



# **moulton niguel** water district

## **BOARD OF DIRECTORS' MEETING MOULTON NIGUEL WATER DISTRICT**

**27500 La Paz Road, Laguna Niguel**

**February 21, 2019**

**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 JANUARY 9, 2019 SPECIAL BOARD OF DIRECTORS' MEETING**

**5. MINUTES OF THE JANUARY 17, 2019 BOARD OF DIRECTORS' MEETING**

**6. CONSTRUCTION CONTRACT AWARD FOR HIDDEN HILLS EASEMENT PIPELINE REPLACEMENT**

It is recommended that the Board of Directors award the construction services contract to Paulus Engineering, Inc. in the amount of \$371,555; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

7. PROFESSIONAL SERVICES AGREEMENT FOR JDE SOFTWARE SUPPORT SERVICES

It is recommended that the Board of Directors approve a three-year Professional Services Agreement with EmeraldCube Solutions in the amount of \$548,736 for software hosting, maintenance, and support services; authorize the General Manager or Assistant General Manager to execute the Agreement; and to approve amendments up to 10% of the contract value.

**ENGINEERING & OPERATIONS MATTERS:**

8. CONSTRUCTION MANAGER AT RISK SERVICES FOR THE OPERATIONS CENTER CONSOLIDATION AND IMPROVEMENTS PROJECT

It is recommended that the Board of Directors approve CMAR Services Agreement with Layton Construction; authorize the General Manager or Assistant General Manager to execute the Agreement; and to authorize the Pre-Construction Phase 1 services in the amount of \$60,000.

9. CONSTRUCTION CONTRACT AWARD FOR 2017-18 ELECTRICAL SYSTEM IMPROVEMENTS - POTABLE WATER

It is recommended that the Board of Directors award the construction services contract to Southern Contracting Company in the amount of \$1,036,860; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

10. CONSTRUCTION CONTRACT AWARD FOR REHABILITATION OF THE SADDLEBACK RESERVOIR

It is recommended that the Board of Directors award the construction services contract to Advanced Industrial Coatings, Inc. in the amount of \$745,400; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

11. SEWER SYSTEM MANAGEMENT PLAN UPDATE

**FINANCE & INFORMATION TECHNOLOGY MATTERS:**

12. METROPOLITAN WATER DISTRICT BUDGET UPDATE

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

13. ADOPTING THE FUTURE LEADERS OF WATER (FLOW) INITIATIVE (RESOLUTION 19- )

It is recommended that the Board of Directors approve the resolution entitled, "Adopting the Future Leaders of Water (FLOW) Initiative."

## **LEGAL MATTERS:**

### **14. CONDUCT PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE TO INCREASE PER DIEM COMPENSATION FOR BOARD MEMBERS**

The Board of Directors will conduct the duly noticed public hearing regarding the proposed Ordinance which would increase the amount of per diem compensation for the members of the Board of Directors for attendance at meetings of the Board or for each day's service rendered as a Director. Upon completion of the public hearing, the Board may consider adoption of the Ordinance to increase the amount of per diem compensation. Occurrences constituting District business, official duties or each day's service rendered as a "day of service" are defined and authorized by separate policy of the District and by law.

## **PRESIDENT'S REPORT:**

### **15. ASSIGNMENTS FOR THE BOARD**

Recommended Action: As directed by the Board of Directors

### **16. APPOINTING DIRECTOR TO ASSOCIATION OF CALIFORNIA WATER AGENCIES/JOINT POWERS INSURANCE AUTHORITY (ACWA/JPIA) (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Director to Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA)."

### **17. APPOINTING REPRESENTATIVE AND ALTERNATE REPRESENTATIVES TO CALIFORNIA ASSOCIATION OF SANITATION AGENCIES (CASA) (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Representative and Alternate Representatives to California Association of Sanitation Agencies (CASA)."

