

# **AGENDA**

Board of Directors' Meeting  
October 20, 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 November 17, 2011 at the Moulton Niguel Water District.

**BOARD OF DIRECTORS' MEETING  
MOULTON NIGUEL WATER DISTRICT  
27500 La Paz Road, Laguna Niguel  
October 20, 2011  
5:30 p.m.  
Approximate Meeting Time: 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 OF SEPTEMBER 15, 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.*

**GENERAL MANAGER MATTERS:**

5. a. SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) UPDATE
- b. UPDATE ON CHIQUITA WATER RECLAMATION PLANT BIOSOLIDS PROJECT
- c. UPDATE ON WBBRS IMPLEMENTATION
- d. MEETING SCHEDULED WITH THE NINE SOUTH COUNTY AGENCIES ON OCTOBER 26, 2011
- e. CALDESAL AWARD

## LEGISLATIVE UPDATE

### f. SENATE BILL 607 UPDATE

On August 26, 2011, the General Manager wrote a letter to Governor Jerry Brown requesting that he support and sign Senate Bill 607 that will help make treated brackish groundwater a more viable and plentiful contributor to California's sustainable water supplies. The bill has been passed and a section will be added to the Water Code.

### g. SENATE BILL 293 (PADILLA) UPDATE

Senate Bill 293 (SB 293) states that "...private and public works of improvement, and in a public works contract, a prime contractor or subcontractor pay to any subcontractor, not later than 10 days after receipt of each progress payment, unless otherwise agreed to in writing, the respective amount allowed the contractor on account of the work performed by the subcontractors, to the extent of each subcontractor's interest herein, as prescribed."

At the September 15, 2011, the Board of Directors authorized the General Manager to write a veto request letter to Governor Jerry Brown expressing the Board's position. On September 19, 2011, a letter was sent to Governor Brown requesting that he veto Senate Bill 293 explaining that this bill would put limited public funds for water and sewer projects at risk by limiting the ability of a local government agency to set retention levels appropriate to the risk of each project. The letter also stated that "bills like SB 293 are inconsistent with a policy of relying on local agencies to provide core services efficiently and effectively. Unfortunately, the bill has been signed by the Governor.

### **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 (10/17/11) and the Finance & IT Board Meeting (10/19/11).**

6. RECEIVE AND FILE MONTHLY OPERATIONAL STATUS REPORTS.
7. RECEIVE AND FILE MONTHLY CONSTRUCTION PROGRESS REPORT.
8. RECEIVE AND FILE CAPITAL PROJECTS BUDGET SUMMARY.
9. RECEIVE AND FILE WATER SUPPLY RELIABILITY PROJECTS' STATUS SUMMARY REPORT.
10. PROGRAMMABLE LOGIC CONTROLLER (PLC) PANEL REPLACEMENT, CONTRACT 2011.016

THE BOARD OF DIRECTORS INCREASE THE PROJECT EXPENSE AUTHORIZATION OF \$63,000 TO \$83,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

11. LOS SERRANOS/VISTA HERMOSA SEWER REFURBISHMENT, CONTRACT 2011.036

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT AWARD THE PROFESSIONAL SERVICES AGREEMENT TO DUDEK FOR AN AMOUNT NOT-TO-EXCEED \$71,598; AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE AGREEMENT; AND APPROVE A PROJECT EXPENSE AUTHORIZATION OF \$85,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

12. WATER EFFICIENCY FUND REBATE PROGRAM

THE BOARD OF DIRECTORS ADOPTS RESOLUTION APPROVING REBATE PROGRAM UNDER WATER EFFICIENCY FUND ESTABLISHED FOR APPLICATION OF CERTAIN WBBRS REVENUES; AND AUTHORIZE \$750,000 IN THE WATER EFFICIENCY FUND REVENUE ACCOUNT AND APPROVE AN EXPENDITURE APROPRIATION OF \$750,000 TO FUND THE WATER EFFICIENCY FUND REBATE PROGRAM AND OTHER AUTHORIZED EXPENDITURES FOR THE FISCAL YEAR 2011-12 BUDGET. FUTURE REVENUES AND EXPENDITURES WILL BE BASED ON THE ACTUAL CASH BALANCE IN THE WATER EFFICIENCY FUND AND WILL REQUIRE BOARD APPROVAL.

