hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the agency.

Section 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the Member Agency and the Members, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The Board Vice President ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the Governing Body, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may

require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Effective Date of Amended JPA Agreement. The Amended JPA Agreement shall take effect on October 1, 2007, but not sooner than receipt of required affirmative written approval of 2/3 of the Members participating in the Authority's risk management program(s), and who are signatory to the Fifth Amended and Restated JPA Agreement.

Section 4. Other Actions. The Authorized Officers of the Governing Body are each hereby authorized and directed to execute and deliver any and all documents which they may deem necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

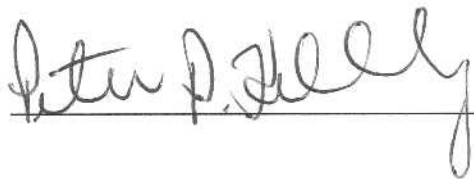
Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 12 day of June, 2007 by the following vote:

AYES: Kelley, Brown, Bernardo, Guernsey

NOES: None

ABSENT: Helenius

A handwritten signature in black ink, appearing to read "Peter P. Kelly", written over a horizontal line.

Title: Vice President

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to be "D. W.". Below the line, the text "Secretary of Governing Body" is printed.

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-5**

A RESOLUTION ADOPTING THE 2007-2008 FISCAL YEAR BUDGET

WHEREAS, The District is required, pursuant to state codes to designate a custodian for its monies; and,

WHEREAS, such custodianship requires that proper methods be used for the acquisition and disbursement of District monies; and,

WHEREAS, the District desires to make known its planned activities and associated costs for the 2007-2008 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of directors, Avila Beach Community Services District, San Luis Obispo County, California, as follows:

1. That the proposed budget entitled, "Avila Beach Community Services District 2007/08 Fiscal Year Budget," be adopted as submitted or amended.
2. That the budget be administered as established by past policies and practices.

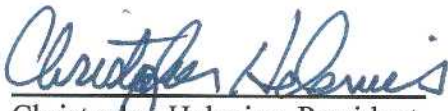
ON MOTION of Director Helenius, seconded by Director Kelley, and on the following roll call vote to wit:

AYES: Helenius, Kelley, Brown, Guernsey

NOES: None

ABSENT: Bernardo

The foregoing resolution is hereby adopted this 10th day of July, 2007.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-6**

**A RESOLUTION FOR DETERMINATION OF
APPROPRIATION LIMITATION FOR THE
2007-2008 FISCAL YEAR
AND
REQUESTING DISTRIBUTION OF
SPECIAL DISTRICT AUGMENTATION FUNDS**

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by governmental entities may increase annually by the change in population and the change in either the California Per Capita Personal Income or the change in the local assessment roll due to local residential construction; and

WHEREAS, upon determination of an appropriation limitation for the 2007-2008 Fiscal Year, the District should request the Auditor Controller of the County of San Luis Obispo to distribute the District's portion of Special District's Augmentation Funds, if any, when they are determined by the County Board of Supervisors; and

WHEREAS, it has been determined by the State Department of Finance that the percent change in the California Per Capita Personal Income (CPCPI) is **4.42%** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.47%**; and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$313,819**; and

WHEREAS, the appropriation limit exceeds the appropriation subject to limitation;
and,

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors, of the Avila Beach Community Services District, San Luis Obispo County, California, as follows:

1. That the ratio of change is determined as follows:

$$\frac{4.42 + 100}{100} \text{ (CPCPI)} \quad \times \quad \frac{1.47 + 100}{100} \text{ (POP)} \quad = \quad \text{RATIO}$$

$$1.0442 \quad \times \quad 1.0147 \quad = \quad 1.0595$$

2. That the 2007-2008 appropriation limit is determined as follows:

2006-2007 Limitation	\$ 3,852,332
2007-2008 Ratio of Change	X <u>1.0595</u>
2007-2008 Appropriation Limitation	<u>\$4,081,545</u>

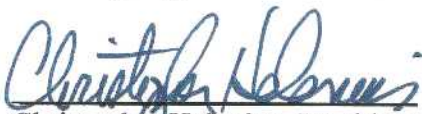
3. That the Appropriation Limitation (\$4,081,545) exceeds the Appropriation subject to Limitation (\$313,819) by \$3,767,726.
4. No further adjustment to the 2007-2008 appropriation limitation has been made for mandated costs. However, any new mandated costs or increases in existing mandated costs would increase the limitation by the amount of "Proceeds from Taxes" used to finance mandates in fiscal year 2007-2008.
5. That the County of San Luis Obispo distribute to the District, the District's share of the Special District's Augmentation Funds, if any, as determined by the Board of Supervisors.

