

## Resolutions 2004

|         |                                                                                   |
|---------|-----------------------------------------------------------------------------------|
| 2004-1  | Commending Kurt Grife                                                             |
| 2004-2  | Commending Stephen Cool                                                           |
| 2004-3  | No Resolution Found                                                               |
| 2004-4  | Acceptance of Outside Discharge to District's Wastewater Treatment Plant          |
| 2004-5  | Weed Abatement                                                                    |
| 2004-6  | Weed Abatement                                                                    |
| 2004-7  | <del>Weed Abatement</del> Biennial Election be Consolidated with General Election |
| 2004-8  | Budget                                                                            |
| 2004-9  | Distribution of Special District Augmentation Funds                               |
| 2004-10 | Participation in Special District Risk Management Workers' Comp. Program          |
| 2004-11 | Certificate of Consent to Self Insure                                             |
| 2004-12 | Adopting Conflict of Interest Code                                                |

**AVILA BEACH COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2004-1**

**RESOLUTION COMMENDING  
KURT GRIFE  
FOR SERVICE TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

WHEREAS, KURT GRIFE has served the Avila Beach Water District and Avila Beach Community Services District since 1994 as Director, President and Vice President of the Board; and

WHEREAS, KURT GRIFE 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, KURT GRIFE 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, KURT GRIFE has also provided leadership to the District in administering over 2.0 million dollars of grant funding to complete the construction of a major expansion of the District's Wastewater Treatment Plant and to construct a new water tank to allow the town of Avila to rebuild to current fire codes; and

WHEREAS, KURT GRIFE was instrumental in securing alternate fire protection services for the District at a substantial savings; and

WHEREAS, KURT GRIFE has been highly effective in providing consistent vision, structure, and public accountability to the District, in his participation on the Board of Directors, and;

WHEREAS, KURT GRIFE 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 KURT GRIFE for his ten 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 Kelley, seconded by Director Slattery, and on the following roll call vote to wit:

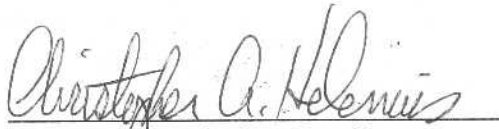
AYES: Kelley, Slattery, Helenius, Guernsey, Bernardo

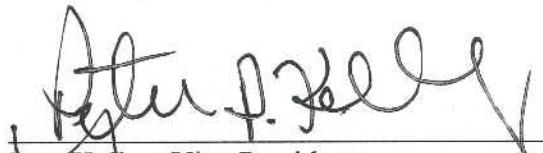
NOES: None

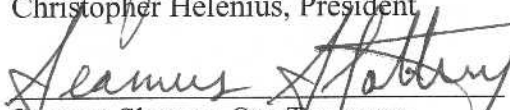
ABSENT: None

ABSTAINING: None

the foregoing Resolution is hereby adopted this 13<sup>th</sup> day of January 2004.

  
Christopher Helenius, President

  
Pete Kelley, Vice President

  
Seamus Slattery, Sec Treasurer

  
Tom Guernsey, Director

  
Perris Bernardo, Director

ATTEST:

  
John L. Wallace, General Manager

P.A. No.: \_\_\_\_\_

DESIGNATION OF  
APPLICANT'S AGENT RESOLUTION

BE IT RESOLVED BY THE Board of Directors OF THE Avila Beach Community Services Dist.  
(Governing Body) (Name of Applicant)

THAT

John L. Wallace, District manager OR  
(Title of Authorized Agent)

Jeremy Freund, Project Manager OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and in behalf of the Avila Beach CSD, 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 California Disaster Assistance Act.

THAT the Avila Beach CSD, 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 10<sup>th</sup> day of February, 20 04

Chris Helenius, President  
(Name and Title)

Pete Kelley, Vice President  
(Name and Title)

Seamus Slattery, Sec / Treas  
(Name and Title)

CERTIFICATION

I, Chris Helenius, duly appointed and President of  
(Name) (Title)  
Avila Beach CSD, 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 CSD on the  
(Governing body) (Name of Applicant)  
10<sup>th</sup> day of February, 20 04.

