

REVISION 2

Regular Board Meeting

May 8, 2007

12:00 p.m. -- Board Room

Tuesday, May 8, 2007 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dir. Computer Training
8:00 a.m.	Rm. 2-145	L&HR
9:30 a.m.	Rm. 2-456	C&L
12:00 p.m.	Board Room	Board Meeting

Teleconference Participation
at
1121 L Street, Suite 900
Sacramento, CA 95814

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

1. Call to Order

- (a) Invocation: (Guest)
- (b) Pledge of Allegiance: Director Edward C. Little

2. Roll Call

3. Determination of a Quorum

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))

Presentation to the Los Angeles Marriott Airport in recognition of its conservation program

5. OTHER MATTERS

- A. Approval of the Minutes of the Meeting for April 10, 2007. (A copy has been mailed to each Director)
Any additions, corrections, or omissions

- B. Report on Directors' meetings attended at Metropolitan expense
- C. Approve 90-day leave of absence for Vice Chair Anthony R. Fellow, commencing June 1, 2007
- D. Approve 60-day leave of absence for Director Ergun Bakall, commencing May 8, 2007
- E. Authorize preparation of Commendatory Resolutions for former Directors George Loveland and Carol Kwan
- F. Adopt resolution in support of Glen D. Peterson for president of the Association of California Water Agencies (ACWA). (Exec.)
- G. Chairman's Monthly Activity Report

6. DEPARTMENT HEADS' REPORTS

- A. General Manager's summary of Metropolitan's activities for the month of April
- B. General Counsel's summary of Legal Department activities for the month of April
- C. General Auditor's summary of activities for the month of April
- D. Ethics Officer's summary of activities for the month of April

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1 Grant conditional approval for Calleguas Annexation No. 91 to Calleguas Municipal Water District and Metropolitan; and adopt resolution of intention to impose standby charge. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Grant conditional approval for Calleguas Annexation No. 91 concurrently to Calleguas and Metropolitan, conditioned upon receipt in full of annexation fee of \$1,156,905.44 to Metropolitan if completed by December 31, 2007, or if completed later, at the then-current annexation charge rate;**
- b. Approve Calleguas' 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 territories, substantially in the form of Attachment 3 to the board letter.**

- 7-2 Authorize a \$1.5 million agreement with Kennedy/Jenks Consultants for design of the South Reach of the Perris Valley Pipeline (Approp. 15425). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize an agreement with Kennedy/Jenks Consultants for engineering services in an amount not to exceed \$1.5 million.

- 7-3 Appropriate \$1.56 million for urgent repair of San Diego Pipeline No. 5 (Approp. 15441). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determination and appropriate \$1.56 million for repair of two pipe segments on San Diego Pipeline No. 5.

- 7-4 Adopt Chromium 6 Action Plan. (WQ&O)

Recommendation:

Option #1:

Adopt the CEQA determination and the Chromium 6 Action Plan.

- 7-5 Approve 3-year contract with Wired Commute, LLC in the maximum amount of \$535,000 per year for Rideshare Transit Program. (L&HR)

Recommendation:

Option #1:

Adopt the CEQA determination and approve 3-year contract with Wired Commute, LLC in the maximum amount of \$535,000 per year for Rideshare Transit Program.

- 7-6 Authorize increase of \$60,000 in maximum amount payable under contract with Anne C. Pellegrini for external audit services. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and approve amendment of contract for external audit services with Anne C. Pellegrini to increase maximum amount payable from \$40,000 to \$100,000.

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1 Adopt resolution to impose and extend a Water Standby Charge for fiscal year 2007/08. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and the resolution to impose and extend a Water Standby Charge for fiscal year 2007/08.

