

Resolutions 2009

2009-1	Weed Abatement
2009-2	Approving Fire Truck "Grandpa"
2009-3	Weed Abatement
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AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2009-1

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 9th 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,

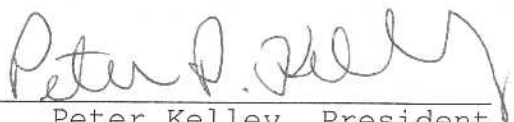
WHEREAS, the Fire Chief of the Avila Beach Fire Department (CAL Fire Contract Agency) is hereby designated as the person referred to in the Health and Safety code 14890, to abate these conditions.

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 Simas, and on the following roll call vote, to wit:

AYES:	Brown, Simas, Kelley, Chilcott, Janowicz
NOES:	None
ABSENT:	None

The foregoing resolution is hereby adopted this 12th day of May 2009.



Peter Kelley, President

ATTEST:



SECRETARY TO BOARD

RESOLUTION NO. 2009-2

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
APPROVING FIRE TRUCK MOU WITH AMENDMENTS**

WHEREAS, The Avila Beach Community Services District Board of Directors ("District") has reviewed the Proposed Avila Engine "Grandpa" Agreement regarding the 1941 Dodge Fire Engine owned by the District (Exhibit "A").

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED
BY THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY
SERVICES DISTRICT AS FOLLOWS:**

1. Subject to incorporating the amendments referenced in Section 2 below, The "Grandpa" Agreement (Exhibit "A") is hereby approved and the District President is authorized to sign on behalf of the District.
2. The following revisions to the Section of "Use of the Fire Engine" shall be incorporated into the Agreement:
 - A) Revise second paragraph to read:
The Engine will not be used for private events such as weddings, private functions or commercial advertisement unless prior written permission is granted by the Avila CSD District Manager. Scheduling of the use of the fire engine will be coordinated by CAL FIRE/ County Fire.
 - B) Add the following paragraphs:
 1. No alcoholic beverages are allowed on or about Grandpa.
 2. All drivers of Grandpa shall have in their possession an appropriate, valid, California drivers' license.
 3. All drivers of Grandpa shall be added to the District's insurance policies.
 4. CAL FIRE will be responsible for ensuring that all drivers of Grandpa have the proper drivers' license and

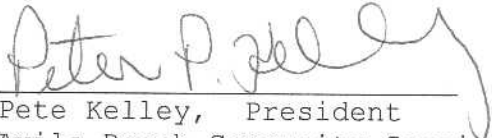
confirm that all drivers have been added to the District insurance policies.

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

DIRECTORS

AYES: Simas, Brown, Kelley, Chilcott, Janowicz
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing resolution is hereby adopted this 12th day of May, 2009.



Pete Kelley, President
Avila Beach Community Services
District

ATTEST:



John Wallace
Secretary to the Board

Avila Engine Mission Statement

The 1941 Dodge Fire Engine known as “Grandpa” is owned by the Avila Beach Community Service District. It is the intent of the Avila Foundation, Avila Beach CSD and CAL FIRE / County Fire to preserve the Fire Engine. Further the Fire Engine is intended for use to promote community pride, historical awareness and fire department tradition in Avila Beach. Use of the Fire Engine is limited to public and community events within the CSD and is not to be used for private purposes such as weddings, private functions, or commercial advertisement unless prior written approval is granted by the Avila Beach CSD. Grandpa is owned by the Avila CSD and an account for its restoration is held by the Avila Foundation. Maintenance is done or coordinated by the designated Captain at Avila Valley Fire Station 62.

Avila Engine “Grandpa” Agreement

This agreement is between the Avila Beach Community Services District, the Avila Foundation, and CAL FIRE / County Fire. All parties agree to the improvement of the 1941 Avila Beach Fire Engine.

1. The Avila Beach CSD is the sole owner of the Fire Engine and is responsible for registration and insurance of the vehicle.
2. The Avila Foundation is responsible for financial support and distribution of funds for the preservation of the Fire Engine.
3. CAL FIRE / County Fire is responsible for maintenance, improvements, storage and scheduling of the fire engine as an agent of the Avila Beach CSD.