Date: May 13, 2008

President  
(Official Position)  
Chris Helenius  
(Signature)

P.A. No.: \_\_\_\_\_

DESIGNATION OF  
APPLICANT'S AGENT RESOLUTION

BE IT RESOLVED BY THE Board of Directors OF THE Avila Beach Community Services District  
(Governing Body) (Name of Applicant)

THAT John L. Wallace, District Manager, OR  
(Title of Authorized Agent)

Jeremy Freund, Project Manager, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

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 10<sup>th</sup> day of February, 2004

\_\_\_\_\_  
Chris Helenius, President  
(Name and Title)

\_\_\_\_\_  
Pete Kelley, Vice President  
(Name and Title)

\_\_\_\_\_  
Seamus Slattery, Sec/Tres  
(Name and Title)

CERTIFICATION

I, John L. Wallace, duly appointed and General Manager of  
(Name) (Title)  
Avila Beach CSD, 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  
(Governing body) (Name of Applicant)  
10<sup>th</sup> day of February, 192004

Date: 2/10/04

General Manager  
(Official Position)  
[Signature]  
(Signature)

**AVILA BEACH COMMUNITY SERVICES DISTRICT**

**RESOLUTION NO. 2004-2**

**RESOLUTION COMMENDING  
STEPHEN N. COOL  
FOR SERVICE TO THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

WHEREAS, STEPHEN N. COOL has served the Avila Sanitary District, the Avila Beach Water District and Avila Beach Community Services District since the 1960's as legal counsel to the Board; and

WHEREAS, STEPHEN N. COOL was instrumental in guiding the District through many periods of transition, especially in the formation of the Avila Beach Community Services District, to provide more efficient services to the Community; and

WHEREAS, STEPHEN N. COOL provided direction and oversight 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, STEPHEN N. COOL has also provided leadership to the District in helping to obtain over 2.0 million dollars of grant funding to complete the construction of a major expansion of the District's Wastewater Treatment Plant and to construct a new water tank to allow the town of Avila to rebuild to current fire codes; and

WHEREAS, STEPHEN N. COOL has been highly effective in providing consistent structure, and public accountability to the District, in his participation as legal counsel to the Board of Directors, and;

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

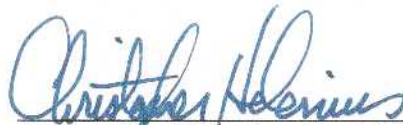
That the Avila Beach Community Services District does hereby recognize and commend STEPHEN N. COOL for his 35 + years of dedication, leadership and extraordinary commitment as legal counsel for the Avila Beach Community Services District, and adopts this Resolution as a public statement of their recognition.

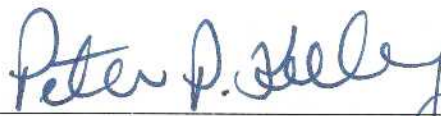
UPON MOTION of Director Kelley, seconded by Director Slattery, and on the following roll call vote to wit:

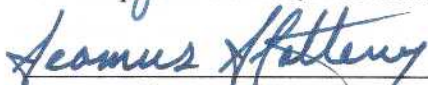
AYES: Kelley, Slattery, Bernardo, Helenius  
NOES: None

ABSENT: Guernsey  
ABSTAINING: None

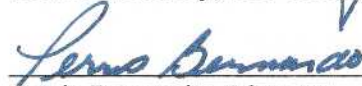
the foregoing Resolution is hereby adopted this 10<sup>th</sup> day of February 2004.

  
\_\_\_\_\_  
Christopher Helenius, President

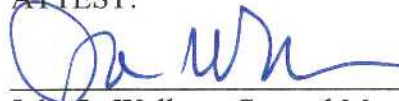
  
\_\_\_\_\_  
Pete Kelley, Vice President

  
\_\_\_\_\_  
Seamus Slattery, Sec Treasurer

\_\_\_\_\_  
Tom Guernsey, Director

  
\_\_\_\_\_  
Perris Bernardo, Director

ATTEST:

  
\_\_\_\_\_  
John L. Wallace, General Manager

DATE: May 11, 2004  
AGENDA ITEM NO:  
( x)APPROVED  
( )DENIED  
( )CONTINUED TO

**RESOLUTION NO. 2004- 4**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT  
FOR THE ACCEPTANCE OF OUTSIDE DISCHARGE  
TO THE DISTRICT'S WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Avila Beach Community Services District ("District") operates a wastewater treatment plant ("WWTP") for the residents within the District; and

**WHEREAS**, said WWTP has temporary capacity in excess of that which is required to provide wastewater treatment for its residents; and

**WHEREAS**, the District desires to establish rules, regulations, fees and charges to allow the WWTP to provide wastewater treatment ("Treatment") to other local agencies and private entities that operate wastewater treatment facilities, located outside of District boundaries, pursuant to Regional Water Quality Control Board Discharge Orders (collectively "Outside Dischargers"), so long as said Treatment does not disrupt the WWTP's ability to provide wastewater treatment for its residents; and

