

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2022-134

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 3 AND 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE
TO AMEND BILLING 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

C. Amending the District's Billing Procedures as provided in this Ordinance is in the best interest of the District and its customers:

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

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

Section 1. Authority

This Ordinance is enacted pursuant to Government Code Sections 61100, 61115, 66013, and 66016.

Section 2. Administrative Procedures and Billing

Section 3.03.030 (A) of the District Code is hereby repealed in its entirety and replaced with the following:

A. Except as provided in subsection B of this section, water meters are to be read and statements for water and sewer services are to be mailed once every month.

Section 3.03.050 (C) of the District Code is hereby repealed in its entirety and replaced with the following:

C. Small Balance Accounts. Any balance on a bill totaling \$20.00 or less may be carried over and added to the next billing period without being assessed a penalty. Any such small balance not paid during the next billing period will be subject to all otherwise applicable penalties, fees and discontinuation of service procedures.

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Section 3.03.140 of the District Code is hereby repealed in its entirety and replaced with the following:

Partial payment spread.

In the case of partial payment by a customer, the payment will be applied to the account in the following order:

- A. Payment Arrangements;
- B. Fees assessed to the account (tampering, returned check fees, etc.);
- C. Restoration charges (non-payment fees);
- D. Penalties/late charges;
- E. Sewer charge;
- F. Water charge.

Section 3.03.180 of the District Code is hereby repealed in its entirety and replaced with the following:

A. Water rates shall be charged as follows:

- 1. Minimum Charges. A minimum monthly charge shall be paid by each customer for each monthly billing period during which a service connection exists even if the meter is locked. Such charge for any billing period in which a service connection has existed for less than the whole of a billing period shall be prorated. Minimum monthly charges vary with the size of the meter. The minimum monthly charge for service shall be established by resolution.

Section 3.04.140(2) of the District code is hereby repealed in its entirety and replaced with the following:

- 2. Monthly charges for private fire service shall be established by Resolution. Water used for fire suppression shall be furnished without charge.

Section 4.12.150 of the District Code is hereby repealed in its entirety and replaced with the following:

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4.12.150 - Monthly user fee.

The monthly sewer user rates and fees shall be established by resolution of the Board. 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.

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

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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 monthly billing 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 9 . Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of the tenth (10th) day after adoption 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 January 12th, 2022, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the 26th day of January, 2022 by the following roll call vote, to wit:

AYES: Director Armstrong, Woodson, Malvarose and Eby
NOES: None
ABSENT: Director Gaddis
CONFLICTS: None




ED EBY
President of the Board

ATTEST:



MARIO IGLESIAS
General Manager and Secretary to the Board

APPROVED AS TO FORM:



CRAIG A. STEELE
District Legal Counsel