Use of the Fire Engine:

Use of the Fire Engine is limited to public and community events in Avila Beach unless prior written approval is granted by the Avila Beach CSD District Manager. Some accepted uses for the Engine are as follows:

- > Farmers Market in Avila
- > San Luis Holiday Parade
- > Santa Delivery to CSD building for Annual Holiday Party
- > Open House at the Avila Valley Fire Station 62

The Engine will not be used for private events such as weddings, private functions or commercial advertisement unless written permission is granted by the Avila CSD District

Manager. Scheduling of the use of the fire engine will be coordinated by CAL FIRE / County Fire.

Maintenance and improvements of the engine:

All Maintenance and improvements are to be performed or coordinated by the person designated by the Avila Beach CSD. Currently that is Captain Jason Cohn at Avila Valley Fire Station 62. The fire engines improvements and maintenance are to be done to protect the historical character and use of the vehicle. Any major modifications shall be approved by the Avila Beach CSD and the Avila Foundation.

Restoration Project:

Financial support for the improvements and maintenance for the fire engine will be sought, but must be approved by the Avila Beach CSD and the Avila Foundation which is designated as the non-profit agency which has taken on the fiscal management of the restoration project. The Grants that are applied for from the Avila Foundation currently pay for the upkeep and restoration. Any fundraising revenues will be given to the Avila Foundation and put into a special account. Any expenses outside the repairs listed in the Grant for that specific year need to be approved by the Avila Foundation prior to committing funds.

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2009-3

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 #2009-1, 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:

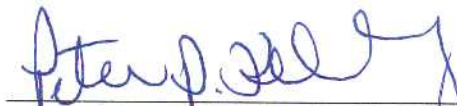
1. That any objections to said proposal were heard and resolved;
2. That the District has jurisdiction to proceed to perform the work of removal;
3. That the Fire Department is ordered to abate the nuisance referred to in Resolution 2009-1 on the lots and parcels described in Exhibit A, attached hereto;

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 14, 2009 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 Simas, seconded by Director Brown, and on the following roll call vote, to wit:

AYES: Simas, Brown, Kelley, Chilcott, Janowicz
NOES: None
ABSENT: None

PASSED AND ADOPTED this 9th day of June 2009.



President of the Board

ATTEST:



Secretary to the Board

RESOLUTION 2009-4

A RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX REVENUES ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

WHEREAS, the current economic and housing crises have placed independent special districts under immense financial pressure and caused special district officials to reopen already adopted budgets to make painful cuts, including layoffs and furloughs of employees, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **\$6.807 billion** of independent special district property tax revenues statewide to fund the state budget; and

WHEREAS, in FY 2007-08 alone, the state seized nearly **\$618 million** in independent special district property tax revenues statewide to fund the state budget; and

WHEREAS, the most significant impact of taking local property tax revenues is the reduction of quality and effectiveness of vital services provided to constituents; and

WHEREAS, in 2004 the voters by an 84 percent vote margin passed Proposition 1A which adopted substantial constitutional protections for local revenues, but the Legislature can still “borrow” local property taxes to fund the state budget; and

WHEREAS, the Governor recently proposed to suspend Proposition 1A (2004) and “borrow” \$2 billion in local property taxes from independent special districts, cities, and counties to balance the state budget, which would cause deeper cuts to fire protection, water and wastewater, mosquito abatement, recreation and park, and many other vital services; and

WHEREAS, in the past the Governor has called such “borrowing” proposals fiscally irresponsible because the state will find it virtually impossible to repay and it would only deepen the state’s structural deficit, preventing the state from balancing its budget; and

WHEREAS, the Legislature is currently considering hundreds of bills, many of which would impose new costs on local governments that can neither be afforded nor sustained in this economic climate; and

WHEREAS, state agencies are imposing, or considering, many regulations imposing unfunded mandates on local governments without regard to how local agencies will be able comply with these mandates while meeting their other responsibilities; and

WHEREAS, the combined effects of the seizure of the Special District's property tax revenues, increasing unfunded state mandates, and the revenue losses due to the economic downturn have placed the Special District's budget under serious fiscal pressure; and

WHEREAS, this Special District simply cannot sustain the loss of any more property tax funds or to be saddled with any more state mandates as they will only deepen the financial challenge facing this Special District and impact the services to the constituents we serve; and

WHEREAS, a number of this Special District's financial commitments arise from contracts, including long term capital leases and debt obligations which support securities in the public capital markets, that the Special District must honor in full unless modified by mutual agreement of the parties.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT has determined that the Special District will experience a severe fiscal hardship if the state "borrows" local property taxes to solve the state's budget deficit; and

RESOLVED FURTHER, that the Board of Directors strongly and unconditionally opposes the Governor's proposal and any other state government proposals to borrow or seize any additional local funds, including property tax; and

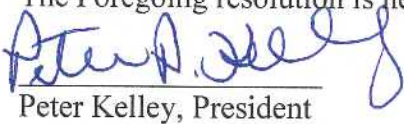
RESOLVED FURTHER, that the Board of Directors strongly urges the Legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered and urges the state to provide complete funding for all existing and any new mandates.