**WHEREAS**, it is the purpose of this Resolution to establish an application procedure and fees and charges for accepting wastewater to be treated at the WWTP from Outside Dischargers; and

**WHEREAS**, based on Staff presentation, Staff Report and public comment the District Board of Directors finds:

- a) That the District's WWTP has excess capacity to provide limited wastewater treatment services to Outside Dischargers.
- b) The rates and charges established herein reasonably relate to the District's costs and liabilities for providing such outside wastewater treatment services.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**1. Specifications and Agreement.**

District General Manager is directed to:

- A. Prepare specifications for acceptance of wastewater at the District's WWTP from Outside Dischargers; and

B. Prepare an application form and agreement ("Agreement") for acceptance of wastewater from Outside Dischargers. The form of said Agreement shall be approved by District Legal Counsel and shall include:

1. Wastewater specification;
2. Discharger warranties;
3. Indemnification of the District;
4. Proof of appropriate insurance;
5. The posting of adequate securities.

**2. Discharge When Allowed.**

Wastewater from Outside Dischargers shall not be accepted at the WWTP unless and until the Agreement is signed by the Outside Discharger and signed and approved by the District General Manager, appropriate fees and charges paid and all supporting documents lodged with the District.

**3. Fees and Charges.**

The fees and/or charges for accepting wastewater from Outside Dischargers is established as shown on the attached Exhibit "A".

**4. CEQA Findings.**

The Board of Directors of the District finds that the adoption of this Resolution does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board further finds that the adoption of this Resolution falls within the activities described in Section 15378(b)(2) and/or (4) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of this Resolution were a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

**5. Repeal of Prior Resolutions.**

All Resolutions and Sections of Resolutions or motions that are inconsistent with this Resolution are hereby repealed.

**6. Incorporation of Recitals.**

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

7. **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.

8. **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.

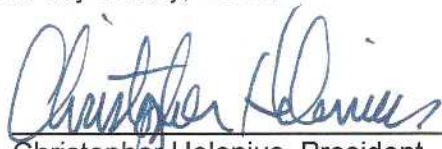
9. **Effective Date.**

This Resolution shall take effect immediately.

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

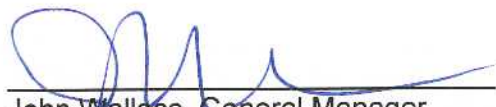
AYES: Helenius, Slattery, Guernsey, Kelley  
NOES: None  
ABSENT: Bernardo  
CONFLICTS: None

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 11th day of May, 2004.



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

ATTEST:



John Wallace, General Manager  
Manager and Secretary to the Board

## Exhibit A

### Schedule of Fees for Outside Dischargers to the Avila Beach CSD Wastewater Treatment System

- |    |                                                                                               |                   |
|----|-----------------------------------------------------------------------------------------------|-------------------|
| 1. | Raw Wastewater of domestic quality<br>(Not exceeding 350 ppm BOD)                             | \$0.05 per gallon |
| 2. | Processed Wastewater<br>Residuals from a qualified treatment system (1)                       | \$0.11 per gallon |
| 3. | Processed_High Strength Wastewater (> 1,500 ppm BOD)<br>From a qualified treatment system (1) | \$0.25 per gallon |

#### Notes

(1) Qualified treatment system that is owned/operated by a public agency, mutual water company or private water / wastewater company with waste discharge requirements established by the Regional Water Quality Control Board and with test results that show their waste will not be deleterious to the District's Wastewater Treatment Plant.

(2) Septic tank septage will not be accepted under any category above (1,2, or 3)

Resolution 2004-04  
April 13, 2004

# AVILA BEACH COMMUNITY SERVICES DISTRICT

## Resolution No. 2004-5

### 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 8th 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 Slattery, seconded by Director Guernsey, and on the following roll call vote, to wit:

AYES: Slattery, Guernsey, Helenius, Kelley

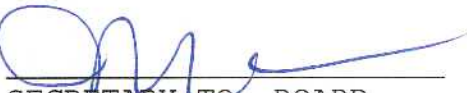
NOES: None

ABSENT: Bernardo

The foregoing resolution is hereby adopted this 11th day of May 2004.

  
Chris Helenius, President

ATTEST:

  
\_\_\_\_\_  
SECRETARY TO BOARD

# AVILA BEACH COMMUNITY SERVICES DISTRICT

Resolution No. 2004-6

## 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 #2004-5, 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 2004-5 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 13, 2004 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.

