

**MINUTES**

**ADJOURNED REGULAR MEETING OF THE  
BOARD OF DIRECTORS**

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**NOVEMBER 19, 2013**

**49579** The Board of Directors of The Metropolitan Water District of Southern California met in Adjourned Regular Meeting in the Board Room located in the building at 700 North Alameda Street in the city of Los Angeles, state of California, on Tuesday, November 19, 2013.

Chairman Foley called the Meeting to order at 12:09 p.m.

**49580** The Meeting was opened with an invocation by Mojgan Hashemi, Principal Engineer, Water System Operations Group.

**49581** The Pledge of Allegiance to the Flag was given by Director Russell Lefevre.

**49582** Board Secretary Morris called the roll. Those answering present were: Directors Abdo, Ackerman, Apodaca, Babcock, Ballin, Barbre, Brown, Camacho, Dear, De Jesus, Dick, Edwards, Evans, Foley, Friedman, Gray, Griset, Grunfeld, Hogan, Kurtz, Lefevre, Lewinger, Morris, Mudd, J. Murray, Peterson, Pringle, Quiñonez, Record, Steiner, Touhey, Vasquez, and Wunderlich.

Those not answering were: Directors Fleming, Lowenthal, K. Murray, and Sanchez.

Board Secretary Morris declared a quorum present.

**49583** Chairman Foley invited members of the public to address the Board on matters within the Board's jurisdiction. No members of the public responded.

Chairman Foley commended the managers of Metropolitan's Courtyard Café Andrew Park and Grace Chong for the fine job they do each month with the Board of Directors lunches.

**49584** There being no objection, Chairman Foley ordered the reading of the Minutes of the Meeting of October 8, 2013, dispensed with, a copy having been mailed to each Director.

Director Grunfeld moved, seconded by Director Peterson, approving the foregoing Minutes as mailed.

**49585** A written report of meetings attended by Directors at Metropolitan expense during the month of October was distributed. The report was received and filed.

Director Morris asked that the report be amended to reflect his attendance at CORO's Leadership Conference in Los Angeles, October 23-24, 2013.

**49586** Chairman Foley called for a motion for approval of the committee assignments made last month as follows:

Director Dear to the Finance and Insurance Committee, Legal and Claims Committee, Audit and Ethics Special Committee, and Real Property and Asset Management Committee

Director Lefevre to the Engineering and Operations Committee, Communications and Legislation Committee, and Special Committee on Bay-Delta

Director Grunfeld moved, seconded by Director Dear and carried, approving the committee assignments for Director Lefevre.

Director Grunfeld moved, seconded by Director Touhey and carried, approving the committee assignments for Director Dear.

**49587** There was no Chairman's monthly activity report.

**49588** Regarding matters relating to Metropolitan's operations and activities, General Manager Kightlinger referred to the activity report for October dated October 31, 2013, which was posted to the Directors' website.

General Manager Kightlinger announced that the Robert B. Diemer Water Treatment Plant recently celebrated its 50<sup>th</sup> Anniversary.

General Manager Kightlinger also announced that a monument in memory of the 1971 San Fernando Tunnel Explosion and Fire will be unveiled at Metropolitan's Headquarters Building on December 9, 2013.

General Manager Kightlinger also reported that the State Water Project initial allocation will be announced soon.

**49589** Regarding Legal Department activities, General Counsel Scully referred to the General Counsel's activity report for October dated November 7, 2013, which was posted to the Directors' website.

General Counsel Scully reported that due to recent legislative changes to the Brown Act regarding voting, Metropolitan's voting procedures will be updated.

General Counsel Scully responded regarding a public records request received from AFSCME's attorney. Metropolitan's Legal Department will be responding to the request and documents have already been provided to the requestors.

**49590** General Auditor Riss referred to the Audit Department's activity report for the month of October dated October 31, 2013, which was posted to the Directors' website.

In addition, General Auditor Riss reported the following updates to the Board. The Audit Department issued two audit reports this month with some audit findings; however, management addressed the findings and has since put in place procedures for the future. Also, the Audit Quality Assurance Annual Plan is completed and has found that no changes were needed.

Director Hogan withdrew from the Meeting at 12:24 p.m.

**49591** Ethics Officer Ghaly referred to the Ethics Department revised activity report for October dated October 31, 2013, which was posted to the Directors' website.

Ethics Officer Ghaly reported a correction to her monthly report. A new report has been distributed and posted on the website.

Director Edwards moved, seconded by Director Grunfeld and carried, and the Board approved the Consent Calendar Items, **M.I. 49592** through **M.I. 49596**, as follows:

**49592** Adopted the California Environmental Quality Act (CEQA) determination that the proposed action is not subject to CEQA and authorized the General Auditor to enter into a contract for external audit services with the firm of Macias Gini & O'Connell, LLP for annual audits covering the fiscal years ending June 30, 2014 through June 30, 2016, with the amount payable under this three-year contract not to exceed \$915,096, as set forth in the letter signed by the General Auditor on October 15, 2013.

**49593** Adopted the CEQA determination that the proposed action is categorically exempt and (a) appropriated \$680,000 (Appropriation No. 15477, No. 6, from the Revenue Bonds, Replacement and Refurbishment or General Funds); and (b) awarded \$368,480 contract to Atlas-Allied, Inc. to replace the Weymouth backup water supply pipeline, as set forth in the letter signed by the General Manager on November 1, 2013.

