

Resolutions 2006

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AVILA BEACH COMMUNITY SERVICES DISTRICT

Post Office Box 309, Avila Beach, CA 93424
Office and Meeting Room - 191 San Miguel Street, Avila Beach
Telephone (805) 595-2664 FAX (805) 595-7623

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION 2006-2

RESOLUTION COMMENDING DAN TURNER, FOR SERVICE AS FIRE CHIEF TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT

WHEREAS, DAN TURNER has served the Avila Beach Community Services District as Fire Chief since January 2000; and

WHEREAS, DAN TURNER was instrumental in assisting the District through the process of securing alternate fire protection services to the community and administering the fire protection services to the community during the reconstruction of the homes and businesses as a result of the Unocal Remediation Project; and

WHEREAS, DAN TURNER has consistently assisted the District in negotiating reasonable fees and terms for fire protection services to the community; and

WHEREAS, DAN TURNER has been highly effective in providing consistent vision and public accountability to the community as Fire Chief; and

WHEREAS, DAN TURNER has earned the respect and admiration of his colleagues and the community for his dedication and service to the community of Avila Beach;

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

That the Avila Beach Community Services District does hereby recognize and commend Dan Turner for his six years of dedication, leadership, and commitment as Fire Chief for the Avila Beach Community Services District, and adopts this Resolution as a public statement of their recognition.

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

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006- 3**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
APPROVING A FRANCHISE AGREEMENT TO PROVIDE SOLID WASTE
SERVICES WITHIN THE AVILA BEACH COMMUNITY SERVICES
DISTRICT BOUNDARIES**

WHEREAS, pursuant to San Luis Obispo County Local Agency Formation Commission ("LAFCO") action of January 19, 2006, the Avila Beach Community Services District ("District") is now authorized to provide its residents with the collection or disposal of garbage or refuse matter pursuant to Government Code Section 61100 (c). The LAFCO conditions included Condition No. 1 as follows:

- 1) The ABCSD shall abide by all the terms and conditions of the existing contract with South County Sanitary Service, Inc. for the remaining term of the franchise agreement with the County of San Luis Obispo unless otherwise agreed to between the South County Sanitary Service, Inc. and the Avila Beach Community Services District; and

WHEREAS, pursuant to Condition No. 1, above, the District has negotiated a Franchise Agreement with South County Sanitary Services, Inc. for the remaining term of the agreement with the County of San Luis Obispo. That Agreement is attached hereto as Exhibit "A"; and

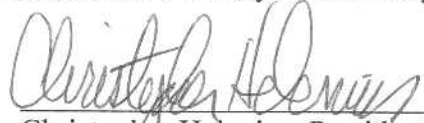
**NOW, THEREFORE, BE IS RESOLVED, DETERMINED AND
ORDERED BY THE AVILA BEACH COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS AS FOLLOWS:**

1. The Agreement titled Solid Waste Collection and Franchise Agreement Avila Beach Community Services District and South County Sanitary Service, Inc. is hereby approved by the Avila Beach Community Services District Board of Directors.
2. The President of the Board of Directors is authorized to sign all documents required to implement said Franchise Agreement.
3. The above Recitals are true and correct and incorporated herein by this reference.

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

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

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 14th day of February, 2006.



Christopher Helenius, President
Board of Directors, Avila Beach
Community Services District

ATTEST:



John Wallace, General Manager and
Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006- 4**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
APPROVING MEMBERSHIP IN THE SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY**

WHEREAS, pursuant to San Luis Obispo County Local Agency Formation Commission ("LAFCO") action of January 19, 2006, the Avila Beach Community Services District ("District") is now authorized to provide its residents with the collection or disposal of garbage or refuse matter pursuant to Government Code Section 61100 (c). The LAFCO conditions included Condition No. 4 as follows:

