

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF ENGINEERING
AND OPERATIONS

DATE: JANUARY 8, 2015

**AGENDA ITEM
E-1
JANUARY 14, 2015**

**AUTHORIZE PURCHASE OF STANDBY GENERATOR FOR
SUPPLEMENTAL WATER PROJECT PHASE 1 PUMP STATION**

ITEM

Consider authorizing purchase of standby generator for the Supplemental Water Project Phase 1 Pump Station [RECOMMEND AUTHORIZE STAFF TO PURCHASE GENERATOR FROM QUINN POWER SYSTEMS AT A COST OF \$106,000].

BACKGROUND

The construction contract for the District's Phase 1 Supplemental Water Project Pump Station, Bid Package 4, as awarded to Spiess Construction Co., Inc. in June 2013, included a 60 kW portable generator that was sized to provide adequate power for anticipated Phase 1 pump station electrical loads. At the time, staff anticipated that the portable generator would be replaced with a 350 kW stationary generator in Phase 2. The Notice to Proceed for the construction contract was issued in December 2013. Construction began shortly thereafter and is scheduled to be completed in June 2015.

The contractor recently notified the District that the 60 kW portable generator that was included in the bid was no longer available due to changes in California air emission requirements for portable generators. In researching the issue, staff determined that it is more cost effective to install a 350 kW stationary generator now and forego purchase of a portable generator that would be replaced in 2-5 years.

The District is a member of the National Joint Powers Alliance (NJPA), a national government purchasing cooperative, which provides the District the opportunity to purchase through nationally bid contracts. The District has purchased several generators over the last few years through a NJPA vendor at a considerable cost savings to the District. The current NJPA generator vendor is Caterpillar Corporation. The local representative is Quinn Power Systems. District staff solicited a proposal from Quinn Power Systems for a 350 kW stationary generator. Quinn provided a NJPA quote for the generator of \$106,000.

FISCAL IMPACT

Funding in the amount of \$11,000,000 was allocated in the FY 2014-2015 District budget for Supplemental Water Project Phase 1. Based on discussions with the contractor, staff anticipates that the District will receive a credit of approximately \$57,000 for the portable generator that was originally included in the bid. Thus, net project cost increase with purchase of the 350 kW stationary generator will be \$49,000.

STRATEGIC PLAN

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

RECOMMENDATION

Staff requests Board approval to purchase a new 350 kW stationary generator for the Supplemental Water Project Phase 1 pump station from Quinn Power Systems in the amount of \$106,000.

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JANUARY 9, 2015

**AGENDA ITEM
E-2
JANUARY 14, 2015**

**INTRODUCE ORDINANCE AMENDING TITLE 2, 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO AMEND AND
TO ESTABLISH NEW ADMINISTRATIVE PROCEDURES**

ITEM

Introduce and edit, if necessary, an Ordinance to amend and to establish new administrative procedures thereby, establishing a miscellaneous fee schedule, updating existing fees and establishing new fees. [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO READ PROPOSED ORDINANCE BY TITLE ONLY AND THEN, BY SEPARATE MOTION, INTRODUCE ORDINANCE AND SET HEARING DATE FOR ADOPTION]

BACKGROUND

On September 24, 2014, your Board approved *Water Rate and Capacity Charge Study – September 2014*. In addition to establishing new Water Capacity Charges and Supplemental Water Capacity Charges, the Rate Study proposed updated and new Miscellaneous Fees. The approved Rate Study has been available for public inspection since adoption.

Miscellaneous fees cover the cost of time, materials, and equipment related to providing requested incurred services such as account setup, late payment, customer-caused after-hours repair/shut-off, late notice etc.... See pages 35-38 and Tables 23 and 24 of the Rate Study (Attachment A) for more information on the fee types and charges. The recent rate study represented the first formal review and update of District miscellaneous fees in over twenty years.

If adopted, the new fees will become effective on July 1, 2015. During the first six months of implementing the new fee schedule, staff recommends a one-time forgiveness of the new or updated fee, when requested in writing.