13. RECEIVE AND FILE FINANCIAL STATEMENTS FOR PERIOD ENDED AUGUST 31, 2011.

14. RECEIVE AND FILE THE SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$5,650,913.00 DATED SEPTEMBER 30, 2011.

ENGINEERING & OPERATIONS MATTERS:

15. 2011 PRESSURE REDUCING STATIONS RELOCATION PROJECT, MISCELLANEOUS CONTRACTS

SUMMARY AND DISCUSSION:

Staff issued a Request for Proposals (RFP) for Engineering Design Services to develop the design, construction documents, and provide construction support for the relocations of four pressure reducing stations. Five proposals were received with the TetraTech, Inc. proposal best meeting the District's needs. A Staff Report was provided on this matter at the Engineering and Operations Meeting on October 17, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AWARDS THE PROFESSIONAL SERVICES AGREEMENT TO TETRA TECH, INC. FOR AN AMOUNT NOT-TO-EXCEED \$108,000; AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE AGREEMENT; AND APPROVE A PROJECT EXPENSE AUTHORIZATION OF \$130,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

**16. SEVILLE RESERVOIR NOS. 1 AND 2 INTERIOR AND EXTERIOR COATING, CONTRACT 2011.021**

**SUMMARY AND DISCUSSION:**

District staff issued a Notice of Inviting Sealed Proposals (Bids) for the interior and exterior coating, structural modification of overflow piping from interior to exterior, addition of cathodic protection to tank interior, modification of sample ports to single stainless steel enclosure, and addition of spiral stair case. Four sealed bids were received on October 6, 2011. A Staff Report was provided on this matter at the Engineering and Operations Meeting on October 17, 2011.

**RECOMMENDED ACTION:**

THE BOARD OF DIRECTORS AWARDS THE CONTRACT TO ADVANCED INDUSTRIAL SERVICES, LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR AN AMOUNT OF \$752,700; AND APPROVE A PROJECT BUDGET AND EXPENSE AUTHORIZATION OF \$925,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

**FINANCE & INFORMATION TECHNOLOGY MATTERS:**

None

**LEGAL MATTERS:**

**17. SPECIAL ANNUAL MEETING OF MOULTON NIGUEL WATER DISTRICT PUBLIC FACILITIES CORPORATION**

**SUMMARY AND DISCUSSION:**

The MNWD Public Facilities Corporation (Corporation) was originally formed in order to execute and deliver the District's 1993 Certificates of Participation (COPs). The Corporation has since that time been involved in the 2003, 2009 and 2010 Certificates of Participation financings/refinancings. The Corporation Bylaws and resolutions adopted for the Corporation's organization (and State law) require the Corporation to meet on an annual basis.

**Attachment L-1** to the District Agenda is the **Notice** and **Agenda** for the Corporation's Special Annual Meeting.

**RECOMMENDED ACTION:**

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT PUBLIC FACILITIES CORPORATION CONVENE THE SPECIAL ANNUAL MEETING OF THE CORPORATION.

**18. PRESIDENT'S REPORT**

**19. BOARD REPORTS**

20. 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]

**ADDITIONAL AGENDA ITEM FOR MOULTON NIGUEL WATER DISTRICT  
BOARD OF DIRECTORS' MEETING  
THURSDAY, OCTOBER 20, 2011  
5:30 P.M.**

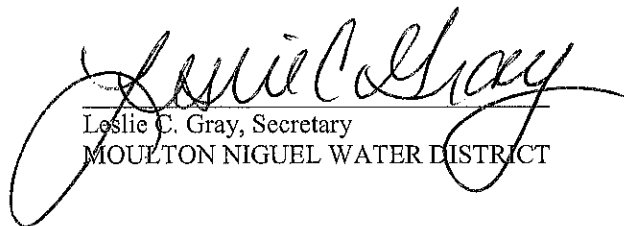
**LEGAL MATTERS**

**21. THE BOARD WILL CONDUCT THE FOLLOWING CLOSED SESSION:**

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
(ONE CASE)

Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to confer regarding the *Claim of Shapell Industries, Inc.*

I hereby certify that the foregoing Notice was personally delivered, faxed, mailed or e-mailed to each member of the MNWD Board of Directors at least 72 hours prior to the scheduled time of the Regular Meeting so noticed above; and posted 72 hours prior to the time of the Regular Meeting at the usual agenda posting location of MNWD.

  
Leslie C. Gray, Secretary  
MOULTON NIGUEL WATER DISTRICT