

# Report!



## Board of Directors Summary for **October 4, 2006**

**Report!** is prepared by the Community Involvement Department for all interested individuals. This brief summary of selected items from Eastern Municipal Water District Board of Directors' meetings is distributed after each meeting. Please circulate it to others having an interest. For more information, call 951/928-3777, ext. 4226; or FAX: 951/928-6171

### **Work Session**

#### **I. General Manager's Report**

**(Pack)**

#### **Past Activities**

- The big event of the last few weeks was our trip to Washington. We were able to have face-to-face contact with almost all the elected representatives.
- On Friday, September 22, Tony Pack attended a meeting in San Diego that was offered by the Center for the New West, which stages periodic "leadership summits" to discuss issues critical to the development of the Western States. This meeting was on water issues and was attended by Senators Craig and Craypo from Idaho, the senior leadership of the Bureau of Reclamation, Nate Gentry from the Senate Energy and Natural Resources Committee and a number of Wall Street representatives. One of the more interesting concepts was the idea for a new type of private activity, tax credit bond that should make more non-government money available for infrastructure funding. I also briefed Senator Craig, who is on Appropriations, on our bills and projects.
- Tony Pack attended the CCE conference in Santa Rosa along with several of our employees last Thursday and Friday. This has been a banner year for the CAPE program with 28 applications for awards submitted and almost 200 new statewide examiners trained. The District has seven examiners who have completed training and are now doing their first evaluation of another applicant.
- A interview for the SAWPA General Manager on Monday and selected three individuals to recommend to the full commission for interview on October 17.
- Director Record, Gerry Shoaf and Tony Pack, attended a meeting with Chairman Jerry Lewis yesterday to discuss the Soboba Settlement and the required legislation to implement the settlement.

#### **Future Events**

- The District will host a meeting of the Inland Council for Excellence tomorrow on "Performance Excellence for Non-Profits".

- The District will host a Southern Coalition Committee meeting this Friday, October 6.
- The District will be having a number of meetings over the next two weeks to deal with the salary relationships for the Salary and Compensation Study. Although the study has gone much longer than we originally anticipated, we have increased the employee participation significantly. We are close to the point where we will be able to involve the Board.
- Tony Pack has been asked to speak at the Riverside Monday Morning Group on next Wednesday at the Victoria Club along with John Rossi from Western Municipal Water District.
- Executive staff will have a conference call this afternoon with our financial team to discuss a possible bond refunding.
- The District will host a delegation on Tuesday, October 17, from the Chinese Ministry of Water Resources. They will provide their own bus.

### **Items of Interest to the Board**

- The District has been very involved in the Title XVI reform and Senator Feinstein's SB 3639. We have participated in several conference calls, attended meetings hosted by the Bureau, and have provided comments on two versions of the bill. The bill did not go to markup last week and will come back after the election along with the bill that authorizes specific projects. No one is willing to guess what will happen in the "Lame Duck" session.
- The temporary septic pumping in San Jacinto has not caused any problems. The occupancy rate is much lower than anticipated and the developers were using one truck. The repairs to the manholes have progressed. Charlie will give a more detailed report.
- Executive staff met with several of the City of Moreno Valley staff to discuss the problems we have had with the recycled water quality from Landmark Pond. With operational changes and some future infrastructure projects, it appears we have solved the problem.
- Flu shots will be available after the next Board meeting.
- The Senate confirmed Bob Johnson on Monday as the new Commissioner of the Bureau.
- Secretary of the Interior, Dirk Kempthorne, held a "Listening Session" in Corona on Thursday, September 28. Joe Lewis gave a brief presentation on our negotiations with the Fish and Wildlife Service and provided written testimony.

### **Operational Highlights**

- The District has finally completed the agreement to purchase additional SARI capacity and now own 5.95 MGD of SARI capacity and 2.77 MGD of OCSD Treatment Capacity. The total cost was \$12.6 million dollars. Those items are on your agenda today to ratify.

### **Upcoming Meetings**

- Staff will meet next Tuesday, October 10, with Marion Ashley, several developers, the March JPA, flood control and WMWD. I have not received an agenda, but the issues are the alignment of the Perris Valley Pipeline and flood control issues and a large processing plant that has a large water and wastewater demand.
- Tony Pack will be out of the office next Thursday and Friday October 12-13 to attend the last session of the Special District Institute.

### **Organizational and Administrative Changes**

- Tony Pack authorized the hiring of one Trades Assistant for Field Services.

A. Recap of Board Committee Meeting

1. Planning (*September 25*)

B. Items of Information

**II. Discussions and/or Comments by Board Members**

**(Pack)**

A. Directors' Activity Report

1. Washington D.C. (*September 18 - 21*)

**(Record/Sullivan)**

2. Mash Bash (*September 23*)

**(Slawson/Sullivan)**

3. Washington D.C. (*September 27 - 28*)

**(Kuebler)**

**III. Matters Which Will Require Board Action**

**(Pack)**

A. Review of October 4, 2006 Agenda Items (*If Needed*)

None

**IV. Presentations To EMWD (Guest Speakers)**

**V. Response Items / Status Reports / Information Items**

A. MWD Update (*10 minutes*)

**(Record)**



LEGISLATIVE AFFAIRS DEPARTMENT  
MWD COMMITTEE MEETING HIGHLIGHTS  
SEPTEMBER, 2006

The Metropolitan Water District of Southern California (MWD) held committee meetings on September 26, 2006. At these meetings, the MWD Directors:

- Discussed a lease agreement with HayDay Farms for 6,598 acres of irrigated farmland within Palo Verde Irrigation District. The morning of this committee meeting, Committee Chairman Pace received a letter from LKH Farming expressing interest in leasing the same farmland. The board questioned the amount for the *annual maintenance and overhead costs of the fallowed acres* and asked for an explanation of the costs associated with fallowing land. The board decided to defer approval of the agreement with HayDay farms and develop an RFP/RFQ process for leasing farmland within MWD's land fallowing program.
- Discussed the process for appointing MWD's new general counsel, in closed session.
- Heard presentations from representatives from Shea Company regarding developing the north and east property at DVL. Shea representatives expressed enthusiasm and dedication to the process. In closed session the committee heard an update on contract negotiations between MWD and Shea.
- Discussed terms of employment for MWD's Ethics Officer. The board asked staff to survey and report on the structure of other agencies' ethics officer positions. The Board agreed that approval of terms needs further consideration.

