



**BOARD OF DIRECTORS' MEETING  
MOULTON NIGUEL WATER DISTRICT  
27500 La Paz Road, Laguna Niguel  
August 20, 2015  
6:00 PM  
Approximate Meeting Time: 2 Hours**

**1. CALL MEETING TO ORDER:**

**2. PLEDGE OF ALLEGIANCE:**

**3. MINUTE APPROVAL:**

- a. MINUTES OF THE JULY 9, 2015 SPECIAL BOARD OF DIRECTORS MEETING
- b. MINUTES OF THE JULY 16, 2015 REGULAR BOARD OF DIRECTORS MEETING

**4. PUBLIC COMMENTS - CLOSED SESSION:**

*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.*

**CLOSED SESSION:**

**5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (FIVE CASES)**

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

- a) Shapell Industries, Inc., a Delaware Corporation vs Moulton Niguel Water District (Orange County Superior Court)
- b) Briosa Owners Association, a California Corporation vs Moulton Niguel Water District (Orange County Superior Court)
- c) Cantora Community Association vs Metropolitan Water District of Southern California, Moulton Niguel Water District (Orange County Superior Court)
- d) Eckert, Repetti vs. Metropolitan Water District of Southern California, Moulton Niguel Water District (Orange County Superior Court)

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

**RETURN TO OPEN SESSION:**

The Board of Directors will return to Open Session at 6:30 p.m.

**PUBLIC COMMENTS - OPEN SESSION:**

**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.*

**6. WIRELESS NETWORK IMPLEMENTATION PROJECT INITIAL STUDY (RESOLUTION NO. 15-\_\_)**

It is recommended that the Board of Directors approve the resolution entitled, "Approving the Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program for the Wireless Network Implementation Project 2006.038."

**7. RECYCLED WATER MASTER PLAN AGREEMENT AWARD**

It is recommended that the Board of Directors approve the Engineering Services Agreement with AKM Consulting Engineers in the amount of \$527,126; and authorize the General Manager to execute the agreement; and authorize the General Manager or designee to approve amendments up to 10% of the contract value.

**8. SWRCB WATER RECYCLING FACILITIES PLANNING GRANT (RESOLUTION NO. 15-\_\_)**

It is recommended that the Board of Directors adopt the resolution entitled, "Authorizing Water Recycling Facilities Planning Grant Application to State Water Resources Control Board and Authorizing the General Manager to Develop a Grant Agreement for the Moulton Niguel Water District Recycled Water Master Plan."

**9. FY 2014-15 VALVE REPLACEMENT CONSTRUCTION CONTINGENCY ADJUSTMENT**

It is recommended that the Board of Directors increase the construction contract contingency for the FY 2014-15 Valve Replacements Project, project No. 2014.008, with Paulus Engineering, Inc. to \$108,185 and authorize the General Manager or designee to approve change orders up to \$108,185.

**10. ENTERPRISE RESOURCES PLANNING (ERP) SUPPORT SERVICES CONTRACT**

It is recommended that the Board of Directors increase the value of the ERP Support Services contract for FY 2015-16 by \$75,000 from \$111,000 to \$186,000; and authorize the General Manager to execute the contract amendment.

**11. DISPOSAL OF SURPLUS PROPERTY**

It is recommended that the Board of Directors approve the resolution entitled, "Approving Updated Policy for Disposal of Surplus Property."

**ENGINEERING & OPERATIONS MATTERS:**

**12. MATHIS RECYCLED WATER RESERVOIR RE-COATING CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract for the Mathis Recycled Water Reservoir Re-coating and Safety Improvements Project No. 2013.002 to J. Colon Coatings, Inc. in the amount of \$842,550; authorize the General Manager to execute the contract; and authorize the General Manager or designee to approve change orders up to 10% of the contract value.

**13. INSPECTION SERVICES FOR MATHIS RECYCLED WATER RESERVOIR**

It is recommended that the Board of Directors award the engineering services agreement with Harper and Associates Engineering, Inc. in the amount of \$91,610 and authorize the General Manager to execute the agreement.

**FINANCE & INFORMATION TECHNOLOGY MATTERS:**

**14. REBATE PROGRAMS MODIFICATIONS**

It is recommended that the Board of Directors approve modifications to rebate programs as proposed by District staff.

