NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

NOVEMBER 12, 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. JESSICA MATSON, BOARD CLERK

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 <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 2014-1359 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) REPORT ON OCTOBER 22, 2014 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session
 - C-2) 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-3) 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 OCTOBER 22, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]
- E. ADMINISTRATIVE ITEMS
 - E-1) FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2013-2014 [RECOMMEND BY MOTION AND ROLL CALL VOTE ACCEPT AND DIRECT STAFF TO FILE 2013-2014 AUDIT REPORT]
 - E-2) CONSIDER TASK ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE 2A FINAL DESIGN WITH AECOM IN THE AMOUNT OF \$58,066. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, AUTHORIZE TASK ORDER].
 - E-3) CONDUCT HEARING TO CONSIDER ADOPTING APPROVED WATER SYSTEM CAPACITY CHARGES [RECOMMEND, BY MOTION AND ROLL CALL VOTE, APPROVE RESOLUTION ADOPTING CAPACITY CHARGES]
 - E-4) REVIEW DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN [REVIEW PLAN AND DIRECT STAFF]
- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORTS
- 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).

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- b) NCSD v County SLOCSC #CV090010
- c) Bening v NCSD SLOCSC #14CV-0069
- CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95: Claimant: Specialty Construction Agency: NCSD
- 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

- Supplemental Water Rate Hearing is 2PM, Friday November 21, 2014
- > Next Regular Board Meeting is 9AM, Wednesday December 10, 2014