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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Illness and Injury Prevention Program  
**POLICY NUMBER:** 3010

### **3010.1** Program Goal and Outline.

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

**3010.1.1** Providing mechanical and physical safeguards to the maximum extent possible.

**3010.1.2** Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

**3010.1.3** Training all employees in good safety and health practices.

**3010.1.4** Providing necessary personal protective equipment, and instructions for use and care.

**3010.1.5** Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

**3010.1.6** Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

**3010.1.7** Developing a system of recognition and awards for outstanding safety service and/or performance.

### **3010.2** Program Responsibility.

Although the District recognizes that the responsibility for safety and health is shared, the General Manager shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.

**3010.2.1** The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

**3010.2.2** Supervisory personnel are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

**3010.2.3** No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program -including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

### **3010.3** Injury and Illness Records.

The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

**3010.3.1** A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 3010.8.)

**3010.3.2** Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

**3010.3.3** A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3010.32, above.

**3010.3.4** Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.

**3010.3.5** All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

### **3010.4** Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

**3010.4.1** Records of scheduled and periodic inspections as required by Cal/OSHA [*California Code of Regulations, Title 8, Chapter 4*] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

**3010.4.2** Documentation of safety and health training required by Cal/OSHA [*California Code of Regulations, Title 8, Chapter 4*] for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

### **3010.5** Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

**3010.5.1** Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.

**3010.5.2** The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.

**3010.5.3** Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the General Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.

**3010.5.4** Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every ten working days to emphasize safety. Documentation of these meetings shall be maintained for three years.

**3010.5.5** General employee meetings shall be conducted (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meeting shall be maintained for three years. Discussions at these meetings should concentrate on:

**3010.5.5.1** Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

**3010.5.5.2** Feedback from employees.

**3010.5.5.3** Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

**3010.5.5.4** Brief audio-visual materials that relate to the District's operations.

**3010.5.6** Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

**3010.5.6.1** New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed

to work independently. Documentation of new employee training shall be maintained for three years.

**3010.5.7** Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.

**3010.5.8** News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

**3010.5.9** A safety suggestion box shall be maintained where employees, anonymously if desired, can communicate their concerns to the District's General Manager.

### **3010.6** Hazard Assessment and Control.

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

**3010.6.1** Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

**3010.6.2** Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

**3010.6.3** A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

**3010.6.4** The General Manager *[or other designated program manager]* will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

### **3010.7** Accident Investigation.

All accidents shall be thoroughly and properly investigated by the General Manager, with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

**3010.7.1** The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

**3010.7.2** The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

**3010.7.3** Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

**3010.7.4** Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

**3010.7.5** Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

### **3010.8** Code of Safe Practices.

#### GENERAL

**3010.8.1** All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Foreman, Field Operations Supervisor, or General Manager .

**3010.8.2** Supervising employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.

**3010.8.3** Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition, and will be subject to the discipline specified in Policy #2190.

**3010.8.4** Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

**3010.8.5** Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

**3010.8.6** No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

**3010.8.7** Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

**3010.8.8** Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the General Manager.

**3010.8.9** Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.

**3010.8.10** Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the Foreman or Field Operations Supervisor .

**3010.8.11** All injuries shall be reported promptly to the Foreman or Field Operations Supervisor so that arrangements can be made for medical or first aid treatment.

**3010.8.12** When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.

**3010.8.13** Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

**3010.8.14** Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

**3010.8.15** Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.

**3010.8.16** Gasoline shall not be used for cleaning purposes.

**3010.8.17** No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Field Operations Supervisor [*or other responsible managing employee*].

**3010.8.18** Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Foreman or Field Operations Supervisor [*or other responsible managing employee*].

#### USE OF TOOLS AND EQUIPMENT

**3010.8.19** All tools and equipment shall be maintained in good condition.

**3010.8.20** Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."

**3010.8.21** Pipe or Stillson wrenches shall not be used as substitute for other wrenches.

**3010.8.22** Only appropriate tools shall be used for the job.

**3010.8.23** Wrenches shall not be altered by the addition of handle-extensions or "cheaters."

**3010.8.24** Files shall be equipped with handles and not used to punch or pry.

**3010.8.25** Screwdrivers shall not be used as chisels.

**3010.8.26** Wheelbarrows shall not be used with handles in an upright position.

**3010.8.27** Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.

**3010.8.28** In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

## MACHINERY AND VEHICLES

**3010.8.29** Only authorized persons shall operate machinery or equipment.

**3010.8.30** Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

**3010.8.31** Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.

**3010.8.32** Where appropriate, lock-out procedures shall be used.

**3010.8.33** Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

**3010.8.34** Air hoses shall not be disconnected at compressors until hose line has been bled.

**3010.8.35** All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.

**3010.8.36** Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.

**3010.8.37** Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

### EDITOR'S NOTE:

An Injury and Illness Prevention Program, which will conform to the requirements of SB 198 and the Standards promulgated in response thereto by the California Occupational Safety and Health Standards Board, will require more than just the implementation of a policy similar to the foregoing sample. Full compliance will require an in-depth and individualized assessment of an agency's current workplace conditions, practices and problems. Said assessment must be documented and include a safety and health survey, workplace assessment, evaluation of assessment information, development of an action plan, implementation of said plan, and ongoing maintenance of the program. C.S.D.A. encourages its members to take full advantage of Cal/OSHA's Consultation Service. In addition to suggesting both governmental and private sources for information, Cal/OSHA has a publication entitled, "Guide to Developing Your Workplace Injury & Illness Prevention Program With Checklists for Self-Inspection." This document and other information can be obtained from the Cal/OSHA Consultation Service Offices listed below.

DOWNEY  
8535 East Florence Ave., Suite 200  
Downey, CA 90240

(213) 861-9993

SAN BERNARDINO  
303 West Third St., Room 219  
San Bernardino, CA 92401  
(714) 383-4257

FRESNO  
1901 North Gateway Blvd., Suite 102  
Fresno, CA 93727  
(209) 454-1295

SAN DIEGO  
7827 Convoy Court, Suite 406  
San Diego, CA 9211  
(619) 279-3771

SACRAMENTO  
2424 Arden Way, Suite 410  
Sacramento, CA 95825  
(916) 920-6131

SAN MATEO  
3 Waters Park Dr., Suite 230  
San Mateo, CA 94403  
(415) 573-3864

Cal/OSHA CONSULTATION SERVICE HEADQUARTERS  
395 Oyster Point Blvd., Room 325  
South San Francisco, CA 94080  
(415) 737-2843



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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Budget Preparation

**POLICY NUMBER:** 3020

**3020.1** An annual budget proposal shall be prepared by the General Manager .

**3020.2** Prior to review by the Board of Directors, the Board's Finance Committee shall meet with the General Manager and review his/her annual budget proposal.

**3020.3** The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at its regular meeting in May.

**3020.4** The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in June.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Fixed-Asset Accounting  
**POLICY NUMBER:** 3030

**3030.1** The purpose of this policy is to ensure proper accounting control resulting in the maintaining of accurate financial reports of fixed assets.

**3030.2** An accounting, or inventory, of all fixed assets shall be conducted on an annual basis. After the conclusion of said inventory, the General Manager [or other responsible managing employee] shall certify its completeness and report the results thereof to the Board of Directors at its next regular monthly meeting.

**3030.3** Applicable purchases for inclusion in said accounting shall be the following:

**3030.3.1** Equipment, tools, and vehicles that individually have an original total cost of more than \$1,000 ;

**3030.3.2** All land and building acquisitions regardless of price; and,

**3030.3.3** Additions or major improvements to the District's service infrastructure.

**3030.4** When any item defined in Section 3030.3.1 above is received, a tag with a unique identification number shall be affixed to said item, and the number recorded in the permanent inventory records.

**3030.5** Permanent inventory records shall be maintained in either a paper file or electronic (computer data base) format. Said records shall be updated whenever a change in the status of a particular fixed asset occurs (e.g., original purchase, sale, destruction, loss, theft, etc.).

**3030.6** Information to be maintained in said inventory records shall include at least the following:

**3030.6.1** Asset number;

**3030.6.2** Description;

**3030.6.3** Manufacturer's serial number;

**3030.6.4** Storage location;

**3030.6.5** Original cost;

**3030.6.6** Acquisition date;

**3030.6.7** Life expectancy; and,

**3030.6.8** Classification code (e.g., office equipment, vehicle, etc.).

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Investment of District Funds  
**POLICY NUMBER:** 3035

### 3035.1 PREMISE

The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code (CGC) §53600.6 and §53630.1); and,

Government Code Sections 5921 and 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

The treasurer or fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (CGC §53646(a)).

For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the Avila Beach Community Services District (ABCSD) to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of ABCSD funds.

### 3035.2 SCOPE

This investment policy applies to all financial assets of ABCSD. These funds are accounted for in the Independent Annual Financial Report and include:

Demand Account:	Investments:
General Fund	Local Agency Investment Fund
Secretary Revolving Fund	<i>[others]</i>
Operation and Maintenance Fund	
Enterprise Funds	
<i>[others]</i>	

### 3035.3 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for

speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the “prudent investor” standard (CGC §53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### **3035.4 OBJECTIVES**

As specified in CGC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

**3035.4.1 Safety:** Safety of principal is the foremost objective of the investment program. Investments of *[district]* shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**3035.4.2 Liquidity:** The investment portfolio will remain sufficiently liquid to enable *[district]* to meet all operating requirements which might be reasonably anticipated.

**3035.4.3 Return on Investments:** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

#### **3035.5 DELEGATION OF AUTHORITY**

Authority to manage the investment program is derived from California Government Code Sections 53600, et seq. Management responsibility for the investment program is hereby delegated to the Treasurer *[or other appropriate district officer]*, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer *[or other appropriate district officer]*. The Treasurer *[or other appropriate district officer]* shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of California Government Code §53600.3, the Treasurer *[or other appropriate district officer]* is a trustee and a fiduciary subject to the prudent investor standard.

#### **3035.6 ETHICS AND CONFLICTS OF INTEREST**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### **3035.7 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Treasurer will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness that are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Treasurer shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Treasurer shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for ABCSD's account with the firm has reviewed ABCSD's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to ABCSD that are appropriate under the terms and conditions of the Investment Policy.

### **3035.8 AUTHORIZED AND SUITABLE INVESTMENTS**

The ABCSD is empowered by California Government Code §53601, et seq., to invest in the following:

**3035.8.1** Bonds issued by the ABCSD.

**3035.8.2** United State Treasury Bills, Notes & Bonds.

**3035.8.3** Registered state warrants or treasury notes or bonds issued by the State of California.

**3035.8.4** Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Treasurers, other local agencies or Joint Powers Agencies.

**3035.8.5** Obligations issued by agencies or instrumentalities of the United States Government.

**3035.8.6** Bankers' acceptances with a term not to exceed 270 days. Not more than 40% of surplus funds can be invested in bankers' acceptances and no more than 30% of surplus funds can be invested in the bankers acceptances of any single commercial bank.

**3035.8.7** Prime commercial paper of U.S. corporations with assets greater than \$500 million, with a term not to exceed 180 days and the highest ranking issued by Moody's Investors Service (Moody's) or Standard & Poor's Corporation (S&P). Commercial paper cannot exceed 15% of total surplus funds, provided that, if the average maturity of all commercial paper does not exceed 31 days, up to 30% of surplus funds can be invested in commercial paper.

**3035.8.8** Negotiable certificates of deposit issued by federally or state chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.

**3035.8.9** Repurchase/reverse repurchase agreements of any securities authorized by this section. Securities purchased under these agreements shall be no less than 102% of market value. (See special limits in CGC §53601.i.)

**3035.8.10** Medium term notes (not to exceed 5 years) of U.S. corporations rated "A" or better by Moody's or S&P. Not more than 30% of surplus funds can be invested in medium term notes.

**3035.8.11** Shares of beneficial interest issued by diversified management companies (money market mutual funds) investing in the securities and obligations authorized by this Section. Such funds must carry the highest rating of at least two of the three largest national rating agencies. Not more than 15% of surplus funds can be invested in money market mutual funds.

**3035.8.12** Funds held under the terms of a trust indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements.

**3035.8.13** Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations.

**3035.8.14** Any mortgage pass-through security, collateralized mortgage obligation, mortgaged backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five years. Securities in this category must be rated AA or better by a nationally recognized rating service. Not more than 30% of surplus funds may be invested in this category of securities.

**3035.8.15** Any other investment security authorized under the provisions of CGC §5922 and §53601. (Also, see CGC §53601 for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC §53601 is included by reference in this investment policy.)

**3035.8.15.1 Prohibited Investments.** Under the provisions of CGC §53601.6 and §53631.5, ABCSD shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

### **3035.9 COLLATERALIZATION**

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and reverse repurchase agreements will adhere to the amount required under CGC §53601(i)(2).

### **3035.10 SAFEKEEPING AND CUSTODY**

All security transactions entered into by the ABCSD shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to ABCSD by book entry, physical delivery or by third party custodial agreement as required by CGC §53601.

### **3035.11 DIVERSIFICATION**

ABCSD will diversify its investments by security type and institution. It is the policy of the ABCSD to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be determined and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

**3035.11.1** Portfolio maturities shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

**3035.11.2** Maturities selected shall provide for stability of income and liquidity.

**3035.11.3** Disbursement and payroll dates shall be covered through maturities investments, marketable U.S. Treasury bills or other cash equivalent instruments such as money market mutual funds.

### **3035.12 REPORTING**

In accordance with CGC §53646(b)(1), the Treasurer shall submit to each member of the Board of Directors a quarterly investment report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for ABCSD by third party contracted managers. The report will also include the source of the portfolio valuation. As specified in CGC §53646 (e), if all funds are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that: (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy; and, (2) ABCSD will meet its expenditure obligations for the next six months as required by CGC §53646(b)(2) and (3), respectively. The Treasurer shall maintain a complete and timely record of all investment transactions.

