

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-1505**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A POLICY GOVERNING
THE EXERCISE OF THE GENERAL MANAGER'S AUTHORITY TO
WAIVE FEES ASSESSED ON CUSTOMER UTILITY ACCOUNTS
AS A RESULT OF A DELINQUENT UTILITY BILL**

WHEREAS, the Nipomo Community Services District ("District") is formed under the Community Services District Law (Govt. Code §61100 et seq.) and provides water and sewer service within its service area pursuant to Govt. Code §61100 of the Community Services District Law; and

WHEREAS, the District is authorized by state law to impose and collect rates and charges for the provision of water and sewer service to its customers and, where such rates and charges become delinquent, to impose and collect late fees and charges associated with such delinquencies; and

WHEREAS, the District has adopted and collects certain late fees and charges as stated in District Code sections 2.07.020, 3.03.050, and 3.05.070 where customers' utility bills become delinquent; and

WHEREAS, the District Board of Directors ("Board") recognizes that, on occasion, circumstances may develop beyond the control of a customer who routinely pays their water and sewer bills in the allotted time period provided by District Code, but for such circumstances, fails to do so and incurs late fees and charges pursuant to the District Code, and, in recognition of such situations and the hardship late fees and charges may cause customers, the Board wishes to adopt a limited late fee waiver program to be administered by the District General Manager.

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

1. The recitals stated above are true and correct and incorporated herein.
2. The Board hereby adopts and directs the General Manager to implement the Policy Governing the Exercise of the General Manager's Authority to Waive Fees Assessed on Customer Utility Accounts as a Result of a Delinquent Utility Bill, attached hereto and incorporated herein as Exhibit A.
3. This Resolution is effective as of the date of adoption and does not apply retroactively to any late fees or charges assessed and paid prior to this effective date.

Upon motion by Director Woodson, seconded by Director Blair, on the following roll call vote, to wit:

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

the foregoing resolution is hereby passed and adopted this 24th day of April, 2019.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-1505**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A POLICY GOVERNING
THE EXERCISE OF THE GENERAL MANAGER'S AUTHORITY TO
WAIVE FEES ASSESSED ON CUSTOMER UTILITY ACCOUNTS
AS A RESULT OF A DELINQUENT UTILITY BILL**



ED EBY
President of the Board

ATTEST:



MARIO E. IGLESIAS
General Manager and Secretary to the Board

APPROVED AS TO FORM:



WHITNEY G. McDONALD
District Legal Counsel

EXHIBIT "A"

NIPOMO COMMUNITY SERVICES DISTRICT
POLICY GOVERNING THE EXERCISE OF [M12]
THE GENERAL MANAGER'S AUTHORITY TO
WAIVE FEES ASSESSED ON CUSTOMER UTILITY ACCOUNTS
AS A RESULT OF A DELINQUENT UTILITY BILL

APPLICABILITY:

This Policy applies to all property owners who receive either water, sewer, or water and sewer services from the Nipomo Community Services District ("District").

DEFINITIONS:

"District Code" means the Nipomo Community Services District's Code of Ordinances.

"Utility Bill" shall mean a monthly or bimonthly invoice issued by Nipomo Community Services District to its customers for water and/or sewer utility services.

"Late Fees and Charges" means those fees and charges defined in the District's Code of Ordinances, Section 2.07.020 - Miscellaneous Fee Schedule, more specifically and limited to, "Late Fee", "Shut Off Notice" charge, and "Non-payment Fee".

"Allotted Time Period" are those time periods referenced in the Nipomo Community Services District's Code of Ordinances, more specifically sections "3.03.050 Late Fee", "3.03.060 Discontinuance of Service", and "3.03.070 Notice of discontinuance of residential service for nonpayment".

"General Manager" shall mean the General Manager for the Nipomo Community Services District or her/his designee.

PURPOSE:

This Policy governs the actions of the General Manager with regard to waiving or removing any and all Late Fees and Charges assessed on a District customer's Utility Bill when the Utility Bill becomes delinquent. The Policy recognizes that, on occasion, circumstances may develop beyond the control of a customer who routinely pays their Utility Bill within the Allotted Time Period provided by District Code, but for such circumstances, fails to do so and incurs Late Fees and Charges.

EXHIBIT "A"

POLICY:

The General Manager is authorized to act in the interest of the District by overseeing and managing the Late Fee Waiver Request Program ("Program"), including the review of all Program applications, determining customer qualifications, and carrying out the intent of the Program consistent with the Purpose stated above. In addition to any other provisions of law and District Code governing the application and collection of Late Fees and Charges, the General Manager is authorized to waive Late Fees and Charges in accordance with the following:

- a) The property owner on record with the District must be the signatory on a Late Fee Waiver Request Application in a form provided by the District.
- b) The Program is available to property owners who have not applied for and received a waiver of any Late Fees and Charges during the 24 months prior to the date of the Late Fee Waiver Request Application.
- c) The Late Fee Waiver Request Application must be filed prior to the property owner's next billing cycle.