- 4) The ABCSD shall join the Integrated Waste Management Authority; and

WHEREAS, the San Luis Obispo County Integrated Waste Management Authority ("IWMA") is a Joint Powers Agreement ("JPA") between the cities, special districts and the County of San Luis Obispo, California. The IWMA was established as a regional agency responsible for compliance with the waste diversion requirements set forth in the California Integrated Waste Management Act of 1989, Public Resource Code Article I of Chapter 6, (commencing with § 41780) . Among other programs the IWMA is responsible for achieving the State mandated goal of fifty percent (50%) reduction in solid waste; and

WHEREAS, the IWMA JPA is on file at the Avila Beach Community Services District office along with the Memorandum of Agreement to allow Special District membership; and

WHEREAS, Government Code 61060 (j) provides that a community services district may enter into a Joint Powers Agreement.

NOW, THEREFORE, IN COMPLIANCE WITH LAFCO CONDITION NO. 4, ABOVE IT IS HEREBY RESOLVED, DETERMINED AND ORDERED BY THE AVILA BEACH COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

1. The Avila Beach Community Services District consents and approves the District's membership in the San Luis Obispo County Integrated Waste Management Authority.

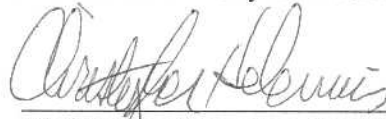
2. The President of the Board of Directors is authorized to sign all documents required to implement Section 1, above.

3. The above Recitals are true and correct and incorporated herein by this reference.

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

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

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 14th day of February, 2006.



Christopher Helenius, President
Board of Directors, Avila Beach
Community Services District

ATTEST:



John Wallace, General Manager and
Secretary to the Board of Directors

**RECORDING REQUESTED BY AND WHEN
RECORDED RETURN TO:**

Avila Beach Community Services District
P.O. Box 309
Avila Beach, CA 93424
Attn: General Manager

APN #: 076-201-038

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-5**

**A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
(1) APPROVING A REALIGNMENT AND GRANT OF SEWER EASEMENT
AND AGREEMENT AFFECTING REAL PROPERTY AND (2) ACCEPTING
GRANT OF EASEMENT FROM PEOPLES' SELF HELP HOUSING
CORPORATION, A CALIFORNIA CORPORATION**

WHEREAS, the Avila Beach Community Services District ("District") is reconstructing, replacing and realigning a portion (approximately 800 feet) of its existing underground deteriorating steel sewer line, a portion of which is constructed within private property easements/right-of-ways (herein the "Project"); and

WHEREAS, the Project requires realignment of various easements/right-of-ways; and

WHEREAS, the various property owners, including Peoples' Self Help Housing Corporation ("Property Owners") that are subject to current sewer easement/right-of-ways desire to cooperate in implementing the Project by entering into certain agreements to allow for the reconstruction and realignment of the existing steel sewer line.

NOW, THEREFORE, be it resolved, determined and ordered by the Avila Beach Community Services District Board of Directors as follows:

1. The agreement titled Realignment and Grant of Sewer Easement and Agreement Affecting Real Property between the District and Peoples' Self Help Housing Corporation, a California Corporation, (herein the "Agreement") is hereby approved.
2. The Grant of Easement referenced in the Agreement is hereby accepted by the District.
3. The President of the Board of Directors is authorized to sign the Agreement on behalf of the District.

4. The above Recitals are true and correct and incorporated herein by this reference.
5. The Board of Directors of the Avila Beach Community Services District does hereby authorize the General Manager to cause a certified copy of this Resolution to be recorded in the office of the County Clerk/Record of the County of San Luis Obispo, State of California.

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

AYES: Guernsey, Bernardo, Helenius,

NOES: None

ABSENT: None

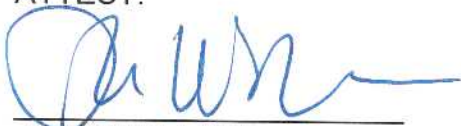
ABSTAINING: Brown, Kelley

the foregoing Resolution is hereby adopted this 23rd day of February, 2006.



