# NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

## **AGENDA**

JUNE 27, 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
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER
MERRIE WALLRAVIN, CLERK

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 NEXT ORDINANCE 2012-1269 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 <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) PRESENT RESOLUTION OF APPRECIATION TO RETIRED UNDERSHERIFF MARTIN BASTI
  - C-2) NCSD SUPERINTENDENT TINA GRIETENS
    Update Report re: Utility Division Activities
  - C-3) 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-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

Copy of document found at www.NoNewWipTax.com

### 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 JUNE 13, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE]
  - D-3) ACCEPT EASEMENTS 751 WIDOW LANE [RECOMMEND ACCEPT EASEMENTS]
  - D-4) APPROVE APPLICATION OF SAINT JOSEPHS CHURCH FOR SEWER SERVICE UNDER AN EXISTING OUTSIDE USER AGREEMENT [APPROVE APPLICATION]

#### E. ADMINISTRATIVE ITEMS

- E-1) CONDUCT A HEARING TO ADOPT ORDINANCE 2012-117 AFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR NEW WATER SERVICE AND INTENT TO SERVE LETTERS, REPEALING CHAPTER 3.05 OF DISTRICT CODE AND ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AND DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT ORDINANCE]
- E-2) REVIEW CURRENT INTENT-TO-SERVE POLICY FOR WATER SERVICE AND ASSOCIATED WATER ALLOCATION [RECOMMEND CONSIDER INFORMATION AND PROVIDE DIRECTION TO STAFF]
- E-3) REVIEW CURRENT WILL SERVE POLICY FOR WATER SERVICE AND ASSOCIATED WATER CAPACITY RESERVATION [RECOMMEND CONSIDER INFORMATION AND PROVIDE DIRECTION TO STAFF]
- E-4) AUTHORIZATION FOR THE SUPPLEMENTAL WATER POLICY COMMITTEE TO FORM A CITIZEN'S SUB-COMMITTEE TO REVIEW SUPPLEMENTAL WATER PROJECT ALTERNATIVES [CONSIDER SUPPLEMENTAL WATER POLICY COMMITTEE RECOMMENDATION AND DIRECT STAFF]
- E-5) CONSIDER CA SPECIAL DISTRICT ASSOCIATION BOARD OF DIRECTORS BALLOT [CONSIDER BALLOT AND DIRECT STAFF]
- E-6) CONSIDER POLICY FOR PUBLISHING PUBLIC NOTICES IN NEWSPAPERS [CONSIDER RESOLUTION DEFINING POLICY OR PROVIDE FURTHER DIRECTION TO STAFF]

## Nipomo Community Services District REGULAR MEETING AGENDA

- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORT
  MINUTES OF JUNE 11, 2012 WATER RESOURCES POLICY COMMITTEE
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- 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).
  - 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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
  - 4. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957
- 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 July 11, 2012