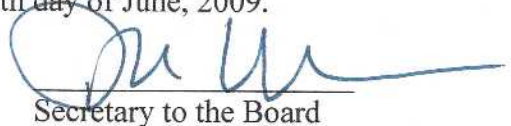
RESOLVED FURTHER, that the Board Secretary shall send copies of this resolution to the Governor, our state Senator(s), our Assembly Member(s) and the California Special Districts Association.

Roll Call

AYES:	Simas, Chilcott, Kelley, Brown, Janowicz
NOES:	None
ABSENT:	None
ABSTAIN:	None

The Foregoing resolution is hereby adopted this 9th day of June, 2009.


Peter Kelley, President


Secretary to the Board

2. That the 2009-2010 appropriation limit is determined as follows:

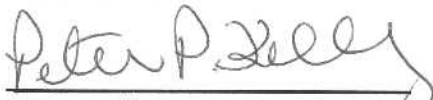
2008-2009 Limitation		\$ 4,315,417
2009-2010 Ratio of Change	X	<u>1.0174</u>
2009-2010 Appropriation Limitation		<u>\$4,390,505</u>

3. That the Appropriation Limitation (\$4,390,505) exceeds the Appropriation subject to Limitation (\$438,250) by \$3,952,255.
4. No further adjustment to the 2009-2010 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 2009-2010.
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.

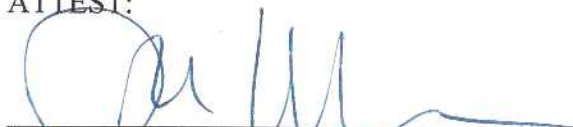
Upon motion of Director Brown, seconded by Director Chilcott, and on the following roll call vote to wit:

AYES:	Brown, Chilcott, Kelley, Janowicz, Simas
NOES:	None
ABSENT:	None
ABSTAINING:	None

the foregoing Resolution is hereby adopted this 14th day of July, 2009.


Peter Kelley, President

ATTEST:


Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-4**

**A RESOLUTION FOR DETERMINATION OF
APPROPRIATION LIMITATION FOR THE
2009-2010 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 2009-2010 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 **.62** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.11** and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$438,250**; 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:

$$\frac{0.62 + 100}{100} (CPCPI) \times \frac{1.11 + 100}{100} (POP) = \text{RATIO}$$
$$1.0062 \times 1.0111 = 1.0174$$

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009- 5**

A RESOLUTION ADOPTING THE 2009-2010 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 2009-2010 fiscal year.

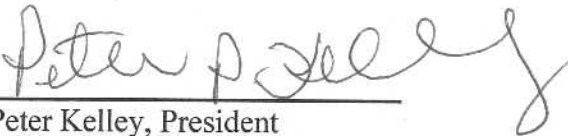
NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of directors, Avila Beach Community Services District, San Luis Obispo County, California, as follows:

1. That the proposed budget entitled, "Avila Beach Community Services District 2009/10 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 Simas, seconded by Director Janowicz, and on the following roll call vote to wit:

AYES: Simas, Janowicz, Brown
NOES: Kelley, Chilcott
ABSENT: None
ABSTAIN: None

The foregoing resolution is hereby adopted this 14th day of July, 2009.