**GENERAL MANAGER MATTERS:**

**LEGAL MATTERS:**

**15. PUBLIC HEARING ON PER DIEM FEE INCREASE FOR MEMBERS OF THE BOARD OF DIRECTORS**

The Board of Directors will conduct a public hearing on the proposed terms of an Ordinance to increase the per diem fee paid to Directors for District business, from the current rate of \$199.50 up to an amount of \$215.00. The hearing will provide an opportunity for members of the public to address the Board concerning the proposed adjustment to the amount of per diem fee for the Board of Directors.

**16. ADOPTION OF ORDINANCE TO INCREASE THE AMOUNT OF PER DIEM FEE FOR MEMBERS OF THE BOARD OF DIRECTORS (ORDINANCE NO. 15-3)**

Recommended Action: As directed by the Board of Directors

**PRESIDENT'S REPORT:**

**BOARD REPORTS:**

**CLOSED SESSION:**

**17. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(b)(1), a Closed Session will be conducted to confer with Legal Counsel regarding the following claim:

Claim of Agnieszka Drozdel

**18. CONFERENCE INVOLVING A JOINT POWERS AGENCY: SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA)**

Pursuant to Government Code Sections 54956.96(a)(1),(b)/54956.8, a Closed Session will be conducted for the following purposes:

Discussion will concern Conference with Real Property Negotiators, conveyance of AWMA Bridge/easement to County of Orange

PROPERTY: The AWMA Bridge and associated easement is located at the intersection of AWMA Road and Alicia Parkway at the entrance to the County's Woods Canyon/Aliso Canyon Wilderness Parks

NEGOTIATING PARTIES: SOCWA, County of Orange/Stacy Blackwood

SOCWA NEGOTIATORS: General Manager, Director of Operations

UNDER NEGOTIATION: Price/Terms of Payment

Pursuant to Government Code Section 54956.9(a), Closed Session will be conducted for the following purposes:

Conference with legal counsel to discuss anticipated litigation - One Case

South Orange County Wastewater Authority (SOCWA)

Name of MNWD representative on SOCWA Board: Director Larry Lizotte

**FUTURE AGENDA ITEMS (Any items added under this section are for discussion at future meetings only.):**

**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](http://www.mnwd.com).





**MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MOULTON NIGUEL WATER DISTRICT  
Western Municipal Water District  
14205 Meridian Parkway, Riverside, CA 92518  
July 9, 2015**

A Special Meeting of the Board of Directors of the Moulton Niguel Water District was held at the main office of Moulton Niguel Water District at 8:30 AM on July 9, 2015 and continued to Western Municipal Water District, at the above address. There were present and participating:

**DIRECTORS**

Duane Cave	Director
Scott Colton	Vice President
Richard Fiore	Director
Donald Froelich	President
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	Assistant General Manager
Marc Serna	Director of Engineering & Operations
Gina Hillary	Director of Human Resources
Paige Gulck	Board Secretary
John Rossi	General Manager, Western Municipal Water District
Anita Pearson	WMWD
Greg Duecker	WMWD

**1. CALL MEETING TO ORDER**

*The meeting was called to order by Donald Froelich at 8:34 a.m. at the main office of Moulton Niguel Water District. The meeting was continued at Western Municipal Water District.*

## #3.a.

### 2. PUBLIC COMMENTS

*None.*

### **PRESENTATION ITEMS**

### 3. Tour of Western Municipal Water District

*John Rossi, General Manager of Western Municipal Water District, gave the Board of Directors and staff a tour of WMWD's administration building. The tour included the board room, staff training and lunch rooms, the customer service area and plan rooms, as well as administrative offices for staff.*

### **ADJOURNMENT**

*The meeting was adjourned at 12:37 p.m. back at the main office of Moulton Niguel Water District.*

Respectfully submitted,

Paige Gulck  
Board Secretary





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

**July 16, 2015**

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, at 6:00 PM on July 16, 2015. There were present and participating:

**DIRECTORS**

Duane Cave	Director
Scott Colton	Vice President
Richard Fiore	Director
Donald Froelich	President
Gary Kurtz	Director
Larry Lizotte	Director
Brian Probolsky	Vice President (arrived 6:07 p.m.)