The Ordinance being introduced today (Attachment B) will amend current code so all miscellaneous fees reference a consolidated fee schedule. The fee schedule will be adopted by Resolution and updated periodically. The draft fee Resolution (Attachment C) is provided for reference and will be considered for adoption once the proposed Ordinance is adopted.

FISCAL IMPACT

Special handling of customer accounts and requested additional services result in staff time, materials and equipment expense. If the customer receiving the service is not charged, the cost is absorbed by the entire customer base.

Well designed and current miscellaneous fees keep District water rates equitable for all customers.

STRATEGIC PLAN

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

Goal 4. FINANCE. Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

4.1 Ensure that purveyors and others pay their fair share of financing water supply, supplemental water, conservation, and sustainability of the regional water supply.

4.4 Maintain adequate rates to fund future capital replacements.

RECOMMENDATION

By motion and roll call vote authorize staff to read proposed Ordinance by title only and then, by separate motion, introduce Ordinance and set hearing date for adoption.

ATTACHMENTS

- A. Water Rate and Capacity Charge Study – September 2014, Pgs 35-38
- B. Ordinance 2015-XXX Miscellaneous Fees
- C. Resolution 2015-XXXX Miscellaneous Fees

January 14, 2015

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ATTACHMENT A

5.0 Miscellaneous Fees

As part of this Water Rate and Capacity Charge Study, the District requested a review of their miscellaneous fees which are charged for administrative and other services. The District currently charges the following miscellaneous fees to cover the cost of time, materials, and equipment for District staff to provide the requested services.

- Account Setup Fee
- Late Payment Fee
- Returned Check Fee
- Turn-On/Off Fee
- Tampering Fee
- In-House Copy Charge
- Outside Copy Charge
- CD Copy Charge
- Will Serve Notice
- Annex Fee
- Variance Fee
- Duplicate Billing Fee
- Board Room Use
- Outside Water Sales
- Outside Sewer Sales
- District Hydrant Access
- Water Meter Calibration Check
- Fire Hydrant Meter

5.1 Survey of Miscellaneous Fees

A survey of published fees for other water agencies in San Luis Obispo County was performed to obtain a summary of the various fees charged by each agency and the amount of the fee. The agencies surveyed are listed below and their fee descriptions and amounts are summarized in Appendix A.

Local Water Districts

Avila Beach CSD
Cambria CSD
Heritage Ranch CSD
Los Osos CSD
Oceano CSD
Templeton CSD

Surrounding Cities

Arroyo Grande
Grover Beach
Paso Robles
Pismo Beach
Santa Maria
San Luis Obispo

The miscellaneous fees were researched for the above agencies through websites or through direct contact. In some cases limited information was available or not provided. Each agency's miscellaneous fees are similar in nature to the District's current fees with some agencies charging for more services than provided by the District while other agencies are charging for fewer services.

5.2 Recommendations

From review of the miscellaneous fees provided in Appendix A, certain fees of the District are below the fee amount charged by the other agencies. The fees noted include the following.

- ✓ Account Setup Fee
- ✓ Late Payment Fee
- ✓ Returned Check Fee
- ✓ Tampering Fee
- ✓ Fire Hydrant Meter

These fees were reviewed and the amount of the fee was modified based on estimates of District labor, materials, and equipment used to perform the service to ensure that the District is charging the appropriate fee for the costs incurred. The amount was determined using recent District information including current salaries for specific personnel, current material costs where such material is needed to complete the service provided, and costs of equipment used in the course of providing the service such as vehicle use for on-site work. The proposed charges for these fees are provided in Table 23 and include 10 percent overhead. A comparison to the current fee charged by the District is also provided.

An agency's fees generally should reflect its organizational structure and local demographics. Discussions with District staff regarding the survey of miscellaneous fees noted that additional fees may be charged for the services being provided. It is recommended that the District consider adding new miscellaneous fees that would recover District costs where services are being provided but are not currently being charged. These new fees include the following.

