

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-1636**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SETTING RATES FOR SOLID WASTE, RECYCLING, AND GREEN WASTE SERVICES
PROVIDED BY SOUTH COUNTY SANITARY SERVICE
WITHIN THE NIPOMO COMMUNITY SERVICES DISTRICT'S SERVICE AREA**

WHEREAS, pursuant to San Luis Obispo County Local Agency Formation Commission Resolution 2001-02 and Government Code section 61100(c), the Nipomo Community Services District ("District") is authorized to provide its residents with services for the collection and disposal of garbage and refuse matter; and

WHEREAS, the District has granted an exclusive franchise to the South County Sanitary Services ("SCSS") to provide solid waste, recycling, and green waste collection services (collectively, "solid waste services") to homes and businesses within the District under the Nipomo Community Services District Amended and Restated Solid Waste Collection Franchise Agreement dated August 27, 2008, as amended by the First Amendment to Amended and Restated Solid Waste Collection Franchise Agreement dated November 12, 2015 (collectively referenced herein as the "Franchise Agreement"); and

WHEREAS, District Code and the Franchise Agreement specify that rates and charges for the provision of solid waste services within the District are subject to Proposition 218, Section 6 of Article XIII D of the California Constitution ("Proposition 218"); and

WHEREAS, SCSS has submitted a request to increase its rates and charges for solid waste services within the District, which requires compliance with Proposition 218; and

WHEREAS, to evaluate SCSS's request, the District retained William C. Statler ("Statler") to prepare a rate study "South County Sanitary Service Solid Waste Rate Review" ("April 2022 Report"); and

WHEREAS, the April 2022 Report prepared by Statler was presented to the District Board of Directors ("Board") at its regular meeting held on April 27, 2022, and

WHEREAS, at its regular meeting held on May 11, 2022 the Board considered and approved the Rate Study prepared for the proposed solid waste rate increase prepared by Statler referenced and incorporated herein as the "Rate Study," initiated the Proposition 218 process to increase solid waste rates and charges within the District by 21.27% as supported by the Rate Study, and set the public hearing on the proposed rate increase for July 13, 2022; and

WHEREAS, the District, pursuant to Article XIII D, §6(a) of the California Constitution, has provided written notice to record owners of identified parcels within the District upon which the fee or charge is proposed for solid waste collection services, which notice is incorporated herein by reference; and

WHEREAS, on July 13, 2022, the District conducted a duly noticed public hearing wherein the Board of Directors considered public comments 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 4,350 parcels would be subject to the proposed rate increase; therefore, 2,176 protests would be needed to constitute a majority protest.

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At the conclusion of the public hearing, the Board found that 9 written protests were received and that a majority protest did not exist; and

WHEREAS, based on facts and analysis presented in and relied on by the Rate Study, the facts and information provided in the rate adjustment application submitted by SCSS, the written protests received prior to the close of the July 13, 2022 public hearing, the Staff Reports, Staff Presentations, and public testimony received during the hearings and public meetings held on April 27, 2022, May 11, 2022, and July 13, 2022, 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 solid waste services 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, 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.).

C. The rates and charges adopted by this Resolution:

1. Are for the purposes of meeting operation, maintenance, and capital replacement expenses required to provide safe, environmentally sound, and reliable solid waste, recycling, and green waste collection, transportation and disposal or processing services to District customers.
2. Do not exceed the funds required to provide solid waste services to District customers.
3. Do not exceed the proportional cost of services attributable to those parcels receiving solid waste service.

D. The revenues derived from the solid waste rates and charges will not be used for any purpose other than that for which the charge is imposed; and

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

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

Section 1. Incorporation of Recitals

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.

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Section 2. Solid Waste Rates and Charges

The rates and charges for the provision of solid waste services to customers within the District shall be as set forth in Exhibit "A" hereto, which is incorporated herein by reference.

Section 3. Effective Date

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect on September 1, 2022.

Section 4. Repeal of Prior Resolutions

To the extent that any prior District resolutions and sections of resolutions are inconsistent with this Resolution, they are hereby repealed.