### **18. APPOINTING REPRESENTATIVE AND ALTERNATE TO INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE (ISDOC) (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Representative and Alternate to Independent Special District Selection Committee (ISDOC)."

### **19. APPOINTING COMMISSIONER AND ALTERNATE TO THE SANTIAGO AQUEDUCT COMMISSION (SAC) (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Commissioner and Alternate to the Santiago Aqueduct Commission (SAC)."

**20. APPOINTING DIRECTOR AND ALTERNATE DIRECTOR TO SAN JUAN BASIN AUTHORITY (SJBA) (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Director and Alternate Director to San Juan Basin Authority (SJBA)."

**21. APPOINTING REPRESENTATIVE AND ALTERNATE TO SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA (SOCWMA) EXECUTIVE COMMITTEE (RESOLUTION 19- )**

It is recommended that the Board of Directors approve the resolution entitled, "Appointing Representative and Alternate to South Orange County Watershed Management Area (SOCWMA) Executive Committee."

**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:**

**22. 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

**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**

**January 9, 2019**

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 5:00 PM on January 9, 2019. There were present and participating:

**DIRECTORS**

Duane Cave	Vice President
Richard Fiore	Director
Donald Froelich	President
Kelly Jennings	Director
Gary Kurtz	Director
Bill Moorhead	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 Finance & Water Resources
Jose Solorio	Government Affairs Officer
Paige Gulck	Board Secretary
Johnathan Cruz	MNWD
Ruben Smith	Alvarado Smith
Roger Faubel	Faubel Public Affairs

**1. CALL MEETING TO ORDER**

*Donald Froelich called the meeting to order at 5:01 p.m.*

# #4.

## 2. PUBLIC COMMENTS

*None.*

### CLOSED SESSION

*The Board entered closed session at 5:03 p.m. and exited at 5:56 p.m. Ruben Smith stated that there was no reportable action for Items 3 or 4.*

## 3. 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

## 4. 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

### ADJOURNMENT

*The meeting adjourned at 5:57 p.m.*

Respectfully submitted,

Paige Gulck  
Board Secretary





# moulton niguel water district

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

**January 17, 2019**

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 17, 2019. There were present and participating:

**DIRECTORS**

Duane Cave	Vice President
Richard Fiore	Director
Donald Froelich	President
Kelly Jennings	Director
Gary Kurtz	Director
Bill Moorhead	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
Rod Woods	Director of Engineering
Drew Atwater	Director of Finance & Water Resources
Gina Hillary	Director of Human Resources
Todd Novacek	Director of Operations
Jose Solorio	Government Affairs Officer
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Paige Gulck	Board Secretary
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD
Matthew Brown	MNWD
Johnathan Cruz	MNWD

## #5.

Medha Patel	MNWD
Lindsey Stuvick	MNWD
Sherry Wanninger	CAC Member
Roger Faubel	Faubel Public Affairs

1. **CALL MEETING TO ORDER:**

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

2. **PLEDGE OF ALLEGIANCE:**

*The Pledge of Allegiance was led by Kelly Jennings.*

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 DECEMBER 20, 2018 REGULAR BOARD OF DIRECTORS' MEETING**

5. **PROFESSIONAL SERVICES AGREEMENT FOR ALISO CREEK AND SOUTHWING LIFT STATIONS AUXILIARY GENERATOR REPLACEMENTS**

It is recommended that the Board of Directors approve the Professional Services Agreement for engineering services with Lee & Ro, Inc. in the amount of \$159,040; authorize the General Manager or Assistant General Manager to execute the agreement; and to approve amendments up to 10% of the contract value.

*MOTION DULY MADE BY BRIAN PROBOLSKY AND SECONDED BY KELLY JENNINGS, CONSENT ITEMS 4 AND 5 WERE APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**ENGINEERING & OPERATIONS MATTERS:**

6. **CONSTRUCTION CONTRACT AWARD FOR REHABILITATION OF THE BEAR BRAND NO. 2 RESERVOIR**

It is recommended that the Board of Directors award the construction services contract to J. Colon Coatings, Inc. in the amount of \$756,300; authorize the General Manager or Assistant General Manager to execute the contract; and to approve change orders up to 10% of the contract value.