1. Shut-Off Notice
2. Turn-On/Off After Hours
3. Meter Remove and Replace
4. Repair Authorization
5. Meter Read Surcharge
6. Fire Flow Letter for CDF
7. Water/Sewer Lateral Inspection
8. Backflow Administration Fee
9. Fire Hydrant Relocation Charge
10. Fire Hydrant Flow Test
11. In-house Copies, Color

A description of the new fee, its purpose, and the amount of each new fee is provided in Table 24 below.

Table 23
Miscellaneous Fees Summary

Line No.	Miscellaneous Fee	Charge Method	Current Fee	Proposed ^[1]
1	Account Set Up Fee		\$ 10.00	\$ 42.00
2	Late Fee	Lesser of \$5 or 10% of charge.	Lesser of \$5 or 10%	Greater of \$10 or 10%
3	Returned Check	per occurrence	\$ 15.00	\$ 28.00
4	Turn On/Off (non payment)	per occurrence	\$ 50.00	\$ 50.00
5	Tampering Fee (cut lock)	per occurrence	\$ 25.00	\$137
6	In-House Copy Charge	\$1.50 for first page	\$ 1.50	\$ 1.50
7	(Black & White Copies)	\$0.20 each page thereafter	\$ 0.20	\$ 0.20
8	Outside Copy Charge	Actual cost of copies plus admin charge	\$ 25.00	\$25 plus Actual Cost
9	CD Copy Charge	per request	\$ 15.00	\$ 15.00
10	Verification of Water and/or Sewer Service	per request	\$ 50.00	\$ 50.00
11	Annex Fee	\$500.00 per acre, or parcel if less than one acre	\$ 500.00	\$ 500.00
12	Variance Fee	Currently deposit of \$900	\$ 900.00	Actual Cost with \$900 deposit
13	Duplicate Billing	per bill	\$ 1.50	\$ 1.50
14	Board Room Use	per use	Restricted to Resolution No. 2007-1035	Restricted to Resolution No. 2007-1035
15	Outside Water Sales	per use	double inside	double inside
16	Outside Sewer Fees	per hookup	130% of inside rate	double inside
17	District Hydrant Access	per month (1 Mo. Min)	\$39 plus cost of water	\$39 plus Account Set Up fee plus cost of water
18	Water Meter Calibration Check	per customer request	cost of independent calibration	\$118 plus cost of calibration
19	Fire Hydrant Meter	per use	\$500 deposit; \$10 first day rental, \$1 per day thereafter; plus \$25/month Admin Charge plus cost of water	\$2,000 deposit, \$30/month equip rental fee with one month min; \$39 month flat charge plus cost of water

^[1] Includes Overhead @ 10%.

**Table 24
Suggested New Miscellaneous Fees**

Line No.	Fee Description	Charge Method	Purpose	Proposed Fee ^[1]
1	Shut Off Notice (Door Hanger)	per occurrence	Delinquent payment subject to shut-off	\$ 20.00
2	Turn On/Off After Hrs	per occurrence	Turn on/off service after business hours	\$ 147.00
3	Meter Remove and Replace	per request	At customer request	Actual cost plus \$118 minimum plus capacity charge if applicable
4	Repair Authorization	Min charge or actual cost (time and materials) of repairs	Repair damage caused by Owner or Owner's Agents	Actual Cost w/ \$75 min
5	Meter Read Surcharge	Per occurrence, 1st encounter no charge	Additional effort due to Owner's restrictions	\$ 36.00
6	Fire Flow Letter for CDF	per request		\$ 50.00
7	Water/Sewer Lateral Inspection	per request	NCSD effort to inspect installation	\$ 115.00
8	Backflow Admin	Charge per month	Administration of program	\$ 1.00
9	Fire Hydrant Relocation Charge	per move	Move hydrant meter to new location	\$ 150.00
10	Fire Hydrant Flow Test	per request	flow test of hydrant meter	\$175/hour with 1.5 hour minimum
11	In-house copies, color	per page	cover cost of color copies	\$ 0.40

^[1] Includes Overhead @ 10%.

