



● **Board of Directors**  
***Legal and Human Resources Committee***

August 18, 2009 Board Meeting

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8-1

**Subject**

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Approve amendments to the Metropolitan Water District Administrative Code to conform to current laws and practices and make corrections

**Description**

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This letter proposes amendments to Metropolitan's Administrative Code to reflect changes in Metropolitan's practices, to conform the Code to pertinent laws and regulations, correct minor errors and to provide consistency with Administrative Code sections previously enacted or amended.

The proposed amendments are set forth in [Attachment 1](#), with overstrikes reflecting deletions and underlining reflecting additions. [Attachment 2](#) sets forth the sections as they would now appear in the Administrative Code.

The Administrative Code is proposed to be amended as follows:

1. Section 2202 on selection of board officers is amended to delete references to the former Nominating Committee and provide for nomination of candidates for Chair and Secretary of the Board by the Executive Committee, as approved by the Board at its June 13, 2006 meeting.
2. Sections 2315, 2614, 2615(l), and 2616 concerning inspection trips are amended to reflect that these trips are now organized by the Office of the Board instead of the External Affairs Group. This function was transferred to the Office of the Board in 2006.
3. Section 2700(c) on the General Manager's Annual Report to the Executive Committee is amended to reflect that the General Manager's annual internal control report is reported to this committee separately from the General Manager's Business Plan. This conforms to current practice.
4. Section 2720 on General Manager's Quarterly Reports and Section 8122(c), authorizing the General Manager to execute certain agreements for relocation of facilities owned by others that is necessary to the construction of District facilities, are amended to provide that the execution of any relocation agreement authorized under Section 8122(c) is to be reported quarterly to the Engineering and Capital Programs Committee instead of to the Business and Finance Committee. This is consistent with current practice.
5. The water service regulations in Division IV, Chapter 5 are amended to provide for certification and billing for water services by way of the new electronic system, instead of the previous manual system, by amendments to sections 4507(c), (e), (i) and (j), 4514(d), and 4518(c). In accordance with current practices, the amendments include all water services requiring certifications. Use of the electronic system began in April 2009.
6. Section 6229 concerning Special Leave for employees is amended to conform to the California Labor Code, Family and Medical Leave Act policy and memoranda of understanding with employee bargaining units to permit up to 48 hours of sick leave per incident in a calendar year to be used in the case of an operation, birth of an employee's child, or during an illness of a member of the immediate family.

7. Sections 6231, 6246 and 6247 concerning family and medical leave, military leave and leave without pay are amended to clarify Metropolitan's current leave procedures and conform to current legal definitions and leave requirements. Changes relate to the definition of a child, the limitation on leave for parents who are both employed by Metropolitan for various childcare issues or the care of a parent with a serious health condition, military leave for the management of family affairs or the care of an injured service member, and military spousal leave when a spouse returns from active military duty.
8. Section 6500, the hourly pay rate schedule for unrepresented employees, is amended to reflect current unrepresented positions and their respective pay grades.

## Policy

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Metropolitan Water District Administrative Code Section 2451(g): Duties and Functions of the Legal and Human Resources Committee

### California Environmental Quality Act (CEQA)

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CEQA determination for Options #1 and #2:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

## Board Options

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### Option #1

Adopt the CEQA determination and approve amendments to the Administrative Code set forth in [Attachment 2](#) to reflect the changes recommended in this letter.

**Fiscal Impact:** None

**Business Analysis:** To conform to current law and procedures

### Option #2

Do not approve amendments to the Administrative Code set forth in [Attachment 2](#).

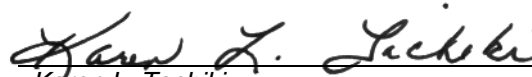
**Fiscal Impact:** None

**Business Analysis:** To conform to current law and procedures

**Staff Recommendation**

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Option #1

  
\_\_\_\_\_  
Karen L. Tachiki  
General Counsel

7/31/2009  
Date

  
\_\_\_\_\_  
Jeffrey Lightlinger  
General Manager

7/31/2009  
Date

**Attachment 1 – The Administrative Code of The Metropolitan Water District of Southern California (showing additions and deletions)**

**Attachment 2 – The Administrative Code of The Metropolitan Water District of Southern California (changed provisions only)**

BLA #6819

## Division II

### PROCEDURES PERTAINING TO BOARD, COMMITTEES AND DIRECTORS

#### Chapter 2

#### BOARD OFFICERS

##### § 2202. Selection of Officers.

The Chair shall be nominated by the ~~Nominating Executive~~ Committee or from the floor and elected in even-numbered years at the October meeting of the Board. The Secretary shall be nominated by the ~~Nominating Executive~~ Committee or from the floor and elected in even-numbered years at the November meeting of the Board. The four Vice Chairs shall be selected by the Chair, with the approval of the Executive Committee and Board, and shall serve at the pleasure of the Chair. Selection of the offices shall be made without regard to the regions which are represented.

#### Chapter 3

#### RULES GOVERNING COMMITTEES

##### § 2315. Standing Committee Inspection Trips.

When deemed to be of value by the Executive Committee, any standing, special, sub, or ad hoc committee may schedule one- or two-day inspection trips that will aid its members in the deliberations of matters before that committee. Trips of longer duration require approval by the Chairman and Board officers. Such inspection trips should be coordinated through the ~~External Affairs Group~~Office of the Board.

#### Chapter 6

#### DIRECTORS

##### § 2614. Alternative Inspection Trips.

When in the best interests of the District, the ~~External Affairs Group~~Office of the Board may organize alternative inspection trips to inform directors and invited guests on facilities and water management issues. The Board Chair shall approve any alternative inspection trip before it may be made available to directors. An approved alternative inspection trip may be substituted by a director for a regular inspection trip from Section 2611 to 2613 of the Administrative Code; however, the same

provisions of Section 2610 shall apply. Any alternative inspection trip will be designated, in the approval, as to the type of regular inspection trip for which it may be substituted.

**§ 2615. General Provisions.**

...

(l) The ~~External Affairs Group~~ Office of the Board will not accept reservations for inspection trips prior to April 1 for the following fiscal year.

