MINUTES

ADJOURNED REGULAR MEETING OF THE

BOARD OF DIRECTORS

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

APRIL 11, 2000

43940 The Board of Directors of The Metropolitan Water District of Southern California met in Adjourned Regular Meeting in the Board Room located in the building at 700 North Alameda Street in the City of Los Angeles, State of California, on Tuesday, April 11, 2000.

The Meeting was called to order by Chairman Pace at 11:50 a.m.

- 43941 The Meeting was opened with an invocation by Director Wyatt L. Troxel.
- 43942 The Pledge of Allegiance to the Flag was given, led by Board Secretary Thom Coughran.
- 43943 Secretary Coughran called the roll. Those answering present were: Directors Abdo, Bannister, Barbosa, Barker, Battey, Blake, Brick, Castro, Coughran, Edwards, Foley, Forbes, Grandsen, Harris, Hansen, Herman, Koopman, Kosmont, Krauel, Krieger, Little, McMurray, Morris, Morse, Murph, Mylne, Owen, Pace, Parker, Peterson, Rascon, Record, Rez, Royce, Stanton, Swan, Tinker, Troxel, Turner, Wein, Witt, and Wright.

Those not answering were: Directors Borenstein, Fellow, Freeman, Lewis, Luddy (entered 1:08 p.m.), Moret, Murray (entered 12:55 p.m.), Treviño (entered 12:20 p.m.), and Watton (entered 11:58 a.m.).

The Chair declared a quorum present.

At 11:53 a.m., Chairman Pace called the Meeting into a Public Hearing to receive comments on the proposed Water Standby Charge for 2000-2001. Chairman Pace invited interested parties to comment on the proposed Water Standby Charge.

Dan Hentschke, speaking as General Counsel for the San Diego County Water Authority and as a property owner within Metropolitan's service area, protested the proposed standby charge to the extent that it is used to pay for facilities that provide no benefit to property in the Water Authority's service territory which he indicated is demonstrated in a report prepared by Bartle Wells Associates, Inc., which report was given to the Board at its last meeting. Mr. Hentschke stated in that report it was shown that the readiness-to-serve charge and the standby charge lack appropriate foundation to be levied upon the Water Authority and property within its service area because revenues from those charges are used to pay capital costs or facilities that provide no benefit or service to the Water Authority or property in San Diego County. He requested that the Bartle Wells report be made a part of the record. Mr. Hentschke also commented on the readiness-to-serve charge and referred to a letter from Chair Parker of the Authority requesting a rescission and reconsideration of the readiness-to-serve charge. On behalf of the Authority, Mr. Hentschke requested that Chair Parker's request for reconsideration of the readiness-to serve charge be placed on the agenda for the Board Meeting in May.

Chairman Pace noted that a letter was received from Kevin D. Jeffries of Lake Elsinore protesting the standby charge.

Director Watton took his seat at 11:58 a.m.

The Chairman declared the Public hearing closed at 11:59 a.m., stating that the Board's final action on the proposed charge is expected to take place at its adjourned monthly meeting on May 17, 2000.

There being no objection, the Chair ordered the reading of the Minutes of the Meeting held March 14, 2000, dispensed with, a copy having been mailed to each Director.

Director Blake moved, seconded by Director Stanton and carried, approving the foregoing Minutes as mailed.

Chairman Pace inquired if there were any additions to the agenda. There being none, the Chair declared only those matters listed on the agenda would be considered.

Chairman Pace invited members of the public to address the Board on matters within the Board's jurisdiction.

Both Heather Hoecherl and Madeline Glickfeld from Heal the Bay, a nonprofit organization dedicated to making Santa Monica Bay and the Southern California coastal waters clean, commented on Agenda Item 8-4, the legislative policy principles on watershed management. They expressed support for Metropolitan's role in formulating these principles and working with the environmental groups to protect the water quality through watershed management.

Executive Assistant to the General Manager for External Affairs Ortega introduced members from the United States Postal Service, City of Hemet: Theresa Granger, Gary McGinnis, and Danielle Cote. On behalf of the postal service, Mr. McGinnis presented plaques to Chairman Pace, General Manager Gastelum, and the entire Board for their foresight in constructing Diamond Valley Lake. with a Diamond Valley Lake commemorative stamp were distributed to the Board.

