

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

MAY 8, 2019 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**
DAN WOODSON, **DIRECTOR**

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
WHITNEY MCDONALD, **GENERAL COUNSEL**
PETER SEVCIK, P.E., **DIRECTOR OF ENG. & OPS.**

Mission Statement:

Provide our 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 **{[NCS D.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 2019-1506
 NEXT ORDINANCE 2019-129

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) QUARTERLY ENGINEER'S REPORT – DIRECTOR OF ENGINEERING
AND OPERATIONS REPORT ON DISTRICT PROJECTS SYSTEM-WIDE
[RECOMMEND RECEIVE AND FILE REPORT]

C-2) SOLID WASTE RATE ADJUSTMENT EVALUATION AND REVIEW
[RECOMMEND RECEIVE REPORT AND DIRECT STAFF]

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND
REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS,
CONFERENCES AND SEMINARS. [RECEIVE ANNOUNCEMENTS AND REPORTS
FROM DIRECTORS]

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C-4) 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 APRIL 24, 2019 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]

D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2019-2020
[RECOMMEND ADOPT RESOLUTION]

D-4) ACCEPT THIRD QUARTER FISCAL YEAR 2018-2019 QUARTERLY FINANCIAL REPORT
[RECOMMEND ACCEPT AND FILE REPORT]

E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE STAFF TO BID SUPPLEMENTAL WATER PROJECT NIPOMO AREA PIPELINE IMPROVEMENTS, CONSIDER SECOND ADDENDUM TO THE PREVIOUSLY-CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE SUPPLEMENTAL WATER PROJECT, AMEND FY 2018-2019 BUDGET, AND ADOPT ASSOCIATED RESOLUTION [RECOMMEND AUTHORIZE STAFF TO BID AND ADOPT ATTACHED RESOLUTION]

E-2) (A) REVIEW DRAFT BUDGET FOR FISCAL YEAR 2019-2020 [RECOMMEND CONSIDER DRAFT BUDGET AND SCHEDULE FOR ADOPTION ON JUNE 12, 2019]

(B) REVIEW THE DRAFT BUDGET FOR FISCAL YEAR 2019-2020 FOR THE NIPOMO SUPPLEMENTAL WATER PROJECT (NSWP) [RECOMMEND CONSIDER DRAFT BUDGET AND SCHEDULE FOR ADOPTION ON JUNE 12, 2019]

F. GENERAL MANAGER'S REPORT

G. COMMITTEE REPORTS

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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

a) SMVWCD V. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)

b) BENING Company, LLC v. Nipomo Community Services District (Court of Appeal, 2nd Dist., Case B286035

2. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: Significant exposure to litigation pursuant to Government Code § 54956.9(b), (d)(2) - Number of Potential Cases: 1

3. STEP TWO OF A TWO STEP ANNUAL PERFORMANCE REVIEW PROCESS OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION §54957

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 MEETING

Next Regular Board Meeting is Wednesday, May 22, 2019, 9AM