

Resolutions 2005

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AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2005-1

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 14th 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,

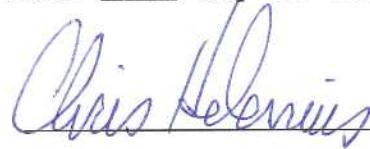
WHEREAS, the Fire Chief of the Avila Beach Fire Department (CDF Contract Agency) is hereby designated as the person referred to in the Health and Safety code 14890, to abate these conditions.

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 Guernsey, seconded by Director Bernardo, and on the following roll call vote, to wit:

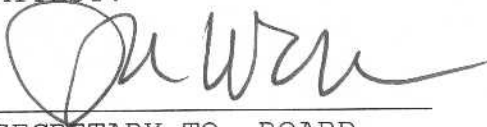
AYES: Guernsey, Bernardo, Helenius, Kelley, Brown
NOES: none
ABSENT: none

The foregoing resolution is hereby adopted this 10th day of May 2005.



Chris Helenius, President

ATTEST:



SECRETARY TO BOARD

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2005-2

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 #2005-1, 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 2005-1 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 12, 2005 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.

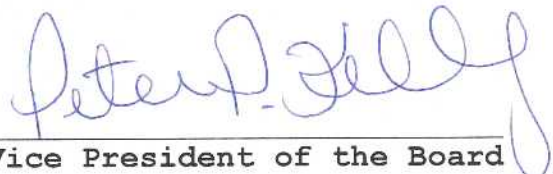
ON MOTION of Director Guernsey, seconded by Director Brown, and on the following roll call vote, to wit:

AYES: Guernsey, Brown, Kelley, Bernardo

NOES: None

ABSENT: Helenius

PASSED AND ADOPTED this 14th day of June 2005.


Vice President of the Board

ATTEST:


Secretary to the Board

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-03**

A RESOLUTION ADOPTING AN INTERIM 2005-2006 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 2005-2006 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 2005/06 Fiscal Year Interim Budget," be adopted as amended.
2. That the budget be administered as established by past policies and practices.

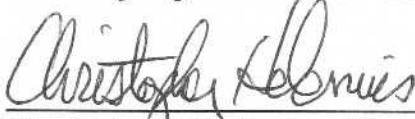
ON MOTION of Director Kelley, seconded by Director Helenius, and on the following roll call vote to wit:

AYES: Kelley, Helenius, Brown, Guernsey

NOES: None

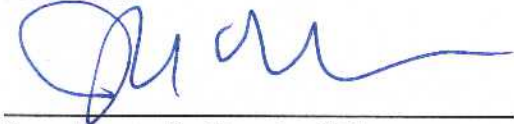
ABSENT: Bernardo

The foregoing resolution is hereby adopted this 12th day of July, 2005.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-04**

**A RESOLUTION FOR DETERMINATION OF
APPROPRIATION LIMITATION FOR THE
2005-2006 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 2005-2006 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 **5.26%** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.78%**; and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$135,720**; 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:

$$\begin{array}{rcccl} \frac{5.26 + 100}{100} \text{ (CPCPI)} & \times & \frac{1.78 + 100}{100} \text{ (POP)} & = & \text{RATIO} \\ 1.0526 & \times & 1.0178 & = & 1.0713 \end{array}$$

2. That the 2005-2006 appropriation limit is determined as follows:

2004-2005 Limitation		\$ 3,421,448
2005-2006 Ratio of Change	X	<u>1.0713</u>

2005-2006 Appropriation Limitation		<u>\$ 3,665,397</u>
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3. That the Appropriation Limitation (\$3,665,397) exceeds the Appropriation subject to Limitation (\$3,421,448) by \$243,949.
4. No further adjustment to the 2005-2006 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 2005-2006.
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 Kelley, seconded by Director Brown, and on the following roll call vote to wit:

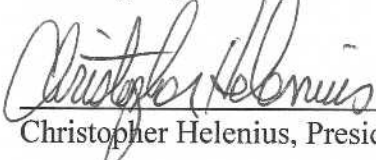
AYES: Kelley, Brown, Helenius, Guernsey

NOES: None

ABSENT: Bernardo

ABSTAINING: None

the foregoing Resolution is hereby adopted this 12th day of July, 2005.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

RESOLUTION NO. 2005-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF AVILA BEACH COMMUNITY
SERVICES DISTRICT
FOR THE ELECTION OF SEVEN 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 participate in at least one of SDRMA's joint protection programs; 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 Policy No. 2005-02 Establishing Guidelines for Director Elections stipulates director qualifications, terms of office and election requirements; and

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

NOW, THEREFORE, BE IT RESOLVED that the governing body of Avila Beach Community Services District authorizes the selection of the following seven (7) candidates to serve as Directors on the SDRMA Board of Directors:

(continued)

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-06**

A RESOLUTION ADOPTING A 2005-2006 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 2005-2006 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 2005/06 Fiscal Year Budget," be adopted as presented.
2. That the budget be administered as established by past policies and practices.