*Matt Collings provided a brief introduction on the item.*

*MOTION DULY MADE BY DUANE CAVE AND SECONDED BY GARY KURTZ, ITEM 6 WAS APPROVED AS PRESENTED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'*

**LEGAL MATTERS:**

**7. 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.

*A MOTION WAS MADE BY BILL MOORHEAD AND SECONDED BY GARY KURTZ, TO NOMINATE THE SLATE OF DIRECTOR BRIAN PROBOLSKY AS PRESIDENT, DIRECTOR DUANE CAVE AS 1<sup>ST</sup> VICE PRESIDENT, AND DIRECTOR DONALD FROELICH AS 2<sup>ND</sup> VICE PRESIDENT. HEARING NO FURTHER NOMINATIONS, THE NOMINATIONS WERE CLOSED.*

*A MOTION WAS THEN MADE BY KELLY JENNINGS AND SECONDED BY GARY KURTZ, TO APPROVE THE SLATE AS NOMINATED. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**8. BOARD PER DIEM**

*Joone Lopez provided information on the item.*

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

*Joone Lopez stated that the District was awarded the President's Special Recognition Award by ACWA JPIA for achieving a low ratio in the Workers' Compensation Program and the Property Program.*

**PRESIDENT'S REPORT:**

*No report.*

**BOARD REPORTS:**

*Kelly Jennings congratulated everyone on the recently acquired S&P rating increase from AA+ to AAA.*

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

*None.*

**LATE ITEMS: (Appropriate Findings to be Made)**

*The General Manager reported that during the week, and after the posting of the District's agenda, the Orange County Water District ("OCWD") Board took action to approve an Interagency Agreement with the District for evaluation of a potential pilot storage and exchange program. Since OCWD took this action and since there is a need to move forward with this project, if the Board wishes, it was recommended that the following item be added to the agenda as a late item since the need to take action arose after the posting of the agenda:*

**APPROVAL OF AN INTERAGENCY AGREEMENT WITH OCWD, AND ACCOMPANYING DOCUMENTS, FOR EVALUATING A POTENTIAL PILOT STORAGE/EXCHANGE PROGRAM**

*A MOTION WAS MADE BY DUANE CAVE AND SECONDED BY BRIAN PROBOLSKY, TO ADD THE ABOVE-MENTIONED ITEM TO THE AGENDA. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

*Discussion ensued regarding the draft interagency agreement.*

*A MOTION WAS MADE BY BRIAN PROBOLSKY AND SECONDED BY BILL MOORHEAD, TO APPROVE AN INTERAGENCY AGREEMENT WITH OCWD, AND ACCOMPANYING DOCUMENTS, FOR EVALUATING A POTENTIAL PILOT STORAGE/EXCHANGE PROGRAM. THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.*

**CLOSED SESSION:**

**3. 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 entered closed session at 6:35 p.m. and exited at 7:01 p.m. Ruben Smith stated that there was no reportable action.*

**ADJOURNMENT:**

*The meeting adjourned at 7:02 p.m.*

Respectfully submitted,

Tim Bonita  
Recording Secretary

DRAFT



**RESOLUTION NO. 19- \_\_**

**RESOLUTION OF BOARD OF DIRECTORS OF THE  
MOULTON NIGUEL WATER DISTRICT  
ADOPTING THE FUTURE LEADERS OF WATER (FLOW) INITIATIVE**

**WHEREAS**, Moulton Niguel Water District, through several outreach and education programs, aims to inspire a new generation of water champions, brand ambassadors, and community leaders;

**WHEREAS**, from our youth and students to emerging professionals and community leaders, generating future leaders from diverse backgrounds enables us to work towards a common goal of developing a stronger water community;

