

Resolutions 2002

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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 NO. 2002-01

RESOLUTION COMMENDING

JOHN W. GORMAN SR.

FOR SERVICE TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT

WHEREAS, JOHN W. GORMAN SR. has continuously served the Community of Avila Beach in many capacities for over fifty two years; and

WHEREAS, JOHN W. GORMAN SR. has been the key person overseeing and providing for upgraded public services and facilities for the Community; and

WHEREAS, JOHN W. GORMAN SR. provided operational services to the Avila Beach Sanitary District when the wastewater treatment system consisted of a septic tank located at the end of San Miguel Street and water service was taken from wells in Gragg Canyon on the east side of Highway 101 and has overseen the transition to a modern water and sewer system; and

WHEREAS, JOHN W. GORMAN SR. Served as the Wastewater Superintendent during the construction of the original Wastewater Treatment Facility located at the end of San Miguel Street in 1968, and as the District's Operations Superintendent during the Wastewater Treatment Plant Upgrade completed in 1993, and;
and;

WHEREAS, JOHN W. GORMAN SR. acted as Water Superintendent during the replacement of an aging water distribution system in 1976 to better assure water service and fire protection to the community, and;

WHEREAS, JOHN W. GORMAN SR. was a member of the Avila Beach Fire Department under the Avila Beach Fire Protection District and was the acting Fire Chief of the Avila Beach Fire Department several times when the Community was in need of a leader for the Department and was Chief when the District formed a full time Fire Department, and;

WHEREAS, JOHN W. GORMAN SR. has unselfishly and conscientiously worked for the community of Avila Beach as part of the Avila Beach Sanitary District, the Avila Beach Fire Protection District, the Avila Beach Water District and continues to work for the Avila Beach Community Services District, and;

WHEREAS, JOHN W. GORMAN SR. has earned the respect of his colleagues and the community for his continuing dedication and service to the community of Avila Beach;

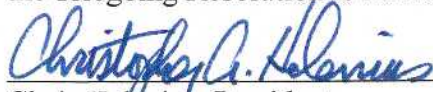
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Avila Beach Community Services District, San Luis Obispo County, California, as follows:

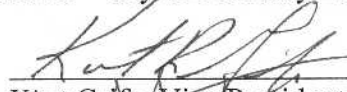
That the Avila Beach Community Services District does hereby recognize and commend JOHN W. GORMAN SR. for his fifty-two years of dedication, leadership and extraordinary commitment to the Avila Beach Community Services District, and adopts this Resolution as a public statement of their recognition. Further; the Board of Directors wishes to show its gratitude and recognition of Mr. Gorman's contribution to the community by naming the new wastewater treatment facility in his honor as the **"John W. Gorman Wastewater Treatment Facility"**.

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

AYES: Allen, Kelley, Helenius, Grife, Guernsey
NOES: none
ABSENT: none

the foregoing Resolution is hereby adopted this 12TH day of February 2002.


Chris Helenius, President


Kurt Grife, Vice President


James Allen, Secretary


Tom Guernsey, Director


Peter Kelley, Director

ATTEST:


Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2002- 2**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH
COMMUNITY SERVICES DISTRICT ACCEPTING OWNERSHIP OF A PARCEL OF
REAL PROPERTY LOCATED IN THE AVILA BEACH PARK FROM SAN LUIS
OBISPO COUNTY FOR AN EDUCATIONAL INSTITUTE**

WHEREAS, the Board of Directors of the Avila Beach Community Services District (herein referred to as "District") has received a request from the County of San Luis Obispo and the Port San Luis Marine Institute to accept ownership of a parcel of real property located in the Avila Beach Park for an Educational Institute; and

WHEREAS, the District has determined that it has the ability to accept this real property; and

WHEREAS, the District has previously agreed to accept this property and to lease same to the Port San Luis Marine Institute for an educational facility;

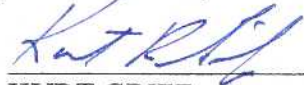
NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Avila Beach Community Services District as follows:

1. That the Board of Directors has determined that it is desirable to accept the real property located in the Avila Beach Park.
2. The President is authorized to sign all documents necessary to effectuate this transfer once final action is taken by the County Board of Supervisors and all other contingent actions are met including receipt of a title report indicating clear title.

On motion of Director Grife, seconded by Director Allen, and on the following roll call vote, to wit:

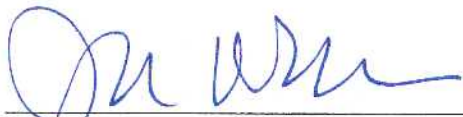
AYES:	Grife, Allen, Kelley
NOES:	None
ABSENT:	Helenius, Guernsey

the foregoing resolution was passed and adopted this 12th day of March, 2002.



