NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

AGENDA AUGUST 12, 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**BILL NELSON, **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 2009-1157
NEXT ORDINANCE 2009-113

- B. ROLL CALL
- C. PRESENTATIONS AND PUBLIC COMMENT
 - C-1) COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE Update re: South County Activities in July 2009
 - C-2) BATTALION CHIEF BILL FISHER OF CALFIRE Update re: South County Activities in July 2009
 - C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest
 - C-4) 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. 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 WARBANTSum RECOMMEND ARPROMALD

Nipomo Community Services District REGULAR MEETING AGENDA

- D. CONSENT AGENDA (CONTINUED)
 - D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL] Approve Minutes of 7/22/09 Regular Meeting
 - D-3) AUTHORIZE SUBMISSION OF SAVINGS BY DESIGN APPLICATION TO PG&E [AUTHORIZE SUBMISSION]
 - D-4) SUBMIT BALLOT TO CSDA RE "SEAT A" ELECTION [AUTHORIZE SUBMISSION]
 - D-5) RATIFY EXECUTION OF REVISED LEASE AGREEMENT FOR PURCHASE OF BACKHOE [RATIFY EXECUTION]

E. ADMINISTRATIVE ITEMS

- E-1) DISCUSS DEVELOPMENT OF GUIDELINES FOR FUTURE RATE ADJUSTMENT PROTEST PROCEEDINGS [EDIT GUIDELINES AND SET HEARING]
- E-2) CONDUCT SEMI-ANNUAL REVIEW OF WATER ALLOCATION AND DISCUSS TRANSFER OF WATER BETWEEN USE GROUPS [PROVIDE POLICY GUIDANCE]
- E-3) DISCUSS REVISIONS TO DISTRICT CODE REGARDING EXTENSION OF INTENT-TO-SERVE LETTER EXPIRATION DEADLINES [PROVIDE POLICY GUIDANCE]
- E-4) DISCUSS CHAMBER REQUEST TO SPONSOR AUGUST 22, 2009 CHILI COOK-OFF [REJECT REQUEST OR TAKE ALTERNATE ACTION]
- E-5) AUTHORIZE REQUESTING SUPERVISOR ACHADJIAN TO PLACE AN ITEM ON A BOARD OF SUPERVISORS AGENDA REGARDING ADOPTION OF A JOINT POWERS AGREEMENT BETWEEN NCSD AND THE COUNTY FOR FUNDING THE WATERLINE INTERTIE PROJECT [RECOMMEND APPROVAL]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- 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).
 - CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC SECTION 54956.9; MARIA VISTA ESTATES VS. NCSD ET AL (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
 - 3. ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54597
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS
- K. ADJOURN TO CLOSED SESSION

ADJOURN

L. OPEN SESSION ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

- > THE FOLLOWING REGULAR BOARD MEETING IS AUGUST 26, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:
 - Emergency Water Shortage Regulations
 - o Miller Park Environmental Determination