### **3035.13 INVESTMENT POLICY REVIEW**

This Investment Policy shall be reviewed on an annual basis, and the Board of Directors must approve modifications.



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# Avila Beach Community Services District



**POLICY TITLE:** Customer Payment Arrangements  
**POLICY NUMBER:** 3037

**3037.1** Upon request, the General Manager may grant approval of special arrangements to be made for payment of the following fees when an extreme hardship exists:

**3037.1.1** Regular Water and Wastewater Service.

**3037.1.2** Reasonable payment schedule following receipt of delinquency “shut-off” notice.

**3037.1.3** Connection Fee.

**3037.2** Monthly payments not to exceed 12 payments. When payments are to be made at the close of escrow and property is not sold, arrangements must be made for payments to continue on a regular basis.

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# Avila Beach Community Services District



**POLICY TITLE: Excessive Use of Water**  
**POLICY NUMBER: 3038**

**3038** From time to time a customer may request consideration of a reduction of charges as a result of excessive water use.

**3038.1 Excessive Water use as a result of malfunction of external water facility :**  
**ie: sprinklers, garden hose ect.**

This type of excessive water use does not result in water entering the District's collection system. Staff will administratively approve a one time per year adjustment to the sewer fee only. The customer will be charged the average sewer fee based upon the previous 12 months billings. No adjustment to the water fees will be considered. An administrative charge to process a request for reduction in sewer fees will be subject to a \$75.00 fee.

**3038.1.2** In the event that a customer requests an adjustment of fees more than one time per year, the request will be subject to Board review and an administrative fee in the amount of \$100.

**3038. 2 Excessive Water use as a result of malfunction of indoor plumbing :**  
**ie; running toilet, dripping faucet**

This type of excessive water use results in water entering the District's collection system and thereby requiring processing prior to disposal thorough the outfall line. All requests for adjustment of water and/or sewer fees will be subject to Board review and determination of a reduction, if any, to be made. An administrative fee in the amount of \$100 will be charged to process this request.

**3038. 3 Fees for processing Requests :**

All fees for processing requests for reduction of water and/or sewer as outlined above will be adjusted annually on July 1 per cost of living. No refunds of fees will be made if a request is denied.

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# Avila Beach Community Services District



**POLICY TITLE:** Expense Authorization

**POLICY NUMBER:** 3040

**3040.1** All purchases made for the District by staff shall be in conformance with the approved District budget and shall be properly authorized.

**3040.1.1** The District Manager is authorized to sign checks for payment to vendors, other than the General Manager, in amounts up to three thousand dollars (\$3,000).

**3040.1.2** Payments in excess of three thousand dollars (\$3,000) to vendors shall require two (2) signatures comprising of two board members or the General Manager and one board member.

**3040.2** Any commitment of District funds for a purchase or expense greater than \$3,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations. Any commitment of District funds for a purchase or expense greater than \$500.00 shall first have the General Manager's approval.

**3040.3** A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$80.00.

**3040.3.1** Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the Office Manager, and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00 .

**3040.3.2** No personal checks shall be cashed in the petty cash fund.

**3040.3.3** The petty cash fund shall be included in the District's annual independent accounting audit.

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# Avila Beach Community Services District



**POLICY TITLE:** Purchasing  
**POLICY NUMBER:** 3041

**Application:**

A. The following policies are established for the purchase of supplies and equipment, as referenced in Government Code &54202.

B. The procedures established herein shall not apply to the construction of any unit of work, as referenced in Public Contract Code &20680 et seq. the payment of contracted services or other payments that are authorized by statute or policies of the Board of Directors, such as personnel policies or the hiring of consultants.

**3041.1** To purchase small items - such as office supplies, auto parts, and other miscellaneous items costing less than \$500 purchases will be made with vendors who have established charge accounts in the District's name.

**3041.2** To purchase items costing \$501- \$5,000, quotations will be solicited from vendors and received by telephone, fax or mail prior to processing a purchase order. The General Manager must approve purchase orders.

**3041.3** To purchase items \$5,001- \$ 9,999, a minimum of three quotations will be required. If it is a budgeted item it may be approved by the General Manager, if it is an unbudgeted purchase, Board approval will be required.

**3041.4** To purchase items over \$10,000 a minimum of three quotations will be required. Board approval must be received.

**3041.5** The General Manager may determine the existence of an emergency and thereon issue warrants up to twenty-five thousand dollars (\$25,000) with counter the signature of a member of the Board of Directors. Said emergency shall be described in a written memorandum presented to the Board of Directors at the next regularly scheduled meeting of the Board of Directors.

**3041.6** Purchases of items equal or greater than twenty five thousand dollars (\$25,000) shall be by written contract with a vendor, who, in response to a notice inviting proposals, submits a proposal that most closely meets the Districts specifications with a consideration of price and delivery dates.

**3041.6.1** Notice of Inviting Proposals shall include the following:

1. A statement of specifications of equipment and/or supplies to be purchased;
2. The location and deadline for submission of proposals;
3. The location where the specifications and proposal forms, if required, may be secured;
4. The date, time and place assigned for the opening of sealed proposals;
5. The type and character of proposal security required, if any;
6. A statement that the District intends to award the Contract to the vendor who submits a proposal that most closely meets the District specifications with the consideration of price and delivery dates.
7. That the District reserves the right to reject all proposals; and
8. Notice that no vendor can withdraw its proposal for a period of 60 days from the date of opening proposals.

**3041.6.2** The Notice of Inviting Proposals shall be distributed by the Purchasing Agent in a manner to reasonably assure that the proposed purchase is made to the lowest responsive and responsible vendor.

**3041.7** Alternative Procedure. As an alternative to the procedures described in Section 3041.6, above the Board of Directors may approve the purchase of supplies and equipment and/or supplies upon the Board of Directors approving the purchase by Resolution making the following findings:

1. The other agency's procedures for the purchase were substantially similar to the District's procedures as stated in Section 3041.6 above.
2. The equipment and/or supplies to be purchased by District is substantially similar to the supplies and equipment purchased by the other agency, so that the submitted proposals would be responsive to the District's specifications.
3. The negotiations regarding the purchase are minor and the proposed purchase is consistent with the policy of awarding the contract to the most responsive vendor with the consideration of price and delivery date.

**3041.8** Non-Competitive Negotiations : This approach involves procurement of supplies and equipment through solicitation of a proposal from only one source. Such negotiations may be used in limited situations when the award of a contract is not feasible under the other methods and when said purchase is approved by resolution of the Board of Directors upon the following findings: (1) the purchase price is reasonable, and (2) one or more of the following exists:

- A. The product is the only one that will properly meet the needs of the District because:
  1. The item is unique and is available only from a sole source; or
  2. The item is unique and is designed to match others used in or furnished to a particular installation, program, facility or location.
- B. Public exigency or emergency will not permit delay.
- C. The Federal Grantor authorized non-competitive negotiations.

**3041.9** Alternatives:

- A. The District may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf pursuant to Section 10298 of the Public Contract Code.

B. The District may request the purchasing agent of the principal county to make purchases of materials, equipment, or supplies on its behalf pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

C. The District may request the purchasing agent of the principal county to contract with persons to provide projects, services, and programs authorized by this division pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

**3041.10** Consistency with State and Federal Laws:

In the event these policies and procedures are inconsistent with State or Federal law, then said State or Federal law shall control.

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# Avila Beach Community Services District



**POLICY TITLE:** Employment of Outside Contractors and Consultants  
**POLICY NUMBER:** 3042

**3042.1** The District employs outside contractors or consultants for construction or engineering projects, or for auditing purposes. The District's procedure is as follows:

**3042.1.1** Construction projects will be advertised for bid in newspapers and the Contractors Exchange. The bid opening is open to the public and will be specified in the bid documents.

**3042.2** Consultants will be selected by the Board of Directors. The Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to make a cost estimate for his/her services that will be used in his/her evaluation in the selection process.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Easement Abandonment  
**POLICY NUMBER:** 3050

**3050.1** Abandonment by the District of its interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board of Directors.

**3050.2** Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board of Directors.



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# Avila Beach Community Services District

## POLICY HANDBOOK

POLICY TITLE: Easement Acceptance  
POLICY NUMBER: 3060

**3060.1** Acceptance by the District of any interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board of Directors.

**3060.2** Commitments to accept easements or assurances that easements will be accepted may be provided by staff only after approval of same by the Board of Directors.

**3060.2.1** Acceptance of easements shall be accomplished by the Board of Directors by adoption of a resolution. Said resolution shall be in the following format:

RESOLUTION NO. \_\_\_\_\_  
AVILA BEACH COMMUNITY SERVICES DISTRICT  
ACCEPTING [SPECIFY TYPE OF SERVICE] EASEMENT

WHEREAS, a permanent easement is needed for the purpose of constructing, maintaining, servicing and/or replacing [specify type of service] facilities for the parcel listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of [District Name] that the District shall accept the easements offered to it by the owners of the parcels hereinafter listed:

Assessor's Parcel No.'s

Property Owner

\_\_\_\_\_

BE IT FURTHER RESOLVED that the Secretary of the Board cause a copy of this Resolution certified by the Secretary of the Board of Directors to be filed for record in the office of the Recorder of the County of San Luis Obispo, State of California.

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# Avila Beach Community Services District



**POLICY TITLE: Encroachment Permits**

**POLICY NUMBER: 3070**

**3070.1** Whenever a property owner desires to install or construct physical improvements - landscaping, fencing, retaining walls, culverts, bridges and/or other structures or improvements - on, above or below the surface of any portion of their land which is encumbered by a district facility or dedicated easement or right of way, they shall, prior to commencement of said installation or construction, apply for and receive an Encroachment Permit from the General Manager, or his/her designated representative.

**3070.1.1** Plans for said structures or improvements may be required by the General Manager to ensure than the resulting installation adequately accommodates existing district facilities.

**3070.1.2** A fee shall be charged to cover district administrative and inspection costs, and the cost to record the Encroachment Permit with the County Recorder.

**3070.1.3** The form of the Encroachment Permit shall be as designated by the General Manager.

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# Avila Beach Community Services District



**POLICY TITLE:** Disposal of Surplus Property or Equipment  
**POLICY NUMBER:** 3085

**3085.1** Sale of Surplus Equipment.

**3085.1.1** Board of Directors takes action to declare equipment surplus.

**3085.1.2** Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.) If no bids are received, the General Manager is authorized to dispose of equipment as necessary.

**3085.1.3** Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.

**3085.1.4** Bidders are notified of Board's action.

**3085.1.5** Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

**3085.2** Sale of Real Estate:

**3085.2.1** Board takes action to declare property surplus and authorizes District staff to obtain appraisal.

**3085.2.2** Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)

**3085.2.3** If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.

**3085.2.4** Board takes action at the next regular Board Meeting to accept or reject highest bid.

**3085.2.5** Bidders are notified of the Board's action.

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# Avila Beach Community Services District



**POLICY TITLE: Records Retention**  
**POLICY NUMBER: 3090**

**3090.1** The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of Avila Beach Community Services District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

**3090.2** Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

**3090.3** The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.

**3090.4** Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the *[District]*.

**3090.4.1** Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

**3090.4.2** Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

**3090.4.3** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

**3090.4.4** Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

**3090.4.4.1** The record, paper or document is photographed, microphotographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copies to an approved electronic media;

**3090.4.4.2** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

**3090.4.4.3** The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

**3090.4.5** Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

**3090.4.5.1** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

**3090.4.5.2** There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

**3090.4.5.3** Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;

**3090.4.5.4** Said audit or audits contain the expression of an unqualified opinion.

**3090.4.6** Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time:

**3090.4.6.1** Duplicated (original-subject to aforementioned requirements).

**3090.4.6.2** Rough drafts, notes or working papers (except audit).

**3090.4.6.3** Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

**3090.4.7** All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years retention, provided said records have been microfilmed and qualify for destruction section 4, above. Payroll and personnel records include the following:

**3090.4.7.1** Accident reports, injury claims and settlements.

**3090.4.7.2** Medical histories.

**3090.4.7.3** Injury frequency charts.

**3090.4.7.4** Applications, changes and terminations of employees.

**3090.4.7.5** Insurance records of employees.

**3090.4.7.6** Time cards.

**3090.4.7.7** Classification specifications (job descriptions).

**3090.4.7.8** Performance evaluation forms.

**3090.4.7.9** Earning records and summaries.

**3090.4.7.10** Retirements.

**3090.4.8** All assessing records may upon authorization be destroyed after seven years retention from lien date; however, their records may be destroyed three years after the lien date when said records are microfilmed as provided for section 4, above.

**3090.4.9** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if microfilmed as provided for in section 4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

**3090.5** Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are microfilmed as provided for in section 4, above. Recording tapes (or other media) of Board meetings will be kept for a period of one year from the date of the recorded meeting, after which they will be destroyed.

