



moulton niguel water district

BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT

27500 La Paz Road, Laguna Niguel

July 19, 2018

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 JUNE 4, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE JUNE 21, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

6. **MISSION HOSPITAL 750-ZONE SERVICE CONSTRUCTION CONTRACT AMENDMENT**

It is recommended that the Board of Directors amend the construction contract for GCI Construction, Inc. (GCI) by \$106,411 for a total contract amount of \$1,177,790; and authorize the General Manager or Assistant General Manager to execute the contract change order.

7. **AMENDMENT NO. 1 FOR THE FORBES ROAD PHASE II PROJECT**

It is recommended that the Board of Directors approve Amendment No. 1 to Task Order No. 9 of the On-Call Construction and Inspection Support Services Agreement with Vali Cooper and Associates, Inc. in the amount of \$52,120 for a new total not-to-exceed amount of \$150,320; authorize the General Manager or Assistant General Manager to execute the amendment; and to approve amendments up to 10% of the total task order value.

8. ADOPTION OF UPDATE PLANCHECK AND INSPECTION FEES (RESOLUTION 18-)

It is recommended that the Board of Directors adopt the resolution entitled, "Establishing New Plancheck and Inspection Fees."

9. HIGH EFFICIENCY DEVICES FOR SCHOOLS - MOU WITH SVUSD

It is recommended that the Board of Directors approve the MOU with SVUSD for a total not-to exceed amount of \$140,000 for device installations associated with the High Efficiency Devices for Schools Program; and authorize the General Manager or Assistant General Manager to execute the MOU.

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.

LEGAL MATTERS:

11. PUBLIC HEARING AND ANNUAL ADOPTION OF RESOLUTION FOR COLLECTION OF 2018-19 WASTEWATER SERVICE CHARGES AND RATES FOR LAGUNA SUR/MONARCH POINT REORGANIZATION AREA ON PROPERTY TAX BILL (RESOLUTION 18-)

RECOMMENDED ACTIONS:

1. Conduct a Public Hearing on Fiscal Year 2018-19 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, and after consideration by the Board, it is recommended that the Board adopt a resolution entitled, “Adopting Report of Annual Wastewater Service Charges to be Collected via Property Tax Statements on Tax Roll for the Period Commencing July 1, 2018.”

ENGINEERING AND OPERATIONS MATTERS:

12. PLANT 3A OPERATIONS AGREEMENT AMENDMENT

It is recommended that the Board of Directors approve Revised Amendment No. 1 to the Operating Agreement subject to non-substantive changes approved by the General Manager and Legal Counsel; and authorize the General Manager or Assistant General Manager to execute Revised Amendment No. 1.

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

PRESIDENT'S REPORT:

BOARD REPORTS:

CLOSED SESSION:

13. 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 - Claimant: Southern California Edison

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

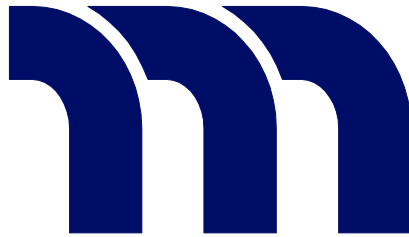
LATE ITEMS: (Appropriate Findings to be Made)

- 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 SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT

June 4, 2018

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 8:30 AM on June 4, 2018. 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
Drew Atwater	Director of Planning
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Trevor Agrelius	MNWD
Medha Patel	MNWD
Matt Brown	MNWD
Jesus Garibay Jr.	MNWD
Jose Solorio	Government Affairs Officer
Rod Woods	Director of Engineering
Roger Faubel	Faubel Public Affairs
Doug Chotkevys	Chotkevys Consulting
Ruben Smith	Alvarado Smith
Kevin Day	Alvarado Smith

#4.

1. CALL MEETING TO ORDER

Donald Froelich called to order at 8:30 a.m.

2. PUBLIC COMMENTS

None.

