

# **AGENDA**

Board of Directors' Meeting  
September 16, 2010  
6:00 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  
September 16, 2010  
6:00 p.m. (PDT)  
Approximate Meeting Time: 1-2 Hours**

<b>I.</b>	<b>CALL MEETING TO ORDER</b>	
<b>II.</b>	<b>PLEDGE OF ALLEGIANCE</b>	
<b>III.</b>	<b>APPROVE MINUTES OF THE SPECIAL LEGAL &amp; LEGISLATION/REGULAR PERSONNEL &amp; SALARY BOARD MEETING OF AUGUST 16, 2010 AND THE BOARD OF DIRECTORS' MEETING OF AUGUST 19, 2010</b>	
<b>IV.</b>	<b>PUBLIC COMMENTS</b>	
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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 6:00 p.m. on October 21, 2010 at the Moulton Niguel Water District.

**VI. BOARD/COMMITTEE OR OTHER REPORTS**

A. BOARD MEETINGS

CHAIRMAN

Community Relations

Probolsky

Engineering & Facilities

Froelich

Finance & Information Technology

Buck

Investment

Lizotte

Personnel & Salary

McKenney

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

Audit

Buck

Citizens' Advisory

Probolsky

Legal & Legislation

McKenney

Rate Review

Kurtz

**VII. CONSENT ITEMS**

**A. METERS IN SERVICE – August 2010**

Description	Beginning of Month	Added/ (Subtracted)	End of Month	One Year Ago
Single Family	33,993	19	34,012	33,869
Multi Family	14,724	17	14,741	14,660
Commercial	2,846	3	2,849	2,834
Irrigation	2,640	1	2,641	2,634
Total	54,203	40	54,243	53,997
Est. Population	167,478	94	167,572	166,988

**B. METER DISTRIBUTION \* – August 2010**

Size	Beginning of Month	Added/ (Subtracted)	End of Month	One Year Ago
5/8"	110	0	110	108
3/4"	36,542	1	36,543	36,578
1"	10,895	36	10,931	10,673
1½"	932	0	932	930
2"	4,955	0	4,955	4,945
2-1/2"	16	2	18	12
3"	80	1	81	78
4"	151	0	151	152
6"	315	0	315	315
8"	186	0	186	185
10"	21	0	21	21
Total	54,203	40	54,243	53,997

\*Includes potable and recycled water meters.

**C. WASTEWATER TREATMENT FLOWS (MGD) – August 2010**

Description	Current Month	One Year Ago
Total Flow	13.305	13.299

D. POTABLE WATER IMPORTED – August 2010

Source	Current Month Average Flow (cfs)	Current Month Volume (af)	Since 7/01/10 To Date Volume (af)	Year Ago To Date Volume (af)
Joint Transmission Main	6.14	379.0	740.5	737.7
Allen-McColloch Pipeline	13.7	844.4	1,573.2	1,930.2
Central Intertie Pipeline	29.09	1,793.9	3,612.3	3,768.3
Interties	0.0	0.0	-15.5	0.0
<b>Total</b>	<b>48.93</b>	<b>3,017.3</b>	<b>5,910.5</b>	<b>6,436.2</b>

E. RECYCLED WATER PRODUCED – August 2010

<b>UOR Storage at End of Month: 574.73 af</b>	Current Month Average Flow (mgd)	Current Month Volume (af)	Since 7/01/10 To Date Volume (af)	Year Ago To Date Volume (af)
Source				
Regional AWT	8.04	764.8	1,457.5	1,599.2
Plant 3A AWT	1.43	135.6	272.3	247.3
SCWD AWT**	.22	20.9	36.64	66.6
<b>Total Produced</b>	<b>9.69</b>	<b>921.3</b>	<b>1,766.4</b>	<b>1,913.1</b>
To(-)/From(+) Storage	1.2	114.5	202.3	313.0
<b>Total Delivered</b>	<b>10.89</b>	<b>1,035.8</b>	<b>1,968.7</b>	<b>2,226.1</b>

\*\*MNWD received recycled water from SCWD during month.

