

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

JULY 10, 2013 AT 9:00 A.M.

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 {[NCSD.CA.GOV](http://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.*

A. CALL TO ORDER AND FLAG SALUTE	NEXT RESOLUTION	2013-1320
	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) REPORT ON JUNE 26, 2013 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session at the previous meeting

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 JUNE 26, 2013 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

- D-3) APPROVE AMENDED CONTRACT WITH GENERAL MANAGER [RECOMMEND APPROVE CONTRACT]

- D-4) AUTHORIZE PURCHASE OF REPLACEMENT UTILITY TRUCK [RECOMMEND AUTHORIZE STAFF TO PURCHASE REPLACEMENT UTILITY TRUCK FROM MULLAHEY FORD AT A COST OF \$19,027]

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER SERVICE REQUEST 697 WEST TEFFT STREET, APN 092-577-008, SINGLE PARCEL COMMERCIAL DEVELOPMENT [RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE, DENY OR CONTINUE]

- E-2) AUTHORIZE CHANGE ORDER SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT IN THE AMOUNT \$876,900 [RECOMMEND AUTHORIZE STAFF TO ISSUE CHANGE ORDER IN THE AMOUNT OF \$876,900 TO CUSHMAN CONTRACTING CORPORATION FOR CONSTRUCTION OF ADDITIONAL DISPOSAL FACILITIES AS PART OF SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT]

- E-3) AUTHORIZE REQUEST FOR WATER FUND RATE AND CAPACITY CHARGE STUDY PROPOSALS [RECOMMEND CONSIDER DRAFT REQUEST, AMEND AS NECESSARY, AND AUTHORIZE STAFF TO CIRCULATE THE REQUEST FOR PROPOSALS]

- E-4) CONSIDER DISTRICT RESPONSE TO WATER SUPPLY CONCERNS STEMMING FROM LOW RAINFALL AND DEPRESSED GROUNDWATER LEVELS [DISCUSS RESOURCES CONCERNS AND DISTRICT RESPONSE, DIRECT STAFF]

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- E-5) REVIEW DISTRICT POLICY REGARDING HYDRANT AND OUT OF AREA WATER SALES [RECOMMEND REVIEW INFORMATION AND DIRECT STAFF]
- E-6) REVIEW BROWN ACT AND DISTRICT BYLAWS WITH GENERAL COUNSEL [REVIEW AND DISCUSS STATE LAW AND DISTRICT POLICY, DIRECT STAFF]
- E-7) CONSIDER COMMISSIONING A PLAQUE RECOGNIZING FOUNDING DIRECTORS [CONSIDER INFORMATION AND DIRECT STAFF]

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. NCSD (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

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 July 24, 2013, 9AM.**