



moulton niguel water district

AMENDED

BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT

27500 La Paz Road, Laguna Niguel

April 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 MARCH 4, 2016 SPECIAL BOARD OF DIRECTORS MEETING**

5. **MINUTES OF THE MARCH 17, 2016 REGULAR BOARD OF DIRECTORS MEETING**

6. **MINUTES OF THE MARCH 23, 2016 SPECIAL BOARD OF DIRECTORS MEETING**

7. **FALL PROTECTION SYSTEM - POTABLE WATER & RECYCLED WATER RESERVOIRS**

It is recommended that the Board of Directors award the contract for the Fall Protection System- Potable Water & Recycled Water Reservoirs, Project Nos. 2015.017 and 2015.018 to Spiess Construction Co., Inc. in the amount of \$173,405; 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.

8. AMENDMENT NO. 2 TO THE CONSULTING SERVICES AGREEMENT – ORANGE LABEL

It is recommended that the Board of Directors approve Amendment No. 2 to the Consulting Services Agreement with Orange Label for an amount not-to-exceed \$145,133 for a total contract amount of \$219,508; and authorize the General Manager to execute Amendment No. 2.

9. SERVER EQUIPMENT PURCHASE FOR FISCAL YEAR 2015-16

It is recommended that the Board of Directors approve the purchase of the new server equipment from Resilient Communications for the amount of \$82,100.

10. REBATE APPLICATIONS FOR TURF REMOVAL

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

GENERAL MANAGER MATTERS:

11. LETTER OF COMMITMENT TO WRITE AMICUS BRIEF IN SUPPORT OF YORBA LINDA WATER DISTRICT

ENGINEERING & OPERATIONS MATTERS:

12. WATER SUPPLY ASSESSMENT FOR THE AGORA ARTS DISTRICT DOWNTOWN PROJECT

It is recommended that the Board of Directors approve the WSA dated April 2016, as prepared by Arcadis.

13. PRADERA 850 ZONE LOOP SYSTEM CONTRACT AWARD

It is recommended that the Board of Directors award the construction services contract for the Pradera 850 Zone Loop System Project No. 2014.013 to Ferreira Construction Co., Inc. in the amount of \$655,938; 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.

LEGAL MATTERS:

14. ADOPTION OF A RESOLUTION APPOINTING NEW DIRECTORS TO SOUTH ORANGE COUNTY WASTEWATER AUTHORITY RESOLUTION (16-__)

It is recommended that the Board of Directors approve the resolution entitled, "Appointing New Directors to South Orange County Wastewater Authority".

PRESIDENT'S REPORT:

BOARD REPORTS:

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]

CLOSED SESSION:

15. CONFERENCE INVOLVING A JOINT POWERS AGENCY – SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Discussion will concern: POTENTIAL LITIGATION – IN 1 MATTER

Pursuant to Government Code Section 54956.9 Closed Session will be conducted to confer with legal counsel RE: potential litigation in 1 matter

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.



moulton niguel water district

DRAFT
MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
MOULTON NIGUEL WATER DISTRICT

March 4, 2016

A Special 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 2:00 PM on March 4, 2016. 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

Also present and participating were:

STAFF MEMBERS, LEGAL COUNSEL, AND MEMBERS OF THE PUBLIC

Joone Lopez	General Manager
Matt Collings	Assistant General Manager
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Betty Burnett	South Orange County Wastewater Authority

1. CALL MEETING TO ORDER

The meeting was called to order by Donald Froelich at 2:00 p.m.

2. PUBLIC COMMENTS

None.

CLOSED SESSION

3. CONFERENCE INVOLVING A JOINT POWERS AGENCY – SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Discussion will concern: POTENTIAL LITIGATION – IN 1 MATTER

Pursuant to Government Code Section 54956.9 Closed Session will be conducted to confer with legal counsel RE: potential litigation in 1 matter

The Board entered closes session at 2:01 p.m. and exited closed session at 3:35 p.m. Don Froelich stated that there was no reportable action.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary



moulton niguel water district

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

March 17, 2016

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 March 17, 2016. There were present and participating:

DIRECTORS

Scott Colton	Vice President/Chair
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
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Drew Atwater	MNWD
Johnathan Cruz	MNWD
Tracy Ingebrigtsen	MNWD
Megan Geer	MNWD
Eva Plajzer	MNWD
Talar Alexarian	CORO Fellow
Michael Bell	Michael Bell Consulting, Inc.

#5.

1. CALL MEETING TO ORDER:

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

2. PLEDGE OF ALLEGIANCE:

3. PUBLIC COMMENTS:

Joone Lopez introduced Talar Alexarian. Talar is a CORO fellow who is working with the District on a temporary basis.

