



# **moulton niguel water district**

**AMENDED  
BOARD OF DIRECTORS' MEETING  
MOULTON NIGUEL WATER DISTRICT  
27500 La Paz Road, Laguna Niguel  
November 17, 2016  
6:00 PM  
Approximate Meeting Time: 1 Hour**

**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 OCTOBER 10, 2016 SPECIAL BOARD OF DIRECTORS' MEETING**

**5. MINUTES OF THE OCTOBER 20, 2016 REGULAR BOARD OF DIRECTORS' MEETING**

**6. SEWER LINING CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract to Insituform Technologies, LLC in the amount of \$99,800; authorize the General Manager to execute the contract; and authorize the General Manager or designee to approve change orders up to 15% of the contract value.

7. AGREEMENT AMENDMENTS FOR ON-CALL PROFESSIONAL ENGINEERING SERVICES

It is recommended that the Board of Directors approve Amendment No. 1 with Tetra Tech, Inc. for \$200,000 for a total contract value not-to-exceed \$700,000; approve Amendment No. 2 with Lee & Ro, Inc. for \$200,000 for a total contract value not-to-exceed \$950,000; and approve Amendment No. 2 with AKM Consulting Engineers for \$200,000 for a total contract value not-to-exceed \$950,000.

8. ADOPTION OF AMENDED CONFLICT OF INTEREST CODE (RESOLUTION 16-\_\_\_)

It is recommended that the Board of Directors approve the resolution entitled, "Amending the Conflict of Interest Code Pursuant to the Political Reform Act of 1974."

**FINANCE & INFORMATION TECHNOLOGY MATTERS:**

9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE UPDATED BUDGET FOR OPERATIONS CENTER AND CONSOLIDATION IMPROVEMENT PROJECT

**GENERAL MANAGER MATTERS:(Brief general updates on District matters and/or brief general updates from staff - Informational purposes only.)**

- a. Update on review of Easement and Quitclaim Policy

**PRESIDENT'S REPORT:**

**BOARD REPORTS:**

**CLOSED SESSION:**

10. 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: Jiachen Fu (Geico)

Receipt of claim: Sarah Morin

**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).





# moulton niguel water district

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

**October 10, 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 6:00 PM on October 10, 2016. 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 (arrived at 6:17 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
Jake Vollebregt	Director of Regional & Legal Affairs
Paige Gulck	Board Secretary
Alisha Winterswyk	Best, Best & Krieger
Glen Allen	Newport Real Estate Services
Tim Strader Jr.	Starpointe

**1. CALL MEETING TO ORDER**

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

# #4.

## 2. PUBLIC COMMENTS

### PRESENTATION ITEMS

## 3. Operations Center Consolidation and Improvements Project Update

*Joone Lopez and Matt Collings provided an update on the Operations Center Consolidate and Improvements Project.*

*Brian Probolsky arrived at 6:17 p.m.*

### DISCUSSION/ACTION ITEMS

## 4. AMENDMENT NO.1 TO THE CONSULTING SERVICES AGREEMENT - WARE MALCOMB

It is recommended that the Board of Directors approve Amendment No. 1 to the Amended and Restated Consulting Services Agreement with Ware Malcomb for an amount not-to-exceed \$807,000 for a total contract amount of \$947,800; authorize the General Manager to approve change orders up to 10% of the total contract value; and authorize the General Manager to execute Amendment No. 1.

*MOTION DULY MADE BY LARRY LIZOTTE AND SECONDED BY DUANE CAVE, ITEM 4 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

### CLOSED SESSION

## 5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

One potential case

*The Board entered closed session at 6:47 p.m. and exited at 6:59 p.m. Alisha Winterswyk stated that there was no reportable action.*

**ADJOURNMENT**

*The meeting was adjourned at 7:00 p.m.*

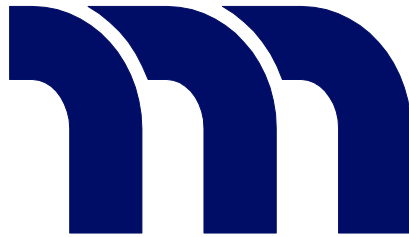
Respectfully submitted,

Paige Gulck  
Board Secretary

DRAFT







# moulton niguel water district

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

**October 20, 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 October 20, 2016. There were present and participating:

**DIRECTORS**

Duane Cave	Director
Scott Colton	Vice President
Richard Fiore	Director
Larry Lizotte	Director
Brian Probolsky	Vice President

Also present and participating were:

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

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	MNWD
Trevor Agrelius	MNWD
Johnathan Cruz	MNWD
Tracy Ingebrigtsen	MNWD
Medha Patel	MNWD
Rod Woods	MNWD
Susan Hinman	Municipal Water District of Orange County

**1. CALL MEETING TO ORDER:**

*The meeting was called to order by Scott Colton at 6:01 p.m.*

## #5.

### 2. PLEDGE OF ALLEGIANCE:

### 3. PUBLIC COMMENTS:

*Susan Hinman, Board Member of Municipal Water District of Orange County (MWDOC), reported that she attended an earthquake drill held at the South County emergency operational center in September and commended Moulton Niguel on the outstanding job that the District continues to do in being a key factor in South Orange County reliability.*

### PRESIDENT'S REPORT:

#### 13. HONORING MRS. SUSAN HINMAN FOR 16 YEARS OF SERVICE TO MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (RESOLUTION 16-\_\_)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mrs. Susan Hinman for 16 Years of Service to Municipal Water District of Orange County."