CHRISTOPHER HELENIUS, PRESIDENT

ATTEST:



JOHN WALLACE,
Secretary to the Board

**RECORDING REQUESTED BY AND WHEN
RECORDED RETURN TO:**

Avila Beach Community Services District
P.O. Box 309
Avila Beach, CA 93424
Attn: General Manager

APN #: 076-202-001

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-6**

**A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
(1) APPROVING A REALIGNMENT AND GRANT OF SEWER EASEMENT
AND AGREEMENT AFFECTING REAL PROPERTY AND (2) ACCEPTING
GRANT OF EASEMENT FROM AVILA COVE CONDOMINIUMS OWNERS'
ASSOCIATION, A NON PROFIT MUTUAL BENEFIT CORPORATION**

WHEREAS, the Avila Beach Community Services District ("District") is reconstructing, replacing and realigning a portion (approximately 800 feet) of its existing underground deteriorating steel sewer line, a portion of which is constructed within private property easements/right-of-ways (herein the "Project"); and

WHEREAS, the Project requires realignment of various easements/right-of-ways; and

WHEREAS, the various property owners, including Avila Cove Condominiums Owners' Association ("Property Owners") desire to cooperate in implementing the Project by entering into certain agreements to allow for the reconstruction and realignment of the existing steel sewer line.

NOW, THEREFORE, be it resolved, determined and ordered by the Avila Beach Community Services District Board of Directors as follows:

1. The agreement titled Realignment and Grant of Sewer Easement and Agreement Affecting Real Property between the District and Avila Cove Condominiums Owners' Association, (herein the "Agreement") is hereby approved.
2. The Grant of Easement referenced in the Agreement is hereby accepted by the District.
3. The President of the Board of Directors is authorized to sign the Agreement on behalf of the District.
4. The above Recitals are true and correct and incorporated herein by this reference.

5. The Board of Directors of the Avila Beach Community Services District does hereby authorize the General Manager to cause a certified copy of this Resolution to be recorded in the office of the County Clerk/Record of the County of San Luis Obispo, State of California.

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

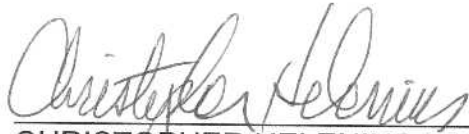
AYES: Guernsey, Bernardo, Helenius

NOES: None

ABSENT: None

ABSTAINING: Brown, Kelley

the foregoing Resolution is hereby adopted this 23rd day of February, 2006.


CHRISTOPHER HELENIUS, PRESIDENT

ATTEST:



JOHN WALLACE,
Secretary to the Board

**RECORDING REQUESTED BY AND WHEN
RECORDED RETURN TO:**

Avila Beach Community Services District
P.O. Box 309
Avila Beach, CA 93424
Attn: General Manager

APN #: 076-201-078

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-7**

**A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
(1) APPROVING A REALIGNMENT AND GRANT OF SEWER EASEMENT
AND AGREEMENT AFFECTING REAL PROPERTY AND (2) ACCEPTING
GRANT OF EASEMENT FROM MARY A. MATAKOVICH, A SINGLE WOMAN**

WHEREAS, the Avila Beach Community Services District ("District") is reconstructing, replacing and realigning a portion (approximately 800 feet) of its existing underground deteriorating steel sewer line, a portion of which is constructed within private party easements/right-of-ways (herein the "Project"); and

WHEREAS, the Project requires realignment of various easements/right-of-ways; and

WHEREAS, the various property owners, including Mary A. Matakovich ("Property Owners") that are subject to current sewer easement/right-of-ways desire to cooperate in implementing the Project by entering into certain agreements to allow for the reconstruction and realignment of the existing steel sewer line.