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ATTACHMENT B

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2015-XXX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 2, 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE
TO AMEND AND TO ESTABLISH NEW ADMINISTRATIVE PROCEDURES

WHEREAS, based upon facts and analysis presented by Staff, the Staff Report, and public testimony received, the Board of Directors finds:

A. This public meeting has been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); and that the District has complied with the requirements of Government Code Section 66016; and

B. The fees, rates and charges that are the subject of this Ordinance do not exceed the estimated reasonable cost of providing the services for which the fees and/or charge or charges are imposed;

C. Amending the District Procedures as provided in this Ordinance is in the best interest of the District and its residents:

E. All references to District Code herein refer to the Nipomo Community Services District Code:

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1. Authority

This Ordinance is enacted pursuant to Government Code Sections 61600(a)(b), 61621, 61621.5, 61622, 66013, and 66016. (ARE THESE STILL APPLICABLE??)

Section 2. Administrative Procedures

Section 1.04.030(D) of the District Code is repealed in its entirety

~~*D. Filing Fee. Before accepting an application for a variance the general manager shall charge and collect a filing fee. Such fee shall be established by resolution of the district board of directors.*~~

and replaced with the following:

D. Deposit – Before accepting an application for variance, the District shall collect a deposit. If that portion of the deposit is in excess of the actual time spent by District

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Staff, including consultants and legal counsel, then the difference shall be refunded to Applicant. Conversely, if the actual time spend by District Staff, including consultants and legal counsel, is in excess of the amount attributable to the deposit, then the difference shall be paid by the Applicant upon demand and before any final action is taken by the District.

Section 2.09.010(A) of the District Code is hereby repealed in its entirety

~~The board of directors hereby approves and adopted the application fees and charges set forth in Appendix "A" attached hereto and incorporated herein by this reference.~~

and replaced with the following:

The Board of Directors hereby approves and adopts the application fees and charges incorporated herein by this reference.

Section 2.09.020 of the District Code is hereby repealed in its entirety

- ~~A. For residential projects with less than three units the application fee is due and payable with the application for service.~~
- ~~B. For residential units that exceed three units and all commercial projects and mixed use projects, the application fee is due and payable as follows:~~
- ~~1. Twenty five percent as a non-refundable deposit with the application for service.~~
 - ~~2. The remainder of the application fee, plus charges for district consultants in processing the application, is due and payable prior to the district issuing a "Will Serve Letter" or entering into a plan check and inspection agreement, whichever occurs first.~~

and replaced with the following:

All application fees are nonrefundable and are due and payable at the time of application for service.

Chapter 2.11 is hereby added to the District Code as follows:

Section 2.11.010 Government Code §6257 authorizes the District to recover its cost of reproducing records.
Reproduction Charges - The fees are established by Resolution.

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Chapter 2.13 Board Room Policy is here by added to the District Code as follows:

Section 2.13.010 Adopted by reference.

District's Board Room Policy is hereby approved and adopted by Resolution.

Chapter 2.14 Inspection Prior to Connection is here by added to the District Code as follows:

Section 2.14.010 Prior to providing water and/ or sewer service to an individual parcel, the applicant must comply with all conditions of the Intent-to-Serve Letter and Verification of Will Serve Letter. Applicant must request final water and/or sewer lateral inspection and pay the applicable lateral inspection fee prior to District providing service. The fee is established by Resolution.

Section 3.03.020 (A) of the District Code is hereby repealed in its entirety

~~Applications for service shall be made by the property owner or bona fide nonresident property manager (authorized agent), in writing on a form provided by the District. All applications shall include a ten dollar nonrefundable account set up fee and payment of accrued fees and charges, if applicable.~~

and replaced with the following:

Account set up fee - Applications for service shall be made by the property owner or a bona fide nonresident property manager (authorized agent), in writing on a form provided by the District. All applications shall include a nonrefundable account set up fee and payment of outstanding accrued fees and charges, if applicable. The account set up fee shall be established by Resolution.

