## NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

### **AGENDA**

## **JUNE 10, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT

LARRY VIERHEILIG, VICE PRESIDENT

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
  <a href="http://www.ncsd.ca.gov">http://www.ncsd.ca.gov</a>.
- 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 2009-1145 NEXT ORDINANCE 2009-113

B-1. ROLL CALL

- B-2 SELECTION OF DIRECTOR TO FILL SEAT VACATED BY CLIFF TROTTER
- B-3 SEATING OF NEW DIRECTOR
- C. PRESENTATIONS AND PUBLIC COMMENT
  - C-1) COMMANDER BRIAN HASKALL OF SLO COUNTY SHERIFF'S OFFICE Update re: Sheriff's Activities on the Nipomo Mesa
  - C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE Update re: Cal Fire Activities on the Nipomo Mesa
  - C-3) BRAD NEWTON OF SAIC
    Presentation re Spring 2009 Nipomo Mesa Groundwater Status and Trends
  - C-4) NCSD DISTRICT ENGINEER PETER SEVCIK Update re: May 2009 Engineer Activities

# Nipomo Community Services District REGULAR MEETING AGENDA

- C-5) 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.

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 5/27/09 Regular and 6/3/09 Special Meeting
- D-3) AUTHORIZE EXECUTION OF AGREEMENT WITH MGE UNDERGROUND TO PERFORM POTHOLING SERVICES FOR WATERLINE INTERTIE PROJECT [RECOMMEND APPROVAL]

### E. ADMINISTRATIVE ITEMS

- E-1) SCOPING HEARING: RECEIVE FEEDBACK ON THE SOUTHLAND WASTEWATER TREATMENT FACILITY UPGRADE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT [RECEIVE FEEDBACK]
- E-2) AUTHORIZE EXECUTION OF AGREEMENT WITH CANNON TO PREPARE WILLOW ROAD WATERLINE, PHASE II DESIGN [EXECUTE AGREEMENT]
- E-3) DETERMINE FUNDING FOR FY09-10 HIGH EFFICIENCY WASHER REBATE PROGRAM [PROVIDE POLICY DIRECTION]
- E-4) PUBLIC HEARING AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES [CONDUCT HEARING AND CONFIRM OR AMEND GENERAL MANAGER'S REPORT]
- E-5) PUBLIC/PROTEST HEARING AUTHORIZE COLLECTION OF FY2009-10 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS [CONDUCT PROTEST HEARING AND CONFIRM OR AMEND GENERAL MANGER'S REPORT]
- E-6) PUBLIC/PROTEST HEARING AUTHORIZE COLLECTION OF FY2009-10 LANDSCAPE MAINTENANCE ZONE #1 ASSESSMENTS [CONDUCT PROTEST HEARING AND CONFIRM OR AMEND GENERAL MANAGER'S REPORT]
- E-7) PUBLIC HEARING REVIEW FY2009-10 BUDGET [ORDER EDITS FOR CONSIDERATION AND ADOPTION OF BUDGET AT 6/24/09 MEETING]

# Nipomo Community Services District REGULAR MEETING AGENDA

- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- 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).
  - 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. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PERSUANT TO GOVERNMENT CODE SECTION 54957
  - 5. INITIATION 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 FOLLOWING REGULAR BOARD MEETING IS JUNE 24, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:
  - o Emergency Water Shortage Regulations
  - o Adoption of FY2009-10 Budget
  - o Adoption of District Strategic Plan