

AGENDA

Board of Directors' Meeting

July 21, 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 August 18, 2011 at the Moulton Niguel Water District.

**BOARD OF DIRECTORS' MEETING
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road, Laguna Niguel
July 21, 2011
5:30 p.m.
Approximate Meeting Time: 2-3 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:

- SPECIAL MEETING OF JUNE 10, 2011 (TOUR OF 3A ETM)
- REGULAR BOARD OF DIRECTORS' MEETING OF JUNE 16, 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 WBBRS IMPLEMENTATION**
- 9. UPDATE ON OCWD/MWDOC CONSOLIDATION EFFORTS**

10. MEETING WITH EL TORO WATER DISTRICT REGARDING RECYCLED WATER CONNECTION
11. ADMINISTRATIVE MATTERS/GENERAL DISTRICT BUSINESS (UPDATE AS NECESSARY)

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 (7/18/11) and the Finance & IT Board Meeting (7/20/11).

12. RECEIVE AND FILE MONTHLY OPERATIONAL STATUS REPORTS
13. RECEIVE AND FILE MONTHLY CONSTRUCTION PROGRESS REPORT
14. RECEIVE AND FILE CAPITAL PROJECT BUDGET SUMMARY
15. RECEIVE AND FILE WATER SUPPLY RELIABILITY PROJECTS' STATUS SUMMARY REPORT
16. PLANT 3A ETM RELOCATION, CONTRACT 2009.039

The County of Orange (County) is continuing to install sheet piles along Trabuco and San Juan Creeks. The proposed construction may impact the integrity of the Plant 3A ETM and the District has requested the County to include removal and replacement of the approximately 2,500 linear feet of the pipeline as part of the County's Phase 7 Contract for the sheet pile installation. The Phase 7 Agreement will be considered during the Legal Agenda. A staff report was provided on this matter at the Engineering and Operations Meeting on July 18, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS INCREASES THE EXPENSE AUTHORIZATION FOR THE PROJECT FROM \$125,000 TO \$380,000.

17. BAKER WATER TREATMENT PLANT, CONTRACT 2006.071 – DESIGN VARIANCE APPROVAL

RBF Consulting has submitted a variance request for additional budget to complete the final design of the Baker Water Treatment Plant. The design variance includes various design elements, supplier coordination issues, easement preparation, coordination with Metropolitan Water District, and additional project management. A staff report was provided on this matter at the Engineering and Operations Meeting on July 18, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS INCREASES THE EXPENSE AUTHORIZATION FOR THE PROJECT FROM \$5,600,000 TO \$5,810,000 AND AUTHORIZES STAFF TO APPROVE THE DESIGN VARIANCE AS NEGOTIATED BY THE PROJECT COMMITTEE.

18. RECYCLED WATER SYSTEM CAPACITY ANALYSIS, CONTRACT 2009.098 – DESIGN VARIANCE APPROVAL

The District executed a contract with Tetra Tech, Inc. to review the District's recycled water system and determine the available system capacity, which includes treatment, storage, and distribution. In order to complete the analysis, staff needs to execute a design variance and an additional contract to evaluate the Santa Margarita Water District system to confirm access to the Upper Oso Reservoir for seasonal storage. A staff report was provided on this matter at the Engineering and Operations Meeting on July 18, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS INCREASES THE PROJECT BUDGET AND EXPENSE AUTHORIZATION FOR THE PROJECT FROM \$75,000 TO \$100,000 AND AUTHORIZES STAFF TO EXECUTE THE CONTRACT WITH THE DESIGN VARIANCE WITH TETRA TECH, INC. FOR \$9,200 AND THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR A NOT-TO-EXCEED FEE OF \$9,900.