Also present and participating were:

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

Joone Lopez	General Manager
Matt Collings	Assistant General Manager
Marc Serna	Director of Engineering & Operations
Gina Hillary	Director of Human Resources
Michael Bell	Michael Bell Management Consulting, Inc.
Pat Giannone	Bowie, Arneson, Wiles & Giannone
Paige Gulck	Board Secretary
Drew Atwater	MNWD
Tim Bonita	MNWD
Johnathan Cruz	MNWD
Eva Plajzer	MNWD
Megan Schneider	MNWD
Rod Woods	MNWD
Ruth Zintzun	MNWD
John Galleher	Vice President, Pure Technologies
Myron Shenkiryk	Regional Manager, Pure Technologies

## #3.b.

Paul Stanislaw

Member of the Public

### 1. **CALL MEETING TO ORDER:**

*The meeting was called to order by Donald Froelich at 6:00 p.m.*

### 2. **PLEDGE OF ALLEGIANCE:**

### 3. **MINUTE APPROVAL:**

- a. MINUTES OF THE JUNE 1, 2015 SPECIAL BOARD OF DIRECTORS MEETING
- b. MINUTES OF THE JUNE 8, 2015 SPECIAL BOARD OF DIRECTORS MEETING
- c. MINUTES OF THE JUNE 18, 2015 REGULAR BOARD OF DIRECTORS MEETING

*MOTION DULY MADE BY RICHARD FIORE AND SECONDED BY SCOTT COLTON, MINUTES OF THE JUNE 1, 2015 AND JUNE 8, 2015 SPECIAL BOARD OF DIRECTORS MEETINGS, AND JUNE 18, 2015 REGULAR BOARD OF DIRECTORS MEETING WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, AND LARRY LIZOTTE ALL VOTING 'AYE'. DIRECTOR GARY KURTZ ABSTAINED AS HE WAS NOT PRESENT AT THE MEETINGS. DIRECTOR BRIAN PROBOLSKY WAS ABSENT.*

- d. MINUTES OF THE JUNE 23, 2015 SPECIAL BOARD OF DIRECTORS MEETING

*MOTION DULY MADE BY DUANE CAVE AND SECONDED BY SCOTT COLTON, MINUTES OF THE JUNE 23, 2015 SPECIAL BOARD OF DIRECTORS MEETING WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, AND DONALD FROELICH, ALL VOTING 'AYE'. DIRECTORS LARRY LIZOTTE AND GARY KURTZ ABSTAINED AS THEY WERE NOT PRESENT AT THE MEETING. DIRECTOR BRIAN PROBOLSKY WAS ABSENT.*

### 4. **PUBLIC COMMENTS:**

*Paul Stanislaw made comments in regards to water budgets and drought publications.*

*Brian Probolsky arrived at 6:07 p.m.*

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

**5. FLORES AVENUE WATER MAIN CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract for the Flores Avenue 8" Water Main Installation Project No. 2014.018 to Ferreira Construction Co., Inc. in the amount of \$154,042; authorize the General Manager to execute the contract; and authorize the General Manager or designee to approve change orders up to 10% of the contract value.

**6. UTILITY MAIN BREAKER REPLACEMENTS CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract for the Utility Main Breaker Replacements Project No. 2014.005 to Southern Contracting Company in the amount of \$127,000; authorize the General Manager to execute the contract; and authorize the General Manager or designee to approve change orders up to 10% of the contract value.

**7. PUMP REFURBISHMENT SERVICE AGREEMENTS FOR FISCAL YEAR 2015-16 AND 2016-17**

It is recommended that the Board of Directors approve and authorize the General Manager to execute the following agreement documents:

1) Pump Refurbishment Services Agreement with Evans Hydro, Inc. for a not-to-exceed amount of \$70,000 for FY 2015-16 and a not-to-exceed amount of \$90,000 for FY 2016-17 for a total two-year agreement amount of \$160,000.

2) Pump Refurbishment Services Agreement with Weber Water Resources for a not-to-exceed amount of \$30,000 for FY 2015-16 and a not-to-exceed amount of \$45,000 for FY 2016-17 for a total two-year agreement amount of \$75,000.

3) Pump Refurbishment Services Agreement with Pacific Coast Pump and Equipment for a not-to-exceed amount of \$30,000 for FY 2015-16 and a not-to-exceed amount of \$45,000 for FY 2016-17 for a total two-year agreement amount of \$75,000.

