

**ORDINANCE NO. 2016-123**

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING SECTION 3.05.070.B.1. AND RENUMBERING SECTIONS  
3.05.070.B.2. TO 3.05.070.B.1. AND 3.05.070.B.3. TO 3.05.070.B.2. OF THE  
DISTRICT CODE**

**WHEREAS**, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to §61100(a) of the Community Services District Law, and

**WHEREAS**, Chapter 3.05, Application for Intent-to-Serve Letters, Will-Serve and Termination, of the District Code provides District constituents access to District water service; and

**WHEREAS**, the District constituents seeking to develop a parcel within District service boundaries are subject to the County of San Luis Obispo Planning Department ("County"), their policies and ordinances; and

**WHEREAS**, County review and acceptance of an applicant's project application can exceed 365 days, limiting an applicant's ability to secure written verification that the County has deemed the project application to be complete until such time the County ordains it so; and

**WHEREAS**, Subsection .070.B.1 of Chapter 3.05 of District Code requires project applicant to provided District with written verification within 240 days that the County has deemed the project application to be complete; and

**WHEREAS**, District Code and County policies are inconsistent with providing access to District constituents seeking District water service; and

**WHEREAS**, based on the Staff Report, staff presentation, and public comment, the District Board of Directors finds:

A. Subsection .070.B.1 of Chapter 3.05 is untenable and is repealed.

"Failure of the applicant to provide[d] district with written verification, within two hundred forty calendar days of the date the intent-to-serve letter is issued, that the county has deemed the county's project application to be complete: or"

B. Subsections .070.B.2 of Chapter 3.05 is renumbered .070.B.1

C. Subsections .070.B.3 of Chapter 3.05 is renumbered .070.B.2

**NOW, THEREFORE BE IT ORDAINED**, by the Board of Directors of the District as follows:

**Section 1. Chapter 3.05 of the District Code**

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AND 3.05.070.B.3. TO 3.05.070.B.2. OF THE DISTRICT CODE

Subsection .070.B.1 of Chapter 3.05 of the District Code is hereby repealed in its entirety.

With the repeal of Subsection .070.B.1 of Chapter 3.05, the following are hereby renumbered:

Subsections .070.B.2 of Chapter 3.05 is renumbered .070.B.1  
Subsections .070.B.3 of Chapter 3.05 is renumbered .070.B.2

**Section 2. Incorporation of Recitals**

The recitals to this Ordinance are true and correct and are incorporated herein by this reference.

**Section 3. Severability**

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 4. 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 5. 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.

**Section 6 — 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

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that the action 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 7 — California Department of Fish and Wildlife 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 8. Effective Date**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a paper of general circulation.

Introduced on the 13th day of July, 2016 and adopted by the Board of Directors of the Nipomo Community Services District July 27, 2016, by the following roll call vote, to wit:

**AYES:** Directors Blair, Armstrong, Eby, Woodson, and Gaddis  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
**CRAIG ARMSTRONG**  
President of the Board

ATTEST:

APPROVED AS TO FORM:

  
**MARIO E. IGLESIAS**  
General Manager and Secretary to the Board

  
**MICHAEL W. SEITZ**  
District Legal Counsel