

Resolutions 1998

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**AVILA BEACH
COMMUNITY SERVICES DISTRICT**

Present: Directors Briley, Dee, Grife, Guernsey and Leonard

Absent:

Dated: March 24, 1998

RESOLUTION NUMBER 98-1

**Resolution Authorizing
Formation of Avila Beach Community Foundation**

The following resolution is hereby offered and read:

RECITALS:

A. It has been proposed that a non-profit corporation be established under Section 501(c)(3) of the Internal Revenue Code, and equivalent provisions of the California Revenue and Taxation Code, for the purpose of receiving gifts and grants of money and property from private persons, private entities, and governmental entities to be used for repairs and improvements for the general benefit of the community of Avila Beach, County of San Luis Obispo, California, and to expend and disburse funds for such purposes.

B. It is anticipated that a significant amount of such funds may be allocated for repair and improvement of facilities owned and operated by the District, and therefore the District will obtain a direct benefit from the establishment of said corporation.

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

1. The District staff is authorized and directed to cause to be prepared and filed Articles of Incorporation establishing "The Avila Beach Community Foundation" as a non-profit public benefit corporation under Section 501(c)(3) of the Internal Revenue Code, and equivalent provisions of the California Revenue and Taxation Code, for the purposes hereinabove stated.

2. Staff is further authorized and directed to cause to be prepared and processed applications to Internal Revenue Service and Franchise Tax Board for qualification of said corporation as a public benefit, tax exempt corporation.

3. The President of this Board is authorized to execute any and all documents necessary or convenient to accomplish the foregoing purposes on behalf of the District.

4. The Directorships of the corporation to be established shall be as follows:

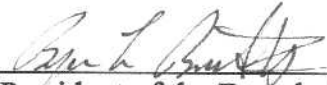
The Directors of this District shall comprise the initial directors of the board of the corporation. On or before June 24, 1998 the board of the corporation shall adopt bylaws, which shall include establishing the number and criteria for appointment of directors.

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

Ayes: Guernsey, Grife, Briley, Dee, Leonard.

Noes: None

The foregoing resolution is hereby adopted.



President of the Board of Directors

Attest:

Secretary

P.A. No. _____

98-2

DESIGNATION OF
APPLICANT'S AGENT RESOLUTIONBE IT RESOLVED BY THE Board of Directors OF THE Avila Beach Community Services District
(Governing Body) (Name of Applicant)THAT District Manager, OR
(Title of Authorized Agent)Office Manager, OR
(Title of Authorized Agent)Fire Chief
(Title of Authorized Agent)

Avila Beach Community
is hereby authorized to execute for and in behalf of the 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.
Avila Beach Community

THAT the 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 9th day of April, 19 98

Byron Briley, President

Kurt Grife, Vice President

(Name and Title)

Dan Leonard, Secretary

(Name and Title)

Marvin Dee

Tom Guernsey

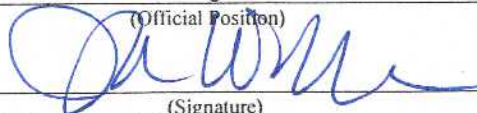
(Name and Title)

CERTIFICATION

I, John L. Wallace, duly appointed and General Manager of
(Name) (Title)Avila Beach Community Services District, do hereby certify that the above is a true and correct copy of a
Districtresolution passed and approved by the Board of Directors of the Avila Beach Community Services District on the
(Governing body) (Name of Applicant)9th day of April, 19 98.Date: April 10, 1998

District Manager

(Official Position)



(Signature)

John L. Wallace

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 98-3

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 11th 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 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 Dee, and on the following roll call vote, to wit:

AYES: Guernsey, Dee, Briley

NOES: none

ABSENT: Grife, Leonard

The foregoing resolution is hereby adopted this 9 day of April 1998.


Byron Briley, President

ATTEST:


SECRETARY TO BOARD

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 98-4

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 #98-3, previously adopted; and it appearing that notice of this hearing has been duly and regularly given as required by law, as evidenced by the Certificate of the Fire Chief filed with the District; 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 no objections to said proposal were heard;
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 98-3 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

