

AGENDA

Board of Directors' Meeting

August 20, 2009

1:30 p.m.

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.

**BOARD OF DIRECTORS' MEETING
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road, Laguna Niguel
August 20, 2009
1:30 p.m. (PDT)
Approximate Meeting Time: 2 -3 Hours**

***THIS BOARD MEETING WILL INCLUDE TELECONFERENCING AT THE
FOLLOWING LOCATION:
12025 CEDAR SHORE ROAD, ELLISON BAY, WISCONSIN**

I.	CALL MEETING TO ORDER	
II.	PLEDGE OF ALLEGIANCE	
III.	APPROVE MINUTES OF JULY 16, 2009 BOARD OF DIRECTORS MEETING - <u>ROLL CALL VOTE</u>	
IV.	PUBLIC COMMENTS	
V.	PRESIDENT'S REPORT	
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* Consent items: All items will be approved by Board action as received and filed. Requests for discussion of any specific item should be made to the President of the Board in conjunction with the discussion of the consent motion.

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 1:30 p.m., on September 17, 2009 at the Moulton Niguel Water District.

* All votes must be by roll call vote.

VI. BOARD/COMMITTEE REPORTS

A. BOARD MEETINGS CHAIRMAN

Community Relations Probolsky

Engineering & Facilities Froelich

Finance & Audit Buck

Investment Lizotte

Personnel & Salary McKenney

B. STANDING COMMITTEES - (MEETINGS ON CALL OF CHAIRMAN)

Legal & Legislation Fiore

Rate Review Kurtz

VII. CONSENT ITEMS

A. METERS IN SERVICE – July 2009

Description	Beginning of Month	Added/ (Subtracted)	End of Month	One Year Ago
Single Family	33,869	0	33,869	33,799
Multi Family	14,651	9	14,660	14,611
Commercial	2,826	8	2,834	2,792
Irrigation	2,633	0	2,633	2,616
Total	53,979	17	53,996	53,818
Est. Population	166,964	23	166,987	166,677

B. METER DISTRIBUTION * – July 2009

Size	Beginning of Month	Added/ (Subtracted)	End of Month	One Year Ago
5/8"	108	0	108	106
3/4"	36,586	- 5	36,581	36,635
1"	10,653	17	10,670	10,474
1½"	931	0	931	924
2"	4,940	3	4,943	4,929
2-1/2"	12	0	12	11
3"	77	1	78	74
4"	152	0	152	150
6"	315	0	315	311
8"	184	1	185	183
10"	21	0	21	21
Total	53,979	17	53,996	53,818

*Includes potable and recycled water meters.

C. WASTEWATER TREATMENT FLOWS (MGD) – July 2009

Description	Current Month	One Year Ago
Total Flow	13.4	14.1

D. POTABLE WATER IMPORTED – July 2009

Source	Current Month Average Flow (cfs)	Current Month Volume (af)	Since 7/01/08 To Date Volume (af)	Year Ago To Date Volume (af)
Joint Transmission Main	5.9	362.7	362.7	491.8
Allen-McColloch Pipeline	15.9	977.4	977.4	534.8
Central Intertie Pipeline	28.8	1,770.4	1,770.4	2,581.9
Interties	0.0	0.0	0	0.0
Total	50.6	3,110.5	3,110.5	3,698.5

E. RECYCLED WATER PRODUCED – July 2009

UOR Storage at End of Month: 285.9 af	Current Month Average Flow (mgd)	Current Month Volume (af)	Since 7/01/08 To Date Volume (af)	Year Ago To Date Volume (af)
Source				
Regional AWT	8.30	789.6	789.6	760.1
Plant 3A AWT	1.35	128.4	128.4	95.1
SCWD AWT**	0.25	23.8	23.8	44.8
Total Produced	9.90	941.8	941.8	900.0
To(-)/From(+) Storage	+1.90	+180.8	+180.8	+198.8
Total Delivered	11.80	1,122.6	1,122.6	1,098.8

**MNWD delivered recycled water to SCWD during month.

F. RECYCLED WATER GOALS – Thru July 2009

Fiscal Year	Users Planned	Users Online	Acreage Planned	Acreage Online
02-03	1,100	1,096	3,400	3,364
03-04	1,130	1,141	3,688	3,641
04-05	1,155	1,166	3,700	3,694
05-06	1,189	1,183	3,736	3,727
06-07	1,220	1,197	3,798	3,748
07-08	1,250	1,206	3,858	3,768
08-09	1,250	1,218	3,858	3,797
09-10	1,260	1,218	3,900	3,997