Peter Kelley, President

ATTEST:



Secretary to the Board of Directors

RESOLUTION NO. 2009-6

**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 Sixth 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 Sixth 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. 2007-06 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

WHEREAS, Policy No. 2007-06 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)

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-07**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT CONFIRMING THE COSTS ASSOCIATED WITH THE REMOVAL OF WEEDS FROM VARIOUS PARCELS OF LAND AND DIRECTING STAFF TO FORWARD THE CHARGES TO THE COUNTY AUDITOR FOR COLLECTION

WHEREAS, the Board of Directors of the Avila Beach Community Services District has pursued the Abatement of Hazardous Weeds and Rubbish as defined in Part 5 of the Health and Safety Code commencing at Section 14875; and,

WHEREAS, all property owners who were found to have hazardous weeds that needed to be abated were properly noticed by mail and the property was posted; and,

WHEREAS, all property owners noticed were informed that removal of weeds by District staff would result in their being charged for such services plus an administrative charge and that this charge would, if not paid by the property owner, be placed upon the tax roll; and,

WHEREAS, all properties not having completed the abatement of hazardous weeds by the noticed deadline have had the weeds removed by the District; and

WHEREAS, the Board of Directors has determined that the charges for said properties are fair and reasonable.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

1. That the above charges are true and correct.
2. That the charges and costs incurred in enforcing abatement upon the parcels defined as "Exhibit 'A'" to this resolution are confirmed.
3. Staff is directed to forward a certified copy of this Resolution to the County Auditor to place the charges on the tax roll.

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

AYES: Brown, Janowicz, Kelley, Chilcott, Simas
NOES: None
ABSENT: None
ABSTAINING: None

the foregoing Resolution is hereby passed, approved and adopted by the
Avila Beach Community Services District this 14th day of July, 2009.

Peter Kelley, President
Board of Directors, Avila Beach
Community Services District

ATTEST:



John Wallace, General Manager
and Secretary to the Board

RESOLUTION NO. 2009-8

**BOARD OF DIRECTORS
OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT**

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Section 25.5 of Article XIII of the California Constitution and Chapter 14XXXX of the California Statutes of 2009 (Assembly Bill No. 15), as amended (the "Act"), certain local agencies within the State of California (the "State") are entitled to receive certain payments to be made by the State on or before June 30, 2013, as reimbursement for reductions in the percentage of the total amount of ad valorem property tax revenues allocated to such local agencies during the State's 2009-10 fiscal year (the "Reimbursement Payments"), which reductions have been authorized pursuant to Sections 100.05 and 100.06 of the California Revenue and Taxation Code;

WHEREAS, the Avila Beach Community Services District, a local agency within the meaning of Section 6585(f) of the California Government Code (the "Seller"), is entitled to and has determined to sell all right, title and interest of the Seller in and to its "Proposition 1A receivable", as defined in Section 6585(g) of the California Government Code (the "Proposition 1A Receivable"), namely, the right to payment of moneys due or to become due to the Seller pursuant to Section 25.5(a)(1)(B)(iii) of Article XIII of the California Constitution and Section 100.06 of the California Revenue and Taxation Code, in order to obtain money to fund public capital improvements or working capital;

WHEREAS, the Seller is authorized to sell or otherwise dispose of its property as the interests of its residents require;

WHEREAS, the California Statewide Communities Development Authority, a joint exercise of powers authority organized and existing under the laws of the State (the "Purchaser"), has been authorized pursuant to Section 6588(x) of the California Government Code to purchase the Proposition 1A Receivable;

WHEREAS, the Purchaser desires to purchase the Proposition 1A Receivable and the Seller desires to sell the Proposition 1A Receivable pursuant to a purchase and sale agreement by and between the Seller and the Purchaser in the form presented to this Board of Directors (the "Sale Agreement") for the purposes set forth herein;

WHEREAS, in order to finance the purchase price of the Proposition 1A Receivable from the Seller and the purchase price of other Proposition 1A Receivables from other local agencies, the Purchaser will issue its bonds (the "Bonds") pursuant to Section 6590 of the California Government Code and an Indenture (the "Indenture"), by and between the Purchaser and Wells Fargo Bank, National Association, as trustee (the "Trustee"), which Bonds will be payable solely

from the proceeds of the Seller's Proposition 1A Receivable and other Proposition 1A Receivables sold to the Purchaser by local agencies in connection with the issuance of the Bonds;

WHEREAS, the Seller acknowledges that (i) any transfer of its Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement shall be treated as an absolute sale and transfer of the property so transferred and not as a pledge or grant of a security interest by Avila Beach Community Services District to secure a borrowing, (ii) any such sale of its Proposition 1A Receivable to the Purchaser shall automatically be perfected without the need for physical delivery, recordation, filing or further act, (iii) the provisions of Division 9 (commencing with Section 9101) of the California Commercial Code and Sections 954.5 to 955.1 of the California Civil Code, inclusive, shall not apply to the sale of its Proposition 1A Receivable, and (iv) after such transfer, the Seller shall have no right, title, or interest in or to the Proposition 1A Receivable sold to the Purchaser and the Proposition 1A Receivable will thereafter be owned, received, held and disbursed only by the Purchaser or a trustee or agent appointed by the Purchaser;