AVILA BEACH FIRE DEPARTMENT

WEED ABATEMENT

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PARCEL NUMBER	LOCATION	POSTED	INSPECTED
76-196-2	Next to 233 San Miguel Street	4-17-98	6-7-98 failed
76-196-3	Behind to 233 San Miguel Street	Letter	6-7-98 pass
76-196-4	Next to 237 San Miguel Street	4-17-98	6-7-98 pass
76-196-5	Earls Lot #2 Avila Beach Drive	4-17-98	6-7-98 failed
76-201-4.6	Behind 208 San Miguel Street	Letter	6-7-98 pass
76-201-6	254 San Miguel Street	Letter	6-7-98 pass
76-201-12	Behind 206 San Miguel Street	Letter	6-7-98 pass
76-201-14	Behind Property of 208 San Miguel St.	Letter	6-7-98 failed
76-	Second Street Hill	4-17-98	6-7-98 pass
76-201-21	Next To The Top Of The Hill Motel	4-19-98	6-7-98 failed
76-201-31	Avila Beach Drive	Letter	6-7-98 pass
76-201-32	Avila Beach Drive	Letter	6-7-98 pass
76-201-38	Avila Beach Drive	Letter	6-7-98 failed
76-201-42	Driftwood Apartment	4-17-98	6-7-98 failed
76-201-48	2nd Street Fire	4-17-98	6-7-98 failed
76-201-49	2nd Street Fire	4-17-98	6-7-98 failed
76-201-52	San Miguel Street Hill	4-17-98	6-7-98 failed
76-201-56	Corner Of Laurel/San Luis Street	4-17-98	6-7-98 pass
76-201-63	Avila Beach Drive	Letter	6-7-98 pass
76-213-3	Next To Earls Parking Lot #2	4-17-98	6-7-98 pass
76-213-10	Earls Parking Lot #2	4-17-98	6-7-98 failed
76-214-3	Trailer Park	4-17-98	6-7-98 failed
76-215-7***	Next To 191 San Miguel Street	4-17-98	6-7-98 pass
76-215-8***	Old Lo-Tide Motel Lot	4-17-98	6-7-98 pass
76-216-4***	Next To 491 1st Street	4-17-98	6-7-98 failed
76-216-9***	Next To Mr. Ricks Bar	4-17-98	6-7-98 pass
76-216-12***	Next To 51 San Miguel Street	Letter	6-7-98 pass
76-216-17***	Next To Mr. Ricks Bar	4-17-98	6-7-98 pass
76-216-18***	Next To Mr. Ricks Bar	4-17-98	6-7-98 pass
76-216-19***	Next To Mr. Ricks Bar	4-17-98	6-7-98 pass
76-217-5***	157 San Luis Street	Letter	6-7-98 failed
76-217-10***	348 1st Street	Letter	6-7-98 pass
76-217-15***	356 1st Street	Letter	6-7-98 pass

WEED ABATEMENT

Page 2

[illegible]

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 the First regular meeting of July at the regular meeting time, along with any objections from owners liable to be assessed. Fire Chief shall cause a copy of said report to be posted near the Board meeting place at least 3 days prior to said meeting, as required by law, and file his Certificate of Posting.

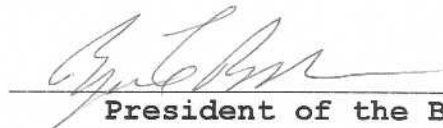
ON MOTION of Director Leonard, seconded by Director Dee, and on the following roll call vote, to wit:

AYES: Leonard, Dee, Briley, Guernsey, Grife

NOES: none

ABSENT: none

PASSED AND ADOPTED this 11th day of June.


President of the Board

ATTEST:


Secretary to the Board

Secretary to the Board

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 98-5**

**RESOLUTION AUTHORIZING
AMENDMENT OF SPHERE OF INFLUENCE BOUNDARY
FOR THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

WHEREAS, the purpose of the District is to provide the residents of the Avila Beach community with its authorized services, such as water and sewer services; and

WHEREAS, it has been proposed that the Avila Beach Community Services District (ABCSD) expand its Sphere of Influence to include County Service Area #12, excepting the Port San Luis Harbor District properties currently excluded from the ABCSD; and

WHEREAS, the District's proposed "sphere of influence," includes the area that would logically be expected for the agency to make it's services available to within the next 20 year period, and;

WHEREAS, it has been determined by the District that the Town of Avila and the surrounding area has a demonstrated need for services and the capability of providing these services; and

WHEREAS, it has been determined by the District that the Town of Avila and the surrounding area would be best served by a cohesive agency within the proposed sphere of influence area that has the ability to provide outside service agreements;

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:

That the District staff is authorized and directed to prepare and file a LAFCO Annexation Proposal amending the Avila Beach Community Services District's Sphere of Influence to include the area within County Service Area #12, east to Highway 101 and north to San Luis Bay Drive (see attached map), excepting the Port San Luis Harbor District fee title properties , for the purposes herein above stated.

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

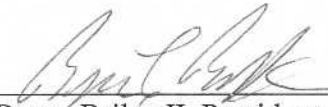
AYES: Guernsey, Dee, Briley, Grife, Leonard

NOES: none

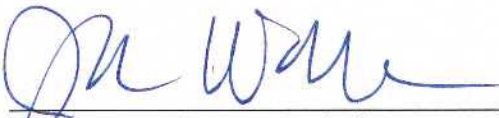
ABSENT: none

ABSTAINING: none

the foregoing Resolution is hereby adopted this 11 day of June, 1998.


