

IN THE LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Monday, November 25, 1996

PRESENT:

ABSENT:

**RESOLUTION NO. 96-30**

**RESOLUTION REGARDING  
THE REORGANIZATION INVOLVING THE DISSOLUTION  
OF THE AVILA LIGHTING DISTRICT AND AVILA BEACH COUNTY WATER DISTRICT  
AND THE FORMATION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

The following resolution is now offered and read:

**WHEREAS**, on March 22, 1996 a proposal filed with this Commission for a reorganization; to wit the dissolution of the Avila Lighting District and the Avila Beach County Water District and the formation of the Avila Beach Community Services District; and

**WHEREAS**, the matter was duly set for a properly noticed public hearing at 9:00 a.m. on April 18, 1996; and

**WHEREAS**, the public hearing was duly conducted on April 18, 1996; and

**WHEREAS**, at said hearing this Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said proposal and report; and

**WHEREAS**, the Commission reviewed and acted in accordance with the California Environmental Quality Act Public Resources Code 21000 et seq.; and

**WHEREAS**, the Commission reviewed and acted on the proposal, approving the reorganization; to wit, dissolving the Avila Lighting District and the Avila Beach County Water District and forming the Avila Beach Community Services District; and

**WHEREAS**, the Commission's action was taken but the effective date of the dissolution and formation was subject to a condition subsequent, a certified election result; and

**WHEREAS**, the Commission's resolution was, pursuant to law, referred to the County Board of Supervisors as the conducting authority; and

**WHEREAS**, in the Commission's resolution there is a presumption that the election would be held on November 5, 1996, certified, validated by proper authority and completed so that the operative date of the dissolution and formation would be January 1, 1997; and

**WHEREAS**, due to unforeseen circumstances that underlying presumption is now invalid, but expeditiously reported to the Commission for remedial action and extension of time pursuant to Government Code 57001 so the proceeding is not deemed abandoned by operation of law; and

**WHEREAS**, an election was held on November 5, 1996; and

**WHEREAS**, the results of the election were declared invalid and a new election is necessary; and

**WHEREAS**, Condition 10 of LAFCO Resolution 96-9, dated April 18, 1996, set the effective date of the reorganization as January 1, 1997; and

**WHEREAS**, because a new election is necessary the effective date needs to be changed, and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That LAFCO Resolution 96-9 is hereby accepted and, due to unforeseen circumstances, by power of ratification relating back in time to April 18, 1996, the conditions contained therein with the exception of Condition 10 which shall be revised to read as follows:

A. That approval of this reorganization shall be subject a duly conducted and certified election and the effective date of the reorganization shall be immediately upon certification of the election results by the Board of Supervisors; and

2. That a new condition be added to read as follows:

A. That all property tax revenues previously received by the dissolving Avila Lighting District and Avila Beach County Water District shall be transferred to the new Avila Beach Community Services District.

3. The Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner by law.

Upon motion of Commissioner Delany, seconded by Commissioner Blakely, and on the following roll call to wit:

AYES: Commissioners Delany, Blakely, Dougall, Engels, Gates, Roberts, Vice-Chairman Briley

NOES: None

ABSENT: Commissioners Laurent, Picanco, Chairman Pritchard, Alternate Commissioner Moffatt

ABSTAINING: None

the foregoing resolution is hereby adopted.

[Signature]  
Chairman of said Local Agency  
Formation Commission

ATTEST

[Signature: Paul V. Hood]  
Deputy Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: [Signature: Kathy Bouchard]  
Deputy County Counsel

STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN LUIS OBISPO ) ss.

I, Robert E. Hendrix, Executive Officer of the Local Agency Formation Commission said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original on file in my office, and that I have carefully compared the same with the original.

WITNESS my hand this 27<sup>TH</sup> day of NOVEMBER, 1996.