**WHEREAS**, the District proudly participates in many external and community outreach programs to ensure water education and water use efficiency are not just practices, but a way of life;

**WHEREAS**, by leveraging the latest tools and technologies available, the District is on the forefront of developing the next generation of talent who come together from diverse backgrounds to achieve and enhance the District’s mission;

**WHEREAS**, internally, the District prioritizes profession, growth, training, and leadership for its staff to further optimize service for its customers;

**WHEREAS**, the District intends to lead by example and advance how the water industry conducts business and;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of Moulton Niguel Water District formally adopts the Future Leaders of Water (FLOW) Initiative.

**ADOPTED, SIGNED and APPROVED** this 21st day of February, 2019.

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

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





**ORDINANCE NO. 19-1**

**ORDINANCE OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
TO INCREASE THE AMOUNT OF PER DIEM FOR  
MEMBERS OF THE BOARD OF DIRECTORS**

**WHEREAS**, Water Code Section 20200 *et seq.* sets forth the authority and procedure for establishing per diem compensation for the Board of Directors for attendance at meetings of the Board or for each day's services rendered as a Director. Occurrences constituting District business, official duties or each day's service rendered as a Director, as a "day service" are defined and authorized by separate policy of the District and by law; and

**WHEREAS**, the Water Code authorizes an increase in the per diem compensation that may be received by the Board of Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase, and limits the total compensation that may be received to a maximum of ten (10) days per calendar month; and

**WHEREAS**, the Board of Directors last took action on July 21, 2016 to increase the per diem compensation amount from \$215.00 per day to \$220.00 per day; and

**WHEREAS**, the Board of Directors seeks to increase the amount of compensation in accordance with the provisions of the Water Code; and

**WHEREAS**, in accordance with Section 20203 of the Water Code and Section 6066 of the Government Code, a public hearing was held on February 21, 2019, at 6:00 p.m., or soon thereafter as practicable, at the meeting room of the Board of Directors of the District at 27500 La Paz Road, Laguna Niguel, CA 92677, and a notice of said hearing was duly published in the *Orange County Register*, a newspaper of general circulation, once a week for two weeks as follows: on February 1, 2019 and February 8, 2019.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE MOULTON NIGUEL WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The amount of compensation to be received by members of the Board for each day's attendance at meetings of the Board, or for each day's service rendered as a Director, shall be in the amount of Two Hundred and Thirty One Dollars (\$231.00). Said increase does not exceed an amount equal to five percent (5%) for each calendar year since the date of the last adjustment as authorized according to Water Code Section 20200.

**Section 2.** In accordance with Section 20202 of the Water Code, no member of the Board of Directors shall receive the compensation set forth in Section 1 of this Ordinance for more than ten (10) days in any calendar month.

**Section 3** Any actual expenses, including mileage, incurred by members of the Board with respect to services rendered as a Director shall be reimbursed by the District upon presentation of satisfactory evidence thereof and compliance with the applicable rules and regulations of the District.

# #14.

**Section 4.** All ordinances, resolutions, or administrative actions by the Board of Directors, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency, including District Ordinance No. 16-2 which is superseded in its entirety and shall be of no further force or effect.

**Section 5.** Pursuant to Section 20204 of the Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of Moulton Niguel Water District held on February 21, 2019 by the following vote:

Duane Cave:  
Richard Fiore:  
Donald Froelich:  
Kelly Jennings:  
Gary Kurtz:  
William Moorhead:  
Brian Probolsky:

## MOULTON NIGUEL WATER DISTRICT

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President  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

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Secretary  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**The Orange County Register**

2190 S. Towne Centre Place Suite 100  
Anaheim, CA 92806  
714-796-2209

5245411

BEST BEST & KREIGERS ATTORNEYS AT LAW  
ATTN: MONICA CASTANON  
3390 UNIVERSITY AVE., 5TH FLOOR  
RIVERSIDE, CA 92501

**AFFIDAVIT OF PUBLICATION**

STATE OF CALIFORNIA, }  
County of Orange } **SS.**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of The Orange County Register, a newspaper of general circulation, published in the city of Santa Ana, County of Orange, and which newspaper has been adjudged to be a newspaper of general circulation by the Superior Court of the County of Orange, State of California, under the date of November 19, 1905, Case No. A-21046, that the notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

**02/01/2019, 02/08/2019**

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed at Anaheim, Orange County, California, on  
Date: February 08, 2019.