Section 3.03.030(C)(2) is added to the District Code as follows:

Meter Read Surcharge - Customers shall have the water meter accessible at all times to District personnel. Meters shall be free of items including, but not limited to, parked vehicles, debris, guard animals, overgrown landscaping, fences and locked gates. At no charge, the District will notify the owner, in writing, of an initial accessibility issue. A fee will be assessed for each subsequent unsuccessful attempt to access the meter. The fee will be placed on the next regularly scheduled utility billing. In addition, the District will estimate water usage for billing purposes. The Meter Read Surcharge fee shall be established by Resolution.

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Section 3.03.030 (E) of the District Code is hereby repealed in its entirety

~~All billing statements shall be mailed to the person designated in the application. If the person designated in the application is other than the owner of the property, then for a nominal charge and at the owner's written request, the district will mail a duplicate bill and turn-off notice to the owner.~~

and replaced with the following:

Billing statement - All billing statements shall be mailed to the person designated in the application.

Duplicate billing statement - The person designated in the application may request in writing on a form provided by the District to have a duplicate bill and late notice mailed to the service address, provided a mail receptacle is available. The duplicate billing fee shall be established by Resolution.

Section 3.03.050 of the District code is hereby repealed in its entirety

~~Accounts not collected within twenty five days of billing, are delinquent. Delinquent accounts shall incur a basic penalty of ten percent of the charges owing and shall accrue interest at the rate of one-half of one percent per month on the charge and basic penalty.~~

and replaced with the following:

Late Fee - Utility bills are due and payable upon presentation. Accounts not collected by 4:30 p.m. on the twenty-fifth day after presentation of the bill are delinquent. Postmarks are not accepted. Delinquent accounts shall incur a penalty on the total charges owing. A late notice that includes the penalties assessed and the final due date prior to discontinuance of service will be generated and mailed to the billing address. The Late fee shall be established by Resolution.

Section 3.03.060(B) of the District Code is hereby repealed in its entirety

~~Commencing at eight a.m. the day following the due date stated in the second notice, a non-payment fee of fifty dollars will be charged to the account. Further a work order may be generated to discontinue service for failure to make payment pursuant to subsection A of this section.~~

and replaced with the following:

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Non-Payment Fee - Commencing at 4:30 p.m. on the due date stated in the late notice, a non-payment fee will be charged to the account. Further, a work order may be generated to discontinue service for failure to make payment pursuant to subsection A of this section. The Non-Payment fee shall be established by Resolution.

Section 3.03.060(C) of the District Code is hereby repealed in its entirety

~~Ten days after the district initiated a work order to discontinue service pursuant to subsection B of this section, the service shall be considered permanently discontinued and the account will be finalized.~~

and replaced with the following:

Permanent discontinuance - Ten days after the District initiates a work order to discontinue service pursuant to subsection B of this section, the service shall be considered permanently discontinued and the account will be terminated. The meter will be removed and the location will be assessed a Meter Remove/Re-install fee. The meter will not be re-installed until all fees and charges have been paid in full, including a meter re-installation charge. The fees shall be established by Resolution.

Section 3.03.070(A)(1) is added to the District Code as follows:

Shut Off Notice (Door Hanger) - A fee will be added to every account for which a forty-eight hour Shut Off notice (door hanger) is generated. The fee will be added to the account and payable upon the presentation of the next regularly scheduled bill. This fee is in addition to the past due balance and late fee. The Shut Off notice fee shall be established by Resolution.

Section 3.03.100(B) is added to the District Code as follows:

B. Water on/off after hours fee - Any customer who requests a meter to be turned on or off for any reason, other than for non-payment, on any Saturday, Sunday, legal holiday, or at any time during which the business office of the District is not open to the public shall be assessed a fee for each request. The fee(s) shall be placed on the next regularly scheduled utility bill. The Turn on/off after hours fee shall be established by Resolution.

Section 3.03.150 of the District Code is hereby repealed in its entirety

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~~A charge of fifteen dollars will be charged against any person whose check is returned by the bank due to lack of funds. Returned checks are processed as delinquent payments for purposes of applying Section 3.03.060 et seq. of the district code.~~

and replaced with the following:

Returned Check fee - A fee will be charged against any account whose check is returned by the bank for any reason. Returned checks are processed as delinquent payments for purposes of applying Section 3.03.050, 3.03.060 or 3.03.070 et seq of the District Code. The Returned Check fee shall be established by Resolution.

