



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

MWD MEETING AGENDA

REVISED AGENDA

Regular Board Meeting

September 14, 2010

12:00 p.m. -- Board Room

Tuesday, September 14, 2010 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. Computer Training
8:30 a.m.	Rm. 2-145	L&C
10:00 a.m.	Rm. 2-456	C&L
12:00 p.m.	Board Room	Board Meeting
1:00 p.m.	Board Room	IRP Workshop

MWD Headquarters Building

• 700 N. Alameda Street

• Los Angeles, CA 90012

1. Call to Order

- (a) Invocation: (Guest)
- (b) Pledge of Allegiance: Director Randy Record

2. Roll Call

3. Determination of a Quorum

4. Address to the Board by Junichi Ihara, Consul General of Japan

- 4a. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code Section 54954.3(a))

5. OTHER MATTERS

- A. Approval of the Minutes of the Meetings for August 10 and 17, 2010. (Copies have been mailed to each Director)
Any additions, corrections, or omissions

- B. Report on Directors' meetings attended at Metropolitan expense for month of August
- C. Induction of new Director, Diana Sanchez, from City of Compton
 - (a) Receive credentials
 - (b) Report on credentials by General Counsel
 - (c) File credentials
 - (d) Administer Oath of Office
 - (e) File Oath
- D. Approve committee assignments
- E. Chairman's Monthly Activity Report
- F. Adopt Resolution in Recognition of the Association of California Water Agencies (ACWA) Centennial Anniversary
- G. Blue Ribbon Committee Progress Report
- Added** H. Report from Ad Hoc Committee on Governance

6. DEPARTMENT HEADS' REPORTS

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

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1** Authorize increase of \$40,000 in maximum amount payable under contract with KPMG LLP for external audit services. (A&E)

Recommendation:

Option #1:

Adopt the CEQA determination and approve amendment of contract for external audit services with KPMG LLP to increase maximum amount payable from \$1,035,250 to \$1,075,250.

- 7-2** Appropriate \$660,000; and authorize final design of valve structure modifications on West Valley Feeder No. 1 (Approp. 15377). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$660,000; and**
- b. Authorize final design of Stage 2 valve structure modifications and procurement of valves for West Valley Feeder No. 1.**

- 7-3** Appropriate \$345,000; and authorize final design of a chemical trench system at the Weymouth plant (Approp. 15440). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$345,000; and**
- b. Authorize final design of the Weymouth Filter Outlet Chemical Trench System.**

- 7-4** Appropriate \$1.2 million; and award \$550,108 contract to Braughton Construction, Inc. for construction of the Mills Electrical Buildings Nos. 1 and 2 Seismic Upgrades (Approp. 15452). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$1.2 million; and**
- b. Award \$550,108 contract to Braughton Construction, Inc. for seismic upgrades to Mills Electrical Buildings Nos. 1 and 2.**

- 7-5** Appropriate \$150,000; and authorize preliminary design to replace the uninterruptible power supply for the data center at Metropolitan's Headquarters at Union Station (Approp. 15376). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$150,000; and**
- b. Authorize preliminary design to replace the data center UPS system at Metropolitan's Headquarters at Union Station.**

- 7-6** Appropriate \$790,000; and award \$358,196 contract to Abhe & Svoboda, Inc. for pipe rehabilitation at Eagle Mountain Pumping Plant (Approp. 15374). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$790,000; and**
- b. Award \$358,196 contract to Abhe & Svoboda for repair of the Eagle Mountain Pumping Plant delivery pipe expansion joints.**

- 7-7** Appropriate \$1.67 million; and authorize three improvement projects at the Mills plant to improve reliability, regulatory compliance, and worker safety (Approp. 15452). (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and

- a. Appropriate \$1.67 million;**
- b. Authorize final design of the Mills industrial wastewater handling improvements and new sewer discharge; and**
- c. Authorize final design and construction of the Mills Modules Nos. 3 and 4 potable water safety stations.**

(END OF CONSENT CALENDAR)

8. OTHER BOARD ITEMS — ACTION

- 8-1** Appropriate \$3 million; and award \$1.53 million contract to Steve P. Rados, Inc. for Stages 3 and 4 repairs of the Box Springs Feeder (Approp. 15377. (E&O)

Recommendation:

Option #:

Adopt the CEQA determination and

- a. Appropriate \$3 million; and**
- b. Award \$1.53 million contract to Steve P. Rados, Inc. for Stages 3 and 4 repairs of the Box Springs Feeder.**

- 8-2** Authorize execution of two Western Area Power Administration Electric Transmission Service Agreements to access supplemental energy for the Colorado River Aqueduct. (E&O)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to execute both proposed TSAs with Western. The proposed TSAs will provide Metropolitan with firm transmission rights on Western's Parker-Davis Project transmission system. Metropolitan has the ability to determine a Point of Receipt for each of the TSAs prior to executing.

