

REVISED
Regular Board Meeting

April 9, 2002

10:00 a.m. -- Board Room

Tuesday, April 9, 2002 Meeting Schedule		
8-8:30 a.m.	Rm. 2-413	Dirs. Computer Training
8:30 a.m.	Rm. 2-456	CO&L
10:00 a.m.	Board Room	Board Meeting

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

1. Call to Order

- (a) Invocation: Ronald C. Palmer, General Manager, Foothill Municipal Water District
- (b) Pledge of Allegiance: Director Betty H. Harris

2. Roll Call

3. Determination of a Quorum

PUBLIC HEARING

- A. Comments on the proposed standby charge for Annexation No. 77 to Calleguas Municipal Water District
- B. Comments on the proposed water standby charge for FY 2002/03

4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code § 54954.3(a))

5. OTHER MATTERS

- A. Approval of the Minutes of the Meeting for March 12, 2002. (A copy has been mailed to each Director)
Any additions, corrections, or omissions
- B. Authorize thirty-day leave of absence for Director Bonny L. Herman, commencing April 5, 2002
- C. Authorize preparation of Commendatory Resolution for former Director George E. Battey, Jr., representing the City of Burbank. (Exec. 3/26)
- D. Committee appointments. (Exec.)
- E. Chairman's Monthly Activity Report

6. DEPARTMENT HEADS' REPORTS

- A. Chief Executive Officer's Reports:
 - i. Oral report on Colorado River matters. (LC&P)
 - ii. Oral report on Bay-Delta and State Water Project matters. (LC&P, WPQ&R)
 - iii. Chief Executive Officer's summary of Metropolitan's activities for the month of March. **(Written report to be sent separately)**
- B. General Counsel's summary of Legal Department activities for the month of March. **(Written report to be sent separately)**
- C. Interim General Auditor's summary of Audit Department activities for the month of March. **(Written report to be sent separately)**

7. ORAL REPORTS OF STANDING COMMITTEES

- 7-1 Executive Committee (Phillip J. Pace, Chair)
- 7-2 Asset, Real Estate and Infrastructure Policy (Glen D. Peterson, Chair)
- 7-3 Budget, Finance and Investment (Jorge G. Castro, Chair)
- 7-4 Communications, Outreach and Legislation (Anthony R. Fellow, Chair)
- 7-5 Engineering and Operations (Marion V. Ashley, Chair)
- 7-6 Legal, Claims and Personnel (Langdon W. Owen, Chair)
- 7-7 Water Planning, Quality and Resources (Gary A. Morse, Chair)

8. CONSENT CALENDAR ITEMS (Action)

- 8-1 Affirm the Chief Executive Officer's determination of two properties as surplus to Metropolitan's needs: 3.721 acres on Arrow Highway, La Verne; and 9.335 acres at La Sierra Avenue and Blackburn Road in Riverside County. (ARE&IP)

Recommendation:

Option #1:

Adopt the CEQA determination and Item 1:

- a. Affirm the Chief Executive Officer's determination that the subject property is surplus;
- b. Comply with Government Code § 54222, Surplus Lands Act, by offering the property to the La Verne Redevelopment Agency and other prescribed public agencies at a sale price of its fair market value;
- c. If the property is not purchased by a government entity with preferential rights, sell the subject property by open or exclusive listing under Administrative Code § 8245 or § 8246, respectively, dependent upon the applicable disposition procedure; and
- d. Market the property for sale on the open market for its fair market value (preliminary estimate at \$1.2 million less costs);

Item 2:

- a. Affirm the Chief Executive Officer's determination that the subject property is surplus;
- b. Comply with Government Code § 54222, Surplus Lands Act, by offering the property to prescribed public agencies at a sale price of its fair market value;
- c. If the property is not purchased by a government entity with preferential rights, sell the subject property by open or exclusive listing under Administrative Code § 8245 or § 8246, respectively, dependent upon the applicable disposition procedure; and
- d. Market the property for sale on the open market for its fair market value (preliminary estimate at \$100,000 less costs).

- 8-2 Authorize \$820,000 for design and construction and delegate authority to award a construction contract for enhanced security features for the Entry Court Improvement Project at the F. E. Weymouth Filtration Plant (Approp. 15336). (ARE&IP)

Recommendation:

Adopt the CEQA determination and

- a. **Increase the appropriation by \$820,000 from \$1,948,000 to a total of \$2,768,000.**
- b. **Delegate to the Chief Executive Officer the authority to award a competitively bid construction contract in an amount not to exceed \$2,000,000 for the revised Entry Court Improvement Project at the F. E. Weymouth Filtration Plant.**

- 8-3 Amend contract in the amount of \$100,000 with the law firm of Ellison, Schneider & Harris for legal services relating to State Water Resources Control Board process. (LC&P)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize amendment of the agreement with Ellison, Schneider & Harris to increase the contract by \$100,000.