ROBERT E. HENDRIX  
Executive Officer

By: [Signature: Paul V. Hood]  
Deputy Executive Officer

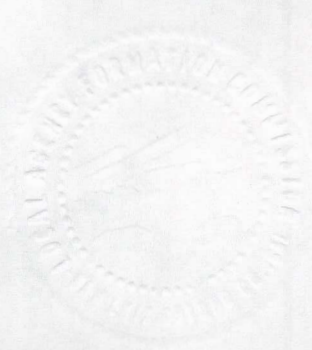
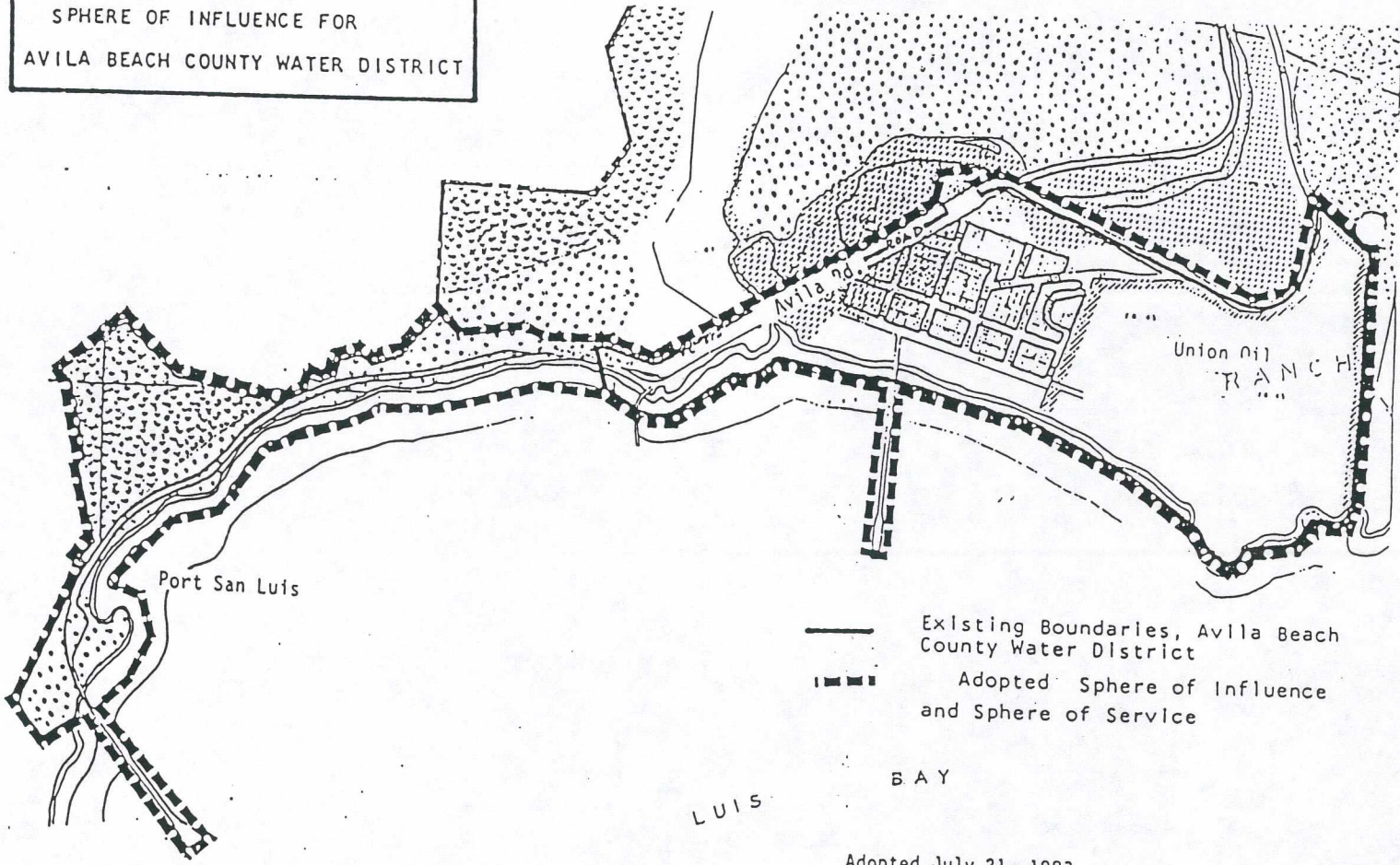


Exhibit "A"

ADOPTED  
SPHERE OF INFLUENCE FOR  
AVILA BEACH COUNTY WATER DISTRICT



LUIS BAY

- Existing Boundaries, Avila Beach County Water District
- - - Adopted Sphere of Influence and Sphere of Service

Adopted July 21, 1983

Exhibit "A"

