NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

JANUARY 23, 2013 AT 9:00 A.M. BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT** LARRY VIERHEILIG, **VICE PRESIDENT** DAN GADDIS, **DIRECTOR** BOB BLAIR, **DIRECTOR** CRAIG ARMSTRONG, **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 <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 2013-1287 NEXT ORDINANCE 2013-118

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) RECOGNITION OF STAFF FOR DEDICATED SERVICE Present resolution commending Assistant General Manager/Finance Director for twentyyears of dedicated and exceptional service to the District.
 - C-2) SHERIFF COMMANDER JAMES TAYLOR Update Report re: South County Law Enforcement and Department News.

- C-3) CAL FIRE BATTALION CHIEF JAMES TULLY Update Report re: South County Cal Fire Activity and Department News.
- C-4) 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-5) 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) WARRANTS [RECOMMEND APPROVAL]
 - D-2) APPROVE JANUARY 9, 2013 REGULAR BOARD MEETING MINUTES: [RECOMMEND APPROVAL]
 - D-3) RECEIVE QUARTERLY INVESTMENT REPORT [RECOMMEND RECEIVE REPORT]
- E. ADMINISTRATIVE ITEMS
 - E-1) AWARD BLACKLAKE WASTEWATER RECLAMATION FACILITY MASTER PLAN DEVELOPMENT CONTRACT [RECOMMEND AWARD BLACKLAKE MASTER PLAN DEVELOPMENT CONTRACT TO MICHAEL K. NUNLEY & ASSOCIATES FOR NOT TO EXCEED \$59,040]
 - E-2) CONSIDER SCOPE AND BUDGET AMENDMENT FOR SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE CHAIRMAN CONTRACT [RECOMMEND APPROVE SCOPE AND BUDGET AMENDMENT FOR MICHAEL K. NUNLEY & ASSOCIATES AND INCREASE VALUE OF CONTRACT BY \$14,120 TO A NEW NOT TO EXCEED OF \$39,120]
 - E-3) CONDUCT ANNUAL REVIEW OF DISTRICT INVESTMENT POLICY [CONSIDER RECOMMENDATION OF FINANCE AND AUDIT COMMITTEE, ADOPT RESOLUTION]
 - E-4) CONSIDER REQUEST BY VALERIE WILLIAMS TO RECIND DISTRICT POLICY WHICH SUSPENDS PROCESSING OF APPLICATIONS FOR NEW WATER SERVICE [CONSIDER REQUEST, DIRECT STAFF]

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- E-5) CONSIDER REQUEST BY OLDE TOWNE NIPOMO ASSOCIATION REGARDING JIM MILLER PARK [CONSIDER REQUEST, DIRECT STAFF]
- E-6) APPROVE DEVELOPMENT AGREEMENT WITH OWNERS OF MARIA VISTA ESTATES DEVELOPMENT [RECOMMEND APPROVE AGREEMENT]
- 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, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
 - CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b): Anticipated litigation - 1 case
 - CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 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 13, 2013, 9AM.