Upon motion of Director Helenius, seconded by Director Brown, and on the following roll call vote to wit:

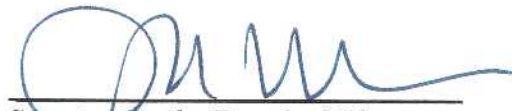
AYES: Helenius, Brown, Kelley, Guernsey
NOES: None
ABSENT: Bernardo

ABSTAINING: None

the foregoing Resolution is hereby adopted this 10th day of July, 2007.


Christopher Helenius, President

ATTEST:


Secretary to the Board of Directors

RESOLUTION NO. 2007-7

**A RESOLUTION OF THE GOVERNING BODY OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

WHEREAS, Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies; and

WHEREAS, SDRMA's Fifth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

WHEREAS, SDRMA's Fifth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA's Board of Directors; and

WHEREAS, SDRMA's Board of Directors approved Policy No. 2005-02 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

WHEREAS, Policy No. 2005-02 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA's Board of Directors must be made by resolution adopted by the member agency's governing body.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Avila Beach Community Services District selects the following candidates to serve as Directors on the SDRMA Board of Directors:

(continued)

BEFORE THE BOARD OF DIRECTORS OF THE
AVILA BEACH FIRE DEPARTMENT
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

IN THE MATTER OF:

Resolution Number: 2007-08

Approving the Department of Forestry and Fire Protection Agreement #7FG70098 for services from the date of last signatory on page 6 of the Agreement to August 31, 2008 under the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978.

BE IT RESOLVED by the Board of Directors of the Avila Beach Fire Department that said Board does hereby approve the Agreement with the California Department of Forestry and Fire Protection dated as of the last signatory date on page 6 of the Agreement, and any amendments thereto. This Agreement provides for an award, during the term of this agreement, under the Volunteer Fire Assistance Program of the Cooperative Fire Assistance Act of 1978 during the State Fiscal year 2007/2008 up to and no more than the amount of \$3,500.

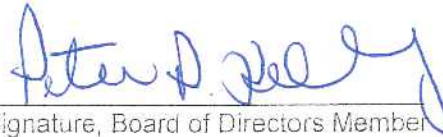
BE IT FURTHER RESOLVED that Matt Jenkins, Chief of said Department be and hereby is authorized to sign and execute said Agreement and any amendments on behalf of the Avila Beach Fire Department.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Avila Beach Fire Department, at a regular meeting thereof, held on the 13 day of November, 2007 by the following vote:

AYES: Guernsey, Brown, Helenius, Bernardo, Kelley

NAYS: None

ABSENT: None



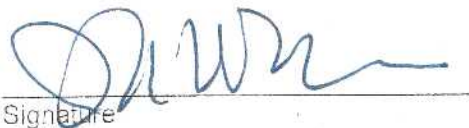
Signature, Board of Directors Member

Peter P. Kelley Vice President
Printed Name and Title

--- CERTIFICATE OF RESOLUTION ---
ATTEST:

I, John L. Wallace, Gen Manager of the Avila Beach Fire Department, County of San Luis Obispo, California do hereby certify that this is a true and correct copy of the original Resolution Number 2007-08

WITNESS MY HAND OR THE SEAL OF THE Avila Beach Fire Department, on this 14 day of November, 2007



Signature

General Manager
Title and Name of Local Agency
Avila Beach CSD

OFFICIAL SEAL
Or NOTARY CERTIFICATION



VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 6 OF 6

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last signatory date below.

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY
AND FIRE PROTECTION

By: _____
Signature

Michael Nation
Printed Name

Staff Chief
Title
Cooperative Fire Programs

Last Signatory Date

LOCAL AGENCY

Avila Beach
Community Services District

By: Peter D. Kelley
*Signature

Peter Kelley
Printed Name

Vice President
**Title

November 14, 2007
***Date

*Ensure that the officer signing here for LOCAL AGENCY IS THE SAME Officer authorized in the Resolution to execute this Agreement.

**Ensure that the title entered here IS THE SAME title used in the Resolution for the Officer who is executing this Agreement.