**9. DUMP TRUCK PURCHASE FOR FISCAL YEAR 2015-16**

It is recommended that the Board of Directors approve the purchase of a 2016 Peterbilt Model 365 Dump Truck from Rush Truck Center for the amount of \$153,460.

### #3.b.

10. BACKHOE PURCHASE FOR FISCAL YEAR 2015-16

It is recommended that the Board of Directors approve the purchase of a 2014 Caterpillar 420F2 Backhoe Loader from Quinn Company in the amount of \$125,118.43.

11. CROSS CONNECTION INSPECTION SERVICES AGREEMENT FOR PROJECT PARTNERS, INC.

It is recommended that the Board of Directors award the inspection services agreement to Project Partners, Inc. and authorize the General Manager to execute the agreement for a not-to-exceed fee of \$134,000 for fiscal year 2015-16.

12. SELECTION OF THE ANNUAL LUMP SUM PREPAYMENT OPTION FOR UNFUNDED ACCRUED LIABILITY TO CALPERS FOR FY 2015-16

It is recommended that the Board of Directors elect the annual lump sum prepayment option to pay for the unfunded accrued liability to CalPERS for FY 2015-16.

*MOTION DULY MADE BY LARRY LIZOTTE AND SECONDED BY DUANE CAVE, CONSENT CALENDAR ITEMS 5-7, AND 9-12 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

8. SPOILS REMOVAL SERVICE AGREEMENT FOR FISCAL YEAR 2015-16 AND 2016-17

It is recommended that the Board of Directors authorize the General Manager to execute a two year Spoils Removal Service Agreement with KB Miramontes, Inc., in the amount of \$95,000 per year, with a total not-to-exceed agreement amount of \$190,000.

*Brian Probolsky pulled the item from consent calendar and stated that though the amount appears to be high, it's reasonable and profit margin for the service provider is modest.*

*MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY SCOTT COLTON, CONSENT CALENDAR ITEM 8 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**ENGINEERING & OPERATIONS MATTERS:****13. CONDITION ASSESSMENT OF CENTRAL INTERTIE PIPELINE**

It is recommended that the Board of Directors approve the Professional Consulting Services Agreement with Pure Technologies U.S. Inc. in the amount of \$998,563; and authorize the General Manager to execute the agreement.

*Marc Serna provided a summary of the project. John Galleher and Myron Shenkiryk from Pure Technologies were on hand to answer any questions from the Board.*

*MOTION DULY MADE BY DUANE CAVE AND SECONDED BY GARY KURTZ, ITEM 13 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**14. FISCAL YEAR 2015-16 METER MAINTENANCE AND REPLACEMENT PROGRAM**

It is recommended that the Board of Directors authorize meter and meter-related purchases for an amount not-to-exceed \$859,000 for FY 2015-16.

*Matt Collings reviewed the breakdown of meter prices and sizes.*

*MOTION DULY MADE BY GARY KURTZ AND SECONDED BY SCOTT COLTON, ITEM 14 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**GENERAL MANAGER MATTERS:**

*The Municipal Water District of Orange County (MWDOC) Policy Dinner is July 29, 2015 featuring keynote speaker Felicia Marcus, Chair of the State Water Resources Control Board (SWRCB).*

*The District will not be participating in MWDOC's Choice program as we will be utilizing in-house staff for the 2015 Urban Water Management Plan.*

*Metropolitan Water District's turf removal funding has run out for the fiscal year. The District will work with MWDOC to start processing applications as soon as possible.*

*A job well done to Craig Crawford and to the street crew repairing a leak in Kite Hill, who received letters from customers thanking them for the efficient and courteous service.*

**LEGAL MATTERS:**

**15. PUBLIC HEARING AND ANNUAL ADOPTION OF RESOLUTION FOR COLLECTION OF 2015-16 SEWER SERVICE CHARGES AND RATES FOR LAGUNA SUR/MONARCH POINT REORGANIZATION AREA ON PROPERTY TAX BILL**

The District is required to annually collect the sewer charges and rates set by South Coast Water District (SCWD) for the Reorganization Area. The District has continued the long-time practice of collecting those 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. A noticed public hearing is required for consideration of the tax roll collection procedure for 2015-16. Staff has made available the assessor parcel report that includes the 2015-16 sewer charges and rates previously adopted by SCWD. The sewer charges remain unchanged from the rates collected in 2015-16.

