

Resolutions 2003

2003-1	Commending Jim Allen
2003-2	Designation of Applicant's Agent Office of Emergency Services
2003-3	Easement for Harbor District for Marine Outfall Line
2003-4	Weed Abatement
2003-5	Weed Abatement
2003-6	Establishing Water Facilities Assessment Schedule for Credits and Past Water Usage
2003-7	Establishing Sewage Facilities Assessment Schedule for Credits and Past Sewage Usage
2003-8	Budget
2003-9	Distribution of Funds 2003-2004 Fiscal Year
2003-10	Rescinding Resolution 88-1 Cost of Copying District Records

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-1**

**RESOLUTION COMMENDING
DIRECTOR JAMES "JIM" ALLEN
FOR SERVICE TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

WHEREAS, JIM ALLEN has served the Avila Beach Community Services District since 2000 as a Director of the Board; and

WHEREAS, JIM ALLEN was instrumental in guiding the District through a period of transition during the early reconstruction of the downtown area of Avila; and

WHEREAS, JIM ALLEN has been highly effective in providing consistent vision, structure, and public accountability to the District, in his role as a Director of the Board and;

WHEREAS, JIM ALLEN has earned the respect of his colleagues and the community for his continuing dedication and service to the community of Avila Beach;

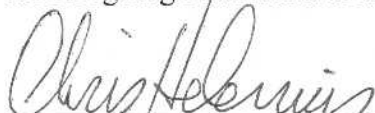
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Avila Beach Community Services District, San Luis Obispo County, California, as follows:

That the Avila Beach Community Services District does hereby recognize and commend JIM ALLEN for his eighteen months of dedication, leadership and extraordinary commitment as a Director for the Avila Beach Community Services District, and adopts this Resolution as a public statement of their recognition.

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

AYES:	Grife, Helenius, Kelley, Slattery, Guernsey
NOES:	None
ABSENT:	None
ABSTAINING:	None

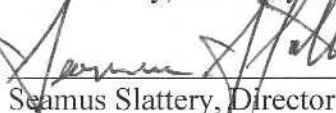
the foregoing Resolution is hereby adopted this 14th day of January, 2003.



Chris Helenius, President



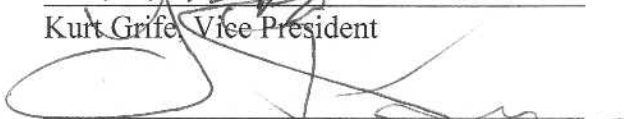
Peter Kelley, Secretary



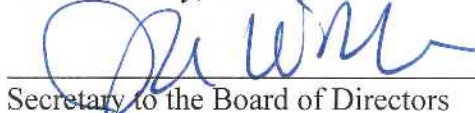
Seamus Slattery, Director



Kurt Grife, Vice President



Tom Guernsey, Director



Secretary to the Board of Directors



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

State of California
Office of Emergency Services

P.A. No. 079-91034

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2003-2

RESOLUTION PROVIDING DESIGNATION OF APPLICANT'S AGENT

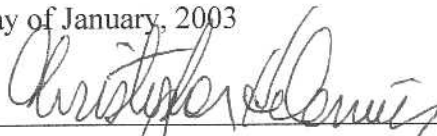
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AVILA BEACH
COMMUNITY SERVICES DISTRICT, THAT

PRESIDENT, OR
VICE PRESIDENT, OR
GENERAL MANAGER

is hereby authorized to execute for and in behalf of the Avila Beach Community Services District, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the Natural Disaster Assistance Act.

THAT the Avila Beach Community Services District, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Passed and approved this 14th day of January, 2003


Christopher Helenius, President


Kurt Grife, Vice President


John L. Wallace, General Manager

CERTIFICATION

I, Christopher Helenius, duly appointed and President of the Avila Beach Community Services District, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the Avila Beach Community Services District on the 14th day of January 2003.

Date: January 14, 2003

Christopher Helenius

Christopher Helenius, President

RESOLUTION NO. 2003 - 3

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT APPROVING A "GRANT OF
EASEMENT AND EASEMENT AGREEMENT"; AND
ACCEPTING A GRANT OF EASEMENT FROM PORT SAN LUIS HARBOR DISTRICT
FOR A MARINE OUTFALL LINE**

WHEREAS, the Avila Beach Community Services District (herein referred to as the "District") intends to accept a Grant of Easement from Port San Luis Harbor District (herein referred to as "Port") to construct, operate, maintain, and repair a marine outfall pipeline within an easement, approximately 50-feet in width and 3,500-foot length as described on Exhibits "A", "B" and "B-1" to facilitate continued discharge of treated effluent from the District Wastewater Treatment Plant in Avila, and;

WHEREAS, on February 11, 2003 the District, pursuant to the Brown Act, held a Public Hearing on the proposed Grant of Easement and accepted public testimony regarding the proposed Grant of Easement; and

WHEREAS, previously on November 12, 2002, the District approved a Negative Declaration for said project including a grant of easement for the outfall line.

