



Lake Shastina Community Services District

RESOLUTION NO. 5-92



A RESOLUTION APPROVING DEVELOPMENT AGREEMENT BETWEEN DISTRICT AND RESORT VILLAGES OF AMERICA, INC.

WHEREAS, RESORT VILLAGES OF AMERICA, INC., having obtained approval to construct a Planned Development within the district, seeks to connect to the public sewer system and to obtain fire and police protection services from the district, and

WHEREAS, the DISTRICT has appointed an Ad Hoc Committee to formulate a DEVELOPMENT AGREEMENT, and

WHEREAS, the DISTRICT will incur additional costs and ongoing expenses in providing the requested services;

NOW, THEREFORE BE IT RESOLVED:

- 1. To hereby approve attached DEVELOPMENT AGREEMENT, and
2. That district President and Secretary are hereby authorized to execute said DEVELOPMENT AGREEMENT on behalf of the Board of Directors after approval by Ad Hoc Committee and District Counsel of all attached Exhibits and Resolutions pertaining thereto as to content and form, respectively.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 21st day of October 1992, by the following vote:

AYES, and in favor thereof, Directors: Britt, Johns, Lewis, Trager and Wallace

NOES, Directors: None

ABSENT, Directors: None

Handwritten signature of Don Wallace, President

ATTESTED:

Handwritten signature of Lorraine Fleck, District Secretary

A motion was made by Director Johns and duly seconded by Director Trager that the gravity sewer extensions to Lot 58 Unit 7-3 and Lot 104 Unit 7-2 be awarded to the low bid of \$20,000 (Cash Construction). Upon vote, the motion carried unanimously.

Director Britt again recommended that an engineering study/plan be obtained for the 7s and 8s to ensure sewer system is positioned in the right place. No action take at this time.

DPW Lea inquired regarding approval from LSPOA to cut road to allow sewer extension. A motion was made and subsequently withdrawn relative to this item. The members requested DPW Lea continue with routine processes without action by the Board.

DPW Lea requested authorization for additional sewer line extensions for lots 87 and 89 Unit 7-3. After discussion, a motion was made by Director Lewis and duly seconded by Director Johns to send the project of gravity sewer line extension for lots 87 and 89 Unit 7-3 out for bid with expenses not to exceed \$250.00 to cover preparing the documents for bid proposal. Upon vote, the motion carried unanimously.

7. Safety Committee

Administrator Smith provided background information relative to the need to appoint a designated person or Safety Officer to attend a Safety/Claims workshop. SDRMA letter 10/9/92; next workshop 11/09/92 Sacramento - By reference incorporated herein. The current designee is CSD's counsel, Robert Winston. Administrator Smith recommends designating DPW Lea to attend. After discussion, a motion was made by Director Britt and duly seconded by Director Johns that Director Johns be authorized to attend the Safety/Claims workshop scheduled for November 9, 1992 in Sacramento. Upon vote, the motion carried unanimously.

B. Resort Villages of America, Inc., Project Update

1. Development Agreement - Resolution 5-92 A Resolution Approving Agreement Between District and Resort Villages of America was presented for the Board's consideration, by reference incorporated herein.

Administrator Smith presented a letter from Siskiyou County Department of Public Works relative to the Tract #1165 RVA (also incorporated herein) regarding review and inspection of plans and construction. After discussion, it was the consensus of the Board that Administrator Smith correspond with Siskiyou County Department of Public Works to advise that Lake Shastina is not going to assume the county's responsibilities of review and inspection of plans and construction of the identified project.

Following discussion, it was moved by Director Johns and duly seconded by Director Trager to adopt Resolution 5-92 "A Resolution Approving Development Agreement Between District and Resort Villages of America, Inc." Upon roll call vote the following votes were cast: Ayes - Britt, Johns, Lewis, Trager and Wallace. Noes - none. The motion carried unanimously.

VI. NEW BUSINESS

- A. Response to CPA's letter of 10/6/92 regarding distribution of expenditures, by reference incorporated herein. Administrator Smith provided background information and states Mr. Riewerts needs to confirm the distribution of expenditures. A motion was made by Director Britt and duly seconded by Director Trager that the President of the CSD be authorized to sign the corrected document when it is presented. Upon vote, the motion carried unanimously.
- B. Legal opinion of LSPOA's Counsel regarding consolidated management/billing structure and possible violation of Calif. Constitution, Article XVI, Section 6 and Government Code Section 1126 (by reference incorporated herein). Administrator Smith advised that CSD's counsel's opinion is that the General Manager/Administrator is an employee, not an agent. A discussion ensued relative to potential conflict of interest. The topic was referred to an Ad Hoc Committee.
- C. CSD's response to LSPOA's 30-day notice that LSPOA is withdrawing from Civic Services. Director Lewis offered information relative to research she has done with regard to communities similar to Lake Shastina. She reports many successful developments have POA's and CSD separate. Likewise, Administrator Smith reports other successful developments have consolidated services. President Wallace appointed Director Johns to chair an Ad Hoc Committee to review the impact of LSPOA's notice of withdrawal and CSD's response. Director (President) Wallace will also serve on this committee.

Administrator Smith advised of urgency due to a planned vacation of DPW Lea as well as notice from LSPOA to limit man-hours to 80 per week for road maintenance. Following discussion of employee needs, Director Britt moved and Director Johns seconded a motion that the General Manager is not authorized to hire any CSD employees but is directed to insure that MWC provide adequate staff to handle MWC and CSD services. Upon vote, the motion carried unanimously.

President Wallace then passed the gavel to Vice President Johns. A motion was made by Director Wallace and duly seconded by Director Britt that the Ad Hoc committee be authorized to spend up to \$1000 for attorney fees to explore the separation problem. Upon vote, the motion carried unanimously.