Section 3.03.160 (A) of the District Code is hereby repealed in its entirety

~~A customer who questions the accuracy of a meter serving his premises may request a test of its registration. An appropriate testing charge shall be required in advance when a test is requested.~~

and replaced with the following:

Meter Calibration Deposit - A customer who questions the accuracy of a meter serving the premises may request in writing a test of meter registration. A deposit equal to the Water Meter Calibration Check charge and any calibration charges shall be required in advance when a test is requested. The Water Meter Calibration Charge fee shall be established by Resolution.

Section 3.03.170(B) of the District Code is repealed in its entirety

~~In addition to other district rates and charges, a fee of twenty-five dollars will be charged to the customer in all situations where a person has tampered with district services or privately restores water service without district permission. Such fee shall be added to any and all water bills for the property or units affected by the illegal water tampering.~~

and replaced with the following:

Tampering fee - In addition to other District fees and charges, a Tampering fee will be charged to the customer in all situations where a person has tampered with District services or privately restores water service without District permission. Such fee shall be added to the account for the property affected by the illegal tampering. The Tampering fee shall be established by Resolution.

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Section 3.03.170(C) of the District Code is repealed in its entirety

~~If a person's actions result in damage to the district's water or sewer systems, the cost of repair and/or replacement will be charged to the customer.~~

and replaced with the following:

Repair Authorization fee - If a person's actions result in damage to the District's water or sewer systems, the cost of repair and/or replacement will be charged to the customer. The Repair Authorization fee shall be established by Resolution.

Section 3.04.070(A)(1) is added to the District Code as follows:

1. Backflow Administration fee - Each District customer with a cross-connection device shall be assessed a Backflow Administration fee to cover the cost of the program. The fee will be included on the utility bill for the property. The Backflow Administration fee shall be established by Resolution.

Section 3.04.090(A) and (B) of the District Code are repealed in its entirety

- A. ~~Replace Small Meter with Larger Meter. The customer shall pay the then current connection fee/capacity charges required for the larger meter less a credit for the then current connection fee for the existing meter.~~
- B. ~~Replace large Meter with Small Meter. This change in size of service shall be made without additional charge to the customer.~~

and replaced with the following:

- A. Replace Small Meter with Larger Meter – The customer shall pay the Meter Removal/Re-install fee and the then current connection/capacity charge required for the larger meter less a credit for the then current connection/capacity fee for the existing meter. Capacity charges and Meter Removal/Re-install fee shall be established by Resolution.
- B. Replace Large Meter with Small Meter – This change in size shall be made without credit for connection/capacity charge to the customer. The customer shall pay for the Meter Removal/Re-install fee. The Meter Removal/Re-install fee shall be established by Resolution.

Section 3.04.310(B) of the District Code is repealed in its entirety

~~The fee shall be five hundred dollars per acre, or, per parcel less than one acre.~~

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and replaced with the following:

The annexation fee is established by Resolution.

Section 3.20.010(D) of the District Code is hereby added:

Fire Flow Letter – The District will process Fire Flow Letters at the request of applicant and upon payment of applicable fee. The Fire Flow Letter fee is established by Resolution.

Section 3.20.010(E) of the District Code is hereby added:

Fire Hydrant Flow Test – The District will conduct a Fire Hydrant Flow Test at the request of applicant and upon payment of applicable fee. The Fire Hydrant Flow Test fee is established by Resolution.