**3090.5.1** Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

**3090.5.2** Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

**3090.5.3** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

**Appendix A**  
**Definitions for Records Retention and Disposal Policy**

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
  - a. SOURCE DOCUMENTS
    - (1) Invoices
    - (2) Warrants
    - (3) Requisitions/Purchase Orders (attached to invoices)
    - (4) Cash Receipts
    - (5) Claims (attached to warrants in place of invoices)
    - (6) Bank Statements
    - (7) Bank Deposits
    - (8) Checks
    - (9) Bills
    - (10) Various accounting authorizations taken from Board minutes, resolutions or contracts
  - b. JOURNALS
    - (1) Cash Receipts
    - (2) Accounts Receivable or Payable Register
    - (3) Check or Warrant (payables)
    - (4) General Journal
    - (5) Payroll Journal
  - c. LEDGERS
    - (1) Expenditure
    - (2) Revenue
    - (3) Accounts Payable or Receivable Ledger
    - (4) Construction
    - (5) General Ledger
    - (6) Assets/Depreciation
  - d. TRIAL BALANCE
  - e. STATEMENTS (Interim or Certified - Individual or All Fund)
    - (1) Balance Sheet
    - (2) Analysis of Changes in Available Fund Balance
    - (3) Cash Receipts and Disbursements
    - (4) Inventory of Fixed Assets (Purchasing)
  - f. JOURNAL ENTRIES

- g. Payroll and personnel records include but are not limited to the following:
    - (1) Accident reports, injury claims and settlements
    - (2) Applications, changes or terminations of employees
    - (3) Earnings records and summaries
    - (4) Fidelity Bonds
    - (5) Garnishments
    - (6) Insurance records of employees
    - (7) Job Descriptions
    - (8) Medical Histories
    - (9) Retirements
    - (10) Time Cards
  
  - h. OTHER
    - (1) Inventory Records (Purchasing)
    - (2) Capital Asset Records (Purchasing)
    - (3) Depreciation Schedule
    - (4) Cost Accounting Records
3. LIFE. The inclusive or operational or valid dates of a document.
4. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.
5. RECORD COPY. The official District copy of a document or file.
6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.
7. RECORDS CENTER. The site selected for storage of inactive records.
8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.
11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
- a. The resumption and/or continuation of operations;
  - b. The recreation of legal and financial status of the District, in case of a disaster;
  - c. The fulfillment of obligations to bondholders, customers, and employees.



Vital records include but are not limited to the following:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule
- (9) Disposal of surplus & excess property
- (10) Disposal of scrap materials
- (11) District insurance records
- (12) District water rights
- (13) Employee accident reports, injury claims & settlements
- (14) Employee earning records
- (15) Employee fidelity bonds
- (16) Employee insurance records
- (17) Encroachment permits (by others)
- (18) Encroachment permits (by OWID)
- (19) Facility improvement plans
- (20) Improvement districts
- (21) Individual water rights
- (22) Individual claims/settlements
- (22) Inventory
- (24) Journal vouchers
- (25) Ledgers
- (26) Licenses & permits (to operate)
- (27) Loans & grants
- (28) Maps
- (29) Minutes of Board meetings
- (30) Payroll register
- (31) Policies, Rules & Regulations
- (32) Purchase orders & requisitions
- (33) Restricted materials permits
- (34) Rights of ways & easements
- (35) Spray permits
- (36) Statements of Economic Interest
- (37) State surplus acquisitions
- (38) Warehouse requisitions
- (39) Warrant/Voucher register
- (40) Warrants (with backup)
- (41) Water rights history

**Appendix B  
Records Retention & Storage Summary**

	Title or Description			Retention Periods		
	Records affecting title to real property or liens thereof.					
	Records required to be kept permanently by statute.					
	Minutes, ordinances & resolutions of Board.					
	Documents with lasting historical, administrative, legal, fiscal, or research value.					
	Correspondence, operational reports and information upon which District policy has been established.					

	Duplicates of 5, above, when retention is necessary for reference.					
	Records requiring retention for more than five years, but no more than fifteen years by statute or administrative value.					
	Duplicates needed for administrative purposes for five to fifteen years.					
	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.					
	Duplicates and other documents not public records required to be maintained for administrative purposes.					
	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.					
	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, feeder reports, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).					
	Transitory files, including letters of transmittal (when not a public					

	record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, feeder reports, and other duplicate copies no longer needed.					
	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.					
	Policy files and reference sets of publications.					
	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.					

- OP** = Original or photographic copy.  
**ES** = May be destroyed if stored in electronic media.  
**I** = Indefinitely

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# Avila Beach Community Services District



**POLICY TITLE:** Code of Ethics  
**POLICY NUMBER:** 4010

**4010.1** The Board of Directors of Avila Beach Community Services District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. In order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed.

**4010.1.1** The dignity, style, values and opinions of each Director shall be respected.

**4010.1.2** Responsiveness and attentive listening in communication is encouraged.

**4010.1.3** The needs of the District's constituents should be the priority of the Board of Directors.

**4010.1.4** The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

**4010.1.5** Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

**4010.1.6** Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

**4010.1.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

**4010.1.8** Directors should practice the following procedures:

**4010.1.8.1** In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

**4010.1.8.2** In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

**4010.1.8.3** In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.

**4010.1.8.4** In presenting items for discussion at Board meetings, see Policy #5020.

**4010.1.8.5** In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

**4010.1.9** When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.

**4010.2** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

**4010.2.1** When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

**4010.2.2** Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

**4010.2.3** Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

**4010.2.4** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

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# Avila Beach Community Services District

## POLICY HANDBOOK

POLICY TITLE: Attendance at Meetings

POLICY NUMBER: 4020

**4020.1** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

**4020.2** A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three consecutive months except as authorized by the Board of Directors.

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# Avila Beach Community Services District



**POLICY TITLE: Remuneration and Expenditure Reimbursement**  
**POLICY NUMBER: 4030**

**4030.1 Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business and how directors may be compensated for their service. Avila Beach Community Services District shall adhere to Government Code Sections 53232 through 53232.4 when dealing with issues of director remuneration and reimbursement.

**4030.2 Scope.** This policy applies to all employees and members of the Board of Directors, and its provisions regarding expense reimbursement are intended to result in no personal gain or loss to an employee or director.

**4030.3 Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service (s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.

**4030.3.1** The General Manager will review and approve reimbursement requests. Reimbursement requests by the General Manager will be reviewed and approved by the Board President.

**4030.4 Director Compensation.** Members of the Board of Directors shall receive a monthly "Director's Fee", the amount of which shall be established annually by the Board as part of its annual budget process and effective at its regular meeting in July.

**4030.4.1** Subject to Avila Beach Community Services District enabling code, a district director may be compensated for attending the following:

- a) A meeting of the legislative body;
- b) A meeting of an advisory body; or
- c) A conference or organized educational activity conducted in compliance with Government Code Section 54952.2 (c), including but not limited to ethics training required by Government Code Section 53234.

**4030.5 Expense Reimbursement.** District employees and directors are eligible to receive reimbursements for travel, meals, lodging, and other reasonable and necessary expenses for attending the above occurrences on behalf of Avila Beach Community Services District. Reimbursement rates shall coincide with rates set by Internal Revenue Service Publication 463 or its successor publication (s).



**4030.5.1** Any and all expenses that do not fall within the adopted reimbursement policy or the IRS reimbursable rates are required to be approved by the Board of Directors of Avila Beach Community Services District in a public meeting prior to the expense (s) being incurred.

**4030.5.1.1** Expenses that do not adhere to the adopted reimbursement policy or the IRS reimbursable rates, and that do not receive prior approval from the Board of Directors in a public meeting prior to the expense being incurred shall not be eligible for reimbursement.

**4030.5.2** If lodging is in connection with 4030.4.1.c. above or other prior approved event, such lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor. If the published group rate is unavailable, directors shall be reimbursed for comparable lodging at government or IRS rates.

**4030.5.2.1** If travel and lodging is in connection with 4030.4.1.c above, or other prior approved event, government or group rates offered by the provider of transportation or lodging shall be used when available.

**4030.5.3** Avila Beach Community Services District shall provide expense reimbursement report forms to employees and directors who incur reimbursable expenses on behalf of the district to document that their expenses adhere to this policy.

**4030.5.3.1** Receipts are required to be submitted in conjunction with all items listed on the expense report form. Expenses without receipts will not be reimbursed.

**4030.5.3.2** Expense reports shall be submitted within a reasonable time, but not more than 15 days, after incurring the expense.

**4030.5.4** Director s attending functions consistent with 4030.4.1.c above, or other prior approved event shall submit reports to Avila Beach Community Services District on the meeting (s), in conjunction with District Policy 4090.4.

**4030.5.5** It is against the law to falsify expense reports. Penalties for misuse of public resources or violating this policy may include, but are not limited to, the following:

- a) The loss of reimbursement privileges;
- b) Restitution to the local agency;
- c) Civil penalties for misuse of public resources pursuant to Government Code Section 8314; and
- d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code, penalties for which include 2, 3, or 4 years in prison.

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# Avila Beach Community Services District

## POLICY HANDBOOK

POLICY TITLE: Board President

POLICY NUMBER: 4040

**4040.1** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

**4040.2** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

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# Avila Beach Community Services District



**POLICY TITLE: Members of the Board of Directors**

**POLICY NUMBER: 4050**

**4050.1** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

**4050.1.1** Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

**4050.2** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

**4050.3** Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

**4050.4** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

**4050.5** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

**4050.6** Requests by individual Directors for information and/or research from District staff will be channeled through the General Manager.

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# Avila Beach Community Services District



**POLICY TITLE:** Committees of the Board of Directors  
**POLICY NUMBER:** 4060

**4060.1** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

**4060.2** The following shall be standing committees of the Board:

**4060.2.1** Finance Committee;

**4060.2.2** Personnel Committee;

**4060.2.3** Facilities Committee;

**4060.3** The Board shall elect and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

**4060.4** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

**4060.4.1** All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

**4060.5** The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

**4060.6** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.

**4060.7** The Board's standing Facilities Committee shall be concerned with the functions, activities, and operations of the facilities within the District.

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# Avila Beach Community Services District

## POLICY HANDBOOK

POLICY TITLE:    **Basis of Authority**  
POLICY NUMBER:  **4070**

**4070.1**   The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

**4070.2**   Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Membership in Associations  
**POLICY NUMBER:** 4080

**4080.1** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

**4080.2** The Board of Directors shall maintain membership in the California Special Districts Association and shall insure that annual dues are paid when due.

**4080.3** The Board of Directors shall maintain membership in the San Luis Obispo Chapter of the California Special Districts Association and shall insure that annual dues are paid when due.

**4080.3.1** At the regular Board meeting, a member of the Board shall be selected to represent the District in accordance with said chapter's constitution/bylaws, and another member of the Board or staff member shall at the same time be selected to serve as an alternate for the representation.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Training, Education, and Conferences  
**POLICY NUMBER:** 4090

**4090.1** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities is to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

**4090.1.1** "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

**4090.2** It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District.

**4090.2.1** The Business Manager is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Business Manager, together with validated receipts.

**4090.2.2** Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the President of the Board of Directors prior to incurring any reimbursable costs.

**4090.2.3** Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the General Manager and by:

**4090.2.3.1** Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

**4090.2.3.2** Directors traveling together whenever feasible and economically beneficial.

**4090.2.3.3** Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

**4090.3** A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

**4090.4** Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.



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# Avila Beach Community Services District



**POLICY TITLE:** Board Meetings  
**POLICY NUMBER:** 5010

**5010.1** Subject to holidays and scheduling Regular meetings of the Board of Directors shall be held on the second Tuesday of each calendar month at 7:00 pm in the Avila Beach Civic Center, 191 San Miguel Street, Avila Beach. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board. The Board of Directors may, by Board action, schedule a regular meeting on the 4<sup>th</sup> Tuesday of each calendar month at 7:00 p.m. in the Avila Beach Civic Center, 191 San Miguel Street, Avila Beach.

**5010.2** Special meetings (non-emergency) of the Board of Directors may be called by the Board President.

**5010.2.1** All Directors, the General Manager and District Counsel shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least 24 hours prior to the meeting.

**5010.2.2** Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

**5010.2.3** An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

**5010.2.4** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

**5010.3** Special Meetings (emergency). In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice required in 5010.21, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the General Manager, Board President or Vice President in the President's absence.

**5010.3.1** Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California

Government Code §54950 through §54926) shall be notified by at least one hour prior to the emergency special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the General Manager, or his/her designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

**5010.3.2** No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the emergency special meeting, a list of persons the General Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten days in the District office as soon after the meeting as possible.

**5010.4** Adjourned Meetings. A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in 5010.2.2 above.

**5010.5** Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President and Vice President from among its members to serve during the coming calendar year, and will appoint the General Manager as the Board's Secretary and Treasurer.

**5010.6** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

**5010.7** The Chairperson and the General Manager shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

**5010.8** Closed Sessions. Closed sessions may be scheduled prior to or at the conclusion of regular and/or special meetings.

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# Avila Beach Community Services District



**POLICY TITLE:** Board Meeting Agenda  
**POLICY NUMBER:** 5020

**5020.1** The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request any item to be placed on the agenda no later than 4:00 o'clock P.M. on the Tuesday prior to the meeting date.

**5020.2** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

**5020.2.1** The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least seven business days prior to the date of the meeting;

**5020.2.2** The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

**5020.2.3** No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy;

**5020.2.4** The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

**5020.3** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

**5020.4** At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District office.

**5020.4.1** The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location.

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# Avila Beach Community Services District



**POLICY TITLE: Board Meeting Consent Agenda**  
**POLICY NUMBER: 5021**

- 5021.1** Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, ect. by one motion of the Board of Directors on a roll call vote; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a) Board members may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda" and the Board will then take action separately on that item. A member of the public will be given an opportunity to comment on the "Consent Agenda" ; however, only a member of the Board of Directors can remove an item form the "Consent Agenda". Items which are removed ("pulled") by members of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board choose an earlier or later time.
  - (b) When a Board member has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Board members are encouraged to seek clarifications prior to the meeting if possible.
  - (c) When a Board member wishes to consider/pull an item simply to register a dissenting vote, the Board member shall inform the presiding officer that they wish to register a dissenting vote without discussion. These items will be handled along with the rest of the "Consent Agenda", and the District Secretary will register a "no" vote in the minutes.

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# Avila Beach Community Services District



**POLICY TITLE:** Board Meeting Conduct

**POLICY NUMBER:** 5030

**5030.1** Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District.

**5030.2** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

**5030.3** The conduct of meetings shall, to the fullest possible extent, enable Directors to:

**5030.3.1** Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,

**5030.3.2** Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

**5030.4** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:

**5030.4.1** Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

**5030.4.2** No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

**5030.5** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, the Board may request the room be cleared and subsequently conduct the Board's business without the audience present.

