

REVISION 2
Regular Board Meeting

July 12, 2005

10:00 a.m. -- Board Room

Tuesday, July 12, 2005 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. Computer Training
8:00 a.m.*	Rm. 2-145	Colorado River
9:00 a.m.*	Rm. 2-456	CALFED
10:00 a.m.*	Board Room	Board Meeting
12:00 p.m.*	Board Room	Jt. Mtg. A&RP and Recreation

*Meetings will begin at the posted time, or upon the conclusion of the preceding meeting if the preceding meeting exceeds its scheduled time period.

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

1. Call to Order

- (a) Invocation: (Guest)
- (b) Pledge of Allegiance: Director Ronald F. Deaton

2. Roll Call

3. Determination of a Quorum

PUBLIC HEARING

Comments on the proposed standby charges for the annexations of:

84th Fringe Area Annexation to Eastern Municipal Water District
Peaceful Valley Ranch Annexation to San Diego County Water Authority

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 June 14, 2005. (A copy has been mailed to each Director)
Any additions, corrections, or omissions
- B. Presentation of 40-year service pin to Eddie A. Rigdon, Diamond Valley Recreation Program Manager
- Added** C. Presentation of 40-year service pin to Arthur B. Riojas, Administrative Assistant II
- D. Committee assignments
- E. Chairman's Monthly Activity Report

6. DEPARTMENT HEADS' REPORTS

- A. CEO/General Manager's Reports:
 - i. Oral report on Colorado River matters
 - ii. Oral report on Bay-Delta and State Water Project matters. (LC&P, WPQ&R)
 - iii. CEO/General Manager's summary of Metropolitan's activities for the month of June
- B. General Counsel's summary of Legal Department activities for the month of June
- C. General Auditor's summary of activities for the month of June
- D. Ethics Officer's summary of activities for the month of June

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1 Grant conditional approval for Annexation No. 86 to Calleguas Municipal Water District and Metropolitan; and adopt resolution of intention to impose water standby charge. (A&RP)

Recommendation:

Option #1

Adopt the CEQA determination and

- a. **Grant conditional approval for Annexation No. 86 concurrently to Calleguas and Metropolitan, conditioned upon receipt in full of annexation fee of \$15,380, to Metropolitan if completed by December 31, 2005, or if completed later, at the then-current annexation charge rate;**
- b. **Approve Calleguas' Statement of Compliance with the current Water Use Efficiency Guidelines conditioned upon final acceptance of the city of Oxnard into the CUWCC; and**
- c. **Adopt the resolution of intention to impose water standby charge within the proposed annexation territories.**

- 7-2 Grant conditional approval for annexations for the 86th and 87th Fringe Area Annexations to Eastern Municipal Water District and Metropolitan; and adopt resolutions of intention to impose water standby charge. (A&RP)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Grant conditional approval for the 86th Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$13,650 to Metropolitan if completed by December 31, 2005, or if completed later, at the then current annexation charge rate;**
- b. **Grant conditional approval for the 87th Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$251,836.40 to Metropolitan if completed by December 31, 2005, or if completed later, at the then current annexation charge rate;**
- c. **Approve Eastern's Statements of Compliance with the current Water Use Efficiency Guidelines; and**
- d. **Adopt the resolutions of intention to impose water standby charge within the proposed annexation territories.**

- 7-4 Authorize entering into an agreement to create the Colorado River Joint Powers Authority. (WPQ&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into an agreement to create the Colorado River Joint Powers Authority.