Section 5. Effect of Repeal on Past Actions and Obligations

This Resolution does not affect prosecutions for violations of any District code or resolution 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 amounts owed, posted, filed, or deposited pursuant to the requirements of any prior resolution or ordinance.

Section 6. CEQA Findings

The Board of Directors of the District finds that the rates and charges adopted by this Resolution are for the purpose of meeting operating expenses, purchasing or leasing supplies, equipment, or materials, meeting financial reserve needs and requirements, and obtaining funds for capital projects that are necessary to maintain service within existing service areas, as set forth in detail in the Rate Study. Therefore, this action is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 7. 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 Woodson, and on the following roll call vote, to wit:


AYES: *Directors Armstrong, Woodson, Gaddis, and Eby*
NOES: *NONE*
ABSENT: *Director Malvarose*
CONFLICTS: *NONE*

the foregoing resolution is hereby adopted this 13th day of July, 2022.



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 EFFECT:



CRAIG STEELE
District Legal Counsel

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EXHIBIT "A"

SOUTH COUNTY SANITARY SERVICE			
EFFECTIVE September 1, 2022			
NIPOMO CSD			
Service Description	Pickups Per Week	Rate Adjustment %	Monthly Rate Effective 9/1/222
RESIDENTIAL:			
32 Gallon Waste Wheeler	1	21.27%	\$24.54
64 Gallon Waste Wheeler	1	21.27%	\$35.17
96 Gallon Waste Wheeler	1	21.27%	\$46.10
TWO-64 Gallon Waste Wheelers	1	21.27%	\$54.88
ONE 64 & ONE 96 Gallon	1	21.27%	\$63.66
TWO-96 Gallon Waste Wheelers	1	21.27%	\$72.48
Residential customers must use the waste wheelers provided by the garbage company.			
APARTMENTS, TRIPLEX, DUPLEX			
Rates are the same as commercial rates (below).			
COMMERCIAL DUMPSTERS - ALL AREAS:			
1 yd dumpster	1	21.27%	\$94.12
1 yd dumpster	2	21.27%	\$135.41
1 yd dumpster	3	21.27%	\$178.93
1 yd dumpster	4	21.27%	\$220.23
1 yd dumpster	5	21.27%	\$266.07
1 yd dumpster	6	21.27%	\$309.69
1 yd dumpster	7	21.27%	\$412.90
1.5 yd dumpster	1	21.27%	\$112.38
1.5 yd dumpster	2	21.27%	\$171.94
1.5 yd dumpster	3	21.27%	\$231.73
1.5 yd dumpster	4	21.27%	\$323.41
1.5 yd dumpster	5	21.27%	\$394.51
1.5 yd dumpster	6	21.27%	\$470.26
1.5 yd dumpster	7	21.27%	\$621.71
2 yd dumpster	1	21.27%	\$121.58

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2 yd dumpster	2	21.27%	\$199.52
2 yd dumpster	3	21.27%	\$284.32
2 yd dumpster	4	21.27%	\$415.22
2 yd dumpster	5	21.27%	\$509.33
2 yd dumpster	6	21.27%	\$607.86
2 yd dumpster	7	21.27%	\$832.63
3 yd dumpster	1	21.27%	\$144.51
3 yd dumpster	2	21.27%	\$270.60
3 yd dumpster	3	21.27%	\$378.46
3 yd dumpster	4	21.27%	\$674.32
3 yd dumpster	5	21.27%	\$800.56
3 yd dumpster	6	21.27%	\$935.85
3 yd dumpster	7	21.27%	\$1,289.04
4 yd dumpster	1	21.27%	\$208.71
4 yd dumpster	2	21.27%	\$314.34
4 yd dumpster	3	21.27%	\$451.85
4 yd dumpster	4	21.27%	\$708.84
4 yd dumpster	5	21.27%	\$878.47
4 yd dumpster	6	21.27%	\$997.82
4 yd dumpster	7	21.27%	\$1,550.58
6 yd dumpster	1	21.27%	\$313.06
The rates shown above include the monthly container rental fee and a semi-annual dumpster cleaning.			
The rates are the same for bins and garwoods, when volume is identical. Bins and garwoods are types of containers used for recycling.			
COMMERCIAL GARBAGE CANS - ALL AREAS:			
1 Can *	1	21.27%	\$27.14
1 Can *	2	21.27%	\$45.40
2 Cans *	1	21.27%	\$54.27
2 Cans *	2	21.27%	\$90.80
3 Cans *	1	21.27%	\$83.21
3 Cans *	2	21.27%	\$136.19
* Maximum volume and weight per garbage can : 33 gallons / 80 pounds			