**5030.5.1** In such an event, only matters appearing on the agenda may be considered in such a session.

**5030.5.2** After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

**5030.5.3** Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

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# Avila Beach Community Services District



**POLICY TITLE:** Board Actions and Decisions  
**POLICY NUMBER:** 5040

**5040.1** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three votes to be effective (unless a 4/5 vote is required by policy or other law). A roll call vote shall be taken on all Ordinances and Resolutions and motions that are not adopted by unanimous vote.

**5040.1.1** A members silence or abstaining in a vote is considered affirmative for that vote.

**5040.2** The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

**5040.2.1** The Chairperson shall determine by consensus a Board directive and shall state it for clarification. Should any Director challenge the statement of the Chairperson, a roll call vote will be taken.

**5040.2.2** Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Review of Administrative Decisions

**POLICY NUMBER:** 5050

**5050.1** The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

**5050.2** This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

**5050.3** The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.



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# Avila Beach Community Services District



**POLICY TITLE: Minutes of Board Meetings**

**POLICY NUMBER: 5060**

**5060.1** The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

**5060.1.1** Copies of a meeting's minutes shall be distributed to Directors as a part of the agenda packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.

**5060.1.2** Subject to equipment malfunction, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in fire-resistant, locked cabinet for a minimum of two (2) years. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

**5060.1.3** Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

Date, place and type of each meeting;  
Directors present and absent by name;  
Administrative staff present by name;  
Call to order;  
Time and name of late arriving Directors;  
Time and name of early departing Directors;  
Names of Directors absent or declaring a conflict of interest during any agenda item upon which  
action was taken;  
Summarial record of staff reports;  
Summarial record of public comment regarding matters not on the agenda, including names of commentators;  
Approval of the minutes or modified minutes of preceding meetings;  
Approval of financial reports;  
Record by number (a sequential range is acceptable) of all warrants approved for payment;

Complete information as to each subject of the Board's deliberation;  
Record of the vote of each Director on every action item for which the vote was not unanimous;  
Resolutions and ordinances described as to their substantive content and sequential numbering;  
Record of all contracts and agreements, and their amendment, approved by the Board;  
Approval of the annual budget;  
Approval of all polices, rules and/or regulations;  
Approval of all dispositions of District assets;  
Approval of all purchases of District assets; and,  
Time of meeting adjournment.

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# Avila Beach Community Services District



**POLICY TITLE:** Rules of Order for Board and Committee Meetings  
**POLICY NUMBER:** 5070

## 5070.1 General.

**5070.1.1** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

**5070.1.1.1** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the chairperson. If the ruling of the chairperson is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

## 5070.2 Obtaining the Floor.

**5070.2.1** Any Director desiring to speak should address the chairperson and, upon recognition by the chairperson, may address the subject under discussion.

## 5070.3 Motions.

**5070.3.1** Any Director, including the chairperson, may make or second a motion. A motion shall be brought and considered as follows:

**5070.3.1.1** A Director makes a motion; another Director seconds the motion; and the chairperson states the motion.

**5070.3.2** Once the motion has been stated by the chairperson, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the chairperson will call for the vote.

**5070.3.2.1** If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

**5070.4** Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

**5070.4.1** Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

**5070.4.2** Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

**5070.4.3** Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

**5070.4.4** Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**5070.4.5** Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

**5070.4.6** Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

**5070.5** Decorum.

**5070.5.1** The chairperson shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The chairperson may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the chairperson, or otherwise disrupting the meeting or hearing.

**5070.5.2** The chairperson may also declare a short recess during any meeting.

**5070.6** Amendment of Rules of Order.

**5070.6.1** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Development Improvement Standards

**POLICY NUMBER:** 6010

**6010.1** In order to provide a uniform and consistent method of regulating and guiding the design and preparation of plans for construction of water, sewer, and street lighting facilities; and, of insuring proper installation of all private works involving water, sewer, and street lighting, Improvement Standards, including Standard Details, shall be maintained by the District.

**6010.2** The purpose of the Improvement Standards is to provide standards to be applied to water, sewer, and street lighting improvements and private works to be dedicated to the public and accepted by the District for operation and maintenance. This is necessary in order to provide for coordinated development of required facilities to be used by the public.

**6010.3** It is recognized that it is not humanly possible to anticipate all situations that may arise or to prescribe standards applicable to every situation. Therefore, any items or situations not included in the Improvement Standards shall be designed and/or constructed in accordance with accepted engineering practice, the State of California "Standard Specifications" and "Highway Design Manual", and as required by the General Manager.

**6010.4** Proposed changes in the Improvement Standards shall be presented to the Board of Directors for their review and consideration. If the proposed change(s) is approved by the Board, staff shall incorporate said change(s) in the originals of said Standards, and shall annotate the date of said revision approval upon the documents.

**6010.5** Copies of the current Improvement Standards shall be available at the District office and shall be available to interested parties upon request and payment of the cost of producing the requested copy.

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# Avila Beach Community Services District

## POLICY HANDBOOK

POLICY TITLE: Environmental Review Guidelines  
POLICY NUMBER: 6020

### ARTICLE I - GENERAL

Section 1. Purposes. These guidelines implement the California Environmental Quality Act of 1970 (CEQA) as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. The information in an EIR constitutes evidence that the District shall consider along with any other information that may be presented to the District. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever form the District desires. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

Section 2. General Implementing Procedures. The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Code of Cal. Regs. Section 5022).

#### Section 3. Definitions.

- A. "District" means the Avila Beach Community Services District.
- B. "Board" means the District's Board of Directors.
- C. "District staff" means the District's General Manager or other delegated District employee.
- D. "Lead Agency" means the public agency that has the principal responsibility for carrying out or approving a project.
- E. "Responsible Agency" means the public agency that proposes to carry out or approve a project, for which the Lead Agency is preparing or has prepared an EIR.
- F. "Trustee Agency" means the state agency with legal jurisdiction over natural resources held in trust for the people of the state, and which are affected by a project.
- G. "Substantial evidence" means facts, fact-related reasonable assumptions and expert opinion.
- H. "Cumulative Impact" means two or more environmental effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- I. Other definitions as found in 14 Code of Ca. Regs. Section 15350, *et seq.*

## ARTICLE II - APPLICABILITY

Section 4. Scope of Applicability. These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

Section 5. Statutory Exemptions. The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

A. Ministerial Projects. Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of such projects include but are not limited to individual utility service connections and disconnections, agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies, utility service connections and disconnection's to potential customers within such subdivision and the District's issuance of facility encroachment permits. (14 Code of Cal. Regs. Section 15369).

The decision as to whether or not a proposed project is ministerial in nature, and thus outside the scope of this enactment, shall be made by the District Board on a case-by-case basis or as part of these Guidelines as set forth hereafter.

B. Emergency Projects. The following emergency projects: (14 Code of Cal. Regs. Section 15269).

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Specific actions necessary to prevent or mitigate an emergency.

C. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Code Cal. Regs. Section 15252).

D. Pipelines in Public Right of Ways. A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Division 13, Paragraph 21080.21).

Section 6. Categorical Exemptions. The Secretary of Resources, State of California has found that specific classes of projects do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The categorical exemptions listed herein are not

intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Code Cal. Regs. Section 15300, *et seq.*

A. Class I: Existing Facilities. Operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion or use beyond that previously existing, including, but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) treatment plants;
- (7) recreational facilities;
- (8) buildings; and,
- (9) dams.

B. Class II: Replacement or Reconstruction. Replacement or reconstruction of any existing District facilities, structures or other property where the new facility or structure will be located on the same site and have substantially the same purpose and capacity as the replaced or reconstructed facility or structure, including but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) buildings;
- (7) treatment plants;
- (8) recreational facilities, and
- (9) dams and appurtenant structures.

For the purpose of determining the extent of this class exemption for buried pipelines under the water conveyance facility category, the following shall apply. A replacement of a buried pipeline will be considered as categorically exempt under Class II if the replacement is within 30 feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no larger than the existing pipeline or 8-inch, whichever is greater, and no substantial clearing of mature trees or bushes is necessary.

C. Class III. New Construction or Conversion of Small Structures. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to:

- (1) Raw water conveyance facility appurtenances, including control and measuring structures.
- (2) Treated water conveyance facility appurtenances, including meter boxes, fire hydrants, blow offs and air release valves.
- (3) Water conveyance facility appurtenances, including water meters, booster pumps, gate, ball and check made in the interior of the structure. Examples of this exemption include but are not limited to valves, blowoffs, valve boxes, etc.



D. Class IV: Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees, including but not limited to:

- (1) small water diversion facilities;
- (2) grading on land with a slope of less than ten percent (10%), except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (3) new gardening or landscaping but not including tree removal;
- (4) filling of earth into previously excavated land with material compatible with the natural features of the site;
- (5) minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities that result in improvement of habitat for fish and wildlife resources or greater fish production;
- (6) minor temporary uses of land having negligible or no permanent effects on the environment;
- (7) maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

E. Class V: Information Collection. Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information-gathering purposes or as part of a study leading toward the undertaking of a project.

F. Class VI: Inspection. Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.

G. Class VII: Accessory Structures. The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

H. Class VIII: Surplus Government Property Sales. Sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Code Cal. Ergs. Section 15206. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:

- (1) the property does not have significant values for wildlife habitat or other environmental purposes; and,
- (2) any of the following conditions exist:
  - (a) the property is of such size or shape that it is incapable of independent development or use, or
  - (b) the property to be sold would qualify for an exemption under any other class of categorical exemption in Section 6 of these Guidelines, or
  - (c) the use of the property and adjacent property has not changed since the time of purchase by the District.

I. Class IX: Annexations of Existing Facilities and Lots for Exempt Facilities. The following annexations:

- (1) annexations to the District of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

- (2) annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.

D. Class X: Changes in Organization of the District. Changes in the organization or reorganization of the District where the changes do not modify the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (1) establishment of an improvement district;
- (2) consolidation of two or more districts having identical powers;
- (3) merger with a district lying entirely within the boundaries of the District.

K. Class XI: Small Hydroelectric Projects at Existing Facilities. Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (1) the capacity of the generating facilities is 5 megawatts or less;
- (2) operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
  - (a) rate and volume of flow;
  - (b) temperature;
  - (c) amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;
  - (d) timing of releases.
- (3) new power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- (4) repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (5) there will be no significant upstream or downstream passage of fish affected by the project;
- (6) the discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure;
- (7) the project will not cause violations of applicable state or federal water quality standards;
- (8) the project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and,
- (9) construction will not occur in the vicinity of any rare or endangered species.

L. Class XII: Acquisition of Land for Wildlife Conservation. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

### ARTICLE III - ENVIRONMENTAL REVIEW PROCEDURES

Section 7. General. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA. However, these Guidelines should be consulted to determine the procedures necessary to verify that conclusion.

The procedures to be followed are summarized in the flow chart included as Exhibit "A" of these Guidelines.

## ARTICLE IV - PRELIMINARY REVIEW AND INITIAL STUDY

Section 8. Preliminary Review. At the outset, a proposed activity shall be examined by District staff for the purpose of determining whether it is either statutory or categorically exempt or involves another agency as the lead agency (14 Code Cal. Regs. Section 15050, *et seq.*). If it is determined that the project is exempt from CEQA, or the District is not the lead agency, District staff may complete the form provided as Exhibit "B" of these Guidelines, Preliminary Environmental Assessment. If the District staff determines that the project is exempt from CEQA and the District approves or determines to carry out the project, the District may file with the County Clerk of the county in which the project will be located, a Notice of Exemption on the form provided as Exhibit "C".

Section 9. Initial Study. If the project is determined not to be exempt and the District is the lead agency, the District staff shall conduct an initial study to determine if there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect. In making such a study, the District staff shall prepare a written determination using the Environmental Checklist Form attached as Exhibit "D" of these Guidelines. Prior to determining if a Negative Declaration or Environmental Impact Report (EIR) is required for a project, District staff shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project. If the project is determined to be of statewide, regional, or area wide significance as defined in 14 Code Cal. Regs. Section 14206, District staff will consult with transportation planning agencies and other public agencies which have transportation facilities within their jurisdictions which could be affected by the project. Consultation will be conducted in the same manner as for responsible agencies and will be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency. "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site and freeways, highways, and rail transit service within ten (10) miles of the project site.

If there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, regardless of whether the overall effect of the project is adverse or beneficial, then an EIR must be prepared.

Section 10. The Existence of Public Controversy. The mere existence of public controversy over the environmental effects of a project is no longer enough to require the preparation of an EIR. Substantive evidence is needed including facts, reasonable assumptions predicated upon facts and expert opinion supported by facts. If there is disagreement among expert opinion then the District will treat the effect as significant and prepare an EIR.

A mitigated Negative Declaration will be prepared instead of an EIR when the initial study has identified potentially significant environmental effects but, prior to public review of the proposed Negative declaration, the initial study was revised, providing for the mitigation of the effects of the proposed project to less than significant levels, and when there is no substantial evidence "in light of the whole record" that the project as revised will have a significant environmental effect.

Section 11. Development and Publication Criteria. The District is encouraged to develop and publish the thresholds that it uses to determine the significance of environmental effects caused by projects it reviews. By identifying criteria that it uses, the District can show some predictability in its determination process and an

interested party can ascertain the standard of significance for a particular resource in the community. If thresholds are to be adopted as part of the District's environmental review process then they must be adopted by ordinance, resolution, rule, or regulation after a public review period.

Section 12. Consideration of Cumulative Effects. The cumulative effects of a project will be considered in the decision of whether an EIR is needed. An EIR must be prepared if the cumulative impacts may be significant and the project's incremental effect is cumulatively considerable and will not be lessened through the mitigation measures set forth in a Mitigated Negative Declaration. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current, and probable future projects. (14 Code Cal. Regs. Section 15064(l)). If the cumulative impact will not be considerable then a Negative Declaration can be prepared.

