



moulton niguel water district

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

October 8, 2020

A Regular Meeting of the Board of Directors of the Moulton Niguel Water District was held in accordance with the Governor's Executive Order N-29-20 in an effort to prevent the spread of COVID-19 (Coronavirus). As a result, there was no public location for the public to attend in person. The Closed Session was called to order at 5:00 PM and the Open Session was called to order at 6:00 PM on October 8, 2020. There were present and participating at 26880 Aliso Viejo Pkwy, Suite 150, Aliso Viejo, CA:

DIRECTORS

Duane Cave	Vice President
Richard Fiore	Director
Donald Froelich	Vice President
Kelly Jennings	Director
Gary Kurtz	Director (via teleconference)
Bill Moorhead	Director
Brian Probolsky	President

Also present and participating were:

STAFF MEMBERS IN-PERSON

Matt Collings	Assistant General Manager
Paige Gulck	Board Secretary

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

Rod Woods	Director of Engineering
Drew Atwater	Director of Finance & Water Resources
Gina Hillary	Director of Human Resources
Todd Novacek	Director of Operations
Jeff Ferre	Best, Best, & Krieger (General Counsel)
Tim Bonita	Recording Secretary
Trevor Agrelius	MNWD

Matt Brown	MNWD
Johnathan Cruz	MNWD
Todd Dmytryshyn	MNWD
Medha Patel	MNWD

1. **CALL MEETING TO ORDER:**

The meeting was called to order by President Probolsky at 6:00 p.m. President Probolsky stated that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Orders in response to the COVID-19 State of Emergency. As stated on the agenda, there was no public location for attending the meeting in person. The agenda also stated that the public could listen and provide comment telephonically by calling the number listed on the agenda.

CLOSED SESSION:

2. **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 claims - Claimants: Mark Hadipour, Joshua Ward, Douglas Shaffer, Valerie Mantecon, Benjamin and Kendra Stevens, Tammy Miller

OPEN SESSION - 6:00PM

3. **REPORT OUT OF CLOSED SESSION:**

The Board met in closed session under Government Code Section 54956.9 regarding the receipt of claims from the claimants listed on the agenda.

MOTION DULY MADE BY GARY KURTZ AND SECONDED BY RICHARD FIORE, TO REJECT THE CLAIMS AND TO DIRECT THAT THE APPROPRIATE NOTICES BE SENT TO THE CLAIMANTS AND THAT THIS MATTER BE TURNED OVER TO THE DISTRICT'S INSURANCE CARRIER. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

4. **PLEDGE OF ALLEGIANCE:**

Director Fiore led the Pledge of Allegiance.

5. **PUBLIC COMMENTS:**

President Probolsky stated that as permitted under the Brown Act, and in order to provide an equal opportunity for members of the public to provide comment without everyone talking over one another, public comments, on items on or off the agenda, would be taken during the Public Comment portion of the meeting. President Probolsky then asked if there was anyone on the phone who would like to provide comment. Hearing none, the Public Comment portion of the meeting was closed.

CONSENT CALENDAR ITEMS:(Items on the Consent Calendar have been discussed at the regularly scheduled Administrative and Technical Committee meetings)

6. MINUTES OF THE SEPTEMBER 10, 2020 BOARD OF DIRECTORS MEETING

8. MINUTES OF THE SEPTEMBER 29, 2020 SPECIAL BOARD OF DIRECTORS MEETING

9. ON-CALL CONSTRUCTION SUPPORT SERVICES AGREEMENT AND AMENDMENT

It is recommended that the Board of Directors approve a two-year Construction Support Services Agreement with Pacific Hydrotech, Inc. for a not-to-exceed amount of \$500,000; approve Amendment No. 1 to the Construction Support Services Agreement with Kingmen Construction, Inc. in the amount of \$250,000 for a total not-to-exceed amount of \$1,000,000; and authorize the General Manager or Assistant General Manager to execute the agreement and amendment.

10. CONSTRUCTION CONTRACT TIME EXTENSION FOR ELECTRICAL SYSTEM IMPROVEMENTS

It is recommended that the Board of Directors approve a construction contract time extension through December 31, 2020 to Southern Contracting Company; and authorize the Director of Engineering to execute the extension.

MOTION DULY MADE BY DUANE CAVE AND SECONDED BY DONALD FROELICH, CONSENT ITEMS 6, 8, 9 AND 10 WERE APPROVED AS PRESENTED. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

7. MINUTES OF THE SEPTEMBER 24, 2020 SPECIAL BOARD OF DIRECTORS MEETING

This item was pulled from consent by Director Fiore. Director Fiore mentioned that he believed he had attended this meeting virtually and as a result, his name should be added to the Minutes as one of the attendees.

MOTION DULY MADE BY DONALD FROELICH AND SECONDED BY RICHARD FIORE, ITEM 7 WAS APPROVED WITH THE REVISION TO INLCUDE DIRECTOR FIORE AS ONE OF THE ATTENDEES. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

Later in the meeting, Director Fiore stated that upon further review of his schedule, he now recollected that he did not attend that special meeting virtually.

MOTION DULY MADE BY RICHARD FIORE AND SECONDED BY DUANE CAVE, TO RECONSIDER AND ADOPT ITEM 7 AS SET FORTH IN THE AGENDA PACKET WITH NO REVISIONS. A ROLL CALL VOTE WAS TAKEN AND THE VOTE WAS UNANIMOUS WITH DIRECTORS DUANE CAVE, RICHARD FIORE, DONALD FROELICH, KELLY JENNINGS, GARY KURTZ, BILL MOORHEAD, AND BRIAN PROBOLSKY ALL VOTING 'AYE'.

INFORMATION ITEMS:

11. MONTHLY FINANCIAL REPORT

Trevor Agrelius presented the monthly financial report.

12. PIPELINE REPLACEMENTS AT I-5 AND OSO CREEK PROJECT UPDATE

Todd Dmytryshyn presented the Pipeline Replacements at I-5 and Oso Creek Project Update.

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

Matt Collings provided the General Manager report. The report included an update on the District's COVID response and an update on the Plant 2A upgrades project.

PRESIDENT'S REPORT:

President Probolsky commended staff for the great job everyone did on the community forum. He also passed along a message from Director Mark Monin of El Toro Water District congratulating staff on the success of the community forum.

BOARD REPORTS:

Director Moorhead stated that he attended Water Environment Federation presentation on direct backups for pump stations.

Vice President Froelich stated that he attended the WACO meeting where they had a

topic on managing salinity.

Vice President Cave stated that he attended the quarterly meeting with the Districts board officers and Santa Margarita Water Districts board officers to talk about how the districts can work together and cooperate on upcoming events. Vice President Cave also stated that the community forum was a lot of fun and was a great event.

Director Jennings also stated that staff did an exceptional job on the community forum.

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 7:07 p.m.

Respectfully submitted,



Tim Bonita
Recording Secretary