

RESOLUTION NO. 13- __

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT APPROVING “*AMENDED AND RESTATED
AGREEMENT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF BAKER
WATER TREATMENT PLANT,*” *APPOINTING REPRESENTATIVES TO BAKER WTP
PROJECT COMMITTEE AND AUTHORIZING APPROVAL OF BID AWARD FOR
BAKER WTP CONSTRUCTION CONTRACT***

WHEREAS, Moulton Niguel Water District (MNWD) is a member of the Santiago Aqueduct Commission (SAC), a joint exercise of powers agency formed by agreement on September 11, 1961, to build, operate and manage the Santiago Aqueduct Pipeline, now known as the “Baker Pipeline,” which currently conveys untreated water supplied by Metropolitan Water District to certain SAC members and other parties;

WHEREAS, MNWD is a party to that agreement among certain South Orange County SAC members (“Participants”) entitled “*Agreement for Construction, Operation and Maintenance of the Baker Water Treatment Plant,*” dated December 15, 2008, including Amendment No. 1 thereto, dated December 23, 2009 (“Original Agreement”), which provides for the design and construction of a water treatment plant facility to treat the untreated water conveyed through the Baker Pipeline for potable use by the Participants (“Baker WTP”), provides for the Participants’ respective capacity rights therein, and for other rights and obligations, and sets forth related provisions concerning the Baker Pipeline;

WHEREAS, the MNWD Board of Directors (Board) has been presented with the “*Amended and Restated Agreement for Construction, Operation and Maintenance of the Baker Water Treatment Plant*” (“Final Baker WTP Agreement”) for the purpose of amending, restating and superseding the Original Agreement, including, specifically, providing for the use of the South County Pipeline in lieu of the Allen McColloch Pipeline for the delivery of product water as was contemplated in the Original Agreement, and setting forth additional details, and clarifying certain terms, relating to the use and operation of the Baker WTP;

WHEREAS, the MNWD flow rate/capacity right set forth in the Final Baker WTP Agreement is 13 Cubic Feet per Second (CFS) and is consistent with the flow rate/capacity right that MNWD will have in the Baker Pipeline under the “*Agreement Relating to Baker Pipeline Capacity Transfers Among Baker Treatment Plant Participants,*” which pipeline agreement has been conditionally approved by the Board, pending final approval of the Final Baker WTP Agreement; and

WHEREAS, District Staff has reviewed the bid award recommended by the Project Committee under Section 5.9.1 of the Final Baker WTP Agreement in connection with the District’s final decision for participation in the Baker WTP project through the approval of the Final Baker WTP Agreement, and recommends approval of the bid award.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Board approves the Final Baker WTP Agreement in the form attached to this Resolution as **Exhibit A**, subject to non-substantive revisions approved by Legal Counsel and the General Manager, and the President of the Board, or in his absence another officer of the Board, is hereby authorized to execute such agreement.

Section 2. The Board hereby determines that the approval of the Final Baker WTP Agreement and the execution thereof under Section 1 of this Resolution authorizes the District's final decision for participation in the Baker WTP project in accordance with the terms of the Final Baker WTP Agreement.

Section 3. The Board authorizes the Assistant General Manager to act as MNWD's Project Committee representative under the Final Baker WTP Agreement and for the Assistant General Manager's designated representative, such designation to be made in writing which may change from time-to time, to act as MNWD's alternate Project Committee member to serve in the absence of the Assistant General Manager (together, "District Project Committee Representatives").

Section 4. The Board authorizes the District Project Committee Representatives to approve the bid award for the Baker WTP construction contract, consistent with the information presented at this meeting and reviewed by the Board.

Section 5. The Board authorizes the District Project Committee Representative to approve requested actions by the Project Committee as authorized by the Board of Directors either through individual Board direction and/or as authorized through the existing District policies.

APPROVED, SIGNED and ADOPTED this 21st day of November, 2013.

MOULTON NIGUEL WATER DISTRICT

President
MOULTON NIGUEL WATER DISTRICT and the
Board of Directors thereof

Secretary

MOULTON NIGUEL WATER DISTRICT and the
Board of Directors thereof

APPROVED AS TO FORM:

BOWIE, ARNESON, WILES & GIANNONE
Legal Counsel - MNWD

By: _____
Patricia B. Giannone

EXHIBIT A

Final *“Amended and Restated Agreement for Construction, Operation and Maintenance of the Baker Water Treatment Plant”*



Moulton Niguel Water District Operations Facility Assessment Study

Summary of Spacing Requirements

Category	Existing Space (sf)	Current Needs (sf)	Future Needs (sf)
Office/Workspace	14,006	15,206	18,279
Boardroom & Training Room	1,645	6,254	6,254
Emergency Ops Center	2,080	4,090	4,195
Common Areas	6,124	18,433	19,032
Maintenance Shops	1,873	6,750	6,750
Fleet Shop	3,841	10,860	10,860
Warehouse	16,429	21,726	21,726
Parking	99,493	153,135	188,505
Site	393,471	116,934	116,934
Total	538,962	353,388	392,535
Site Acreage	12.4	8.1	9.0