NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

AGENDA

APRIL 22, 2009 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT

LARRY VIERHEILIG, VICE PRESIDENT

CLIFFORD TROTTER, DIRECTOR

MICHAEL WINN, DIRECTOR

ED EBY, DIRECTOR

PRINCIPAL STAFF
BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASST. GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

NOTE:

- All comments concerning any item on the agenda are to be directed to the Board President.
- Consistent with the Americans with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager at 805-929-1133.
- District-prepared staff reports and documents are generally posted on the District's website {NCSD.CA.GOV} on the same date the agenda is posted.
- Any writing or document pertaining to an open session item on this agenda which is
 distributed to the Board of Directors after the posting of this agenda will be available for public
 inspection at the time the subject writing or document is distributed. The writing or document
 will be available for public review at the District Secretary's Office, 148 S. Wilson Street,
 Nipomo, CA, during normal business hours, and may be posted on the District's web site at
 http://www.ncsd.ca.gov.
- Items may be taken out of order. The Board typically breaks for lunch at approximately 12 noon and conducts Closed Session at that time, reconvening to public session at approximately 1:00 p. m.
- Please silence all cell phones during the meeting, as a courtesy to others.

A. CALL TO ORDER AND FLAG SALUTE NEXT RESOLUTION 2009-1135 NEXT ORDINANCE 2009-111

- B. ROLL CALL
- C. PRESENTATIONS AND PUBLIC COMMENT
 - C-1) NCSD SUPERINTENDENT TINA GRIETENS
 Update re: Utilities Division Activities in February 2009
 - C-2) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW Update re: Water Conservation Program and Annual Chipping Event
 - C-3) GREG BURNS RE FEDERAL FUNDING OPPORTUNITIES
 Overview of Federal Funding Possibilities for Waterline Intertie Project
 - C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest
 - C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

 Any member of the public may give comments on the presentations and address the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda or pending before the Board.

Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.

Nipomo Community Services District REGULAR MEETING AGENDA

- D. CONSENT AGENDA The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda.
 - The recommendations for each item are noted in brackets.
 - D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
 - D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL] Approve Minutes of 4/8/08 Regular Meeting
 - D-3) AMEND INSPECTOR/PREVENTATIVE MAINTENANCE SUPERVISOR JOB DESCRIPTION [ADOPT RESOLUTION]
 - D-4) ADOPT IDENTITY THEFT PREVENTION PROGRAM [ADOPT RESOLUTION]
- E. ADMINISTRATIVE ITEMS
 - E-1) CERTIFY NCSD WATERLINE INTERTIE PROJECT FINAL ENVIRONMENTAL IMPACT REPORT [ADOPT RESOLUTION]
 - E-2) DISCUSS BASIS OF ASSESSMENT, CREATION OF JPA WITH SLO COUNTY, AGREEMENTS WITH MESA PURVEYORS, AND EXECUTION OF AGREEMENT FOR PREPARATION OF ENGINEER'S REPORT FOR WATERLINE INTERTIE PROJECT CAPITAL FUNDING [RECOMMEND APPROVAL]
 - E-3) ADOPT ORDINANCE PROVIDING FOR PHASING OF CAPACITY CHARGE PAYMENTS FOR LARGE COMMERCIAL PROJECTS [ADOPT ORDINANCE]
 - E-4) DISCUSS EDUCATIONAL TOUR OF COLD CANYON LANDFILL AND RECYCLING FACILITY [SET DATE]
 - E-5) CONSIDER DIRECTOR EBY'S REQUEST TO SEEK ACTIVATION OF GRAFITTI ABATEMENT POWERS [PROVIDE POLICY DIRECTION]
 - E-6) RECEIVE RESIGNATION OF DIRECTOR CLIFF TROTTER, THANK DIRECTOR TROTTER FOR HIS SERVICE, REVISE COMMITTEE ASSIGNMENTS AND ADOPT PROCESS TO SELECT REPLACEMENT [RECOMMEND APPROVAL]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
 - 1. April 7, 2009 Personnel Committee Meeting
 - 2. April 13, 2009 Finance and Audit Committee Meeting
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- I. CLOSED SESSION ANNOUNCEMENTS
 - CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

Nipomo Community Services District REGULAR MEETING AGENDA

- 2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES VS. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
- 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSD VS. COUNTY OF SAN LUIS OBISPO, ET AL (CASE NO. CV090010)
- 4. INTIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956 (ONE CASE)
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS
- K. ADJOURN TO CLOSED SESSION
- L. OPEN SESSION
 ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION
 ADJOURN

> THE NEXT REGULAR BOARD MEETING IS MAY 13, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:

- o Waterline Intertie Project (WIP) Approval
- o Strategic Plan Tone Check
- Mutual Water Company Regulation
- o Award 2010-2014 Rate Study for Combined Water System
- o Award Construction Management For Southland Upgrade Project

> THE NEXT SPECIALBOARD MEETING IS MAY 20, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:

- o FY09-10 Budget
- > THE FOLLOWING REGULAR BOARD MEETING IS MAY 27, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:
 - o Discussion of Emergency Water Shortage Regulations
 - o Review of Miller Park Financial Plan