Signature

**PROOF OF PUBLICATION**

**#14.**

Legal No. **0011225680**

**NOTICE OF PUBLIC HEARING  
MOULTON NIGUEL WATER DISTRICT POTENTIAL  
INCREASE IN COMPENSATION MEMBERS OF THE  
BOARD OF DIRECTORS**

NOTICE IS HEREBY GIVEN that on February 21, 2019, the Board of Directors of the Moulton Niguel Water District will hold a public hearing at 6:00 p.m., or as soon thereafter as practicable, at 27500 La Paz Road, Laguna Niguel, CA 92677 as part of the Regular Meeting of the Board. The Board will hold the public hearing in order to receive oral and written testimony regarding the proposed adoption of Ordinance No. 19-1.

Written comments may be filed at any time prior to conclusion of the public hearing. Those desiring to orally comment may do so during the hearing. Written comments should be addressed to the attention of the Board Secretary, at the above-mentioned address.

Upon conclusion of the hearing, the Board will consider adoption of proposed Ordinance No. 19-1 which would increase the amount of compensation for members of the Board of Directors. A copy of proposed Ordinance No. 19-1 is available for review at the above-mentioned address. Copies of the Ordinance are available by calling the District at (949) 831-2500 or at the District's web site: [www.mnwd.com](http://www.mnwd.com).

Publish: Orange County Register February 1, 8, 2019 11225680



**RESOLUTION 19-\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
APPOINTING DIRECTOR TO ASSOCIATION OF CALIFORNIA WATER  
AGENCIES/JOINT POWERS INSURANCE AUTHORITY (ACWA/JPIA)**

**WHEREAS**, on May 15, 1986, the Moulton Niguel Water District (MNWD) became a member of the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA); and

**WHEREAS**, MNWD Directors Gary Kurtz and Scott Colton were previously appointed the MNWD Director and Alternate Director, respectively to ACWA/JPIA; and

**WHEREAS**, the MNWD Board of Directors desires at this time to appoint a new Director and Alternate Director to ACWA/JPIA in accordance with the ACWA/JPIA Joint Powers Agency;

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

**Section 1.** President Brian Probolsky, is hereby appointed as MNWD’s Director to ACWA/JPIA as the date of this Resolution.

**Section 2.** Director Gary Kurtz is hereby appointed as MNWD’s Alternate Director to ACWA/JPIA as of the date of this Resolution.

**Section 3.** The Secretary of MNWD is hereby directed to file a certified copy of this Resolution with ACWA/JPIA.

**Section 4.** Resolution No. 13-02, “Resolution of the Board of Directors of the Moulton Niguel Water District Appointing Alternate Director to ACWA/JPIA (Scott Colton)”, dated February 21, 2013, is hereby rescinded in its entirety.

**ADOPTED, SIGNED** and **APPROVED** this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

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

**#16.**

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

**RESOLUTION NO. 19-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
APPOINTING REPRESENTATIVE AND ALTERNATE REPRESENTATIVES TO  
CALIFORNIA ASSOCIATION OF SANITATION AGENCIES (CASA)**

**WHEREAS**, the Moulton Niguel Water District (“MNWD”) became a member agency of California Association of Sanitation Agencies (“CASA”) in 2018; and

**WHEREAS**, CASA is a nonprofit mutual benefit association and agency representatives would vote on official business such as bylaw changes and annual elections.; and

**WHEREAS**, the MNWD Board of Directors desires at this time to appoint a Representative and Alternate Representatives to CASA in accordance with the CASA bylaws;

**NOW, THEREFORE**, the Board of Directors of MNWD does hereby **RESOLVE, DETERMINE, and ORDER** as follows:

**Section 1.** President Brian Probolsky, is hereby appointed Representative to CASA as the date of this Resolution.

**Section 2.** Director Bill Moorhead, is hereby appointed Alternate Representative to CASA as the date of this Resolution.

