

Regular Board Meeting

November 8, 2005

9:00 a.m. -- Board Room

Tuesday, November 8, 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.*	Board Room	Board Meeting

*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 Larry D. Dick

2. Roll Call

3. Determination of a Quorum

PUBLIC HEARING

Comments on the proposed standby charges for:

Annexation Nos. 85 and 86 to Calleguas Municipal Water District

88th, 89th, 90th, 91st, and 92nd Fringe Area Annexations to Eastern Municipal Water District

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 October 11, 2005. (A copy has been mailed to each Director)
Any additions, corrections, or omissions
- B. Committee assignments
- C. Report on medical leave of absence for the CEO/General Manager
- D. Appointment of Acting CEO/General Manager
[Public employment—Acting CEO/General Manager; to be heard in closed session pursuant to Gov. Code Section 54957]
- 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. (L&C, WPQ&R)
 - iii. CEO/General Manager's summary of Metropolitan's activities for the month of October
- B. General Counsel's summary of Legal Department activities for the month of October
- C. General Auditor's summary of activities for the month of October
- D. Ethics Officer's summary of activities for the month of October

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1** Grant conditional approval for the 93rd Fringe Area Annexation to Eastern 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 the 93rd Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$38,043 to Metropolitan if completed by December 31, 2005, or if completed later, at the then current annexation charge rate;**
- b. **Approve Eastern's Statement of Compliance with the current 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.**

- 7-2** Adopt final resolutions for annexation and impose water standby charge for Annexation No. 85, Parcel A, to Calleguas Municipal Water District and Metropolitan. (A&RP)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Adopt a resolution granting Calleguas' request for annexation of Annexation No. 85, Parcel A, into Metropolitan's service area, conditioned upon approval by the Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for this annexation; and**
- b. **Adopt a resolution to impose water standby charge at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation area.**

- 7-3** Affirm the Chief Executive Officer's determination that Metropolitan's DVL North Property is surplus to Metropolitan's needs. (A&RP)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Affirm the CEO's determination that the DVL North Property, consisting of ±731 acres, is surplus to the needs of Metropolitan; and**
- b. Comply with the California Surplus Lands Act by offering the property to other public agencies for use in accordance with the law.**

- 7-4** Appropriate \$980,000 for four rehabilitation projects within the Weymouth Water Treatment Plant Improvements Program; and authorize amendment to a professional services agreement with Tetra Design, Inc. (Approp. 15369). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$980,000;**
- b. Authorize studies and design for four Weymouth plant rehabilitation projects; and**
- c. Authorize an increase of \$450,000 to the existing agreement with Tetra Design for a new not-to-exceed total of \$2.2 million.**

- 7-5** Authorize entering into a new agreement with the Department of Water Resources and related new agreements with other State Water Project contractors regarding the Municipal Water Quality Investigation Program. (WPQ&R)

Recommendation:

Adopt the CEQA determination and authorize the CEO/General Manager to enter into a new Three-year Program agreement with DWR and related agreements with other SWP contractors.

- 7-6** Amend Metropolitan's Administrative Code regarding Expense Account Regulations pursuant to AB 1234. (L&C)

Recommendation:

Option #1:

Adopt the CEQA determination and the amendments to the Administrative Code set forth in Attachment 1 to the board letter.

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1** Approve Metropolitan facilitator role to address regional issues of the five respondent seawater desalination projects. (D&R)

Recommendation:

Option #1:

Adopt the CEQA determination and the role of regional facilitator for seawater desalination projects consistent with the role described in the board letter.