19. ANNUAL CONTRACTS, PROFESSIONAL SERVICE AGREEMENTS, AMENDMENTS, AND PURCHASE ORDERS FOR FISCAL YEAR 2011/2012

SUMMARY AND DISCUSSION:

The District utilizes various consultants and contractors to provide services to support the functions necessary for District operations. The District's current Purchasing Policy requires the Board approve any contract or purchase order exceeding \$45,000. Sufficient funds have been appropriated in the Fiscal Year 2011/2012 Budget for these purchases. A staff report was provided on this matter at the Engineering and Operations Meeting on July 18, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AUTHORIZES THE GENERAL MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AS FOLLOWS:

- A. EXECUTE A CONTRACT AMENDMENT WITH SUNSET LANDSCAPE MAINTENANCE, INC. THROUGH FISCAL YEAR 2011-2012 FOR AN AMOUNT NOT-TO-EXCEED \$248,752.
- B. EXECUTE A CONTRACT AMENDMENT WITH GREAT SCOTT TREE SERVICE, INC. THROUGH FISCAL YEAR 2011-2012 FOR AN AMOUNT NOT-TO-EXCEED \$91,257.
- C. APPROVE THE EXPENSE AUTHORIZATION TO ORANGE COUNTY PEST CONTROL FOR FISCAL YEAR 2011-2012 FOR AN AMOUNT NOT-TO-EXCEED \$50,400.
- D. EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TWNIEMANN, INC. THROUGH FISCAL YEAR 2011-2012 FOR AN AMOUNT NOT-TO-EXCEED \$130,220.
- E. EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ECIS THROUGH FISCAL YEAR 2011-2012 FOR AN AMOUNT NOT-TO-EXCEED \$140,000.

20. RECEIVE AND FILE MONTHLY FINANCIAL STATEMENTS AND THE SUMMARY OF DISBURSEMENTS IN THE AMOUNT OF \$4,731,317.98 DATED JUNE 30, 2011.
21. THE BOARD OF DIRECTORS RATIFIES THE O&M AND CAPITAL PROJECTS FOR THE JOINT POWERS AUTHORITIES AS FOLLOWS: SOCWA IN THE AMOUNT OF \$12,471,724; SJBA IN THE AMOUNT OF \$97,431.25; AND SCWD-JRWSS IN THE AMOUNT OF \$3,334,654.
22. THE BOARD OF DIRECTORS DIRECTS STAFF TO EITHER DISCONTINUE THE COLLECTION OF ACREAGE ASSESSMENT (STANDBY CHARGES) **OR** THE BOARD OF DIRECTORS WILL ADOPT TWELVE INDIVIDUAL RESOLUTIONS FOR EACH IMPROVEMENT DISTRICT, ENTITLED “RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT ESTABLISHING STANDBY CHARGES FOR FISCAL YEAR 2011/2012.
23. BOARD OF DIRECTORS ADOPTS A RESOLUTION ENTITLED, “RESOLUTION OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT APPROVING ITS APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011/2012 AND FINDING COMPLIANCE WITH ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA”.
24. BOARD OF DIRECTORS ADOPTS A RESOLUTION ENTITLED, “RESOLUTION OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT REVISING DESIGNATION OF FUND FOR CERTAIN WBBRS REVENUES AND AUTHORIZING GENERAL FUND TRANSFER”.

ENGINEERING & OPERATIONS MATTERS:

25. CONTRACT SERVICES FOR PROFESSIONAL ENGINEERING SUPPORT – PROFESSIONAL SERVICE AGREEMENT APPROVAL

Staff is requesting approval for the addition of a contract engineer to assist the Engineering and Operations Department with the execution of the Capital Improvement Program. A staff report was provided on this matter at the Engineering and Operations Meeting on July 18, 2011.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AUTHORIZES THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PROJECT PARTNERS, INC. FOR A NOT-TO-EXCEED FEE OF \$150,000 FOR FISCAL YEAR 2011-2012. THIS PROJECT WILL BE FINANCED FROM THE OPERATIONS AND MAINTENANCE BUDGET.

FINANCE & INFORMATION TECHNOLOGY MATTERS:

26. ENTERPRISE RESOURCE PLANNING (ERP) VENDOR SELECTION

PROJECT NO, 2010.033

SUMMARY AND DISCUSSION:

Staff has provided the Board of Directors with an overview of solutions being considered for the ERP selection process throughout the evaluation and selection process that began in November 2010. A staff report and presentation was provided on this matter at the Finance & Information Technology Board Meeting on July 20, 2011. This project will be financed from the Capital Improvement Projects Budget.

