

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 43 - Years of Service 1965 - 2008

AGENDA

SEPTEMBER 10, 2008 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

MICHAEL WINN, PRESIDENT
JAMES HARRISON, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR
ED EBY, DIRECTOR

PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER
LISA BOGNUA, FINANCE DIRECTOR/ASST GM
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

Mission Statement: The Nipomo Community Services District's mission is to provide the community with reliable, quality and cost-effective services.

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

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.

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| A. | CALL TO ORDER AND FLAG SALUTE | NEXT RESOLUTION | 2007-1102 |
| | | NEXT ORDINANCE | 2008-109 |
| B. | ROLL CALL | | |
| C. | PRESENTATIONS AND PUBLIC COMMENT | | |
| C-1) | COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE | | |
| | Update re: Sheriff's Activities on the Nipomo Mesa | | |
| C-2) | BATTALION CHIEF BILL FISHER OF CAL FIRE | | |
| | Update re: Cal Fire Activities on the Nipomo Mesa | | |
| C-3) | DISTRICT ENGINEER PETER SEVCIK | | |
| | Update re: District Engineer Activities | | |
| C-4) | DISTRICT LEGAL COUNSEL JON SEITZ | | |
| | Presentation re Changes to State Law as a Result of Proposition 99 | | |
| C-5) | DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST | | |
| | Receive Announcements from Directors Items of District & Community Interest | | |

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C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda or pending before the Board.

Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.

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 will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda.*

The recommendations for each item are noted in brackets.

D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Approve Minutes of 8/27/08 Regular Meeting

D-3) AUTHORIZE TRANSMITTAL OF LETTER OF SUPPORT TO GOVERNOR FOR AB 2270 RE: SALTS MANAGEMENT [RECOMMEND APPROVAL]

D-4) INITIATE SCOPING FOR PREVENTATIVE MAINTENANCE PROGRAM [RECOMMEND APPROVAL]

E. ADMINISTRATIVE ITEMS

E-1) PUBLIC HEARING: ADOPT TOWN WATER SYSTEM CAPACITY CHARGES AND SUPPLEMENTAL WATER CAPACITY CHARGES [ADOPT RESOLUTION]

E-2) RECEIVE REPORT FROM AD HOC BLACKLAKE SEWER RATE ADJUSTMENT COMMITTEE AND PROVIDE POLICY GUIDANCE [PROVIDE POLICY GUIDANCE]

E-3) CONSIDER SILVA INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE TO 7-LOT SUBDIVISION ON BUTTERFLY LANE [APPROVE, DENY OR CONTINUE]

E-4) CONSIDER KENGLE INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE TO 20-UNIT APARTMENT COMPLEX AT BLUME AND FLINT [APPROVE, DENY OR CONTINUE]

E-5) CONSIDER MID STATE PROPERTIES INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE TO 4-LOT SUBDIVISION ON JUNIPER [APPROVE, DENY OR CONTINUE]

E-6) AUTHORIZE SUBMITTAL OF COMMENTS TO SLO COUNTY ON RETROFIT PROPOSALS [RECOMMEND APPROVAL]

E-7) AUTHORIZE SUBMITTAL OF COMMENTS TO SLO COUNTY ON WILLOW ROAD FUNDING OPTIONS [PROVIDE POLICY GUIDANCE]

E-8) ADOPT WATER AND SEWER REPLACEMENT STUDY AND PROVIDE GUIDANCE ON IMPLEMENTATION [ADOPT STUDY AND PROVIDE POLICY GUIDANCE]

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F. MANAGER'S REPORT

G. COMMITTEE REPORT

- 1. 9/1/08 Ad Hoc Blacklake Sewer Rate Adjustment Committee Meeting
- 2. 9/3/08 Ad Hoc Blacklake Sewer Rate Adjustment Committee Meeting

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

I. CLOSED SESSION ANNOUNCEMENTS

- 1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES).
- 2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSO (CASE NO. CV 040877), MARIA VISTA VS. NCSO (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL. (CASE NO. CV 040150);
- 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES VS. NCSO ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
- 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NIPOMO OAKS VS. NIPOMO COMMUNITY SERVICES DISTRICT (CASE NO. CV080761)
- 5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54957 (1 CASE)
- 6. CONFERENCE WITH LABOR NEGOTIATOR MIKE WINN RE: NEGOTIATIONS WITH THE GENERAL MANAGER, AN UNREPRESENTED EMPLOYEE PURSUANT TO GOVERNMENT CODE SECTION 54957.6

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

➤ **THE NEXT REGULAR BOARD MEETING IS SEPTEMBER 24, 2008.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Set Protest Hearing for Blacklake Sewer Rate Increase
- Holloway Outside User Agreement Extension
- Blacklake Sewer Fund Loan