NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

MARCH 13, 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, FINANCE DIRECTOR JON SEITZ, GENERAL COUNSEL PETER SEVCIK, DIRECTOR OF ENG. & OPS. 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.

Α.	CALL TO ORDER AND FLAG SALUTE	NEXT RESOLUTION	2013-1296
		NEXT ORDINANCE	2013-120

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) REPORT ON FEBRUARY 27, 2013 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session
 - C-2) DIRECTOR OF ENGINEERING & OPERATIONS RE: Summary of recent activities.

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- 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
- 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. 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 27, 2013 REGULAR BOARD MEETING MINUTES: [RECOMMEND APPROVAL]
 - D-3) ADOPT RESOLUTION ACCEPTING DEDICATION OF IMPROVEMENTS, MARIA VISTA ESTATES [RECOMMEND ADOPT RESOLUTION]
- E. ADMINISTRATIVE ITEMS
 - E-1) CONDUCT A HEARING TO ADOPT ORDINANCE 2013-118 REVISING DISTRICT WATER CODE ALLOWING FOR GENERAL MANAGER TO GRANT CUSTOMER RELIEF FROM HIGH WATER BILLS UNDER LIMITED CIRCUMSTANCES [RECOMMEND ADOPT ORDINANCE 2013-118]
 - E-2) CONDUCT A HEARING TO ADOPT ORDINANCE 2013-119 SUSPENDING ORDINANCE 2012-117 AND ALLOWING FOR RENEWED PROCESSING OF APPLICATIONS FOR NEW DISTRICT WATER SERVICE IRECOMMEND ADOPT ORDINANCE 2013-119]
 - E-3) CONSIDER PROPOSAL BY NIPOMO CHAMBER OF COMMERCE FOR SOLID WASTE SERVICES GRANT [RECOMMEND CONSIDER PROPOSAL AND DIRECT STAFF]
 - E-4) CONSIDER FORMATION OF A SOLIDWASTE COMMITTEE [RECOMMEND FORM COMMITTEE AND APPOINT MEMBERS]
 - E-5) CONSIDER SAN LUIS OBISPO COUNTY LOCAL AREA FORMATION COMMISSION REQUEST FOR NOMINATIONS [CONSIDER REQUEST AND DIRECT STAFF]

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- E-6) CONSIDER CALIFORNIA SPECIAL DISTRICT ASSOCIATION REQUEST FOR NOMINATIONS [CONSIDER REQUEST AND DIRECT STAFF]
- E-7) CONSIDER SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY REQUEST FOR NOMINATIONS [CONSIDER REQUEST AND DIRECT STAFF]
- E-8) CONSIDER FISCAL YEAR 2013-14 EMPLOYEE COST OF LIVING ADJUSTMENT [RECOMMEND CONSIDER FINANCE AND AUDIT COMMITTEE RECOMMENDATION IN FAVOR OF A 2.48% COLA EFFECTIVE JULY 1, 2013 (FY 2013-2014)]
- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORTS
 March 5, 2013 Finance and Audit Committee
- 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).
 - 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 MARCH 27, 2013, 9AM.