A video of the Diamond Valley Lake and the dedication ceremony was shown.

Chairman Pace noted that a letter was received from Kevin D. Jeffries of Lake Elsinore protesting Agenda Item 8-7, Metropolitan's support for AB 1982 (Gallegos): Local Agency Assessments.

43948 Chairman Pace presented a Certificate of Appreciation to Carl Boronkay, Metropolitan's former General Manager and General Counsel, for his outstanding service to the District and his role in making the Diamond Valley Lake a reality.

Director Treviño took his seat at 12:20 p.m.

Chairman Pace presented to General Counsel Taylor a pin emblematic of his completion of ten years of service with Metropolitan.

43950 Chairman Pace presented to Director Bonny L. Herman a pin emblematic of her completion of five years of service as a representative of the City of Los Angeles on April 11, 2000.

43951 Chairman Pace presented to Director Regina Murph a pin emblematic of her completion of twenty years of service as a representative of the City of Compton on March 11, 2000.

43952 Chairman Pace reported that the Association of California Water Agencies has voted to oppose Senator Kelley's bill on Metropolitan's governance structure.

Chairman Pace reported on events in which he participated on behalf of Metropolitan, as follows: On March 17 through 19 the dedication ceremonies for Diamond Valley Lake were held, which were a tremendous success with virtually every major Los Angeles television station covering the event. The three-day festivities included a reception at the Wadsworth Pumping Plant on Friday evening honoring local area officials, the dedication ceremony on Saturday, and a Sunday open house for employees and the public. At a luncheon last week, the Chair addressed the City and County Engineers who were interested in the reorganization of Metropolitan and its impact on the engineering division. Also discussed was the importance of maintaining the region's vast water infrastructure and the future development of local resources as part of a long-term strategy for ensuring supply reliability and water quality. On April 6 Metropolitan hosted a reception honoring the State Legislature's Southern California Water Caucus. Assembly members Tom Calderon and Bob Margett addressed the group and pledged their continuing support for Southern California water issues.

In response to a request regarding the estimated added costs for the Board of Directors under SB 1594 (Kelley), the proposed governance structure, Chairman Pace stated the total costs would approximate \$7.6 million versus the current amount allocated of \$600,000, which would be further reduced to approximately \$425,000 when the Board membership is reduced to 37. An additional \$3 million to \$6 million would be added to the \$7.6 million to cover the cost of election in the counties.

Directors Blake and Witt withdrew from the Meeting at 12:38 p.m.

43953 Strategic Plan Steering Committee Chairman Kosmont reported on the workshop held immediately prior to the Board Meeting, wherein the Composite Rate Structure Framework was approved. In addition, the Board reaffirmed the Strategic Plan Policy Principles which provides the foundation for the Composite Rate Structure Framework. Director Kosmont announced that the Strategic Plan Steering Committee, which he chaired, will sunset at the end of May, having completed its charge of guiding the Strategic Plan process, and that the Executive Committee will assume responsibility to consider and report to the Board on the Strategic Plan.

Directors Foley and Wein withdrew from the Meeting at 12:43 p.m.

Director Kosmont then moved, seconded by Board Secretary Coughran and carried, and the Board approved the Composite Rate Structure Framework for public review as discussed by the Strategic Plan Steering Committee, and directed staff, in cooperation with the agency managers, to do the following:

- 1. Conduct a sixty-day public comment period on the Composite Rate Structure Framework and report periodically to the Board the public comments received and make a monthly report of the public input to the Executive Committee;
- 2. Develop the detailed design of a proposed rate structure to be implemented by fiscal year 2002, based upon the Composite Rate Structure Framework and the input received from the public for the Board's consideration no later than at its September 2000 meeting; and
- 3. Develop a form of a take or pay contract between Metropolitan and its member agencies to implement the proposed rate structure for the Board's consideration no later than at its September 2000 meeting.

Directors Krauel, Parker, Tinker, Turner, and Watton requested to be recorded as voting no.

Director Foley returned to the Meeting at 12:50 p.m.