**RECOMMENDED ACTIONS:**

1. Conduct a Public Hearing on Fiscal Year 2015-16 Report for the Laguna Sur/Monarch Point Reorganization Area Tax Roll Collection Process – Staff/Legal Counsel enters Proof of Hearing Publication and Posting for the Record. 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 Adopting Report of Annual Sewer Service Charges to be Collected via Property Tax Statements on Tax Roll for the Period Commencing July 1, 2015.”

*UPON HEARING NO PROTEST, MOTION DULY MADE BY DUANE CAVE AND SECONDED BY GARY KURTZ, ITEM 15 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’.*

**PRESIDENT'S REPORT:**

*Donald Froelich reported on his attendance at the MWDOC workshop and the presentation given by staff on the history of Colorado River water supplies.*

**BOARD REPORTS:**

*Scott Colton reported on the San Juan Basin Authority meeting.*

*Larry Lizotte provided an update on the Operations Center Consolidation Improvement Project.*

**CLOSED SESSION:**

**16. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (ONE CASE)**

Pursuant to Government Code Section 54956.9 (A), a Closed Session will be conducted to confer with Legal Counsel- Existing Litigation (One Case):

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”)

*The Board entered closed session at 6:48 p.m. and exited at 6:57 p.m. Donald Froelich stated that there was no reportable action on the item.*

**FUTURE AGENDA ITEMS (Any items added under this section are for discussion at future meetings only.):**

*None.*

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

*Staff has none.*

**ADJOURNMENT:**

*The meeting was adjourned at 6:57 p.m.*

Respectfully submitted,

Paige Gulck  
Board Secretary





**RESOLUTION NO. 15-\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MOULTON NIGUEL WATER DISTRICT  
APPROVING A MITIGATED NEGATIVE DECLARATION AND THE  
MITIGATION, MONITORING, AND REPORTING PROGRAM AND  
PROJECT FOR THE WIRELESS NETWORK IMPLEMENTATION  
(MNWD PROJECT 2006.038)**

**WHEREAS**, in 2012, the Moulton Niguel Water District (“District”), acting as a lead agency pursuant to Public Resources Code Section 21067, prepared and circulated a Notice of Intent to Adopt a Mitigated Negative Declaration (“2012 MND”) for the Wireless Network Implementation Project (“Project”), and made the 2012 MND available for public review;

**WHEREAS**, the Project, as contemplated in 2012, included 17 wireless towers to be placed within the District’s service area to provide wireless communication between various District facilities;

**WHEREAS**, comment letters were received relative to the proposed Project from the State Clearinghouse and Caltrans, as well as the cities of Aliso Viejo, Laguna Hills, Laguna Niguel and Mission Viejo;

**WHEREAS**, the 2012 MND was never adopted by the District’s Board of Directors;

**WHEREAS**, District has since re-evaluated its communication needs, along with new technology, and determined that the number of towers necessary to implement the Project can be reduced to 10 to maintain a similar level of service;

**WHEREAS**, because of the significant changes to the Project and the passage of time since circulating the 2012 MND, the District revised the Initial Study (“IS”) and Draft Mitigated Negative Declaration (“MND”) and recirculated it for public review;

**WHEREAS**, the revised IS and Draft MND addressed the revised Project and incorporated comments received from local jurisdictions during the 2012 public review period;

**WHEREAS**, the Project is more particularly described in the MND prepared for the Project, entitled “Final Initial Study and Mitigated Negative Declaration Wireless Network Implementation Project” dated July 2015 (“Final MND”), which is on-file at the District’s Administrative Office, located at 27500 La Paz Rd, Laguna Niguel, CA 92677, as well as the Engineering Department as specified below, and is available on request;

**WHEREAS**, the District circulated the draft IS/MND, by way of a Notice of Intent to Adopt Mitigated Negative Declaration (“NOI”), for an extended public review period commencing on January 24, 2015, through and including February 23, 2015, in compliance with

## #6.

the California Environmental Quality Act (CEQA) and related regulations as set forth in Section 15105 of Title 14 of the California Code of Regulations (“CEQA Guidelines”);

