



**BOARD OF DIRECTORS' MEETING
MOULTON NIGUEL WATER DISTRICT
27500 La Paz Road, Laguna Niguel
January 21, 2016
6:00 PM
Approximate Meeting Time: 2 Hours**

1. CALL MEETING TO ORDER:

2. PLEDGE OF ALLEGIANCE:

3. 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.

4. MINUTES OF THE DECEMBER 17, 2015 REGULAR BOARD OF DIRECTORS MEETING

5. REBATE APPLICATION FOR TURF REMOVAL

It is recommended that the Board of Directors consider the rebate application for the identified project without a limitation on the maximum allowable acreage for the project and direct staff accordingly.

GENERAL MANAGER MATTERS:

6. PERSONNEL & SALARY POLICY REVISIONS AND MOU SIDE LETTERS (RESOLUTION 16-____)

It is recommended that the Board of Directors adopt the resolution entitled, "Approving the Personnel & Salary Policy" and authorize the General Manager to sign Side Letter Agreement #2 for the General and Supervisory Units.

FINANCE & INFORMATION TECHNOLOGY MATTERS:

7. WATER SHORTAGE CONTINGENCY PLAN CONTINUED IMPLEMENTATION (RESOLUTION NO. 16-)

It is recommended that the Board of Directors approve the resolution entitled, “Declaring Water Shortage Stages 1 and 2”.

PRESIDENT'S REPORT:

BOARD REPORTS:

CLOSED SESSION:

8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of case: Briosia Owners Association, a California Corporation vs Moulton Niguel Water District (Orange County Superior Court)

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

9. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

Receipt of claim: Bradley and Denise Lindskog

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.



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

December 17, 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 December 17, 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

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
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Trevor Agrelius	MNWD
Drew Atwater	MNWD
Tim Bonita	MNWD
Johnathan Cruz	MNWD
Todd Novacek	MNWD
Megan Schneider	MNWD
Andrew Zelinko	MNWD
Michael Bell	Michael Bell Consulting, Inc.
Karen Langer	Member of the Public
Nancy Lizotte	Member of the Public

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1. CALL MEETING TO ORDER:

The meeting was called to order at 6:08 p.m.

2. PLEDGE OF ALLEGIANCE:

3. PUBLIC COMMENTS:

None.

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

4. MINUTES OF THE NOVEMBER 19, 2015 BOARD OF DIRECTORS MEETING

MOTION DULY MADE BY DUANE CAVE, AND SECONDED BY BRIAN PROBOLSKY, CONSENT ITEM 4 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:

5. REBATE APPLICATION FOR TURF REMOVAL

It is recommended that the Board of Directors consider the rebate application for the identified project without a limitation on the maximum allowable acreage for the project and direct staff accordingly.

Joone Lopez gave a brief summary of the item.

MOTION DULY MADE BY GARY KURTZ, AND SECONDED BY SCOTT COLTON, MISSION VIEJO COUNTRY CLUB 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'

6. HONORING MR. LAURENCE (LARRY) R. LIZOTTE FOR 45 YEARS OF SERVICE (RESOLUTION NO. 15 - ___)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mr. Laurence (Larry) R. Lizotte for 45 Years of Service."

The Board thanked Larry Lizotte for his years of service.

MOTION DULY MADE BY RICHARD FIORE, AND SECONDED BY GARY KURTZ, ITEM 6 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 attended the Carlsbad Desalination Plant dedication on December 14, 2015.

BOARD REPORTS:

Richard Fiore stated the Moulton Niguel Water District was mentioned in the Association of California Water Agencies / Joint Powers Insurance Authority newsletter.

Duane Cave attended the ACWA Conference the first week of December. Our staff and Board member participation was outstanding.

Brian Probolsky reported his attendance at the ACWA Conference. Staff's presentation on the importance of data analysis was fascinating.

Scott Colton attended the ACWA Conference. The conference was very informative.

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 6:26 p.m.

Respectfully submitted,

Paige Gulck
Board Secretary

RESOLUTION NO. 16-____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT
APPROVING THE PERSONNEL & SALARY POLICY**

WHEREAS, the representatives of the Board of Directors of the Moulton Niguel Water District (“District) have made adjustments to personnel rules, regulations and procedures for all employees; and

WHEREAS, the Personnel & Salary Policy prepared by said representatives has been presented to the Board of Directors for approval.

NOW, THEREFORE, the Board of Directors of the Moulton Niguel Water District **DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

Section 1. That this Board of Directors does hereby approve the personnel rules, regulations and procedures contained in the Personnel & Salary Policy, attached hereto as Exhibit 1, which shall be effective upon approval and remain in full force and effect until modified by the Board of Directors.

ADOPTED, SIGNED and APPROVED this 21th day of January, 2016.

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

RESOLUTION NO. 16-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
CONTINUING WATER SHORTAGE STAGES 1 AND 2**

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the Moulton Niguel Water District (the "District") is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, Governor Brown proclaimed a condition of statewide drought and called upon local agencies to take aggressive, immediate action to reduce water consumption locally and regionally; and

WHEREAS, pursuant to Ordinance No. 15-01 the District is authorized to declare water shortage stages; and

WHEREAS, on May 1, 2015, the Board adopted Resolution No. 15-16, which declared Water Shortage Stages 1 and 2 as said stages are set forth in Ordinance No. 15-01. As a result, beginning June 1, 2015, the voluntary water shortage response measures in Water Shortage Stage 1 and the mandatory water shortage response measures, reductions in water use, and penalties during a Water Shortage Stage 2 went into effect within the District; and

WHEREAS, on September 17, 2015, the Board adopted Resolution No. 15-26, which declared that continuing October 30, 2015, Water Shortage Stage 2 shall remain in effect within the District through February 28, 2016. As a result, along with the voluntary measures, the mandatory water shortage response measures, reductions in water use, and penalties during a Water Shortage Stage 2 continued to be in effect.

WHEREAS, because of the prevailing conditions in the State, the current statewide drought, and the declared policy of the State, the District hereby finds and determines that it is necessary and appropriate for the District to continue, along with the voluntary measures, the mandatory water shortage response measures, reductions in water use, and penalties that are currently in effect during a Water Shortage Stage 2. Continuation of Water Shortage Stages 1 and 2 is necessary in order to adopt, implement, and enforce water shortage response measures to reduce the quantity of water used by

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consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection all in conformance with Ordinance No. 15-01; and

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

Section 1. Water Shortage Stages 1 and 2. Pursuant to Ordinance No. 15-01, the Board hereby declares and finds that continuing March 1, 2016, Water Shortage Stages 1 and 2 shall remain in effect within the District through June 30, 2016. Such voluntary and mandatory water shortage response measures, reductions in water use, and penalties during Water Shortage Stages 1 and 2 as are set forth in Ordinance No. 15-01 are necessary for the following reasons:

- (1) District water supply conditions and storage levels;
- (2) statewide water supply conditions;
- (3) local water supply and demand conditions; and
- (4) actions by surrounding wholesale and retail water agencies.

Section 3. Severability. If any provision, section, subsection, sentence, clause or phrase or sections of this Resolution, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Resolution shall not be affected, it being the intent of the Board of Directors in adopting this Resolution that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Resolution are declared to be severable for that purpose.

Section 4. Effective. This Resolution shall be effective immediately upon adoption.

APPROVED, ADOPTED, and SIGNED this 21st day of January, 2016.

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

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