Director Wein returned to the Meeting at 12:52 p.m.

43954 Chairman Pace stated the next major project involves the development of a museum dedicated to Metropolitan's great

water history over the last 71 years. To that end, the Chair created a Museum Feasibility Committee who will be responsible for the development of a Metropolitan water museum in connection with the Diamond Valley Lake program.

Board Secretary Coughran moved, seconded by Director Krieger and carried, approving the committee appointments as recommended by the Chair and approved by the Executive Committee, as follows: Directors Pace (Chairman), Foley, Record, Brick, Krieger, Little, Morris, Mylne, Hansen, Stanton, Wright, Edwards, Wein, and McMurray.

43955 Communications and Legislation Committee Chairman Peterson moved, seconded by Director Abdo and carried, adopting Resolutions to thank the Diamond Valley Lake community groups, as follows:

Resolution	8673	Riverside County Board of Supervisors
Resolution	8674	Hemet City Council
Resolution	8675	San Jacinto City Council
Resolution	8676	Hemet Unified School District
Resolution	8677	San Jacinto Unified School District
Resolution	8678	Mt. San Jacinto College
Resolution	8679	Valley Economic Development Corporation
Resolution	8680	Hemet-San Jacinto Action Group
Resolution	8681	Retired Senior Volunteer Program
Resolution	8682	Hemet/San Jacinto Valley Chamber of
		Commerce
Resolution	8683	Hemet Post Office
Resolution	8684	Mayor VanArsdale, City of Hemet
Resolution	8685	Southern California Edison Company
Resolution	8686	Kristen Duffin, Student Essay Contest
		Winner

Director Murray took his seat at 12:55 p.m.

Regarding the Colorado River matters, General Manager Gastelum referred to his activity report for March dated April 10, 2000, which is at each Director's place, giving an update on the Colorado river quantification settlement.

Deputy General Manager Quinn gave an update on the status of the CALFED program. He reported that both the State and Federal negotiators have a list of agreements--investing in storage in California, increase in surface storage in Shasta

Reservoir, Lake Millerton, possible expansion of Los Vaqueros, and possibly within Delta surface storage and a new Sites Reservoir in the west Sacramento Valley. There is strong agreement on the need for groundwater storage capacity in the Sacramento Valley, the San Joaquin Valley, and in Southern California. There is also agreement on water quality programs for both the Bay area and Southern California, which means political and likely financial support for water quality exchange There appears to be an agreement on the concept of agreements. an environmental water account whereby all environmental water is to be managed under a single well-defined budget so that water supply interests can be stored for reliability purposes. is disagreement among both parties regarding the size of an environmental water account. The Federal position is that it wants an account that would meet all the recent interpretations of Federal law plus another 400,000 acre-feet of purchased water, which is an amount that would break the bank and not leave enough benefits for agriculture and urban water users. The State position on that issue is that the "Feds" should moderate the regulatory requirements and instead develop new capacity and share it equally amongst fishery requirements and the water user requirements. On this issue the difference between the two parties is very substantial and is probably the single greatest risk factor in putting a deal together. A secondary disagreement is the Delta infrastructure, whether there will be a screen diversion that connects the Sacramento River to the Mokelumne River for water quality and fishery protection purposes. fish regulators are opposed, and it has been labeled the first leg of the Peripheral Canal. The State argued that it is not and indeed it is a necessary investment to get modest water quality benefits out of a through Delta system. The two sides held a meeting yesterday which did not go well with little progress in closing the gap on the two biggest outstanding issues. meeting is scheduled for April 26. Metropolitan's staff will continue working with both the Federal and State negotiators to educate them regarding Metropolitan's needs.

Directors Herman and Watton withdrew from the Meeting at 1:05 p.m.

General Manager Gastelum referred to his written 43958 activity report dated April 10, 2000, which was distributed earlier. He then introduced the employees who contributed to the success of the Diamond Valley Lake dedication.

43959 General Counsel Taylor referred to his written activity report dated March 31, 2000, which was distributed earlier.

Minutes

43960 General Manager Gastelum reported that he has selected Brian Thomas, Metropolitan's former Assistant Chief of Planning and Resources, as the new Chief Financial Officer.