Section 3.20.030 (A), (B) and (C) of the District Code are hereby repealed in its entirety

- ~~A. All temporary water service shall be supplied through a fire hydrant designated by the district. A permit for the use of fire hydrant shall be obtained from the Nipomo Community Services District prior to the use of water from the fire hydrant. The rates for such temporary service shall be established from time to time by resolution of the board.~~
- ~~B. If temporary water service is required for more than two consecutive days, a fire hydrant water meter shall be required. The amount of the deposit and rent for the fire hydrant water meter shall be set from time to time by resolution of the board.~~
- ~~C. An administrative fee per permit request shall be added to the fees for temporary water service. The administrative fees shall be set from time to time by resolution of the board.~~

and

Section 3.20.035 (A), (B) and (C) of the District Code are hereby repealed in its entirety.

- ~~A. The charge for water pursuant to district code Section 3.20.030(A) of this chapter shall be charged at the then current water rate for nonresidential water users as stated in Appendix B of Chapter 3.03 of this code.~~
- ~~B. The rental of a fire hydrant water meter pursuant to district code Section 3.20.030(B) of this chapter shall be a five hundred dollar deposit with rent at ten dollars for the first day and one dollar per day thereafter.~~

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~~C. The administrative fee provided for in Section 3.20.030(C) of this chapter shall be twenty-five dollars per permit.~~

and replaced with the following:

Section 3.20.030 (A), (B)

- A. Fire Hydrant Meter fees - All temporary water service shall be preapproved by the District and shall be supplied through a fire hydrant meter at a fire hydrant designated by the District. Fire Hydrant Meter charges are applicable including deposit, rental, flat charge, volume charge, supplemental water charge, and hydrant meter relocation charge. All hydrant sales related fees are established by Resolution.
- B. Fire Hydrant Relocation – Upon request by applicant and approval by the District, a fire hydrant meter may only be relocated by District personnel. The fire hydrant relocation fee shall be established by Resolution.

Section 4.12.150(A), (B) and (C) of the District Code are hereby repealed in its entirety

~~Periodic charges shall be imposed by the district in order to recoup the actual cost of administering, operating, maintaining, repairing and replacing portions of the Nipomo sewerage project. Charges shall consist of the following:~~

- ~~A. Bi-monthly User Fees. The bi-monthly sewer user rates and fees are set forth in Appendix A to this chapter.~~
- ~~B. Shut-office notice charge~~
- ~~C. Reconnection Charges~~

and replaced with the following:

Bi-monthly User Fee. The bi-monthly sewer user rates and fees are set forth in Appendix A of this chapter. All collection procedures as outlined in Chapter 3.03 are applicable to sewer charges.

Section 3. Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior district Ordinance(s), Motions, Resolutions, Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2015-XXX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 2, 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE
TO AMEND AND TO ESTABLISH ADMINISTRATIVE PROCEDURES

Section 4. Incorporation of Recitals

The recitals to this Ordinance are true and correct, are incorporated herein by this reference, including the referenced documents, and constitute further findings for the implementation of the changes adopted by this Ordinance.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6 — Effect of Headings in Ordinance

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 7 — CEQA

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that limited relief from high water bills will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 8 — California Department of Fish and Game Certificate of Fee Exemption

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

Section 9 — Effective Date

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2015-XXX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 2, 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE
TO AMEND AND TO ESTABLISH ADMINISTRATIVE PROCEDURES

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the tenth (10th) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced at its regular meeting of the Board of Directors held on _____, 2015, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the __ day of _____, 2015 by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
General Manager and Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

January 14, 2015

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ATTACHMENT C

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES

WHEREAS, it is a major responsibility of the Nipomo Community Services District ("District") to maintain adequate levels of revenue, equitably collected from all classes of utility customers, to meet the District's financial commitments; and

WHEREAS the District retained Tuckfield & Associates to perform a Water Rate and Capacity Charge Study (herein "Study"). The Study included an analysis of existing miscellaneous fees and charges. The fees were reviewed based on estimates of District labor, materials and equipment used to perform the service to ensure the District is charging the appropriate fee for the costs incurred. In addition, the Study recommended adding new miscellaneous fees that would recover District costs where services are being provided but are not currently being charged.

WHEREAS, Government Code §61115 authorized the District to adopt rates and charges by Resolution; and

WHEREAS, the Study was received, approved, and filed on September 24, 2014, and has been available for public inspection at the District office and on the District website since that date.