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

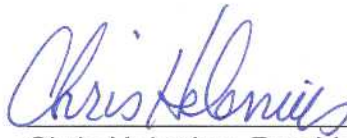
1. The above recitals are true and correct and are incorporated herein.
2. The General Manager is authorized to present this resolution and related easement documents to the Port for action in granting said easement.
3. The President is authorized to sign said agreement and to accept said easement on behalf of District.

4. The General Manager is authorized to record said easement and agreement once all approvals have been given.

PASSED AND ADOPTED by the Board of Directors of the Avila Beach Community Services District this 11th day of February, 2003 on the following roll call vote:

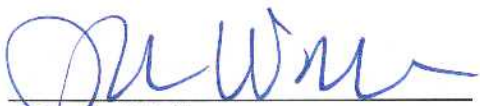
AYES: Directors Kelley, Grife, Helenius, Slattery
NOES: None
ABSTAIN: None
ABSENT: Guernsey

The foregoing Resolution was adopted on February 11, 2003.



Chris Helenius, President

ATTEST:



John L. Wallace
Secretary to the Board

APPROVED AS TO FORM:



Stephen N. Cool
District Legal Counsel

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2003-4

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 10th 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 Helenius, seconded by Director Slattery, and on the following roll call vote, to wit:

AYES: Helenius, Slattery, Grife, Kelley, Guernsey

NOES: none

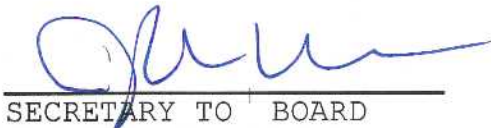
ABSENT: none

The foregoing resolution is hereby adopted this 13th day of May 2003.



Chris Helenius, President

ATTEST:



SECRETARY TO BOARD

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2003-5

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 #2003-4, 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 2003-4 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 8, 2003 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.

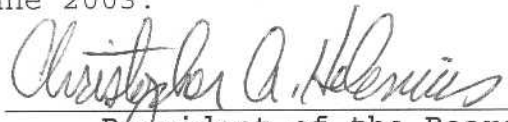
ON MOTION of Director Guernsey, seconded by Director Slattery, and on the following roll call vote, to wit:

AYES: Guernsey, Slattery, Helenius, Kelley

NOES: None

ABSENT: Grife

PASSED AND ADOPTED this 10th day of June 2003.


President of the Board

ATTEST:



Secretary to the Board

BOARD OF DIRECTORS

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2003-6

**RESOLUTION ESTABLISHING WATER FACILITIES ASSESSMENT SCHEDULE
AND PROCEDURES FOR COLLECTION THEREOF, AND DEFINING CREDITS FOR
PAST WATER USAGE**

The Board of Directors makes the following findings:

A. By its Ordinance No. 2-87 Avila Beach County Water District, as predecessor in interest to this District, established a system for payment of water facilities assessments for new construction within the District and for expansion of existing uses resulting in a greater use of water than the prior use.

B. Pursuant to said Ordinance the District thereafter adopted Resolutions Nos. 87-9, 88-4, 93-5, 94-09, and 2000-2002, which Resolutions amended the Water Assessment Schedule and established policies and procedures to determine the extent to which properties not currently receiving water were to be credited for prior water usage.

C. On August 22, 2001 this District adopted Ordinance No. 2001-01, which revised the provisions of Ordinance No. 2-87.

D. By this Resolution the Board desires and intends to modify section 2A of Resolution No 2001-14 to adjust the timing of payment of connection of assessments.

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

1. **Section 2 of Resolution 2001-14 is modified as follows:**

2. **Time for Payment of Water Facilities Assessments:**

Water facilities assessments shall be paid as follows:

- A. One-half due prior to the issuance of a building permit by the Planning Department.
- B. One-half at the time of completion for occupancy of the new or enlarged improvement.

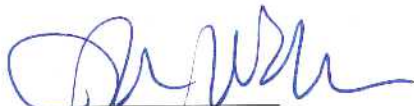
On motion of Director Guernsey, seconded by Director Slattery, and on the following roll call vote, to wit:

AYES	:	Guernsey, Slattery, Helenius, Kelley
NOES	:	none
ABSTAIN	:	none
ABSENT	:	Grife

The foregoing Resolution was adopted.


President of the Board of Directors

ATTEST:


District Secretary

APPROVED AS TO FORM:

STEPHEN N. COOL, Attorney for
District

AGREEMENTS\ABCSD.RES

BOARD OF DIRECTORS

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2003-7

**RESOLUTION ESTABLISHING SEWER FACILITIES ASSESSMENT SCHEDULE
AND PROCEDURES FOR COLLECTION THEREOF, AND DEFINING CREDITS FOR
PAST SEWER USAGE**

The Board of Directors makes the following findings:

A. By its Ordinance No. 1-87 Avila Beach County Water District, as predecessor in interest to this District, established a system for payment of water facilities assessments for new construction within the District and for expansion of existing uses resulting in a greater use of water than the prior use.

