

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2021-1602**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SETTING BI-MONTHLY TOWN SEWER RATES AND 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 Town Sewer facilities and the replacement of existing facilities in the future; and

WHEREAS, the District retained Tuckfield & Associates to evaluate Town sewer 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 21-22 through FY 25-26. The Report on Town Sewer Rate Study dated April 2021 (Town Sewer Rate Study) was approved by the District Board of Directors on April 21, 2021; 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 June 23, 2021, the District conducted a duly noticed public hearing wherein the Board of Directors took public comment and other evidence in support and in opposition to the proposed rate increase, and considered whether a majority protest to the proposed rate increase exists pursuant to Section 6 of Article XIII D of the California Constitution. A total of 2,627 parcels would be subject to the proposed rate increase; therefore, 1,314 protests would be needed to constitute a majority protest. At the conclusion of the public hearing the general manager reported, and the Board found, that 7 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 Town Sewer Rate Study, written protests received prior to the close of the June 23, 2021 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 Town sewer 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 was 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 sewer for Town District customers.
 - 2. Do not exceed the funds required to provide sewer service to Town District customers.
 - 3. Do not exceed the proportional cost of services attributable to those parcels receiving Town sewer service.

- D. The revenues derived from the Town sewer 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. Town Sewer Rates

The Bi-Monthly Sewer Rates Rates referred to in Section 4.12.150 of the District Code, as the same may be amended in the future, and as set forth in Exhibit A, attached hereto and incorporated herein by reference, are hereby adopted, effective August 1, 2021.

Section 3. Repeal of Prior Resolutions

All prior resolutions and sections of resolutions that are inconsistent with this Resolution are hereby repealed, subject to the effective date identified in Sections 2 above.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

Section 4. 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.

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Section 5. 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 6. 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.

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

AYES: Director Woodson, Blair, Malvarose, and Eby
NOES: NONE
ABSENT: Director Gaddis
CONFLICTS: NONE

the foregoing resolution is hereby adopted this 23th day of June 2021.



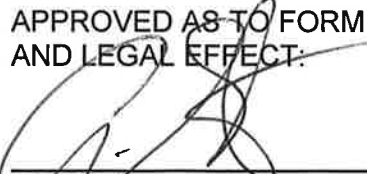
ED EBY, President
Nipomo Community Services District
Board of Directors

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 USER FEES (TOWN SEWER)

| Description | Current | Date of Increase | | | | |
|---|------------|------------------|--------------|--------------|--------------|--------------|
| | | Aug 1, 2021 | July 1, 2022 | July 1, 2023 | July 1, 2024 | July 1, 2025 |
| Residential Bi-monthly Fixed Charges | | | | | | |
| Single Family | \$100.87 | \$104.54 | \$108.51 | \$112.64 | \$116.92 | \$121.36 |
| Multi-family | \$84.14 | \$87.15 | \$90.46 | \$93.90 | \$97.47 | \$101.17 |
| Non-Residential Bi-monthly Meter Charges by Size | | | | | | |
| Up to 1 inch | \$39.83 | \$54.88 | \$56.97 | \$59.13 | \$61.38 | \$63.71 |
| 1.5 inch | \$115.63 | \$158.04 | \$164.05 | \$170.28 | \$176.75 | \$183.47 |
| 2 inch | \$183.84 | \$250.88 | \$260.41 | \$270.31 | \$280.58 | \$291.24 |
| 3 inch | \$343.01 | \$467.51 | \$485.28 | \$503.72 | \$522.86 | \$542.73 |
| 4 inch | \$570.39 | \$776.98 | \$806.51 | \$837.15 | \$868.96 | \$901.99 |
| 6 inch | \$1,138.85 | \$1,550.66 | \$1,609.58 | \$1,670.75 | \$1,734.23 | \$1,800.13 |
| 8 inch | \$1,820.99 | \$2,479.07 | \$2,573.27 | \$2,671.06 | \$2,772.56 | \$2,877.91 |
| Non-Residential Usage Rates (\$ per HCF) | | | | | | |
| Low Strength | \$3.89 | \$3.87 | \$4.02 | \$4.17 | \$4.33 | \$4.49 |
| Medium Strength | \$4.32 | \$4.27 | \$4.43 | \$4.60 | \$4.77 | \$4.95 |
| High Strength | \$5.59 | \$5.47 | \$5.68 | \$5.89 | \$6.12 | \$6.35 |
| Mixed Use Usage Rates (\$ per HCF) | | | | | | |
| Standard Comm with 10% High Strength | \$4.08 | \$4.03 | \$4.18 | \$4.34 | \$4.51 | \$4.68 |
| Standard Comm with 20% High Strength | \$4.25 | \$4.19 | \$4.35 | \$4.51 | \$4.69 | \$4.86 |
| Standard Comm with 30% High Strength | \$4.42 | \$4.35 | \$4.52 | \$4.69 | \$4.86 | \$5.05 |
| Standard Comm with 40% High Strength | \$4.61 | \$4.51 | \$4.68 | \$4.86 | \$5.04 | \$5.24 |
| Standard Comm with 50% High Strength | \$4.78 | \$4.67 | \$4.85 | \$5.03 | \$5.22 | \$5.42 |
| Standard Comm with 60% High Strength | \$4.96 | \$4.83 | \$5.01 | \$5.20 | \$5.40 | \$5.61 |
| Standard Comm with 70% High Strength | \$5.13 | \$4.99 | \$5.18 | \$5.38 | \$5.58 | \$5.79 |
| Standard Comm with 80% High Strength | \$5.30 | \$5.15 | \$5.35 | \$5.55 | \$5.76 | \$5.98 |
| Standard Comm with 90% High Strength | \$5.48 | \$5.31 | \$5.51 | \$5.72 | \$5.94 | \$6.16 |