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

MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY LARRY LIZOTTE, CONSENT ITEMS 4 THROUGH 9 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

4. MINUTES OF THE JANUARY 19, 2016 SPECIAL BOARD OF DIRECTORS MEETING

5. MINUTES OF THE JANUARY 21, 2016 REGULAR BOARD OF DIRECTORS MEETING

6. MINUTES OF THE FEBRUARY 19, 2016 SPECIAL BOARD OF DIRECTORS MEETING

7. AMI IMPLEMENTATION PILOT PROJECT PHASE 1

It is recommended that the Board of Directors authorize the General Manager to execute an agreement with Aqua Metric Sales Company, for the purchase and installation of the Phase 1 Sensus AMI Hardware and Software Application, in the amount of \$796,077; and authorize the General Manager or designee to approve change orders up to 5% of contract value.

8. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR STRATEGIC REAL ESTATE CONSULTING

It is recommended that the Board of Directors approve Amendment No. 4 to the Professional Services Agreement with StarPointe Ventures valued at \$60,000 for a total not-to-exceed amount of \$195,200; and authorize the General Manager to execute the Amendment.

9. 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:

Joone Lopez reported that the Diemer Line is currently experiencing some minor corrosion issues requiring an immediate repair. Staff has removed the line from services and initiated a task order for the design of the repair. A more detailed presentation on the issue will be brought before the Board at a later date. It was also reported that the California Data Collaborative, in which Moulton Niguel Water District is a participant, will receive recognition at the White House Water Summit for its efforts to enhance water-data collection and accessibility statewide..

ENGINEERING & OPERATIONS MATTERS:

10. FISCAL YEAR 2015-16 CIP BUDGET AMENDMENT (RESOLUTION NO. 16-)

It is recommended that the Board of Directors approve the resolution entitled, "Approving a Capital Improvement Program Budget Amendment for Fiscal Year 2015-16".

Joone Lopez reported that a budget amendment is necessary for Fiscal Year 2015-16 Capital Improvement Budget specifically for the Baker Water Treatment Plant budget.

MOTION DULY MADE BY RICHARD FIORE AND SECONDED BY GARY KURTZ, ITEM #10 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'.

FINANCE & INFORMATION TECHNOLOGY MATTERS:

11. AGREEMENT FOR INDEPENDENT AUDIT SERVICES

It is recommended that the Board of Directors approve a Professional Services Agreement with Vavrinek, Trine, Day & Co., LLP, for the provision of independent audits for a not-to-exceed amount of \$42,650 in fiscal year 2016; not-to-exceed \$42,650 in fiscal year 2017; and not-to-exceed \$43,930 in fiscal year 2018.

It was recommended during the Audit Ad-hoc meeting that staff include a not-to-exceed amount of \$10,000 per year for agreed upon procedures for internal control reviews.

#5.

Revised Action: It is recommended that the Board of Directors approve a Professional Services Agreement with Vavrinek, Trine, Day & Co., LLP, for the provision of independent audits including an additional \$10,000 per year for agreed upon procedures for internal control reviews, for not-to-exceed amounts of \$52,650 in fiscal year 2016; not-to-exceed \$52,650 in fiscal year 2017; and not-to-exceed \$53,930 in fiscal year 2018.

MOTION DULY MADE BY GARY KURTZ AND SECONDED BY SCOTT COLTON, ITEM #11 WAS APPROVED AS AMENDED. 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 that Kathy Cole from Metropolitan Water District will be speaking at the April 1, 2016 Water Advisory Committee of Orange County meeting.

BOARD REPORTS:

Scott Colton reported that the Santiago Aqueduct Commission budget increased \$4.5 million due to purchased water costs for the Baker Water Treatment Plant that is scheduled to come online in October 2016.

Larry Lizotte reported that the monthly meeting for the Homeowners Association's surrounding plant 2A is scheduled for Thursday, March 31, 2016.

CLOSED SESSION:

Before closed session began, Jeff Ferre reported that Vice President Probolsky will be participating in closed session item number 13.

Director Probolsky has recused himself on this matter since the inception at the advice of our legal counsel. This was based on the potential that the matter discussed may pertain to the county since he is a county employee. This has been the conservative approach based on advice from legal counsel for matters that are directly between the District and the county.

Item number 13 for closed session may involve a discussion regarding the county. However, it will not pertain to any matters or areas that involve the County Supervisor for which Director Probolsky serves as Chief of Staff.

In addition, this closed session matter pertains to the South Orange County Wastewater Authority (SOCWA) of which the District is a member. However, SOCWA is a separate entity.

Director Probolsky is aware of the conservative approach and understands that there is some risk involved in electing to participate in the discussion of this item. Although there may be a risk associated with his participation, it is the opinion of this legal counsel that the risk is not significant based on the following:

(a.) The matter for closed session does not involve an issue directly between the District and the county;

(b.) The matter will not impact his financial interest as a county employee; and

(c.) The matter deals with issues for which SOCWA is directly responsible. Taking all of these matters into account, Director Probolsky, with the advice and consent from legal counsel, has elected to participate in this closed session.