F. RECYCLED WATER GOALS – Thru August 2010

Fiscal Year	Users Planned	Users Online	Acreage Planned	Acreage Online
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	1,251	3,900	3,870
10-11	1,275	1,252	3,925	3,871

G. DISTRICT ACTIVITY – August 2010

	<u>August 2010</u>	<u>August 2009</u>
<u>Cross Connection</u>		
Backflow notices	1,570	663
Inspections	49	19
<u>Customer Inquiries</u>		
Board room use	7	8
Letters of credit	8	5
Record changes	117	116
Website hits	6,477	6,012
<u>Delinquent Accounts</u>		
Delinquent Notices	812	473
Shut-offs	117	110
<u>Education Programs</u>		
Number of students	0	0
<u>Maintenance</u>		
Meter maintenance	90	161
Meter checks	172	135
Angle stop	7	12
Meter lids	9	66
Meter replacements	66	49
Meter box replacements	3	2
Vault replacements	5	0
<u>Meter Activity</u>		
Construction meters	37	37
Meter sales	26	17
New services	40	0
Turn-offs	198	209
Turn-ons	621	582
<u>Meters Read</u>		
Hand-held	592	1,546
Touch read	39,092	38,574
Radio-read	14,533	13,850
<u>Service Orders</u>		
Customer inquiries	90	76
Hydrants	5	9
Valve can/Manhole lids	5	1
Fire flow tests	3	2
Leaks	15	14
Pressure tests	24	19
Turn-offs for repairs	29	65
Site visits	926	1,753
Non-MNWD leaks/breaks	46	76
Water quality	0	0
Other service orders	8	4
<u>Total Service Orders</u>	1,604	2,549



**VIII. GENERAL MANAGER'S REPORT**

*At this time, members of the public may present testimony as to why an item should be*

*removed from the Consent Calendar for separate discussion. Unless a member of the public, 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.*

A. SUMMARY AND DISCUSSION:

1. WATER SUPPLY ALLOCATION/USAGE UPDATE
2. MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (MWDOC)  
UPDATE ON RESOLUTION WITH CLIENT AGENCIES COST FUNDING  
FOR MWDOC ACTIVITIES
3. DISCUSSION OF REVISING THE TIME OF THE REGULAR MONTHLY  
BOARD OF DIRECTORS' MEETING

B. 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]

IX. OPERATIONS MATTERS

*At this time, members of the public may present testimony as to why an item should be removed from the Consent Calendar for separate discussion. Unless a member of the public, General Manager, or Board requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote.*

A. No report.

B. 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]

X. FINANCIAL MATTERS

*At this time, members of the public may present testimony as to why an item should be removed from the Consent Calendar for separate discussion. Unless a member of the public, 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.*

A. CONSENT CALENDAR ITEMS

1. SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$15,944,285  
DATED AUGUST 31, 2010.

RECEIVE AND FILE.

B. 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]

**XI. ENGINEERING MATTERS**

*At this time, members of the public may present testimony as to why an item should be removed from the Consent Calendar for separate discussion. Unless a member of the public, 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.*

**A. CONSENT CALENDAR ITEMS**

**1. CAPITAL CONSTRUCTION PROJECTS' STATUS AND PROJECT BUDGET SUMMARY**

RECEIVE AND FILE.

**B. 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]

**XII. LEGAL MATTERS**

**A. MEMORANDUM OF UNDERSTANDING (MOU) WITH COUNTY OF ORANGE/ MWDOC FOR USE OF OCALERT SYSTEM IN WATER CRISIS EMERGENCIES**

**SUMMARY AND DISCUSSION:**

The Board reviewed a presentation by Staff and MWDOC/WEROC representatives at the last Community Relations Board Meeting on the opportunity for MWDOC retail water agencies to utilize the County's emergency alert notification system- email, telephone, text messaging- for water crisis emergencies, such as issuance of a boil alert in the event of water contamination, or a failure in water supply to a significant portion of the District's service area. In order to use the County's system, at no charge, the District must execute the MOU in the County's form presented with the resolution in **Attachment L-1** to the Agenda. The term of the MOU is until June 30, 2012, and can be terminated at a party's option with 30 day prior notice. WEROC representatives will provide training and assist District Staff with internal procedures for activating the OCAlert System prior to use.