RECOMMENDED ACTION:

- A. THE BOARD OF DIRECTORS AWARDS A CONTRACT TO DENOVO FOR A NOT-TO-EXCEED AMOUNT OF \$1,866,883 (LICENSING, FIRST YEAR MAINTENANCE IMPLEMENTATION, TRAINING, AND TRAVEL); AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT; AND AUTHORIZE A PROJECT EXPENDITURE OF \$1,866,883 (LICENSING/MAINTENANCE & IMPLEMENTATION).
- B. AUTHORIZE A PROJECT EXPENDITURE OF \$26,125 TO AMX FOR FIRST YEAR MAINTENANCE.
- C. APPROVE A SECOND CONTRACT AMENDMENT OF \$285,200 TO THE CONTRACT DATED APRIL 30, 2010 WITH NEXLEVEL FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$566,000 FOR PHASE 5 – IMPLEMENTATION SUPPORT SERVICES AND AUTHORIZE A PROJECT EXPENDITURE OF \$566,000 AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT.

27. DISTRICT TECHNOLOGY ENHANCEMENT - SIRE TECHNOLOGIES CONTRACT TERMS, PROJECT TIMELINE, AND DELIVERABLES

SUMMARY AND DISCUSSION:

Staff has provided the Board of Directors with a preliminary overview of solutions being considered for the Board Room enhancement and improving public transparency at prior meetings. The Scope of Work will include automated internal agenda workflow processing, meeting minute manager, legislative management, document management, and increased public transparency. A staff report was provided on this matter at the Finance & Information Technology Board Meeting on July 20, 2011. This project will be financed from the Capital Improvement Projects Budget.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS AWARDS A CONTRACT TO SIRE TECHNOLOGIES FOR A NOT-TO-EXCEED AMOUNT OF \$123,108 (LICENSING, IMPLEMENTATION, TRAINING, TRAVEL AND ANNUAL MAINTENANCE) AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE DISTRICT; AND AUTHORIZE A TOTAL PROJECT EXPENDITURE OF \$133,108.

LEGAL MATTERS:

28. PUBLIC HEARING ON PROPOSED SEWER SERVICE RATE INCREASE SET BY SOUTH COAST WATER DISTRICT FOR LAGUNA SUR/MONARCH POINT

REORGANIZATION AREA

ADOPTION OF ORDINANCE NO. 11-01 “ORDINANCE OF RULES AND REGULATIONS OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT ADOPTING CERTAIN REVISIONS TO THE SEWER USAGE RATE COMPONENTS, CHARGES IN THE SCHEDULE OF RATES AND CHARGES AS SET FORTH IN *EXHIBIT B TO THE RULES AND REGULATIONS OF MOULTON NIGUEL WATER DISTRICT FOR WATER, SEWER AND RECYCLED WATER SERVICE FOR: LAGUNA SUR/MONARCH POINT LAFCO-R096-05*”

SUMMARY AND DISCUSSION:

The Laguna Sur/Monarch Point Reorganization Area was detached from South Coast Water District (“SCWD”) and annexed into MNWD, effective April, 1997. SCWD continues to provide sewer service to the Reorganization Area through contract with MNWD. As part of the terms and conditions of the reorganization, MNWD continues the prior SCWD practice of collection of the service charges and rates on the tax roll, and then remits the service revenue 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 in 2009 by SCWD for 2011-12 and 2012-13. The fixed sewer charge component for 2011-12 and 2012-13 will be collected at amounts different (lower) than the rates previously approved by SCWD and then adopted by the MNWD rate ordinance in 2009. The SCWD Board adopted the increased sewer usage rate components, and set the fixed charges, on June 23, 2011. The District previously authorized mailed written notice (218 Notice) to customers and property owners in the Reorganization Area of this Public Hearing on the proposed sewer rate component increases. A copy of the 218 Notice is included in **Attachment L-1** to the Agenda. In June, the Board conducted the first reading of Ordinance No. 11-01 to revise the District *Rules and Regulations* and adopt the increased sewer service rate components and set the other rates and charges for 2011-12 and 2012-13. A copy of Ordinance No. 11-01, reflecting the final rates and charges SCWD approved on June 23, 2011, is included in **Attachment L-1**.

RECOMMENDED ACTIONS:

A. CONDUCT PUBLIC HEARING ON PROPOSED INCREASED SEWER RATE COMPONENTS

The Public Hearing will be conducted in accordance with the following general guidelines:

1. The President of the Board opens the Public Hearing.
2. Public testimony is given on the proposed sewer rate component increases.
3. The Board accepts all written protests against the proposed increased sewer rate components.
4. The President of the Board closes the Public Hearing.
5. Staff tabulates all written protests received, including those received before and during the Public Hearing. Staff provides the Board with a final tabulation of written protests. (If written protests against the proposed increased rate(s) are presented by a majority of customers, the Board may not approve the increased rate(s).)