12. 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: Maria Garcia

Receipt of claim: Harold and Susanne Rutherford

The Board entered closed session at 6:26 p.m.

The Board exited closed session at 7:56 p.m. and legal counsel made the following report:

In regard to Item 12, Receipt of Claim from Maria Garcia, a motion was made by Director Fiore, and seconded by Director Kurtz, to reject the claim of Maria Garcia as directed by the District’s insurance carrier and to send the applicable notice, but it is anticipated that the District’s insurance carrier will process and may make a payment in regard to the claim.

THE VOTE WAS UNANIMOUS WITH DIRECTORS SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’.

In regard to Item 12, Receipt of Claim for Harold and Susanne Rutherford, a motion was made by Director Kurtz, seconded by Director Colton, to reject the claim of Harold and Susanne Rutherford and to send the applicable notice to the claimants.

THE VOTE WAS UNANIMOUS WITH DIRECTORS SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING ‘AYE’.

13. CONFERENCE INVOLVING A JOINT POWERS AGENCY – SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Discussion will concern: POTENTIAL LITIGATION – IN 1 MATTER

Pursuant to Government Code Section 54956.9 Closed Session will be conducted to confer with legal counsel RE: potential litigation in 1 matter

In regard to Item 13, Conference Involving A Joint Powers Agency – South Orange County Wastewater Authority, the Board authorized the General Manager to facilitate, to the extent determined in the General Manager's full discretion, a possible resolution of the issue regarding the AWMA Bridge. Such facilitation may take place with or without the involvement of SOCWA and/or SOCWA Staff.

LATE ITEMS: (Appropriate Findings to be Made)

Staff has none.

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

None.

ADJOURNMENT:

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary



moulton niguel water district

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

March 23, 2016

A Special 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 6:30 PM on March 23, 2016. 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 at 6:40 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
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary

1. CALL MEETING TO ORDER

The meeting was called to order aby Donald Froelich at 6:30 p.m.

2. PUBLIC COMMENTS

None.

CLOSED SESSION

3. CONFERENCE INVOLVING A JOINT POWERS AGENCY – SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Discussion will concern: POTENTIAL LITIGATION – IN 1 MATTER

Pursuant to Government Code Section 54956.9 Closed Session will be conducted to confer with legal counsel RE: potential litigation in 1 matter

Brian Probolsky arrived at 6:40 p.m.

The Board entered closed session at 6:31p.m. and exited closed session at 7:49 p.m. Jeff Ferre reported that there was no reportable action.

ADJOURNMENT

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary

RESOLUTION NO. 16-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
APPOINTING NEW DIRECTORS TO SOUTH ORANGE COUNTY
WASTEWATER AUTHORITY**

WHEREAS, the Moulton Niguel Water District (“MNWD”) is a member agency of the South Orange County Wastewater Authority (SOCWA);

WHEREAS, pursuant to the SOCWA Joint Powers Agreement, the SOCWA Member Agencies are required to appoint, by resolution, a director to the SOCWA Board of Directors, as well as a first alternate director, and may appoint a second alternate director ; and

WHEREAS, the Board of Directors of MNWD desires to appoint new directors to the SOCWA Board of Directors in accordance with the Joint Powers Agreement for the position of the director, first alternate director, and second alternate director.

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

Section 1. Mrs. Joone Lopez, General Manager of the MNWD, is hereby designated and appointed as the director to the SOCWA Board of Directors, and any actions heretofore taken by Joone Lopez in her capacity representing MNWD in connection with, or representing SOCWA, are hereby ratified.

Section 2. Mr. Matt Collings, Assistant General Manager of the MNWD, is hereby designated and appointed MNWD’s first alternate director to the SOCWA Board of Directors, and Mr. Donald Froelich, President of the MNWD Board of Directors, is hereby appointed MNWD’s second alternate director to the SOCWA Board of Directors representing MNWD. Any actions heretofore taken by the first and second alternate directors in their capacities representing MNWD in connection with, or representing SOCWA, are hereby ratified.

Section 3. Resolution No. 16-05, “Resolution of the Board of Directors of Moulton Niguel Water District Appointing New Alternate Director to South Orange County Wastewater Authority”, dated April 4, 2016 is hereby superseded. This Resolution No. 16 - __ is effective as of the date of adoption.

Section 4. The Secretary of MNWD is hereby directed to file a certified copy of this Resolution with SOCWA.

#14.

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

MOULTON NIGUEL WATER DISTRICT

By: _____
President of the Board of Directors of the
Moulton Niguel Water District

By: _____
Secretary of the Board of Directors of the
Moulton Niguel Water District