**49594** Adopted the CEQA determination that the proposed action is categorically exempt and (a) appropriated \$1.4 million (Appropriation No. 15374, No. 15, from the Revenue Bonds, Replacement and Refurbishment or General Funds); and (b) awarded \$835,000 contract to Kaveh Engineering & Construction, Inc. for rehabilitation of pipe expansion joints at Gene Pumping Plant, as set forth in the letter signed by the General Manager on October 13, 2013.

**49595** Adopted the CEQA determination that the proposed action is categorically exempt and (a) appropriated \$1.48 million (Appropriation No. 15369, No. 40, from the Revenue Bonds, Replacement and Refurbishment or General Funds); and (b) authorized gate replacement projects at the Weymouth plant's finished water reservoir and treatment basins, as set forth in the letter signed by the General Manager on November 1, 2013.

**49596** Adopted the CEQA determination that the proposed action is not a project under CEQA and approved amendments to the Administrative Code set forth in Attachment 2 to the board letter

to reflect the changes, as set forth in the letter signed by the General Manager on October 31, 2013.

**49597** Engineering and Operations Committee Chairman Evans moved, seconded by Director Grunfeld and carried, that the Board adopt the CEQA determination that the proposed project is categorically exempt, and (a) appropriate \$8.2 million (Appropriation No. 15446, No. 4, from the Revenue Bonds, Replacement and Refurbishment or General Funds); and (b) award \$4,901,567 contract to J. F. Shea Construction, Inc. to replace the hydroelectric turbine at the Yorba Linda Power Plant, as set forth in the letter signed by the General Manager on November 1, 2013.

**49598** Engineering and Operations Committee Chairman Evans moved, seconded by Director Grunfeld and carried, that the Board adopt the CEQA determination that the proposed action is statutorily exempt and (a) appropriate \$4.5 million (Appropriation No. 15471, No. 7, from the Revenue Bonds, Replacement and Refurbishment or General Funds); and (b) award \$2,292,000 contract to Kiewit Infrastructure West Co. for PCCP repairs at two locations on the Second Lower Feeder, as set forth in the letter signed by the General Manager on November 1, 2013.

**49599** Engineering and Operations Committee Chairman Evans moved, seconded by Director De Jesus and carried, that the Board adopt the CEQA determination that the proposed action has been previously addressed in the certified 2012 Final Environmental Impact Report and Addendum No. 1 prepared for the Jensen Solids Handling Facility Project, the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and that no further environmental analysis or documentation is required, and authorize (a) reimbursable agreement with the Los Angeles Department of Water and Power in an amount not to exceed \$5 million; and (b) agreement with MWH Americas in an amount not to exceed \$400,000 for engineering services, as set forth in the letter signed by the General Manager on November 5, 2013.

Directors Grunfeld, Murray, Morris, and Quiñonez requested to be recorded as abstaining.

**49600** Engineering and Operations Committee Chairman Evans moved, seconded by Director Grunfeld and carried, that the Board adopt the CEQA determination that the proposed action is not

subject to the provisions of CEQA and approve **Resolution 9163, DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**, as set forth in the letter signed by the General Manager on October 31, 2013.

**49601** Legal and Claims Committee Vice Chairman Wunderlich moved, seconded by Director Mudd and carried, that the Board adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and authorize an increase in Dr. Richard Deriso's contract by \$100,000 to a maximum amount of \$600,000, for expert consultant services and litigation support in Consolidated Delta Smelt Cases, USDC Case No. 1:09-CV-407 LJO-DLB and Consolidated Salmonid Cases, USDC Case No. 1:09-CV-1053 LJO-DLB, as set forth in the confidential letter signed by the General Counsel on October 28, 2013.

**49602** On behalf of Legal and Claims Committee Vice Chairman Wunderlich, Director Edwards moved, seconded by Director Quiñonez and carried, that the Board adopt the CEQA determination that the proposed actions are not subject to CEQA and authorize an increase in the maximum amount payable under contracts for legal services with (a) Bingham McCutchen LLP by \$3 million to an amount not to exceed \$8 million; (b) Morrison & Foerster LLP by \$3 million to an amount not to exceed \$6 million; (c) Hanson Bridgett LLP by \$300,000 to an amount not to exceed \$1.1 million; and (d) contract for trial and other graphics services with Executive Presentations, Inc. by \$600,000 to an amount not to exceed \$950,000, in the litigation *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466, as set forth in the confidential letter signed by the General Counsel on November 13, 2013.

Directors Lewinger, Mudd, Steiner, and Wunderlich requested to be recorded as abstaining.

**49603** Water Planning and Stewardship Committee Chairman De Jesus reported that at the November 18, 2013 committee meeting the committee voted unanimously that the Board support the California Water Action Plan Public Review Draft, released by the State on October 31, 2013. Committee Chairman De Jesus so moved, seconded by Director Camacho and carried.

**49604** There being no objection, the Chairman adjourned the Meeting at 12:32 p.m.



---

JOHN T. MORRIS  
SECRETARY



---

JOHN V. FOLEY  
CHAIRMAN