

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MOULTON NIGUEL WATER DISTRICT**

**APRIL 18, 2013  
5:30 PM**

A Regular Meeting of the Board of Directors of the Moulton Niguel Water District was held at the District offices, 27500 La Paz Road, Laguna Niguel, California. There were present and participating:

**DIRECTORS**

Larry McKenney	President
Scott Colton	Director
Richard Fiore	Director
Donald Froelich	Vice President
Gary Kurtz	Director
Larry Lizotte	Director
Brian Probolsky	Vice President

Also present and participating were:

**STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC**

Joone Lopez	General Manager
Matt Collings	Director of Engineering & Operations
Gina Hillary	Director of Human Resources
Michael Gomez	MNWD
Kelly Winsor	MNWD
Pat Giannone	Bowie, Arneson, Wiles & Giannone
Meg Waters	Waters & Company
Rob Spencer	Seabreeze Management Company
Susan Hinman	MWDOC
Leslie Gray	Board Secretary

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTE APPROVAL:**

*Larry McKenney directed the Board of Directors' attention to a correction prepared by Legal Counsel to be incorporated in the minutes under the Closed Session item to read as follows:*

*"The meeting was adjourned to Closed Session at 6:27 p.m. Richard Fiore recused himself from Closed Session for the Claim of Eckert & Repetti matter. The meeting was reconvened to open session at 7:26 p.m. Larry McKenney reported that the Board of Directors rejected the claim of individual claimants Eckert & Repetti. He noted that the related "class claim" was not considered by the Board due to the prior return of that claim to claimant's representatives as insufficient."*

*MOTION DULY MADE BY SCOTT COLTON AND SECONDED BY LARRY LIZOTTE, THE REGULAR MINUTES OF THE MARCH 21, 2013 BOARD OF DIRECTORS' MEETING WERE APPROVED AS PRESENTED WITH THE NOTED CHANGE.*

**4. PUBLIC COMMENTS**

*Susan Hinman thanked those that attended the MWDOC Elected Officials Forum. She then reported on current MWDOC activities.*

*Brian Probolsky arrived at 5:41 p.m.*

*Rob Spencer, representing Seabreeze Management Company spoke next. He inquired on the status of the copper pinhole issues, and Larry McKenney responded that the matter is in litigation and therefore prohibits the Board of Directors from discussing the matter. Joone Lopez gave Mr. Spencer her business card and asked him to contact her.*

**CONSENT CALENDAR ITEMS:**

*SCOTT COLTON REQUESTED THAT ITEM 7 BE PULLED FOR DISCUSSION.*

*UPON MOTION DULY MADE BY GARY KURTZ, SECONDED BY SCOTT COLTON, THE BOARD OF DIRECTORS APPROVED CONSENT CALENDAR ITEMS 5, 6, AND 8 AS PRESENTED. IT WAS NOTED FOR THE RECORD THAT RICHARD FIORE HAD RECUSED HIMSELF FROM DISCUSSION OF ITEM 6 AT THE ENGINEERING & OPERATIONS BOARD MEETING ON APRIL 15, 2013; THEREFORE, HE DID NOT VOTE ON ITEM 6, BUT VOTED AFFIRMATIVE FOR ITEMS 5 AND 8.*

*ITEM 7 - FISCAL YEAR 2012-2013 PHONE SYSTEM SUPPORT SERVICES.*

*Scott Colton questioned the licenses for the phone system. It was noted that the current licenses were temporary and now will be permanent. Further discussion ensued.*

*UPON MOTION DULY MADE BY SCOTT COLTON, SECONDED BY GARY KURTZ, THE BOARD OF DIRECTORS APPROVED CONSENT CALENDAR ITEM 7, FISCAL YEAR 2012-2013 PHONE SYSTEM SUPPORT SERVICES.*

## **GENERAL MANAGER MATTERS:**

*Joone Lopez read aloud various complimentary customer comments she received about the services provided by the employees.*

*There is an opening on the Local Agency Formation Commission (LAFCO) Board for the Alternate Public Member position. If interested, please see Leslie Gray.*

*There was a 16" recycled line break on Aliso Creek Road. Staff did a great job coordinating with the City of Aliso Viejo. There was an article in the OC Register regarding the break.*

*Joone Lopez reported she attended the California Water Policy Conference today and also attended the Santa Ana River Watershed Conference.*

*Staff and the Executive Committee of the Board will be providing a briefing for the Mesa Water District General Manager and Board President on April 24.*

*Joone Lopez plans to attend the ACWA Spring Conference in Sacramento the first week of May.*

*There are several community events upcoming, and the Citizen's Advisory Committee has been notified as well as the Board of Directors.*

*The Southern California Water Committee luncheon is on April 26, and several Board and Staff will be in attendance.*

*Joone Lopez gave an update on the South Orange Coastal Ocean Desalter Project (SOCOD) as it was deferred from the April 15 Engineering and Operations Board meeting. The next Participants' meeting is on May 15. Joone Lopez will bring further information before the Board at a future Board meeting.*

## **PRESIDENT'S REPORT**

*Larry McKenney attended the California Water Policy Conference today and an award was given to Garry Brown, Orange County Coastkeeper, for environmental advocacy.*

*The District has openings at its table for the Southern California Water Committee luncheon on April 26 if anyone is interested, see Leslie Gray.*

*The ACWA Spring Conference is the first week of May and will be held in Sacramento. If anyone would like to register, see Leslie Gray.*

## **BOARD REPORTS**

*Donald Froelich attended the WACO Planning Committee. WACO is working on having a representative from Homeland Security/FBI to present laws that pertain to water agencies for security purposes. Another suggestion was to have a communications expert speak as a participant on a possible panel.*

## **CLOSED SESSION:**

THE BOARD OF DIRECTORS 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 with Legal Counsel regarding the *Claim of Eckert & Repetti et al.*

*Richard Fiore recused himself from the Closed Session due to possible conflict of interest regarding his law firm's potential representation of the related homeowner's association and left the Board meeting room. The meeting was adjourned to Closed Session at 6:24 p.m. The meeting was reconvened to open session at 6:36 p.m. Larry McKenney reported that the Board of Directors rejected the claim of the "class" set forth in the Eckert & Repetti et al. amended claim as to those portions that were not time barred, and authorized return of the claim as a late claim as to those portions that were filed un-timely, pursuant to notice prepared by Staff in consultation with legal counsel.*

## **LATE ITEMS (Appropriate Findings to be Made)**

*There were no late items presented.*

## **ADJOURNMENT**

*Thereafter, the Regular Meeting of the Board of Directors of the Moulton Niguel Water District was adjourned at 6:40 p.m.*

Respectfully submitted,

Leslie C. Gray  
Board Secretary