

- **Board of Directors**  
**Legal, Claims and Personnel Committee**

January 13, 2004 Board Meeting

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8-2

### **Subject**

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Amend § 4205 of the Metropolitan Water District Administrative Code to clarify existing practice and policy regarding sale of imported water by one member public agency into territory of another member public agency

### **Description**

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Metropolitan's Administrative Code currently provides, at § 4501, that all water delivered through any service connection to a member public agency for use within the member public agency shall be supplied in accordance with the provisions of the Metropolitan Water District Act and the rules and regulations of Metropolitan. It further provides that the amount of water served to any member public agency shall be limited to an amount equal to that required for uses within the area of Metropolitan lying within, or served by or through, such member public agency (§ 4509.) Similarly, the service connection agreements or, in the case of earlier constructed connections, resolutions of Metropolitan and the affected member public agency, contractually bind Metropolitan to serve water through the connection only for use within the service area of the member public agency, all in accordance with Metropolitan's rules and regulations, as amended from time to time. While the service connection is owned by Metropolitan, all billings for water flowing through that service connection are to be sent to the member public agency. Pursuant to the Administrative Code and these contract terms, Metropolitan has concluded that it cannot deliver water to one member agency for sale in another member agency's territory.

Recently, Central Basin Municipal Water District and West Basin Municipal Water District requested that Metropolitan's existing practice and policy regarding sales of imported water by one member agency into the territory of another member agency be clarified in the Administrative Code. An Administrative Code amendment along the lines requested by Central and West Basins would be declarative of existing Metropolitan policy and practice, and accordingly, Metropolitan's Administrative Code § 4205 can be amended as follows (added language underlined):

§ 4205. Sale of Water by One Member Public Agency to Another.

The Chief Executive Officer and General Counsel shall report to the Board any sale of water by one member public agency to another. The District will not deliver water at the request of one member public agency into the territory of another member public agency without written authorization from both affected member public agencies.

### **Policy**

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Metropolitan Water District Administrative Code § 1301: Board Product

### **California Environmental Quality Act (CEQA)**

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CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

**Board Options/Fiscal Impacts**

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**Option #1**

Adopt the CEQA determination and amend Metropolitan's Administrative Code § 4205 in accordance with the suggested language contained in this letter.

**Fiscal Impact:** None

**Option #2**

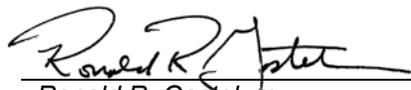
Do not amend Metropolitan's Administrative Code § 4205 in accordance with the suggested language contained in this letter.

**Fiscal Impact:** None

**Staff Recommendation**

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Option #1

 _____ Ronald R. Gastelum Chief Executive Officer	12/10/2003 _____ Date
 _____ Jeffrey Kightlinger General Counsel	12/10/2003 _____ Date