**§ 2616. Obligations.**

It is the obligation of new members of the Board of Directors to participate in orientation and training.

(a) New director inspection trips of the Colorado River Aqueduct and Diamond Valley Lake facilities shall be scheduled quarterly by the ~~External Affairs Group~~ Office of the Board.

(b) Each new appointee to the Board within the first six months of being seated shall arrange for a member ~~of the External Affairs Group~~ staff of the Office of the Board to provide a one-day orientation excursion to view various local District facilities.

**Chapter 7**

**PERIODIC STAFF REPORTS TO BOARD AND COMMITTEES**

**Article 1**

**ANNUAL REPORTS**

**§ 2700. General Manager’s Annual Reports.**

The General Manager shall annually make the following reports

...

(c) To the Executive Committee:

(1) ~~On~~ On the General Manager’s Business Plan and goals and objectives as required by Section 6416.

(2) ~~On This report shall convey~~ the effectiveness of the District’s internal control system, including information technology security and control.

**§ 2720. General Manager's Quarterly Reports.**

The General Manager shall quarterly make the following reports:

...

(b) To the Business and Finance Committee:

(1) A summary of financial performance including Comparative Statements of Operations and Comparative Balance Sheets and variances thereof from estimates

~~(2) The execution of any relocation agreements involving an amount in excess of \$100,000 under the authority of Section 8122(c);~~

(3) The execution of any contract authorized pursuant to Section 8122(g);

(4) Deeds or grants accepted during the preceding quarter;

(5) Easements, or similar rights, granted during the preceding quarter under the authority of Section 8220, and shall also include in such report any relocation or protection agreement made in connection therewith;

(6) All leases made during the preceding quarter under the authority of Sections 8222, 8223, 8230 and 8232;

(7) The details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District; and

(8) Property sold pursuant to the authority granted by Section 8240 et seq.

(c) To the Engineering and Capital Programs Committee:

~~(1) The status of all information technology projects throughout the organization;~~

~~(2) The execution of any relocation agreements involving an amount in excess of \$100,000 under the authority of Section 8122(c).~~

**Division IV**

**WATER SERVICE POLICIES**

**Chapter 5**

**WATER SERVICE REGULATIONS - GENERAL**

**§ 4507. Billing and Payment for Water Deliveries.**

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(c) **Full Service and Interim Agricultural Water Program Facility.** In cases where water through a particular facility is delivered during any month for both full service and Interim Agricultural Water Service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in full service to the total quantity of water delivered. If the member public agency desires to receive credit for such water so delivered as was used in Interim Agricultural Water Service the facts concerning the quantities of water so used must be certified to the District ~~in writing~~ via the District's electronic certification and billing system by an ~~responsible officer~~ authorized user for ~~of~~ the member public agency purchasing such water as set forth in Sections 4507(f) and (g), and each such certification shall cover a period of not more than one calendar month. The value of such credits shall be based on the difference in water rates in effect at the time the water is used, regardless of the date of delivery.

...

(e) **Full Service, Interim Agricultural Water Program, Emergency Storage Program, and Replenishment Water Facility.** In cases where water through a particular facility is delivered during any month for full service or Interim Agricultural Water Service or both, and for Emergency Storage Program Service or Replenishment Service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in full service to the total quantity of water delivered. In addition to the procedures for crediting Interim Agricultural Water Program Service, if the member public agency desires to receive credit for water used in Emergency Storage Program Service or Replenishment Service the facts concerning the quantities of water so used must be certified to the District ~~in writing or electronically by computer modem or otherwise by a responsible officer of~~ via the District's electronic certification and billing system by an authorized user for the member public agency purchasing such water as provided for in Section 4507 (f) and (h). The amount of such credits shall be based on the difference in water rates in effect at the time the water is used.

...

(i) **Provisions Regarding the Sale, Delivery, and Use of Interim Agricultural Water Program Water.** In order for any member public agency to be charged at the rate charged for water

sold and delivered in Interim Agricultural Water Program Service, such member public agency shall be subject to and shall observe the following provisions regarding the sale, delivery, and use of such water:

...

In the absence of the submission of ~~certificates~~certifications reciting the facts concerning the usage of water for Interim Agricultural Water Program Service, and stating that such usage was in conformity with the provisions described herein, it shall be conclusively presumed that the water was used for full service, and the District's billing shall be on this basis as provided in Section 4507 (f) and (g).

(j) **Determination by General Manager as to Type of Delivery.** In the event the respective quantities of water sold and delivered in any month on order of any member public agency for use therein in Interim Agricultural Water Program Service, Emergency Storage Program Service, ~~or~~ Replenishment Service, or any other water program requiring certification, are not determinable to the satisfaction of the General Manager in time for preparing regular monthly bills-~~therefor~~, then billing and payment for all water sold and delivered in such month to such member public agency shall be made at the rates prescribed for water used in full service in Section 4401(a)(1) hereof. Upon the determination by the General Manager of the correct quantities of water sold and delivered and used in Interim Agricultural Water Program Service, Emergency Storage Program Service, ~~or~~ Replenishment Service, or any other water program requiring certification, any adjustment which is necessary to give effect to the reduced rates applicable to water used in Interim Agricultural Water Program Service, Emergency Storage Program Service, ~~or~~ Replenishment Service, or any other water program requiring certification, shall be made by application of credits on subsequent purchases of water from the District by such member public agency. Such adjustments shall not be made in cases where a claim for the reduced rates is not submitted within the period provided in Section 4507(f) and (g).



**§ 4514. Replenishment Service.**

...

(d) Certification - Member public agencies may receive Replenishment Service only upon filing of the required certifications specified in Section 4507. All certifications as to the storage of water Replenishment Service must be on forms provided by the District or in electronic format acceptable to the District and provided to the District via the District's electronic certification and billing system by an authorized user. Receipt of a certification ~~electronically by computer modem or otherwise~~ shall be considered identical to receipt of a written and signed certification binding on the member public agency for all purposes. The General Manager may make or cause to be made such investigations as the General Manager may require in order to determine the quantities of water to which the Replenishment Service rates shall apply. Such investigations may result in revisions either upward or downward in the amount of water actually received in Replenishment Service. No such investigation shall be made unless the member public agency has requested Replenishment Service and submitted the requisite certifications. The General Manager may reject any certification if the certifying agency is unable to furnish sufficient documentation as to the facts of the certification.