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COMMERCIAL - OTHER CHARGES:			
All commercial customers are eligible for one standard 96-gallon recycling and one 64-gallon food waste cart serviced one time a week with no additional service charge. If you need more frequent recycling service, it can be provided at a 50% discount from the garbage service rates for the specified level of service required.			
MISCELLANEOUS CHARGES - ALL CUSTOMERS:			
Over stacked Garbage & extra bags Minimum/unit	each	21.27%	\$6.63
Over stacked Green waste & extra bags Minimum/unit	each	21.27%	\$3.32
Over stacked Recycle & extra bags Minimum/unit	each	21.27%	\$3.32
In yard service (per can or commodity) IN ADDITION TO STANDARD GARBAGE RATES	per month	21.27%	\$16.55
Extended Vacation Service	per month	21.27%	\$15.43
Vacant Rate	per month	21.27%	\$15.43
Waste wheeler cleaning	each time	21.27%	\$24.68
Trip charge	each time	21.27%	\$16.55
Non-payment downsize service	each time	21.27%	\$39.79
Non-payment redeliver waste wheeler	each time	21.27%	\$16.55
MISCELLANEOUS CHARGES - ALL CUSTOMERS (Con't):			
Non-payment reconnect service	each time	21.27%	\$39.79
Small item pickup (TV, toilet)	each	21.27%	\$38.83
Appliance pickup-residential	each	21.27%	\$54.74
Larger than residential appliance or glass, glass doors, or plate glass	by quote only		
Garbage extras on your scheduled pickup day	per yard	21.27%	\$13.97
Garbage extras -NOT ON YOUR SCHEDULED PICKUP DAY	per yard	21.27%	\$38.56
Commercial Waste Wheeler rent	per month	21.27%	\$3.50
Re-deliver bin on stopped acct	each time	21.27%	\$47.48
Compactor	per ton	21.27%	\$61.56
Sunday Service (in additional to garbage service level)	per month	21.27%	\$82.87
Tax Lien Cert. Mail Fee		21.27%	\$5.53
Recycle bin rental	per month	21.27%	\$56.18
Stand by time	per hour	21.27%	\$83.67
Extra bin cleaning		21.27%	\$74.07
Damage/Destruction of bins or waste wheelers	replacement/repair at market price		
Lock Charge	per month	21.27%	\$9.19

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City Clean Up	per item	21.27%	\$15.18
Extra 32, 64, 96 Gal Waste Wheeler - Recycle	per month	21.27%	\$3.44
Extra 32, 64, 96 Gal Waste Wheeler - Green Waste	per month	21.27%	\$4.59
Short Term Dumpsters:			
Delivery & Pickup-Bin		21.27%	\$47.48
Delivery & Pickup-Waste Wheeler		21.27%	\$16.55
Rental	Per Day	21.27%	\$3.50
Empties	Per Yard	21.27%	\$38.56
Mattress:			
Twin	Each	21.27%	\$22.00
Double	Each	21.27%	\$22.00
Queen	Each	21.27%	\$22.00
King	Each	21.27%	\$22.00
ADDITIONAL INFORMATION ALL CUSTOMERS:			
Late Fees are imposed for residential customers over 30 days delinquent and commercial customers over 30 days delinquent. The fee is 1.5% per month of the outstanding charge, with a minimum fee of \$5.00. No prior notice is required, as this late fee policy is stated at the bottom of every bill.			
Any additional recycling services are charged at 50% of the garbage rate.			