NOW, THEREFORE, be it resolved, determined and ordered by the Avila Beach Community Services District Board of Directors as follows:

1. The agreement titled Realignment and Grant of Sewer Easement and Agreement Affecting Real Property between the District and Mary A. Matakovich, (herein the "Agreement") is hereby approved.
2. The Grant of Easement referenced in the Agreement is hereby accepted by the District.
3. The President of the Board of Directors is authorized to sign the Agreement on behalf of the District.
5. The above Recitals are true and correct and incorporated herein by this reference.

6. The Board of Directors of the Avila Beach Community Services District does hereby authorize the General Manager to cause a certified copy of this Resolution to be recorded in the office of the County Clerk/Record of the County of San Luis Obispo, State of California.

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

AYES: Guernsey, Bernardo, Helenius

NOES: None

ABSENT: None

ABSTAINING: Brown, Kelley

the foregoing Resolution is hereby adopted this 23rd day of February, 2006.


CHRISTOPHER HELENIUS, PRESIDENT

ATTEST:



JOHN WALLACE,
Secretary to the Board

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2006-8

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 13th 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,

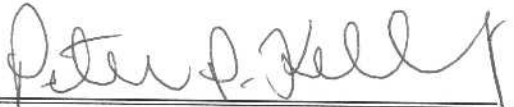
WHEREAS, the Fire Chief of the Avila Beach Fire Department (CDF Contract Agency) is hereby designated as the person referred to in the Health and Safety code 14890, to abate these conditions.

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

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

The foregoing resolution is hereby adopted this 9th day of May 2006.



Peter Kelley, Vice President

ATTEST:



SECRETARY TO BOARD

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-09 ____**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING DISTRICT POLICIES AND PROCEDURES**

WHEREAS, Senate Bill 135, effective January 1, 2006, amended and restated Section 61000 et seq. of the Government Code ("Community Services District Law"); and

WHEREAS, Government Code Section 61045 (g) provides:

"The Board of Directors shall adopt policies for the operation of the District, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division." and

WHEREAS, the District Board of Directors has, by prior action, adopted the Avila Beach Community Services District Policy Handbook that contains the Policies and Procedures of the District ("District Policies"); and

WHEREAS, the District desires to reaffirm certain previously adopted District Policies, amend certain District Policies and adopt new District Policy consistent with SB 135; and

WHEREAS, the proposed revisions and additions to the District Policies were reviewed by the Board of Directors on April 11, 2006.

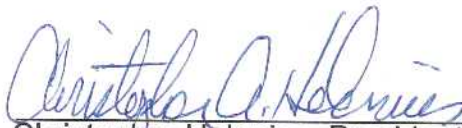
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Avila Beach Community Services District as follows:

1. Except as provided in paragraphs 2 and 3, previously adopted District Policies are reaffirmed.
2. The proposed revisions to the District Policies attached collectively hereto as Exhibit "A" are hereby approved and adopted.
3. The Policies attached hereto as Exhibit "B" are added to the District Policies.
4. This Resolution and the attached District Policies shall take effect immediately.

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

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

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 13th day of June, 2006.



Christopher Helenius, President
Avila Beach Community Services District
Board of Directors

ATTEST:



John Wallace, General Manager
And Secretary to the Board

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2006-10

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 #2006-8, 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 2006-8 on the lots and parcels described in Exhibit A, attached hereto;
4. That upon completion of said abatement, the Fire Chief

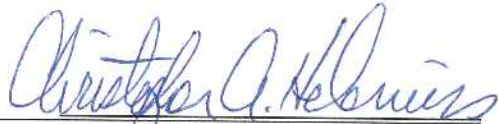
shall submit to this Board, as provided in Health and Safety code 14905, an itemized written report showing the cost of abatement to each parcel abated where clearing was done by the Fire Department.

5. That said report shall be heard and considered by the Board on July 11, 2006 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, Helenius, Bernardo
NOES: None
ABSENT: None

PASSED AND ADOPTED this 13th day of June 2006.