6. The Public Hearing having been conducted, all written protests tabulated, and assuming no majority protest by customers, the Board may approve and adopt the sewer rate component increases set by SCWD as set forth in the Ordinance No. 11-01, **Attachment L-1** to the Agenda, and as presented at the Public Hearing, as follows:

B. SECOND READING OF ORDINANCE NO. 11-01 “ORDINANCE OF RULES AND REGULATIONS OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT ADOPTING CERTAIN REVISIONS TO SEWER USAGE RATE COMPONENTS, CHARGES IN THE SCHEDULE OF RATES AND CHARGES AS SET FORTH IN EXHIBIT B TO THE RULES AND REGULATIONS OF MOULTON NIGUEL WATER DISTRICT FOR WATER, SEWER AND RECYCLED WATER SERVICE FOR: LAGUNA SUR/MONARCH POINT LAFCO-R096-05.” INCLUSIVE OF THE RATES AS REVISED BY SCWD, AND ADOPTION OF ORDINANCE NO. 11-01 IN ACCORDANCE WITH THE FOLLOWING PROCESS:

1. MOTION BY BOARD: To conduct the second reading of proposed Ordinance No. 11-01 implementing revisions to the District *Rules and Regulations* for South Coast Water District Sewer Service Charges and Rates for Laguna Sur/Monarch Point Reorganization Area for 2011-12 and 2012-13, including revisions to certain charges and rates made by SCWD on June 23, 2011.
2. PRESIDENT RECITES COMPLETE TITLE OF ORDINANCE NO. 11-01: “ORDINANCE OF RULES AND REGULATIONS OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT ADOPTING CERTAIN REVISIONS TO SEWER USAGE RATE COMPONENTS, CHARGES IN THE SCHEDULE OF RATES AND CHARGES AS SET FORTH IN EXHIBIT B TO THE RULES AND REGULATIONS OF MOULTON NIGUEL WATER DISTRICT FOR WATER, SEWER AND RECYCLED WATER SERVICE FOR: LAGUNA SUR/MONARCH POINT LAFCO-R096-05.”
3. MOTION BY BOARD: To waive reading of complete text of Ordinance No. 11-01.
4. MOTION BY BOARD: To adopt Ordinance No. 11-01, as presented and direct implementing revisions to the District *Rules and Regulations* for sewer service by Staff and Legal Counsel.

29. PUBLIC HEARING AND ANNUAL ADOPTION OF RESOLUTION FOR COLLECTION OF SEWER SERVICE CHARGES FOR LAGUNA SUR/MONARCH POINT REORGANIZATION AREA ON PROPERTY TAX BILL

SUMMARY AND DISCUSSION:

At the June Board Meeting, the Board also adopted a resolution to continue the practice of collecting the 2011-2012 sewer service charges and rates on the tax roll, in lieu of monthly or bimonthly billings, as permitted under Health and Safety Code Sections 5471 *et seq.* The collection procedure under Health and Safety Code Section 5473 *et seq.* requires SCWD to prepare a report of the assessor parcel numbers and corresponding sewer service charges and rates, and MNWD to notice a Public Hearing on the report and thereafter adopt the report after the Hearing in the absence of majority protests to the tax roll collection procedure. This property tax roll procedure hearing is in addition to the 218 Public Hearing conducted above for adoption of the 2011-12 and 2012-13 charges and rates by ordinance approval of the *Rules and Regulations*. Pursuant to the resolution adopted at the June meeting, a Public Hearing was called for consideration of the tax roll collection procedure. Notice of the Hearing has been published, as required by law, and staff has made available the assessor parcel report, including the 2011-12 sewer charges and rates, in compliance with the statute. The Board will conduct the Public Hearing, receive comments, or protests if any, and adopt a resolution included as **Attachment L-2** to the Agenda to continue collection of the sewer service charges and rates for the Reorganization Area on the property tax bills.