Byron Briley II, President

ATTEST:


Secretary to the Board of Directors

amm: 245/sphrexprev.wpd

No Resolution Adopted

For

98- 6

AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 98-7

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT REQUESTING THEIR GENERAL DISTRICT ELECTION BE CONSOLIDATED WITH THE NOVEMBER 3, 1998 STATEWIDE 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 3, 1998; and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with other elections to be held on the same day pursuant to Chapter 3, Part 3, Division 10 of the Elections Code (commencing with Section 10400); and

WHEREAS, the Board of Directors desires to request that 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 date and involving the same territory, or in territory that is in part the same;

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 Election of this District to be held on November 3, 1998, with all other elections held on the same date and involving all or a portion of the territory of the district. This request is made pursuant to Section 10555 and 10400, et seq of the 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 Grife, seconded by Director Dee, and on the following roll call vote to wit:

AYES: Grife, Dee, Leonard, Guernsey, Briley

NOES: none

ABSENT: none

The foregoing resolution is hereby adopted this 9th day of July, 1998.



President

ATTEST:


SECRETARY TO BOARD

AVILA BEACH COMMUNITY SERVICES DISTRICT
Resolution No. 98-8

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
AUTHORIZING ADDITIONAL INSURED,
AND AGREEING TO INDEMNIFICATION**

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

1. The District hereby approves making Avila Beach Community Foundation, a California nonprofit corporation, an additional insured for public liability purposes under the District's risk management insurance coverage.

2. The District shall indemnify, hold, and defend the Avila Beach Community Foundation harmless from any and all liability for injury to persons and/or damage to property caused by the acts of said Foundation, or its officers, agents, and employees.

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

AYES: **Dee, Grife, Leonard, Briley**

NOES: **none**

ABSENT: **none**

ABSTAIN: **Guernsey**

The foregoing resolution is hereby adopted this 13th day of August, 1998.



President

ATTEST:


SECRETARY TO BOARD

**AVILA BEACH
COMMUNITY SERVICES DISTRICT**

Post Office Box 309, Avila Beach, CA. 93424

MEMORANDUM

TO: Board of Directors

FROM: John L. Wallace, General Manager 

DATE: December 8, 1998

SUBJECT: Resolution 98-9 Commending Director Briley

Recommendation
Adopt Resolution 98-9

Discussion
Resolution 98-9 is presented for the Board's consideration to honor of Byron L. Briley for his past service to the Community of Avila Beach as a Director of the Avila Beach Community Services District.

dec98.5b

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 98-9

**RESOLUTION COMMENDING
BYRON L. BRILEY II
FOR SERVICE TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

WHEREAS, BYRON L. BRILEY II has served the Avila Beach Water District and Avila Beach Community Services District since 1993 as Director and President of the Board; and

WHEREAS, BYRON L. BRILEY II was instrumental in guiding the District through a period of transition in the formation of the Avila Beach Community Services District, merging the County Street Lighting District with the Water District to provide more efficient services to the Community; and

WHEREAS, BYRON L. BRILEY II participated in the formation of the Avila Beach Community Foundation to create a unique vehicle for the receipt and administration of funds for the benefit of the entire Community of Avila Beach; and

WHEREAS, BYRON L. BRILEY II has also provided leadership to the District in administering over 1.3 million dollars of grant funding to complete the construction of a major expansion of the District's Wastewater Treatment Plant; and

WHEREAS, BYRON L. BRILEY II has been highly effective in providing consistent vision, structure, and public accountability to the District, in his role as Director and President of the Board of Directors, and;

WHEREAS, BYRON L. BRILEY II has earned the respect and admiration 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 BYRON L. BRILEY II for his five years 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.

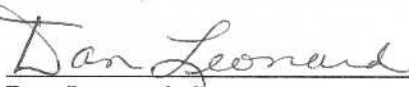
UPON MOTION of Director Dee, seconded by Director Guernsey, and on the following roll call vote to wit:

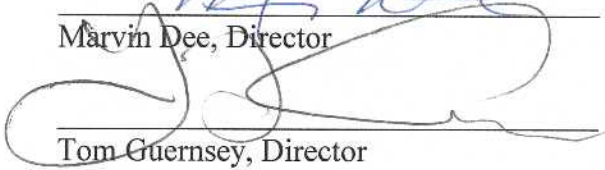
AYES:	Dee, Guernsey, Grife, Leonard, Alcon
NOES:	none
ABSENT:	none
ABSTAINING:	none

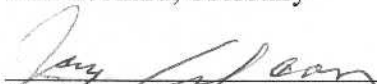
the foregoing Resolution is hereby adopted this 8th day of December, 1998.


Kurt Grife, Vice President


Marvin Dee, Director


Dan Leonard, Secretary


Tom Guernsey, Director


Jay Alcon, Director

ATTEST:


Secretary to the Board of Directors