WHEREAS, based upon facts and analysis presented by Tuckfield & Associates, the Study, the Staff Report, and public testimony received, the Board of Directors finds:

- A. The miscellaneous fees and charges that are the subject of this Resolution do not exceed the estimated reasonable cost of providing the services for which the fees and/or charge or charges are imposed;
- B. The District should recover the full cost of providing services from those whom the services are provided.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES

Section 2. Miscellaneous Fee Schedule

Chapter 2.07 – Miscellaneous Fee Schedule shall be added to the District Code and amended from time to time by Resolution. Any and all District fees and chargers that are not specifically amended by this Resolution shall remain in effect unless and until expressly amended or repealed by the Dsitric.

Section 3. Effect of Repeal on Past Actions and Obligations

This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any prior Resolution or Ordinance.

Section 4. CEQA Findings

The Board of Directors of the District finds that the rates and charges adopted by this Resolution exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6. Effective Date

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect _____ 1, 2015.

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

AYES:
NOES:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES

ABSENT:
CONFLICTS:

the foregoing resolution is hereby adopted this ___th day of _____, 2014.

CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES
EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
SCHEDULE OF MISCELLANEOUS FEES

FEE	CODE SECTION	AS OF 1, 2015
Account Set Up Fee	3.03.020(A)	\$42.00
Duplicate Billing	3.03.030(E)	\$1.50
Late Fee	3.03.050	Greater of \$10.00 or 10% of unpaid balance
Shut Off Notice (Door Hanger)	3.030.070(A)(1)	\$20.00
Non-Payment Fee	3.03.070(7)(B)	\$50.00
Returned Check	3.03.150	\$28.00
Tampering Fee	3.03.170(B)	\$137.00
Turn On/Off after hours	3.03.100 (B)	\$147.00
Repair Authorization	3.03.170(C)	Actual cost with \$75.00 minimum
Meter Read Surcharge	3.03.030(C)(2)	\$36.00
Backflow Administration	3.04.070(A)(1)	\$1.00 per month
Meter Remove/Re-install	3.030.060(C) and 3.04.090(A) and (B)	Actual cost plus \$118.00 minimum plus capacity charge, if applicable
Outside Water Sales	3.16.020	Double inside rates
Outside Sewer Sales	4.08.220	Double inside rates
Water Meter Calibration Check	3.03.160(A)	\$118.00 plus cost of calibration
Fire Flow Letter	3.20.010(D)	\$50.00
Verification of Water and/or Sewer Service Letter	3.28.010 and 4.16.010	\$50.00
Application fees for Intent-to-Serve Letter	2.09.020	See 2.09.020 Appendix A
Renewal Fee for Intent-to-Serve	3.28.030(A)(1) and 4.16.030(A)(1)	\$50.00
Water or Sewer Lateral Inspection	2.14.010	\$115.00 per lateral
Annexation Fee	3.04.310(B)	\$500.00 per acre or parcel, if less than one acre
Variance Fee	1.04.030(D)	Actual cost with \$900.00 deposit
District Hydrant Access	3.20.030	\$39.00 plus account set up fee plus cost of water
Fire Hydrant Meter	3.20.030	\$2,000.00 deposit, \$30.00 per month equipment rental with one month minimum; \$39.00 month flat charge plus

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES
EXHIBIT A

FEE	CODE SECTION	AS OF _____ 1, 2015
		cost of water and applicable Supplemental Water Charges
Fire Hydrant Meter Relocation Charge	3.20.030	\$150.00
Fire Hydrant Flow Test	3.20.010(E)	\$175.00 per hour with 1.5 hour minimum
In-house copy charge, Black and White	2.11.010	\$1.50 for first page and \$0.20 each page thereafter
In-house copy charge, Color	2.11.010	\$1.50 for first page and \$0.40 each page thereafter
Outside Copy Charge	2.11.010	\$25.00 plus actual cost
CD Copy Charge	2.11.010	\$15.00
Board Room Use	2.13.010	See Resolution No. 2007-1035