

REVISED

Adjourned Regular Board Meeting

August 21, 2007

12:00 p.m. -- Board Room

Tuesday, August 21, 2007 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. 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

MWD Headquarters Building

• 700 N. Alameda Street •

Los Angeles, CA 90012

1. Call to Order

- (a) Invocation: (Guest)
- (b) Pledge of Allegiance: Director Gene Koopman

2. Roll Call

3. Determination of a Quorum

PUBLIC HEARING

Comments on the proposed standby charge for:

Calleguas Annexation No. 90 to Calleguas Municipal Water District
Citrus Heights Annexation to San Diego County Water Authority
43rd Fringe Area Annexation to Western Municipal Water District of Riverside County

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 from United Way/Retired Senior Volunteer Program

Recognition of:

Dorothy Green
Oscar Yanez

5. OTHER MATTERS

- A. Approval of the Minutes of the Meeting for July 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. Presentation of ten-year service pin to Director Helen Z. Hansen, representing City of Long Beach
- D. Approve 30-day leave of absence for Director John V. Foley, commencing August 18, 2007
- E. Approve 45-day leave of absence for Director James H. Blake, commencing July 24, 2007
- F. Approve committee assignments
- G. Chairman's Monthly Activity Report
- H. Tax levy for fiscal year 2007/08. (B&F)
 - H-1 Report on list of certified assessed valuations for fiscal year 2007/08 and tabulation of assessed valuations, percentage participation, and vote entitlement of member public agencies as of August 21, 2007. (Copies distributed—Compare with preceding year—Ordered received and filed, spread on the Minutes, a copy to be sent each Director and to each member public agency).
(To be distributed at meeting)
 - H-2 Adopt resolution establishing the tax rate for fiscal year 2007/08.
(Roll call vote—two-thirds vote required) (To be distributed at meeting)

6. DEPARTMENT HEADS' REPORTS

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

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1 Grant conditional approval for the 100th Fringe Area Annexation to Eastern Municipal Water District and Metropolitan; and adopt resolution of intention to impose water standby charge. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Grant conditional approval for the 100th Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$64,093.44 to Metropolitan if completed by December 31, 2007, 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 resolution for annexation and impose water standby charge for the 98th Fringe Area to Eastern Municipal Water District and Metropolitan. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Adopt resolution granting Eastern's request for approval of the 98th Fringe Area Annexation, concurrently to Metropolitan and Eastern, conditioned upon approval by the Riverside Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for the annexation; and**
- b. **Adopt resolution to impose water standby charge at a rate of \$6.94 per acre or per parcel of less than one acre within the proposed annexation area.**

- 7-3 Appropriate \$790,000 for final design of two rehabilitation projects at the Robert A. Skinner Water Treatment Plant (Approp. 15365). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Appropriate \$790,000 in budgeted funds;**
- b. **Authorize final design of the Skinner Modules Nos. 5 and 6 Surface Wash and Foam Abatement Pipe Replacement project; and**
- c. **Authorize final design of the Skinner Solids Equipment Replacement project.**

- 7-4 Appropriate \$1,235,000; and authorize agreement with ClearOrbit in an amount not to exceed \$720,000 for an inventory bar-coding system at eight Metropolitan warehouses (Approp. 15411). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. **Appropriate \$1,235,000 in budgeted funds; and**
- b. **Authorize an agreement with ClearOrbit in an amount not to exceed \$720,000 to acquire and implement ClearOrbit's inventory bar-coding system in eight Metropolitan warehouses.**

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1 Authorize increase in change order authority for the Skinner Chemical Systems Modifications construction contract. (E&CP)
[Conference with legal counsel—significant exposure to litigation (one matter); may be heard in closed session pursuant to Gov. Code Section 54956.9(b)]
- 8-2 Appropriate \$1,053,000 to fund settlement agreement for the Jensen Oxidation Retrofit Program construction contract (Approp. 15173). (E&CP)
[Conference with legal counsel—significant exposure to litigation (one matter); may be heard in closed session pursuant to Gov. Code Section 54956.9(b)]
- 8-3 Report on *Holy Hill Community Church v. Kim, et al.* Los Angeles County Superior Court Case No. BC321267; and authorize increase of \$55,000 for a total of \$255,000 in maximum amount payable under contract with Graham, Vaage & Cisneros for legal services 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)]
- 8-4 Report on *Cadiz, Inc., etc. v. Metropolitan*, LASC Case No. BC343232; and authorize increase of \$750,000 for a total of \$1,800,000 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)]
- 8-5 Express support for SCA 12 (Torlakson, D-Antioch) — Stormwater and Urban Runoff Fees. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize support for SCA 12.

- 8-6 Express support, if amended, for AB 1489 (Huffman, D-San Rafael) — Resource bond funds: Integrated Regional Water Management Planning Act. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to express Metropolitan's support for AB 1489, as amended July 5, 2007, and as proposed to be amended, if it is further amended as described in the board letter.

- 8-7 Express support for AB 162 (Wolk, D-Davis) — Land use: water supply. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to express Metropolitan's support for AB 162 as amended July 17, 2007.

- 8-8 Report on *Shank/Balfour Beatty, a Joint Venture v. Metropolitan Water District of Southern California*, LASC Case No. BC283438 (consolidated with BC283439, Court of Appeal Case No. B184987); and authorize increase of \$35,000 for a total of \$320,000 in maximum amount payable under contract with Hunt Ortmann Palffy Nieves Lubka Darling & Mah for legal services to represent Metropolitan. (L&HR)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

- 8-9 Authorize \$15 million for the Accelerated Public Sector Water Efficiency Partnership Demonstration Program. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the Public Sector Water Efficiency Partnership Demonstration Program, including audits for large public water users, enhanced device incentives program, the pay-for-performance water use reduction incentives, and immediate hookup of recycled water use customers.

- Added** 8-10 Authorize entering into an amendment to the Coordinated Operating Agreement with San Bernardino Valley Municipal Water District to purchase 200,000 acre-feet of previously stored State Water Project water. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to enter into an amendment to the Coordinated Operating Agreement with San Bernardino Valley Municipal Water District to purchase 200,000 acre-feet of previously stored State Water Project water based on the contractual principles of the board letter and in a form approved by the General Counsel.

9. BOARD INFORMATION ITEMS

- 9-1 Status report for the Inland Feeder Program for activities through June 2007. (E&CP)
[Conference with legal counsel—existing litigation (*Metropolitan Water District of Southern California vs. Campus Crusade for Christ*, SBSC Case No. SCV 35498, Supreme Court Case No. S141148); to be heard in closed session pursuant to Gov. Code Section 54956.9(a); and significant exposure to litigation (one matter); to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]

10. FUTURE AGENDA ITEMS

11. 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.