**Section 3.** Superintendent of Wastewater Operations Jesus Garibay, is hereby appointed Alternate Representative to CASA as the date of this Resolution.

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

**ADOPTED, SIGNED and APPROVED** this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President/Vice President of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**#17.**

By: \_\_\_\_\_  
Secretary/Assistant Secretary of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof



**RESOLUTION NO. 19- \_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE MOULTON NIGUEL WATER DISTRICT  
APPOINTING REPRESENTATIVE AND ALTERNATE TO  
INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE (ISDOC)**

**WHEREAS**, independent special districts are represented on the Local Agency Formation Commission (LAFCO); and

**WHEREAS**, certain matters are required to be acted upon by the Independent Special District Selection Committee in meetings convened by the executive officer of LAFCO as required by law, including approval or disapproval of the selection of the special district representatives and alternates; and

**WHEREAS**, the Independent Special District Selection Committee consists of a presiding officer of each independent special district, and the legislative body of the district may appoint another of its members to attend meetings in the president’s absence; and legislative body, officers or employees to be appointed by the legislative body of each district in the number specified by LAFCO; and

**WHEREAS**, the MNWD Board of Directors desires at this time to appoint a new Director and Alternate Director to the Independent Special District Selection Committee;

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

**Section 1.** Director Richard Fiore, is hereby appointed to act as MNWD’s representative to the Independent Special District Selection Committee.

**Section 2.** Vice President Donald Froelich, is hereby appointed to act as MNWD’s alternate representative to the Independent Special District Selection Committee.

**Section 3.** Either Director Richard Fiore or Vice President Donald Froelich are hereby authorized to cast such votes and take such actions as they deem appropriate on matters coming before the committees.

**Section 4.** Resolution No. 14-15, “Resolution of the Board of Directors of the Moulton Niguel Water District Appointing Representatives to Independent Special Districts Selection Committee and Special Advisory Committee”, dated October 10, 2014, is hereby rescinded in its entirety.

**#18.**

**ADOPTED, SIGNED and APPROVED** this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

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

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

RESOLUTION NO. 19-\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
APPOINTING COMMISSIONER AND ALTERNATE  
TO THE SANTIAGO AQUEDUCT COMMISSION (SAC)

WHEREAS, the Moulton Niguel Water District (MNWD) is a member agency of the Santiago Aqueduct Commission (SAC), a joint powers agency, and MNWD is required pursuant to the Joint Powers Agreement establishing SAC to appoint both a Commissioner and Alternate Commissioner to represent MNWD on the Board of Commissioners of SAC; and

WHEREAS, MNWD Director Scott Colton and Assistant General Manager Matthew Collings, were previously appointed the MNWD Commissioner and Alternate Commissioner to SAC.; and

WHEREAS, the MNWD Board of Directors desires at this time to appoint a new Commissioner and Alternate Commissioner to the Santiago Aqueduct Commission (SAC);

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

**Section 1.** Director Kelly Jennings is hereby appointed as Commissioner to the Santiago Aqueduct Commission as the date of this Resolution.

**Section 2.** Assistant General Manager Matthew Collings is hereby appointed as Alternate Commissioner to SAC, as of the date of this Resolution.