G. CUSTOMER SERVICE ACTIVITY – July 2009

	<u>July 2009</u>	<u>July 2008</u>
<u>Cross Connection</u>		
Backflow notices	1,564	197
Inspections	28	23
<u>Customer Inquiries</u>		
Board room use	8	9
Letters of credit	10	5
Record changes	109	126
Website hits	5,810	4,673
<u>Delinquent Accounts</u>		
Door hanger notices	822	907
Shut-offs	142	123
<u>Education Programs</u>		
Number of students	0	0
<u>Maintenance</u>		
Meter maintenance	694	651
Meter checks	155	242
Angle stop	17	14
Meter lids	291	139
Meter replacements	162	239
Meter box replacements	8	9
Vault replacements	5	5
<u>Meter Activity</u>		
Construction meters	39	41
Meter sales	20	6
New services	8	9
Turn-offs	210	230
Turn-ons	644	720
<u>Meters Read</u>		
Hand-held	1,717	6,250
Touch read	38,408	35,811
Radio-read	13,846	11,734
<u>Service Orders</u>		
Customer inquiries	56	37
Hydrants	3	13
Valve can/Manhole lids	4	5
Fire flow tests	2	4
Leaks	17	20
Pressure tests	13	29
Turn-offs for repairs	43	32
Site visits	2,011	45
Non-MNWD leaks/breaks	56	79
Water quality	0	0
Other service orders	12	19
<u>Total Service Orders</u>	3,644	1,693

VIII. GENERAL MANAGER'S REPORT

A. SUMMARY AND DISCUSSION:

1. WATER SUPPLY ALLOCATION/USAGE UPDATE
2. SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA)
3. LEGISLATION UPDATE
4. UPPER CHIQUITA RESERVOIR PROJECT UPDATE
5. ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO)/
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (MWDOC)
GOVERNANCE STUDY UPDATE
6. SAN JUAN BASIN AUTHORITY (SJBA) FISCAL YEAR 2009/10 OPERATIONS &
MAINTENANCE (O&M) BUDGET PRESENTATION BY COL. FOLEY

The Board of Directors deferred approval of the SJBA Fiscal Year 2009/10 O&M Budget at the last regular Board of Directors' meeting on July 16, 2009 pending a recommendation by Col. John Foley, MNWD's representative to the SJBA. Once Col. Foley completes his presentation, the Board of Directors will be asked to ratify the SJBA FY 2009/10 Budget.

For information purposes, the Board of Directors of the SJBA approved the Fiscal Year 2009/10 O&M Budget at their July 2, 2009 meeting. The total Budget amounted to \$390,000, with the District's share being \$97,500. Ratification of this Budget is required by participating member agencies.

RECOMMENDED ACTION: (ROLL CALL VOTE)

THE BOARD OF DIRECTORS APPROVE THE SJBA FISCAL YEAR 2009/10 O&M BUDGET AS PRESENTED.

B. LATE ITEMS (with appropriate findings)

- 1.
- 2.
- 3.

IX. OPERATIONS MATTERS

A. A report was given at the Engineering Board meeting on August 18, 2009 on the following items:

1. Marguerite Reservoir Pipeline
2. Crown Valley Sewer at Kaleidoscope
3. General Waste Discharge Requirements for Discharge of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains

B. LATE ITEMS (with appropriate findings)

- 1.

- 2.
- 3.

X. FINANCIAL MATTERS

A. SUMMARY OF DISBURSEMENTS DATED JULY 31, 2009

1. The Board of Directors will review the Summary of Disbursements dated July 31, 2009, for the month of July 2009 operations. The total disbursements for the period amounted to \$6,317,681.30 applicable to the following funds:

a.	General Fund	5,843,386.10
b.	Water Supply Reliability Fund	231,028.50
c.	Replacement & Refurbishment Fund	100,691.25
d.	Planning & Construction	139,275.45
e.	2003 GOB Consolidated Refunding	3,300.00