CLOSED SESSION

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of case: SOCWA, City of Laguna Beach, South Coast Water District and Emerald Bay Service District v. Moulton Niguel Water District

Case number 30-2017-00923143-CU-BC-CJC

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Wastewater Treatment Plant 3A, Treatment Capacity

Agency negotiator: Matt Collings

Negotiating parties: Santa Margarita Water District

Under negotiation: Price and Terms of Payment for Potential Acquisition of the Right to Additional Treatment Capacity

5. 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

The Board of Directors entered closed session at 8:31 a.m. and exited at 10:32 a.m. Jeff Ferre stated that there was no reportable action on Items 3, 4, or 5.

ADJOURNMENT

The meeting was adjourned at 10:32 a.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**

June 21, 2018

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 June 21, 2018. There were present and participating:

DIRECTORS

Duane Cave	Director (via teleconference)
Scott Colton	Vice President
Richard Fiore	Director
Donald Froelich	President
Larry Lizotte	Director
Brian Probolsky	Vice President (arrived at 6:02 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
Rod Woods	Director of Engineering
Gina Hillary	Director of Human Resources
Todd Novacek	Director of Operations
Drew Atwater	Director of Planning
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Matthew Brown	MNWD
Medha Patel	MNWD
Lindsey Stuvick	MNWD
Brett Barbre	Board President, MWDOC

#5.

1. **CALL MEETING TO ORDER:**

The meeting was called to order by Donald Froelich at 6:01 p.m.

2. **PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Larry Lizotte.

3. **PUBLIC COMMENTS:**

Brett Barbre, Board President of the Municipal Water District of Orange County, 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)

4. **MINUTES OF THE MAY 2, 2018 SPECIAL BOARD OF DIRECTORS' MEETING**

5. **MINUTES OF THE MAY 17, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

6. **ADOPTION OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE POTABLE AND RECYCLED PIPELINE REPLACEMENTS AT I-5 AND OSO CREEK (RESOLUTION 18-07)**

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 Potable and Recycled Pipeline Replacements at I-5 and Oso Creek project (MNWD Project Nos. 2017.009 and 2017.014)."

7. **PROFESSIONAL SERVICES AGREEMENT FOR THE CROWN VALLEY AND SOUTHWESTERN TRANSMISSION MAINS STUDY**

It is recommended that the Board of Directors approve the Professional Services Agreement with Hazen and Sawyer in the amount of \$197,560; authorize the General Manager or Assistant General Manager to execute the Agreement; and to approve amendments up to 10% of the contract value.

8. **PROFESSIONAL SERVICES AGREEMENT FOR GEOTECHNICAL STONE PIER FOUNDATIONS**

It is recommended that the Board of Directors approve the Professional Services Agreement for engineering services with Hayward Baker, Inc. in the amount of \$15,000; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the total contract value.

9. PROFESSIONAL SERVICES AGREEMENT FOR FUELING SYSTEM

It is recommended that the Board of Directors approve the Professional Services Agreement for engineering services with Wayne Perry, Inc. in the amount of \$32,700; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the total contract value.

10. PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SYSTEM, STRUCTURED CABLING, AND AUDIO-VISUAL

It is recommended that the Board of Directors approve the Professional Services Agreement for engineering services with Audio Visual Innovations, Inc. in the amount of \$9,120; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the total contract value.

11. AMENDMENT NO. 1 TO THE CONSTRUCTION DEBRIS REMOVAL SERVICE AGREEMENT

It is recommended that the Board of Directors approve Amendment No. 1 to the Construction Debris Removal Service Agreement with Goodwin Enterprises, Inc. for an amount not-to-exceed \$96,000 for a total contract amount of \$384,000; and authorize the General Manager or Assistant General Manager to execute Amendment No. 1.

12. PLANT 3A OPERATING AGREEMENT

It is recommended that the Board of Directors approve Amendment No. 1 to the Operating Agreement subject to non-substantive changes approved by the General Manager and Legal Counsel; and authorize the General Manager or Assistant General Manager to execute Amendment No. 1.

13. INVESTMENT POLICY ANNUAL REVIEW

It is recommended that the Board of Directors approve the existing investment policy.