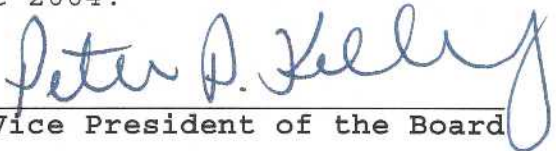
ON MOTION of Director Kelley, seconded by Director Slattery, and on the following roll call vote, to wit:

AYES: Kelley, Slattery, Bernardo, Guernsey

NOES: None

ABSENT: Helenius

PASSED AND ADOPTED this 8th day of June 2004.

  
Vice President of the Board

ATTEST:



Secretary to the Board

# **AVILA BEACH COMMUNITY SERVICES DISTRICT**

**Resolution No. 2004-07**

## **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT REQUESTING THEIR BIENNIAL ELECTION BE CONSOLIDATED WITH THE NOVEMBER 2, 2004 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 2, 2004; 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 2, 2004, 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.

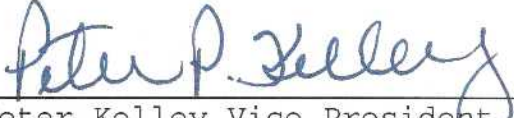
ON MOTION of Director Kelley, seconded by Director Guernsey, and on the following roll call vote to wit:

AYES: Kelley, Guernsey, Slattery, Bernardo

NOES: None

ABSENT: Helenius

The foregoing resolution is hereby adopted this 8th day of June, 2004.

  
Peter Kelley, Vice President

ATTEST:  
  
SECRETARY TO BOARD

**AVILA BEACH COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2004-08**

**A RESOLUTION ADOPTING THE 2004-2005 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 2004/05 Fiscal Year Budget," be adopted as submitted or amended.
2. That the budget be administered as established by past policies and practices.

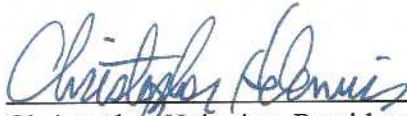
ON MOTION of Director Helenius, seconded by Director Slattery, and on the following roll call vote to wit:

AYES: Helenius, Slattery, Kelley

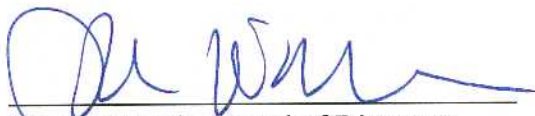
NOES: None

ABSENT: Bernardo, Guernsey

The foregoing resolution is hereby adopted this 13<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
Christopher Helenius, President

ATTEST:

  
\_\_\_\_\_  
Secretary to the Board of Directors

**AVILA BEACH COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2004-09**

**A RESOLUTION FOR DETERMINATION OF  
APPROPRIATION LIMITATION FOR THE  
2004-2005 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 2004-2005 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 **3.28%** and the percent change in the population (POP) of the unincorporated areas of San Luis Obispo County is **1.60%**; and,

WHEREAS, the appropriation, subject to limitation (estimated net tax proceeds excluding Augmentation Funds) has been determined to be **\$135,720**; 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:

$$\begin{array}{rcccl} \frac{3.28 + 100}{100} \text{ (CPCPI)} & \times & \frac{1.60 + 100}{100} \text{ (POP)} & = & \text{RATIO} \\ 1.0328 & \times & 1.0160 & = & 1.0344 \end{array}$$

2. That the 2004-2005 appropriation limit is determined as follows:

|                                    |   |                     |
|------------------------------------|---|---------------------|
| 2003-2004 Limitation               |   | \$ 3,307,664        |
| 2004-2005 Ratio of Change          | X | <u>1.0344</u>       |
| 2004-2005 Appropriation Limitation |   | <u>\$ 3,421,448</u> |

3. That the Appropriation Limitation (\$3,421,448) exceeds the Appropriation subject to Limitation (\$135,720) by \$3,285,728.
4. No further adjustment to the 2004-2005 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 2004-2005.
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.

