

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JULY 18, 2013



**Nipomo Community Services District
PUBLIC FACILITIES CORPORATION**

ITEM

Annual Meeting of the Nipomo Community Services District Public Facilities Corporation Board of Directors [RECOMMEND APPROVE PRIOR MEETING MINUTES]

BACKGROUND

The Nipomo Community Services District Public Facilities Corporation (Corporation) Board of Directors is required to meet annually during the month of July to review corporate activities, take appropriate action, and approve of previous Board minutes.

In the past year, the Corporation held its annual meeting on July 25, 2012, and met on May 8, 2013, and June 12, 2013.

On July 25, 2012, the Corporation Board adopted minutes from the previous year.

On May 08, 2013, the Corporation Board continued scheduled business to a future meeting.

On June 12, 2013, the Corporation Board approved documents in connection with the sale, execution, and delivery of up to \$10,500,000 in Certificates of Participation, Series 2013, in support of Nipomo Community Services District Supplemental Water Project, Phase 1.

At this time, the Corporation's Board will review and consider approving the minutes of the July 25, 2012, May 8, 2013, and June 12, 2013 meetings of the Board. These minutes were previously included in the regular NCS D Board meeting minutes but were not separately approved by the Corporation. The minutes are being presented today for approval.

RECOMMENDATION

Staff recommends that your Honorable Board approve the July 25, 2012, May 8, 2013, and June 12, 2013 Minutes of the Nipomo Community Services District Public Facilities Corporation Board.

ATTACHMENTS

- A. Minutes of July 25, 2012, May 8, 2013, and June 12, 2013, Corporation Board meeting.

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JULY 24, 2013

ITEM A

ATTACHMENT A

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

02:19:45

E-3) STRATEGIC PLAN REVIEW

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

There was no public comment.

The Board received the report and directed staff to bring the strategic plan review back to the Board in the middle of next year.

02:51:23

ADJOURN TO PUBLIC FACILITIES CORPORATION

ROLL CALL

At Roll Call, Directors Gaddis, Eby, Winn, Vierheilig, and Harrison were present.

A. NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING

Approve Minutes

- JULY 27, 2011
- MAY 23, 2012

Michael LeBrun, General Manager, answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the minutes of July 27, 2011, and May 23, 2012, NCSD Public Facilities Corporation.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Vierheilig, Winn, Gaddis and Harrison	None	None

ADJOURN TO NCSD REGULAR MEETING

President Harrison adjourned the Public Facilities Corporation meeting and re-opened the regular meeting of the Nipomo Community Services District.

02:54:40

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).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E. ADMINISTRATIVE ITEMS

00:20:14

- E-1) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER AND REFUNDING PROJECT) SERIES 2013:
 - AUTHORIZE SALE OF UP TO \$9,500,000 IN REVENUE CERTIFICATES AND APPROVE THE FOLLOWING SALE DOCUMENTS:
 - A TRUST AGREEMENT
 - AN INSTALLMENT SALE AGREEMENT
 - AN AGENCY AGREEMENT
 - AN ESCROW DEPOSIT AND TRUST AGREEMENT
 - A CONTINUING DISCLOSURE AGREEMENT
 - A PRELIMINARY OFFICIAL STATEMENT
 - A BOND PURCHASE AGREEMENT

ADJOURN TO PUBLIC FACILITIES CORPORATION

- A) ROLL CALL NEXT RESOLUTION 2013-06
- B) APPROVAL OF DOCUMENTS IN CONNECTION WITH THE SALE, EXECUTION AND DELIVERY BY NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT PHASE 1) SERIES 2013

ADOPT A RESOLUTION APPROVING

- A TRUST AGREEMENT
- AN INSTALLMENT SALE AGREEMENT
- AN ASSIGNMENT AGREEMENT
- AN AGENCY AGREEMENT
- AN ESCROW DEPOSIT AND TRUST AGREEMENT
- A PRELIMINARY OFFICIAL STATEMENT

ADJOURN TO NCSD REGULAR MEETING

Mike Seitz, District Deputy Legal Counsel, recommended that the Board continue this inclusive item on a future agenda.

The following members of the public spoke:

John Snyder, Nipomo resident, commented on continuing item E-1 and questioned who's doing the illegal pumping.

Ed Eby, NCSD customer, questioned when the Board will consider this item and commented on the Special Meeting on Friday.

Upon the motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved to continue this inclusive item on a future agenda.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Blair, Armstrong Gaddis, and Harrison	None	None

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

ITEM E-1 (CONTINUED)

RESOLUTION NO. 2013-1310

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE SALE, EXECUTION AND DELIVERY OF NOT TO EXCEED \$10,500,000 REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER AND REFUNDING PROJECT) SERIES 2013 AND APPROVING A TRUST AGREEMENT, AN INSTALLMENT SALE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, A BOND PURCHASE AGREEMENT AND PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE TAKING OF CERTAIN ACTIONS IN CONNECTION THEREWITH

PRESIDENT HARRISON ADJOURN TO PUBLIC FACILITIES CORPORATION

ITEM B

A) ROLL CALL

At Roll Call, Directors Armstrong, Blair, Gaddis and Harrison were present. Director Vierheilig was not present due to a scheduled absence.

B) APPROVAL OF DOCUMENTS IN CONNECTION WITH THE SALE, EXECUTION AND DELIVERY BY NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT) SERIES 2013

ADOPT A RESOLUTION APPROVING

- A TRUST AGREEMENT
- AN INSTALLMENT SALE AGREEMENT
- AN ASSIGNMENT AGREEMENT
- AN AGENCY AGREEMENT
- A PRELIMINARY OFFICIAL STATEMENT

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted the Resolution 2013-07. A Resolution approving certain documents in connection with the execution and delivery of not to exceed \$10,500,000 Nipomo Community Services District revenue certificates of participation (supplemental water project) series 2013 and authorizing the taking of certain actions in connection therewith.

Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, and Harrison	Director Blair	Director Vierheilig

RESOLUTION NO. 2013-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$10,500,000 NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT) SERIES 2013 AND AUTHORIZING THE TAKING OF CERTAIN ACTIONS IN CONNECTION THEREWITH

PRESIDENT HARRISON ADJOURN TO NCSD REGULAR MEETING