# NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

## **AGENDA**

# **NOVEMBER 18, 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, ASSIST. 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 2009-1169
NEXT ORDINANCE 2009-115

- B. ROLL CALL
- C. PRESENTATIONS AND PUBLIC COMMENT
  - C-1) NCSD DISTRICT ENGINEER PETER SEVCIK
    Update re: October Activities and Sundale Well Fire Remediation
  - C-2) NCSD SUPERINTENDENT TINA GRIETENS Update re: Monthly Utility Division 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.

# 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 10/28/09 Regular Meeting
  Approve Minutes of 11/4/09 Special Meeting
- D-3) ACCEPT QUARTERLY INVESTMENT REPORT [ACCEPT REPORT]
- D-4) ACCEPT QUARTERLY FINANCIAL REPORT [ACCEPT REPORT]
- D-5) ACCEPT CHICAGO GRADE WORK RE: REMOVAL OF SLUDGE [ACCEPT WORK]
- D-6) AUTHORIZE EXECUTION OF AGREEMENT EXTENDING TERM OF OUTSIDE USER AGREEMENT FOR VINTAGE HOMES PROJECT AT WILLOW AND VIA CONCHA [AUTHORIZE EXECUTION]

#### E. ADMINISTRATIVE ITEMS

- E-1) PARK MAINTENANCE DISTRICT NO. 1 ASSESSMENT BALLOT [EXECUTE BALLOT]
- E-2) CONSIDER GRAY TRUST (TRACT 2441) VARIANCE APPLICATION [PROVIDE POLICY GUIDANCE]
- E-3) AUTHORIZE EXECUTION OF CHANGE ORDERS FOR SCADA SYSTEM UPGRADE DESIGN SERVICES [RECOMMEND APPROVAL]
- E-4) CONSIDER HIRING A CONSULTING FIRM TO ASSIST IN THE CANDIDATE SEARCH FOR A GENERAL MANAGER [REVIEW AND PROVIDE DIRECTION]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- I. CLOSED SESSION ANNOUNCEMENTS
  - 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).
  - 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 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)

## Nipomo Community Services District REGULAR MEETING AGENDA

- 4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (3 CASES)
- 5. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957, DISTRICT INTERIM GENERAL MANAGER
- 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 DECEMBER 9, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:
  - o Fall Groundwater Level Update from SAIC
  - o Election of 2010 Officers

Note: November 25, 2009, Regular Board Meeting is canceled.