

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

FEBRUARY 13, 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, ASSIST. GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER
MERRIE WALLRAVIN, 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	2013-1288
	NEXT ORDINANCE	2013-118

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 JANUARY 23, 2013 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

C-2) SUPPLEMENTAL WATER ALTERNATIVES REVIEW COMMITTEE PROGRESS
UPDATE AND PRELIMINARY REPORT OF FINDINGS
Receive Update from Citizen's Committee

- C-3) DISTRICT ENGINEER PETER SEVCIK
Receive Update Report regarding recent activities.
 - C-4) 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-5) 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 JANUARY 23, 2013 REGULAR BOARD MEETING MINUTES:
[RECOMMEND APPROVAL]
 - D-3) SECOND QUARTER FINANCIAL REPORT [RECOMMEND ACCEPT AND APPROVE]
 - D-4) AWARD THREE YEAR AUDITING SERVICE CONTRACT TO THE CROSBY COMPANY IN AMOUNT OF \$7,800 PER YEAR [CONSIDER FINANCE AND AUDIT COMMITTEE RECOMMENDATION AND AWARD CONTRACT]
- E. ADMINISTRATIVE ITEMS
- E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND IF THERE IS NOT A MAJORITY PROTEST CONSIDER ADOPT A RESOLUTION INCREASING DISTRICT SOLID WASTE FEES [RECOMMEND ADOPT RESOLUTION]
 - E-2) CONSIDER SUPPLEMENTAL WATER PROJECT PHASE 1 FINANCING PLAN [RECOMMEND APPROVE PROPOSED FINANCING PLAN]
 - E-3) SUPPLEMENTAL WATER PROJECT PHASE 1 AUTHORIZATION TO BID [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO ADVERTISE PROJECT FOR BID]
 - E-4) AUTHORIZE AGREEMENTS WITH FULBRIGHT & JAWORSKI LLP AND C.M. DE CRINIS & CO., INC. FOR BOND AND DISCLOSURE COUNSEL AND FINANCIAL ADVISORY SERVICES DIRECT STAFF TO PROCEED WITH CERTIFICATES OF PARTICIPATION ISSUE [RECOMMEND AUTHORIZE CONTRACT AGREEMENT AND DIRECT STAFF PROCEED WITH COP ISSUE]

E-5) APPROVE CHANGES TO DISTRICT ORGANIZATION STRUCTURE, APPROVE REVISED AND NEW JOB DESCRIPTIONS AND SALARY RANGES, AUTHORIZE RECRUITMENT OF WASTEWATER SUPERVISOR POSITION [RECOMMEND CONSIDER RECOMMENDATION OF PERSONNEL COMMITTEE, APPROVE CHANGES AND AUTHORIZE RECRUITMENT]

E-6) REVIEW BOARD BY-LAWS AND POLICES AND PROPOSE EDITS FOR CONSIDERATION [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO RETURN WITH REVISIONS FOR FUTURE BOARD APPROVAL]

E-7) CONSIDER RESCINDING DISTRICT POLICY WHICH SUSPENDS PROCESSING OF APPLICATIONS FOR NEW WATER SERVICE [DIRECT STAFF]

F. GENERAL MANAGER'S REPORT

G. COMMITTEE REPORTS

- a. Supplemental Water Alternatives Evaluation Committee
 - i. January 14, 2013
 - ii. January 25, 2013
- b. Finance and Audit Committee
 - i. January 17, 2013
 - ii. January 31, 2013
- c. Personnel Committee
 - i. January 31, 2013
 - ii. February 7, 2013

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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b):
Anticipated litigation - 1 case

4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
5. CONFERENCE WITH LEGAL COUNSEL RE: LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; ROBERT VERBREE CLAIM AGAINST NCSD

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 FEBRUARY 27, 2013, 9AM.**