- 8-4 Amend contract for legal services with McCutchen, Doyle, Brown & Enerson, LLP in *San Diego County Water Authority v. Metropolitan Water District, et al.*, San Francisco Superior Court Case No. 320217 (Preferential Rights) to increase maximum amount payable by \$125,000. (LC&P)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize amendment of the contract with McCutchen, Doyle, Brown & Enerson to increase the maximum compensation from \$250,000 to \$375,000.

- 8-6 Grant conditional approval for Annexation No. 78 to Calleguas Municipal Water District and Metropolitan; and adopt resolution of intention to impose water standby charge. (Exec. 3/26)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Grant conditional approval for Annexation No. 78, concurrently to Calleguas and Metropolitan, conditioned upon receipt in full of annexation fee of \$166,028.40 to Metropolitan if completed by December 31, 2002, or if completed later, at the then current annexation charge rate;**
- b. Approve Calleguas' proposed Plan for Implementing Water Use Efficiency Guidelines; and**
- c. Adopt the Resolution of Intention to Impose Water Standby Charge within the proposed annexation territory, substantially in the form of Attachment 3 to the board letter.**

- 8-7 Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 76, Parcel A, to Calleguas Municipal Water District and Metropolitan. (Exec. 3/26)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Adopt a resolution granting Calleguas' request for approval of Annexation No. 76, Parcel A, concurrently to Metropolitan and Calleguas, conditioned upon approval by the Ventura Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for the annexation; and**
- b. Adopt a resolution to impose water standby charge at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation.**

- 8-8 Adopt final resolutions for annexation and to impose water standby charge for the 45th Fringe Area Annexation to Western Municipal Water District and Metropolitan. (Exec. 3/26)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Adopt a resolution granting Western's request for approval of the 45th Fringe Area Annexation concurrently to Metropolitan and Western, conditioned upon approval by the Local Agency Formation Commission of Riverside County, and establishing Metropolitan's terms and conditions for this annexation; and**
- b. Adopt a resolution to impose water standby charge at a rate of \$9.23 per acre or per parcel of less than one acre within the proposed annexation.**

- 8-9 Authorize payment of \$435,000 for AWWARF's Voluntary Research Subscription Program. (E&O)

Recommendation:

Adopt the CEQA determination and authorize payment of AWWARF's Subscription for FY 2001/02.

(END OF CONSENT CALENDAR)

9. OTHER BOARD ITEMS (Action)

- 9-1 Award a contract for the construction of the Highland Pipeline of the Inland Feeder Program. (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and award a contract to L. H. Woods & Sons, Inc. in the amount of \$46,860,000 for construction of the Highland Pipeline.

- 9-2 Proposed amendments to AB 2734 (Pavley) related to water conservation. (CO&L) **(To be mailed separately)**

Added

- 9-3 Legislative Water Bonds. (CO&L)

Recommendation:

Option #1:

Adopt the CEQA determination and support legislative water bonds, if amended.

Added

- 9-4 Express opposition to SB 482 (Kuehl), unless amended: California Fully Protected Species issue. (CO&L) **(To be mailed separately)**

10. BOARD INFORMATION ITEMS

- 10-1 Status report for the Inland Feeder Program for the month ending February 2002. (E&O)
[Any discussion of potential litigation to be heard in closed session. Conference with legal counsel—significant exposure to litigation (two matters); to be heard in closed session pursuant to Gov. Code § 54956.9(b)]
- 10-2 Report on Monterey settlement agreement negotiations. (LC&P)
[Discussion of *Planning and Conservation League, et al. v. Department of Water Resources, et al.*, Sacramento County Superior Court Case No. 95CS03216. Any discussion of litigation will be held in closed session—existing litigation—pursuant to Gov. Code § 54956.9(a)]
- 10-3 Discussion of pending claim based on Diamond Valley Lake recreation plan proposal. (LC&P)
[Conference with legal counsel—significant exposure to litigation (one matter); to be heard in closed session pursuant to Gov. Code § 54956.9(b)]
- 10-4 Status report on activities to improve Lake Perris water quality and operations. (WPQ&R)

11. REPORTS OF SPECIAL COMMITTEES

12. PERFORMANCE EVALUATION AND COMPENSATION

- 12-1 Report from Executive Committee on evaluation rating and pay-for-performance for Chief Executive Officer. (Exec. 3/26)
[Public employee performance evaluation; to be heard in closed session pursuant to Gov. Code § 54957]
- 12-2 Chief Executive Officer Evaluation and Compensation Recommendation. (Exec. 3/26)

Recommendation:

Option #1:

Approve as recommended by Executive Committee.

13. FUTURE AGENDA ITEMS

14. ADJOURNMENT

NOTE: At the discretion of the Board, all items appearing on this agenda and all committee agendas, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.