**§ 4518. Emergency Storage Program.**

...

## (c) Certification

(1) Certification process is subject to the rules specified in Section 4507.

(2) On a monthly basis, a participating member public agency will certify the volume of water delivered for Emergency Storage Program purposes for billing purposes via the District's electronic certification and billing system.

(3) A member public agency that has received water under the Emergency Storage Program shall certify to Metropolitan whether water delivered through the Emergency Storage Program is maintained as emergency storage and/or indicate the emergency for which the storage water was withdrawn. In the event of an emergency where the water is unavailable due to its prior use to meet non-emergency demands, the water will be re-billed to the member agency at the then current Tier 2 cost.

**Division VI**  
**PERSONNEL MATTERS**  
**Chapter 2**  
**PERSONNEL REGULATIONS**

**§ 6229. Special Leave.**

(a) Special leave with pay may be taken and charged against sick leave credits, subject to the limitations provided in this section, to attend to an~~for~~ illness in the employee's immediate family other than the employee's own illness. Such leave shall be permitted in the case of an operation, birth of the employee's child, or during an illness of a member of the immediate family, but the total such special leave with regard to a single operation, birth, or illness shall not exceed ~~three regular work days~~48 hours in a calendar year. For purposes of this section, "immediate family" means spouse, domestic partner, child, parent, brother or sister.

(b) Satisfactory justification for the granting of special leave shall be as required by the Department Head.

**§ 6231. Family and Medical Leave.**

(a) The District will provide family and medical leave for an employee as required by state and federal law.

(b) For purposes of this section, employee shall mean an employee who has at least one year of service with the District and at least 1,250 hours active service during the one year period immediately preceding the commencement of the request for a family and medical leave.

(c) The following provisions set forth certain of the rights and obligations with respect to family and medical leave. Rights and obligations which are not specifically set forth or defined below are contained in the U.S. Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 ("FMLA") and the California Fair Employment and Housing Commission regulations implementing the California Family Rights Act ("CFRA")(Government Code 12945.2).

(d) Unless otherwise provided by this section, "Family and Medical Leave" and "Leave" shall mean leave pursuant to the FMLA and CFRA.

(e) An employee is entitled to a total of 12 weeks of Leave during any 12-month period to care for a newborn child, due to the placement of an adopted or foster child, to care for a childson or daughter (as defined by the Department of Labor), parent, spouse or domestic partner who has a serious health

condition, or because of the employee's own serious health condition that prevents the employee from performing any one or more of the essential functions of the employee's position. The 12-month period for calculating Leave entitlement will be the 12-month period measured backward from the date an employee uses any Leave.

(f) An employee's entitlement to Leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

(g) Parents who are both employed by the District shall be limited to a combined total of 12-weeks of Leave during any 12-month period for the birth and care of a newborn child, for the placement of a child for adoption or foster care, and care of the newly placed child or for a parent with a serious health condition.

(gh) An employee shall provide at least 30 calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave, ~~but no later than five working days from learning of the event.~~ To be eligible for a Leave, the employee must follow the District's usual and customary call-in procedures for reporting an absence as detailed in section 6241.

(i) An employee who takes a Leave for his or her own serious health condition is required to submit a Return to Work / Doctor's Release prior to returning to work.

(hj) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

(1) All sick leave.

(2) Forty hours of annual leave. If annual leave is exhausted, the employee must choose to use other paid or unpaid leave to complete the 40 hour.

(3) The employee has the option of using additional paid leave at full pay. If the employee chooses to use additional paid leave at full pay, it must be used in the following order:

(i) The balance of the employee's annual leave;

(ii) Other paid leave;

(4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:

(i) 75% disability;

(ii) 50% disability;

- (iii) Annual leave;
- (iv) Other paid leave at the employee’s option;
- (v) Unpaid leave.

(5) The exhaustion of the paid leave shall run concurrently with the Leave.

(~~k~~) When the Leave is taken for the birth of a child of the employee, for the placement of a child with the employee for adoption or foster care, or to care for the employee’s spouse, domestic partner, childson or daughter (as defined by the Department of Labor) or parent who has a serious health condition or a Military Family Leave, the employee shall utilize Leave in the following order:

- (1) Special leave.
- (2) Annual leave.
- (3) After exhausting special and annual leave, the employee has the option of using any additional paid leave for which the employee is qualified.
- (4) Unpaid leave.
- (5) The exhaustion of the paid leave shall run concurrently with the Leave.

(~~l~~) If an employee takes sick leave or partial pay disability leave without requesting Family and Medical Leave, within ~~two~~five days of the employee’s return to work and advisement of the District concerning the purpose of the sick leave, the District shall make a determination as to whether the sick leave shall be considered Family and Medical Leave.

(~~m~~) The District shall maintain coverage under any group health plan for the duration of the Leave at the level and under conditions that would have been provided had the employee been working. However, the District shall only maintain such group health plan coverage for such employee for up to 12 weeks within a 12-month period commencing with the start of the Leave.

(~~n~~) An employee has the right to reinstatement to the same or a comparable position unless the employee is exempted from such right under the provisions of the FMLA or CFRA.

(~~o~~) Any leave taken by an employee under the Fair Employment and Housing Act’s provisions applicable to pregnancy-related disabilities cannot be counted against the 12-week limitation on family and medical leaves authorized under the CFRA.

(p) Military Family Leave:

The two types of Military Family Leave available are:

(1) **Qualifying Exigency Leave.** An employee is entitled to a total of 12 weeks of Leave during any 12-month period to help manage family affairs due to a reservist or retired military member who is their spouse, son, daughter or parent being on active duty or being called to active duty in support of a contingency operation.

(2) **Injured Service Member Care Leave.** An employee is entitled to a total of 26 weeks of Leave during any 12-month period to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty. Employees entitled to this Leave are the spouse, parent, child or next of kin of the injured or ill service member.

