NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

AGENDA

OCTOBER 14, 2009 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT** LARRY VIERHEILIG, **VICE PRESIDENT** MICHAEL WINN, **DIRECTOR** ED EBY, **DIRECTOR** BILL NELSON, **DIRECTOR**

PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER LISA BOGNUDA, ASST. GENERAL MANAGER DONNA JOHNSON, BOARD SECRETARY JON SEITZ, GENERAL COUNSEL PETER SEVCIK, DISTRICT ENGINEER

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.

A. CALL TO ORDER AND FLAG SALUTE

NEXT RESOLUTION	2009-1164
NEXT ORDINANCE	2009-113

- B. ROLL CALL
- C. PRESENTATIONS AND PUBLIC COMMENT
 - C-1) SHERIFF COMMANDAR BRIAN HASCALL Update re: South County Law Enforcement Activities
 - C-2) CAL FIRE BATTALION CHIEF BILL FISHER Update re: South County Cal Fire Activities
 - C-3) NCSD DISTRICT ENGINEER PETER SEVCIK Update re: Sundale Well and September 2009 Activities
 - C-4) NCSD GENERAL MANAGER BRUCE BUEL Update re: Summary of 9/29/08 Miller Park Design Forum
 - C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest
 - C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA Any member of the public may give comments on the presentations and address the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

Nipomo Community Services District REGULAR MEETING AGENDA

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 9/30/09 Regular Meeting
- D-3) REVISE BUDGET TO ACCOMMODATE EXTRA-BUDGET COSTS IN SETTING UP EMERGENCY OPERATIONS CENTER [ADOPT RESOLUTION]
- D-4) AUTHORIZE ROLL-OVER OF CD AT MISSION COMMUNITY BANK [APPROVE RECOMMENDATION]
- D-5) EXTEND TERM FOR VINTAGE HOMES (CRAIG) OUTSIDE USER AGREEMENT [AUTHORIZE AMENDMENT TO AGREEMENT]
- D-6) REVISE COMMITTEE ASSIGNMENT ROSTER TO REPLACE DIRECTOR WINN WITH DIRECTOR HARRISON ON SCAC [REVISE ROSTER]
- E. ADMINISTRATIVE ITEMS
 - E-1) REVIEW DRAFT ASSESSMENT ENGINEER'S REPORT FOR PROPOSED MILLER PARK ASSESSMENT DISTRICT, ADOPT RESOLUTION ACCEPTING REPORT AND RETAIN THE WALLACE GROUP TO PROCESS THE ELECTION [ADOPT RESOLUTION AND AUTHORIZE EXECUTION OF AGREEMENT]
 - E-2) REVIEW BOARD OF SUPERVISORS ACTION ON PROPOSED JPA AND AUTHORIZE NEGOTIATION [AUTHORIZE NEGOTIATION]
 - E-3) ADOPT ORDINANCE ESTABLISHING VOLUNTARY WATER SHORTAGE REGULATIONS [ADOPT AND PUBLISH]
 - E-4) ADOPT ORDINANCE AMENDING WATER SERVICE ALLOCATION PROGRAM AND INTENT-TO-SERVE PROCESS [ADOPT AND PUBLISH]
 - E-5) AWARD QUOTE AND AUTHORIZE FINANCING FOR SEWER VACUUM TRUCK [AWARD QUOTE & ADOPT RESOLUTION]
 - E-6) CONSIDER GREY FAMILY TRUST REQUEST TO EXTEND TERM OF INTENT-TO-SERVE LETTER [APPROVE, DENY OR CONTINUE TERM EXTENSION]
- F. MANAGER'S REPORT
- G. COMMITTEE REPORT
- 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).

Nipomo Community Services District REGULAR MEETING AGENDA

- 2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 3. INSTRUCTION TO NEGOTIATORS BRUCE BUEL, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF EASEMENT INTEREST IN APN 090-291-040, 041, 042, 043 AND 044 (OWNER: LINDA VISTA FARMS, NEGOTIATOR: (JACQUELINE FREDERICK)
- 4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (4 CASES)
- 5. REVIEW OF GENERAL MANAGER'S PERFORMANCE PURSUANT TO GEVERNMENT CODE SECTION 94957
- 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 FOLLOWING REGULAR BOARD MEETING IS OCTOBER 28, 2009 TENTATIVELY SCHEDULED ITEMS INCLUDE:

- o FY2008-09 Audit
- o Mutual Water Company Research
- o Miller Park Notice of Intent to Form Assessment District