- 7-5 Appropriate \$920,000 to increase monitoring and physical protection for Metropolitan's Supervisory Control and Data Acquisition network; and award a \$231,348 construction contract to Sabah International for fire protection at remote communication sites (Approp. 15394). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$920,000 in budgeted funds;**
- b. Award a \$231,348 construction contract to Sabah International for the Fire Protection at Remote Communication Sites project; and**
- c. Authorize installation of alarm sensors by Metropolitan forces.**

- 7-6 Appropriate \$1.95 million; and authorize final design for three rehabilitation projects within the Weymouth Water Treatment Plant Improvements Program (Approp. 15369). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$1.95 million in budgeted funds; and**
- b. Authorize final design of three Weymouth plant rehabilitation projects.**

- 7-7 Appropriate \$890,000; and authorize (1) preliminary design of the Orange County Cross Feeder, and (2) final design and construction of the Coastal Junction Bypass (Approps. 15428, 15377). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determinations and

- a. Appropriate \$890,000 in budgeted funds;**
- b. Authorize preliminary design of the Orange County Cross Feeder; and**
- c. Authorize final design and construction of the Coastal Junction Bypass.**

- 7-8 Appropriate \$630,000 to determine algae control strategies for water treatment plants (Approp. 15429). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$630,000 in budgeted funds; and**
- b. Authorize studies and investigations for Treatment Plant Algae Control project.**

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1 Authorize up to \$950,000 over two years for the 2005/06 City Makeover Program. (Ed&O)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the program.

- 8-2 Authorize entering into a three-year agreement for up to \$2.5 million annually with Johnson/Ukropina for regional advertising services and media buys related to planned outdoor water conservation efforts as well as emergencies or unanticipated urgent needs. (Ed&O)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the CEO/General Manager to enter into a three-year contract with a maximum amount payable of \$2.5 million annually with Johnson/Ukropina for advertising and media buying services.

- 8-3 Authorize (1) an agreement for \$300,000 with RBF Consulting for design of Searl Parkway Landscaping and Signage; and (2) an increase of \$3 million to an existing agreement with PinnacleOne for project management support for the Diamond Valley Lake East Recreation Area (Approp. 15334). (Rec.)

Recommendation:

Option #1:

Adopt the CEQA determinations and

- a. Authorize all activities in advance of award of a construction contract for Searl Parkway landscaping and signage at the DVL East Recreation Area;**
- b. Authorize an agreement with RBF Consulting in an amount not to exceed \$300,000 for design services; and**
- c. Authorize an increase of \$3 million to the existing agreement with PinnacleOne for a new total not to exceed \$4.2 million.**

- 8-4 Authorize entering into professional services agreements for the Weymouth and Diemer Oxidation Retrofit Programs, Mills Solids Handling Facilities, and project management support. (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into the following consultant agreements:

- **Carollo Engineers, not to exceed \$11 million for final design of the Weymouth ORP;**
- **CDM, not to exceed \$10.25 million for final design of the Diemer ORP;**
- **Black & Veatch, not to exceed \$0.53 million for study and preliminary design of the Mills Solids Handling Facilities; and**
- **Vanir, not to exceed \$0.6 million/yr for five years, for project control services.**

- 8-5 Authorize payment of \$1.83 million for participation in the State Water Contractors, Inc. for fiscal year 2005/06. (BFI&I) **(Two-thirds vote required)**

Recommendation:

Option #1:

Adopt the CEQA determination and, by a two-thirds vote, authorize the CEO/General Manager to make payment of \$1,827,826 to the SWC.

- 8-6 Authorize entering into an agreement for the Long Beach Conjunctive Use Program Expansion in Lakewood with the City of Long Beach utilizing \$3.1 million of Proposition 13 funds. (WPQ&R)

Recommendation:

Option #1

Adopt the CEQA determination and authorize the CEO to enter into an agreement consistent with the Agreement Summary and in a form acceptable to the General Counsel for the Long Beach Conjunctive Use Program Expansion in Lakewood.

- 8-7 Authorize entering into a Seawater Desalination Program agreement with Long Beach Water Department. (D&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into a Seawater Desalination Program agreement with Long Beach Water Department.

- 8-8 Authorize entering into a Seawater Desalination Program agreement with the Los Angeles Department of Water and Power. (D&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into a Seawater Desalination Program agreement with the Los Angeles Department of Water and Power.

