



AMENDED
BOARD OF DIRECTORS' MEETING
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road, Laguna Niguel
December 19, 2013
5:30 PM
Approximate Meeting Time: 2 Hours

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. MINUTE APPROVAL:

Minutes of the November 15, 2013 Special Board of Directors' Meeting

Minutes of the November 21, 2013 Board of Directors' Meeting

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.

CONSENT CALENDAR ITEMS:(Items on the Consent Calendar have been discussed at the regularly scheduled Engineering/Operations and Finance/IT Board meetings)

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.

5. INTERCONNECTION AGREEMENT WITH EL TORO WATER DISTRICT AND SANTA MARGARITA WATER DISTRICT

It is recommended that the Board of Directors approve the revised Interconnection Agreement (Agreement) subject to non-substantive changes approved by the General Manager and Legal Counsel; and authorizes the General Manager to execute the Agreement.

6. JOINT TRANSMISSION MAIN QUITCLAIM DEED

It is recommended that the Board of Directors authorize the General Manager to execute the quitclaim deed for real property associated with the 25-foot easement for the Joint Transmission Main.

7. REGIONAL LIFT STATION PUMP REPLACEMENT CONTRACT

It is recommended that the Board of Directors reject all bids for the Regional Lift Station Pump Replacement, Project No. 2012.021

8. PROJECT PARTNERS CONTRACT AMENDMENT NO. 2

It is recommended that the Board of Directors approve Amendment No. 2 to the Professional Services Agreement with Project Partners for a not-to-exceed fee of \$104,000 for a total contract value not-to-exceed \$680,000; authorize the General Manager to execute Amendment No. 2 to the Professional Services Agreement.

9. DUDEK CONTRACT AMENDMENT FOR SAN JUAN CREEK PROJECT

It is recommended that the Board of Directors approve Amendment No. 1 to the Professional Services Agreement with Dudek for a not-to-exceed fee of \$19,600 for a total contract value not-to-exceed \$201,741; authorize the General Manager to execute Amendment No. 1 to the Professional Services Agreement; and increase the expense authorization by \$36,000 to a total of \$349,791.

10. HYDRO EXCAVATOR PURCHASE

It is recommended that the Board of Directors approve the purchase of a new 2014 Vactor Hydro-Excavator from Haaker Equipment Company for \$425,147.40; and approve an additional \$10,000 contingency associated with the purchase to cover additional equipment to outfit the new truck.

11. WOOD CANYON DRIVE EMERGENCY REPAIR

It is recommended that the Board of Directors approve an expense authorization of \$66,000.

12. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

It is recommended that the Board of Directors receive and file the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending June 30, 2013.

GENERAL MANAGER MATTERS:

13. PERSONNEL & SALARY POLICY REVISION

It is recommended that the Board of Directors approve the revision to the Personnel & Salary Policy.

LEGAL MATTERS:

14. RESOLUTION APPOINTING ACTING TREASURER OF THE DISTRICT (RESOLUTION NO. 13-__)

It is recommended that the Board of Directors adopt Resolution No. 13-__ entitled "Resolution of the Board of Directors

of the Moulton Niguel Water District Appointing Acting Treasurer of the District"

15. RESOLUTION DECLARING INTENTION TO ISSUE CONSOLIDATED GENERAL OBLIGATION REFUNDING BONDS (RE: IMPROVEMENT DISTRICT NOS. 6 AND 7) (RESOLUTION NO. 13-__)

It is recommended that the Board of Directors adopt Resolution No. 13-__ entitled "Resolution of the Board of Directors of the Moulton Niguel Water District Declaring Intention to Issue 2014 Consolidated Refunding Bonds (RE: Improvement Districts Nos.6 and7)"

16. ANNUAL MEETING OF MOLTON NIGUEL WATER DISTRICT PUBLIC FACILITIES CORPORATION

The MNWD Public Facilities Corporation was originally formed in order to execute and deliver the District's 1993 Certificates of Participation (COPs). The Corporation Bylaws and resolutions adopted for the Corporation's organization (and State law) require the Corporation to meet on an annual basis. In 2012, the Corporation Board adopted a resolution to set the annual meetings for December, to coincide with the MNWD Board meeting date. See attached Notice and Agenda for the Corporation's Annual Meeting.

It is recommended that the Board of Directors of the Moulton Niguel Water District Public Facilities Corporation convene the Annual Meeting of the Corporation.

PRESIDENT'S REPORT

BOARD REPORTS

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SIX CASES)

Pursuant to Government Code Section 54956.9a, a Closed Session will be conducted to confer with Legal Counsel regarding the following cases:

a) 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

b) Shapell Industries, Inc., a Delaware Corporation vs Moulton Niguel Water District (Orange County Superior Court)

c) Briosa Owners Association, a California Corporation vs Moulton Niguel Water District (Orange

County Superior Court)

d) Cantora Community Association vs Metropolitan Water District of Southern California, Moulton Niguel Water District (Orange County Superior Court)

e) Eckert, Repetti vs. Metropolitan Water District of Southern California, Moulton Niguel Water District (Orange County Superior Court)

f) Caito, Cenicerros vs. Metropolitan Water District of Southern California, Moulton Niguel Water District (Orange County Superior Court)

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]

ADJOURNMENT

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) 831-2500 at least forty-eight (48) 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 forty-eight (48) hours prior to the scheduled meeting.

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 seventy-two (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 and on the District website at www.mnwd.com.