WHEREAS, the Seller acknowledges that the Purchaser will grant a security interest in the Proposition 1A Receivable to the Trustee and any credit enhancer to secure payment of the Bonds;

WHEREAS, a portion of the proceeds of the Bonds will be used by the Purchaser to, among other things, pay the purchase price of the Proposition 1A Receivable;

WHEREAS, the Seller will use the proceeds received from the sale of the Proposition 1A Receivable for any lawful purpose as permitted under the applicable laws of the State;

NOW THEREFORE, the Board of Directors of the Avila Beach Community Services District hereby resolves as follows:

Section 1. All of the recitals set forth above are true and correct, and this Board of Directors hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the Proposition 1A Receivable to the Purchaser for a price equal to the amount certified as the Initial Amount (as defined in the Sale Agreement) by the County auditor pursuant to the Act. The form of Sale Agreement presented to the Board of Directors is hereby approved. An Authorized Officer (as set forth in Appendix A of this Resolution, attached hereto and by this reference incorporated herein) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in the form presented at this meeting.

Section 3. Any Authorized Officer is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller (the "Irrevocable Written Instruction") notifying the State of the sale of the Proposition 1A Receivable and instructing the disbursement pursuant to Section 6588.6(c) of California Government Code of the Proposition 1A Receivable to the Trustee, on behalf of the Purchaser, which Irrevocable Written Instruction shall be in the form presented at this meeting.

Section 4. The Authorized Officers and such other Seller officers, as appropriate, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, including but not limited to, if required, appropriate escrow instructions relating to the delivery into escrow of executed documents prior to the closing of the Bonds, and such other documents mentioned in the Sale Agreement or the Indenture, which any of them may deem necessary or desirable in order to implement the Sale Agreement and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the sale of the Proposition 1A Receivable or the issuance of the Bonds, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, may be given or taken by an Authorized Officer without further authorization by this Board of Directors, and each Authorized Officer is hereby authorized and directed to give any such consent, approval, notice, order or request, to execute any necessary or appropriate documents or amendments, and to take any such action that such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 6. The Board of Directors acknowledges that, upon execution and delivery of the Sale Agreement, the Seller is contractually obligated to sell the Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement and the Seller shall not have any option to revoke its approval of the Sale Agreement or to determine not to perform its obligations thereunder.

Section 7. This Resolution shall take effect from and after its adoption and approval.

PASSED AND ADOPTED by the Board of Directors of the Avila Beach Community Services District, State of California, this 13 day of October, 2009, by the following vote:

AYES: Kelley Brown Janowicz Rowe

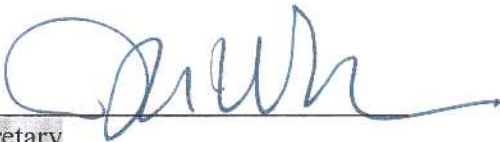
NOES: None

ABSENT: Simas



VICE-President

Attest:



Secretary

Approved as to form :

SELLER'S COUNSEL

By 

Dated: October 13, 2009

APPENDIX A

AVILA BEACH COMMUNITY SERVICES DISTRICT

Authorized Officers: Peter Kelley, President

Terrence Brown, Vice President

any designee of any of them, as appointed in a written certificate of such Authorized Officer delivered to the Trustee.

PROJECT APPLICATION FOR FEDERAL ASSISTANCE

SUBGRANTEE'S NAME: Avila Beach Community Services District
(Name of Organization)

ADDRESS: Post Office Box 309 / 191 San Miguel Street

CITY: Avila Beach STATE: CA ZIP CODE: 93424

TELEPHONE: (805) 595-2664 FAX NUMBER: (805) 595-7623

AUTHORIZED AGENT: John L. Wallace TITLE: District Manager

ASSURANCES - CONSTRUCTION PROGRAMS

Note: Certain of these assurance may not be applicable to all of your projects. If you have questions, please contact the Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the subgrantee named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$5,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subgrantee application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
 - b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application which are excess to the approved, actual expenditures as accepted by final audit of the federal or state government.
 - c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

The undersigned represents that he/she is authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

General Manager

TITLE

7/10/04

DATE