President of the Board

ATTEST:



Secretary to the Board

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2006-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT REQUESTING THEIR BIENNIAL ELECTION BE CONSOLIDATED WITH THE NOVEMBER 7, 2006 CONSOLIDATED GENERAL ELECTION

WHEREAS, an election shall be conducted for this district pursuant to the Uniform District Election Law commencing with Elections Code Section 10500 on November 7, 2006; and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with any other elections pursuant to Part 3, (commencing with Section 10400); and

WHEREAS, the Board of Directors requests the San Luis Obispo County Board of Supervisors consolidate this District's General District Election with any other election which may be held on the same day;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors, as follows: The Board of Supervisors of San Luis Obispo County is hereby requested to consolidate the General District Election of this District to be held on November 7, 2006, with all other elections held on the same date This request is made pursuant to

Section 10555 and 10400, et seq of the California Elections Code. The Board of Directors agrees to reimburse the County of San Luis Obispo in full for the services performed relating to this election upon presentation of an invoice to the District.

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

AYES: **Guernsey, Bernardo, Kelley, Helenius, Brown**

NOES: **None**

ABSENT: **None**

The foregoing resolution is hereby adopted this 13th day of June, 2006.



Christopher Helenius, President

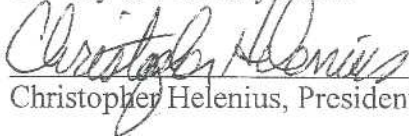
ATTEST:

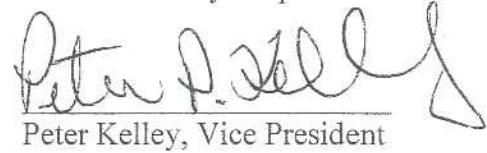


SECRETARY TO BOARD

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

The foregoing Resolution 2006-2 Commending Chief Dan Turner is hereby adopted this 14th day of February 2006.

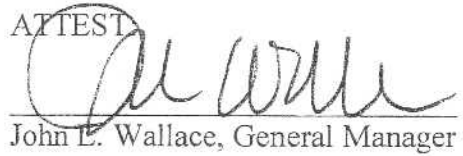

Christopher Helenius, President


Peter Kelley, Vice President


Perris Bernardo, Director


Terry Brown, Director

ATTEST


John L. Wallace, General Manager

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-12**

**A RESOLUTION FOR DETERMINATION OF
APPROPRIATION LIMITATION FOR THE
2006-2007 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 2006-2007 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 **3.96%** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.10%**; and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$220,842**; 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:

$$\begin{array}{rccccccc} \frac{3.96 + 100}{100} \text{ (CPCPI)} & \times & \frac{1.10 + 100}{100} \text{ (POP)} & = & \text{RATIO} \\ 1.0396 & \times & 1.0110 & = & 1.0510 \end{array}$$

2. That the 2006-2007 appropriation limit is determined as follows:

2005-2006 Limitation		\$ 3,665,397
2006-2007 Ratio of Change	X	<u>1.0510</u>
2006-2007 Appropriation Limitation		<u>\$ 3,852,332</u>

3. That the Appropriation Limitation (\$3,852,332) exceeds the Appropriation subject to Limitation (\$3,665,397) by \$186,935.
4. No further adjustment to the 2006-2007 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 2006-2007.
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.

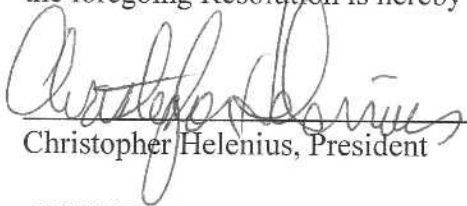
Upon motion of Director Helenius, seconded by Director Kelley, and on the following roll call vote to wit:

AYES: Helenius, Kelley, Brown, Guernsey
NOES: None

ABSENT: Bernardo

ABSTAINING: None

the foregoing Resolution is hereby adopted this 11th day of July, 2006.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-13**

A RESOLUTION ADOPTING THE 2006-2007 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 2006/07 Fiscal Year Budget," be adopted as submitted or amended.
2. That the budget be administered as established by past policies and practices.

