

AVILA BEACH COUN WATER DISTRICT

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

PRESENT: Directors Jim Cummings, Marshall Ellis, Gladys Misakian,
Floyd Newton, and Evelyn Phelan
ABSENT: None

RESOLUTION NO. 87-8

DATED: Dec. 8, 1987

RESOLUTION INTERPRETING ORDINANCE 2-87 RELATIVE
TO DETERMINING CONNECTION TO DISTRICT WATER SYSTEM

WHEREAS, on November 4, 1987, the Board of Directors adopted its Ordinance 2-87 establishing a water facilities assessment payable to the District for connection to the District water system after November 4, 1987, in accordance with a schedule of water facilities assessments based on the proposed usage of the property.

WHEREAS, there exist certain properties within the District in which the following conditions (hereinafter called "qualifying conditions") exist:

- A. Said properties were in the past serviced with water by the District;
- B. The improvements previously existing thereon have been destroyed or removed;
- C. Said properties were not being served with water as of the operative date of Ordinance 2-87; and
- D. The owners of said properties have continued paying the District's minimum monthly water fees since discontinuance of service.

WHEREAS, the District finds that:

- A. A portion of the monthly water fees paid by said properties was applied toward payment for existing water facilities;
- B. It is fair and equitable and consistent with the meaning and intent of Ordinance 2-87 that the properties meeting the qualifying conditions be considered to be "connected" to the District water system as of November 4, 1987, and therefore exempt from payment of a water facilities assessment to the extent of the level of prior use as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
AVILA BEACH COUNTY WATER DISTRICT AS FOLLOWS:

1. For purposes of determining whether properties commencing to receive water service after November 4, 1987, are subject to payment of a water facilities assessment under Ordinance 2-87, properties meeting each and all of the qualifying conditions set forth above shall be deemed to have been connected to the District water system as of said date, and therefore exempt from payment of a water facilities assessment to the extent of its level of prior water usage (as defined below), but shall be subject to such fee to the extent that the new usage exceeds such prior level.

2. The level of prior water usage for purposes of Paragraph 1 of this Resolution shall be determined by averaging the actual water usage for the last thirty-six (36) months that water was actually served to the property.

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

AYES: Directors Cummins, Ellis, Misakian, Newton, and Phelan

NOES: None

ABSENT: None

The foregoing Resolution was adopted.

ATTEST:

Carole Fisher

Secretary

Marshall C. Ellis
President of the Board of Directors