

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-1056**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING GUIDELINES FOR PROCESSING SOLID WASTE FEE EXEMPTIONS**

WHEREAS, the Nipomo Community Services District (herein "District") in 2005 adopted Ordinance 2005-101, which establishes mandatory solid waste collection within the District (now codified as Section 7 of NCSD's Code); and

WHEREAS, Section 7.010.070 (A) of the NCSD Code enables the General Manager to consider appeals from property owners who consider the strict application of the code to their property to be unjust or inequitable; and

WHEREAS, the Board desires to establish guidelines for processing such requests that complies with the provisions of State Law; and


WHEREAS, based on the staff report, staff presentation and public comment at both the November 28, 2007 hearing and the December 12, 2007 hearing, the District finds that the policy established by this Resolution is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTS THE ATTACHED POLICY (EXHIBIT "A") AND DIRECTS STAFF TO IMPLEMENT IT.

On the motion by Director Eby seconded by Director Harrison, and on the following roll call vote, to wit:

AYES: Directors Eby, Harrison and Vierheilig
NOES: None
ABSENT: Directors Trotter and Winn
ABSTAIN: None

the foregoing resolution is hereby adopted this 12th day of December, 2007.



Michael Winn, President
Nipomo Community Services District

ATTEST:



Donna K. Johnson
Secretary to the Board

APPROVED AS TO FORM:



Jon S. Seitz
General Counsel

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EXHIBIT "A"

Subject to Board action directing otherwise, this policy shall apply to all Solid Waste Appeal Applications submitted pursuant to Section 7.01.070 (A) of the NCS D Code:

1. All applications based on vacancy of the service address will be processed directly with the solid waste franchisee.
2. All other applications shall be in writing, filed with the District General Manager, stating the name of the applicant, the service address, applicant's residence address if different than the service address, applicant's phone number and an explanation of the grounds or special circumstances for the appeal, (including the applicable NCS D Code Section).

All applications must be signed, including a verification of the facts therein stated.

3. General principals of consideration:
 - A. All applications based on exemptions from the mandatory provisions (other than vacancies) will require the applicant to include with the application the following:
 1. \$50 dollar non-refundable application fee; and
 2. Proof that the applicant will haul and deposit solid waste generated at the service address to a recognized landfill every week (52 times per year). If the District approves the exemption, then receipts from the landfill shall be filed with the General Manager monthly, on or before the 10th day of the succeeding month.

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EXHIBIT "A" CONTINUED

- B. All applications based on the service address exceeding 2.5 gross acres shall include proof of the acreage area, to the satisfaction of the General Manager.
 - C. All approved exemptions shall be in writing and may include conditions. Failure to comply with conditions constitutes a revocation of the exemption and restoration of service, and all further applications for exemptions to the service address shall be suspended, for a one (1) year period.
 - D. Each service address is limited to one (1) application for exemption per twelve (12) month period.
4. Applicants may appeal the decision of the General Manager to the District Board of Directors, by written application filed with the General Manager within fifteen (15) days of the General Manager's written decision. The appeal will be heard within a reasonable period of time, not to exceed forty-five (45) days. Failure to comply with conditions of an exemption cannot be appealed to the Board of Directors.