KURT GRIFE
BOARD VICE PRESIDENT

ATTEST:



JOHN L. WALLACE
GENERAL MANAGER

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2002-3

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 11th day of June at 7:00 P.M. at the Avila Beach Community Services District meeting place at 191 San Miguel Street, Avila Beach Ca. 93424,

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

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2002-4

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 #2002-3, 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 2002-3 on the lots and parcels described in Exhibit A, attached hereto;
4. That upon completion of said abatement, the Fire Chief

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 Allen, seconded by Director Grife, and on the following roll call vote, to wit:

AYES: Allen, Grife, Helenius, Kelley,

NOES: none

ABSENT: Guernsey

The foregoing resolution is hereby adopted this 11th day of June 2002.


Chris Helenius, President

ATTEST:


SECRETARY TO BOARD

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 9, 2002 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.

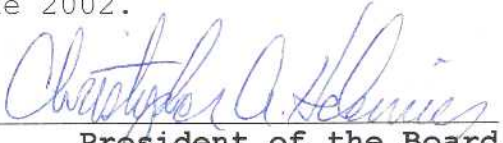
ON MOTION of Director Guernsey, seconded by Director Allen, and on the following roll call vote, to wit:

AYES: Guernsey, Allen, Helenius, Grife, Kelley

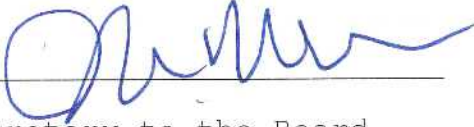
NOES: none

ABSENT: none

PASSED AND ADOPTED this 11th day of June 2002.


President of the Board

ATTEST:


Secretary to the Board

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2002-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT REQUESTING THEIR GENERAL DISTRICT ELECTION BE CONSOLIDATED WITH THE NOVEMBER 5, 2002 STATEWIDE GENERAL ELECTION

WHEREAS, an election shall be conducted for this district pursuant to the Uniform District Election Law commencing with Elections Code Section 10500 on November 5, 2002; and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with other elections to be held on the same day pursuant to Chapter 3, Part 3, Division 10 of the Elections Code (commencing with Section 10400); and

WHEREAS, the Board of Directors desires to request that the San Luis Obispo County Board of Supervisors consolidate this District's General District Election with any other election which may be held on the same date and involving the same territory, or in territory that is in part the same;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors, as follows: The Board of Supervisors of San Luis Obispo County is hereby requested to consolidate the General Election of this District to be held on November 5, 2002, with all other elections held on the same date and involving all or a portion of the territory of the district. This request is made pursuant to Section 10555 and 10400, et seq of the Elections Code. The Board of Directors agrees to reimburse the County of San Luis Obispo in full for the services performed relating to this election upon presentation of an invoice to the District.

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

AYES: Grife, Helenius, Allen, Guernsey, Kelley

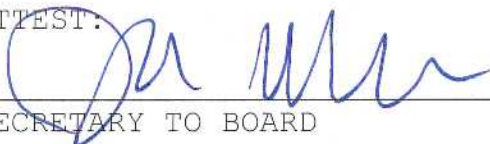
NOES: none

ABSENT: none

The foregoing resolution is hereby adopted this 11th day of June, 2002.



President

ATTEST: 

SECRETARY TO BOARD

RESOLUTION NO. 2002-6

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
SUPPORTING LEGISLATION AND THE ACTIVITIES OF A COOPERATIVE
COALITION TO ALLOCATE FUNDING FROM FUTURE WATER BOND
INITIATIVES FOR PROJECTS THAT WILL BENEFIT
THE COMMUNITY OF AVILA BEACH, SAN LUIS OBISPO COUNTY AND OTHER
COUNTIES IN NORTHERN AND COASTAL CALIFORNIA**

WHEREAS, the California electorate has approved three statewide bond initiatives over the past two years that provided \$6.67 billion for water and parks related programs in California, and an additional bond initiative, Proposition 50, is on the ballot for the November 5, 2002 election that would provide an additional \$3.44 billion if approved by the voters; and

WHEREAS, development of a regional coalition to organize and promote local water projects for funding has proven to be effective in obtaining federal appropriations for California and enabling The completion of many beneficial projects; and

WHEREAS, The Avila Beach Community Services District has established a list of capital equipment and projects which identifies our water and wastewater needs necessary for the health and safety of our community; and,

WHEREAS, the Avila Beach Community Services District has identified the following projects to be consistent with its policy, provide important environmental benefits and warrant state funding as may be provided by future bond initiatives:

- Exterior Recoating of Storage Tank Number Two
- Numerous Maintenance Upgrades System Wide
- Completion of Water Master Plan Studies including Recycling Projects

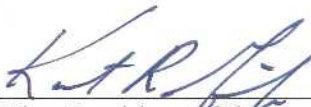
NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Avila Beach Community Services District approves the following actions:

1. Supports legislation to allocate funding from future Water Bond Initiatives for local projects in the Community of Avila Beach.
2. Supports legislation to allocate funding from future Water Bond Initiatives for local projects in San Luis Obispo, Santa Barbara, Sonoma and other Northern and Coastal California Counties.
3. Authorizes the District Manager, or his designee, to work with the Sonoma County Water Agency and other public agencies to help develop the Northern and Coastal California Water Bond Initiative Coalition to advocate and secure grant funds for drinking water, wastewater, fisheries, wetlands, water reuse, non-point source and flood

control projects that will benefit San Luis Obispo, Santa Barbara, Sonoma County and other counties in Northern and Coastal California.

**ON MOTION OF DIRECTOR KELLEY, SECONDED BY DIRECTOR SLATTERY
PASSED, APPROVED AND ADOPTED this 8th day of October 2002 by the following vote:**

AYES: Kelley, Slattery, Grife
NOES: None
ABSTAIN: None
ABSENT: Helenius, Guernsey



Vice President of the Board

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2002-7

RESOLUTION DIRECTING STAFF TO PRESENT TO THE BOARD OF SUPERVISORS OF SAN LUIS OBISPO COUNTY FOR RATIFICATION THE ADOPTED 2000 EDITION OF THE UNIFORM FIRE CODE, 2001 CALIFORNIA FIRE CODE AND THE 1997 EDITION OF THE UNIFORM FIRE CODE STANDARDS AND INCLUDING ANNUAL SUPPLEMENTS AND STATE AND LOCAL AMENDMENTS AND ERRATA.

- WHEREAS, The Avila Beach Community Services District wishes to provide the citizens with the greatest degree of protection from fire; and
- WHEREAS, The Avila Beach Community Services District adopted an ordinance to amend the 2000 edition of the Uniform Fire Code, the 2001 California Fire Code and the 1997 Edition of the Uniform Fire Code Standard, including annual supplements on November 12, 2002; and
- WHEREAS, These local amendments must be ratified by the County Board of Supervisors, San Luis Obispo County; and
- WHEREAS, The local amendments must be filed with the California Building Standards Commission

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

1. That Staff will present to the County Board of Supervisors, San Luis Obispo County the adopted Fire Code with local amendments for ratification;
2. Upon County approval, transmit and file the Fire Code

with local amendments to the California Building Standards Commission.

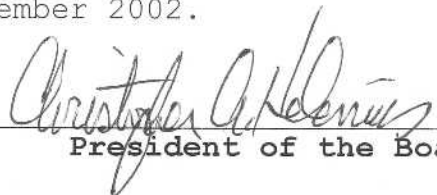
ON MOTION of Director Helenius, seconded by Director Kelley, and on the following roll call vote, to wit:

AYES: Helenius, Kelley, Grife, Slattery

NOES: none

ABSENT: Guernsey

PASSED AND ADOPTED this 12th day of November 2002.



President of the Board

ATTEST:



Secretary to the Board

RESOLUTION NO. 2002 - 8

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING AN ENVIRONMENTAL MITIGATED NEGATIVE DECLARATION
AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF
DETERMINATION FOR THE BELOW DESCRIBED PROJECT**

WHEREAS, the Avila Beach Community Services District (herein "District") intends to repair and extend of an existing 12-inch diameter steel marine outfall pipeline with an approximate 480-foot steel pipe segment to facilitate continued discharge of treated effluent from the District Wastewater Treatment Plant in Avila Beach, CA. (herein referred to as "the Project"; and

WHEREAS, pursuant to the California Environmental Quality Act (herein "CEQA"), an Initial Study was prepared for the Project which is on file with the District office. The study proposed that a Mitigated Negative Declaration be approved given that it was determined that no potentially significant environmental impacts will occur from the Project; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, on November 12, 2002 the District, pursuant to the Brown Act and CEQA, held a Public Hearing on the proposed Mitigated Negative Declaration, reviewed written comments, and accepted public testimony regarding the proposed Negative Declaration; and

WHEREAS, based on the information contained in the Initial Study prepared for the Project, the staff report, and testimony received as a result of the public notice, the District, using its independent and objective judgment, finds that the project will not have potentially significant effects on the environment.

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

1. The above recitals are true and correct and are incorporated herein.
2. In accordance with the California Environmental Quality Act, the Mitigated Negative Declaration for the Project is hereby approved.
3. The General Manager is authorized to file a Notice of Determination in compliance with Section 21152 of the Public Resource Code and a State Department of Fish & Game Certificate of Fee Exemption.