#### **§ 6246. Military Leave.**

(a) Every employee who is a member of the National Guard or Naval Militia, or a member of the reserve corps or force in the Federal military, naval or marine service, shall be entitled to military leave in accordance with the applicable provisions of the Military and Veterans Code of the State of California. The present law provides, in general, that a person having one year or more of service with the District is entitled to military leave with pay for a period not exceeding 30 calendar days per fiscal year. The military service time of a new employee who comes to the District directly from military service may be applied to the one year employment requirement necessary to the granting of military leave.

(b) Veterans are entitled to reemployment if they serve not more than four years in the military (or longer if involuntarily retained). The veteran must satisfactorily complete the period of active duty and have a certificate to that effect and apply within 90 days after completion of military service. If the military service was initial active-duty-for-training for a period of not less than three months, the veteran must apply for reemployment within 31 days. Employees on military leave do not lose their accumulated sick leave credits. The District will restore the veteran to employment as though no interruption of District service has occurred. The District will apply all general pay adjustments enacted by the Board to the old base salary as though the veteran had not been absent. The veteran need not be returned to the former position but will be given a position of status and pay equivalent to the former position. Although the veteran earns no leave while absent on military leave, neither does the veteran lose any leave balances while absent on military leave. Military service time is added to the length of District service for purpose of computing the rate at which a returning veteran will earn annual leave.

(c) **Military Spousal Leave - Every employee who has worked at least an average of 20 hours a week in the last 6 months and is married to a service member is entitled to 10 days leave when his or her spouse returns from active duty. Employees must notify the District of their intention to take this leave within two business days of receiving official notice that the spouse will be on leave from military deployment.**

**§ 6247. Leave Without Pay.**

(a) Leave without pay, except when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee only after exhaustion of all accumulated vacation leave. The General Manager may promulgate regulations pursuant to Administrative Code Section 6115(c) which permit leave without pay without exhaustion of accumulated vacation leave. Leave without pay granted pursuant to this Section may not exceed 120 consecutive calendar days unless authorized by the Board for a longer period. Such leave may be terminated at any time by the employee's returning to work. An employee on such leave is entitled to the benefits of sick leave accumulated prior to his absence.

(b) An employee that qualifies for Military Spousal Leave, as defined by the applicable law and as set forth in section 6246(c), can take leave without pay for a period of up to 10 days.

~~(b)~~ Leave without pay, when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee for a period which, when added to the period of disability leave and to the interval between the exhaustion of accumulated sick leave and the beginning of disability leave, shall not exceed 3,132 hours, unless authorized by the Board for a longer period. Such leave shall be granted only after exhaustion of accumulated sick and disability leave, except that disability leave need not be exhausted prior to the taking of leave without pay for the 40 hours specified in Section 6228(b)(2). An employee who, due to illness or injury, has taken leave without pay under this Section 6247(b) in excess of 30 consecutive calendar days will be required to provide a physician's statement attesting to his fitness, based upon his normal duties pursuant to his job description, before returning to work.

~~(c)~~ Insurance Coverage for Leave Without Pay.

(1) Any employee who is on leave without pay for a period of 30 or more consecutive calendar days will be permitted to continue coverage under a group insurance program if permitted under the terms of the program and if the employee pays the premiums required to maintain coverage for the duration of the absence.

(2) Notwithstanding Section 6247~~(c)~~(1), the District shall pay the premiums it would otherwise pay for any employee who is on leave without pay and is receiving temporary disability indemnity under Division 4 of the State Labor Code as a result of an injury incurred in the course and scope of District employment provided, however, said employee continues to pay his portion of said premiums. Any payment of premiums pursuant to this subsection shall terminate 30 calendar days after the final temporary disability indemnity payment is made.

**§ 6500. Hourly Pay Rate Schedule.**

(a) The hourly pay rate (as that term is defined in subdivision (h) of Section 6200) and schedule of positions occupied by unclassified service employees not in an appropriate unit recognized pursuant to Section 6108 shall be as follows:

|               |  |   |
|---------------|--|---|
| 54            | \$32.75-\$44.02<br>(\$68,120-\$91,562)                         | Legislative Representative  |
| 64            | \$42.84-\$57.54<br>(\$89,107-\$119,683)                        | Board Executive Secretary   |
| <u>66</u>     | <u>\$45.27-\$60.75</u><br><u>(\$94,162-\$126,360)</u>          | <u>Program Manager I</u>  |
| 68            | \$47.72-\$64.14<br>(\$99,258-\$133,411)                        | Principal Legislative Representative  |
| <u>69</u>     | <u>\$49.01-\$65.89</u><br><u>(\$101,941-\$137,051)</u>         | <u>Program Manager II</u>   |
| 70            | \$50.36-\$67.73<br>(\$104,749-\$140,878)                       | Staff Assistant to the General Manager  |
| <del>71</del> | <del>\$51.70-\$69.55</del><br><del>(\$107,536-\$144,664)</del> | <del>Senior Executive Assistant to General Manager</del>                        |
| <u>72</u>     | <u>\$53.10-\$71.49</u><br><u>(\$110,448-\$148,699)</u>         | <u>Program Manager III</u>  |
| 73            | \$54.56-\$73.44<br>(\$113,485-\$152,755)                       | <del>Employee Relations Unit Manager</del><br><u>Human Resources Manager I</u>  |
| 74            | <u>\$56.05-\$75.48</u><br><u>(\$116,584-\$156,998)</u>         | <u>Equal Employment Opportunity Manager</u><br><u>Talent Management Manager</u> |
| <del>75</del> | <del>\$57.54-\$77.57</del><br><del>(\$119,683-\$161,346)</del> | <del>Inland Feeder Project Manager</del>  |