14. RESERVE POLICY ANNUAL REVIEW

It is recommended that the Board of Directors approve the existing Reserve Policy.

15. DEBT MANAGEMENT POLICY ANNUAL UPDATE

It is recommended that the Board of Directors approve the proposed changes to the Debt Management Policy.

16. CAPITALIZATION & SURPLUS POLICY UPDATE

It is recommended that the Board of Directors approve the Capitalization & Surplus

#5.

policy.

17. PURCHASING POLICY UPDATE

It is recommended that the Board of Directors approve the Purchasing policy.

18. ANNUAL GANN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2018-19 (RESOLUTION 18-08)

It is recommended that the Board of Directors approve the resolution entitled, "Approving Appropriations Limit for Fiscal Year 2018-19 and Finding Compliance with Article XIIB of the Constitution of the State of California."

19. GENERAL OBLIGATION BOND TAX RATES FOR FISCAL YEAR 2018-19 (RESOLUTION 18-09)

It is recommended that the Board of Directors approve the resolution entitled, "Setting Tax Rates for Outstanding General Obligation Bonds of Improvement District No. 7 for Fiscal Year 2018-19."

20. AMENDING THE REPLACEMENT AND REFURBISHMENT FUND (RESOLUTION 18-10)

It is recommended that the Board of Directors approve the resolution entitled, "Amending Terms for the Replacement and Refurbishment Fund."

21. SELECTION OF THE ANNUAL LUMP SUM PREPAYMENT OPTION FOR UNFUNDED ACCRUED LIABILITY TO CALPERS FOR FISCAL YEAR 2018-19

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 Fiscal Year (FY) 2018-19.

22. REBATE APPLICATION FOR TURF REMOVAL

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

Joone Lopez provided information about changes made to items based on the Board's feedback.

MOTION DULY MADE BY LARRY LIZOTTE AND SECONDED BY SCOTT COLTON, CONSENT ITEMS 4 THROUGH 22 WERE APPROVED WITH THE NOTED CHANGES. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD

FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

FINANCE & INFORMATION TECHNOLOGY MATTERS:

23. FISCAL YEAR 2018-19 PROPOSED BUDGET (RESOLUTION 18-11)

It is recommended that the Board of Directors approve the resolution entitled, "Approving a Budget Appropriation and Adopting the Operations and Maintenance Budget and Capital Improvement Program Budget for Fiscal Year 2018-19."

MOTION DULY MADE BY SCOTT COLTON AND SECONDED BY RICHARD FIORE, ITEM 23 WAS APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, SCOTT COLTON, RICHARD FIORE, DONALD FROELICH, LARRY LIZOTTE, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

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

Joone Lopez provided a brief update on District items:

- *the District's Urban Water Management Plan was approved by the State Water Resources Control Board*
- *the District was selected as a finalist for the Amazon Web Services Award*
- *the 3rd Annual CA Data Collaborative Summit is scheduled for August 23rd & 24th at the University of Southern California*
- *the District received recognition by the Government Finance Officers Association (GFOA) for financial excellence in reporting*
- *Trevor Agrelius received an individual recognition from the GFOA for financial excellence in reporting*
- *the District hosted the State Water Resources Control Board STORMS webinar on June 14th*
- *the District's Recycled Water Program will be celebrating its 50th Anniversary this year*

PRESIDENT'S REPORT:

Don Froelich stated that he attended the Symposium for Betty Olson at the University of California, Irvine and the ACWA DAC drinking water initiative task force meeting in Sacramento.

BOARD REPORTS:

Richard Fiore stated that he attended the Mission Hospital groundbreaking ceremony for the 750 Zone and the STORMS Webinar.

Duane Cave stated that he attended the Amazon Public Sector Summit in Washington D.C.

#5.

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

None.

LATE ITEMS: (Appropriate Findings to be Made)

None.