Director Stanton moved, seconded by Director Edwards, confirming the appointment of Brian Thomas as the new Chief Financial Officer. General Counsel Taylor reported that included in this appointment is the General Manager's authority to enter into a contract with the provision of a six-month severance. This provision was incorporated into the motion and carried.

43961 The reports of the Standing Committees are as follows:

On behalf of the Executive Committee, Chairman Pace had no further report.

Budget and Finance Committee Chairman Bannister reported the committee reviewed and approved Agenda Item 9-6, and requested that it be moved to the Consent Calendar.

Director Luddy took his seat at 1:08 p.m.

Engineering and Operations Committee Chairman Luddy requested that Agenda Item 9-4 be added to the Consent Calendar.

Legal and Claims Committee Chairman Morse reported that in closed session the committee approved Agenda Items 9-2 through 9-4, and requested that Items 9-2 and 9-3 be added to the Consent Calendar.

Chairman Pace stated that Agenda Item 9-5 will also be added to the Consent Calendar.

Communications and Legislation Committee Chairman Peterson reported on the actions taken by the committee. The committee received a report from the General Manager on three Senate bills directly affecting Metropolitan: SB 1594 by Senator Kelley regarding election of Metropolitan's Board; SB 1973 by Senator Perata which would put Metropolitan's wheeling rates under the Public Utilities Commission; and SB 2139 by Senators Johnson and Kelley concerning wheeling. The committee voted to oppose all three bills consistent with Metropolitan's previous

Board adopted positions on an elected Board and its wheeling policy principles.

Water Planning and Resources Committee Chairman Owen reported the committee approved the items on its agenda, and requested that Agenda Item 9-1 be added to the Consent Calendar.

Director Turner stated that the San Diego County Water Authority is supporting Agenda Item 9-5, the repair of the Allen-McColloch Pipeline, with the understanding that this project constitute a distribution pipeline, and not a conveyance pipeline. Under the Strategic Plan and rate framework, there should be an understanding that these types of facilities need to be supported by the agencies that receive the benefit.

Director Tinker raised a question on Agenda Item 8-1 regarding the investment program with small banks and savings and loans institutions. Following a discussion, the Chair removed Agenda Item 8-1 from the Consent Calendar.

Director Krauel requested that San Diego's opposition to the Communications and Legislation Committee's action on SB 1594, SB 1973, and SB 2139 be recorded in the record. General Counsel Taylor stated these bills are not before the Board for action, but the committee's action was consistent with prior Board adopted legislative policy principles.

Director Owen moved, seconded by Director Stanton and carried, and the Board approved the Consent Calendar Items, M.I. 43962 through M.I. 43976, as follows:

Adopted five Resolutions in the form attached to the 43962 letter signed by the General Manager on March 29, 2000, providing in substance that Metropolitan elects to be allocated that additional portion of revenue from taxes levied on redevelopment property which is attributable to any increase in Metropolitan's base year tax rate applied to the incremental assessed value of the project property:

Resolution 8687 Amendment No. 2 to the Central City Redevelopment Project in the City of Bell Gardens, County of Los Angeles

Resolution 8688 Amendment No. 1 to the Town Center Project in the City of Upland, County of San Bernardino

Resolution 8689 Upland Redevelopment Project No. 7 in

the City of Upland, County of San

Bernardino

Resolution 8690 Ontario Guasti Redevelopment Project in

the City of Ontario, County of San

Bernardino

Resolution 8691 South Carlsbad Coastal Redevelopment

Project (Revised) in the City of Carlsbad, County of San Diego

each Resolution entitled:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA ELECTING TO RECEIVE ALLOCATION OF TAXES PURSUANT TO PROVISIONS OF THE COMMUNITY REDEVELOPMENT LAW

43963 Approved the amendments to Administrative Code Sections 2720 and 2740 set forth in Attachment 2 to the letter signed by the General Manager on March 29, 2000, to change the frequency of financial reporting and the basis of accounting used to report financial information.

43964 Adopted the legislative policy principles on watershed management as proposed in the letter signed by the General Manager on March 30, 2000.

