


TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: APRIL 3, 2009

**AGENDA ITEM
E-7
APRIL 8, 2009**

AMEND/RESTATE RESOLUTION 96-592 TO FACILITATE COMMUNICATIONS

ITEM

Amend and restate Resolution 96-592 to facilitate communications with constituents [ADOPT RESOLUTION OR TAKE ALTERNATIVE ACTION]

BACKGROUND

In February, your Honorable Board reviewed options to facilitate communications with the Blacklake Community and directed staff to propose one or more mechanisms other than the formation of a Blacklake Area Oversight Committee set forth in Resolution 96-592 (attached). Staff believes that improved communications can be achieved with the combination of a new Board Committee and notices regarding proposed NCSD actions set forth in the attached Resolution 2009-XXX.

FISCAL IMPACT – Adoption of the Resolution could result in a modest commitment of compensation to the members of the proposed ad hoc committee based on the frequency of meetings.

RECOMMENDATION

Staff recommends that the Board discuss the draft Resolution 2009-XXX, edit as appropriate and then consider adoption. Alternate actions could include setting a subsequent hearing, proposing a meeting with the BLMA Board, or rescinding Resolution 96-592.

ATTACHMENTS

- Resolution 96-592
- Draft Resolution 2009-XXX

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RESOLUTION NO. 96-592

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING
BLACK LAKE AREA OVERSIGHT ADVISORY COMMITTEE**

WHEREAS, the Black Lake development was annexed into the Nipomo Community Services District ("District") in 1992; and

WHEREAS, at the time of annexation, the development had stand alone Street Lighting District, sewage collection, sewage treatment, sewage disposal and water production and distribution systems; and

WHEREAS, the Black lake area has distinct issues which merit the District's Board and staff seeking and obtaining input from representatives of the Black Lake community prior to making decisions which will impact the community; and

WHEREAS, this can be accomplished through establishment of a Black Lake Oversight Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of District as follows:

1. There is hereby established a Black Lake Area oversight Advisory Committee ("Committee"). The Committee is an advisory committee to the District's Board of Directors.
2. The purpose of the Committee is to allow the District to obtain input from representatives of the residents and property owners of the Black lake development before action by the District on matters of concern to that area. The Committee shall be responsible for reviewing proposed additions to, changes in, extensions or deletion of services; changes in rate or charges; and other matters of concern to Black lake residents and property owners; and conveying opinions and recommendations to the District's Board and staff.
3. The Advisory Committee shall be a committee of the whole of the Board of Directors of the Black Lake Management Association ("BLMA"). Each member of the BLMA may appoint an alternate to sit as a voting member of the Committee in his or her absence. The District Board of Directors shall approve the appointment of alternates. Committee member terms shall be concurrent with the member's term on the BLMA Board. The Advisory Committee shall provide District with the names of the Advisory Committee members and update the membership list as needed.
4. District staff will provide staff assistance to the Committee and attend meetings of the Committee when requested by the Committee. The District Manager will be the principal staff liaison to the Committee. The Committee Chairman shall be the principal liaison to the District.
5. The District will provide written notice to the Committee prior to proposed staff or District Board action or policy or administrative decision that relates to Committee purposes identified in paragraph 2 of this Resolution. Such notice will be given sufficiently in advance of action by the District Board or staff so as to allow the Committee to meet and review the matter and make recommendations to the District staff and Board. With notice of proposed action, staff will also provide data and reports prepared to support the proposed action. Recommendations shall be made to District by roll call vote at the Committee Meeting.

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6. In the case of proposed action by staff, not related to a matter previously considered by the Committee, and which would not disrupt the routine operation of the District, staff will refer the matter to the Committee as provided in Paragraph 5. If the Committee disagrees with the staff's proposed action, the matter will be placed on the District Board's agenda, with both the Committee's and staff's recommendations, before action is taken.

7. In the event of the need for emergency action, the staff and District Board need not follow the formal procedures for referral to the Committee, but will use their best efforts to consult with the Committee or a designated subcommittee prior to emergency action.

8. Upon request of the Committee, the District shall place issues of concern involving the Black Lake community on the District Board's agenda for consideration that pertain to District powers.

9. Meetings of the Committee shall be open to the public to the extent required by the Brown Act, Government Code Sections 54950 et seq.

10. District administrative expenses related to staffing the Advisory Committee will be budgeted to a Black Lake Advisory Committee account.

11. The initial set of bylaws and all adopted revisions, deletions, and changes shall be subject to approval of the District Board of Directors. The Committee will meet and prepare bylaws establishing meeting dates, conduct of meetings, voting and election of officers consistent with this resolution.

On motion of Director Blair, seconded by Director Fairbanks and on the following roll call vote, to wit:

AYES: Directors Blair, Fairbanks, Mendoza, Simon and Small

NOES: None

ABSENT: None

the foregoing resolution was passed and adopted this 18 th day of September 1996.

Steven S. Small,
President of the Board of Directors

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Board Secretary

Jon S. Seitz
General Counsel

RESOLUTION NO. 2009-XXX

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT PROVIDING FOR COMMUNICATIONS
BETWEEN THE DISTRICT AND BLACKLAKE CONSTITUENTS**

WHEREAS, the Blacklake development was annexed into the Nipomo Community Services District ("District") in 1992; and

WHEREAS, the Blacklake area has distinct issues which merit the District's Board and staff seeking and obtaining input from representatives of the Blacklake community prior to making decisions which will impact the community; and

WHEREAS, this can be accomplished through establishing the communication protocols set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of District as follows:

1. There is hereby established an Ad Hoc Committee of the Board know as the Blacklake Communications Committee ("Committee"). The President of the NCSD Board of Directors shall appoint two Board Members to serve on the Committee.

2. The purpose of the Committee is to meet with the designated representatives of the Blacklake Management Association ("BLMA") when the BLMA Board requests such a meeting.

3. District staff will provide staff assistance to the BLMA Board and attend meetings of the BLMA Board when requested by the BLMA Board. The District Manager will be the principal staff liaison to the BLMA Board. The BLMA Board Chairman shall be the principal liaison to the District.

4. The District will provide written notice to the BLMA Chair prior to proposed staff or District Board action or policy or administrative decision that relates to issues of water service, sewer service, and/or street lighting service within Blacklake. Such notice will be given at least five days in advance of action by the District Board or staff so as to allow the BLMA Board to meet and review the matter and make recommendations to the District staff and Board. With notice of proposed action, staff will also provide data and reports prepared to support the proposed action.

6. In the case of proposed action by staff, not related to a matter previously considered by the BLMA Board, and which would not disrupt the routine operation of the District, staff will refer the matter to the BLMA Board Chairman as provided in Paragraph 4. If the BLMA Board disagrees with the staff's proposed action, the matter will be placed on the District Board's agenda, with both the BLMA Board's and staff's recommendations, before action is taken.

7. In the event of the need for emergency action, the staff and District Board need not follow the formal procedures for referral to the BLMA Board, but will use their best efforts to consult with the BLMA Board or a designated subcommittee prior to emergency action.

8. Upon request of the BLMA Board, the District shall place issues of concern involving the Black Lake community on the District Board's agenda for consideration that pertain to District powers.

9. This resolution restates Resolution 96-592 and supersedes all previous language set forth in Resolution 96-592.

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On motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing resolution was passed and adopted this 8th day of April 2009.

James Harrison,
President of the Board of Directors

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Board Secretary

Jon S. Seitz
General Counsel

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