

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2025-1726**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY
SERVICES DISTRICT ADOPTING 2025 SOLID WASTE RATES**

WHEREAS, on November 13, 2024, the Board of Directors reviewed the rate adjustment application from South County Sanitary Service requesting a rate increase for 2025; and

WHEREAS, based on this review, the Board of Directors deemed the rate adjustment consistent with the Franchise Agreement's referenced 1994 Solid Waste Rate Setting Methodology as amended; and

WHEREAS, consistent with Article XIID of the California Constitution and Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the California Government Code), notices regarding the requested rate increase were mailed to all property owners and customers 45-days prior to the January 22, 2025, public hearing; and

WHEREAS, it has been determined that the number of valid written protests filed with the District before the close of the public hearing did not constitute a majority (50%+1) of the parcels receiving solid waste services under the Franchise Agreement and was not sufficient to prevent approval of the rate increase and adopted the proposed rates as published; and

**NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:**

1. Incorporation of Recitals

The above Recitals are true and correct and incorporated herein by this reference and constitute findings in support of this Resolution.

2. Rates and Charges

The rates and charges for commercial and residential collection and disposal of solid waste, as established in Exhibit "A", attached hereto and incorporated herein by this reference, are approved and adopted. Additionally, solid waste rates will increase January 1st of calendar years 2026, 2027, 2028 and 2029 based on the Bureau of Labor Statistics Garbage and Trash Consumer Price Index and in accordance with the Annual Solid Waste Rate Adjustment Methodology in Third Amendment/Appendix 1 to the South County Sanitary Service franchise agreement.

3. Severability.

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.

4. Effect of Repeal on Past Actions and Obligations.

This Resolution does not affect prosecutions for violations committed prior to the effective date of

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this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution.

5. CEQA Findings.

The Board of Directors of the District finds that the rates and charges adopted by this Resolution 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 and findings.

6. Inconsistency.

To the extent that the terms of provision of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

7. Effective Date.

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect January 1, 2025.

Upon motion by Director Hansen, seconded by Director Henry, and on the following roll call vote, to wit:

AYES: HANSEN, HENRY, GLOVER, JOYCE, EBY

NOES: NONE

ABSENT: NONE

CONFLICTS: NONE

the foregoing resolution is hereby passed and adopted this 22ND day of January 2025.


ED EBY

President of the Board

ATTEST:



RAY DIENZO

General Manager and Secretary to the Board

APPROVED:



CRAIG STEELE

District Legal Counsel