

AGENDA

Board of Directors' Meeting

May 19, 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 June 16, 2011 at the Moulton Niguel Water District.

**BOARD OF DIRECTORS' MEETING
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road, Laguna Niguel
May 19, 2011
5:30 p.m.
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:

- CLOSED SESSION OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS' DATED FEBRUARY 25, 2011 (Under Separate Cover)
- REGULAR BOARD OF DIRECTORS' MEETING DATED APRIL 21, 2011
- SPECIAL MEETING OF THE BOARD OF DIRECTORS DATED MAY 4, 2011 (SPECIAL ERP/IT WORKSHOP)

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. PRESIDENT'S REPORT

6. BOARD REPORTS

GENERAL MANAGER'S REPORT:

7. SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA)
 - IRWD BIOSOLIDS PROJECT UPDATE
8. UPDATE ON WBBRS IMPLEMENTATION
9. BOARD OF DIRECTORS' HANDBOOK
10. ACWA/JPIA AND ACWA CONFERENCES
11. CALIFORNIA UTILITY EXECUTIVES MANAGERS FOUNDATION (CUEMF) BOARD MEETING
12. ORANGE COUNTY WATER ASSOCIATION (OCWA) PRESENTATION ON MNWD'S WBBRS IMPLEMENTATION

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 Engineering & Operations Board Meeting (5/16/11) and the Finance & IT Board Meeting (5/18/11).

13. RECEIVE AND FILE MONTHLY OPERATIONAL STATUS REPORTS - **Attachment CC-1 (Provided for historical purposes)**
14. RECEIVE AND FILE SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$7,499,312 DATED APRIL 30, 2011
15. APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH NEXLEVEL FOR ADDITIONAL ERP SERVICES (POC WITH SECOND VENDOR) IN THE AMOUNT OF \$17,415, WHICH WILL INCREASE THE ORIGINAL CONTRACT TO \$101,115, AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT.
16. APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH INFOSEND TO PROVIDE E-BILL SERVICES IN THE AMOUNT OF APPROXIMATELY \$58,000, WHICH WILL INCREASE THE TOTAL APPROXIMATE AGREEMENT AMOUNT TO \$319,000, AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT.
17. APPROVE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH REDOAK FOR SERVICES RELATED TO UPDATING THE TEN-YEAR CASH FLOW MODEL IN THE AMOUNT OF \$28,198, AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT.

18. APPROVE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH NEXLEVEL TO PROVIDE AN UPDATE TO THE 2008/2009 IT STRATEGIC PLAN IN THE AMOUNT OF \$10,690, AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT.
19. RECEIVE AND FILE MONTHLY CONSTRUCTION PROGRESS REPORT
20. RECEIVE AND FILE CAPITAL PROJECT BUDGET SUMMARY
21. RECEIVE AND FILE WATER SUPPLY RELIABILITY PROJECTS' STATUS SUMMARY REPORT

ENGINEERING & OPERATIONS MATTERS:

22. WIRELESS NETWORK IMPLEMENTATION, PHASE C, CONTRACT 2006.038 – DESIGN CONTRACT AWARD

Staff issued a Request for Proposal for Structural Design Services to design footings and towers for the remaining wireless towers necessary to complete the District's wireless network. A staff report was provided on this matter at the Engineering and Operations Meeting on May 12, 2011.

RECOMMENDED ACTION:

BOARD OF DIRECTORS AWARDS THE CONTRACT FOR STRUCTURAL DESIGN SERVICES FOR THE WIRELESS NETWORK IMPLEMENTATION, PHASE C, CONTRACT 2006.038, TO ARCON STRUCTURAL ENGINEERS, INC. FOR AN AMOUNT NOT-TO-EXCEED \$59,388. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

LEGAL MATTERS:

23. VOTE TO RATIFY ORANGE COUNTY SPECIAL DISTRICT SELECTION COMMITTEE (OCS DSC) BYLAWS

Attachment L-1 to the Agenda is the proposed Bylaws drafted by an Independent Special Districts of Orange County (ISDOC) Ad Hoc Committee to address procedural concerns that arose during the last OC LAFCO Special District representatives' election by the OCS DSC. The Bylaws will be in lieu of the former 1994 Rules of Procedure, and provide generally for the following, among other rules: public ballots including the Special District name; a simple "Declaration of Qualifications" form as the only required verification of voting authority; a mail-in ballot process, as necessary; and, a clarification of the voting process, including separate balloting for each representative position. Also included with **Attachment L-1** is a copy of the 1994 Rules, and correspondence from the OC LAFCO Executive Officer to the District. All ballots are due by May 26, 2011.