|    |  |  |
|----|--|--|
| 76 | <u>\$59.10-\$79.68</u><br><u>(\$122,928-\$165,734)</u> | <u>Human Resources Manager II</u>  |
| 78 | \$62.41-\$84.11<br>(\$129,813-\$174,949)               | Special Projects Manager<br>Human Resources Section Manager  |
| 79 | \$64.14-\$86.43<br>(\$133,411-\$179,774)               | Executive Legislative Representative<br>Executive Strategist<br>Assistant Group Manager<br>Assistant General Auditor<br><del>Executive Assistant</del><br>Senior Deputy General Counsel – Labor<br><u>Human Resources Manager III</u>  |
| 83 | \$71.49-\$96.35<br>(\$148,699-\$200,408)               | Group Manager<br>Director of Human Resources<br>Chief Deputy General Counsel – Labor   |
| 84 | \$73.44-\$99.00<br>(\$152,755-\$205,920)               | Deputy General Manager – External Affairs<br>Assistant General Counsel   |
| 91 | \$88.81-\$119.68<br>(\$184,725-\$248,934)              | <del>Assistant General Managers</del><br><u>Assistant General Manager --</u> Chief Operating Officer<br><u>Assistant General Manager --</u> Chief Administrative Officer<br><u>Assistant General Manager --</u> Chief Financial Officer<br><u>Assistant General Manager --</u> <del>Strategie</del> <u>Water Initiatives</u> <u>Water Planning Resources</u> |

( ) Shows approximate annual salary range for convenience; Board approved rates are hourly.  
None of the above positions are eligible for overtime.

(b) Unrepresented employees are eligible to receive a monthly transportation allowance. Transportation allowance amounts are to be administered by the General Manager based on a schedule approved by the Board of Directors.

(c) Unrepresented employees are eligible to participate in a pay-for-performance incentive program promulgated by the General Manager. The Board shall establish the total expenditure for the program.

(d) Unless otherwise directed by the Board, the range of base hourly pay rates for the employees in the positions identified in Section 6500(~~ba~~) will be adjusted annually to correspond with the annual



across-the-board salary adjustment provided to the District’s management unit. Actual pay rates for these employees will be based on merit pursuant to employee evaluations. Department Heads are authorized to move a position to a different salary grade in accordance with practices, policies and procedures promulgated by the General Manager.

**Division VIII**

**CONTRACTS/DISTRICT PROPERTY**

**Chapter 1**

**CONTRACTS**

**Article 2**

**AUTHORITY TO CONTRACT**

**§8122. General Manager’s Contracting Authority in Specified Circumstances.**

...

(c) Relocation Agreements

(1) The General Manager is authorized to execute any agreement involving an amount not exceeding \$500,000 under which the District is to pay the cost of relocation or protection, or both, of facilities owned by others whenever the General Manager deems that such action is necessary to the construction of District facilities.

(2) The General Manager is authorized to issue all appropriate orders necessary to implement any such agreement, and, in the General Manager's discretion, to advance funds therefore.

(3) The General Manager is authorized to execute and to perform any agreement involving an amount not exceeding \$500,000 for the relocation or protection, or both, of District-owned facilities to accommodate the improvement of facilities owned by others and to determine whether a deposit shall be made prior to the commencement of work, and if so, in what amount.

(4) The General Manager shall report quarterly to the ~~Business and Finance~~Engineering and Capital Programs Committee the General Manager's execution under the authority of this Section of any agreements involving an amount in excess of \$100,000.

(5) All such agreements shall be subject to the approval of the General Counsel.

...

## **Division II**

### **PROCEDURES PERTAINING TO BOARD, COMMITTEES AND DIRECTORS**

#### **Chapter 2**

#### **BOARD OFFICERS**

##### **§ 2202. Selection of Officers.**

The Chair shall be nominated by the Executive Committee or from the floor and elected in even-numbered years at the October meeting of the Board. The Secretary shall be nominated by the Executive Committee or from the floor and elected in even-numbered years at the November meeting of the Board. The four Vice Chairs shall be selected by the Chair, with the approval of the Executive Committee and Board, and shall serve at the pleasure of the Chair. Selection of the offices shall be made without regard to the regions which are represented.

#### **Chapter 3**

#### **RULES GOVERNING COMMITTEES**

##### **§ 2315. Standing Committee Inspection Trips.**

When deemed to be of value by the Executive Committee, any standing, special, sub, or ad hoc committee may schedule one- or two-day inspection trips that will aid its members in the deliberations of matters before that committee. Trips of longer duration require approval by the Chairman and Board officers. Such inspection trips should be coordinated through the Office of the Board.

#### **Chapter 6**

#### **DIRECTORS**

##### **§ 2614. Alternative Inspection Trips.**

When in the best interests of the District, the Office of the Board may organize alternative inspection trips to inform directors and invited guests on facilities and water management issues. The Board Chair shall approve any alternative inspection trip before it may be made available to directors. An approved alternative inspection trip may be substituted by a director for a regular inspection trip from Section 2611 to 2613 of the Administrative Code; however, the same provisions of Section 2610 shall apply. Any alternative inspection trip will be designated, in the approval, as to the type of regular inspection trip for which it may be substituted.

**§ 2615. General Provisions.**

...

(l) The Office of the Board will not accept reservations for inspection trips prior to April 1 for the following fiscal year.

**§ 2616. Obligations.**

It is the obligation of new members of the Board of Directors to participate in orientation and training.

(a) New director inspection trips of the Colorado River Aqueduct and Diamond Valley Lake facilities shall be scheduled quarterly by the Office of the Board.

(b) Each new appointee to the Board within the first six months of being seated shall arrange for a member of the staff of the Office of the Board to provide a one-day orientation excursion to view various local District facilities.

**Chapter 7**

**PERIODIC STAFF REPORTS TO BOARD AND COMMITTEES**

**Article 1**

**ANNUAL REPORTS**

**§ 2700. General Manager's Annual Reports.**

The General Manager shall annually make the following reports

...

(c) To the Executive Committee:

(1) On the General Manager's Business Plan and goals and objectives as required by Section 6416.

(2) On the effectiveness of the District's internal control system, including information technology security and control.

**§ 2720. General Manager's Quarterly Reports.**

The General Manager shall quarterly make the following reports:

...

(b) To the Business and Finance Committee:

(1) A summary of financial performance including Comparative Statements of Operations and Comparative Balance Sheets and variances thereof from estimates

(2) The execution of any contract authorized pursuant to Section 8122(g);

(3) Deeds or grants accepted during the preceding quarter;

(4) Easements, or similar rights, granted during the preceding quarter under the authority of Section 8220, and shall also include in such report any relocation or protection agreement made in connection therewith;

(5) All leases made during the preceding quarter under the authority of Sections 8222, 8223, 8230 and 8232;

(6) The details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District; and

(7) Property sold pursuant to the authority granted by Section 8240 et seq.