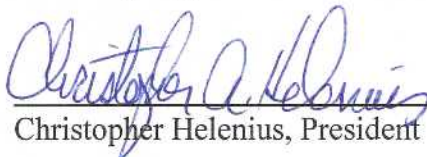
ON MOTION of Director Brown, seconded by Director Kelley, and on the following roll call vote to wit:

AYES: Brown, Kelley, Helenius, Guernsey

NOES: None

ABSENT: Bernardo

The foregoing resolution is hereby adopted this 11th day of October, 2005.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

RESOLUTION NO. 2005-07

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION
TO ESTABLISH SOLID WASTE COLLECTION WITHIN THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
GOVERNMENT CODE §§56824.10 et seq.**

Exhibit "A": Additional Background Information

Exhibit "B": Plan for Service

WHEREAS, in February of 1997 the Avila Lighting District and the Avila County Water District were reorganized ("Reorganization") into the Avila Beach Community Services District (herein "District"); and

WHEREAS, pursuant to the Reorganization Certificate of Completion prepared and recorded by the Local Agency Formation Commission ("LAFCO"), the District was formed and established with all the purposes and powers authorized by Government Code Section 61000 et seq. of the Government Code with the exception of recreation functions for those portions of the District owned and operated by the Port San Luis Harbor District; and

WHEREAS, Government Code Section 61600(c) authorizes Community Services Districts to provide the collection or disposal of garbage for refuse matter; and

WHEREAS, in order to establish the authority to provide for the collection or disposal of garbage or refuse matter, it is necessary, in accordance with Sections 56824.10 et seq. of the Government Code to submit a Resolution of Application to be filed with the Executive Officer of LAFCO for the purpose of scheduling a hearing by the LAFCO Commission for the approval of the exercise of said authority; and

WHEREAS, the District, based on evidence and public testimony provided at public hearings regarding the collection or disposal of garbage or refuse matter, finds:

A. That the residents of the District desire a local voice and local control regarding the nature, extent and cost of solid waste collection including, but not limited to, the frequency of collection, the means of collection, the level of service, charges and fees, the nature, location and extent of providing solid waste handling services and whether the services are to be provided by means of non-exclusive franchise, contract, license, permit or otherwise.

B. That based on the experience and solid waste programs offered by the Nipomo Community Services District, the Oceano Community Services District, the Templeton Community Services District and the Los Osos Community Services District the Avila Beach Community Services District can provide garbage collection services to its residents at a greater advantage than the County of San Luis Obispo which currently provides garbage collection services within the District pursuant to an area wide franchise agreement.

C. That the District is not in the sphere of influence of another city or special district that currently provides garbage service; and

WHEREAS, the District further finds that this Resolution was adopted at a duly noticed public hearing pursuant to Government Code §56824.12 (c).

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

1. Exhibit "A" – Additional Background Information is approved for filing with the Executive Officer of the Local Agency Formation Commission.

2. Exhibit "B" – Plan for Service is approved for filing with the Executive Officer of the Local Agency Formation Commission.

3. The Executive Officer of the LAFCO set the matter for public hearing by the Commission pursuant to Government Code §56824.14 and the Rules and Regulations of LAFCO.

4. That LAFCO approve the proposal of the Avila Beach Community Services District to provide its residents with the collection or disposal of garbage or refuse matter, pursuant to Government Code Section 61600(c).

5. That LAFCO adopt the following conditions for providing garbage and refuse matter collection within the District:

a. That the Avila Beach Community Services District join the IWMA.

b. That the terms and conditions of the existing franchise agreement between the County of San Luis Obispo and the South County Sanitation Services, Inc. be incorporated into the Avila Beach Community Services District franchise agreement during the unexpired term of said franchise agreement.

c. That the District adopt rules and regulations pertaining to the collection of solid waste services within the District.

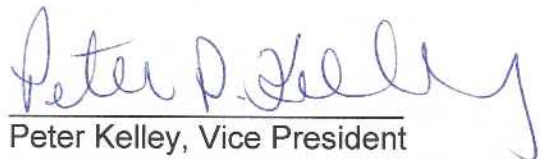
d. Upon adoption of the rules and regulations referenced in condition c above, the Avila Beach Community Services District shall be the authorized local agency to provide solid waste services within the Avila Beach Community Services District.

6. The above referenced Recitals constitute findings in support of this Resolution.

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

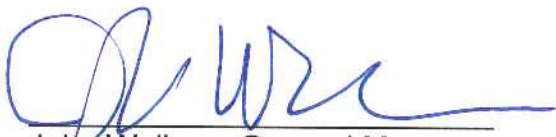
AYES:	Guernsey, Brown, Bernardo, Kelley
NOES:	None
ABSENT:	Helenius
ABSTAINING:	None

the foregoing Resolution is hereby passed and adopted this 10th day of November, 2005.