RECOMMENDED ACTION:

BOARD OF DIRECTORS CONDUCTS A VOTE FOR RATIFICATION OF THE PROPOSED OCS DSC BYLAWS, AUTHORIZE THE SECRETARY TO FILL OUT THE BALLOT IN ACCORDANCE WITH THE BOARD VOTE, AND THE BOARD PRESIDENT TO SIGN THE BALLOT.

24. RESOLUTION TO ADOPT WATER SUPPLY ASSESSMENT FOR LAGUNA NIGUEL GATEWAY PROJECT

Attachment L-2 to the Agenda is a proposed Water Supply Assessment (WSA) for the Laguna Niguel Gateway Specific Plan Update prepared by Psomas Engineering for the District, in response to the City of Laguna Niguel’s request. For particulars about the WSA, please see the Staff Report preceding **Attachment L-2**.

RECOMMENDED ACTION:

BOARD OF DIRECTORS APPROVES THE WATER SUPPLY ASSESSMENT FOR THE LAGUNA NIGUEL GATEWAY SPECIFIC PLAN UPDATE DATED MAY 11, 2011.

25. SOUTH COAST WATER DISTRICT (SCWD) PROPOSED SEWER SERVICE USAGE RATE COMPONENT INCREASE FOR LAGUNA SUR/MONARCH POINT REORGANIZATION AREA- 218 NOTICE

Pursuant to LAFCO Reorganization R096-05, SCWD provides sewer service to the Reorganization Area and the District collects the sewer service charges on the property tax roll and remits the service charges to SCWD. SCWD is proposing to raise the usage rate component of the sewer service charges within the Reorganization Area from what is currently collected and also from what was adopted and approved by SCWD for 2011-12 and 2012-13 in 2009. SCWD had frozen the 2010-11 sewer rates and charges to the 2009 levels. The fixed sewer charge component for 2011-12 and 2012-13 will be collected at amounts lower than the rates previously approved by SCWD and then adopted by the MNWD Rate Ordinance in 2009.

The SCWD Board, which is increasing its water and sewer rates, is scheduled to adopt the increased sewer usage rates after a Public Hearing on June 23, 2011. Set forth below is a quick comparison of the increased usage rates to current rates, and also a comparison of the **current** fixed charges with the approved 2009 charges for 2010-11 and 2011-12, along with the ‘lesser’ amounts SCWD has **proposed**.

Attachment L-3 to the Agenda is a copy of a draft 218 Notice for mailing to the assessment roll owners in the Reorganization Area. The MNWD Board will begin proceedings in June to adopt the increased usage rates, as well as the proposed fixed charge component, and for the annual property roll collection proceedings.

<u>Usage Rates</u>		<u>Current</u>	<u>Proposed 2011-12</u>	<u>Proposed 2012-13</u>
Residential		\$0.77/BU	\$0.97/BU	\$0.99/BU
Guard House		\$4.73/BU	\$5.63/BU	\$5.74/BU
Rec. Area		\$4.89/BU	\$5.81/BU	\$5.92/BU

<u>Fixed Charges</u>	<u>2009-10/2010-11 (current) ‘09apvd.</u>	<u>2011-12 ‘09aprvd/proposed</u>	<u>2012-13 ‘09aprvd./proposed</u>
Single Family	\$436.44/451.72	\$467.53/ 448.13	\$483.89/ 456.22
Duplex	\$256.32/265.29	\$274.58/ 262.39	\$284.19/ 267.13
Triplex	\$257.58/266.60	\$275.93/ 263.81	\$285.58/ 268.58
Fourplex	\$249.95/258.69	\$267.75/ 254.38	\$277.12/ 258.97
Multiple (5+)	\$208.60/215.90	\$223.46/ 194.74	\$231.28/ 198.26
Guardhouse	\$436.64/451.72	\$467.53/ 448.13	\$483.89/ 456.22
Recreation Area	\$436.44/452.72	\$467.53/ 448.13	\$483.89/ 456.22

RECOMMENDED ACTION:

BOARD OF DIRECTORS APPROVES THE 218 NOTICE AND AUTHORIZES STAFF TO MAIL TO PROPERTY OWNERS LISTED ON ASSESSMENT ROLLS IN ACCORDANCE WITH 218 REQUIREMENTS.

26. THE BOARD WILL CONDUCT THE FOLLOWING CLOSED SESSIONS:

a. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (TWO CASES)

Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to confer regarding the *Claim of Shapell Industries, Inc.* presented to the District on April 1, 2011, as amended

Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to confer regarding the *Claim of Glaser* presented to the District on May 3, 2011 (new claim)

b. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (ONE CASE)

Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to discuss significant exposure to litigation

Pursuant to Government Code, Section 54956.9(c), a Closed Session will be conducted to discuss initiation of litigation

27. 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]

28. ADJOURNMENT