(c) To the Engineering and Capital Programs Committee:

(1) The status of all information technology projects throughout the organization;

(2) The execution of any relocation agreements involving an amount in excess of \$100,000 under the authority of Section 8122(c).

**Division IV**

**WATER SERVICE POLICIES**

**Chapter 5**

**WATER SERVICE REGULATIONS - GENERAL**

**§ 4507. Billing and Payment for Water Deliveries.**

...

(c) **Full Service and Interim Agricultural Water Program Facility.** In cases where water through a particular facility is delivered during any month for both full service and Interim Agricultural Water Service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in full service to the total quantity of water delivered. If the member public agency desires to receive credit for such water so delivered as was used in Interim Agricultural Water Service the facts concerning the quantities of water so used must be certified to the District via the District’s electronic certification and billing system by an authorized user for the member public agency purchasing such water as set forth in Sections 4507(f) and (g), and each such certification shall cover a period of not more than one calendar month. The value of such credits shall be based on the difference in water rates in effect at the time the water is used, regardless of the date of delivery.

...

(e) **Full Service, Interim Agricultural Water Program, Emergency Storage Program, and Replenishment Water Facility.** In cases where water through a particular facility is delivered during any month for full service or Interim Agricultural Water Service or both, and for Emergency Storage Program Service or Replenishment Service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in full service to the total quantity of water delivered. In addition to the procedures for crediting Interim Agricultural Water Program Service, if the member public agency desires to receive credit for water used in Emergency Storage Program Service or Replenishment Service the facts concerning the quantities of water so used must be certified to the District via the District’s electronic certification and billing system by an authorized user for the member public agency purchasing such water as provided for in Section 4507 (f) and (h). The amount of such credits shall be based on the difference in water rates in effect at the time the water is used.

...

(i) **Provisions Regarding the Sale, Delivery, and Use of Interim Agricultural Water Program Water.** In order for any member public agency to be charged at the rate charged for water sold and delivered in Interim Agricultural Water Program Service, such member public agency shall be subject to and shall observe the following provisions regarding the sale, delivery, and use of such water:

...

In the absence of the submission of certifications reciting the facts concerning the usage of water for Interim Agricultural Water Program Service, and stating that such usage was in conformity with the provisions described herein, it shall be conclusively presumed that the water was used for full service, and the District's billing shall be on this basis as provided in Section 4507 (f) and (g).

**(j) Determination by General Manager as to Type of Delivery.** In the event the respective quantities of water sold and delivered in any month on order of any member public agency for use therein in Interim Agricultural Water Program Service, Emergency Storage Program Service, Replenishment Service, or any other water program requiring certification, are not determinable to the satisfaction of the General Manager in time for preparing regular monthly bills, then billing and payment for all water sold and delivered in such month to such member public agency shall be made at the rates prescribed for water used in full service in Section 4401(a)(1) hereof. Upon the determination by the General Manager of the correct quantities of water sold and delivered and used in Interim Agricultural Water Program Service, Emergency Storage Program Service, Replenishment Service, or any other water program requiring certification, any adjustment which is necessary to give effect to the reduced rates applicable to water used in Interim Agricultural Water Program Service, Emergency Storage Program Service, Replenishment Service, or any other water program requiring certification, shall be made by application of credits on subsequent purchases of water from the District by such member public agency. Such adjustments shall not be made in cases where a claim for the reduced rates is not submitted within the period provided in Section 4507(f) and (g).

#### **§ 4514. Replenishment Service.**

...

(d) Certification - Member public agencies may receive Replenishment Service only upon filing of the required certifications specified in Section 4507. All certifications as to the storage of water Replenishment Service must be on forms provided by the District or in electronic format acceptable to the District and provided to the District via the District's electronic certification and billing system by an authorized user. Receipt of a certification shall be considered identical to receipt of a written and signed certification binding on the member public agency for all purposes. The General Manager may make or cause to be made such investigations as the General Manager may require in order to determine the quantities of water to which the Replenishment Service rates shall apply. Such investigations may result in revisions either upward or downward in the amount of water actually received in Replenishment Service. No such investigation shall be made unless the member public agency has requested Replenishment Service and submitted the requisite certifications. The General Manager may reject any certification if the certifying agency is unable to furnish sufficient documentation as to the facts of the certification.

**§ 4518. Emergency Storage Program.**

...

(c) Certification

(1) Certification process is subject to the rules specified in Section 4507.

(2) On a monthly basis, a participating member public agency will certify the volume of water delivered for Emergency Storage Program purposes for billing purposes via the District's electronic certification and billing system.

(3) A member public agency that has received water under the Emergency Storage Program shall certify to Metropolitan whether water delivered through the Emergency Storage Program is maintained as emergency storage and/or indicate the emergency for which the storage water was withdrawn. In the event of an emergency where the water is unavailable due to its prior use to meet non-emergency demands, the water will be re-billed to the member agency at the then current Tier 2 cost.

**Division VI**

**PERSONNEL MATTERS**

**Chapter 2**

**PERSONNEL REGULATIONS**

**§ 6229. Special Leave.**

(a) Special leave with pay may be taken and charged against sick leave credits, subject to the limitations provided in this section, to attend to an illness in the employee's immediate family other than the employee's own illness. Such leave shall be permitted in the case of an operation, birth of the employee's child, or during an illness of a member of the immediate family, but the total such special leave with regard to a single operation, birth, or illness shall not exceed 48 hours in a calendar year. For purposes of this section, "immediate family" means spouse, domestic partner, child, parent, brother or sister.

(b) Satisfactory justification for the granting of special leave shall be as required by the Department Head.

**§ 6231. Family and Medical Leave.**

(a) The District will provide family and medical leave for an employee as required by state and federal law.

(b) For purposes of this section, employee shall mean an employee who has at least one year of service with the District and at least 1,250 hours active service during the one year period immediately preceding the commencement of the request for a family and medical leave.