The District Staff, at the conclusion of the initial study, will complete an Environmental Impact Assessment form, Exhibit "E" of these Guidelines, or include a similar statement in the initial study document.

## ARTICLE V - NEGATIVE DECLARATION

Section 13. Proposed Negative Declaration. If the District staff determines that there is no substantial evidence "in light of the whole record" that the project will have a significant environmental effect, the District will give notice that the District proposes to adopt a Negative Declaration. (14 Code Cal. Regs. Section 15072). The format for this notice is given in Exhibit "F" of these Guidelines. Notice will be provided to the public no less than twenty (20) calendar days prior to adoption by the District of Negative Declaration in the following manner:

- A. Mailed to the last know name and address of all organizations and individuals who have previously requested such notice in writing;
- B. Mailed to all responsible and trustee agencies;
- C. Posted in the office of the County Clerk of each county in which the project will be located within 24 hours of receipt for a period of at least twenty (20) days.
- D. Sent to the State Clearinghouse, Office of Planning and Research, if any state agencies or trustee agencies are responsible and the review period is extended to thirty (30) calendar days.
- E. Where the project meets the definition of statewide, regional or area wide significance as defined in 14 Code Cal. Regs. Section 15206, notice will also be submitted to the State Clearinghouse and to the appropriate Metropolitan Area Council of Governments for review and comment.

The public review period is thirty (30) days unless a shorter period is approved by the State Clearinghouse (not less than 20 days). Notice will also be given by at least one of the following procedures:

- A. publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. posting of notice by the District on and off site in the area where the project is to be located;
- C. direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternatives for providing notice specified above shall not preclude the District from providing additional notice by other means if the District so desires, nor shall these requirements preclude the District from

providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The District shall make copies of the proposed Negative Declaration available for public inspection for at least 20 days. Copies of the Negative Declaration may be provided to any person upon payment to the District of a fee established by the Board to cover nominal copying and staff processing costs.

The Board shall hold a hearing on the proposed Negative Declaration after notice is given as provided above. Comments relating to the inadequacies of a proposed Negative Declaration should identify the environmental effect, explain why the reviewer believes the effect would occur and explain why they believe the effect would be significant. Reviewers should explain the basis of their comments and whenever possible, should submit data or references in support of the comments. Prior to approving the project, the Board shall consider the proposed Negative Declaration together with any comments received during the public review process. If the Board determines that there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it shall require that an EIR be prepared.

Section 14. Recirculation of Negative Declaration. A Negative Declaration will be recirculated for public review before it is adopted and the project approved when it has been significantly revised. This happens when a new, avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect or when the District determines proposed mitigation measures will not properly reduce effects thus new measures or revisions are required. There will not be a recirculation when: 1) mitigation measures are replaced with equal or more effective measures; 2) new project revisions are added which are not new, avoidable significant effects; 3) measures or conditions are optional under CEQA that do not create new significant effects and are not necessary to mitigate an avoidable a significant effect; 4) or new information is added to clarify, amplify, or make insignificant modifications. (14 Code Cal. Regs. Section 15073.5)

Section 15. Adoption of Negative Declaration. At a hearing, if the Board determines that there is no substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it shall adopt the Negative Declaration on the form provided as Exhibit "G" of these Guidelines. If the Negative Declaration is to be prepared under contract, such contract must be executed within forty-five (45) days. From the District's determination that it is required.

Section 16. Notice of Determination for Negative Declaration. After the final approval has been made on the Negative Declaration, and the project is approved by the Board, the District staff shall prepare a Notice of Determination in the form attached as Exhibit "H" and file it with the County Clerk of the county in which the project will be located. Such filing shall be done within five (5) working days of the approval of the project, be posted for thirty (30) days, and be retained in the agency files for nine (9) months. If the project requires discretionary approval from a State agency, the Notice of Determination shall be filed with the State Clearinghouse in the Office of Planning and Research (OPR). For a project of statewide, regional, or area wide significance, a transportation planning agency or public agency which provides information to District staff shall be notified of and provided with copies of, environmental documents pertaining to the project.

Section 17. Proposed Mitigated Negative Declaration. If the District staff determines through the initial study that there are potentially significant effects to the environment, but (1) revisions in project plans or proposals made or agreed to by the applicant prior to release for public review of the Proposed Negative Declaration and initial study will avoid or mitigate the effects, and (2) there is not substantial evidence "in light of the whole record" that the revised project will have a significant effect on the environment, then the District will

give the same notice as for a Negative Declaration. The format for this notice is given Exhibit "F" of these Guidelines.

## ARTICLE VI - ENVIRONMENTAL IMPACT REPORT

Section 18. Notice of Preparation. If the Board determines that there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it will require that an EIR be prepared. Immediately after deciding that an environmental impact report is required for the project, the District staff shall send to each responsible or trustee agency, any public agency which has jurisdiction by law with respect to the project, and any city or county which borders on a city or county within which the project is located, a Notice of Preparation by certified mail on the form attached as Exhibit "I" of these Guidelines, by certified mail or any other method of transmittal which provides a record that the notice was received, stating that an EIR will be prepared. Such Notice of Preparation must also be published in a newspaper of general circulation.

The Notice of Preparation shall provide the addressee agencies with a brief description of the project, project location, and project effects on the environment; the date, time and place of a public hearing on the notice; the address where documents relating to the projects are available and where written comments may be sent and the deadline for submitting comments. Within thirty (30) calendar days after receiving the Notice of Preparation, each addressee agency shall provide the District with specific details about the scope and content of the environmental information related to each affected agency's area of statutory responsibility, which must be included in the draft EIR.

When one or more State agencies will be a responsible or trustee agency, the District shall send a Notice of Preparation to each State affected agency with a copy to the State Clearinghouse.

A copy of the Notice of Preparation will be posted at the District's main office. The Notice shall also be posted in the Office of the County Clerk of the county or counties in which the project will be located and shall remain posted for a period of thirty (30) days.

Section 19. Draft EIR. The draft EIR shall be prepared directly by or under contract to the District. If it is prepared under contract, such contract must be executed within forty-five (45) days after a project application has been accepted as complete. The required contents of a draft EIR are discussed in 14 Code Cal. Regs. Section 15120, *et seq.* A standard format must be used whenever feasible.

If the project is determined to be of statewide, regional, or area wide significance, the draft EIR shall be submitted to the State Clearinghouse and should be submitted also to the appropriate Metropolitan Area Council of Governments, as well as to a transportation planning agency or public agency which provides transportation information to District staff for review and comment.

Prior to completing the draft EIR, the District may consult directly with any person or organization it believes will be concerned with the environmental effects of the project.

Section 20. Notice of Completion of Draft EIR. As soon as the draft EIR is completed and approved by the Board, the District will file, with the State Clearinghouse, a Notice of Completion of Draft EIR on the form attached as Exhibit "J" of these Guidelines or electronically by diskette or e-mail.

Section 21. Review of Draft EIR. After completing a draft EIR, the District shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project and should consult with persons having special expertise with respect to any environmental impact involved. Others might need to be consulted including any city or county bordering the city or county of the project; transportation planning and public agencies which have transportation facilities within their jurisdictions that might be affected, for statewide, regional or area wide projects; and California Department of Water Resources for a subdivision project within one mile of a facility of the State Water Resources Development System. The District shall provide the general public with an opportunity to comment on the draft EIR.

The District shall provide Public Notice of the Completion of a Draft EIR, on the form attached as Exhibit "K", at the same time as it sends a Notice of Completion of Draft EIR to the State Clearinghouse. Notice shall be mailed to all organizations and individuals who have previously requested such notice and shall also be given by:

- A. publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. posting of notice by the District on and off site in the area where the project is to be located;
- C. direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternative for providing notice specified above will not preclude the District from providing additional notice by other means if it so desires, nor will these requirements preclude the District from providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The District shall use the State Clearinghouse to distribute EIRs and other environmental documents to state agencies for review. The District will identify to the State Clearinghouse those state agencies that are likely to be interested and provide at least 10 copies of the Draft EIR to the State Clearinghouse along with an electronic format on diskette or by e-mail.

In making copies of draft EIRs available to the public, the District will, whenever possible, make environmental information available on the Internet on a Web site maintained or used by the District. In order to provide sufficient time for public review, review periods for draft EIRs will not be less than thirty (30) calendar days, nor longer than sixty (60) calendar days from the date of the notice except in unusual situations. If a State responsible or trustee agency is reviewing the draft EIR, the public review period must be not less than forty-five (45) calendar days.

Public hearings may be conducted by the Board on the draft EIR, either in separate proceedings, or in conjunction with other proceedings of the District. Reviewers of a draft EIR should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 22. Final EIR. The District staff shall evaluate comments on environmental issues received from persons and organizations that reviewed the draft EIR and shall prepare a written response to all comments received during the review period.

The District staff shall prepare a final EIR, which shall consist of:

- A. The draft EIR or a revision of the draft.

- B. Comments and recommendations received on the draft EIR either verbatim or in summary.
- C. A list of persons, organizations, and public agencies commenting on the draft EIR.
- D. The responses of the District to significant environmental points raised in the review and consultation process.
- E. Any other information added by the District.

The response of the District to comments received may take the form of a revision to the draft EIR or may be a separate section in the final EIR, as an attachment. The major issues raised when the District's position is at odds with the recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted and listing factors of importance warranting an override of the suggestions.

The District may provide an opportunity for review of the final EIR by the public or commenting agencies. When significant new information is added to the EIR after the close of public comments period but before certification of the Final EIR, then the Draft EIR will be recirculated.

Section 23. Certification of Final EIR. After completion of the review period, the Board shall consider by resolution certifying that:

- A. the final EIR has been completed in compliance with CEQA; and
- B. the final EIR was presented to the Board; and the Board reviewed and considered the information contained in the final EIR prior to approving the project; and
- C. the Final EIR represents the Board's independent judgment and analysis.

CEQA requires the District to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects may be considered acceptable through the Board passing a statement of overriding considerations (14 Code of Cal. Regs. Section 15093). Moreover, when evaluating the feasibility of mitigation measures, the Board may cite legal, social and technological factors, as well as the provision of highly trained job opportunities as reasons for deciding that certain mitigation measures are infeasible.

After Board approval of the project, copies of the certified final EIR shall be filed with the appropriate planning agency of any city or county where significant effects on the environment may occur and to each responsible and trustee agency. The Board must hear all appeals concerning the District decision to certify an EIR.

Section 24. Notice of Determination for EIR. After said approval or a determination to carry out the project is made by the Board, the District shall prepare a Notice of Determination in the form attached as Exhibit "H" and file it with the County Clerk within five (5) working days of the approval of the project. The Notice of Determination shall include a statement of overriding considerations if adverse environmental impacts have been identified and not mitigated. If the project requires discretionary approval from a State agency, the Notice of Determination shall also be filed with the State Clearinghouse. (14 Code of Cal. Regs. Section 15094).

## ARTICLE VII - MASTER EIR



Section 25. Process. The filing of a Master EIR is an optional process designed to streamline the entire CEQA process. A Master EIR may be filed in lieu of an EIR for the adoption of plans, phased or multiple approval projects, development agreement projects and rules and regulations to be carried out in subsequent projects. The Master EIR can be used to limit subsequent project reviews for subsequent projects within five (5) years of the Master EIR's certification.

Section 26. Contents. A Master EIR must contain the same information as a standard EIR. In addition, a Master EIR must give sufficient information concerning the anticipated projects within its scope. Such additional information must include the size, location and alternatives for the subsequent projects; the intensity; and the schedule governing the submission and approval of the subsequent projects. The Master EIR must also discuss the potential impacts of the anticipated subsequent projects, which cannot be fully assessed at the time the Master EIR is prepared.

Section 27. Subsequent Projects. When the anticipated subsequent projects are up for approval, the District must conduct an Initial Study to determine if the subsequent projects and its significant environmental effects were included in the Master EIR. If no new impacts are discovered, and if no new mitigation measures or alternatives are necessary, the District may simply adopt a finding that the subsequent project was adequately covered by the Master EIR. The District must also provide public notice, using the form provided as Exhibit "M", of its intent to approve the project and incorporate all feasible, applicable mitigation measures. Public notice will be mailed to the last known name and address of all organizations and individuals that have previously requested notice in writing and in at least one of the following ways:

- A. Publication at least one time in a newspaper of general circulation in the area affected by the proposed project or if more than one area is affected then in the newspaper with the largest circulation from those areas,
- B. Posting notices on and off the site in the area where the project is to be located.
- C. Direct mailing to the owners as shown on the last equalized assessment roll and occupants of the property contiguous to the project location.

After the District approves the subsequent project a Notice of Approval of a Subsequent Project will be filed with the OPR using the form provided as Exhibit "N".

If the District finds during its Initial Study that there do exist new environmental impacts, which may now be mitigated, it must prepare a mitigated Negative Declaration or a Focused EIR for the subsequent project. See Sections 17 and 28.

A Master EIR must be reviewed periodically to determine that it is still an adequate analysis of the significant environmental effects of the project for which it was prepared. This can be done by using the Environmental Checklist provided as Exhibit "D". Updating the Master EIR, including preparing subsequent or supplemental EIRs, maintains its effectiveness as the basis for streamlined review of projects that are within its scope. If the District discovers new impacts, which cannot be mitigated, it must prepare either a new EIR or a Focused EIR before it may approve the project. See Section 18-24 and 28.