*This item was taken first on the agenda.*

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

### 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 LARRY LIZOTTE AND SECONDED BY DUANE CAVE, CONSENT ITEMS 4 THROUGH 12 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

#### 4. MINUTES OF THE SEPTEMBER 14, 2016 FINANCE AND INFORMATION TECHNOLOGY BOARD OF DIRECTORS' MEETING

#### 5. MINUTES OF THE SEPTEMBER 15, 2016 REGULAR BOARD OF DIRECTORS' MEETING

#### 6. MINUTES OF THE SEPTEMBER 23, 2016 SPECIAL BOARD OF DIRECTORS' MEETING

**7. FINANCIAL ADVISORY SERVICES AGREEMENT – PUBLIC FINANCIAL MANAGEMENT, INC.**

It is recommended that the Board of Directors authorize the General Manager to execute a three-year Professional Services Agreement with Public Financial Management, Inc., with the option to extend the agreement for two additional one-year terms, for ongoing financial advisory services for a total not to exceed value of \$90,000 plus a 20% contingency.

**8. REVISIONS TO COMMUNICATION FACILITIES LICENSE AGREEMENT TEMPLATE AND PROGRAM POLICY/PROCEDURES**

It is recommended that the Board of Directors approve the following revisions to the Communication Facilities License Program:

- Numerous non-substantial revisions to the Communications Facility License Agreement template.
- Revisions to Section 2, Paragraph 2, Item d, to allow General Manager or designee to negotiate the annual rent increase percentage in addition to the rent amount.

**9. AMENDMENT TO THE COMMUNICATION/OUTREACH CONSULTING SERVICES AGREEMENT – ORANGE LABEL**

It is recommended that the Board of Directors approve Amendment No. 3 to the Consulting Services Agreement with Orange Label for an amount not-to-exceed \$151,048 for a total contract amount of \$370,556; and authorize the General Manager to execute Amendment No. 3.

**10. ALISO CREEK LIFT STATION REHABILITATION CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract to Norman A. Olsson Construction, Inc. in the amount of \$88,000; 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.

**11. PASEO DE VALENCIA 24-INCH PIPELINE RAILROAD CROSSING ABANDONMENT CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract to Paulus Engineering, Inc. in the amount of \$80,400; 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.

**12. BYPASS PUMP PURCHASE**

It is recommended that the Board of Directors approve the purchase of two new bypass pumps and their accessories from Xylem / Godwin for \$137,313.

**GENERAL MANAGER MATTERS:(Brief general updates on District matters and/or brief general updates from staff - Informational purposes only.)**

*No report.*

**BOARD REPORTS:**

*Richard Fiore provided an update on the ISDOC Board elections.*

**CLOSED SESSION:**

**14. 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: Randolph R. Garcia

*The Board entered closed session at 6:17 p.m. and exited at 6:23 p.m. Jeff Ferre made the following report.*

*On a motion made by Director Colton, seconded by Director Lizotte, the Board took action to reject the claim of Randolph R. Garcia and to direct staff to send the applicable notice to the claimant.*

*THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**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 6:24 p.m.*

Respectfully submitted,

Tim Bonita  
Recording Secretary

DRAFT



**RESOLUTION NO. 16- \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE MOULTON NIGUEL WATER DISTRICT  
TO AMEND THE CONFLICT OF INTEREST CODE PURSUANT TO THE  
POLITICAL REFORM ACT OF 1974**

**WHEREAS**, the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the “Act”), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Moulton Niguel Water District (the “District”) and requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the Board of Directors adopted a Conflict of Interest Code (the “Code”) which was amended on September 18, 2014, in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District’s Code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated employee and publicly posted for review; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on November 17, 2016, at which all present were given an opportunity to be heard on the proposed amended Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Moulton Niguel Water District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Board Secretary/Executive Assistant and available to the public for inspection and copying during regular business hours;

**BE IT FURTHER RESOLVED** that the said amended Code shall be submitted to the County of Orange Board of Supervisors for approval and said Code shall become effective immediately upon approval of the proposed amended Code.

**#8.**

**APPROVED AND ADOPTED** this 17th day of November, 2016.

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President  
MOULTON NIGUEL WATER DISTRICT

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Secretary  
MOULTON NIGUEL WATER DISTRICT