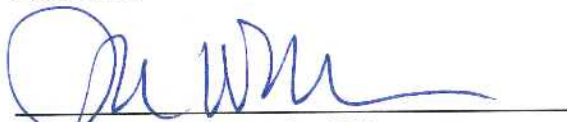
Upon motion of Director Slattery, seconded by Director Kelley, and on the following roll call vote to wit:

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

the foregoing Resolution is hereby adopted this 13<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
Christopher Helenius, President

ATTEST:

  
\_\_\_\_\_  
Secretary to the Board of Directors

**RESOLUTION NO 2004-10**

**A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT BOARD  
OF DIRECTORS OF THE DISTRICT APPROVING THE FORM OF AND AUTHORIZING  
THE EXECUTION OF A FIFTH AMENDED JOINT POWERS AGREEMENT AND  
AUTHORIZING PARTICIPATION IN THE SPECIAL DISTRICT RISK MANAGEMENT  
WORKERS' COMPENSATION PROGRAM**

**WHEREAS**, Avila Beach Community Services District, a special district duly organized and existing under and by virtue of the laws of the State of California (the "District"), has determined that it is in the best interest and to the advantage of the District to participate for at least three years, in the workers' compensation program offered by the Special District Risk Management Authority (the "Authority"); and

**WHEREAS**, California Government Code Section 6500 *et seq.*, provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

**WHEREAS**, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing its members with risk financing and risk management programs; and

**WHEREAS**, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

**WHEREAS**, participation in Special District Risk Management Authority programs requires the District to execute and enter into a Fifth Amended Joint Powers Agreement (the "Amended JPA Agreement"); which states the purpose and powers of the Authority; and

**WHEREAS**, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:**

Section 1. Findings. The District Board of Directors hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the District.

Section 2. Fifth Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the District and members of the Special District Risk Management Authority, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The District Board and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Program Participation. The District Board of Directors approves participating for three full programs years in Special District Risk Management Authority Workers' Compensation Program.

Section 4. Other Actions. The Authorized Officers of the District are each hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 10<sup>th</sup> day of August, 2004 by the following vote:

AYES: Kelley, Slattery, Helenius, Guernsey, Bernardo

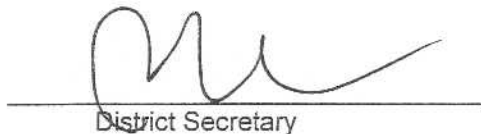
NOES: None

ABSENT: None



Name: Christopher Helenius

Title: President



District Secretary

RESOLUTION NO.: 2004-11 DATED: August 10, 2004

**A RESOLUTION AUTHORIZING APPLICATION  
TO THE DIRECTOR OF INDUSTRIAL RELATIONS, STATE OF CALIFORNIA  
FOR A CERTIFICATE OF CONSENT TO SELF INSURE  
WORKERS' COMPENSATION LIABILITIES**

At a meeting of the Board of Directors  
(enter title)

of the Avila Beach Community Services District,  
(enter name of public agency, district)

a other Special District organized and existing under the laws of the State of California,  
(enter type of agency)

held on the 10th day of August, 2004, the following resolution  
was adopted:

RESOLVED, that the President  
(enter position titles)

be and they are hereby severally authorized and empowered to make application to the Director of Industrial  
Relations, State of California, for a Certificate of Consent to Self Insure workers' compensation liabilities  
on behalf of the

Avila Beach Community Services District  
(enter name of district)

and to execute any and all documents required for such application.

I, Christopher Helenius, the undersigned President  
(enter name) (enter title)

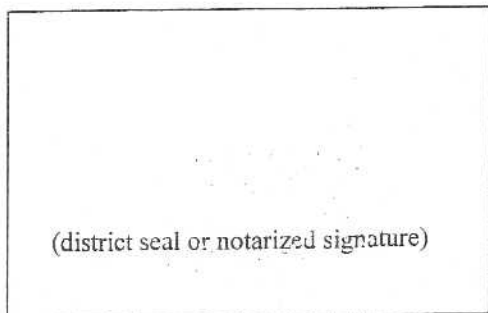
of the Board of the said Avila Beach Community Services District,  
(enter name of agency)

a other Special District, hereby certify that I am the President  
(enter type of agency) (enter title)

of said other Special District, that the foregoing is a full, true and correct copy of the  
(enter type of agency)

resolution duly passed by the Board at the meeting of said Board held on the day and at the place therein specified  
and that said resolution has never been revoked, rescinded, or set aside and is now in full force and effect.

