

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-08
CONNECTION FEES**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING NEW CONNECTION FEES FOR WATER SERVICE**

WHEREAS, it is a major responsibility of the Avila Beach Community Services District ("District") to maintain adequate levels of revenue, equitably collected to meet the District's financial commitments for new facilities that are connected to the District's water facilities; and

WHEREAS, the District has received a Study (herein "Study") that includes the analysis of the District cost to purchase and install water meters and to connect new development to the District water facilities. Said Study concludes that the District connection fees as established by District regulation in 1979 do not generate adequate levels of revenue to offset District's actual costs and recommends increasing the connection fees to offset actual costs; and

WHEREAS, the Study was received and filed on December 2, 2005 and has been available for public inspection at the District office since that date; and

WHEREAS, based upon facts and analysis presented by Staff, the Study, the Staff Report, and public testimony received, the Board of Directors finds:

- A. The public meetings adopting this Resolution have been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); and
- B. That notice has been provided pursuant to Government Code Section 66016; and
- C. The connection fees that are the subject of this Resolution do not exceed the estimated reasonable cost of the District; and
- D. That the public benefits from the logical, long-range approach to financing of public facilities:

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1. Authority.

This Resolution is enacted pursuant to Government Code Sections 61600(a), 66013 and 66016.

Section 2.

Section 6 of the District's Water Department Policy is deleted in its entirety and replaced with the following:

Section 6. Connection Fees.

There shall be a minimum connection fee consisting of the District's actual cost of the water meter plus the cost of the District's time to install and connect the project to the District's water mains, in addition to any other charges provided in the District's Water Department Policies as follows:

- 5/8 inch meter \$400
- 1 inch meter \$500
- 1 ½ inch meter \$750
- 2 inch meter \$950
- over 2 inch meter costs to be calculated

Section 3. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 4. Repeal of Prior Ordinances and Resolutions

All Ordinances, sections of Ordinances and Resolutions that are inconsistent with this Resolution are hereby repealed.

Section 5. Effect of Repeal on Past Actions and Obligations.

This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any District regulation.

Section 6. CEQA Findings

The Board of Directors of the District finds that the fees and charges adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The Board of Directors further finds that the adoption of the Rules and Regulations established by this Resolution fall within the activities described in Section 15378(b)(3) of the CEQA Guidelines which are deemed not to be "projects" for the purposes of CEQA, because it can be seen with certainty that the adoption of the connection fees will not have a significant effect on the environment.

Section 7. Severance Clause.

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 8. Effect of Headings in Resolution.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Resolution.

Introduced and adopted at its regular meeting of the Board of Directors held on December 13, 2005, by the Board of Directors of the Avila Beach Community Services District, by the following roll call vote, to wit:

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


CHRISTOPHER HELENIUS, President
Avila Beach Community Services District
Board of Directors

ATTEST:

APPROVED AS TO FORM:


JOHN WALLACE
Secretary to the Board

JON S. SEITZ
District Legal Counsel

**Avila Beach CSD
Meter Installation Costs**

COST BASIS FOR NEW CONNECTION METER RATES 2006

The following is the cost basis for the increase in the meter connection cost for the ABCSD for the year 2006

Material Costs	Meter Size			
	5/8 x 3/4	1"	1 1/2"	2"
Meters (cost based upon last purchase)	\$ 40.46	\$ 144.00	\$ 370.00	\$ 550.00
Misc Components (cost based upon last purchase)				
<i>Angle key Valve (Corp Stop)</i>	\$ 13.48	\$ 13.48	\$ 13.48	\$ 13.48
<i>Customer Turn Off Valve</i>	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
<i>Gaskets</i>	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00
<i>Bushing as necessary</i>	\$ 12.31	\$ 12.31	\$ 12.31	\$ 12.31
<i>misc fittings & pipe</i>	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Tax @7.25%	\$ 9.66	\$ 17.17	\$ 33.55	\$ 46.60
Labor Costs				
Simple installation by Staff (2 hours)	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00
Administrative costs				
District Engineer (1 hour)	\$ 90.00	\$ 90.00	\$ 90.00	\$ 90.00
District Office Manager (1Hour)	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00
Total Cost	\$ 387.91	\$ 498.96	\$ 741.34	\$ 934.39
Recommended Cost	\$ 400.00	\$ 500.00	\$ 750.00	\$ 950.00

Usually provided by Customer

Valve Box	\$ 27.87
Box Lid	\$ 19.86

State Agency for Surplus Property

28 Civic Center Plaza Ste. 360
Santa Ana, Ca. 92701 (714) 559-6831

ELIGIBILITY RENEWAL APPLICATION FEDERAL SURPLUS PROPERTY PROGRAM

Name of organization Avila Beach Community Services District Telephone 805 595-2664
Address 191 San Miguel St P.O. Box 309 City Avila Beach County San Luis ZIP 93424

Organization is a:

PUBLIC AGENCY X

- A. Conservation
 B. Economic Development
 C. Education
 D. Parks and Recreation
 E. Public Health
 X F. Public Safety
 G. 2 or more listed
 H. Other (includes
library/museums)
 I. Homeless Program

NONPROFIT AGENCY

- J. Private Education
 K. Private Health
 L. Older Americans Act for Sr. Citizens
 M. Homeless Program

NOTE: Categories J-K-L-M

Number of sites Enrollment or number of clients served **RESOLUTION**

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the California State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME—(Print or type)

John L. Wallace

TITLE

General Manager

SIGNATURE

Kathryn RichardsonOffice ManagerChristopher NallyOperations SupervisorJason MeeksOperations Supervisor

PASSED AND ADOPTED this 10 day of January 2006, by the Governing Board of Avila Beach Community Services District by the following vote:

Ayes: 4; Noes: 0; Absent: 1.

I, John L. Wallace, Clerk of the Governing Board of Avila Beach Community Services District do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a regular meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

(Signed) John L. Wallace

AUTHORIZED this 10th day of January OR 2006, by:
John L. Wallace

Name of Chief Administrative Officer

(Signed) John L. Wallace**FOR STATE AGENCY USE**Application approved XPApplication disapproved: Comments or additional information: Date: 1-17-2006Signed: L. Phillips(Title) SSADonee ID# 40-9-3536-3FBilling Code V49.59

TERMS AND CONDITIONS

(A) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954: within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, including research for such purpose, or for programs for older individuals. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

(B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of California and the donee shall release such property to such person as the state agency shall direct.

(D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

(E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

(F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer, Document executed by the authorized donee representative.

IMPORTANT NOTICE

Received
1-23-06

The eligibility renewal for your organization to participate in the State/Federal Surplus Program has been processed and updated; enclosed is the approved copy of your renewal form 201-A. Please read the Terms and Conditions on the reverse side. These are strict Federal guidelines that must be adhered too so as not to risk prosecution by the Federal authorities or jeopardize the eligibility of your organization.

If, in the past, you have received service from the Northern California federal surplus office, it has been closed due to state budget restrictions. If you wish further information on obtaining federal surplus property, please contact Dan Larsen at the Southern California federal surplus office. He is responsible for all federal property acquisitions for all eligible organizations located throughout California. And, for acquisitions of state surplus property located in the southern half of the state. His direct telephone number is (714) 558-4341. Federal surplus property is received through Dan, or his designee, directly from federal installations.

For information and to obtain state surplus property located in the northern half of the state please contact (916) 928-4630 in Sacramento.

California State Agency for Surplus Property
28 Civic Center Plaza, Suite 360
Santa Ana, CA 92701

N