### NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

## REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

### **JULY 9, 2014 AT 9:00 A.M.**

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

#### **BOARD of DIRECTORS**

CRAIG ARMSTRONG, PRESIDENT JAMES HARRISON, VICE PRESIDENT LARRY VIERHEILIG, DIRECTOR DAN GADDIS, DIRECTOR BOB BLAIR, DIRECTOR

#### PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER LISA BOGNUDA, FINANCE DIRECTOR MICHAEL W. SEITZ, GENERAL COUNSEL PETER SEVCIK, DIRECTOR OF ENG. & OPS.

#### Mission Statement:

Provide our 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 <a href="http://www.ncsd.ca.gov">http://www.ncsd.ca.gov</a>.
- 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 2014-1353 NEXT ORDINANCE 2014-120

#### 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) SAN LUIS OBISPO COUNTY SHERIFF COMMANDER JAY DONOVAN Update Report re: South County Law Enforcement and Department News
  - C-2) REPORT ON JUNE 25, 2014 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session

# Nipomo Community Services District REGULAR MEETING AGENDA

- 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. 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 25, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]
- E. ADMINISTRATIVE ITEMS
  - E-1) SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT PARTIAL RELEASE OF RETENTION [RECOMMEND AUTHORIZE STAFF TO RELEASE PORTION OF RETENTION]
  - E-2) CONSIDER RESCISSION CRITERIA FOR WATER FUND LITIGATION CHARGE [CONSIDER CRITERIA AND DIRECT STAFF]
- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORTS
  - June 26, 2014 Finance and Audit Committee Meeting Minutes
- 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
    - a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
    - b) NCSD v Troesh et. al. SLOCSC# CV130175
    - c) NCSD v County SLOCSC #CV090010
    - d) NCSD v DeGroot SLOCSC #CV070066

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2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:

Claimant: Specialty Construction

Agency: NCSD

- 3. 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 9AM, Wednesday July 23, 2014.