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

ATTEST:



John Wallace, General Manager
and Secretary to the Board

FINAL FOR BOARD ADOPTION

EXHIBIT A TO RESOLUTION 2005-07, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION TO ESTABLISH GARBAGE COLLECTION

EXHIBIT "A" TO RESOLUTION 2005-07

I. BACKGROUND INFORMATION

A Community Services District is a form of local government that provides municipal services to its residents. Government Code Section 61600 articulates 16 different services that can be provided by a Community Services District. The Avila Beach Community Services District currently provides approximately three hundred (300) residents with the following services:

1. Water: Supply District residents with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation. (Government Code, Section 61600(a).)
2. Sewer: Collection and transportation of sewage and waste water. (Government Code Section 61600(b).)
3. Street Lighting/Landscaping: Provides limited street lighting to District residents. (Government Code Section 61600(f).)
4. Fire Protection: Provides fire protection by contract with San Luis Obispo County and California Department of Forestry ("CDF") (Government Code Sections 61600(c) and 61616).

EXISTING PROVIDERS

South County Sanitary Services, Inc., a California corporation, currently provides District residents with garbage collection pursuant to San Luis Obispo County Ordinances and a County franchise agreement that covers the area commonly known as the "South County". Attached hereto as Exhibit "A-2" is the South County Sanitary Services, Inc. franchise area.

The Avila Beach Community Services District proposes to be the governmental agency with the authority to provide its residents with the collection or disposal of garbage or refuse matter pursuant to Government Code Section

61600(c) within its jurisdiction. Attached hereto as Exhibit "A-1" is the District's boundary as previously approved by LAFCO.

PRIOR TRANSFER OF AUTHORITY TO COMMUNITY SERVICES DISTRICTS

Through the LAFCO process, both the Oceano Community Services District and the Nipomo Community Services District have previously been approved as the local agency as providing for the collection or disposal of garbage or refuse matter within the existing South County Sanitary, Inc. franchise area.

ADVANTAGES TO DISTRICT RESIDENTS

The driving force behind this proposal is local governance of a community oriented service. During the past couple of months the Avila Beach Community Services District has placed on its agenda the issue of garbage collection within the District. During these meetings the Board of Directors has been presented with evidence and testimony as follows:

1. That the District Board of Directors and the residents of the Avila Beach Community Services District desire local control regarding the nature, extent and cost of garbage collection, including but not limited to: the frequency of collection, the means of collection, the level of service, charges and fees, the nature, location and extent of providing solid waste handling services and whether the services are to be provided by means of non-exclusive franchise, contract, license, permit or otherwise.
2. That if the Avila Beach Community Services District is the provider of garbage service, all franchise fees collected would be used within the boundaries of the Avila Beach Community Services District to augment and implement community objectives related to solid waste. Examples include:
 - a. Chipping, community clean-up days and reduction in franchise fees to off-set increased costs of providing solid waste services established by the Los Osos Community Services District.
 - b. Mandatory solid waste collection and community clean-up days as established by the Oceano Community Services District.
 - c. Mandatory solid waste garbage collection and grants for community clean-up activities as established by the Nipomo Community Services District.

3. That with the approval of the District activating solid waste powers, approximately eleven thousand dollars (\$11,000) in franchise fees would be diverted from the County to the Avila Beach Community Services District to support of community objectives such as those referenced in subparagraphs 1 and 2 , above.

INTEGRATED WASTE MANAGEMENT AUTHORITY

The San Luis Obispo County Integrated Waste Management Authority ("IWMA") is a Joint Powers Authority that includes San Luis Obispo County, the cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach and Special Districts within the County that provide solid waste services to their residents. These Special Districts include the Cambria Community Services District, Cayucos Sanitary District, Los Osos Community Services District, Nipomo Community Services District, Templeton Community Services District, Heritage Ranch Community Services District, and the California Valley Community Services District.

The IWMA was formed in 1994 to plan and implement regional solid waste and hazardous waste programs. These programs help its member jurisdictions in achieving the State mandated goal of fifty percent (50%) reduction in solid waste.

The Avila Beach Community Services District would join the IWMA, upon its approval to implement solid waste collection services within its jurisdiction.

THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 (Public Resource Code §§40000 et seq.)

In making this application, the Avila Beach Community Services District acknowledges the obligations of local agencies to comply with the Integrated Waste Management Act including the following Public Resource Code Sections:

Section 40051. Implementation; duties of board and local agencies.

In implementing this division, the board and local agencies shall do both of the following:

- (a) Promote the following waste management practices in order of priority:
 1. Source reduction.
 2. Recycling and composting.

- (II) Environmentally safe transformation and environmentally safe land disposal, at the discretion of the City or County.
- (b) Maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. For wastes that cannot feasibly be reduced at their source, recycled, or composted, the local agency may use environmentally safe transformation or environmentally safe land disposal, or both of those practices.”