Legal Counsel previously provided the following summarized comments on the MOU terms to Staff: *The indemnity clause is mutual, so the County reciprocates to MNWD. We would have recommended a qualifier at the end of the first sentence that contains MNWD's indemnity obligation to the County, generally as follows: "...**arising out of or in connection with the Participant's use of the System [OCAlert].**" The County's indemnification would also have a similar type qualifier that linked the indemnity duty to the subject of the agreement. This is fairly standard. We'd suggest that a reasonable interpretation as this contractual indemnity impliedly relates to just the OCAlert System arrangement and use. Other than misuse, or failing to safeguard, confidential information (i.e. unlisted names/phone numbers; proprietary business information of the County's system contractor, NTI Group) by the MNWD designated users arising to negligence, there likely would be immunities for other possible actions related to an*

*actual emergency alert- i.e. failing to include a household/phone number. Under the MOU, MNWD agrees to abide by the County's use policy and an applicable PUC section, relative to the duty to protect confidential information.*

RECOMMENDED ACTION

THE BOARD OF DIRECTORS ADOPTS THE RESOLUTION TO APPROVE THE "MOU BETWEEN THE COUNTY OF ORANGE AND PARTICIPANTS FOR USE OF COUNTYWIDE MASS NOTIFICATION SYSTEM" AND AUTHORIZE EXECUTION OF THE MOU BY THE GENERAL MANAGER IN THE FORM PRESENTED.

B. ADOPTION OF POLICY ON USE OF TELECONFERENCING AT BOARD MEETINGS

SUMMARY AND DISCUSSION:

The Board previously directed Staff to draft a policy on the use of teleconferencing at Board Meetings by Directors, including three main points: 1. Restriction to no more than two teleconferenced meetings in any 60-day period by a Director; 2. Establishment of a dial-in number for Directors to activate for such participation and, 3. No closed sessions to be conducted with teleconferencing. Staff recommends the Board also consider a term that would require Directors who participate in a Board Meeting through teleconferencing to pay the extra costs related to that teleconferencing - typically, the cost of the telephone call and extra overnight mail postage to send agenda materials to locations outside the District. The Staff recommendation is included for the Board's consideration, as well, in the draft policy. **Attachment L-2** to the Agenda is a draft policy for Board review.

RECOMMENDED ACTION

THE BOARD OF DIRECTORS ADOPTS A RESOLUTION TO APPROVE THE "POLICY AND PROCEDURE FOR BOARD MEETING TELECONFERENCING".

C. PERSONNEL & SALARY POLICY

The Personnel & Salary Policy has been modified to reflect changes to the Dress and Grooming Standards to conform to District practices regarding body art and tattoos. Although this has not been a problem to date, a Policy has been formalized to reflect existing District practices.

The Policy was reviewed by the Board of Directors on August 16, 2010, and the only changes are reflected in the redlined version of the Policy that is attached at **Attachment L-3**. The Meet and Confer process with the Moulton Niguel Water District Employee Association (MNWDEA) was followed, with subsequent approval by the MNWDEA. Implementation requires formal approval by the Board of Directors following the MNWDEA approval.

RECOMMENDED ACTION

THE BOARD OF DIRECTORS APPROVES THE MODIFICATION TO THE PERSONNEL & SALARY POLICY.

D. IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54956.8, A CLOSED SESSION WILL BE CONDUCTED TO:

CONFER WITH REAL PROPERTY NEGOTIATORS – City of Laguna Niguel offer to purchase portion of District parcel for Crown Valley @ I-5 road widening project (to add eastbound lanes from Cabot Road to I-5 northbound off ramp)

PROPERTY: "Vacant" District parcel, no facilities under current use, located at southerly side of Crown Valley Parkway, west of Forbes Road  
Laguna Niguel, CA  
Assessor Parcel No. 637-202-5

AGENCY NEGOTIATOR: General Manager

UNDER NEGOTIATION: Conveyance, Price (materials provided to Board under separate cover)

E . LATE ITEMS: (Appropriate Findings to be Made)

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