

REVISED AGENDA

Regular Board Meeting

December 9, 2008

12:00 p.m. -- Board Room

Tuesday, December 9, 2008 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. Computer Training
8:00 a.m.	Rm. 2-145	L&HR
10:00 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: Director Linda Ackerman
- (b) Pledge of Allegiance: Director Larry Dick

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 State Senator Dick Ackerman

5. OTHER MATTERS

- A. Approval of the Minutes of the Meetings for November 11 and 18, 2008.
(Copies have been mailed to each Director)
Any additions, corrections, or omissions
- B. Report on Directors' meetings attended at Metropolitan expense for month of November

- C. Approve committee assignments
- D. Chairman's Monthly Activity Report

6. DEPARTMENT HEADS' REPORTS

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

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1 [Authorize agreement with ATS Communications for telecommunications leases.](#)

Authorize agreement with ATS Communications to develop a Telecommunications Lease Master Plan, and negotiate and manage telecommunications leases. (B&F)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to enter into an agreement with ATS Communications to develop a Telecommunications Lease Master Plan, and negotiate and manage telecommunications leases.

- 7-2 [Authorize final design of two seismic upgrade projects at Diemer plant.](#) Appropriate \$865,000; and authorize final design of two seismic upgrade projects at the Diemer plant (Approp. 15380). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determinations and

- a. Appropriate \$865,000;**
- b. Authorize final design of the Diemer Finished Water Reservoir Seismic Upgrades; and**
- c. Authorize final design of the Diemer East Washwater Tank Seismic Upgrades.**

7-3 [Authorize ozone generation equipment storage agreement and tank storage area.](#)

Appropriate \$570,000; and authorize (1) ozone generation equipment storage agreement with Total Transportation Logistics; and (2) construction of LOX tank storage area for the Weymouth Oxidation Retrofit Program (Approp. 15392). (E&CP)

Recommendation:

Option #1:

Adopt the CEQA determinations and

- a. Appropriate \$570,000 for storage ozone generation and LOX equipment for the Weymouth ORP; and**
- b. Authorize agreement with Total Transportation Logistics in an amount not to exceed \$335,000.**

7-4 [Authorize seismic study of Upper Feeder's Santa Ana River Bridge.](#)

Appropriate \$105,000; and authorize seismic study of the Upper Feeder's Santa Ana River Bridge (Approp. 15441). (E&CP)

Recommendation:

Adopt the CEQA determination and

- a. Appropriate \$105,000; and**
- b. Authorize a seismic study of the Santa Ana River Bridge.**

7-5 [Revise Administrative Code Section 4503 to define member agency responsibilities.](#)

Revise Metropolitan Water District Administrative Code Section 4503 to define member agency responsibilities to accommodate outages at new and modified service connections on raw water conveyance facilities. (WQ&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Revise Metropolitan's Administrative Code Section 4503 "Suspension of Deliveries" to differentiate between the outage provisions proposed for the raw water conveyance system (between 7 and 21 days) and those currently required for raw and treated water distribution systems (7 days), as recommended by the IAS workgroup; and**
- b. Incorporate the revised Administrative Code requirements into all new and revised service connection agreements pertaining to raw water conveyance facilities.**

7-6 [Authorize increase in agreement with CDM Incorporated for assistance in the Integrated Water Resources Plan Update process.](#)

Authorize increase in Metropolitan's existing agreement with CDM Incorporated from \$249,000 to a maximum amount of \$530,000, to provide assistance to Metropolitan in its Integrated Water Resources Plan Update process. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize a \$281,000 increase to CDM's contract to complete the IRP 2009 Update.

7-7 [Amend Conflict of Interest Code in the Administrative Code for statutory compliance.](#)

Amend the Conflict of Interest Code in Chapter 2 of Division VII of the Metropolitan Water District Administrative Code for statutory compliance. (L&HR)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Approve the proposed amendments; and**
- b. Authorize the General Counsel to include additional non-substantial changes requested by the FPPC.**

- 7-8 [Approve increased dues for memberships.](#)
Approve increased dues for continuing memberships in the Association of California Water Agencies, WaterReuse Association, and Western Electricity Coordinating Council. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to pay the listed expected membership dues/assessments for fiscal year 2008/09 as shown in the board letter.

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1 [Authorize reimbursable agreement with LADWP for Tujunga Well Field Groundwater Recovery Project.](#)
Authorize a reimbursable agreement for a maximum of \$12 million with the Los Angeles Department of Water and Power for the Tujunga Well Field Groundwater Recovery Project. (WQ&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Authorize a reimbursable agreement with the Los Angeles Department of Water and Power in an amount not to exceed \$12 million; and**
- b. Provide \$12 million in funding from the General Fund until reimbursed.**

