

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

MAY 22, 2013 AT 9:00 A.M.

REGULAR MEETING OF THE BOARD OF DIRECTORS AND MEETING OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
DAN GADDIS, **DIRECTOR**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MIKE SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
MERRIE WALLRAVIN, **BOARD CLERK**

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.
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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 {**NCS.D.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.

A. CALL TO ORDER AND FLAG SALUTE	NEXT RESOLUTION	2013-1306
	NEXT ORDINANCE	2013-120

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 not 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) DIRECTOR OF ENGINEERING AND OPERATIONS
Receive Update Report regarding recent activities
- 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 MAY 8, 2013 REGULAR BOARD MEETING MINUTES:
[RECOMMEND APPROVAL]
- D-3) APPROVE MAY 10, 2013 SPECIAL BOARD MEETING MINUTES [RECOMMEND APPROVAL]
- D-4) APPROVE VARIANCE TO DISTRICT REQUIREMENT FOR 627 STORY STREET, APN 092-153-021, TO CONNECT DISTRICT SEWER [RECOMMEND ADOPT RESOLUTION APPROVING VARIANCE]

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT WATER REVENUE REFUNDING BONDS, SERIES 2013A:
 - AUTHORIZE SALE OF UP TO \$3,700,000 IN WATER REVENUE REFUNDING BONDS AND APPROVE THE FOLLOWING SALE DOCUMENTS:
 - AN INDENTURE OF TRUST
 - AN ESCROW DEPOSIT AND TRUST AGREEMENT
 - A CONTINUING DISCLOSURE AGREEMENT
 - A PRELIMINARY OFFICIAL STATEMENT
 - A BOND PURCHASE AGREEMENT
- [RECOMMEND ADOPT RESOLUTION APPROVING SALE AND BOND DOCUMENTS]

ADJOURN TO PUBLIC FACILITIES CORPORATION

- A) ROLL CALL NEXT RESOLUTION 2013-06

- B) APPROVAL OF DOCUMENTS IN CONNECTION WITH THE ISSUANCE BY NIPOMO COMMUNITY SERVICES DISTRICT OF WATER REVENUE REFUNDING BONDS, SERIES 2013A

ADOPT A RESOLUTION APPROVING

- AN ESCROW DEPOSIT AND TRUST AGREEMENT

ADJOURN TO NCS D REGULAR MEETING

E-2) AUTHORIZE CONTRACT FOR VIA CONCHA WELL REPAIR TO FISHER PUMP AND WELL SERVICE INC. IN THE AMOUNT OF \$72,428 [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE RESOLUTION AUTHORIZING STAFF TO EXECUTE CONTRACT IN THE AMOUNT OF \$72,428 WITH FISHER PUMP AND WELL SERVICE INC. AND AUTHORIZING CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$7,200]

E-3) CONSIDER APPROVAL OF SCOPE AMENDMENT #8 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$105,918 FOR CONSTRUCTION PHASE DESIGN SERVICES FOR SOUTHLAND WASTEWATER FACILITY PHASE 1 IMPROVEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE TO ADOPT RESOLUTION APPROVING SCOPE AMENDMENT #8 WITH AECOM IN THE AMOUNT OF \$105,918 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

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 SMVWCD VS. NCS D (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(a):
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222

3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

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

➤ **Next Regular Board Meeting is June 12, 2013, 9AM.**