

# **AGENDA**

Board of Directors' Meeting  
September 15, 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 October 20, 2011 at the Moulton Niguel Water District.

**BOARD OF DIRECTORS' MEETING  
MOULTON NIGUEL WATER DISTRICT  
27500 La Paz Road, Laguna Niguel  
September 15, 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.*

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

## **AGENDA**

**1. CALL MEETING TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTE APPROVAL: (ROLL CALL VOTE)**

- REGULAR BOARD OF DIRECTORS' MEETING OF AUGUST 18, 2011
- SPECIAL MEETING OF BOARD OF DIRECTORS' OF AUGUST 19, 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. PRESIDENT'S REPORT**

**6. BOARD REPORTS**

**GENERAL MANAGER'S REPORT:**

7. SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) UPDATE
8. UPDATE ON CHIQUITA WATER RECLAMATION PLANT BIOSOLIDS PROJECT
9. UPDATE ON WBBRS IMPLEMENTATION
10. DISCUSSION OF THE NINE SOUTH COUNTY AGENCIES' MEETING ON AUGUST 24, 2011
11. ADMINISTRATIVE MATTERS/GENERAL DISTRICT BUSINESS (UPDATE AS NECESSARY)
12. HR 1340 (YOUNG – FL)

This bill will allow water agencies to post their Annual Consumer Confidence Report (required under the Safe Drinking Water Act) on their website in lieu of mailing them to their customers. This option would only be available to agencies that did not experience any violations during the reporting period. Customers would still have the option to request a mailed copy of the report.

**RECOMMENDED ACTION: (ROLL CALL VOTE)**

BOARD OF DIRECTORS GIVES SUPPORT OF HR 1340 (YOUNG – FL) AND AUTHORIZES BOARD PRESIDENT TO SEND LETTER OF SUPPORT.

13. WATER EFFICIENCY FUND

**RECOMMENDED ACTION: (ROLL CALL VOTE)**

THE BOARD OF DIRECTORS GIVES STAFF DIRECTION ON HOW TO UTILIZE FUNDS COLLECTED IN THE WATER EFFICIENCY FUND.

14. POLICY ON OUTSIDE AGENCY BILL INSERTS

**RECOMMENDED ACTION: (ROLL CALL VOTE)**

THE BOARD OF DIRECTORS GIVES STAFF DIRECTION ON IMPLEMENTING A POLICY OF PLACING OUTSIDE AGENCY BILL INSERTS WITHIN WATER BILLS.

**CONSENT CALENDAR ITEMS: (ROLL CALL VOTE)**

*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 (9/12/11) and the Finance & IT Board Meeting (9/14/11).**

15. RECEIVE AND FILE MONTHLY OPERATIONAL STATUS REPORTS.
16. RECEIVE AND FILE MONTHLY CONSTRUCTION PROGRESS REPORT.
17. RECEIVE AND FILE CAPITAL PROJECTS BUDGET SUMMARY.
18. RECEIVE AND FILE WATER SUPPLY RELIABILITY PROJECTS' STATUS SUMMARY REPORT.
19. SEWAGE LIFT STATION BACK-UP PUMPS AND/OR MOTORS, MISCELLANEOUS CONTRACTS

THE BOARD OF DIRECTORS APPROVES A TOTAL EXPENSE AUTHORIZATION OF \$239,500 TO BE ALLOCATED TO EACH OF THE ASSOCIATED CONTRACT NUMBERS AS FOLLOWS: (THIS PROJECT WILL BE FINANCED FROM FUND 14 – PLANNING AND CONSTRUCTION FUND.)

2011.046 = \$70,000  
2011.047 = \$ 4,500  
2011.048 = \$16,000  
2011.049 = \$17,000  
2011.050 = \$51,000  
2011.052 = \$15,000  
2011.053 = \$66,000

20. PROGRAMMABLE LOGIC CONTROLLER (PLC) PANEL REPLACEMENT, CONTRACT 2011.016

THE BOARD OF DIRECTORS AWARDS THE PROFESSIONAL SERVICES AGREEMENT TO BRITHINEE ELECTRIC FOR AN AMOUNT NOT-TO-EXCEED \$52,648, AND APPROVE A PROJECT EXPENSE AUTHORIZATION OF \$63,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.

21. APPROVE WBBRS PROJECT EXPENDITURE, PROJECT NO. 2008.033, IN THE AMOUNT OF \$60,000. THIS PROJECT WILL BE FINANCED FROM FUND 7 – REPLACEMENT AND REFURBISHMENT FUND.
22. RECEIVE AND FILE FINANCIAL STATEMENTS FOR PERIOD ENDED JULY 31, 2011.
23. RECEIVE AND FILE THE SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$15,203,450.34 DATED AUGUST 30, 2011.