**WHEREAS**, the draft IS/MND and NOI for the Project were circulated both to the public and affected governmental agencies for review and comment, and all comments have been received and considered;

**WHEREAS**, the District published the NOI in *The Orange County Register* on January 22, 2015;

**WHEREAS**, the Final MND is incorporated in this Resolution by this reference;

**WHEREAS**, the Project, as set forth and described in the Final MND, includes those “Mitigation Measures” necessary to ensure the identified potentially significant environmental effects of the Project remain at less than significant levels (“Mitigation Measures”);

**WHEREAS**, the Final MND includes a Mitigation Monitoring and Reporting Program (“MMRP”), which is set forth in Section 4.0 of the Final MND;

**WHEREAS**, the District has determined based on the IS, which is incorporated within the Final MND, that the potentially significant impacts resulting from the construction and operation of the Project will be reduced to a level below significance because of the Mitigation Measures that have been incorporated into the Project, and based thereon, the District has prepared the Final MND in accordance with the requirements of the CEQA;

**WHEREAS**, the District’s Board of Directors (“Board”) has determined that the Final MND, along with the MMRP, are adequate, complete, and have been prepared in accordance with CEQA, and reflect the District’s independent judgment and analysis;

**WHEREAS**, the Board has reviewed and considered all written and oral comments made to the District in connection with the Project and the Final MND by affected governmental agencies and other interested persons and responded, as appropriate, to comments received; and

**WHEREAS**, the Final MND and all supporting materials, which constitute a record of these proceedings, are kept at the District’s operations offices, located at 26161 Gordon Road, Laguna Hills, California 92653, under the care and control of the Engineering Department.

**NOW, THEREFORE**, the Board of Directors of the Moulton Niguel Water District does hereby **RESOLVE, DETERMINE** and **ORDER** as follows:

**Section 1.** Each of the recitals set forth above is true and correct and incorporated in this Resolution, and shall constitute, as appropriate, findings of the Board.

**Section 2.** The Final MND for the Project, inclusive of the MMRP contained therein, is adequate and in compliance with CEQA.

**Section 3.** The Final MND reflects the District’s independent judgment and analysis.

**Section 4.** The Board has considered all comments received in regard to the Project.

**Section 5.** The Board hereby finds that there is no substantial evidence that the Project, with the incorporated Mitigation Measures and the MMRP, will have a significant impact on the environment, based on the whole of the record before the Board including, but not limited to, the IS/MND and comments received relative to the Project and IS/MND.

**Section 6.** The Board hereby approves and adopts the Final MND for the Project, inclusive of the MMRP set forth therein.

**Section 7.** The Board hereby approves the Project.

**Section 8.** The Board hereby delegates authority to the District’s General Manager, or her designee, to take any action reasonably required to cause a Notice of Determination to be filed with the Orange County Clerk and, as appropriate, the State Clearinghouse including, but not limited to, the issuance of payment of those Fish and Game fees that may be required pursuant to Fish and Game Code Section 711.4.

**Section 9.** The Final MND and all supporting materials, which constitute a record of these proceedings, will be kept at the District’s operations offices, located at 26161 Gordon Road, Laguna Hills, California 92653, under the care and control of the Engineering Department.

**#6.**

**ADOPTED, APPROVED and SIGNED** this 20th day of August, 2015.

**MOULTON NIGUEL WATER DISTRICT**

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President  
MOULTON NIGUEL WATER DISTRICT and of  
the Board of Directors thereof

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Secretary  
MOULTON NIGUEL WATER DISTRICT and of  
the Board of Directors thereof

APPROVED AS TO FORM:

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Legal Counsel  
BOWIE, ARNESON, WILES & GIANNONE

**RESOLUTION NO. 15-\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MOULTON NIGUEL WATER DISTRICT  
AUTHORIZING WATER RECYCLING FACILITIES PLANNING GRANT  
APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD AND  
AUTHORIZING A GRANT AGREEMENT FOR THE  
MNWD RECYCLED WATER MASTER PLAN**

**WHEREAS**, the Board of Directors of the Moulton Niguel Water District (MNWD), intends to authorize an application to the State Water Resources Control Board (SWCRB) to obtain a Water Recycled Facilities Planning Grant (“Grant”), and further to authorize MNWD to enter into an agreement to receive the Grant for the MNWD Recycled Water Master Plan (“Project”); and

**WHEREAS**, the Project is for the benefit of MNWD and its customers, and the Grant and the Project shall be carried out consistent with MNWD’s policies, rules, regulations and bylaws; and

**WHEREAS**, the Project would accomplish the following:

- Optimize recycled water use within the District;
- Provide for regional corporation for recycled water use;
- Provide a detailed path to increase recycled water;
- Develop a capital improvement program for the recycled water system.

