

AVILA BEACH COUNTY 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. 87-9

DATED: Dec. 8, 1987

RESOLUTION INTERPRETING ORDINANCE 1-87 RELATIVE
TO DETERMINING CONNECTION TO DISTRICT SEWER SYSTEM

WHEREAS, on November 4, 1987, the Board of Directors adopted its Ordinance 1-87 establishing a sewer facilities assessment payable to the District for connection to the District sewer system after November 4, 1987, in accordance with a schedule of sewer 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 and sewer by the District;
- B. The improvements previously existing thereon have been destroyed or removed;
- C. Said properties were not being served with water and sewer as of the operative date of Ordinance 1-87.

WHEREAS, the District finds that it is fair and equitable and consistent with the meaning and intent of Ordinance 1-87 that the properties meeting the qualifying conditions be considered to be "connected" to the District sewer system as of November 4, 1987, and therefore exempt from payment of a sewer facilities assessment to the extent of the level of prior sewer usage as set forth below, conditioned upon payment to the District of all minimum monthly sewer service fees which would have been payable to the District by said properties from the last month of actual sewer service, which funds would have been used by the District to help defray maintenance and repair of existing sewage treatment facilities.

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 sewer service after November 4, 1987, are subject to payment of a sewer facilities assessment under Ordinance 1-87, properties meeting each and all of the qualifying conditions set forth above, and for which payment is made to the District of the total sum of minimum monthly sewer service fees which would have been payable to the District from the last month of actual sewer service to such property, shall be deemed to have been connected to the District sewer system as of November 4, 1987, and therefore exempt from payment of a sewer facilities assessment to the extent of its lever of prior sewer 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 sewer usage for purposes of Paragraph 1 of this Resolution shall be determined by averaging the actual sewer usage for the last thirty-six (36) months that sewer service was actually furnished to the property, utilizing the schedule set forth in Section 4 of Ordinance 1-87.

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

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

NOES: None

ABSENT: None

The foregoing Resolution was adopted.

ATTEST:

Carole Fisher

Secretary

Macdonald C. Ellis
President of the Board of Directors