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

| |
|--|
| RECEIPT NUMBER: 40-09022021-122 |
| STATE CLEARINGHOUSE NUMBER (If applicable) NA |

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|---|--|--------------------|
| LEAD AGENCY NIPOMO COMMUNITY SERVICES DISTRICT | LEAD AGENCY EMAIL miglesis@ncsd.gov | DATE 09/02/2021 |
| COUNTY/STATE AGENCY OF FILING SAN LUIS OBISPO | | DOCUMENT NUMBER |

PROJECT TITLE
 APPROVAL OF RESOLUTION NO. 2021-1602 SETTING BI-MONTHLY TOWN SEWER RATES AND CHARGES

| | | |
|--|---|--------------------------------|
| PROJECT APPLICANT NAME NIPOMO COMMUNITY SERVICES DISTRICT | PROJECT APPLICANT EMAIL miglesis@ncsd.ca.gov | PHONE NUMBER (805) 929-1133 |
| PROJECT APPLICANT ADDRESS PO BOX 326 | CITY NIPOMO | STATE CA |
| | | ZIP CODE 93444 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

| | | |
|---|------------|----------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,445.25 | \$ _____ |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,480.25 | \$ _____ |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,171.25 | \$ _____ |

Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

| | | |
|---|----------|------------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ _____ |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ _____ \$50.00 |
| <input type="checkbox"/> Other | | \$ _____ |

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ _____ \$50.00

| | |
|-------------------------------------|--|
| SIGNATURE X <i>Sandy Currens</i> | AGENCY OF FILING PRINTED NAME AND TITLE Sandy Currens, Deputy County Clerk-Recorder |
|-------------------------------------|--|

Filed in County Clerk's Office
 Helen Nolan
 San Luis Obispo - County Clerk-Recorder
40-09022021-122
 09/02/2021
 FISH
 Pages: 2
 Fee: \$ 50.00





NIPOMO COMMUNITY SERVICES DISTRICT
 P.O. BOX 326, NIPOMO, CA 93444-0326
 805-929-1133

NOTICE OF EXEMPTION

PROJECT TITLE: Approval of Resolution No. 2021-1602 Setting bi-monthly Town sewer rates and charges.

| | |
|---|--|
| Project Location (Specific address): Districtwide | Project Applicant, Phone No. & Email: Nipomo Community Services District 805-929-1133; miglesias@ncsd.gov |
| Project Location (County): San Luis Obispo | Applicant Address (specific): P.O. Box 326 Nipomo, CA 93444 |

Description of Nature, Purpose and Beneficiaries of Project: On June 23, 2021, following a duly-noticed public hearing, the Board of Directors of the Nipomo Community Services District ("District") adopted Resolution No. 2021-1602 to set bi-monthly sewer rates and charges for the town customers of the District, effective August 1, 2021. This resolution establishes and modifies charges and fees for service by a public agency. No physical change to the environment is included as a part of this project.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Nipomo Community Services District

Exempt Status: (Check One)

- Ministerial {Sec. 21080(b)(1); 15268}
- Declared Emergency {Sec. 21080(b)(3); 15269(a)}
- Emergency Project {Sec. 21080(b)(4); 15269(b)(c)}
- Categorical Exemption {Sec. 15307; 15308}
- Statutory Exemption {PRC Section 21080(b)(8); CEQA Guidelines Sec. 15273}

Reason why project is exempt: Adoption of Resolution No. 2021-1602 is exempt from California Environmental Quality Act ("CEQA") review pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because the resolution establishes and modifies certain sewer charges and fees collected from customers by the District, the revenue from which may be used for the purpose of meeting operating expenses, purchasing supplies and equipment, meeting financial reserve needs, and obtaining funds for capital projects necessary to maintain service to the customers of the District. No physical change to the environment is proposed or approved by this action.

Mario Iglesias, General Manager
Lead Agency Contact Person

805-929-1133
Telephone

miglesias@ncsd.ca.gov
Email

If filed by applicant:

- Attach certified document of exemption finding
- Has a notice of exemption been filed by the public agency approving the project?
 YES NO

Signature Date 8/31/2021
 Name (Print) Mario Iglesias Title General Manager