§ 41821.2. Districts to provide information

- (a) For the purposes of this section, “district” means a community services district, public utility district, or sanitary district that provides solid waste handling services or implements source reduction and recycling programs.
- (b) Notwithstanding any other law, each district shall do all of the following:
- (1) Comply with the source reduction and recycling element and the household hazardous waste element of the city, county, or regional agency in which the district is located, as required by the city, county, or regional agency. The city, county, or regional agency shall notify a district of any program that it is implementing or modifying when it annually submits a report to the board pursuant to Section 41821.
 - (2) Provide each city, county, or regional agency in which it is located, information on the programs implemented by the district, the amount of waste disposed and reported to the disposal tracking system pursuant to Section 41821.5 for each city, county, or regional agency, and the amount of waste diverted by the district for each city, county, or regional agency.
- (c) The board may adopt regulations pertaining to the format of the information to be provided pursuant to paragraph (2) of subdivision (b) and deadlines for supplying this information to the city, county, or regional agency, so that it may be incorporated into the annual report submitted to the board pursuant to Section 41821.
- (d) A district is subject to the portion of a penalty imposed, pursuant to Section 41850, upon a city, county, or regional agency in which the district is located, that is in proportion to the district’s responsibility

for failure to implement that jurisdiction's source reduction and recycling element and household hazardous waste element, as determined by that city, county, or regional agency. The board shall not determine the proportion of a district's responsibility as part of its determination to impose penalties. The city, county, or regional agency shall provide the district with a written notice regarding the district's responsibility, including the basis for determining the district's proportional responsibility, and an opportunity for hearing before the city, county, or regional agency's governing body, before assessing the district a proportion of the penalty imposed by the board.

- (e) A district may impose a fee in an amount sufficient to pay for the costs of complying with this section. The fees shall be assessed and collected in the same manner as the fees imposed pursuant to Sections 41901 and 41902.

FINAL FOR BOARD ADOPTION

EXHIBIT B TO RESOLUTION 2005-07,
A RESOLUTION OF THE BOARD OF
DIRECTORS OF THE AVILA BEACH
COMMUNITY SERVICES DISTRICT
FOR APPLICATION TO THE LOCAL
AGENCY FORMATION COMMISSION
TO ESTABLISH GARBAGE
COLLECTION

EXHIBIT "B" TO RESOLUTION 2005-07 GOVERNMENT CODE SECTION 56824.12

II. PLAN FOR SERVICES

DESCRIPTION OF THE TERRITORY WHICH IS THE SUBJECT OF THE PROPOSAL

The territory which is the subject of the proposal is the boundaries of the Avila Beach Community Services District as identified on Exhibit "A-1".

IMPACTS ON COST OF SERVICE

As previously referenced solid waste services are currently provided within the Avila Beach Community Services District by the County of San Luis Obispo pursuant to an exclusive area wide franchise agreement that covers the area described in Exhibit "A-2".

Pursuant to Public Resource Code §549520 the District, without the written consent of the existing franchisee, must honor the terms and conditions of the existing agreement during the unexpired term. Therefore, the cost of providing services or the level of services will not be increased beyond the existing levels and rate formulas without the express written consent of the franchisee. However, franchise fees collected during this period of time would be used within the boundaries of the Avila Beach Community Services District to augment and implement community objectives related to solid waste as referenced in the Resolution.

FINANCING PLAN

The District proposes to finance District overhead in providing solid waste services with a partial transfer of franchise fees to District Administrative costs.

ALTERNATIVES TO THE DISTRICT TO PROVIDE SOLID WASTE SERVICES

The alternative to the approval of the exercise of the latent power is a continuation of the County of San Luis Obispo, as a regional authority to provide solid waste services within the District boundaries pursuant to an area wide franchise agreement, as opposed to the local authority of the Avila Beach Community Services District.

LEVEL AND RANGE OF SERVICES

Currently solid waste services are provided to District residents on a volunteer basis as opposed to mandatory service. Solid waste services are provided to both commercial and residential customers within the District. The current level of service would not be affected unless the community, through the Avila Beach Community Services District Board of Directors and South County Sanitary Services, Inc., amended the franchise agreement during the unexpired term.

PROPOSED TERMS AND CONDITIONS FOR THE TRANSFER OF SOLID WASTE SERVICES TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT

- a. That the Avila Beach Community Services District join the IWMA.
- b. That the terms and conditions of the existing franchise agreement between the County of San Luis Obispo and the South County Sanitation Services, Inc. be incorporated into the Avila Beach Community Services District franchise agreement, during the unexpired term.
- c. That the District adopt rules and regulations pertaining to the collection of solid waste services within the District.
- d. Upon adoption of the rules and regulations referenced in condition (c) above, the Avila Beach Community Services District shall be the authorized local agency to provide solid waste services within the Avila Beach Community Services District.

