

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## AGENDA

**MARCH 14, 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 {NCS.D.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	2012-1249
		NEXT ORDINANCE	2012-117

### **B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA**

Any member of the public may 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.**

### **C. PRESENTATIONS AND REPORTS**

C-1) 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-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

**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 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) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE FEBRUARY 29, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE]

D-3) APPROVE CONTRACT FOR OTHER POST EMPLOYMENT BENEFIT (OPEB) VALUATION [RECOMMEND APPROVE CONTRACT WITH JAMES MARTA & COMPANY IN AMOUNT OF \$1,100 TO CONDUCT OPEB VALUATION, DIRECT STAFF TO ISSUE TASK ORDER]

D-4) APPROVE SURPLUS OF OBSOLETE DISTRICT EQUIPMENT [RECOMMEND DECLARE THREE STANDBY ELECTRICAL GENERATORS AND ONE VEHICLE SURPLUS AND AUTHORIZE SALE OF SURPLUS EQUIPMENT]

E. ADMINISTRATIVE ITEMS

E-1) CONSIDERATION OF BENEFIT ASSIGNMENT CHANGES REQUESTED BY PROPERTY OWNERS FOR PROPOSED SUPPLEMENTAL WATER PROJECT ASSESSMENT DISTRICT [RECOMMEND REVIEW AND APPROVE PROPOSED CHANGES]

E-2) CONSIDERATION OF THE FOLLOWING RESOLUTIONS RELATED TO THE TO THE FORMATION OF ASSESSMENT DISTRICT NO. 2012-1 (SUPPLEMENTAL WATER PROJECT). [RECOMMENDATION ADOPT THE THE FOLLOWING RESOLUTIONS]

A) A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO ORDER IMPROVEMENTS FOR PROPOSED ASSESSMENT DISTRICT NO. 2012-1 (SUPPLEMENTAL WATER PROJECT) PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

B) A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PRELIMINARILY APPROVING THE ENGINEER'S REPORT IN CONNECTION WITH PROPOSED ASSESSMENT DISTRICT NO. 2012-1 (SUPPLEMENTAL WATER PROJECT) AND SETTING A TIME AND PLACE FOR HEARING PROTESTS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

Nipomo Community Services District  
REGULAR MEETING  
AGENDA

C) A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING PROCEDURES APPLICABLE TO THE COMPLETION, RETURN AND TABULATION OF ASSESSMENT BALLOTS FOR THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2012-1 (SUPPLEMENTAL WATER PROJECT)

E-3) REVIEW FORM OF NOTICE OF PUBLIC HEARING AND PROPOSED ASSESSMENT AND FORM OF BALLOT RELATED TO PROPOSED ASSESSMENT DISTRICT 2012-1 [RECOMMEND REVIEW]

F. GENERAL 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).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION PURSUANT to GC 54956.9(c) No. of cases: two. Related to the District's acquisition of two easements in real property through eminent domain: one owned by Durley /McLanahan AP# 090-341-019, 090-331-005, 06 & 08 and one owned by Troesh Properties & Investments, LCC AP# 090-341-003.

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 March 28, 2012**