**NOW, THEREFORE**, the Board of Directors of Moulton Niguel Water District does hereby **RESOLVE, DETERMINE** and **ORDER** as follows:

**Section 1.** The foregoing recitals are incorporated in this Resolution.

**Section 2.** The General Manager of MNWD, or her designee, is hereby authorized and directed to prepare required data and to conduct any review and necessary investigation in connection with the Grant application, and to sign and file for and on behalf of MNWD the Grant application from the SWRCB in the amount not to exceed seventy five thousand dollars (\$75,000.00) for a facility planning study of Recycled Water Master Plan; and

**Section 3.** The General Manager of MNWD, or her designee, is hereby authorized and directed to negotiate and execute a Grant contract and any amendments or change orders thereto on behalf of MNWD; and

**Section 4.** MNWD agrees, and authorizes the General Manager of MNWD, or her designee, to certify that, MNWD has and will comply with all applicable State statutory and regulatory requirements related to any state Grant funds received.

**#8.**

**ADOPTED, APPROVED and SIGNED** this 20<sup>th</sup> day of August, 2015.

MOULTON NIGUEL WATER DISTRICT

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President

MOULTON NIGUEL WATER DISTRICT and of  
the Board of Directors thereof

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Secretary

MOULTON NIGUEL WATER DISTRICT and of  
the Board of Directors thereof

**ORDINANCE NO. 15-\_\_\_**

**ORDINANCE OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
TO INCREASE THE AMOUNT OF PER DIEM FOR MEMBERS OF THE  
BOARD OF DIRECTORS**

**WHEREAS**, Water Code Section 20200 *et seq.* sets forth the authority and procedure for establishing per diem compensation for the Board of Directors for occurrences constituting District business, official duties or each day's service rendered as a Director, as a "days service" is defined and authorized by separate District resolution and updated from time to time;

**WHEREAS**, the Water Code authorizes an increase in the per diem compensation that may be received by the Board of Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase, and limits the total compensation that may be received to a maximum of ten (10) days per calendar month;

**WHEREAS**, on October 18, 2007, the Board of Directors took their most recent action to increase the amount of compensation to the amount of \$199.50 per day;

**WHEREAS**, the Board of Directors seeks to increase the amount of compensation in accordance with the provisions of the Water Code; and

**WHEREAS**, in accordance with Section 20203 of the California Water Code and Section 6066 of the California Government Code, a public hearing was held on August 20, 2015, at 6:00 p.m., or soon thereafter as practicable, at the meeting room of the Board of Directors of the District at 27500 La Paz Road, Laguna Niguel, CA 92677, and a notice of said hearing was duly published in the *Orange County Register*, a newspaper of general circulation, once a week for two weeks as follows: on July 24, 2015 and July 31, 2015.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The amount of compensation to be received by members of the Board for each day's attendance at meetings of the Board, or for each day's service rendered as a Director, shall be in the amount of \_\_\_\_\_ (\$\_\_\_\_\_). Said increase does not exceed an amount equal to five percent (5%) for each calendar year since the date of the last adjustment.

**Section 2.** In accordance with Section 20202 of the California Water Code, no member of the Board of Directors shall receive the compensation set forth in Section 1 of this Ordinance for more than ten (10) days in any calendar month.

**Section 3.** All ordinances, resolutions, or administrative actions by the Board of Directors, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency, including District Ordinance No. 07-01 which is superseded in its entirety and shall be of no further force or effect.

# #16.

**Section 4.** Pursuant to Section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of Moulton Niguel Water District held on August 20, 2015 by the following vote:

Duane Cave:  
Scott Colton:  
Richard Fiore:  
Donald Froelich:  
Gary Kurtz:  
Larry Lizotte:  
Brian Probolsky:

## MOULTON NIGUEL WATER DISTRICT

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President  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

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Secretary Board of Directors  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof