

# **AGENDA**

Board of Directors' Meeting

March 17, 2011

5:30 p.m.

A copy of the agenda and attachments is available for review at the District office. The Board of Directors' Meeting Room is wheelchair accessible. If you require any special disability related accommodations (i.e., access to an amplified sound system, etc.), please contact the Moulton Niguel Water District Secretary's office at (949) 643-2006 at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternate format upon written request to the Moulton Niguel Water District Secretary at least seventy-two (72) hours prior to the scheduled meeting. The next Regular Board Meeting will be held at 5:30 p.m. on April 21, 2011 at the Moulton Niguel Water District.

**MOULTON NIGUEL WATER DISTRICT**  
**27500 La Paz Road, Laguna Niguel**  
**March 17, 2011**  
**5:30 p.m. (PDT)**  
**Approximate Meeting Time: 1-2 Hours**

*Agenda exhibits and other writings that are disclosable public records distributed to all, or a majority of, the members of the Moulton Niguel Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection at the District Office, 27500 La Paz Road, Laguna Niguel, CA ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available in the reception area of the District Office at the same time as they are distributed, except that, if such writings are distributed immediately prior to, or during, the meeting, they will be available in the Board meeting room.*

## **AGENDA**

**1. CALL MEETING TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTE APPROVAL:**

**REGULAR BOARD OF DIRECTORS' MEETING (CLOSED SESSION)  
DATED JANUARY 20, 2011**

**REGULAR BOARD OF DIRECTORS' MEETING DATED FEBRUARY 17, 2011**

**SPECIAL BOARD OF DIRECTORS' MEETING (PUBLIC HEARING) DATED  
FEBRUARY 23, 2011**

**4. PUBLIC COMMENTS**

*Persons wishing to address the Board of Directors on matters not listed on the Agenda may do so at this time. "Request To Be Heard" forms are available at the entrance to the Board Room. Comments are limited to five minutes unless further time is granted by the Presiding Officer. Submit form to the Recording Secretary prior to the beginning of the meeting.*

*Those wishing to address the Board of Directors on any item listed on the Agenda should submit a "Request To Be Heard" form to the Recording Secretary before the Presiding Officer announces that agenda item. Your name will be called to speak at that time.*

**5. DISCUSSION OF PROPOSED WATER BUDGET BASED RATE STRUCTURE (WBRS)**

**6. PRESIDENT'S REPORT**

## **7. BOARD/COMMITTEE OR OTHER REPORTS**

### **GENERAL MANAGER'S REPORT:**

8. SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA)
  - BIOSOLIDS UPDATE
  - SOCWA PETITION TO THE STATE WATER RESOURCES CONTROL BOARD
9. UPPER CHIQUITA RESERVOIR TOUR – FRIDAY, MARCH 18, 2011
10. WATER SUPPLY ALLOCATION/USAGE UPDATE

### **CONSENT CALENDAR ITEMS:**

*Consent items: Unless the General Manager or the Board requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote. Requests for discussion of any specific item should be made to the Presiding Officer in conjunction with the discussion of the consent motion.*

**The following items were previously discussed at the Finance & IT Board Meeting (3/16/11) and the Engineering & Operations Board Meeting (3/14/11).**

11. RECEIVE AND FILE MONTHLY OPERATIONAL STATUS REPORTS - **Attachment CC-1 (Provided for historical purposes)**
12. RECEIVE AND FILE SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$7,406,833 DATED FEBRUARY 28, 2011
13. ADOPTION OF THE DISTRICT FINANCIAL POLICIES
14. RECEIVE AND FILE MONTHLY CONSTRUCTION PROGRESS REPORT
15. RECEIVE AND FILE CAPITAL PROJECT BUDGET SUMMARY
16. RECEIVE AND FILE WATER SUPPLY RELIABILITY PROJECTS' STATUS SUMMARY REPORT
17. 5B-1 RESERVOIR REFURBISHMENT, CONTRACT 2010.120 – CONSTRUCTION CONTRACT REIMBURSEMENT

South Coast Water District recently completed a major refurbishment of the 5B-1 Reservoir, of which the District is responsible for 9% of the project costs per the Agreement for that facility. A staff report was provided on this matter at the Engineering and Operations Meeting on March 14, 2011.

### **RECOMMENDED ACTION:**

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT AUTHORIZE STAFF TO REIMBURSE SOUTH COAST WATER DISTRICT FOR THE DISTRICT'S SHARE OF THE REFURBISHMENT CONTRACT PER THE AGREEMENT FOR THE 5B-1 RESERVOIR FOR AN AMOUNT NOT-TO-EXCEED \$105,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

### **ENGINEERING & OPERATIONS MATTERS:**

**18. EASEMENT PIPELINE REHABILITATION PROJECT, CONTRACT 2010.023 – DESIGN CONTRACT AWARD**

The District has been experiencing an increasing number of pipeline failures within residential easements within certain communities of Laguna Niguel. The areas of concern were constructed from about 1985 to 1995 in what was at that time unincorporated Orange County. In order to fully understand the problem and develop a feasible solution, the District needs to retain a Consultant to evaluate the issues, analyze solutions, which may include abandonment, relocation or relining, and develop a three-year Capital Improvement Program to implement the recommendations. A staff report was provided on this matter at the Engineering and Operations Meeting on March 14, 2011.

**RECOMMENDED ACTION:**

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT AWARDS THE ENGINEERING SERVICES CONTRACT FOR THE EASEMENT PIPELINE REHABILITATION PROJECT TO TETRA TECH, INC., FOR AN AMOUNT NOT-TO-EXCEED \$82,700, AND APPROVE AN EXPENSE AUTHORIZATION IN THE AMOUNT OF \$105,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

**19. MOULTON RANCH III RECYCLED WATER PIPELINE, CONTRACT 2010.016 - CONSTRUCTION CONTRACT AWARD**

District staff issued a Notice of Inviting Sealed Proposals (Bids) for the construction of approximately 5,000 linear feet of 8-inch C-900 PVC pipe and thirteen (13) new 2-inch recycled water services to provide recycled water service to the Moulton Ranch III Homeowners Association (HOA). The HOA currently utilizes more than 55 acre-feet of potable water. A staff report was provided on this matter at the Engineering and Operations Meeting on March 14, 2011.

**RECOMMENDED ACTION:**

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT AWARDS THE CONTRACT FOR THE MOULTON RANCH III RECYCLED WATER PIPELINE TO DOTY BROS. EQUIPMENT, LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR AN AMOUNT OF \$630,880; INCREASE THE PROJECT BUDGET FROM \$750,000 TO \$800,000; AND INCREASE THE PROJECT EXPENSE AUTHORIZATION FROM \$50,000 TO \$800,000. THIS PROJECT WILL BE FINANCED FROM FUND 12 – WATER SUPPLY RELIABILITY FUND.

**LEGAL MATTERS:**

**20. APPROVAL OF AGREEMENT FOR PARTICIPATION IN MWDOC'S TURF REMOVAL PROGRAM**

MWDOC administers a turf removal program, which is funded by Metropolitan Water District rebates at \$1 per square foot for each square foot of turf removed by residential and small commercial water users within the District's service area, for as long as MWD funding is available. The program goals are savings in water consumption, reduced runoff to storm drains and natural water bodies, and promotion of applicable Best Management Practices. Turf removal projects must meet guidelines to be eligible for financial incentives. MWDOC

reviews applications, and then issues an inspection order. District Staff will conduct the required pre- and post-turf removal site inspections, instead of paying MWDOC contractors for inspection services. The District's inspection work requires data collection, verification of technical requirements, and a recommendation for approval or denial of the rebate. The specific program requirements are detailed in the Agreement which is **Attachment L-1** to the Agenda, so standards for the District's inspection and evaluation are clear. Staff is not recommending supplemental District funding, an option under the Agreement, at this time. MWDOC will obtain a waiver of liability and release of claims against and indemnity of the District from applicants. MWDOC and the District have a cross indemnity to each other for any of their own activities. The Agreement term is for one year, in the absence of earlier termination (i.e. funding gone).

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS APPROVES THE AGREEMENT FOR PARTICIPATION IN MWDOC TURF REMOVAL PROGRAM AND AUTHORIZES THE GENERAL MANAGER TO EXECUTE THE AGREEMENT.

**21. CLAIM OF WISE, PROPERTY DAMAGE TO AUTOMOBILE WINDSCREEN**

SUMMARY AND DISCUSSION

District staff has reviewed and investigated the below-referenced claim and the recommended action:

Description: Claim for property damage to automobile windscreen, allegedly from loose asphalt sprayed by other vehicle, in vicinity of work performed by District contractor. (Contractor denies liability to District.)

Amount Claimed: \$500.00

Date of Incident: 1-16-2011

Date of Claim: 1-20-2011

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS REJECTS THE CLAIM OF WISE AND AUTHORIZES STAFF TO SEND A NOTICE OF REJECTION ON ACWA/JPIA APPROVED FORM.

**22. LATE ITEMS: (Appropriate Findings to be Made)**

- a. Need to take immediate action; and
- b. Need for action came to District's attention after Agenda posting)  
[Requires 2/3 vote (5 members) or unanimous vote if less than 2/3 are present]

**23. ADJOURNMENT**