

ORDINANCE NO. 2019-129

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT
CODE SECTION 7.08.030**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Section 7.08.030 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

7.08.030 - Rates and charges.

- A. The owner of the property which is furnished service shall be responsible for payment of all rates, charges and fees, including penalties thereon regarding such furnished services. Unpaid obligations shall run with the land and shall create a lien on the property involved. At the owner's request, and subject to a fee established by the franchisee, duplicate bills and delinquency notices will be mailed to the service address by the franchisee.
- B. Rates and charges for residential and commercial solid waste collection shall be established pursuant to their procedures established by Article XIII D Section 6 of the California Constitution and established by Resolution adopted by the District Board of Directors.
- C. The charges for both commercial and residential customers may be adjusted on July 1st of each fiscal year up to the average percentage change in the Consumer Price Index for Urban Consumers based on the All U.S. City Average for the prior twelve-month period, as reported by the Bureau of Labor Statistics of the United States Department of Labor.
- D. The franchisee shall provide each property owner with notice of property owner's responsibility for payment of solid waste rates and charges and a summary of Sections 7.08.030 et seq. and 7.09.000 et seq. of the district's code as part of all notices of rate increases as required by the franchise agreement.

SECTION 2. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 3. 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.

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SECTION 4. The Board of Directors of the District finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) because it constitutes general policy and procedure making and government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds that the adoption of this Ordinance is not a project as defined in CEQA Guidelines Section 15378 because it can be seen with certainty that it 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 5. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) 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 June 12, 2019, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the 26th day of June, 2019, by the following roll call vote, to wit:

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



ED EBY
President, Board of Directors

ATTEST:



MARIO IGLESIAS
General Manager and
Secretary to the Board

APPROVED AS TO FORM AND LEGAL
EFFECT:



WHITNEY G. McDONALD
District Legal Counsel