Section 28. Focused EIR. District has the choice of preparing a Focused EIR, instead of a completely new EIR, prior to approval of a project that was previously covered by a Master EIR when new significant impacts have been discovered and a Mitigated Negative Declaration cannot be prepared. The Focused EIR must examine the additional significant environmental effects not covered by the Master EIR and any new mitigation measures not covered in the Master EIR. It must also analyze the significant environmental effects

previously covered in the Master EIR for which substantial new information exists that demonstrates that these effects may be more significant than described in the Master EIR.

The District must also examine those mitigation measures previously found to be infeasible in the Master EIR which new information shows may now be feasible. The Focused EIR need not cover the effects successfully mitigated by the measures as discussed in the Master EIR for which mitigation is the responsibility of another agency.

Section 29. Time Limits. The Master EIR may be used to limit the review of subsequent projects for five years. After the five year period has run, the lead agency may only use the Master EIR after it has reviewed its adequacy and found no new information is applicable and no new changes are apparent.

Section 30. Other Projects. If, during the approval of a later project not within the scope of the Master EIR, substantial changes are made to or new relevant information concerning the Master EIR is discovered, the lead agency must: (1) prepare a new or supplemental Master EIR based upon the changes and/or new information; (2) prepare a mitigated Negative Declaration for all subsequent projects within the scope of the Master EIR; or (3) prepare a Focused EIR for all subsequent projects within the scope of the Master EIR.

## ARTICLE VIII - MISCELLANEOUS

Section 31. Mitigation Monitoring or Reporting. To ensure mitigation measures and project revisions identified in the EIR or Negative Declaration are implemented, the District must adopt a program for monitoring or reporting on the revisions it has required in the project and the measures it has imposed, to mitigate or avoid significant environmental effects. The District can delegate such reporting and monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however the District remains responsible for ensuring implementation of the mitigation measures until such measures have been completed.

The District has the choice of monitoring mitigation, reporting on mitigation, or both. "Reporting" consists of a written compliance review presented to the decision making body or authorized staff person. It ensures that the District is informed of compliance. "Monitoring" is an ongoing or periodic process of project oversight. It ensures that compliance is checked on a regular basis. At times there is no clear distinction between reporting and monitoring, but the following, form 14 Code Cal. Regs. Section 15097, provides a guide:

- A. Reporting is suited to projects with readily measurable or quantitative mitigation measures or already involves regular reviews.
- B. Monitoring is suited to projects with complex mitigation measures that may exceed the expertise of the local agency to oversee, are expected to be implemented over time, or require careful implementation to assure compliance.
- C. Both are suited to all but the simplest projects.

Section 32. District Projects. The District, when it is the lead agency on a Non-District Project, can require the proposed project applicant to submit information that the District considers necessary for preparing the environmental documentation.

The applicant shall pay all costs incurred for administration and preparation of environmental documentation. The costs for environmental impact report preparation and administration shall include public hearing attendance, printing costs, consultant's fees, and any other relevant expenses incurred by the District. The applicant will be required to deposit with the District the estimated cost of preparation of the required environmental documentation as determined by the District. The applicant will be responsible for paying all related costs on a time and material basis. If the costs are greater than the deposit, the applicant shall pay the additional amounts within ten (10) calendar days of notice by the District. In the event that payment is not received for the additional amounts, the District will immediately cease processing the environmental documentation.

Section 33. De Minimis Impact Finding. In order to determine the necessity of paying Department of Fish and Game fees, the District must determine if the project has an adverse effect on wildlife resources. Projects found by the District in the initial study to be categorically exempt or to be de minimis in their effect on wildlife resources shall pay no fee.

The District will file two (2) copies with the County Clerk of the county in which the project will be located a Certificate of Fee Exemption on the form provided as Exhibit "L" if either of the following findings can be made.

- A. The District determines, when considering the record as a whole, that there is no evidence before the District that the project will have a potential for adverse effect on wildlife resources as defined in Fish and Game Code Section 711.2.
- B. The District rebuts the presumption of adverse effect on wildlife resources contained in 14 Code of Cal. Regs. Section 753.5(d).

For purposes of signing the Certificate of Fee Exemption, the District's General Manager is considered the Chief Planning Official.

Section 34. Historic and Archeological Resources. A project that may cause a "substantial adverse change" in the significance of a historical resource may also have a significant effect on the environment. A historical resource is included in a local historical register or any object, building, structure, site, area, place, record, or manuscript which a District determines "in light of the whole record" to be historically significant because of the architectural, engineering, economic, agricultural, educational, social, political or cultural significance to California. If the project affects a state-owned historical resource, the State Historic Preservation Office (SHPO) will be consulted.

If a project will impact an archaeological site it will be determined whether the site meets the definition of a historical resource. If it is a historical resource it will be treated as such. If not, it will be determined if it is a "unique archaeological resource" as defined in Pub. Res. Code sec. 21083.2. If the project meets neither definition then the impact will not be considered significant.

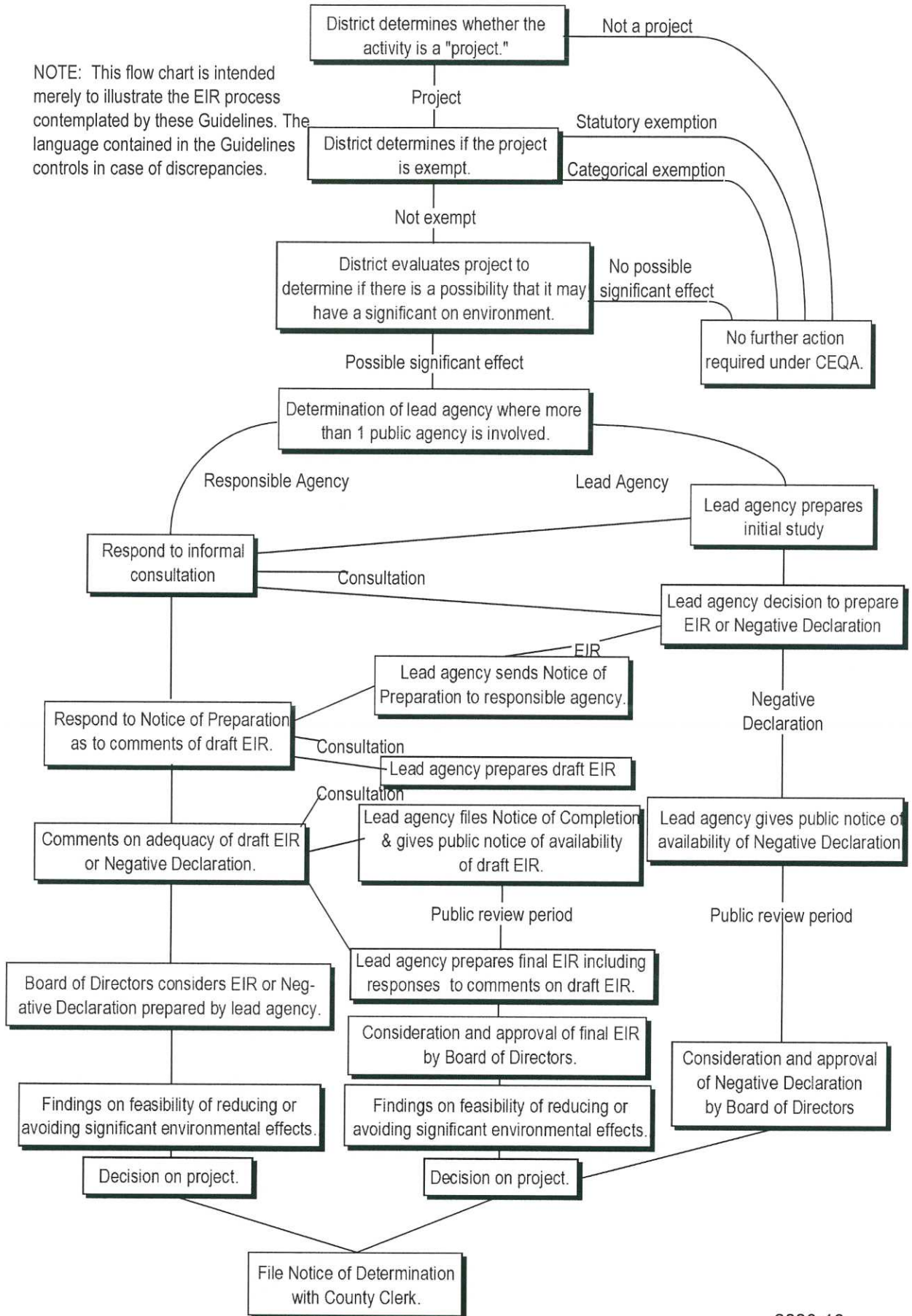
Section 35. Partial Invalidity. In the event any part or provision of these Guidelines shall be determined to be invalid, the remaining portions of these Guidelines that can be separated from the invalid unenforceable provisions shall nevertheless continue in full force and effect.

[DISTRICT NAME]  
CEQA GUIDELINES  
EXHIBIT INDEX

<u>INDEX</u>	<u>TITLE</u>
A	CEQA Process Flow Chart
B	Preliminary Environmental Assessment
C	Notice of Exemption
D	Environmental Checklist Form
E	Environmental Impact Assessment
F	A Notice of Preparation of Negative Declaration
G	Negative Declaration Regarding Environmental Impact
H	Notice of Determination
I	Notice of Preparation of Draft EIR
J	Notice of Completion of Draft EIR
K	Public Notice of Completion of a Draft EIR
L	Public Notice of Intent to Approve Subsequent Project Under Master EIR
M	Notice of Approval of Subsequent Project <i>[not included in sample handbook]</i>
N	Certificate of Fee Exemption and Attachment

EXHIBIT A  
CEQA PROCESS FLOWCHART

NOTE: This flow chart is intended merely to illustrate the EIR process contemplated by these Guidelines. The language contained in the Guidelines controls in case of discrepancies.



**EXHIBIT "A"**  
**CEQA PROCESS FLOW CHART**

*(see excel document 6020.CEQA on CD)*

**EXHIBIT "B"**  
PRELIMINARY ENVIRONMENTAL ASSESSMENT  
[District Name]  
[Address]  
[City, State ZIP]

Name of Project: \_\_\_\_\_

Location: \_\_\_\_\_

Entity or Person Undertaking Project

A. [district name]

B. Other

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Staff Determination:

The District's staff, having undertaken and completed a preliminary review of this project in accordance with the District's Guidelines Implementing the California Environmental Quality Act, has concluded that this project does not require further environmental assessment because:

\_\_\_\_\_ 1. The activity does not involve the exercise of discretionary powers by a public agency.

\_\_\_\_\_ 2. The Activity will not reasonably foreseeable indirect physical change on the environment.

\_\_\_\_\_ 3. The proposed action does not constitute a Project within the meaning of 14 Code of Cal. Regs. Section 15378.

\_\_\_\_\_ 4. The project is Statutorily Exempt under Section 15260 *et seq.*

Applicable Exemption Class \_\_\_\_\_

\_\_\_\_\_ 5. The project is Categorically Exempt under Section 15300 *et seq.*

\_\_\_\_\_ 6. The project involves another public agency that constitutes the Lead Agency.

\_\_\_\_\_ 7. The project will be rejected or disapproved by a public agency.

Name of Lead Agency \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
[signature of chief planning officer of district]

**EXHIBIT "C"**  
**NOTICE OF EXEMPTION**

To: County Clerk  
County of \_\_\_\_\_

From: [District Name]  
[Address]  
[City, State ZIP]

OR  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

\_\_\_\_\_  
Project Title

\_\_\_\_\_  
Project Location - Specific

\_\_\_\_\_  
Project Location - City                      Project Location - County

\_\_\_\_\_  
Description of Nature, Purpose, and Beneficiaries of Project

\_\_\_\_\_  
Name of Public Agency Approving Project

\_\_\_\_\_  
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

\_\_\_\_\_ Statutory Exemption. Type and section number \_\_\_\_\_

\_\_\_\_\_ Ministerial Exemption. Type and section number \_\_\_\_\_

\_\_\_\_\_ Declared Emergency. Type and section number \_\_\_\_\_

\_\_\_\_\_ Emergency Project. Type and section number \_\_\_\_\_

\_\_\_\_\_ Categorical Exemption. Type and section number \_\_\_\_\_

Reasons why project is exempt.

\_\_\_\_\_  
Contact Person                                      Area Code   Telephone   Extension

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  
\_\_\_\_\_ yes    \_\_\_\_\_ no

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
[signature of chief planning officer of district]

Date received for filing at OPR: \_\_\_\_\_



**EXHIBIT "D"**  
**ENVIRONMENTAL CHECKLIST FORM**

ENVIRONMENTAL CHECKLIST FORM

Project title:

1. Lead agency name and address:
2. Contact person and phone number:
3. Project location:
4. Project sponsor's name and address:
5. General plan designation:
6. Zoning;
7. Description of Project (describes the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attached additional sheets if necessary):
8. Surrounding land uses and setting. (Briefly describe the project's surroundings):
9. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Utilities/Service     | <input type="checkbox"/> Mandatory findings of Significance |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Hydrology/Water       | <input type="checkbox"/> Land/Use/Planning                  |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Noise                 | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Recreation                    |  |   |

**EXHIBIT "E"**  
**ENVIRONMENTAL IMPACT ASSESSMENT**

Name of Project: \_\_\_\_

Location: \_\_\_\_

Entity or Person Undertaking Project

A. [District Name]

B. Other

Name: \_\_\_\_

Address: \_\_\_\_

---

**Staff Determination:**

The District's staff, having undertaken and completed an Initial Study of this project in accordance with Title 14 Code of Cal. Regs. Section 15063 for the purpose of ascertaining whether the proposed project might have a significant effect on the environment, has reached the following conclusion:

\_\_\_\_\_ 1. The project could not have a significant effect on the environment; therefore, a Negative Declaration should be prepared.

\_\_\_\_\_ 2. The project could have a significant effect on the environment; therefore, an EIR will be required.