- 8-9 Authorize entering into a Seawater Desalination Program agreement with Municipal Water District of Orange County. (D&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into a Seawater Desalination Program agreement with Municipal Water District of Orange County.

- 8-10 Authorize entering into a Seawater Desalination Program agreement with West Basin Municipal Water District. (D&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into a Seawater Desalination Program agreement with West Basin Municipal Water District.

- 8-11 Authorize entering into a Seawater Desalination Program agreement with San Diego County Water Authority. (D&R)

Recommendation:

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into a Seawater Desalination Program agreement with the San Diego County Water Authority.

- 8-12 Approve amendment to authorize increase of \$200,000 in maximum amount under contract with Harkins Cunningham LLC for legal services and to defend Metropolitan in *Enron Power Marketing, Inc. v. The Metropolitan Water District of Southern California*, U.S. Bankruptcy Court, SDNY, Adversary Proceeding No. 04-024968. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- Corrected** 8-14 Report on *Louis H. Cardenas, et al. v. Metropolitan*, LASC Case No. BC 298866; and authorize increase of \$50,000 in maximum amount under contract with Bingham McCutchen LLP for legal services to defend Metropolitan in the appeal of this matter. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- 8-15 Approve revised cost-sharing agreement for Colorado River Board funding; and authorize \$377,327 for payments to the Six Agency Committee and Colorado River Association for fiscal year 2005/06. (BFI&I) **(Two-thirds vote required)**
- Recommendation:**
- Adopt the CEQA determination and, by a two-thirds vote, approve the new funding arrangement based on the proposed cost-sharing percentage, and authorize the Chief Executive Officer to make payments totaling \$377,327 for the Six Agency Fund and the Colorado River Association for FY 2005/06.**
- 8-16 Reconsideration of AB 672 (Klehs, D-San Leandro) regarding the recreational use of drinking water reservoirs. (C&L)
- Added** 8-17 Report on ACWA Blueprint and California Water Plan Update (Bulletin 160). (CALFED)
- Added** 8-18 Authorize settlement of pending litigation in *Griffith Construction Company v. Metropolitan* relating to the Colorado River Aqueduct. (L&C)
[Conference with legal counsel—existing litigation (*Griffith Construction Company v. Metropolitan Water District of Southern California*, LASC Case No. BC 319223); to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

9. BOARD INFORMATION ITEMS

- 9-1 Status report for the Inland Feeder Program for activities through May 2005. (E&O)
[Any discussion of litigation to be heard in closed session. Conference with legal counsel—existing litigation (*Shank/Balfour Beatty, a Joint Venture vs. Metropolitan Water District of Southern California*, LASC Case No. BC 283438); to be heard in closed session pursuant to Gov. Code Section 54956.9(a). Conference with legal counsel—potential litigation relating to contractor claims on Contract No. 1542 for the Arrowhead Tunnels; to be heard in closed session pursuant to Gov. Code Section 54956.9(b) (one potential case)]
- 9-2 Report on implementation of the first year of Metropolitan's Five-Year Conservation Strategy Plan. (WPQ&R)
- 9-3 Report on SB 350 (Machado, D-Linden) regarding San Joaquin River restoration. (C&L, CALFED)

10. REPORTS OF SPECIAL COMMITTEES

11. DEPARTMENT HEADS PERFORMANCE EVALUATION AND COMPENSATION

- 11-1 Report from Executive Committee on evaluation rating for General Counsel, General Auditor, and Ethics Officer. (Exec.)
[Public employees' performance evaluation; to be heard in closed session pursuant to Gov. Code Section 54957]
- 11-2 Compensation and Pay-for-Performance Recommendation for General Counsel, General Auditor, and Ethics Officer. (Exec.) **(To be distributed at meeting)**

12. 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, BFI&I). Committee agendas may be obtained from the Executive Secretary.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.