(c) The following provisions set forth certain of the rights and obligations with respect to family and medical leave. Rights and obligations which are not specifically set forth or defined below are contained in the U.S. Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 ("FMLA") and the California Fair Employment and Housing Commission regulations implementing the California Family Rights Act ("CFRA")(Government Code 12945.2).

(d) Unless otherwise provided by this section, "Family and Medical Leave" and "Leave" shall mean leave pursuant to the FMLA and CFRA.

(e) An employee is entitled to a total of 12 weeks of Leave during any 12-month period to care for a newborn child, due to the placement of an adopted or foster child, to care for a son or daughter (as defined by the Department of Labor), parent, spouse or domestic partner who has a serious health condition, or because of the employee's own serious health condition that prevents the employee from performing any one or more of the essential functions of the employee's position. The 12-month period for calculating Leave entitlement will be the 12-month period measured backward from the date an employee uses any Leave.

(f) An employee's entitlement to Leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

(g) Parents who are both employed by the District shall be limited to a combined total of 12- weeks of Leave during any 12-month period for the birth and care of a newborn child, for the placement of a child for adoption or foster care, and care of the newly placed child or for a parent with a serious health condition.

(h) An employee shall provide at least 30 calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave. To be eligible for a Leave, the employee must follow the District's usual and customary call-in procedures for reporting an absence as detailed in section 6241.

(i) An employee who takes a Leave for his or her own serious health condition is required to submit a Return to Work / Doctor's Release prior to returning to work.



(j) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

(1) All sick leave.

(2) Forty hours of annual leave. If annual leave is exhausted, the employee must choose to use other paid or unpaid leave to complete the 40 hour.

(3) The employee has the option of using additional paid leave at full pay. If the employee chooses to use additional paid leave at full pay, it must be used in the following order:

(i) The balance of the employee's annual leave;

(ii) Other paid leave;

(4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:

(i) 75% disability;

(ii) 50% disability;

(iii) Annual leave;

(iv) Other paid leave at the employee's option;

(v) Unpaid leave.

(5) The exhaustion of the paid leave shall run concurrently with the Leave.

(k) When the Leave is taken for the birth of a child of the employee, for the placement of a child with the employee for adoption or foster care, or to care for the employee's spouse, domestic partner, son or daughter (as defined by the Department of Labor) or parent who has a serious health condition or a Military Family Leave, the employee shall utilize Leave in the following order:

(1) Special leave.

(2) Annual leave.

(3) After exhausting special and annual leave, the employee has the option of using any additional paid leave for which the employee is qualified.

(4) Unpaid leave.

(5) The exhaustion of the paid leave shall run concurrently with the Leave.

(l) If an employee takes sick leave or partial pay disability leave without requesting Family and Medical Leave, within five days of the employee's return to work and advisement of the District concerning the purpose of the sick leave, the District shall make a determination as to whether the sick leave shall be considered Family and Medical Leave.

(m) The District shall maintain coverage under any group health plan for the duration of the Leave at the level and under conditions that would have been provided had the employee been working. However, the District shall only maintain such group health plan coverage for such employee for up to 12 weeks within a 12-month period commencing with the start of the Leave.

(n) An employee has the right to reinstatement to the same or a comparable position unless the employee is exempted from such right under the provisions of the FMLA or CFRA.

(o) Any leave taken by an employee under the Fair Employment and Housing Act's provisions applicable to pregnancy-related disabilities cannot be counted against the 12-week limitation on family and medical leaves authorized under the CFRA.

(p) Military Family Leave:

The two types of Military Family Leave available are:

- (1) **Qualifying Exigency Leave.** An employee is entitled to a total of 12 weeks of Leave during any 12-month period to help manage family affairs due to a reservist or retired military member who is their spouse, son, daughter or parent being on active duty or being called to active duty in support of a contingency operation.
- (2) **Injured Service Member Care Leave.** An employee is entitled to a total of 26 weeks of Leave during any 12-month period to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty. Employees entitled to this Leave are the spouse, parent, child or next of kin of the injured or ill service member.

#### § 6246. Military Leave.

(a) Every employee who is a member of the National Guard or Naval Militia, or a member of the reserve corps or force in the Federal military, naval or marine service, shall be entitled to military leave in accordance with the applicable provisions of the Military and Veterans Code of the State of California. The present law provides, in general, that a person having one year or more of service with the District is entitled to military leave with pay for a period not exceeding 30 calendar days per fiscal year. The military service time of a new employee who comes to the District directly from military service may be applied to the one year employment requirement necessary to the granting of military leave.

(b) Veterans are entitled to reemployment if they serve not more than four years in the military (or longer if involuntarily retained). The veteran must satisfactorily complete the period of active duty

and have a certificate to that effect and apply within 90 days after completion of military service. If the military service was initial active-duty-for-training for a period of not less than three months, the veteran must apply for reemployment within 31 days. Employees on military leave do not lose their accumulated sick leave credits. The District will restore the veteran to employment as though no interruption of District service has occurred. The District will apply all general pay adjustments enacted by the Board to the old base salary as though the veteran had not been absent. The veteran need not be returned to the former position but will be given a position of status and pay equivalent to the former position. Although the veteran earns no leave while absent on military leave, neither does the veteran lose any leave balances while absent on military leave. Military service time is added to the length of District service for purpose of computing the rate at which a returning veteran will earn annual leave.

(c) Military Spousal Leave - Every employee who has worked at least an average of 20 hours a week in the last 6 months and is married to a service member is entitled to 10 days leave when his or her spouse returns from active duty. Employees must notify the District of their intention to take this leave within two business days of receiving official notice that the spouse will be on leave from military deployment.

#### **§ 6247. Leave Without Pay.**

(a) Leave without pay, except when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee only after exhaustion of all accumulated vacation leave. The General Manager may promulgate regulations pursuant to Administrative Code Section 6115(c) which permit leave without pay without exhaustion of accumulated vacation leave. Leave without pay granted pursuant to this Section may not exceed 120 consecutive calendar days unless authorized by the Board for a longer period. Such leave may be terminated at any time by the employee's returning to work. An employee on such leave is entitled to the benefits of sick leave accumulated prior to his absence.