NAMES OF THE OFFICERS OR PERSONS, NOT TO EXCEED FIVE, WHO SHOULD BE GIVEN MAILED NOTICE OF HEARING:

1. John Wallace, General Manager
Avila Beach Community Services District
P. O. Box 309
Avila Beach, CA 93424

2. Jerry Lenthall
County Supervisor, District No. 3
County Board of Supervisors
County Government Center
San Luis Obispo, CA 93408
1. San Luis Obispo County Integrated Waste Management Authority
C/O William A. Worrell, Manager
870 Osos Street
San Luis Obispo, CA 93401
2. Mary Whittlesey
Solid Waste Coordinator
County Engineering Department
Room 207, County Government Center
San Luis Obispo, CA 93408
3. Tom Martin
South County Sanitary Services, Inc.
970 Monterey Street
San Luis Obispo, CA 93401
6. Jon S. Seitz, District Legal Counsel
Avila Beach Community Services District
1066 Palm Street
San Luis Obispo, CA 93401

May 13, 1996

Avila Beach Community Services District

Those portions of Rancho San Miguelito in the County of San Luis Obispo, State of California as shown on the map of the Subdivision of Rancho San Miguelito as filed in Book A of Maps at Page 38, and the Plat of Part of the Rancho San Miguelito as filed in Book B of Maps at Page 96 and the Town of Avila as filed in Book A of Maps at page 5 all in the Office of the County Recorder, of said County described as follows:

Beginning at the intersection of the Northerly Right-of-Way of Avila Beach Drive (formerly known as Harford Drive old County Road # 13016), as shown on the plan and profile maps for Harford Drive, Document # 1277, dated May 1968 and consisting of 15 sheets, on file in the office of the County Engineer of said County and the Easterly line of the land described in Book 1490 of Official Records at Page 31, records of said County, and being approximately 59.00 left of centerline station 234+92.85, as shown on said plan and profile maps; thence along said northerly right of way the following courses and distances:

north 71° 28' 13" east,	61.22 feet;
north 71° 07' 36" east,	76.61 feet;
south 85° 50' 29" east,	93.87 feet;
south 77° 23' 58" east,	113.14 feet;
south 66° 58' 41" east,	111.56 feet;
south 62° 27' 26" east,	150.68 feet;
north 89° 00' 00" east,	55.75 feet;

thence leaving said northerly right of way as shown on said plan and profile maps, northeasterly along the centerline of San Luis Obispo Creek to the Easterly line of the land described in the deed filed in Volume 1797 of Official Records at Page 343 in said County Records Office; thence southwesterly along said Easterly line to an angle point in said northerly right of way; thence the following courses along said right of way;

south 20° 16' 28" west,	13.80 feet;
south 71° 57' 13" east,	368.80 feet (erroneously noted as 453.98' on said plan and profile maps, Document # 1278);
south 46° 54' 42" east,	183.44 feet;
south 64° 21' 32" east,	375.00 feet;
north 76° 03' 43" east,	91.03 feet;
south 69° 00' 56" east,	144.27 feet;
south 81° 48' 42" east,	124.20 feet;
north 81° 54' 42" east,	127.02 feet;
north 66° 37' 00" east,	129.35 feet;

CERTIFIED BY COUNTY SURVEYOR #2

EXHIBIT A-1

Avila Beach Community Services District
May 13, 1996
Page 2

north 54° 42' 48" east, 110.04 feet, to the beginning of a curve concave to the Northwest and having a radius of 532.00 feet; thence northeasterly and northerly along the arc of said curve through a central angle of 61° 38' 33", a distance of 572.36 feet; thence north 19° 06' 32" west, 279.52 feet; thence leaving said right of way, north 71° 54' 58" east 73.00 feet to the centerline of said Avila Beach Drive; thence along said centerline south 18° 05' 02" east 279.48 feet; thence leaving said centerline southeasterly to the prolongation of the Westerly right of way of Cave Landing Road as shown on plan and profile Map, Document # 1343, also being the Easterly line of the land described in the deed filed in Book 69 of Deeds at page 22 in said Recorders Office; thence the following courses along said easterly line;

south 34° 36' east, 125 feet to corner S15;

south 54° 38' east, 264.66 feet;

south 45° 58' east, 143.88 feet;

south 14° 39' east, 110.88 feet;

south 17° 45' west, 137.94 feet;

south 15° 26' east, 188.1 feet;

south 4° 12' west, 257.4 feet;

south 4° 43' east, 306.24 feet;

south 11° 59' east, 62.7 feet;

south 29° 13' east, 155.1 feet to the Easterly line of Lot 45, as shown on the Map filed in Book A of Maps at Page 38, in said County Recorder's Office;