ADJOURNMENT:

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Tim Bonita
Recording Secretary

DRAFT

RESOLUTION NO. 18-___

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
ESTABLISHING REVISED PLAN CHECK AND INSPECTION FEES**

WHEREAS, the Board of Directors of the Moulton Niguel Water District (“District”) is a California Water District organized and operating under the California Water District Law set forth in Water Code Section 34000, *et seq.* For example, and not by way of limitation, the California Water District Law authorizes the District to establish rules and regulations for the provision of water and wastewater service and to fix and collect charges for services and facilities; and

WHEREAS, the District’s Article IV Rules and Regulations governs the provision of water and wastewater services (“Rules and Regulations”). The Rules and Regulations require applicants for service to pay Plan Check and Inspection Fees (collectively, “PCI Fee”) when applicable, as a condition of connection to the District’s system and initiation of service. The amount of the PCI Fee is intended to cover the District-incurred costs of performing: (1) plan check of construction documents; (2) inspection coordination with other public agencies that have jurisdiction over a project; and (3) final project closeout, including the review of record drawings. Such activities, and the costs thereof, arise from applications for new development and/or new connections; and

WHEREAS, the PCI Fee is imposed on applicants that seek approval to (1) construct a connection to the District’s potable water, recycled water, or wastewater system; (2) construct facilities to be dedicated to the District; or (3) construct facilities required by the District’s Standard Specifications or other state and local requirements. The goal of PCI Fee is to cover the cost of such activities in order to avoid having current customers pay for the cost of new development/connections; and

WHEREAS, although the costs of performing plan check and inspection activities have increased over the years, the amount of the PCI Fee has not been revised for a number of years. Therefore, the Board desires to adopt revised fee amount with the goal that the costs of activities which arise from new development/connections are paid by applicants for service; and

WHEREAS, the Board has determined that: (1) the proposed increase in the PCI Fee does not exceed the estimated reasonable cost of the services for which the PCI Fee will be imposed; and (2) the allocation of those costs are fair and reasonable in relationship to the burdens imposed by new development/connections and the benefits received by applicants; and

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

#8.

SECTION 1. Adoption of Revised PCI Fee The Board hereby adopts the revised PCI Fee as set forth below. In addition, SECTION 301 – PLAN CHECK AND INSPECTION FEES FOR POTABLE, RECYCLED AND WASTEWATER FACILITY IMPROVEMENTS is hereby added to EXHIBIT “B” TO THE RULES AND REGULATIONS OF THE MOULTON NIGUEL WATER DISTRICT FOR WATER AND SEWER SERVICE as follows:

SECTION 301 – PLAN CHECK AND INSPECTION FEES FOR POTABLE, RECYCLED, AND WASTEWATER FACILITY IMPROVEMENTS

A. MINOR IMPROVEMENTS

For projects that include a potable water or recycled water service connection 2-inches and smaller, an \$800 flat-rate Plan Check and Inspection Fee (collectively “PCI Fee”) shall apply.

B. PROJECTS SIMILAR TO MINOR IMPROVEMENTS

Under the direction of the General Manager or his/her designee, District permitting staff shall impose one of the following PCI Fees for projects similar to minor improvements:

- (i) Charge the same flat-rate PCI Fee, as set forth in Subsection (A), for other projects or improvements that are similarly minor in regard to the level of staff permitting and inspection effort; or
- (ii) Require establishment of a monetary deposit, as set forth in Subsection (C) for any project with characteristics indicating an increased level of District staff time to administer or inspect said project.

C. SIGNIFICANT PROJECTS/IMPROVEMENTS

For all other projects which do not qualify as improvements under Subsections (A) or (B) above, a monetary deposit shall be collected at the beginning of project submittal to the District permitting staff, based upon 10% of the anticipated construction costs of the project. Anticipated construction costs shall be calculated at the rates specified in the following table:

Type of Main	Total Unit Cost (\$/LF)
Potable	\$400
Recycled	\$300
Wastewater	\$450

A separate deposit account shall be established for each distinct project, and staff time in support of said project shall be tracked and applied to the appropriate account. If the deposit account becomes 90% depleted, District permitting staff shall request additional funds to be deposited. If the deposit account becomes 100% depleted, additional staff services shall cease until additional funds are placed on deposit. Additional funds shall be in multiples of one quarter of the original deposit, as determined by District permitting staff. Upon project closure (completion of all required activities and acceptance of facilities), the deposit account shall be reconciled and any remaining monies returned to the Applicant.