**Section 3.** The Secretary of MNWD is hereby directed to file a certified copy of this Resolution with SAC.

**Section 4.** Resolution No. 12-19, “Resolution of the Board of Directors of the Moulton Niguel Water District Appointing Alternate Commissioner to SAC – Matt Collings as Alternate”, dated August 16, 2012, is hereby rescinded in its entirety.

ADOPTED, SIGNED and APPROVED this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President/Vice President of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**#19.**

By: \_\_\_\_\_  
Secretary/Assistant Secretary of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**RESOLUTION NO. 19-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
APPOINTING DIRECTOR AND ALTERNATE DIRECTOR TO  
SAN JUAN BASIN AUTHORITY (SJBA)**

**WHEREAS**, the Moulton Niguel Water District (“MNWD”) became a member agency of the San Juan Basin Authority (“SJBA”) in 1987; and

**WHEREAS**, MNWD Director Scott Colton and Assistant General Manager Matthew Collings, were previously appointed the MNWD Director and Alternate Director to SJBA.; and

**WHEREAS**, the MNWD Board of Directors desires at this time to appoint a new Director and Alternate Director to the SJBA in accordance with the SJBA Joint Powers Agreement.

**NOW, THEREFORE**, the Board of Directors of MNWD does hereby **RESOLVE, DETERMINE, and ORDER** as follows:

**Section 1.** Vice President Duane Cave, is hereby appointed Director to the SJBA as the date of this Resolution.

**Section 2.** Matt Collings, Assistant General Manager of MNWD, is hereby appointed Alternate Director to the SJBA as the date of this Resolution.

**Section 3.** The Secretary of MNWD is hereby directed to file a certified copy of this Resolution with the SJBA.

**Section 4.** Resolution No. 14-16, “Appointing Director and Alternate Director to San Juan Basin Authority” dated October 10, 2014 is hereby rescinded in its entirety.

**ADOPTED, SIGNED and APPROVED** this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President/Vice President of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**#20.**

By: \_\_\_\_\_  
Secretary/Assistant Secretary of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**RESOLUTION NO. 19-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
MOULTON NIGUEL WATER DISTRICT  
APPOINTING REPRESENTATIVE AND ALTERNATE TO SOUTH ORANGE COUNTY  
WATERSHED MANAGEMENT AREA (SOCWMA) EXECUTIVE COMMITTEE**

**WHEREAS**, the Moulton Niguel Water District (“MNWD”) is a signatory to the “Cooperative Agreement for the South Orange County Watershed Management Area” dated December 14, 2010, and a voting member of the SOCWMA Executive Committee; and

**WHEREAS**, President Brian Probolsky and Assistant General Manager Matthew Collings, were previously appointed the MNWD representative and alternate to the SOCWMA Executive Committee; and

**WHEREAS**, the MNWD Board of Directors desires at this time to appoint a new Representative and Alternate Representative to the SOCWMA Executive Committee in accordance with the Cooperative Agreement.

**NOW, THEREFORE**, the Board of Directors of MNWD does hereby **RESOLVE**, **DETERMINE**, and **ORDER** as follows:

**Section 1.** Director Bill Moorhead is hereby appointed as Representative to the SOCWMA Executive Committee as the date of this Resolution.

**Section 2.** Assistant General Manager Matthew Collings is hereby appointed as Alternate Representative to the SOCWMA Executive Committee as the date of this Resolution.

**Section 3.** The Secretary of MNWD is hereby directed to file a certified copy of this Resolution with SAC.

**Section 4.** Resolution No. 14-17, “Resolution of the Board of Directors of the Moulton Niguel Water District Appointing Representatives to South Orange County Watershed Management Area (SOCWMA) Executive Committee”, dated October 10, 2014, is hereby rescinded in its entirety.

**ADOPTED, SIGNED and APPROVED** this 21st day of February, 2019.

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President/Vice President of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof

**#21.**

By: \_\_\_\_\_  
Secretary/Assistant Secretary of the  
MOULTON NIGUEL WATER DISTRICT  
and the Board of Directors thereof