Directors Krauel, Parker, Tinker, and Turner requested to be recorded as voting no.

The Board (A) granted conditional approval, as defined in Administrative Code Section 3100(b), for Annexation No. 63 concurrently to Metropolitan and Calleguas Municipal Water District, conditioned upon a cash payment to Metropolitan of a portion of the annexation charge of approximately \$492,752.96 as defined in Administrative Code Section 3106(a) and conditioned upon installment payments of the remaining annexation fee of approximately \$369,290.88, as provided in Administrative Code Sections 3106(b) and (c) (10% down and the balance over 15 years plus interest guaranteed by member agency) or such terms and conditions as may be fixed by the Board in granting formal consent to such annexation, as set forth in Attachment 1 to the General Manager's letter signed on March 29, 2000; (B) subject to

the approval of Item (A), approved Calleguas' proposed Annexation No. 63 Plan for Implementing Water Use Efficiency Guidelines set forth in Attachment 2 of the foregoing letter; and (C) subject to the approval of Items (A) and (B), approved the Resolution of Intention (Resolution 8692) to impose water standby charges within the proposed annexation territory, substantially in the form of Attachment 3 to the foregoing letter; said Resolution entitled:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA GIVING NOTICE OF INTENTION TO IMPOSE WATER STANDBY CHARGE CONTINGENT UPON ANNEXATION

The Board (A) granted conditional approval, as defined in Administrative Code Section 3100(b), for American Beauty Annexation concurrently to Metropolitan and Eastern Municipal Water District, conditioned upon a cash payment to Metropolitan of approximately \$517,835.84 if completed by December 31, 2000, or at the then current annexation charge rate if completed after December 31, 2000, as set forth in Attachment 1 to the General Manager's letter signed on March 29, 2000; (B) subject to the approval of Item (A), approved Eastern's proposed American Beauty Annexation Plan for Implementing Water Use Efficiency Guidelines set forth in Attachment 2 of the foregoing letter; and (C) subject to the approval of Items (A) and (B), approved the Resolution of Intention (Resolution 8693) to impose water standby charges within the proposed annexation territory, substantially in the form of Attachment 3 to the foregoing letter; said Resolution entitled:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA GIVING NOTICE OF INTENTION TO IMPOSE WATER STANDBY CHARGE CONTINGENT UPON ANNEXATION

43967 Expressed support for Assembly Bill 1982 (Gallegos), legislation to permit increases of standby charges if approved as part of a schedule of adjustments, as set forth in the letter signed by the General Manager on March 29, 2000.

43968 Authorized (1) the titles of the positions of Auditor and Assistant Auditor be revised to General Auditor and Assistant General Auditor, respectively, and amend the Administrative Code where necessary to effectuate such actions; and (2) an increase

in the Auditor's contracting authority outlined in Administrative Code Section 6452 from \$25,000 to \$40,000 per contract per year, as set forth in the letter signed by the Auditor on March 23, 2000.

- 43969 Authorized the General Manager to pursue Federal grant funding on behalf of the Western Center Museum for Archaeology and Paleontology and for Trails at the Diamond Valley Lake Recreation Project Area, as set forth in the letter signed by the General Manager on March 29, 2000.
- 43970 Approved an increase of \$240,000 in Appropriation No. 15341 (No. 2) from the Pay-As-You-Go Fund, to fund \$124,000 of costs previously incurred in property negotiations and preliminary protection assessment of the gravel mining pit, and the remainder to authorize the completion of a study that will develop alternatives and cost estimates for the protection of the Whitewater River siphons, remediation of the mining pit, and evaluation of the Whitewater Mutual Water Company's adjacent pipeline, as set forth in the letter signed by the General Manager on March 29, 2000.
- The Board (1) affirmed/approved principles as set forth in Attachment 1 to the letter signed by the General Manager on March 29, 2000; and (2) approved the principles summarized in Attachment 2 to the foregoing letter, guiding the General Manager in negotiating State Water Project contract amendments consistent with these principles, and in a form acceptable to the General Counsel.
- 43972 Authorized settlement in eminent domain action for Metropolitan's Inland Feeder Project entitled Metropolitan v. Ray, Riverside Superior Court Case No. 293062, as set forth in the confidential letter signed by the General Counsel on March 23, 2000.