SECTION 2. Definitions: SECTION 2. – DEFINITIONS, Subsection (18) of ARTICLE IV RULES AND REGULATIONS is hereby deleted and replaced, in its entirety, with the following:

18. “Plan Check & Inspection Fees” shall mean fees to be paid to the District by the Applicant at the time the Applicant submits improvement plans for District approval. The amount of the fees shall be determined as set forth in Exhibit “B” to the Rules And Regulations Of The Moulton Niguel Water District For Water And Sewer Service, as the same may be amended or revised from time to time.

SECTION 3. Implementation: The General Manager, or his/her designee, is hereby authorized to take any and all actions necessary to implement the revised PCI Fee including, but not limited to, incorporating said fee into the Rules and Regulations and any other policy, agreement or document, as the same may be created, adopted or revised from time to time.

SECTION 4. Incorporation of Recitals: The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

SECTION 5. CEQA Compliance: Under the California Environmental Quality Act (“CEQA”), the District has evaluated the potential environmental impacts of adopting the revised PCI Fee. The Board finds that the revised fee is intended to cover District staff time to review, approve, inspect, and accept as-yet unknown, future projects for new development/connections and to provide equity between applicants for service and existing customers. Said fee does not commit the District to approve any particular project or improvement. Any projects or improvements will be subject to their own future environmental review under CEQA, as applicable. The Board therefore finds that the action to adopt the revised PCI Fee is not subject to environmental review under CEQA and hereby directs staff to file the applicable Notice of Exemption.

SECTION 6. Severability: If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof,

#8.

irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption. Upon the effective date of this Resolution, the PCI Fee which was in effect prior to the effective date of this Resolution shall be deemed to be superseded, and replaced in its entirety, with the PCI Fee schedule adopted herein.

ADOPTED, SIGNED and APPROVED this 19th day of July, 2018.

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, PAIGE GULCK, Secretary of the Board of Directors of the MOULTON NIGUEL
WATER DISTRICT, do hereby certify that the foregoing is a full, true, and correct copy of
Resolution No. _____ of said Board and that the same has not been amended or repealed.

Dated this ____ day of _____, 2018.

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

RESOLUTION NO. 18-___

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MOULTON NIGUEL WATER DISTRICT
ADOPTING REPORT OF ANNUAL WASTEWATER SERVICE
CHARGES TO BE COLLECTED VIA PROPERTY TAX STATEMENTS
ON TAX ROLL FOR THE PERIOD COMMENCING JULY 1, 2018**

(LAGUNA SUR/MONARCH POINT LAFCO REORGANIZATION RO96-05)

WHEREAS, the Moulton Niguel Water District (MNWD or District) is a California Water District organized and existing under the California Water District Law (California Water Code Section 34000 *et seq.*), and all of the land within the boundaries of said District are located in the County of Orange, State of California;

WHEREAS, pursuant to Orange County Local Agency Formation Commission (LAFCO) Reorganization RO96-05, certain real property commonly known as the Laguna Sur/Monarch Point area (“Property”) was detached from South Coast Water District (SCWD) and annexed to Moulton Niguel Water District (MNWD), subject to the terms and conditions approved by LAFCO for Reorganization RO96-05. Reference is made to the map and legal description depicting the boundaries of the Property under Reorganization RO96-05 attached to LAFCO’s Certificate of Completion recorded on April 30, 1997;

WHEREAS, included within the terms and conditions of Reorganization RO96-05 is the requirement that SCWD continue to provide for wastewater collection, conveyance, treatment and disposal services to the Property, and annually furnish MNWD with SCWD’s authorized wastewater service charges (“Reorganization Wastewater Service Charges”) in sufficient time for MNWD to arrange for the continued collection of such charges on the tax roll;