- 8-2 Authorize (1) amendment to the water management program agreement with Arvin-Edison Water Storage District to improve water quality and water supply reliability; and (2) expenditure of \$13.2 million of Proposition 13 funding; and appropriate \$1.2 million in Metropolitan funds. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Authorize the General Manager to amend the Arvin Program to improve water quality and water supply reliability based on the terms in Attachment 1 to the board letter, all in a form approved by the General Counsel;**
- b. **Authorize expenditure of \$13.2 million of Proposition 13 funding; and**
- c. **Authorize expenditure of \$1.2 million in Metropolitan funds.**

- 8-3 Report on *Watershed Enforcers v. California Department of Water Resources*, Alameda County Superior Court Case No. RG06292124; *Pacific Coast Federation of Fishermen's Assoc., et al. v. Carlos M. Gutierrez, et al.*, USDC Case No. 1:06-CV-00245 OWW LJO; and *Natural Resources Defense Council v. Kempthorne*, USDC Case No. 1:05-CV-01207 OWW LJO; and authorize increase of \$200,000 for a total of \$300,000 in maximum amount payable under contract with Best, Best & Krieger to represent Metropolitan in Endangered Species Act litigation impacting the State Water Project. (L&HR)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(a) and (c)]
- 8-4 Report on *Cadiz, Inc., etc. v. Metropolitan*, LASC Case No. BC343232; and authorize increase of \$450,000 for a total of \$1,050,000 in maximum amount payable under contract with Miller Barondess LLP to defend Metropolitan. (L&HR)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

- Corrected**
- 8-5 Appropriate funds; and authorize acquisition of two adjacent properties (totaling approximately 20.5 acres) near the Chemical Unloading Facility. (B&F)
[Conference with real properties negotiators; Property No. 1 is approximately 11.5 acres located at 19950 Patterson Avenue in Perris, California and Property No. 2 is approximately nine acres located at APN 317-170-020; agency negotiators: Curtis Baynes, Sherman Hom, Angela Aldridge, and Catherine Stites; negotiating parties: Metropolitan, McAnally Family Farms, Inc., and McAnally Enterprises, Inc.; under negotiation: price and terms of payment; to be heard in closed session pursuant to Gov. Code Section 54956.8]
- 8-6 Express opposition, unless amended, to SB 201 (Florez, D-Shafter) – Good Agricultural Practices. (C&L)
- Recommendation:**
- Option #1:**
- Adopt the CEQA determination and authorize opposition for SB 201, unless amended, as described in the board letter.**
- 8-7 Express support, if amended, for federal Perchlorate legislation. (C&L)
- Recommendation:**
- Option #1:**
- Adopt the CEQA determination and express support, if amended as described in the board letter, for S. 24, S. 150 and H.R. 1747.**
- 8-8 Express support, if amended, for SB 59 (Cogdill, R-Fresno) – Reliable Water Supply Bond Act of 2008. (C&L)
- Recommendation:**
- Option #1:**
- Adopt the CEQA determination and authorize the General Manager to express Metropolitan's support for SB 59 if it is amended as described in the board letter.**

- 8-9 Express support, if amended, for AB 1683 (Wolk, D-Davis) – Quagga and Zebra Mussels. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to express Metropolitan's support for AB 1683 if it is amended as described in the board letter.

- 8-10 Report on *Lollett Jones-Boyce v. Metropolitan, et al.*, LASC Case No. BC310915. (L&HR)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

Added

- 8-11 Authorize execution of tolling and waiver agreement with the California Department of Water Resources related to State Water Project financing
[Conference with legal counsel—initiation of litigation (one potential case); to be heard in closed session pursuant to Gov. Code Section 54956.9(c)]

9. BOARD INFORMATION ITEMS

- 9-1 Status report for the Inland Feeder Program for activities through March 2007. (E&CP)
- 9-2 2005/06 Audited Financial Statements. (Exec.)
- 9-3 Renewal status of Metropolitan's Casualty and Property Insurance Program. (B&F)
- 9-4 Review of Metropolitan's rate structure and Long Range Finance Plan Update. (B&F)
- 9-5 Water Surplus and Drought Management Plan report on water supply and demand as of April 15, 2007. (WP&S)
- 9-6 Proposed framework for Metropolitan's Delta Action Plan. (WP&S)
(To be mailed separately)

- 9-7 Report on AB 640 (De La Torre, D-South Gate) – Water Replenishment Districts. (C&L)
- 9-8 Report on AB 885 (Calderon, D-Whittier) – Metropolitan water districts. (C&L)

10. 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&CP, B&F). Committee agendas may be obtained from the Board 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 Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.