NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

AGENDA

OCTOBER 28, 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 <u>http://www.ncsd.ca.gov</u>.
- 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	2009-1167
NEXT ORDINANCE	2009-115

- B. ROLL CALL
- C. PRESENTATIONS AND PUBLIC COMMENT
 - C-1) MIKE NUNLEY OF AECOM Update re: Waterline Intertie Project Progress & Cost Estimate
 - C-2) NCSD DISTRICT ENGINEER PETER SEVCIK Update re: Sundale Well Fire Damage and Remediation
 - C-3) NCSD SUPERINTENDENT TINA GRIETENS Update re: Monthly Utility Division Activities
 - C-4) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW Update re: Monthly Outreach Activities
 - 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. **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 10/14/09 Regular Meeting
- D-3) AUTHORIZE PARTICIPATION IN STATE PROPERTY TAX SECURITIZATION PROGRAM [ADOPT RESOLUTION]
- D-4) RECOGNIZE THE BLACKLAKE COMMUNITY FOR WATER SAVINGS [ADOPT]
- E. ADMINISTRATIVE ITEMS
 - E-1) AUTHORIZE EXECUTION OF FINAL WATER SALES AGREEMENT WITH THE CITY OF SANTA MARIA [AUTHORIZE EXECUTION OF AGREEMENT]
 - E-2) REVIEW PROPOSED CRITERIA FOR FORMATION OF JOINT POWERS AGREEMENT WITH SLO COUNTY FOR WATERLINE INTERTIE PROJECT FUNDING AND APPROVE COST RE-IMBURSEMENT AGREEMENT [REVIEW CRITERIA AND APPROVE AGREEMENT]
 - E-3) ADOPT GUIDELINES FOR CONDUCTING ASSESSMENT PROCEDURES [ADOPT]
 - E-4) AWARD BID FOR CONSTRUCTION OF MISTY GLEN INTERTIE AND AUTHORIZE EXECUTION OF CONTRACT [AUTHORIZE EXECUTION]
 - E-5) REVIEW LEGAL RESEARCH ON SETTING MULTIPLE-TIER WATER RATES [PROVIDE POLICY GUIDANCE]
 - E-6) ACCEPT FY2008-09 AUDIT [ACCEPT AND FILE]
 - E-7) REVIEW RESEARCH ON NIPOMO MESA MUTUAL WATER COMPANIES [PROVIDE POLICY GUIDANCE]
 - E-8) CONSIDER AMENDING REIMBURSEMENT AGREEMENT WITH SLO COUNTY RE WILLOW ROAD WATER LINE [AUTHORIZE AMENDMENT]
- 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 RE: PENDING LITIGATION PURSUANT TO 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 GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 3. INSTRUCTION TO NEGOTIATORS BRUCE BUEL, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF PARTIAL EASEMENT INTEREST IN APN 090-291-039 THROUGH 045 (OWNER: LINDA VISTA FARMS, NEGOTIATOR: (JACQUELINE FREDERICK)
- 4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (3 CASES)
- 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 NOVEMBER 18, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Mandatory Water Shortage Regulations
- Shop Garage Unit Quotes