IN WITNESS WHEREOF: I HAVE SIGNED MY NAME AND AFFIXED THE SEAL OF THIS



other Special District,  
(enter type of agency)

THIS 10 DAY OF August, 2004,

Christopher A. Helenius  
(Signature)

**RESOLUTION NO. 2004-12**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT  
ADOPTING A CONFLICT OF INTEREST CODE**

**WHEREAS**, Government Code § 87300 requires the Board of Directors of the Avila Beach Community Services District ("District") to adopt and promulgate a conflict of interest code pursuant to Article III of Chapter 7 of Title 9 of the Government Code; and

**WHEREAS**, Fair Political Practices Commission Regulation 18730 (2 California Code of Regulations Section 18730), a copy of which is attached hereto as Appendix "A", authorizes the District to incorporate Regulation 18730 by reference as the body of its Conflict of Interest Code; and

**WHEREAS**, District has previously adopted Regulation 18730 as the body of its Conflict of Interest Code; and

**WHEREAS**, the Board of Directors of the District now desires to reincorporate and reaffirm Regulation 18730 by reference as the body of its Conflict of Interest Code; and

**WHEREAS**, in order to complete a Conflict of Interest Code which is adopted by incorporating Regulation 18730 by reference, the District Board of Directors must adopt a list of designated officials and employees and their disclosure categories as an appendix to Regulation 18730,

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The terms of Regulation 18730, and any amendments to said Regulation which may be adopted from time to time by the Fair Political Practices Commission, are hereby reaffirmed and incorporated by reference as the body of the Conflict of Interest Code of the Avila Beach Community Services District (Appendix "A").

**SECTION 2.** The list of designated officers and employees with disclosure categories is attached hereto as Appendix "B", and is hereby adopted as the Appendix of designated officers and employees with disclosure categories referred to in Regulation 18730.

RESOLUTION 2004- 12

APPENDIX "A"  
AVILA BEACH COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE

s 18730. Provisions of Conflict of Interest Codes.

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000,et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100,et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

## Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

## Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and
- (C) The filing officer is the same for both agencies. [FN1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

#### Section 4. Statements of Economic Interests: Place of Filing .

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. [FN2]

#### Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

#### Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
  - (1) File a written resignation with the appointing power; and
  - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

#### Section 6. Contents of and Period Covered by Statements of Economic Interests.

##### (A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

##### (B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

##### (C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) **Investment and Real Property Disclosure.**

When an investment or an interest in real property [FN3] is required to be reported, [FN4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) **Personal Income Disclosure.** When personal income is required to be reported, [FN5] the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) **Business Entity Income Disclosure.** When income of a business entity, including income of a sole proprietorship, is required to be reported, [FN6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) **Business Position Disclosure.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) **Acquisition or Disposal During Reporting Period.** In the case of an annual or leaving office statement, if an investment or an interest in

real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

#### Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

#### Section 8.1. Prohibition on Receipt of Gifts in Excess of \$340.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$340 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

#### Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she

vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This

subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

### Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the

person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.
- (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

#### Section 8.4. Personal Loans.

- (A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
  2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
    - a. The date the loan was made.
    - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
    - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- (B) This section shall not apply to the following types of loans:
1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
  2. A loan that would otherwise not be a gift as defined in this title.
  3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
  5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- (C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

#### Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$340 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

### Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

### Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

### Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

## Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

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[FN1] Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

[FN2] See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

[FN3] For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

[FN4] Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However,

investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

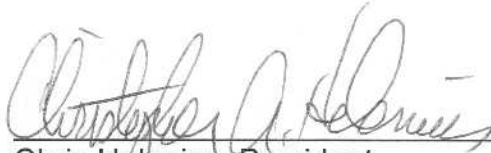
[FN5] A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

[FN6] Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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

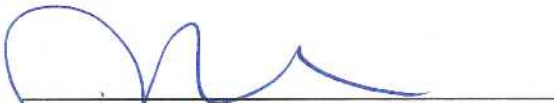
AYES:Directors: Kelley, Bernardo, Helenius, Guernsey  
NOES: None  
ABSENT: Slattery  
CONFLICTS: None

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 September 15, 2004.



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

ATTEST:



John Wallace, General Manager  
and Secretary to the Board

## **APPENDIX "B"**

### **AVILA BEACH COMMUNITY SERVICES DISTRICT CONFLICT OF INTEREST CODE**

#### **APPENDIX OF DESIGNATED OFFICERS AND EMPLOYEES WITH DISCLOSURE CATEGORIES**

##### **I. DESIGNATED POSITIONS**

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest.

##### **Designated Position:**

- Members of the Board of Directors
- General Manager/District Engineer
- District Legal Counsel

##### **II. DISCLOSURE CATEGORIES**

The disclosure categories for each of the above designated employees shall be those described in subparagraphs (A) through (D) of Section 7 of Regulation 18730 and of the District's Conflict of Interest Code.