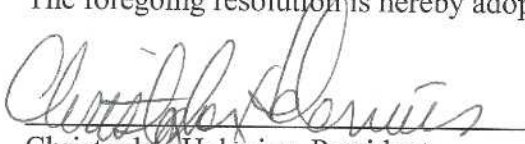
ON MOTION of Director Brown, seconded by Director Kelley, and on the following roll call vote to wit:

AYES: Brown, Kelley, Helenius, Guernsey

NOES: None

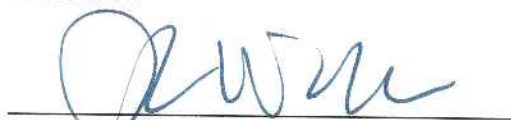
ABSENT: Bernardo

The foregoing resolution is hereby adopted this 11th day of July, 2006.



Christopher Helenius, President

ATTEST:



Secretary to the Board of Directors

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION 2006-14

**RESOLUTION COMMENDING THE SAN LUIS OBISPO
COUNTY UNDERGROUND UTILITY COORDINATION
COMMITTEE
AND
PARTICIPATING UTILITY COMPANIES,
FOR SERVICE TO THE
COMMUNITY OF AVILA BEACH**

WHEREAS, the County Underground Utility Coordination Committee through the actions of the County Board of Supervisors and the participating utility companies have recently completed an underground utility project along San Miguel Street in Avila Beach; and

WHEREAS, the County Underground Utility Coordination Committee recognized an opportunity to improve the view shed along San Miguel Street, which is a primary entry into the Community Avila Beach; and

WHEREAS, the County Underground Utility Coordination Committee recommended that the utilities along San Miguel Street be considered for undergrounding with a cost of approximately \$400,000; and

WHEREAS, the Participating Utility Companies, including PG&E, ATT and Charter Cable have placed the power lines, telephone lines, and cable television lines underground at no cost to the residents of Avila Beach; and

WHEREAS, the community of Avila Beach has received significant infrastructure improvements to improve the view shed welcoming residents and visitors to Avila Beach;

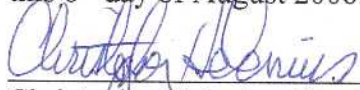
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Avila Beach Community Services District, San Luis Obispo County, California, as follows:

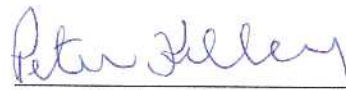
That the Avila Beach Community Services District does hereby recognize and commend the County Board of Supervisors, the County Underground Utility Coordinating Committee and the Participating Utility companies for their generous contributions to Avila Beach and adopts this Resolution as a public statement of their recognition.

Upon Motion of Director Guernsey, seconded by Director Kelley, and on the following roll call vote to wit:

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

The foregoing Resolution 2006-14 Commending the County Underground Utility Coordination Committee and Utility Companies is hereby adopted this 8th day of August 2006.


Christopher Helenius, President


Peter Kelley, Vice President


Ferris Bernardo, Director


Terry Brown, Director


Tom Guernsey, Director

ATTEST:

John L. Wallace, General Manager

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006 - 15
MONTHLY RATES AND CHARGES**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING MONTHLY RATES AND CHARGES FOR WATER AND SEWER SERVICE**

WHEREAS, it is a major responsibility of the Avila Beach Community Services District ("District") to:

- A. Operate and maintain its water production and distribution facilities so as to provide adequate water service and fire protection to District water customers;
- B. Maintain adequate levels of revenue, equitably collected from District water customers, to meet the District's financial commitments including operation, maintenance, replacement and administrative costs of District's water production and distribution facilities, including contractual commitments for State Water and Lopez Water;
- C. Operate and maintain its wastewater distribution facilities so as to provide adequate wastewater treatment services to District's wastewater customers;
- D. Maintain equitable levels of revenue equitably collected from District wastewater customers, to meet the District's financial commitments including the operation, maintenance, replacement and administrative costs of District wastewater collection and treatment facilities; and

WHEREAS, Water Code §71616 provides:

§ 71616. Fixing of rates; revenues

A district, so far as practicable, shall fix such rates for water in the district, and in each improvement district therein, as will result in revenues which will:

- (a) Pay the operating expenses of the district and the improvement district.
- (b) Provide for repairs and depreciation of works.
- (c) Provide a reasonable surplus for improvements, extensions, and enlargements.
- (d) Pay the interest on any bonded debt.
- (e) Provide a sinking or other fund for the payment of the principal of such bonded debt as it becomes due.
- (f) Repay advances, together with interest at a rate not to exceed the interest value of money to the district, made from the district to an improvement district.

WHEREAS, the District Staff has prepared a Water and Wastewater Rate Report (herein "Report"). The Report includes an analysis of both the water and wastewater operating rates and charges for the District's Water and Sewer Divisions as provided in Water Code §71616. The intent of the Report is to assess the District's revenue requirements and to provide an evaluation of the equity of the District's current rate structure and the relationship (nexus) between the rates charged and the services provided. The Report further identifies a new rate structure that enables the District to meet revenue requirements for water and wastewater operations including the District's contractual commitments for State Water and Lopez Water while maintaining fairness and equity among existing and future rate payers; and

WHEREAS, the Report was received and filed on October 10, 2006 and has been available for public inspection at the District office since that date; and

WHEREAS, based upon facts and analysis presented by District Staff, the Report, 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);
- B. That notice has been provided as required by law including California Constitution Article XIII (D) (6); and
- C. On November 28, 2006, the District conducted a public hearing on the proposed rates and charges and to consider written protests.
- D. A majority of owners of identified parcels have not submitted written protests against the proposed rates or charges.
- E. The rates and charges imposed by this Resolution upon any parcel or person as an incident of property ownership within the District, do not exceed the estimated reasonable and proportional cost of providing the services; and
- F. The rates and charges established by this Resolution are imposed as an incident of requesting or using District water and wastewater treatment services.
- G. That the tiered water rate structure approved by this Resolution is implemented, in part, to achieve the goals of Section 2, Article X of the California Constitution and Section 100 of the California Water Code related to water conservation.
- H. That the District customers benefit from the logical, long-range approach to financing of public services.

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 §§ 61100(a) and (b), 61115, and 61123 and Water Code §71616.

Section 2. Existing District Monthly Water Rates and Charges are repealed in their entirety and replaced with the Monthly Rates and Charges referenced in Exhibit "A", attached hereto and incorporated into this Resolution by reference.

Section 3. Existing District Monthly Sewer Rates and Charges are repealed in their entirety and replaced with the Monthly Rates and Charges referenced in Exhibit "A", attached hereto and incorporated into this Resolution by reference.

Current and Proposed Monthly Water and Sewer Service Rates AVILA BEACH COMMUNITY SERVICES DISTRICT SCHEDULE A