***Ensure that the date LOCAL AGENCY signs IS THE SAME DATE as the Resolution date OR LATER.

FOR STATE USE ONLY

AMOUNT ENCUMBERED BY THIS DOCUMENT	PROGRAM/CATEGORY (CODE AND TITLE) Support			FUND TITLE Federal	<i>Department of General Services Use Only</i> DGS APPROVAL NOT REQUIRED PER SAM 1215
\$3,500	(OPTIONAL USE) Vendor #				
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT	ITEM	CHAPTER	STATUTE	FISCAL YEAR	
\$0	3540-001-0001	171	2007	07/08	
TOTAL AMOUNT ENCUMBERED TO DATE	OBJECT OF EXPENDITURE (CODE AND TITLE)				
\$3,500	07-9214-418.99-92630				
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.				T.B.A. NO.	B.R. NO.
				DATE	
SIGNATURE OF CDF ACCOUNTING OFFICER					
X					

☐ CONTRACTOR
☐ STATE AGENCY
☐ DEPT. OF GEN. SER.
☐ CONTROLLER
☐

BEFORE THE BOARD OF DIRECTORS OF THE
Avila Beach Community Services District
COUNTY OF San Luis Obispo, STATE OF CALIFORNIA

IN THE MATTER OF:

Resolution Number: 2007-08

Approving the Department of Forestry and Fire Protection Agreement # 7FG70098 for services from the date of last signatory on page 6 of the Agreement to August 31, 2008 under the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978.

BE IT RESOLVED by the Board of Directors of the Avila Beach Community Services District that said Board does hereby approve the Agreement with the California Department of Forestry and Fire Protection dated as of the last signatory date on page 6 of the Agreement, and any amendments thereto. This Agreement provides for an award, during the term of this Agreement, under the Volunteer Fire Assistance Program of the Cooperative Fire Assistance Act of 1978 during the State Fiscal year 2007/2008 up to and no more than the amount of \$ 3,500.00

BE IT FURTHER RESOLVED that Peter Kelley, Vice President of said Board be and hereby is authorized to sign and execute said Agreement and any amendments on behalf of the Avila Beach Community Services District

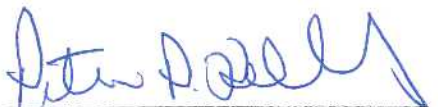
The foregoing resolution was duly passed and adopted by the Board of Directors of the Avila Beach Community Services District at a regular meeting thereof, held on the 13 day of November 2007,

by the following vote:

AYES: Guernsey, Brown, Helenius, Bernardo, Kelley

NAYS: None

ABSENT: None


Signature, Board of Directors Member

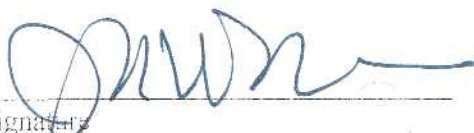
Peter P. Kelley Vice
Printed Name and Title President

-----CERTIFICATION OF RESOLUTION-----

ATTEST:

I John L. Wallace, Clerk of the Avila Beach Community Services District, County of San Luis Obispo, California do hereby certify that this is a true and correct copy of the original Resolution Number 2007-08.

WITNESS MY HAND OR THE SEAL OF THE Avila Beach Community Services District this 14 day of November 2007


Signature

OFFICIAL SEAL
OR NOTARY CERTIFICATION

General Manager Avila Beach CSD
Title and Name of Local Agency

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2007-00

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
REQUESTING THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS TO RATIFY
THE DISTRICT'S ADOPTION OF AN AMENDED 2007 CALIFORNIA FIRE CODE**

WHEREAS, on Tuesday, December 11, 2007, the Avila Beach Community Services District ("District") Board of Directors approved Ordinance No. 2007-01 that adopted the 2007 California Fire Code with amendments (including annual supplements and errata) as the District's Fire Code.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY REQUEST THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS TO:

1. To ratify the District's adoption of the 2007 California Fire Code with amendments, annual supplements and errata, as the District's Fire Code; and
2. File the District's Fire Code with the State Building Standards Commission.

On the motion of Director Helenius, seconded by Director - Guernsey, and on the following roll call vote, to wit:

AYES: Helenius, Guernsey, Kelley, Brown, Bernardo
NOES: None
ABSENT: None
CONFLICTS: None

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 11th day of December, 2007.


Christopher Helenius, President
Board of Directors, Avila Beach
Community Services District

ATTEST:


John Wallace, General Manager
Manager and Secretary to the Board