thence along said Easterly line south 11° 47' west, 862.6 feet, to the Ordinary High Water line of the Pacific Ocean as shown in the Map filed in Book 1 of Miscellaneous Maps at Page 1 in the Office of the County Recorder of said County; thence Westerly along the Ordinary High Water line to the Southeasterly line of the Pacific Coast Railroad right of way as described in Book P of Deeds at Page 275, Records of said County; thence along said right of way the following courses and distances: South 59°56'51" West, a distance of 227.80 feet; thence North 30°03'09" West, a distance of 20.00 feet; thence South 59°56'51" West, a distance of 130 feet, to said Ordinary High Water line of the Pacific Ocean; thence Westerly along said Ordinary High Water line, to a point that bears north 83° 55' 46" east 295.13 feet from a point on the southerly right of way of Harford Drive as shown on the Plan and Profile Map Harford Drive, Co Rd. No 13016, dated May 1968, Document No. 1275, said point on the southerly right of way bears south 7° 03' 42" west 90.00 feet from Station 202+50 as shown on said map; thence south 83° 55' 46" west 295.13 feet to said point on the southerly right of way; thence north 7° 03' 42" east 60.00 feet; thence north 13° 16' 12" west 143.97 feet to a point on the northerly right of way of Harford Drive 105.00 left of Station 202+00 as

Avila Beach Community Services District
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shown on said map; thence along said northerly right of way, south 79° 15' 15" east 311.26 feet to the beginning of a curve concave to the northwest having a radius of 615.00 feet, a radial line of which bears north 07°03'42" east; thence Easterly and Northeasterly along said curve through a central angle of 39°07'32", an arc length of 419.96 feet to a point on said Northerly Right-of-Way of Avila Beach Drive (formerly known as Harford Drive), as shown on the plan and profile maps for Harford Drive, County Road No. 13016, dated May 1968 and consisting of 15 sheets; thence along said northerly right of way the following courses;

north 60°01'28" east	411.64 feet;
north 57°56'10" east	499.79 feet, to the beginning of a curve concave to the North and having a radius of 20070.00 feet; thence Northeasterly along said curve through a central angle of 00°17'13", an arc length of 100.51 feet; thence
south 31°46'37" east	40.00 feet;
north 57°19'06" east	300.59 feet;
North 59°30'54" east	302.50 feet;
north 61°58'16" east	198.22 feet;
north 59°56'51" east	200.00 feet;
north 58°50'55" east	241.61 feet, to the westerly line of the land described in Book 1490 of Official Records at Page 31, in said County Recorder's Office; thence along the Westerly, Northerly, and Easterly lines of said deed, the following courses and distances:
north 32°14'30" west	43.32 feet;
north 18° 30' east	80.50 feet;
north 32°32'11" east	82.46 feet;
north 79°08'32" east	91.79 feet;
south 71°30' east	100.00 feet;
south 18° 30' west	24.11 feet, to the Point of Beginning.

Containing approximately 180 Acres

DESCRIPTION OF SERVICE TERRITORY OF
SOUTH COUNTY SANITARY SERVICE, INC.
(AS AMENDED AUGUST, 1993)

The Western Boundary is defined by the coastline stretching from the San Luis Obispo/Santa Barbara County Line at the Southwest corner of San Luis Obispo County to Point Buchon at the Northwest corner of the service area.

The South County Sanitary service area border then runs Easterly along the south boundary line of Montana de Oro State Park. It then follows Coon Creek to Coon Creek Road (servicing both sides of Coon Creek Road and all non-through access roads) and then to the intersection of See Canyon and Prefumo Canyon Roads. South County Sanitary services both sides of See Canyon Road, including all non-through access roads, but does not provide service on Prefumo Canyon Road.

From the intersection of See Canyon and Prefumo Canyon Roads, the South County Sanitary boundary continues easterly along an imaginary line to the intersection of Higuera Street and Highway 101. South County Sanitary boundary then runs Southeast along an imaginary line to Indian Knob, then East along an imaginary line to the intersection of Price Canyon Road and Highway 227. South County Sanitary services all of Price Canyon Road, including all non-through access roads North or West of Price Canyon Road, and all roads South or East off of Price Canyon Road.

South County Sanitary will service Highway 227, south of Cold

Canyon Landfill. South County Sanitary will service all of Corbett Canyon Road and Tiffany Ranch Road. South County Sanitary services both sides of Orcutt Road south from the Northernmost intersection of Varian Circle and Orcutt Road, but does not service the Varian Ranch Subdivision.