RECOMMENDED ACTIONS

1. CONDUCT A PUBLIC HEARING ON FISCAL YEAR 2011-2012 REPORT FOR THE LAGUNA SUR/MONARCH POINT REORGANIZATION AREA TAX ROLL COLLECTION PROCESS- *BOARD PRESIDENT OPENS THE HEARING, CALLS FOR PUBLIC COMMENTS, RECEIVES ANY COMMENTS OR PROTESTS, AND CLOSES THE HEARING.*
 2. AT THE CONCLUSION OF THE PUBLIC HEARING, ABSENT SUFFICIENT PROTEST, ADOPT A RESOLUTION ENTITLED, "RESOLUTION OF THE BOARD OF DIRECTORS OF MOULTON NIGUEL WATER DISTRICT SETTING 2011-2012 SEWER SERVICE CHARGES FOR SPECIFIED PARCELS (LAGUNA SUR/MONARCH POINT PROPERTY) TO BE COLLECTED VIA PROPERTY TAX STATEMENTS ON THE 2011-2012 TAX ROLL, DIRECTING FILING OF WRITTEN REPORT WITH SECRETARY AND CALLING A HEARING THEREON."
30. AGREEMENT WITH ORANGE COUNTY FLOOD CONTROL DISTRICT, SANTA MARGARITA WATER DISTRICT FOR RELOCATION OF 3A EFFLUENT TRANSMISSION MAIN (TRABUCO CREEK AREA, SAN JUAN CAPISTRANO)

SUMMARY AND DISCUSSION:

Attachment L-3 to the Agenda is the proposed relocation agreement with OCFCD, as well as SMWD, the District's co-owner of the 3A ETM, for the relocation of a portion of the 3A Plant ETM (approx. 2,470 linear feet) within the Trabuco Creek Channel levee protection project of OCFCD. Staff determined that MNWD and SMWD do not have prior rights for the 3A ETM, and so must remove/relocate the pipeline alignment to accommodate OCFCD's project, at the Districts' cost, each paying one half. The District previously entered into a similar relocation agreement with OCFCD for a different reach of the 3A ETM.

The project provides for a temporary re-routing of the ETM flows and a permanent upgrade from a 20-inch line to a 30-inch line. Both districts will provide the pipeline design; conduct review and plan approval; and, construction inspection. OCFCD requires the contractor on the levee protection project to provide insurance and warranty bonding for the 3A ETM relocation project, including naming the water districts as additional insured's, and also includes the water districts as indemnities under the construction contract. The current estimated cost of the relocation is \$380,000.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS APPROVE AND AUTHORIZE THE EXECUTION OF THE 3A ETM RELOCATION AGREEMENT WITH OCFCD AND SMWD IN SUBSTANTIALLY THE FORM PRESENTED, SUBJECT TO NON-SUBSTANTIVE CHANGES.

31. REVISED WATER-BUDGET-BASED RATE STRUCTURE (WBBRS) CONSERVATION FUND

SUMMARY AND DISCUSSION:

Staff recommends a revision to the designation of the “Conservation Fund” established for purposes of the WBBRS “inefficient water usage” revenues and the transfer of funds previously deposited in the General Fund in the amount of \$47,600 from water supply alert penalties collected prior to WBBRS implementation. The recommended new designation is “Water Efficiency Fund.” **Attachment L-3** to the Agenda is a resolution to revise the fund name, and authorize the transfer of funds from the General Fund.

RECOMMENDED ACTION:

THE BOARD OF DIRECTORS ADOPTS A RESOLUTION TO REVISE THE DESIGNATION OF THE “CONSERVATION FUND” TO “WATER EFFICIENCY FUND” AND AUTHORIZE THE TRANSFER OF \$47,600 FROM THE GENERAL FUND TO THE WATER EFFICIENCY FUND.

32. 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]

33. 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) and (c), a Closed Session will be conducted to confer regarding the following new claims related to the existing *Claim of Glaser (previously rejected by the District on May 19, 2011)*, and authorization for responsive claim and litigation:

CLAIM OF OLD SAN JUAN ROAD HOMEOWNERS ASSOCIATION, presented to the District on June 13, 2011;

CLAIM FOR INDEMNITY OF CITY OF SAN JUAN CAPISTRANO, presented to the District on June 10, 2011.

- B. Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to discuss significant exposure to litigation (ONE CASE).
- C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (ONE CASE):

Pursuant to Government Code Section 54956.9(a), a Closed Session will be conducted to conference on:

Charles Roy vs. Moulton Niguel Water District, et al
CASE NO. 00448266