



moulton niguel water district

BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT

27500 La Paz Road, Laguna Niguel

February 16, 2017

6:00 PM

Approximate Meeting Time: 3 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 JANUARY 19, 2017 REGULAR BOARD OF DIRECTORS' MEETING

5. PALMS APARTMENTS WATERLINE CONSTRUCTION CONTRACT AWARD

It is recommended that the Board of Directors award the construction services contract to Kennedy Pipeline Construction in the amount of \$328,030; 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. MINI-JETTER PURCHASE

It is recommended that the Board of Directors approve the purchase of a Mongoose Jetter Model 184XL-TK Truck Mounted High Pressure Sewer Cleaner on an F-550 diesel truck chassis from Plumbers Depot for \$128,945.

7. BOND AND DISCLOSURE COUNSEL SERVICES - JONES HALL

It is recommended that the Board of Directors authorize the General Manager to execute a three-year Professional Services Agreement with Jones Hall with the option to extend the agreement for two additional on-year terms, for bond and disclosure services.

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

9. WATER SHORTAGE CONTINGENCY PLAN STAGE 1 IMPLEMENTATION (RESOLUTION 17-)

It is recommended that the Board of Directors approve the resolution entitled, "Implementing Water Shortage Stage 1."

PRESIDENT'S REPORT:

BOARD REPORTS:

CLOSED SESSION:

10. A CLOSED SESSION WILL BE CONDUCTED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54957.6 TO:

CONFERENCE WITH LABOR NEGOTIATORS:

District representatives:

Joone Lopez, General Manager/Chief Negotiator

Employee organization:

Moulton Niguel Water District Employee Association (MNWDEA)

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

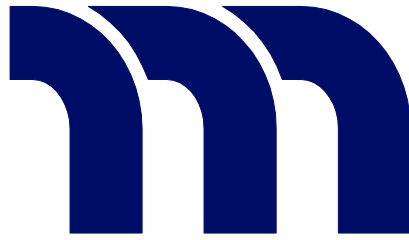
LATE ITEMS: (Appropriate Findings to be Made)

- 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.



moulton niguel water district

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

January 19, 2017

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 January 19, 2017. There were present and participating:

DIRECTORS

Duane Cave	Director
Scott Colton	Vice President
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
Drew Atwater	Director of Planning
Jake Vollebregt	Director of Regional & Legal Affairs
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Johnathan Cruz	MNWD
Tracy Ingebrigtsen	MNWD
Medha Patel	MNWD
Lindsey Stuvick	MNWD
Rod Woods	MNWD

#4.

Roger Faubel
David Sumner
Karen Langer

Faubel Public Affairs
Member of the Public
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. **PUBLIC COMMENTS:**

David Sumner provided public comment.

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 DUANE CAVE AND SECONDED BY GARY KURTZ, CONSENT ITEMS 4 THROUGH 10 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'.

4. **MINUTES OF THE DECEMBER 14, 2016 SPECIAL BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE DECEMBER 15, 2016 REGULAR BOARD OF DIRECTORS' MEETING**

6. **ON-CALL SERVICE AGREEMENT FOR MANHOLE REHABILITATION PROGRAM**

It is recommended that the Board of Directors award the On-Call Services Agreement for Manhole Rehabilitation Services to Ayala Engineering for a total not-to-exceed amount of \$700,000 (\$350,000 per year) during Fiscal Years 2016-17 and 2017-18, with an option to extend the Agreement for an additional one-year term through Fiscal Year 2018-19 at the same annual amount; and authorize the General Manager to execute the agreement.

7. **LOWER BOUNDARY OAK LIFT STATION UPGRADES CONSTRUCTION CONTRACT AWARD**

It is recommended that the Board of Directors award the construction services contract to RC Foster Corporation in the amount of \$292,200; 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. PUMP REFURBISHMENT SERVICE AGREEMENT CONTRACT AMENDMENT

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 Amendment with Evans Hydro, Inc. to increase \$45,000 from \$90,000 for a not-to-exceed amount of \$135,000 for FY 2016-17.

9. TOOL TRUCK PURCHASE

It is recommended that the Board of Directors approve the purchase of a 2017 Ford F-550 with Stellar TMAX Utility Body and Crane for \$147,194.

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 project and direct staff accordingly.

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

11. Legislative Update

Jake Vollebregt provided a legislative update. Key topics presented included potable reuse and wastewater discharge, the California Waterfix/EcoRestore, the Governor's budget proposal, and the legislative process.