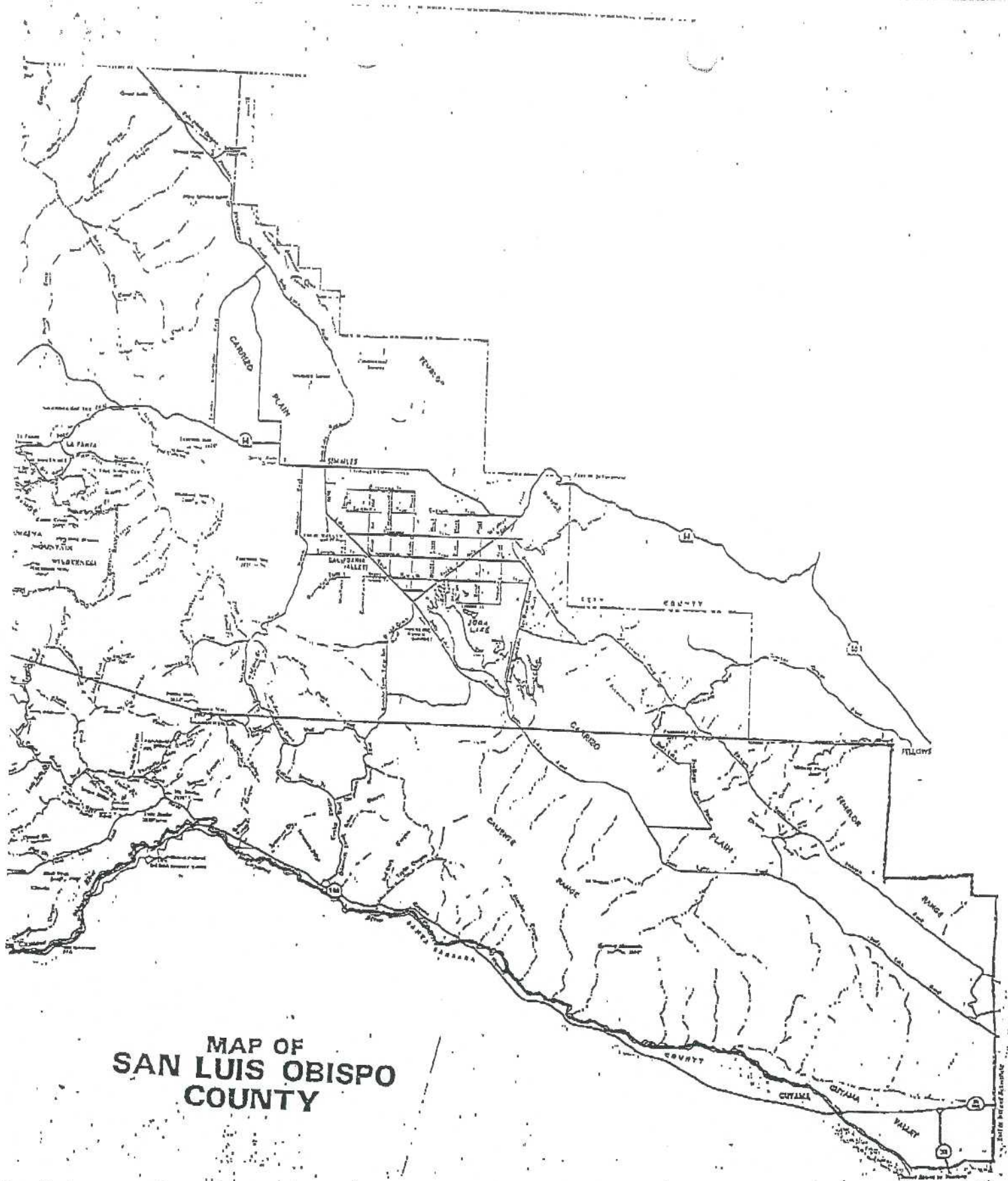
South County Sanitary's Northern boundary will continue northeast along an imaginary line from the Southernmost intersection of Varian Circle and Orcutt Road to the Lopez Lake dam. South County Sanitary services all of Lopez Lake Drive below the dam.