- 8-2 [Authorize execution of Delta Habitat Conservation and Conveyance Program MOA.](#)
Authorize execution of the Delta Habitat Conservation and Conveyance Program Memorandum of Agreement and three related funding and management agreements. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Authorize the General Manager to execute the Delta Habitat Conservation and Conveyance Program Memorandum of Agreement;**
- b. Authorize the General Manager to execute the State and Federal Contractors Water Authority Agreement;**
- c. Authorize the General Manager to execute the State Water Project Contractors Authority – Delta Specific Project Committee Agreement; and**
- d. Authorize the General Manager to execute the Delta Habitat Conservation and Conveyance Program Funding Agreement.**

8-3 Authorize increase in fees for legal representation in *Orange County Water District v. Northrop Corp., et al.*

Report on *Orange County Water District v. Northrop Corp., et al.*, OCSC Case No. 04CC00715; and authorize increase of \$250,000 for a total of \$350,000 in maximum amount payable under contract with Manatt, Phelps & Phillips to defend Metropolitan. (L&HR)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

8-4 Authorize increase in fees for legal and support services in *Alameda County Flood Control & Water Conservation District Zone 7, et al. v. California Department of Water Resources.*

Report on *Alameda County Flood Control & Water Conservation District Zone 7, et al. v. California Department of Water Resources*, Sac. Sup. Ct. Case No. 05AS01775; and authorize increases of (1) \$2.4 million in maximum amount payable under contract with Bingham McCutchen LLP for legal services to represent Metropolitan; and (2) \$200,000 in maximum amount payable under contract with Executive Presentations, Inc. for legal support 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)]

- 8-5 Authorize increase in fees for legal representation in *Solano County Water Agency, et al. v Department of Water Resources*.
Report on *Solano County Water Agency, et al. v. Department of Water Resources*, Sacramento Superior Court Case No. 34-2008-0001338 CU-BC-GDS; and authorize increase of \$250,000 for a total of \$350,000 in maximum amount payable under contract with Ellison Schneider & Harris to represent Metropolitan and other participating state water contractors, approximately one-half of which will be reimbursed by the other participating contractors. (L&HR)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

Withdrawn

- ~~8-6 Approval of Settlement Agreement and Release between Metropolitan and San Manuel Band of Serrano Mission Indians.
Approval of Settlement Agreement and Release between Metropolitan and the San Manuel Band of Serrano Mission Indians relating to Construction of the Arrowhead Tunnels. (L&HR)
[Conference with legal counsel regarding potential litigation relating to San Manuel Band of Mission Indians' request for reimbursement of costs incurred in monitoring construction of the Arrowhead Tunnels; to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]~~

- 8-7 Adopt resolution of necessity for Inland Feeder Project.
Hearing on adoption of resolution of necessity directing the General Counsel to condemn an interest in real property required for the Inland Feeder Project in San Bernardino Community, identified as a portion of San Bernardino County Assessor's Parcel Nos. 0270-061-11, -12, Metropolitan's Parcel No. INFED1-31-100TEA2.1, and owner's name, Campus Crusade for Christ, Inc. (L&HR) **(Two-thirds vote required)**

Recommendation:

Option #1:

Adopt the CEQA determination and the resolution of necessity directing the General counsel to commence an eminent domain proceeding to acquire Metropolitan's Parcel No. INFED1-31-100TEA2.1.

- 8-8 Approve adjustments to salary grades for classifications in ACE (excluding Human Resources classifications).
Approval of adjustments to salary grades for classifications in the Association of Confidential Employees bargaining unit (excluding Human Resources classifications), as a result of the Association of Confidential Employees Classification and Compensation Study.

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to exercise discretion under Administrative Code Sections 6101(k) and (l) to enter into an agreement to adjust salary grades for ACE classifications (excluding Human Resources classifications).

- 8-9 Approve Legislative Strategy for 2009.
Approve Legislative Strategy for 2009. (C&L)

Recommendation:

Option #1:

Adopt the CEQA determination and approve the 2009 Legislative Strategy.

- Added** 8-10 Authorize principles of agreement for sale of water to the United States for benefit of the Pechanga Band of Luiseño Mission Indians.
Authorize execution of principles of agreement for sale of water to the United States for the benefit of the Pechanga Band of Luiseño Mission Indians. (WP&S)
**[Conference with real property negotiators; property is Colorado River water rights; agency negotiators: Jeffrey Kightlinger and Karen Tachiki; negotiating parties: Pechanga Band of Luiseño Mission Indians, Colorado River Indian Tribes and U.S. Department of the Interior; under negotiation: price and terms of agreement; to be heard in closed session pursuant to Gov. Code Section 54956.8]
(To be mailed separately)**

9. BOARD INFORMATION ITEMS

- 9-1 Status report for the Inland Feeder Program for activities through October 2008. (E&CP)
- 9-2 Status of the 2008 Long Range Finance Plan. (B&F)
- 9-3 Report on efforts to assist in adoption of Local Water Conservation Ordinances. (WP&S)

- Added** 9-4 2009 Water Supply Allocation Plan Status. (WP&S)

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

NOTE: Underscored summary language at the beginning of each action item is provided for ease of reference only. Please refer to the entire description of each agenda item to obtain information on the subject matter under consideration.

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.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

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.