- 8-3** Authorize entering into a Local Resources Program agreement with Los Angeles Department of Water and Power for the Van Nuys Area Water Recycling Project. (WP&S)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the General Manager to enter into a Local Resources Program agreement with Los Angeles Department of Water and Power for 150 acre-feet per year of recycled water under terms included in the board letter.

- 8-4 Report on *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, Los Angeles County Superior Court Case No. BS126888; and authorize increase of \$300,000 for a total of \$400,000 in maximum amount payable under contract with Bingham McCutchen LLP to represent Metropolitan in that litigation. (L&C)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- Revised** 8-5 Report on the status of litigation; authorize an increase in maximum amount payable under contracts with Theodora Oringer Miller & Richman PC for legal services in *Foxfire Constructors, Inc. v. W. A. Rasic Construction Company, et al.*, Superior Court of Orange County Case No. 30-2009-00118788 by \$500,000 to a maximum of \$900,000; and for legal services in *Village Retail Center, LLC, et al. v. The Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC439334, by \$500,000 to a maximum of \$600,000; and authorize a settlement offer in the *Foxfire Constructors v. W. A. Rasic* matter. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- 8-6 Authorize increase in maximum amount payable under contract with Richard B. Deriso for expert consultant services and litigation support by \$200,000 to a maximum of \$500,000; and report on *San Luis & Delta-Mendota Water Authority, et al. v. Salazar, et al.*, USDC Case No. 1:09-CV-407 OWW GSA, and consolidated cases; *San Luis & Delta-Mendota Authority, et al. v. Locke, et al.*, USDC Case No. 1:09-CV-1053 OWW DLB, and consolidated cases; *Watershed Enforcers v. California Dept. of Water Resources, et al.*, Alameda County Superior Court No. RG06292124; *State Water Contractors v. California Dept. of Fish & Game, et al.*, Sacramento County Superior Court Case No. 34-2009-80000203; *Central Delta Water Agency v. California Dept. of Water Resources, et al.*, Sacramento County Superior Court Case No. 34-2009-80000269. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- 8-7 Authorize execution of settlement agreement with RNL Design and Simon Wong & Associates regarding claims arising out of the Diemer Plant Maintenance Facility and Vehicle Maintenance Center projects. (L&C)
[Conference with legal counsel—proposed settlement of threatened litigation (one matter); to be heard in closed session pursuant to Gov. Code Section 54956.9(c)]

- Revised** 8-8 Authorize retention of outside counsel for a maximum amount of \$50,000 to develop employment contracts with department heads who report directly to the Board of Directors. (O&P)

Recommendation:

Option #1:

Adopt the CEQA determination and authorize the Chair of the Board of Directors to retain outside counsel for a maximum of \$50,000 to provide assistance in the development of employment contracts with Metropolitan's four department heads who report directly to the Board.

- 8-9 Approve amendments updating Division VI, Chapter 1, "Employee Relations," of the Metropolitan Water District Administrative Code. (O&P)

Recommendation:

Option #1:

Adopt the CEQA determination and approve amendments to the Administrative Code as set forth in Attachment 2 to reflect the changes recommended in the board letter.

9. BOARD INFORMATION ITEMS

- 9-1** Review budget for Bay Delta Conservation Plan and Delta Habitat Conservation and Conveyance Program. (B&F)
- 9-2** Preliminary analysis of the State Water Project calendar year 2011 charges. (B&F)

10. FUTURE AGENDA ITEMS

11. OTHER MATTERS

- A. AB 1234 Presentation

12. ADJOURNMENT

NOTE: At the discretion of the Board, all items appearing on this agenda and all committee agendas, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, 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.