

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 12-99

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT AUTHORIZING A BALLOT MEASURE TO PROVIDE ADDITIONAL AUTHORIZATION FOR THE DISTRICT TO PROVIDE WATER SERVICE TO THE LAKE SHASTINA COMMUNITY

WHEREAS, the organizing documents of the Lake Shastina Community Services District authorize the District to provide water service to properties within its boundaries; and,

WHEREAS, the district has not heretofore provided water service to such properties but, in the exercise of its latent power to do so, has contracted with the Lake Shastina Mutual Water company to provide administrative and operational services to the latter as it provides such water service; and,

WHEREAS, there is some disagreement as to whether the district is legally obligated to seek the approval of the voters within its boundaries in order to assume full and sole responsibility for providing water service to Lake Shastina; and,

WHEREAS, it is the desire of the Board of Directors to allow the District's voters, through the democratic process, to provide direction to the District regarding the issue of whether it should exercise the power to provide water service;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. A ballot measure, substantially in the following form, shall be submitted to the voters of the District:

A MEASURE AUTHORIZING THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT TO EXERCISE ITS POWER TO PROVIDE WATER SERVICE AND TO BE SOLE PROVIDER OF SAME WITHIN THE LAKE SHASTINA COMMUNITY.

Shall the Lake Shastina Community Services District exercise the power to provide water, and all related functions required or appropriate in order to provide such water to the Lake Shastina community, including but not limited to the use of public and private water and mains, the installation and connection of building

water, the installation of water laterals and public water main extensions, the employment of a such persons as may be necessary or appropriate to carry out the function, the issuance of permits, the making of contracts with such persons, organizations, and agencies as may assist it in carrying out this power, the fixing of fees for the installation and maintenance of water service, the establishment of standby, connection, and service charges, the annexation of additional lands and subdivisions, and the providing of penalties for the violation of any applicable laws, rules, ordinances, regulations, and standards?

2. The General Manager and other officers of the District are authorized and directed to take whatever action may be necessary to cause the aforesaid Measure to be submitted to the Lake Shastina voters. The Siskiyou County Clerk is requested to conduct a District election on the next available regularly scheduled statewide election and to place the aforesaid measure upon the ballot at said election for submission to the voters of the District.

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I hereby certify that the forgoing 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 23rd day of November, 1999, by the following vote:


AYES: and in favor, thereof, Directors Dean, Johns and Kalagorgevich

NOES: None

ABSENT: Directors Brezinsky and Everhart


MYRON EVERHART, President


ATTEST:


L. JAMES LEA, District Secretary

IMPARTIAL ANALYSIS OF DISTRICT COUNSEL

The organizing documents of the Lake Shastina Community Services District authorize it to provide water service to properties within its boundaries but the District has not heretofore provided such service. There is disagreement among legal authorities as to whether, in such instances, a community services district must seek further authority from its voters in order to provide water service. Because of that uncertainty, and in order to allow the Lake Shastina voters a voice in this decision, this measure is submitted to them for their consideration.

Dated: 11/30/99



Robert D. Winston,
District General Counsel

**LAKE SHASTINA COMMUNITY SERVICES DISTRICT
BOARD of DIRECTORS
SPECIAL MEETING
November 23, 1999 – 7 p.m.
Administration Building, 16320 Everhart Drive, Weed, CA 96094**

MINUTES

Item 1: Called to Order: The meeting was called to order by Director Kalagorgevich at 7:00 p.m. Dir. Kalagorgevich asked Alan Johns to chair the meeting due to the absence of President Everhart.

Roll Call: Directors present were Dean, Johns, and Kalagorgevich. President Everhart and Director Brezinsky were absent. A quorum was satisfied. There were approximately 20 people present in the audience.

Item 2: Pledge of Allegiance: Everyone stood and recited the Pledge of Allegiance.

Item 3: Public Comment: Walt Cheney presented the Board with a signed petition to stop the video taping of the CSD meetings by Jim & Lyla Gregg and Bob & Carol Bare. Cheney's opinion is that the video is intended for use in litigation against the board and restricts freedom of expression. *This will be an agenda item for the December meeting.*


Item 4: Resolution Authorizing a Ballot Measure Addressing the District's Purpose of Supplying Water: The Board will consider whether to submit to the voters a proposition of whether the District shall adopt the additional purpose of supplying water. Director Johns read page 1 of Resolution 12-99. It was discovered that page 2 of the Resolution did not come through with the fax. **MOTION: CSD Adopt Resolution 12-99 Subject to 2nd page being supplied.**
BY: Dir. Kalagorgevich
SECOND: Director Dean
VOTE: Ayes: Dean, Johns and Kalagorgevich Noes: None Absent: Brezinsky, Everhart

Item 5: Resolution Authorizing a Ballot Measure to Establish Maximum Water Standby Charges: The Board will consider whether to submit to the voters a request to authorize maximum annual water standby charges up to the \$40.00 per lot or parcel provided by law. Dodi Dickson read Resolution 13-99. It was decided the word Annual must be inserted.
MOTION: CSD Adopt Resolution 13-99 Subject to insertion of the word "Annual" in front of \$40.00
BY: Dir. Kalagorgevich
SECOND: Director Dean
VOTE: Ayes: Dean, Johns and Kalagorgevich Noes: None Absent: Brezinsky, Everhart

Item 5. Adjournment: The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Date Approved 12-15-99


Dodi Dickson
Volunteer Recording Secretary