ABCSO PROPOSED RATE STRUCTURE EFFECTIVE 1/01/07

CLASS	WATER RATE Existing *	WATER RATE Proposed *	SEWER RATE Existing *	SEWER RATE Proposed *	MINIMUM USE Existing	WATER MINIMUM Existing	WATER MINIMUM Proposed	SEWER MINIMUM Existing	SEWER MINIMUM Proposed	TOTAL MINIMUM Existing	TOTAL MINIMUM Proposed
RESIDENTIAL	\$5.78	\$7.23	\$3.29	\$5.10	5 UNITS	\$28.90	\$36.15	\$16.45	\$25.50	\$45.35	\$61.65
MULTI-FAMILY	\$5.78	\$7.23	\$3.48	\$5.39	5 UNITS	\$28.90	\$36.15	\$17.39	\$26.95	\$46.29	\$63.10
RESTAURANTS	\$5.78	\$7.23	\$4.74	\$7.35	5 UNITS	\$28.90	\$36.15	\$23.72	\$36.77	\$62.62	\$72.92
COMMERCIAL/PUBLIC	\$5.78	\$7.23	\$4.43	\$6.87	5 UNITS	\$28.90	\$36.15	\$22.14	\$34.32	\$51.04	\$70.47
INDUSTRIAL/LAUNDRY	\$5.78	\$7.23	\$5.06	\$7.84	5 UNITS	\$28.90	\$36.15	\$25.30	\$39.22	\$64.20	\$75.37
* Rates shown are on a per unit basis (100 cubic feet of water) Proposed Water Rate Increase 25% effective January 1, 2007 Proposed Sewer Rate Increase 55% effective January 1, 2007 Proposed Water and Sewer Rate Increase 3% July 1, 2007 Service Rates to be adjusted 3% annually commencing 7/1/07 ABCSD PROPOSED RATE STRUCTURE EFFECTIVE 7/01/07											
CLASS	WATER RATE Existing *	WATER RATE Proposed *	SEWER RATE Existing *	SEWER RATE Proposed *	MINIMUM USE Existing	WATER MINIMUM Existing	WATER MINIMUM Proposed	SEWER MINIMUM Existing	SEWER MINIMUM Proposed	TOTAL MINIMUM Existing	TOTAL MINIMUM Proposed
RESIDENTIAL	\$7.23	\$7.45	\$5.10	\$5.25	5 UNITS	\$36.15	\$37.23	\$25.50	\$26.27	\$61.65	\$63.50
MULTI-FAMILY	\$7.23	\$7.45	\$5.39	\$5.55	5 UNITS	\$36.15	\$37.23	\$26.95	\$27.76	\$63.10	\$64.99
RESTAURANTS	\$7.23	\$7.45	\$7.35	\$7.57	5 UNITS	\$36.15	\$37.23	\$36.77	\$37.85	\$72.92	\$75.09
COMMERCIAL/PUBLIC	\$7.23	\$7.45	\$6.87	\$7.08	5 UNITS	\$36.15	\$37.23	\$34.32	\$37.38	\$70.47	\$72.62
INDUSTRIAL/LAUNDRY	\$7.23	\$7.45	\$7.84	\$8.08	5 UNITS	\$36.15	\$37.23	\$39.22	\$40.38	\$75.37	\$77.61

Section 11. Effective Date.

This Resolution shall become effective immediately. The Rates and Charges adopted by this Resolution shall become effective as of January 1, 2007.

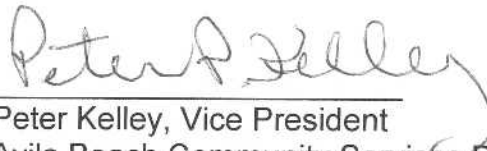
Adopted by the Board of Directors of the Avila Beach Community Services District on this 28th day of November 2006 by the following roll call vote, to wit:

AYES: Guernsey, Brown, Bernardo, Kelley

NOES: None

ABSENT: Helenius

CONFLICTS: None



Peter Kelley, Vice 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

Section 4. Use of Revenues.

The revenue from the rates and charges imposed by this Resolution shall not be used for any purpose other than that for which the fee or charge is imposed.

Section 5. 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 the rates and charges adopted by this Resolution.

Section 6. Inconsistency.

To the extent that the terms of provision of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior District Ordinances, Motions, Resolutions, Rules, or Regulations governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 7. 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.

Section 8. 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 District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 9. 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 10. 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.