PASSED AND ADOPTED by the Board of Directors of the Avila Beach Community Services District this 12th day of November, 2002 upon motion of Director Helenius, seconded by Director Grife and passed on the following roll call vote:

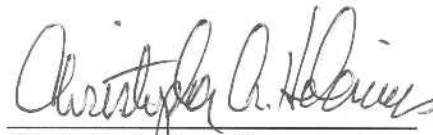
AYES: Helenius, Grife, Kelley, Slattery

NOES: None

ABSTAIN: None

ABSENT: Guernsey

The foregoing Resolution was adopted on November 12th, 2002.


Chris Helenius, President

ATTEST:


John L. Wallace
Secretary to the Board

APPROVED AS TO FORM:

Stephen N. Cool
District Legal Counsel

RESOLUTION NO. 2002-9

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH
COMMUNITY SERVICES DISTRICT (ABCSD)
SUPPORTING THE ALLOCATION OF PROPOSITION 50 SLO COUNTY FUNDS**

WHEREAS, the California electorate approved Proposition 50 on November 5, 2002;

WHEREAS, Proposition 50 includes a set aside of \$525 million for allocation among specified Counties including \$15 Million for the County of San Luis Obispo;

WHEREAS, representatives from twenty-five local agencies have recommended the allocation of this \$15 million set aside to meet the water, wastewater, drainage and open space needs of San Luis Obispo County in accordance with the goals and objectives of the proposition, as detailed in the attached worksheet;

WHEREAS, ABCSD concurs with the proposed allocation and wishes to strongly encourage the California Legislature to award the \$15 million San Luis Obispo County set aside as proposed.

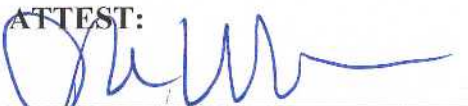
NOW, THEREFORE BE IT RESOLVED that the ABCSD approves the following actions:

1. The District Supports allocation of the \$15 million SLO County Set Aside as detailed on the attached worksheet; and
2. Respectfully requests that Assembly Member Maldonado and Senator Bruce McPherson work to secure the specific items appropriation within the \$15 million SLO County Set Aside as detailed on the attached worksheet.

PASSED, APPROVED AND ADOPTED this 10th day of December the following vote:

AYES: Guernsey, Kelley, Helenius, Grife, Slattery
NOES: None
ABSTAIN: None
ABSENT: None


Christopher Helenius,
President of the Board

ATTEST:

John Wallace, District Manager

Avila Beach Community Services District

RESOLUTION NO 2002-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH
COMMUNITY SERVICES DISTRICT APPROVING THE FORM OF AND
AUTHORIZING THE EXECUTION AND DELIVERY OF A FIFTH
AMENDED AND RESTATED JOINT POWERS AGREEMENT

WHEREAS, the Avila Beach Community Services District, a special district duly organized and existing under and by virtue of the laws of the State of California (the "District"), has entered into that certain Fourth Amended Joint Powers Agreement (the "Original Agreement"), relating to the Special District Risk Management Authority (the "Authority"); and

WHEREAS, the District and the other members of the Authority (the "Members") now desire to amend and restate the Original Agreement (i) to restate the purpose and powers of the Authority to allow consolidation with the Special Districts Workers Compensation Authority ("SDWCA"), and (ii) to make certain other amendments to the Original Agreement; and

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

WHEREAS, the District acknowledges receipt of the proposed amendments to the Bylaws of the Authority (the "Amended Bylaws"); 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 District 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 BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

Section 1. Findings. The Board hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the District.

Section 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the District and the Members, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The Board President ("The Authorized Officer") is hereby authorized and directed, for and in the name and on behalf of the District, 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. Amended Bylaws. The District hereby consents to the approval by the Board of Directors of the Authority of the Amended Bylaws, in substantially the form presented to the District, with such changes as may be approved by the Board of Directors of the Authority.

Section 4. Other Actions. The Authorized Officers of the District are each hereby authorized and directed to execute and delivery 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 10th day of December, 2002 by the following vote:

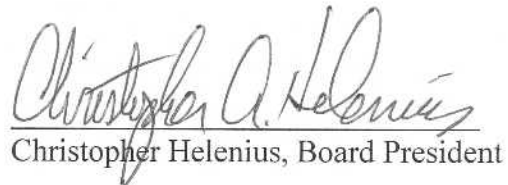
AYES: Helenius, Kelley, Grife, Guernsey, Slattery

NOES: None

ABSENT: None



District Secretary



Christopher Helenius, Board President