12. Statewide Water Supply Update

Drew Atwater provided an update on the state water supply. Key topics covered during the presentation included the California precipitation summary, DWR reservoir levels, and the outlook for the Colorado River.

13. Long Term Efficiency Framework Update

Drew Atwater provided the Long Term Efficiency Framework update.

Joone Lopez also recognized Karen Langer and thanked her for her help in planning the drought tolerant landscape exhibit that is located near the employee entrance to the building.

LEGAL MATTERS:

14. ELECTION OF BOARD OFFICERS

The District By-laws require the election of Board officers every two years. These officers are the President and two Vice Presidents.

It is recommended that the Board of Directors conduct an election for the following officers of the Board and District: President, First Vice President, and Second Vice President with office terms effective at the conclusion of the Board Meeting.

MOTION WAS MADE BY DIRECTOR KURTZ, SECONDED BY DIRECTOR LIZOTTE, TO APPROVE THE FOLLOWING SLATE OF BOARD OFFICERS, EFFECTIVE JANUARY 19, 2017: DIRECTOR FROELICH AS PRESIDENT, DIRECTOR PROBOLSKY AS FIRST VICE PRESIDENT, AND DIRECTOR COLTON AS SECOND VICE PRESIDENT. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

PRESIDENT'S REPORT:

15. HONORING MR. DOUGLAS CHOTKEVYS FOR 15 YEARS OF SERVICE TO THE CITY OF DANA POINT (RESOLUTION 17-)

It is recommended that the Board of Directors approve the resolution entitled, "Honoring Mr. Douglas Chotkevys for 15 Years of Service to the City of Dana Point."

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY BRIAN PROBOLSKY, ITEM 15 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY VOTING 'AYE'.

BOARD REPORTS:

Scott Colton stated that our valve exercising crew tested a valve near his house. The process was smooth and the job was completed quickly.

CLOSED SESSION:

16. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section: 54956.8
Property: Real Estate related to City of San Juan Capistrano's Water and Sewer Systems
Agency Negotiator: Joone Lopez - Moulton Niguel Water District
Negotiating Parties: Moulton Niguel Water District and City of San Juan Capistrano
Under Negotiation: Terms for Proposed Acquisition of Property

17. 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

Receipt of claim: JOSEPH SABINA

The Board entered closed session at 7:40 p.m. and exited at 8:45 p.m. In regard to item 16 Jeff Ferre stated that there was no reportable action.

Jeff Ferre provided the following report on item 17.

In regard to Claimant Fu, a motion was made by Director Colton, seconded by Director Cave, to reject the claim and directed that the appropriate notice be sent to the claimant.

THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

In regard to Claimant Sabina, a motion was made by Director Kurtz, seconded by Director Colton, to accept the claim and to pay the amount of \$1,959 contingent upon the execution by the Claimant of a full waiver and release.

THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, DONALD FROELICH, GARY KURTZ, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

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

Don Froelich requested an update on water loss at a future meeting.

LATE ITEMS: (Appropriate Findings to be Made)

Staff has none.

#4.

ADJOURNMENT:

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary

DRAFT

RESOLUTION NO. 17-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
IMPLEMENTING WATER SHORTAGE STAGE 1**

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, on January 21, 2016, the Board adopted Resolution No. 16-02, which declared that continuing March 1, 2016, Water Shortage Stage 1 and 2 shall remain in effect within the District through June 30, 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, on June 16, 2016, the Board adopted Resolution No. 16-10, which declared that continuing July 1, 2016, Water Shortage Stage 1 and 2 shall remain in effect within the District through October 31, 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, on September 15, 2016, the Board adopted Resolution No. 16-15, which declared that continuing November 1, 2016, Water Shortage Stage 1 and 2 shall remain in effect within the District through February 28, 2017. 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 implement Water Shortage Stages 1. Water Shortage Stage 1 is necessary in order to adopt, implement, and enforce water shortage response measures to reduce the quantity of water used by 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 Stage 1.** Pursuant to Ordinance No. 15-01, the Board hereby declares and finds that March 1, 2017, Water Shortage Stages 1 shall remain in effect within the District through June 30, 2017. Such voluntary and mandatory water shortage response measures, and reductions in water uses during Water Shortage Stage 1 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.

ADOPTED, SIGNED and **APPROVED** this 16th day of February, 2017.

MOULTON NIGUEL WATER DISTRICT

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

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