(b) An employee that qualifies for Military Spousal Leave, as defined by the applicable law and as set forth in section 6246(c), can take leave without pay for a period of up to 10 days.

(c) Leave without pay, when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee for a period which, when added to the period of disability leave and to the interval between the exhaustion of accumulated sick leave and the beginning of disability leave, shall not exceed 3,132 hours, unless authorized by the Board for a longer period. Such leave shall be granted only after exhaustion of accumulated sick and disability leave, except that disability leave need not be exhausted prior to the taking of leave without pay for the 40 hours specified in Section 6228(b)(2). An employee who, due to illness or injury, has taken leave without pay under this Section 6247(b) in excess of 30 consecutive calendar days will be required to provide a physician's statement attesting to his fitness, based upon his normal duties pursuant to his job description, before returning to work.

(d) Insurance Coverage for Leave Without Pay.

(1) Any employee who is on leave without pay for a period of 30 or more consecutive calendar days will be permitted to continue coverage under a group insurance program if permitted under the terms of the program and if the employee pays the premiums required to maintain coverage for the duration of the absence.

(2) Notwithstanding Section 6247(d)(1), the District shall pay the premiums it would otherwise pay for any employee who is on leave without pay and is receiving temporary disability indemnity under Division 4 of the State Labor Code as a result of an injury incurred in the course and scope of District employment provided, however, said employee continues to pay his portion of said premiums. Any payment of premiums pursuant to this subsection shall terminate 30 calendar days after the final temporary disability indemnity payment is made.

**§ 6500. Hourly Pay Rate Schedule.**

(a) The hourly pay rate (as that term is defined in subdivision (h) of Section 6200) and schedule of positions occupied by unclassified service employees not in an appropriate unit recognized pursuant to Section 6108 shall be as follows:

|    |  |  |
|----|--|--|
| 54 | \$32.75-\$44.02<br>(\$68,120-\$91,562)   | Legislative Representative             |
| 64 | \$42.84-\$57.54<br>(\$89,107-\$119,683)  | Board Executive Secretary              |
| 66 | \$45.27-\$60.75<br>(\$94,162-\$126,360)  | Program Manager I                      |
| 68 | \$47.72-\$64.14<br>(\$99,258-\$133,411)  | Principal Legislative Representative   |
| 69 | \$49.01-\$65.89<br>(\$101,941-\$137,051) | Program Manager II                     |
| 70 | \$50.36-\$67.73<br>(\$104,749-\$140,878) | Staff Assistant to the General Manager |
| 72 | \$53.10-\$71.49<br>(\$110,448-\$148,699) | Program Manager III                    |

|    |   |  |
|----|---|--|
| 73 | \$54.56-\$73.44<br>(\$113,485-\$152,755)  | Human Resources Manager I  |
| 74 | \$56.05-\$75.48<br>(\$116,584-\$156,998)  | Equal Employment Opportunity Manager<br>Talent Management Manager  |
| 76 | \$59.10-\$79.68<br>(\$122,928-\$165,734)  | Human Resources Manager II   |
| 78 | \$62.41-\$84.11<br>(\$129,813-\$174,949)  | Special Projects Manager<br>Human Resources Section Manager  |
| 79 | \$64.14-\$86.43<br>(\$133,411-\$179,774)  | Executive Legislative Representative<br>Executive Strategist<br>Assistant Group Manager<br>Assistant General Auditor<br>Senior Deputy General Counsel – Labor<br>Human Resources Manager III                                     |
| 83 | \$71.49-\$96.35<br>(\$148,699-\$200,408)  | Group Manager<br>Director of Human Resources<br>Chief Deputy General Counsel – Labor   |
| 84 | \$73.44-\$99.00<br>(\$152,755-\$205,920)  | Deputy General Manager – External Affairs<br>Assistant General Counsel   |
| 91 | \$88.81-\$119.68<br>(\$184,725-\$248,934) | Assistant General Manager – Chief Operating Office<br>Assistant General Manager -- Chief Administrative Officer<br>Assistant General Manager -- Chief Financial Officer<br>Assistant General Manager -- Water Planning Resources |

( ) Shows approximate annual salary range for convenience; Board approved rates are hourly.  
None of the above positions are eligible for overtime.

(b) Unrepresented employees are eligible to receive a monthly transportation allowance. Transportation allowance amounts are to be administered by the General Manager based on a schedule approved by the Board of Directors.

(c) Unrepresented employees are eligible to participate in a pay-for-performance incentive program promulgated by the General Manager. The Board shall establish the total expenditure for the program.

(d) Unless otherwise directed by the Board, the range of base hourly pay rates for the employees in the positions identified in Section 6500(a) will be adjusted annually to correspond with the annual across-the-board salary adjustment provided to the District's management unit. Actual pay rates for these employees will be based on merit pursuant to employee evaluations. Department Heads are authorized to move a position to a different salary grade in accordance with practices, policies and procedures promulgated by the General Manager.

**Division VIII**

**CONTRACTS/DISTRICT PROPERTY**

**Chapter 1**

**CONTRACTS**

**Article 2**

**AUTHORITY TO CONTRACT**

**§8122. General Manager's Contracting Authority in Specified Circumstances.**

...

(c) Relocation Agreements

(1) The General Manager is authorized to execute any agreement involving an amount not exceeding \$500,000 under which the District is to pay the cost of relocation or protection, or both, of facilities owned by others whenever the General Manager deems that such action is necessary to the construction of District facilities.

(2) The General Manager is authorized to issue all appropriate orders necessary to implement any such agreement, and, in the General Manager's discretion, to advance funds therefore.

(3) The General Manager is authorized to execute and to perform any agreement involving an amount not exceeding \$500,000 for the relocation or protection, or both, of District-owned facilities to accommodate the improvement of facilities owned by others and to determine whether a deposit shall be made prior to the commencement of work, and if so, in what amount.

(4) The General Manager shall report quarterly to the Engineering and Capital Programs Committee the General Manager's execution under the authority of this Section of any agreements involving an amount in excess of \$100,000.

(5) All such agreements shall be subject to the approval of the General Counsel.