2. The major expenditures include the following:

a.	Municipal Water District of Orange County (MWDOC)	
	May Water Purchases 3040.1 AF	1,834,700.35
	May Recycled Rebates 561.6 AF	(86,486.40)
	May RTS Charges	33,229.42
	May Capacity Charges	55,390.27
	May SCP Operation Surcharge	12,276.68
b.	Municipal Water District or Orange County (MWDOC) Contract No. 2008.049 Desalination Project	61,240.00
c.	South Coast Water District LAFCO Agreement RO#96-05 2 nd Installment	134,880.52
d.	SOCWA O&M Budget July 2009-June 2010 Capital Budget Deposit July 2009	2,193,462.00 653,700.00
f.	Santa Margarita Water District Contract No. 2005.024 IRWD Interconnection Project	168,825.00
	LAFCO MSR Study April-June 2009	6,650.00
	Upper Oso Reservoir O&M 3 rd Quarter 2009	52,784.49
	Upper Oso Reservoir O&M 4 th Quarter 2009	48,310.62

These expenditures, pursuant to Board authorization, were previously reviewed and approved on a weekly basis by the Director of Finance/Treasurer.

B. FINANCIAL STATEMENTS

SUMMARY AND DISCUSSION:

The Financial Statements, dated July 2009, will also be reviewed by the Board

of Directors at its Finance and Audit Board Meeting on August 19, 2009.

RECOMMENDED ACTION: (ROLL CALL VOTE)

THAT THE BOARD OF DIRECTORS RECEIVE AND ORDER FILED:

1. SUMMARY OF DISBURSEMENTS DATED JULY 31, 2009; and
2. FINANCIAL STATEMENTS DATED JULY 31, 2009.

C. LATE ITEMS (with appropriate findings)

- 1.
- 2.
- 3.

XI. ENGINEERING MATTERS

A. RESOLUTION NO 09- MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES, AND MONITORING PROGRAM FOR AUGUSTA RECYCLED WATER PIPELINE (PROJECT), CONTRACT 2009.003

SUMMARY AND DISCUSSION:

The District serves as the lead agency in the Project to install 3,200 feet of recycled water pipeline and install six service connections to serve 46.5 acre-feet of average annual demand to the adjacent slopes and Community Park in Laguna Niguel. As lead agency, it prepared and distributed the Initial Study, developed the Mitigation Plan, and is responsible for processing the CEQA compliance. All applicable CEQA documents are available for review at the District headquarters or the District's website, www.mnwd.com.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS APPROVE THE PROJECT, CERTIFY THE MITIGATED NEGATIVE DECLARATION, AND ADOPT THE MITIGATION MEASURES AND MONITORING PROGRAM BY ADOPTION OF RESOLUTION 09-___, AS ATTACHED AT ATTACHMENT E-1.

B. AUGUSTA RECYLED WATER PIPELINE, CONTRACT 2009.003

SUMMARY AND DISCUSSION:

Bids were solicited to install 3,200 feet of recycled water pipeline and install six service connections to serve 46.5 acre-feet of average annual demand to the adjacent slopes and Community Park in Laguna Niguel. Bids were opened on August 6, 2009 as follows:

Paulus Engineering	\$ 276,769
SRD Engineering	\$ 315,014
Bebek Company	\$ 344,980
T.E. Roberts, Inc.	\$ 355,724
L&S Construction	\$ 359,890
Kennedy Pipeline	\$ 375,080

Doty Bros.	\$ 450,147
Engineer (District Staff)	\$ 450,000

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AWARD AUGUSTA RECYCLED WATER PIPELINE, CONTRACT 2009.003 TO PAULUS ENGINEERING IN THE AMOUNT OF \$276,769, SUBJECT TO EXPIRATION OF THE 30-DAY STATUTE OF LIMITATIONS ON THE MITIGATED NEGATIVE DECLARATION AND APPROVE A PROJECT BUDGET IN THE AMOUNT OF \$314,000. THIS PROJECT WILL BE FINANCED WITH FUND 14 – PLANNING AND CONSTRUCTION FUND.