---

Date

---

[signature of chief planning officer of district]

**EXHIBIT "F"**  
**NOTICE OF PREPARATION OF NEGATIVE DECLARATION OR  
MITIGATED NEGATIVE DECLARATION**

PROJECT TITLE: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

The site \_\_\_\_ is\\_\_\_\_ is not present on any of the lists enumerated under Government Code Section 65962.5.

Pursuant to the CEQA Guidelines adopted by [name of district], a Proposed Negative Declaration on the above named project has been prepared and is available for review starting \_\_\_\_\_ until \_\_\_\_\_ during which the District will receive comments, at the District's main office complex located at [physical address of district].

Final adoption of the Negative Declaration will be considered at the District Board of Directors' Regular Meeting, the [date of regularly monthly meeting] each month commencing at [time of meeting at [meeting location]]; or on any other date, time or place as is properly noticed.

Any appeals to this action may be made to the District in writing at any time prior to said Board meeting, or verbally during said Board meeting.

Mailing Address:

Board Secretary  
[district address]

**EXHIBIT "G"**  
**NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT**

1. NOTICE IS HEREBY GIVEN that the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 21100, *et seq.*) and a determination has been made that it will not have a significant effect upon the environment.
2. PROJECT NAME: \_\_\_\_\_
3. DESCRIPTION OF PROJECT: \_\_\_\_\_
4. LOCATION OF PROJECT: \_\_\_\_\_
5. NAME AND ADDRESS OF PROJECT PROPONENT: \_\_\_\_\_
6. MITIGATION MEASURES FOR MITGATED NEGATIVE DECLARATIONS: \_\_\_\_\_
7. A copy of the initial study regarding the environmental effect of this project is Attached (MUST BE ATTACHED).

This study was:

\_\_\_\_\_ Adopted as presented.

\_\_\_\_\_ Adopted with changes. Specific modifications and supporting reasons are attached.

8. A public hearing on this Negative Declaration was held by the District Board of Directors on \_\_\_\_\_(date).

9. Determination:

On the basis of the initial study of environmental impact, the information presented at hearings, comments received on the proposal and our own knowledge and independent research:

\_\_\_\_\_ We find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

\_\_\_\_\_ We find that the project COULD have a significant effect on the environment but will not in this case because of attached mitigation measures described in Item 6 above which are by this reference made conditions of project approval. A conditional NEGATIVE DECLARATION is hereby adopted.

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
[signature of chief planning officer of district]

**EXHIBIT "H"**  
**NOTICE OF DETERMINATION**

To: County Clerk County of _____ _____ _____	From: [District Name] [Address] [City, State, ZIP]
---	--

OR

To: Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814 □ Public	SUBJECT: Filing of Notice of Determination on compliance with 21108 or □21152 of the Resources Code.
--	---

PROJECT TITLE

State Clearinghouse Number (If submitted to State Clearinghouse)

CONTACT PERSON

Area Code Phone Extension

PROJECT LOCATION:

PROJECT DESCRIPTION:

This is to advise that the [name of district] approved the above-described project on \_\_\_\_\_, after complying with CEQA, and has made the following determinations regarding the above-described project:

1. The project \_\_\_\_ will \_\_\_\_ will not have a significant effect on the environment.
2. \_\_\_\_ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
\_\_\_\_ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at the District's office at [physical address of district].

3. Mitigation measures \_\_\_\_ were, \_\_\_\_ were not, made a condition of the approval of the project.
4. A Statement of Overriding Considerations \_\_\_\_ was, \_\_\_\_ was not, adopted for this project.

\_\_\_\_\_  
Date

\_\_\_\_\_  
[signature of chief planning officer of district]

**EXHIBIT "I"**  
NOTICE OF PREPARATION OF DRAFT EIR

TO: (Responsible Agency)

FROM: [District Name]

\_\_\_\_\_  
(Address)  
\_\_\_\_\_

\_\_\_\_\_  
(Address)  
\_\_\_\_\_

Subject: Notice of Preparation of a Draft Environmental Impact Report.

[Name of district] will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached materials. A copy of the Initial Study is/is not attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to [District] (phone [xxx-xxx-xxx]) at the address shown above. We will need the name of a contact person in your agency.

PROJECT TITLE: \_\_\_\_\_

PROJECT APPLICANT, IF ANY: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
[signature of chief planning officer of district]

**EXHIBIT "J"**  
**NOTICE OF COMPLETION OF DRAFT EIR**

TO: State of California  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

---

Project Title

---

Project Location - Specific

---

Project Location - City

---

Project Location - County

---

Description of Nature, Purpose, and Beneficiaries of Project

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Lead Agency

---

Address Where Copy of EIR is available: [physical address of district]

---

Review Period

---

Contact Person

---

Area Code Phone Extension

---

Date

---

[signature of chief planning officer of district]

**EXHIBIT "K"**  
PUBLIC NOTICE OF COMPLETION OF A DRAFT EIR

PROJECT TITLE: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

SIGNIFICANT ENVIRONMENTAL IMPACTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HAZARDOUS WASTE SITE: \_\_\_\_\_

\_\_\_\_\_

Pursuant to the CEQA Guidelines adopted by [name of district], a draft environmental impact report on the above named project has been prepared and is available for review at the District's main office complex located at [physical address of district].

Written comments on this document will be received by the District until \_\_\_\_\_ (date).

Mailing Address: [mailing address of district]

(A public hearing to receive verbal comments relating to the draft EIR will be held at the [District Name] Board of Directors' meeting at [meeting location address].



**EXHIBIT "L"**  
**PUBLIC NOTICE OF INTENT TO APPROVE SUBSEQUENT  
PROJECT UNDER MASTER EIR**

- [Name of district] has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 C.C.R. §753.5(d).
- In addition, [name of district] has considered the following items to determine whether the project is or is not *de minimis*:
  - a. Department of Fish and Game has not concluded that the project is subject to the filing fee.
  - b. Habitat types present on the project site.
  - c. Habitat types adjacent to the project site.
  - d. Cumulative impacts of this and similar projects on existing fish or wildlife habitat.
  - e. Project impacts on the natural and biological resources of the community.

**FINDING OF NO ADVERSE IMPACT:**

When considering the record as a whole, there is no evidence before [District] that the proposed project will have a potential for adverse effect on wildlife resources defined as all wild animals, birds, plants, fish, amphibians, and related ecological communities including the habitat on which the wildlife depends for its continued viability. (Fish & Game Code §711.2).

Dated: \_\_\_\_\_ [name of district]

By \_\_\_\_\_

Dated: \_\_\_\_\_ CHIEF PLANNING OFFICIAL

By \_\_\_\_\_

**Distribution:**

Once signed by the Chief Planning Official, [name of district] retains the original as part of the Environmental Record. File two copies of certificate with the County Clerk along with the Notice of Approval or Notice of Determination.

**EXHIBIT "N"**  
CERTIFICATE OF FEE EXEMPTION

NAME & ADDRESS OF PROJECT PROPONENT:

PROJECT DESCRIPTION:

Describe the project and its location, including County. For example, this is an project whereby a section of District open canal will be enclosed with pipeline.

ENVIRONMENTAL IMPACT STUDY:

OWID has conducted an initial study to determine if the project may have a significant effect on the environment. In making the study, [District] staff prepared a written determination using the District's CEQA Guidelines Environmental Checklist form.

- The initial study conducted by [District] evaluated the potential for adverse environmental impact and found no evidence that the proposed project will result in changes to the resources listed below: (14 C.C.R. 753.5(d))
  - a. Riparian land, rivers, streams, watercourses, and wetlands under state and federal jurisdiction.
  - b. Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
  - c. Rare and unique plant life and ecological communities dependent on plant life; and
  - d. Listed threatened and endangered plants and animals and the habitat in which they are believed to reside.
  - e. All species of plants or animals as listed as protected or identified for special management in the Fish & Game Code, the Public Resources Code, the Water Code, or regulations adopted thereunder.
  - f. All marine and terrestrial species subject to the jurisdiction of the Department of Fish & Game and the ecological communities in which they reside.
  - g. All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Annexation Procedures  
**POLICY NUMBER:** 6030

**6030.1** Property must be annexed to the District prior to receiving water & sewer services. Furthermore, unconditional commitments to provide service to property and/or proposed developments will not be granted until said property is annexed to the District.

**6030.2** In conformance with Policy #6040, District approval of residential, commercial, industrial or other types of development projects will not be granted by the Board of Directors until the entire site has been annexed to the District, or will be granted with the condition that the entire project site be successfully annexed to the District.

**6030.3** Annexation Procedures.

**6030.3.1** Determine suitability. Property owners or project developers desiring annexation to the District should first determine several factors regarding their property's suitability for [service(s) provided]:

**6030.3.1.1** Is the property presently not within the District's boundaries?

**6030.3.1.2** Is the property within the sphere of influence established for the District by the Local Agency Formation Commission (LAFCo)?

**6030.3.1.3** Where are the District's existing water and sewer facilities relative to the property?

**6030.3.1.4** Is the excess capacity in the District's existing facilities adequate for the property's proposed development density?

**6030.3.1.5** Information regarding District annexation, sphere of influence, and the location of existing water and sewer facilities and available excess capacity will be provided by District staff upon request. Determination of the property's suitability for development and/or connection to the water and sewer is the responsibility for the property owner, and his/her use of professional engineering and/or development consultants is encouraged.

**6030.3.2** Application to LAFCo. LAFCo has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by LAFCo of any annexation proposal is required before the District can approve the annexation and provide [service(s) provided].

**6030.3.2.1** To initiate the LAFCo application procedure, owners of the property proposed for annexation, or the registered voters residing within the area proposed for annexation, shall submit a petition (§56704, Ca. Gov. Code) to LAFCo. The contents of the petition, itemized below, shall conform to §56700 of the California Government Code.

**6030.3.2.2** With the petition, annexation proponents shall submit to LAFCo a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCo and the State Board of Equalization requirements.

**6030.3.2.3** Also with the petition, annexation proponents shall submit to LAFCo a completed application form and appropriate filing and environmental review fees.

**6030.3.3** Application to District. If annexation proponents desire to receive confirmation of District acceptance of their proposal prior to initiating the LAFCo application, the petition, map, legal description and LAFCo application form, discussed in 6030.3.2.3 above, should be submitted to the District office. A deposit of \$\_\_\_\_\_ must also accompany said submittal to cover LAFCo's filing and environmental review fees, State Board of Equalization fees, and District processing costs. When the annexation process is complete or terminated, cost overruns will be billed to the applicant, and underruns will be refunded.

**6030.3.3.1** The Board of Directors will consider the annexation proposal at a regularly scheduled meeting. Acceptance by the Board of the proposed annexation shall be formalized by the adoption of a resolution. Said resolution shall contain the following:

- (a) all of the information required in the petition, as itemized below, excepting provisions regarding signatories and signatures;
- (b) the annexation map and legal description as attachments;
- (c) verification that the District desires to annex the subject territory;
- (d) authorization for the resolution to be submitted as an application for annexation approval by LAFCo; and,
- (e) a request that LAFCo approve and authorize the District to conduct proceedings for the annexation without notice and hearing and without an election (only if the petition has been signed by all of the owners of land within the boundaries of the proposed annexation).

**6030.3.4** District Approval of Annexation. If LAFCo accepts the annexation proposal it will adopt a resolution and forward same to the District. After confirmation of LAFCo acceptance, and after the annexation proponent(s) tenders to the District applicable annexation fees (discussed below) and appropriate recording and State Board of Equalization fees, as determined by LAFCo, the District's Board of Directors, at a regularly scheduled meeting, will consider approval of the proposed annexation. Approval by the Board of the proposed annexation shall be formalized by the adoption of a resolution.

**6030.3.4.1** Said resolution shall contain the following provisions:

- (a) That a description of the annexed lands shall be attached to said resolution;

- (b) The annexed land shall be subject to the District's policies, rules and regulations, charges made, and assessments levied pursuant to the provisions of the laws pertaining to [TYPE OF] districts to pay for outstanding obligations of said district, and also shall be subject to all and any combination of assessments, tolls and charges as may exist at the adoption of the resolution and as thereafter may be established and/or levied by the County of [NAME] and/or the District for any District purpose;
- (c) The District shall be under no obligation to install a [service(s) provided] system or any facilities in connection with the subject annexation and the owners of the land to be annexed shall install, as and when [service(s) provided] is desired, without cost, charge or obligation to the District, a complete [service(s) provided] system as may be specified by the District, in accordance with plans and specifications approved by the District Engineer [General Manager, Consulting Engineer, etc.], in a manner meeting his/her approval, and shall convey, at no cost to the District, all of said [service(s) provided] system, including rights of way over all parts thereof, to the District; and,
- (d) The project developers and/or owners of the annexed property, and their heirs, successors and assigns shall agree to abide by all Board policies, rules and regulations of the District presently established and as shall be established by the Board in the future.

**6030.3.4.2** After adoption of said resolution of approval by the Board of Directors, it shall be sent to LAFCo along with necessary fees, for processing of State filings, local recordings, and filing with the State Board of Equalization.

**6030.3.5** Annexation Petition. In accordance with §56700 of the California Government Code, the petition proposing annexation of property to the District shall do all of the following:

**6030.3.5.1** State that the proposal is made pursuant to said §56700;

**6030.3.5.2** State the nature of the proposal (i.e., annexation of property to [DISTRICT NAME]);

**6030.3.5.3** Include a description of the boundaries of the affected territory accompanied by a map showing the boundaries;

**6030.3.5.4** State any proposed terms and conditions;

**6030.3.5.5** Explain the reason for the proposal (e.g., to receive [service(s) provided]);

**6030.3.5.6** State whether the petition is signed by registered voters or owners of land;

**6030.3.5.7** Designate no more than three persons as chief petitioners, including their names and mailing addresses;

**6030.3.5.8** Request that proceedings be taken for the proposal pursuant to said §56700; and,

**6030.3.5.9** State whether the proposal is consistent with the sphere of influence designated by LAFCo for the District.

