

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-1576**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SETTING BI-MONTHLY WATER RATES AND CHARGES
AND PRIVATE FIRE PROTECTION CHARGES**

WHEREAS, it is a major responsibility of the Nipomo Community Services District ("District") to maintain adequate levels of revenue, equitably and proportionately collected, to meet the District's financial commitments for the operation and maintenance for water facilities and the replacement of existing facilities in the future; and

WHEREAS, the District retained Tuckfield & Associates to evaluate water rates and charges and to develop a five year financial plan. The Financial Plan includes estimated operating and maintenance costs, anticipated debt service obligations, and capital replacement program needs covering a period from FY 20-21 through FY 24-25. The Report on Water Rate Study dated August 2020 (Water Rate Study) was approved by the District Board of Directors on August 26, 2020; and is incorporated herein by this reference; and

WHEREAS, Government Code §61115 authorizes the District to adopt rates and charges by resolution; and

WHEREAS, on October 28, 2020, the District conducted a duly noticed public hearing wherein the Board of Directors considered public comment in support and in opposition to the proposed rate increase and whether or not a majority protest to the proposed rate increase exists pursuant to Section 6 of Article XIII D of the California Constitution. A total of 4,471 parcels would be subject to the proposed rate increase; therefore, 2,236 protests would be needed to constitute a majority protest. At the conclusion of the public hearing, the Board found that 174 written protests were received and that a majority protest did not exist.

WHEREAS, based on facts and analysis presented in and relied on by the Water Rate Study, written protests received prior to the close of the October 28, 2020 public hearing, the Staff Report, Staff Presentation and public testimony received, to the best of the Board's knowledge the Board of Directors finds:

A. The District identified the parcels upon which the new rates and charges will be imposed, calculated the amount of the rates, and mailed notices to all Owners of Record and Customers of Record of properties responsible for the water rates and charges, which notices provided information on the proposed rates and charges, the basis for the calculation, the reason for the rates and charges, the means by which a protest could be filed, and the date, time, and location for a public hearing which was not less than 45 days after the date of mailing.

B. The public hearing adopting this Resolution has been properly noticed pursuant to the Section 6 of Article XIII D of the California Constitution, the Proposition 218 Omnibus Implementation Act (Government Code §53750, et. seq.), and the Brown Act (Government Code §54950, et seq.).

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- C. The rates and charges adopted by this Resolution:
1. Are for the purposes of meeting operation, maintenance, and capital replacement expenses for providing water for District customers.
 2. Do not exceed the funds required to provide water to District customers.
 3. Do not exceed the proportional cost of services attributable to those parcels receiving water service.
- D. The revenues derived from the water rates and charges will not be used for any purpose other than that for which the charge is imposed.

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

Section 1. Incorporation of Recitals

To the best of the Board's knowledge, the Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 2. Water Rates

The Bi-Monthly Water Availability Charges and Water Commodity Rates referred to in Section 3.03.180 of the District Code and as set forth in Exhibit A, attached hereto and incorporated herein by reference, are hereby adopted, effective January 1, 2021.

The Bi-Monthly Water Availability Charges and Water Commodity Rates adopted herein shall adjust annually and automatically in the amounts and in accordance with the schedule identified in Exhibit A. Increases or decreases in wholesale water costs that the City of Santa Maria charges to the District, including but not limited to any surcharges, supplemental charges, changes to the Base Rate, or changes in energy costs, as provided for in the Wholesale Water Supply Agreement dated May 7, 2013, shall be passed through to customers in accordance with Government Code section 53756.

Customers who are granted a leak adjustment under District Code Section 3.03.120 will be billed for excess usage above the normal average usage at a rate equivalent to the otherwise applicable water rate minus the Supplemental Water Unit Cost identified in Table 18 of the Water Rate Study.