**ENGINEERING & OPERATIONS MATTERS:**

24. LA PAZ ROAD RECYCLED WATER BRIDGE CROSSING, CONTRACT 2010.013

The City of Mission Viejo is completing the final design to widen the bridge on La Paz Road over the Metrolink Railroad. District staff has been working with the City to incorporate a

recycled water pipeline into the construction package. A Staff Report was provided on this matter at the Engineering and Operations Meeting on September 12, 2011.

**RECOMMENDED ACTION: (ROLL CALL VOTE)**

THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT APPROVES A PROJECT EXPENSE AUTHORIZATION OF \$115,000. THIS PROJECT WILL BE FINANCED FROM FUND 12 – WATER RELIABILITY FUND.

**FINANCE & INFORMATION TECHNOLOGY MATTERS:**

25. See Consent Calendar Items

**LEGAL MATTERS:**

26. **AGREEMENT WITH CITY OF MISSION VIEJO FOR CONSTRUCTION OF 12- INCH RECYCLED PIPELINE IN LA PAZ ROAD CONCURRENTLY WITH ROAD WIDENING PROJECT**

**SUMMARY AND DISCUSSION:**

**Attachment L-1** to the Agenda is a proposed agreement with the City of Mission Viejo for the construction of a new recycled water pipeline in La Paz Road within the City's road/bridge widening project (from I-5 freeway to Chrisanta, including a bridge over the Metrolink Railroad). Staff used an agreement form modeled on the terms used for recent pipeline relocations with the County of Orange/OCFCD. The City Engineer will provide the pipeline design in accordance with the District's specifications, and the City will include the pipeline within the road/bridge project contract.

The District will review and approve final design, bid documents, and pipeline change orders. The City's contractor will provide insurance and warranty bonding for the pipeline, including naming the District as an additional insured and an indemnitee under the construction contract. The City will charge a 10% administrative fee for the total pipeline project cost. Please refer to the Staff Report included in the Engineering/Operations Agenda for cost estimate information and additional project particulars.

**RECOMMENDED ACTION: (ROLL CALL VOTE)**

THE BOARD OF DIRECTORS APPROVES THE "AGREEMENT BETWEEN CITY OF MISSION VIEJO AND MOULTON NIGUEL WATER DISTRICT FOR INSTALLATION OF DISTRICT RECYCLED WATER PIPELINE WITH LA PAZ WIDENING PROJECT" AND AUTHORIZE EXECUTION OF THE AGREEMENT BY THE GENERAL MANAGER, SUBJECT TO NON-SUBSTANTIVE CHANGES APPROVED BY THE DIRECTOR OF ENGINEERING/OPERATIONS AND LEGAL COUNSEL.

27. **IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54956.96 (a) (1) AND (b), A CLOSED SESSION WILL BE CONDUCTED TO CONFERENCE ON EXISTING LITIGATION OF SOUTH ORANGE COUNTY WASTEWATER AUTHORITY: TWO CASES**

- a. *South Orange County Wastewater Authority, South Coast Water District vs. San Diego Regional Water Quality Control Board, Petition for Writ of Mandate (LASC Case, filed 8-18-2011) [Region 9 Failure to Modify San Juan Outfall NPDES Permit re SCWD Groundwater Recovery Facility]*

*South Orange County Wastewater Authority, South Coast Water District vs. San Diego Regional Water Quality Control Board, Petition for Writ of Mandate (LASC Case) [\$204,000 Mandatory Minimum Penalties for SCWD Groundwater Recovery Facility discharge under San Juan Outfall NPDES Permit]*

- b. *South Orange County Wastewater Authority v. City of Dana Point, Makar Properties LLC (2011) 196 Cal. App. 4<sup>th</sup> 1604*

**28. IN ACCORDANCE WITH SUBDIVISION (A) OF GOVERNMENT CODE SECTION 54956.9, A CLOSED SESSION WILL BE CONDUCTED TO:**

*United States, the States of California, Delaware, Florida, Illinois, Indiana, Nevada, New Mexico, New York, and Tennessee, the Commonwealths of Massachusetts and Virginia, and the District of Columbia ex rel. John Hendrix vs. J-M Manufacturing Company, Inc., d/b/a JM Eagle, a Delaware corporation, and Formosa Plastics Corporation, U.S.A., a Delaware corporation: Federal and State court cases [“JM Pipe Matter”]*