Directors Krauel, Parker, Tinker, and Turner requested to be recorded as voting no.

43973 Authorized litigation against Kenko, Inc. for violation of the False Claims Act and Breach of Contract, as set forth in the confidential letter signed by the General Counsel on March 23, 2000.

Director Rascon requested to be recorded as abstaining.

Directors Krauel, Parker, Tinker, and Turner requested to be recorded as voting no.

Approved the recommendation in the confidential letter signed jointly by the General Counsel and the General Manager on March 29 and March 30, 2000, respectively, regarding the Inland Feeder contracts.

Directors Krauel, Parker, Tinker, and Turner requested to be recorded as voting no.

- The Board authorized (1) Appropriation No. 15352 in the amount of \$4,500,000; and (2) the General Manager to award competitively bid contracts to repair the Allen-McColloch Pipeline (AMP) on an accelerated schedule; and (3) considered the information contained in Addendum No. 1 to the Final Environmental Impact Report and found that there is no substantial evidence that the proposed action will create any new significant impacts and approved Addendum No. 1 and the proposed repairs to the AMP, as set forth in the letter signed by the General Manager on April 6, 2000.
- Approved commencement of preparations for a bond tender program to take advantage of market conditions currently present in the municipal bond market, and to begin preparations to pursue the other debt management strategies identified by the Subcommittee on Financial Polices and Reporting, as set forth in the letter signed by the General Manager on April 4, 2000, with the first bullet in the letter revised to read "Increase variable rate borrowing of the capital investment program up to 25 percent of total revenue bonds outstanding".
- The Chair reported that Agenda Item 9-7 regarding the criteria for the evaluation of the General Manager, General Counsel, and Auditor was withdrawn from the agenda.
- 43978 Budget and Finance Committee Chairman Bannister reported that in considering the investment program in small banks and savings and loans institutions, the committee received a presentation from staff which showed that to continue the program the operating costs would be about \$9,500, that participants in the program had decreased from 18 to 10, and that the interest rate obtained through normal investment is higher than what the program offers. As far as Metropolitan is

concerned, the committee felt that the program was not beneficial and a motion was made and approved to discontinue the program.

Minutes

Discussion ensued on the effectiveness of the program and the lack of interest in the program by participants.

After further discussion, Director Swan then moved, seconded by Director Bannister and carried that the Board approve Option #2 in the letter signed by the General Manager on March 31, 2000, allowing the Investment Program for Small Banks and Savings and Loans to lapse effective March 22, 2000, due to the reduced level of participation in the program and associated administrative costs and lost opportunity costs.

Directors Abdo, Brick, Luddy, Murph, and Murray requested to be recorded as voting no.

43979 The following communications were submitted to the Board for information:

- a. Status report for the Diamond Valley Lake Project for the month ending February 2000, signed by the General Manager on March 29, 2000.
- b. Status report for the Inland Feeder Project for the month ending February 2000, signed by the General Manager on March 30, 2000.
- c. Letter of the General Manager signed on March 29, 2000, reporting on the Revised Groundwater Recovery Program Agreement for the Irvine Ranch Desalter Project.
- d. Letter of the General Manager signed on March 29, 2000, reporting on the Water Surplus and Drought Management Plan.
- e Letter of the General Manager signed on March 29, 2000, reporting on AB 1956 (Keeley): The Consumers' Energy and Environmental Security Authority Act.
- f. Confidential letter of the General Manager and the General Counsel signed on March 24, 2000, regarding briefing on Diamond Valley Lake (Eastside Reservoir Project) construction claims filed by Kiewit-Granite for construction of the East Dam.

43980 The following item was received as a pending item and will be discussed at a later date:

a. Letter signed by the General Manager on March 29, 2000, titled Clarification of General Manager's authority to execute Water Quality Exchange Agreements.

43981 At 1:25 p.m., there being no objection, Chairman Pace adjourned the Meeting to May 17, 2000.

THOM COUGH	IRAN		
SECRETARY			

PHILLIP J. PACE
CHAIRMAN