**6030.3.6** Descriptions and Maps. In accordance with State Board of Equalization and District requirements, annexation descriptions and maps shall conform to the following conditions:

**6030.3.6.1** All documents must be capable of producing a readable photographic image;

**6030.3.6.2** Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document, with references to deeds of record used only as a secondary reference;

**6030.3.6.3** When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary may be omitted, with the points of departure from the existing boundary clearly established;

**6030.3.6.4** A specific parcel description in sectionalized land is permissible without a metes and bounds description of the perimeter boundary;

**6030.3.6.5** A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable, unless all dimensions needed to plot the boundaries are given on an accompanying plat, and the relationship of lot lines with street rights of way must be clearly indicated;

**6030.3.6.6** Every map must clearly indicate all existing streets, roads and highways within and adjacent to the lands to be annexed, together with the current names of these thoroughfares;

**6030.3.6.7** Every map shall be a scale and a north point;

**6030.3.6.8** The point of beginning of the legal description must be shown on the map;

**6030.3.6.9** The boundaries of the lands to be annexed must be distinctively shown on the map without obliterating any essential geographic or political features;

**6030.3.7** All maps must be professionally drawn or copies (rough sketches of maps or plats will not be accepted); and,

**6030.3.7.1** All descriptions must be prepared by a surveyor or civil engineer licensed in the State of California, and his/her stamp and signature shall be affixed to said description.

**6030.3.8** In addition to LAFCo filing, environmental review, State filing, recording, State Board of Equalization and any other applicable non-District fees, an annexation fee shall be paid to the District prior to adoption by the Board of Directors of the resolution approving any annexation. Said annexation fee is presently established at \$\_\_\_\_\_ per acre [or other appropriate rate], and may be adjusted from time to time by the Board of Directors.

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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Project Approval  
**POLICY NUMBER:** 6040

**6040.1** Developers of residential, commercial, industrial or other type projects shall obtain approval from the District prior to:

**6040.1.1** Construction of associated water, sewer and street lighting facilities which they proposed to connect to the District's system; or,

**6040.1.2** Relocation of existing District facilities.

**6040.1.3** "Project" shall be defined as the proposed construction of any development involving the District's water, sewer and street lighting system and/or alterations to provide additional capacity in existing facilities in order to obtain water, sewer and street lighting.

**6040.2** The developer initiates a request for project approval by submitting, to the General Manager, plans for the proposed improvements. The initial plan submittal shall be prepared by a registered civil engineer. The District Engineer shall review the project plans and related information to insure their conformance with the Improvement Standards, District policies, good engineering judgment and the best interests of the District.

**6040.3** The project shall be submitted by the District Engineer to the Board of Directors for approval consideration when the following have been accomplished:

**6040.3.1** The improvement plans satisfy the requirements of the Improvement Standards and the District Engineer ;

**6040.3.2** The developer and project-property owner have executed a development agreement (see Policy #6050) as prepared by the General Manager; and,

**6040.3.3** The project site has been annexed to the District.

**6040.4** Upon written request from the project developer and/or project engineer, the Board will review the requirements specified by the District Engineer for the involved improvement plans, development agreement, or other related items, to determine if they are in keeping with the Improvement Standards, District policies, and/or the best interests of the District. If the subject of the request involves general engineering judgment, the Board may request an impartial opinion of another professional engineer (one who is not involved with the project or its principals).

**6040.5** Upon approval of the project by the Board of Directors, the President of the Board shall be authorized to execute the development agreement on behalf of the District, and the District Engineer shall be authorized to affix his/her signature of approval on the project's improvement plans.

**6040.6** Approval of a project by the Board of Directors is valid for one year. If significant construction of the project has not commenced by the end of one year from the date of approval, or if construction commences and then is halted for more than one year, project approval shall expire.



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# Avila Beach Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Development Agreements  
**POLICY NUMBER:** 6050

**6050.1** Prior to the Board of Directors considering a private development project for approval, a development agreement specifying the terms and conditions of said approval, prepared by the General Manager and/or Legal Counsel, shall be executed by the project's developer(s) and property owner(s) (see Policy #6040).

**6050.2** The development agreement shall contain the following information:

**6050.2.1** Name(s) of developer and/or project sponsor(s), and owner(s) of subject property;

**6050.2.2** Assessor's parcel number of subject property;

**6050.2.3** Type and purpose of project (e.g., residential, commercial, industrial, etc.); and,

**6050.2.4** A graphic description of the project attached to the agreement as "Exhibit A."

**6050.3** The following shall be used as standard terms and conditions of the development agreement:

**6050.3.1** STANDARDS FOR WATER AND SEWER SYSTEM: Plans have, at no cost to District, been designed and prepared for the on-site and off-site water and sewer system which include Developer's obligation to accomplish the following:

**6050.3.1.1** Construct the water and sewer system in conformance with the approved plans therefore; and,

**6050.3.1.2** Obtain an encroachment permit from the Department of Public Works of the San Luis Obispo County and comply with all requirements thereof, including trench restoration and street resurfacing requirements for any portion of the project situated within existing or proposed future County right of way.

**6050.3.2** ACCEPTANCE OF PLANS AND SPECIFICATIONS: The completed plans as described above for the water and sewer system have been prepared in conformance with District Improvement Standards and the requirements of the District Engineer, and are in a form acceptable to same.

**6050.3.3** REVISION OF PLANS: Any changes in such accepted plans shall require written approval of Developer and the District Engineer .

**6050.3.4** RIGHTS OF WAY: Owners will provide to District, at no cost to District and in a form acceptable to the District Engineer, appropriate easements and rights of way for the maintenance, repair, and replacement of all water and sewer system facilities not within existing public rights of way, public utility easements, and/or water and sewer easements.

**6050.3.5** CONSTRUCTION: Developer shall, without expense to District, construct the water and sewer system pursuant to the accepted plans or any approved modification thereof. Developer shall provide in any contract for construction of the water and sewer system that any contractor's materials supplier's guarantees there under, including a one-year warranty on the completed improvements, shall inure to the benefit of District after the works constructed thereunder have been conveyed to District as provided for in 6050.3.9, below. Developer shall also provide in any contract for construction of the water and sewer system that the contractor's public liability and property damage insurance shall be extended to cover Developer and District and their agents, officers and employees as additional insured with liability and bodily injury limits of not less than \$300,000, and property damage coverage of not less than \$100,000

**6050.3.6** PAYMENT OF PREVAILING WAGES: Developer has been advised that the State of California (State) Attorney General has opined that, in certain circumstances, construction of facilities for provision of public utility service, with the understanding and agreement that said facilities will be turned over to District for ownership, operation and maintenance at the conclusion of construction, may be subject to the prevailing wage laws of the State. Developer has determined that, at this time, said opinion of the Attorney General does not affect the wages paid by Developer to laborers employed on said facilities constructed pursuant to this agreement. Developer agrees, however, that should it be determined that the prevailing wage laws of the State (Labor Code §1770, et seq.) apply to the work performed in accordance with this agreement, then Developer shall defend and hold District harmless from any liability, claims, damages, or costs in any way associated with said determination by the State and Developer shall, as further consideration of District entering into this agreement, take all necessary and appropriate action, including payment of back wages, and any associated penalties which may be required, due to enforcement of the prevailing wage laws in connection with construction of the [service(s) provided] system. Developer agrees that District has not represented or in any way advised Developer in connection with this matter except to advise Developer of his potential liability and Developer does not in any way rely upon any opinion or information of District in making his determination in connection with the payment or nonpayment of such wages for the work performed under this agreement. The obligation of Developer to, if required, pay prevailing wages for the work performed in accordance with this agreement shall be a continuing obligation and shall bind the heirs, successors and assigns of Developer and District's obligation to provide operation and maintenance on the facilities to be turned over to District, and to provide water and sewer therein, shall be dependent upon Developer's continuing compliance with this provision.

**6050.3.7** INSPECTION OF CONSTRUCTION: The District Engineer or his/her agent(s) shall inspect the construction of the water and sewer system to assure that the works are installed in accordance with the accepted plans. Said inspection shall be funded by an inspection fee paid by Developer as specified in District's Improvement Standards. Construction of the water and sewer system shall not commence until said inspection fee is paid. The District Engineer shall notify Developer as to any deviation or failure to construct pursuant to the accepted plans as soon as such deviation or failure is brought to his/her attention, and Developer shall correct such deviation or failure.

**6050.3.8 HOLD HARMLESS:** District is not, by inspection of the construction or installation of the water and sewer system, representing Developer or providing a substitute for inspection and control of the work by Developer. Any inspections and observations of the work by District are for the sole purpose of providing notice of stage and character of the work. Any failure of District to note variances in the work from the plans does not excuse or exempt Developer from complying with all terms of the plans. The fact that District inspects the construction of work and notifies Developer of deviations or failures to construct them pursuant to the accepted plans shall not be deemed to constitute a guarantee by District that the works have been built in accordance with the accepted plans. During construction and prior to conveyance thereof to and acceptance thereof by District, Developer shall hold District harmless against any and all claims, demands and charges by third parties arising out of alleged deviations or failures to construct pursuant to the accepted plans.

**6050.3.9 CONVEYANCE:** Within 90 days after completion of construction of the water and sewer system in accordance with the accepted plans therefore and District's Improvement Standards:

**6050.3.9.1** Developer and Owners shall convey title of the completed works to District without cost and free and clear of all liens and encumbrances, by appropriate conveying documents, acceptable in form to the District Engineer ;

**6050.3.9.2** Developer shall provide District with one set of 24"x 36" reproducible "as built" drawings of the completed project on matte mylar (5 mil minimum);

**6050.3.9.3** Owners shall provide easements as specified in 6050.3.4, above;

**6050.3.9.4** Developer shall furnish to District a bond, irrevocable letter of credit, cash deposit, or other form of surety meeting District's approval in the amount of \$\_\_\_\_\_, being \_\_\_% [25% (recommended), 50%, 100% or other appropriate amount] of the cost of the water and sewer system, as estimated by the Project Engineer, [name and address of developer's engineer], protecting District against any failure of the work due to natural phenomenon or catastrophe, faulty materials, poor workmanship, or defective equipment within a period of one year after acceptance of the water and sewer system by the District's Board of Directors. Said bond or irrevocable letter of credit shall name Developer as Principal and District as Obligee; and,

**6050.3.9.5** District shall accept conveyance of title of the completed water and sewer system by resolution and include it as part of its system, and shall thereafter operate and maintain said system.

**6050.4 DEVELOPER'S RESPONSIBILITIES AFTER CONVEYANCE:** After District's acceptance of the system, Developer and Owners shall have no obligation for the operation, maintenance, repair or replacement thereof, except that to the extent Developer and/or Owners retain ownership of any parcel to which service from such works is a water and sewer available, they shall pay the same rates and charges levied by District from time to time as any other property owner.

**6050.4.1 APPLICATION FOR SEWERAGE SERVICE:** The water and sewer system shall not be operated, other than for testing purposes, until the said system is conveyed to District and formally

accepted by District as specified in 6050.3.9, above, and proper applications for service having been filed with District accepted.

**6050.4.2 OBLIGATION FOR PIPELINE AND/OR FACILITIES:** District shall be under no obligation to provide additional facilities in order to serve the Project. Upon acceptance of the facilities by District, it shall become the sole property of District and shall be used and operated as District's sole discretion.

**6050.4.3 RATES AND CHARGES FOR SERVICE:** All service made available by District to users within the Project shall be at the established rates and charges as fixed by District's Board of Directors from time to time.

**6050.4.4 NOTICES:** Notices or requests from any party to this agreement to the remaining parties thereof shall be in writing and delivered or mailed, postage prepaid, to the following addresses:

[DISTRICT NAME]

[ADDRESS]

[CITY, STATE ZIP]

Attention: \_\_\_\_\_, District Engineer [General Manager, etc.]

[DEVELOPER'S NAME]

[ADDRESS]

[CITY, STATE ZIP]

**6050.4.5 SUCCESSORS AND ASSIGNS:** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of all parties. Developer and Owners shall not assign any of their rights, duties or obligations under this Agreement without the prior written consent of District, which consent shall not be unreasonably withheld.

**6050.4.6 DISTRICT POWERS:** Nothing herein contained shall be deemed to limit, restrict, or modify any right, duty, or obligation given, granted, or imposed upon District by the laws of the State of California now in effect, or hereafter adopted, not to limit or restrict the power or authority of District, including the enactment of any rules, regulations, policies, resolutions or ordinances, and in the event that any part of provisions herein contained in this agreement or incorporated herein, be found to be illegal or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining parts, portions, or provisions hereof.

**6050.4.7 ATTORNEY FEES:** Should any party have to be required to institute legal action to either compel performance of this agreement or recover damages for nonperformance, the prevailing party(s) shall be entitled to reasonable attorney's fees, cost of suit, and all other expenses of litigation incurred in connection therewith.

**6050.4.8 TERMINATION:** This Agreement shall terminate and be of no further force and effect at District's discretion if District determines that construction of the [service(s) provided] system has not commenced within 12 months from the date of this agreement, and Developer has not submitted the plans and specifications for reacceptance as provided for in 6050.3.3, above.

**6050.5** Any inapplicable portions of the foregoing standard terms and conditions may be deleted by, or upon approval of the General Manager [*or Legal Counsel*], to accommodate project-specific situations. When warranted, additional conditions and requirements may be added to the standard terms and conditions by, or upon approval of, the General Manager [*or Legal Counsel*], to accommodate project-specific situations. The project developer and/or property owner may appeal to the Board of Directors any agreement terms or conditions or requirements proposed by District staff [*or specify responsible managing employee*].