C. UPPER OSO RESERVOIR RECYCLED WATER PIPELINE EXTENSION, CONTRACT 2007.010

SUMMARY AND DISCUSSION:

Proposals were solicited for engineering services to prepare contract documents, construction plans and specifications, and provide construction phase services for the construction of approximately 11,000 feet of recycled water pipeline from the existing service line from the Upper Oso Reservoir, including at least eight new services and a connection to the existing 650-zone recycled water system. Proposals were received on July 23, 2009 as follows:

RCE Consultants, Inc.	\$ 55,000
H2O Engineering Resources, Inc.	\$ 73,880
Psomas	\$ 121,057
HDR Engineers	\$ 146,800
RMC Water and Environment	\$ 166,524
Tetra Tech, Inc.	\$ 168,000
Hunsaker & Associates	\$ 198,464
Engineer (District Staff)	\$ 120,000

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AWARD ENGINEERING SERVICES FOR THE UPPER OSO RESERVOIR RECYCLED WATER PIPELINE EXTENSION, CONTRACT 2007.010 TO RCE CONSULTANTS, INC. IN THE AMOUNT OF \$55,000. THIS FUND PROJECT WILL BE FINANCED WITH FUND 14 – PLANNING AND CONSTRUCTION FUND.

D. LATE ITEMS:

- 1.
- 2.
- 3.

XII. LEGAL MATTERS

A. UPDATED PRETREATMENT ORDINANCE OF RULES AND REGULATIONS- CONFORMITY TO REVISED SOCWA ORDINANCE

SUMMARY AND DISCUSSION:

The proposed Ordinance updates the District's existing Pretreatment Ordinance to incorporate terms SOCWA recently revised in its Pretreatment Ordinance: EPA streamlining rules, including incorporation of slug control requirements in a significant industrial user's control mechanism; revisions to the "significant noncompliance" definition; modifications to the sampling requirements; and a clarification for reporting all monitoring results. The SOCWA member agencies periodically update and revise the Pretreatment Rules and Regulations upon the advice of the SOCWA Industrial Waste Administrator, who prepared these most recent revisions. The SOCWA Industrial Waste Administrator administers the District's Pretreatment Program in coordination with District Operations staff. SOCWA is responsible for ensuring enforcement under the pretreatment programs of its member agencies in accordance with the SOCWA National Pollution Discharge and Elimination System (NPDES) Permits for the Aliso Creek Outfall and the San Juan Creek Outfall. A Public Hearing is held in conjunction with adoption of the Ordinance to satisfy public participation requirements under federal regulations applicable to Pretreatment Rules. **Attachment L-1** to the Agenda is a draft summary of the general terms of the Ordinance, as well as the complete proposed Ordinance No. 09-02.

RECOMMENDED ACTIONS: (ROLL CALL VOTE)

1. **MOTION BY BOARD:** TO CONDUCT A FIRST READING OF PROPOSED ORDINANCE OF RULES AND REGULATIONS FOR THE DISCHARGE OF WASTEWATER TO SEWERAGE FACILITIES OF THE MOULTON NIGUEL WATER DISTRICT SERVICE AREA (ORDINANCE NO. 09-02).
 2. **PRESIDENT RECITES COMPLETE TITLE OF ORDINANCE:** "ORDINANCE NO. 09-02 - ORDINANCE OF RULES AND REGULATIONS FOR THE DISCHARGE OF WASTEWATER TO SEWERAGE FACILITIES OF THE MOULTON NIGUEL WATER DISTRICT SERVICE AREA."
 3. **MOTION BY BOARD:** TO WAIVE READING OF THE COMPLETE TEXT OF ORDINANCE NO. 09-02.
 4. **MOTION BY BOARD:** TO CALL A PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON ORDINANCE NO. 09-02 FOR THE NEXT REGULAR BOARD MEETING TO BE HELD ON SEPTEMBER 17, 2009, AND DIRECT SECRETARY AND LEGAL COUNSEL TO PUBLISH A NOTICE OF PUBLIC HEARING ONE TIME IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MNWD SERVICE AREA AND POST SUCH NOTICE AT THE DISTRICT ALONG WITH THE PROPOSED ORDINANCE.
- B. IN ACCORDANCE WITH SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9, A CLOSED SESSION WILL BE CONDUCTED TO CONFERENCE WITH LEGAL COUNSEL ON EXISTING LITIGATION: 2 CASES
1. Region 9 Complaint for Mandatory Minimum Penalties under SOCWA NPDES Permit, SCWD Groundwater Recovery Facility- State Water Resources Control Board Appeal

2. South Orange County Wastewater Authority v. City of Dana Point, Makar Properties LLC Orange County Superior Court Case No. 30-2009-00283523

C. LATE ITEMS (with appropriate findings)

- 1.
- 2.
- 3.