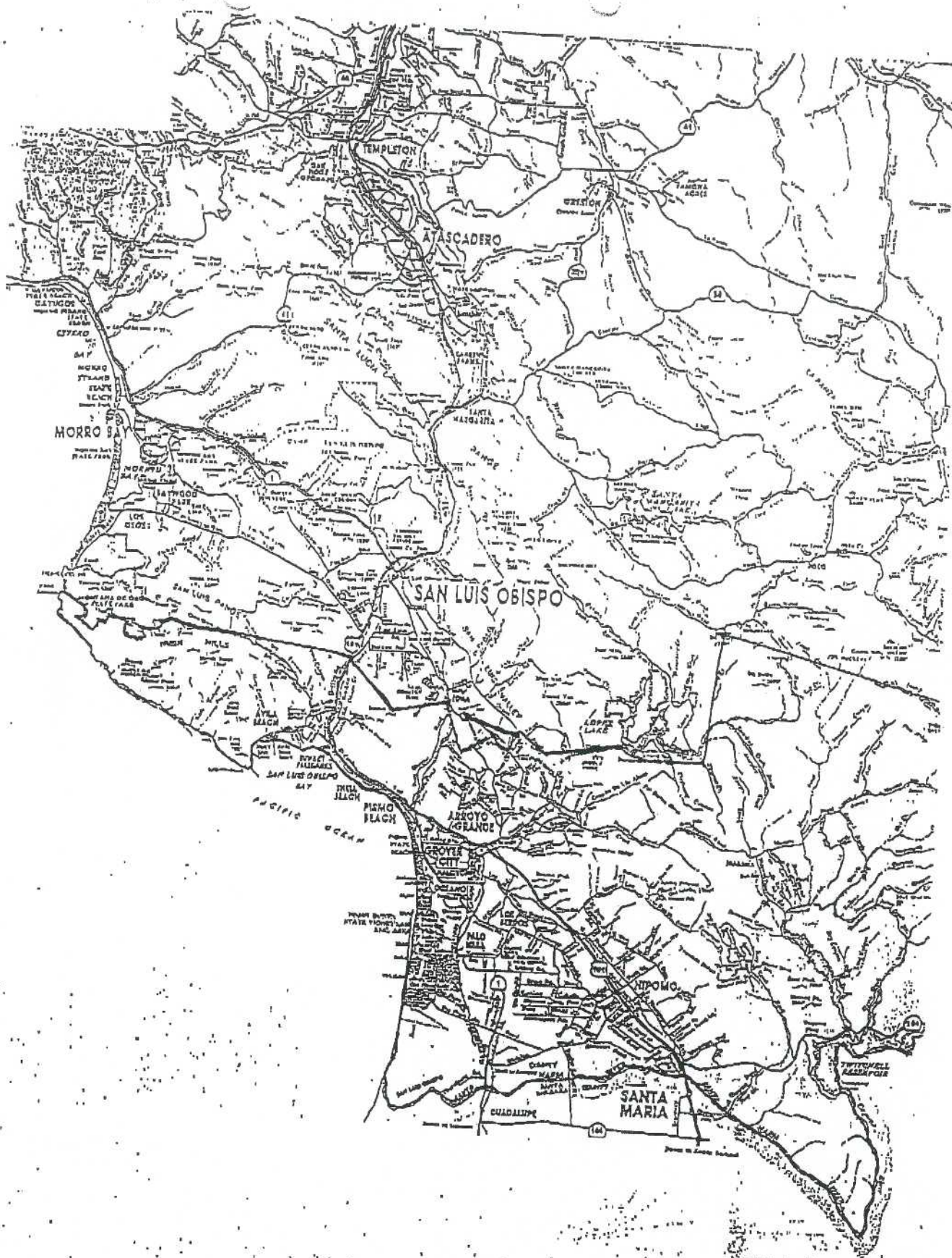
South County Sanitary's Northern boundary then continues along the Southern border of the Lopez Lake Recreation Area ("Lopez Lake") to the Southeasterly corner of the Recreation Area. South County Sanitary does not service Lopez Lake, nor does it service Lopez Canyon Road.

From the Southeasterly corner of Lopez Lake Recreation Area the South County Sanitary border runs Northeast along an imaginary line to Hi Mountain Peak, then East to Branch Mountain Peak, East to Panorama Point and then due East to the Kern/San Luis Obispo County Line.

The South County Sanitary Eastern border follows the San Luis Obispo/Kern County Line.

The South County Sanitary Southern Boundary then follows the San Luis Obispo/Santa Barbara County Line, to the Pacific Ocean.





**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.

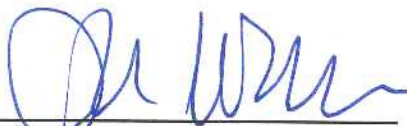
Introduced and adopted at its regular meeting of the Board of Directors held on December 13, 2005, by the Board of Directors of the Avila Beach Community Services District, by the following roll call vote, to wit:

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)				
Angle key Valve (Corp Stop)	\$ 13.48	\$ 13.48	\$ 13.48	\$ 13.48
Customer Turn Off Valve	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
Gaskets	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00
Bushing as necessary	\$ 12.31	\$ 12.31	\$ 12.31	\$ 12.31
misc fittings & pipe	\$ 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

**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 Avila Beach City San Luis 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
☒ 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 Richardson

Office Manager

Christopher Nally

Operations Supervisor

Jason Meeks

Operations 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)

AUTHORIZED this 10th day of January, 2006, by:

John L. Wallace

Name of Chief Administrative Officer

(Signed)

FOR STATE AGENCY USE

Application approved XP

Application disapproved: _____

Comments or additional information: _____

Date: 1-17-2006

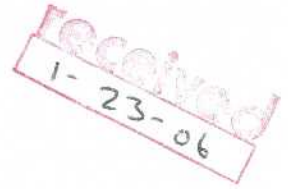
Signed: L. Phillipson

SSA
(Title)

Donee ID# 40-9-3536-3F

Billing Code V49.59

IMPORTANT NOTICE



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

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