- 8-3** Appropriate \$138.7 million; award a \$109.944 million construction contract to Kiewit Pacific Co. for the Skinner Chemical Systems Modifications; award a \$873,000 procurement contract to Systems Integrated, Inc. for control system equipment; authorize amendment to a professional services agreement with Lee & Ro, Inc.; and authorize an increase of \$3.9 million in change order authority for the Skinner Module No. 7 project (Approps. 15346 , 15365, and 15410). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determinations and

- a. Appropriate \$138.7 million in budgeted funds;**
- b. Award a \$109.944 million contract to Kiewit Pacific Co. to construct the Skinner Chemical Systems Modifications;**
- c. Award a contract to Systems Integrated for procurement of control system equipment for a not-to-exceed total of \$873,000;**
- d. Authorize an increase of \$0.45 million to the existing agreement with Lee & Ro, Inc. for a new not-to-exceed total of \$4.275 million; and**
- e. Authorize an increase of \$3.9 million in the CEO's change order authority from \$3.819 million to \$7.719 million, for the Skinner Module No. 7 project.**

- 8-4** Appropriate \$3.35 million; award a \$1.08 million construction contract to Slater Waterproofing, Inc. for the Sepulveda Feeder Repair Project; and award a \$1.378 million construction contract to Gantry Constructors, Inc. for the San Diego Pipeline No. 5 and Lake Skinner Outlet Conduit Repairs Project. (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$3.35 million in budgeted funds;**
- b. Award a \$1.08 million construction contract to Slater for the Sepulveda Feeder repairs; and**
- c. Award a \$1.378 million construction contract to Gantry Constructors, Inc. for the San Diego Pipeline No. 5 and Lake Skinner Outlet Conduit repairs.**

- 8-5** Adopt 2005 Regional Urban Water Management Plan and resolution for submittal to the state of California. (WPQ&R)

Recommendation:

Option #1:

Adopt the CEQA determination, the 2005 RUWMP and the resolution for submittal to the State of California by December 31, 2005 in order to comply with the Urban Water Management Planning Act of the California Water Code.

- 8-6** Express support, if amended, for H.R. 3691, the Central Valley Project Reform Act of 2005. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the CEO/General Manager to express Metropolitan's support for H.R. 3691 if it is amended consistent with the Board's policies.

- 8-7** Report on *Lollett Jones-Boyce v. Metropolitan, et al.*, LASC Case No. BC 310915; and authorize increase of \$180,000 in maximum amount payable under contract with Jeffer, Mangels, Butler & Marmaro for legal services to defend Metropolitan. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- 8-8** Authority to increase contract with experts Navigant Consulting, Inc., formerly known as A. W. Hutchison & Associates, LLC by \$250,000 and Brierley Associates, LLC by \$50,000 for assistance related to the Arrowhead Tunnels construction within the Inland Feeder Program. (L&C)
[Conference with legal counsel—potential litigation (one matter); to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]

9. BOARD INFORMATION ITEMS

- 9-1** Status report for the Inland Feeder Program for activities through September 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** Proposed Treated Water Capacity Charge. (BFI&I)
- 9-3** Scope and methodology for Integrated Area Studies in support of the System Overview Study Update. (E&O, WPQ&R)
- 9-4** Transmittal of 2005 Integrated Water Resources Plan Implementation Report. (WPQ&R)

10. REPORTS OF SPECIAL COMMITTEES

11. DIAMOND VALLEY LAKE RECREATION

Presentations by:

Lennar-Rancon LLC

Lewis•Shea•Parsons•Ledo International

The Shopoff Group & Centex Homes

- 8-2** Authorize negotiations for Diamond Valley Recreation and Land Development. (A&RP, Rec.)
[Conference with real property negotiators; property is Diamond Valley Lake recreation areas; agency negotiators: Lilly Shraibati and Joseph Vanderhorst; negotiating parties: Lewis•Shea•Parsons•Ledo International; Lennar-Rancon LLC; The Shopoff Group & Centex Homes; under negotiation: price and terms of agreement; to be heard in closed session pursuant to Gov. Code Section 54956.8]

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the Chief Executive Officer to initiate negotiations and return to the Board with the essential terms and conditions for development agreements for approval.

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.