Section 3. Private Fire Protection Charges

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The Bi-Monthly Private Fire Protection Charges referred to in Section 3.04.140 of the District Code and as set forth in Exhibit B, attached hereto and incorporated herein by reference, are hereby adopted, effective January 1, 2021. The Private Fire Protection Charges adopted herein shall adjust annually and automatically in the amounts and in accordance with the schedule identified in Exhibit B.

Section 4. Effective Date

The effective date of the rates established in this Resolution shall be as set forth in Sections 2 and 3 above, which are incorporated herein as if set forth in full.

Section 5. Repeal of Prior Resolutions

All resolutions and sections of resolutions that are inconsistent with this Resolution are hereby repealed, subject to the effective dates identified in Sections 2 and 3 above. Any existing rates and charges not specifically amended by this Resolution shall remain in full force and effect.

Section 6. Effect of Repeal on Past Actions and Obligations

This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any prior resolution or ordinance.

Section 7. CEQA Findings

The Board of Directors of the District finds that to the best of its knowledge the rates and charges adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 8. Severance Clause

If any section, subsection, sentence, clause or phrase of this Resolution 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 Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases 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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Upon the motion of Director Armstrong, seconded by Director Eby, and on the following roll call vote, to wit:

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

the foregoing resolution is hereby adopted this 28th day of October 2020.



DAN ALLEN GADDIS, President
Nipomo Community Services District
Board of Directors

ATTEST:


MARIO IGLESIAS
General Manager and
Secretary to the Board

APPROVED AS TO FORM
AND LEGAL EFFECT:


CRAIG A. STEELE
District Legal Counsel

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EXHIBIT "A"

BI-MONTHLY AVAILABILITY CHARGES

Effective January 1 of each year

	Current Rate	January 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
Meter Size	Fixed Charge (\$ per bi-month)					
5/8 thru 1 inch	\$51.59	\$53.70	\$60.72	\$67.73	\$75.25	\$83.12
1-1/2 inch	\$60.87	\$75.76	\$84.84	\$94.06	\$103.97	\$114.39
2 inch	\$78.43	\$106.42	\$118.65	\$131.20	\$144.69	\$158.90
3 inch	\$178.85	\$223.04	\$249.29	\$276.41	\$305.33	\$335.75
4 inch	\$228.44	\$312.99	\$348.36	\$385.16	\$424.45	\$465.89
6 inch	\$372.90	\$631.28	\$697.07	\$766.35	\$840.66	\$919.47
8 inch	\$538.01	\$995.04	\$1,095.60	\$1,202.00	\$1,316.33	\$1,437.85

WATER COMMODITY RATES

Effective January 1 of each year

	Current Rate	January 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
Variable Charge (\$ per HCF)						
All Consumption	\$5.95	\$6.21	\$6.68	\$7.21	\$7.80	\$8.45

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EXHIBIT "B"

BI-MONTHLY PRIVATE FIRE PROTECTION CHARGES

Effective January 1 of each year

Fireline Size	Fireline Ratio	Current Charge	January 1, 2021	January 1, 2022	January 1, 2023	January 1, 2024	January 1, 2025
inches							
1 inch	0.01	\$0.77	\$0.47	\$0.54	\$0.60	\$0.67	\$0.74
1-1/2 inch	0.03	\$2.25	\$1.36	\$1.57	\$1.74	\$1.94	\$2.16
2 inch	0.06	\$4.79	\$2.90	\$3.34	\$3.71	\$4.13	\$4.61
3 inch	0.16	\$13.91	\$8.41	\$9.70	\$10.78	\$11.99	\$13.39
4 inch	0.34	\$29.65	\$17.93	\$20.68	\$22.97	\$25.56	\$28.52
6 inch	1.00	\$86.13	\$52.08	\$60.07	\$66.73	\$74.25	\$82.86
8 inch	2.13	\$183.54	\$110.99	\$128.01	\$142.21	\$158.23	\$176.57
10 inch	3.83	\$330.07	\$199.60	\$230.21	\$255.74	\$284.56	\$317.54