WHEREAS, after individual notice to property owners of parcels within the Property, a public hearing pursuant to Health and Safety Code Section 5473, *et seq.*, and adoption of Ordinance No. 180 entitled “An Ordinance of the Board of Directors of South Coast Water District Establishing Method for Billing Sewer Service Charges for the Fiscal Year Commencing July 1, 1995,” on July 25, 1995, as thereafter supplemented by SCWD Ordinance Nos. 186 and 188 and subsequent ordinances and resolutions, SCWD approved the Reorganization Wastewater Service Charges to be collected from parcels within the Property via the property tax statements on the tax roll, and the District thereafter provided for the collection of the Reorganization Wastewater Service Charges, as revised from time to time by SCWD, via the property tax statements on the tax roll;

WHEREAS, SCWD most recently revised the Reorganization Wastewater Service Charges for the Property for years 2018-19 in June, 2016 (“2016 SCWD Rate Revisions”);

WHEREAS, MNWD adopted Ordinance No. 16-01 authorizing the 2016 SCWD Rate Revisions for the Property;

#11.

WHEREAS, a report (“Report”) has been filed with the District Secretary containing a description of such parcels and the corresponding Reorganization Wastewater Service Charges to be collected effective July 1, 2018, which Report is attached hereto as Exhibit A and incorporated herein by this reference;

WHEREAS, pursuant to Health and Safety Code Section 5473.1, the filing of the Report and notice of public hearing thereon was duly noticed as required by law by publication once each week for two successive weeks in the *Orange County Register*, a newspaper of general circulation, printed and published in the Property boundaries, such hearing to be held on July 19, 2018, at 6:00 p.m. (or as soon thereafter as practicable) at the Board Meeting Room located at 27500 La Paz Road, Laguna Niguel, California 92677;

WHEREAS, at the time set, the duly noticed public hearing was held and all persons interested were given an opportunity to be heard concerning the Report and to submit any objections or protests to the Report; and

WHEREAS, the Board finds it in MNWD’s best interest to collect the Reorganization Wastewater Service Charges in accordance with the 2016 SCWD Rate Revisions on the tax roll via the property tax statements.

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

Section 1. The Recital clauses and findings set forth above are incorporated herein.

Section 2. The Board hereby determines that protests to the Report were not made by the owners of a majority of separate parcels of the Property described in the Report.

Section 3. The Board hereby adopts the Report attached as Exhibit A to this Resolution containing a description of the parcels comprising the Property for which the Reorganization Wastewater Service Charges shall be collected via property tax statements on the tax roll and containing the amount of the charges for each parcel effective July 1, 2018, computed in conformity with the schedule of rates and charges approved by the Board pursuant to MNWD Ordinance No. 16-01, which ordinance adopted the SCWD 2016 Rate Revisions, as described above in the Recitals.

Section 4. The Secretary is hereby authorized and directed to endorse on the Report a statement that the Report was adopted by this Board of Directors on July 19, 2018, and to take whatever other action is required by the County of Orange Auditor-Controller (or other County officers) in regard thereto.

Section 5. The Secretary is hereby authorized and directed to file a copy of the Report with the County of Orange Auditor-Controller (or such other County officers as may request same).

Section 6. The County of Orange Auditor-Controller (and such other County officers as required) be, and hereby is, ordered and directed to add the Reorganization Wastewater Service Charges to the 2018-2019 secured tax roll in accordance with the Report.

Section 7. The Secretary shall cause a copy of this Resolution and the Report, in either written or electronic form, to be filed with the County of Orange Auditor-Controller (or such County officers as required) on or before August 9, 2018, or such other date as permitted by the County officers.

ADOPTED, SIGNED and APPROVED this 19th day of July 2018.

MOULTON NIGUEL WATER DISTRICT

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

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

#11.

Exhibit A

**Report of Assessor Parcels – Reorganization Wastewater Service Charges Fiscal Year
2018-19**