NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

AGENDA

JANUARY 25, 2012 AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT

LARRY VIERHEILIG, VICE PRESIDENT

MICHAEL WINN, DIRECTOR

ED EBY, DIRECTOR

DAN GADDIS, DIRECTOR

PRINCIPAL STAFF
MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
MERRIE WALLRAVIN, SECRETARY/CLERK
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.
- A. CALL TO ORDER AND FLAG SALUTE

NEXT RESOLUTION NEXT ORDINANCE 2011-1244 2011-117

B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Any member of the public may address the Board relating to any matter within the Board's jurisdiction but <u>not</u> on the Board's agenda. **Public Comment is limited to three (3)** minutes or otherwise at the discretion of the President.

- C. PRESENTATIONS AND REPORTS
 - C-1) REPORT ON January 11, 2012 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session
 - C-2) SHERIFF COMMANDER JAMES TAYLOR
 Update Report re: South County Law Enforcement and Department News
 - C-3) CAL FIRE BATTALION CHIEF BILL FISHER Update Report re: South County Cal Fire Activity and Department News.
 - C-4) NCSD SUPERINTENDENT TINA GRIETENS
 Update Report re: Summary of 2011 Utility Division Activities

Nipomo Community Services District REGULAR MEETING AGENDA

- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

 Receive Announcements and Reports from Directors
- C-6) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS
- 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 may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.
 - D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
 - D-2) APPROVE JANUARY 11, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]
 - D-3) ACCEPT FOURTH QUARTER INVESTMENT REPORT [RECOMMEND ACCEPT]
 - D-4) APPROVE EXTENSION OF DEFERRAL OF SOLID WASTE RATE INCREASE [RECOMMEND APPROVE EXTENDED DEFERRAL OF RATE INCREASE]

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZE CHANGE ORDER FOR SOUTH FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE CHANGE ORDER FOR SOUTH FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT TO R. BAKER INC. IN THE AMOUNT OF \$77,933].
- E-2) REVIEW DISTRICT STRATEGIC PLAN (RECOMMEND REVIEW PLAN AND BY MOTION AND ROLL CALL VOTE, APPROVE REVISIONS, IF ANY, OR PROVIDE DIRECTION TO STAFF)
- E-3) DISCUSS FUTURE CONSIDERATION OF WATER USE RESTRICTION ORDINANCE [RECOMMEND PROVIDE DIRECTION TO STAFF]
- E-4) DIRECTOR COMPENSATION REPORTING [RECOMMEND REVIEW METHOD FOR REPORTING DIRECTOR COMPENSATION, BY MOTION AND ROLL CALL VOTE TENTATIVELY APPROVE REVISIONS, IF ANY, AND DIRECT STAFF TO RETURN REVISIONS FOR CONSIDERATION AND ADOPTION AT FUTURE MEETING]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

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- CLOSED SESSION ANNOUNCEMENTS
 - I-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).
 - I-2) CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AI. (CASE #CV090010)
 - I-3) CONFERENCE WITH LEGAL COUNSEL SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE §54956.9 (b) (3) (C) RECEIPT OF TORT LIABILITY CLAIM.

Claimant: Celeste Whitlow

Agency claimed against: Nipomo Community Services District

- I-4) PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE §54957)
 Title: District General Manager Six-Month Performance Evaluation, pursuant to contract.
- 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
 - Next Regular Board Meeting is February 8, 2012, 9:00 AM