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ESTABLISHED 1985

August 24, 2022

Honorable Michael D. Coughlan
San Joaquin County Superior Court
180 E. Weber Ave., Suite 1306J
Stockton CA, 95202

Dear Judge Coughlan:

I represent the Avena Drainage District, and this letter is in response to a request from the San Joaquin County Grand Jury to show compliance with Government Code 53087.8


Government Code 53087.8 requires that independent special districts, including the Avena Drainage District, establish a website or make a determination that a hardship exists which prevents the establishment of such a website.

At its annual and special meeting held on August 17, 2022, the Board of Trustees for the Avena Drainage District determined that setting up and maintaining a website would create a hardship. In compliance with Government Code 53087.8, the Board adopted a resolution to that effect. A copy of Resolution 2022/2023-1 is enclosed.

Government Code 53087.8 subsection (b) (2) states that hardships may be based on “significantly limited financial resources, or insufficient staff resources.” As the resolution makes clear, a report estimated that establishing a website would cost the District approximately 20% of its annual revenues (which averages around \$20,000 annually). In addition, there are insufficient staff resources. The District has no staff, no office, and no computer. The paperwork for the District is handled by my office and generally consists of putting together one annual meeting.

Upon deliberation at the meeting, the Board determined that creating and maintaining a website would be a hardship for the District. This meets the obligations of the District pursuant to Government Code 53087.8.

If you have any questions, please do not hesitate to contact me.


CHRISTOPHER K. ELEY
Attorney at Law

CKE/
Cc: Clients
Enclosure(s)

RESOLUTION 2022/2023- 1

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
AVENA DRAINAGE DISTRICT

RESOLVED, by the Board of Trustees (the "Board") of Avena Drainage District (the "District"), County of San Joaquin, and State of California;

WHEREAS, Government Code Sec, 53087.8 requires each independent special district to maintain a website or determine that maintenance of such a website would create a hardship for that district; and

Whereas the District at its annual and special meeting of August 17, 2022 has considered whether such a website would be a hardship and in doing so as considered the following facts:

The estimated cost of initially setting up the website would be approximately \$4,000.00.

The District has no staff to monitor or update the website so that any change or addition to the website would create an additional cost.

There are approximately 35 property owners in the District so that the initial cost of creating the website would be \$114.28 per person and would represent approximate 20 percent of the annual revenue for fiscal year 2020/2021.

NOW THEREFORE IT IS RESOLVED, that the Board of Trustees determines that the creation and maintenance of a website would create a hardship to the District and would create a burden which would far outweigh any benefit to the property owners.

Ayes 3 NOES _____

Absent or Abstain _____

SIGNED: John Vander Meulen

John Vander Meulen

ATTEST: Christophër Éley

DATE 8-17-22

Christophër Éley, BOARD SECRETARY