B. Pursuant to said Ordinance the District thereafter adopted Resolutions Nos. 87-8, 88-3, 93-4, 94-09, and 2000-2003, which Resolutions amended the Sewer Assessment Schedule and established policies and procedures to determine the extent to which properties not currently receiving sewer service were to be credited for prior usage.

C. On August 22, 2001 this District adopted Ordinance No. 2001-01, which revised the provisions of Ordinance No. 1-87.

D. By this Resolution the Board desires and intends to modify section 2 of Resolution 2001-13 to adjust the timing of payment of connection and assessments.

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

1. **Section 2 of Resolution No 2001-13 is modified as follows :**

2. **Time for Payment of Sewer Facilities Assessments:**

Sewer facilities assessments shall be paid as follows:

A. One-half prior to the issuance of a building permit by the Planning Department.

B. One-half at the time of completion for occupancy of the new or enlarged improvement.

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

AYES : Guernsey, Slattery, Helenius, Kelley

NOES : none

ABSTAIN : none

ABSENT : Grife

The foregoing Resolution was adopted.


President of the Board of Directors

ATTEST:


District Secretary

APPROVED AS TO FORM:

STEPHEN N. COOL, Attorney for
District

AREEMTS\ABCSD.RES

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-8**

A RESOLUTION ADOPTING THE 2003-2004 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 2002-2003 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 2003/04 Fiscal Year Budget," be adopted as submitted or amended.
2. That the budget be administered as established by past policies and practices.

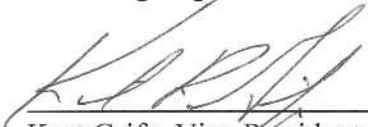
ON MOTION of Director Slattery, seconded by Director Kelley, and on the following roll call vote to wit:

AYES: Slattery, Kelley, Grife, Guernsey

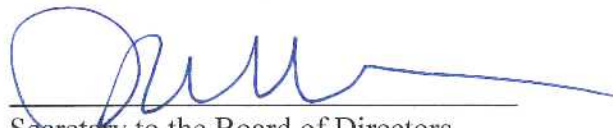
NOES: None

ABSENT: Helenius

The foregoing resolution is hereby adopted this 8th day of July, 2003.


Kurt Grife, Vice President

ATTEST:


Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-9**

**A RESOLUTION FOR DETERMINATION OF
APPROPRIATION LIMITATION FOR THE
2003-2004 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 2003-2004 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 **2.31%** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.69%**; and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$3,307,664**; 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:

$$\begin{array}{rcccl} \frac{2.31 + 100}{100} \text{ (CPCPI)} & \times & \frac{1.69 + 100}{100} \text{ (POP)} & = & \text{RATIO} \\ 1.0231 & \times & 1.0169 & = & 1.0404 \end{array}$$

2. That the 2003-2004 appropriation limit is determined as follows:

2002-2003 Limitation		\$ 3,179,253
2003-2004 Ratio of Change	X	<u>1.0404</u>
2003-2004 Appropriation Limitation		<u>\$ 3,307,664</u>

3. That the Appropriation Limitation (\$3,307,664) exceeds the Appropriation subject to Limitation (\$164,400) by \$3,143,264.
4. No further adjustment to the 2003-2004 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 2003-2004.
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 Grife, seconded by Director Slattery, and on the following roll call vote to wit:

AYES: Grife, Slattery, Guernsey, Kelley
NOES: none
ABSENT: Helenius
ABSTAINING: none

the foregoing Resolution is hereby adopted this 8th day of July, 2003.



Kurt Grife, Vice President

ATTEST:


Secretary to the Board of Directors

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2003-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT CONFORMING THE COST OF COPYING DISTRICT RECORDS TO THE POLICY ESTABLISHED IN THE DISTRICT POLICY MANUAL AND RESCINDING RESOLUTION 88-1

WHEREAS, The District operates under the Government Code and in accordance with District Policy, through the adoption of Resolutions and Ordinances, and had previously adopted Resolution 88-1 establishing the policies regarding inspection and copying of District Records, and

WHEREAS, the District reviews the policy manual on an annual basis and may update the policy as necessary and in accordance with governmental codes, to meet the current needs of the District, and

WHEREAS, in an effort to conform District Policy and District Resolutions, the District intends to rescind Resolution 88-1 and instead refer to the policy contained within the policy manual for matters regarding inspection and copying of District records.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors, as follows: That Resolution 88-1 be rescinded in its entirety, and that the policies regarding inspection and copying of District records be in conformance with District Policy 1050.

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

AYES: Guernsey, Helenius, Grife, Kelley

NOES: none

ABSENT: Slattery

The foregoing resolution is hereby adopted this 12th day of August, 2003.



President

ATTEST:


SECRETARY TO BOARD