

RESOLUTION NO. 2016-03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
REGARDS TO THE TRANSFER OF SOLID WASTE RESERVES AND TO THE DISTRICT'S GENERAL FUND
AND DETERMINING WHICH DISTRICT FUNDS WILL RECEIVE FUNDS FROM THE SOLID WASTE RESERVES**

WHEREAS, the Los Osos Community Services District ("District") is formed under the Community Service District Law (Government Code § 61000 et seq.); and

WHEREAS, the "District" has as one of its active powers, the solid waste power, pursuant to Government Code § 61100[C]; and

WHEREAS, the "District" retains this active power despite the fact that the solid waste franchise was sold to the County of San Luis Obispo as a part of the "District's" bankruptcy; and

WHEREAS, the "District" anticipates return of this power at some future date; and

WHEREAS, there is no present need for the reserves to be held in the solid waste, and those reserves total \$165,405.37; and

WHEREAS, pursuant to Government Code § 61112[C] which provides as follows:

- C. If the Board of Directors finds that the funds in a designated reserve are no longer required for the purpose for which it is established, as a designated reserve, the Board of Directors may, by 4-5ths vote of the total membership of the Board of Directors may discontinue the designated reserve or transfer any funds that are no longer required from the designated reserve to the District's general fund and;

WHEREAS, the Board of Directors hereby finds that the Solid Waste Fund presently has a total of \$165,405.37; and

WHEREAS, the Board has determined that these reserves are no longer required for the purpose of which that fund was established; and

WHEREAS, the Board hereby determines that said fund should be distributed to a new fund, known as the Fire Mitigation Fund, which shall be used for those purposes exclusively.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. That the above findings are true and correct; and
2. The Board of Directors hereby orders the Solid Waste Reserve Fund, totaling \$165,405.37, is no longer needed for the purpose of solid waste and the Board of Directors hereby orders that said funds should be distributed to a new fund known as the Fire Mitigation Fund. The Board hereby directs the General Manager to create the Fire Mitigation Fund and to deposit these monies into that fund.

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

Ayes: _____
Noes: _____
Absent: _____
Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 11th day of February 2016.

Marshall E. Ochylski
President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Margaret Falkner
Temporary General Manager and Secretary to the Board

Michael W. Seitz
District Legal Counsel