NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

AGENDA

AUGUST 26, 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) MIKE NUNLEY OF AECOM
 Update re: Waterline Intertie Project and Southland WWTF Upgrade Project
 - C-2) NCSD UTILITY SUPERINTENDENT Update re: July 2009 Utility Activities
 - 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 WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]
 Approve Minutes of 8/42/09 Regular Weeting Wiptax.com

Nipomo Community Services District REGULAR MEETING AGENDA

- D-3) AUTHORIZE EXECUTION OF RIGHT-OF-ENTRY AGREEMENT TO FACILITATE TESTING AT PASQUINI PROPERTY ON ORCHARD ROAD [EXECUTE AGREEMENT]
- D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH WILLDAN FOR EMERGENCY RESPONSE TRAINING [AUTHORIZE EXECUTION]
- D-5) APPROVE PURCHASE OF NEW PICK-UP [EXECUTE SALES AGREEMENT]

E. ADMINISTRATIVE ITEMS

- E-1) PUBLIC HEARING ENVIRONMENTAL DETERMINATION RE DEVELOPMENT OF MILLER PARK [ADOPT RESOLUTION RE MITIGATED NEGATIVE DECLARATION]
- E-2) REVIEW AND EDIT DRAFT VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR INTRODUCTION [EDIT AND SET HEARING]
- E-3) DISCUSS SANITARY SEWER OVERFLOW PROGRAM ELEMENTS [PROVIDE POLICY GUIDANCE]
- E-4) DISCUSS EFFORTS TO SECURE FEDERAL AND STATE FUNDING FOR DISTRICT CAPITAL PROJECTS [PROVIDE POLICY GUIDANCE]
- E-5) RATIFY EXECUTION OF REVISED LEASE AGREEMENT FOR PURCHASE OF BACKHOE [RATIFY AGREEMENT OR TAKE ALTERNATE ACTION]
- E-6) CONSIDER VARIANCE APPLICATION FROM GRAY FAMILY TRUST REGARDING WAIVER FROM WATER AND SEWER STANDARDS AT BLUME AND GRANDE [APPROVE SOME REQUESTS; REJECT SOME REQUESTS AND/OR TAKE ALTERNATE ACTION]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- I. CLOSED SESSION ANNOUNCEMENTS
 - 1. 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 DISTRICT LEGAL COUNSEL PENDING LITIGATION GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
 - 3. INITIATION OF LITIGATION PURSUANT TO GC SECTION 54956.9C (I CASE)
 - 4. ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54597
- 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 SEPT 9, 2009. TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Emergency Water Shortage Regulations
- o Water Rate Adjustment and Structure Study
- o Allocation Program Edits
- o Intent-To-Serve Letter Ordinance Edits
- o Protest Guidelines of document found at www.NoNewWipTax.com