B. SAWPA Update (*10 minutes*)

(Slawson/Sullivan/Pack)

C. COINS Replacement Update (*20 minutes*)

(Maiben)

**VI. Closed Session** (First Agenda Item taken)

**Special Counsel  
provided District  
update & status  
on Litigation**

A. Re: Camp Pendleton Four-Party Agreement Claim  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

**Not discussed**

B. Re: Personnel  
Government Code Section 54957  
Annual Performance Evaluation of the General Manager

**Not discussed**

C. Re: Assurance Co. of America vs. EMWD  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

**Not discussed**

D. Re: EMWD vs. Huang/Lee RIC 416192  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

**Not discussed** E. Re: EMWD vs. American Guarantee  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

**Not discussed** F. Re: EMWD vs. Tajik  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

**Adjournment**

*Adjourned the Work Session at 12:10*

**(Record)**

**BOARD MEETING**

**I. Recognitions**

**(Record, C.I.)**

**M-304/06**

A. Service Plus! Excellence Award – Tor Lidar  
1. **Consider Adoption of Minute Order**

**M-305/06**

B. Proclamation in Observing October 2-6, 2006 as National Customer  
Service Week  
1. **Consider Adoption of Minute Order**

C. Service Award **Victor Barreto – 20 years**

D. Recognition for Efforts in Pollution Prevention – Department of Toxic  
Substance Control

**None**

E. Proclamations/Academic Achievements/Others

**II. Discussions and/or Comments by Board Members**

**III. Approval of Minutes**

**M-306/06**

A. Regular Meeting of September 20, 2006  
1. **Consider Adoption of Minute Order**

**Receive & File**

**IV. Board Committee Report**

A. Planning Committee (*September 25*)

**None**

**V. Letters of Correspondence to the BOARD OF DIRECTORS**

**VI. Consent Calendar**

*Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time without discussion. If any Board member, Staff member, or interested person requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.*

**Annexations**

A. Annexation of Parcel No. U-8-06-3 to Improvement District No. U-8 (PDM Temecula, LLC - APN 943-260-001 & 013)

**M-307/06**

1. **Consider Adoption of Minute Order**, Approving the Map and Legal Description for Parcel No. U-8-06-3 and Order Such Map and Legal Description Filed With the Secretary; and

**R-4575**

2. **Adopt Proposed Resolution No. 4575**, Annexing Parcel No. U-8-06-3 to Improvement District No. U-8 of EMWD

- B. Annexation of Parcel Nos. U-27-06-6 and U-28-06-6 to Improvement District Nos. U-27 and U-28 (Robert K. Vogel Family Trust - APN 316-210-026, 027, 028 & 029)

**M-308/06**

1. **Consider Adoption of Minute Order**, Approving the Maps and Legal Descriptions for Parcel Nos. U-27-06-6 and U-28-06-6 and Order Such Maps and Legal Descriptions Filed With the Secretary; and

**R-4576, R-4577**

2. **Adopt Proposed Resolution Nos. 4576 and 4577**, Annexing Parcel Nos. U-27-06-6 and U-28-06-6 to Improvement District Nos. U-27 and U-28 of EMWD

- C. Annexation of Parcel Nos. U-27-06-7 and U-28-06-7 to Improvement District Nos. U-27 and U-28 (Centex Homes - Tract 32707 & 32708)

**M-309/06**

1. **Consider Adoption of Minute Order**, Approving the Maps and Legal Descriptions for Parcel Nos. U-27-06-7 and U-28-06-7 and Order Such Maps and Legal Descriptions Filed With the Secretary; and

**R-4578, R-4579**

2. **Adopt Proposed Resolution Nos. 4578 and 4579**, Annexing Parcel Nos. U-27-06-7 and U-28-06-7 to Improvement District Nos. U-27 and U-28 of EMWD

- D. Annexation of Parcel No. U-22-06-5 to Improvement District No. U-22 (Rancho Commercial Partners V - APN 477-290-030)

**M-310/06**

1. **Consider Adoption of Minute Order**, Approving the Map and Legal Description for Parcel No. U-22-06-5 and Order Such Map and Legal Description Filed With the Secretary; and

**R-4580**

2. **Adopt Proposed Resolution No. 4580**, Annexing Parcel No. U-22-06-5 to Improvement District No. U-22 of EMWD

**(End of Consent Calendar)**

## **VII. Letters From the General Manager**

**Deferred**

- A. ~~Approve and Authorize Additional Appropriation of Funds for the Washington Chlorine Generator System Installation and Electrical Upgrade~~
  1. **Consider Adoption of Minute Order**

**M-311/06**

- B. Approve and Authorize Additional Appropriation of Funds for the District-Wide Potable Water Sampling Stations Upgrade
  1. **Consider Adoption of Minute Order**

**M-312/06**

- C. Approve and Authorize the Water Supply Assessment for the Canyon Trails Specific Plan, Owned by the McRae Group
  1. **Consider Adoption of Minute Order**

- M-313/06** D. Approve and Authorize the Pre-Purchase of Equipment for Construction of Perris Valley Regional Water Reclamation Facilities (PVRWRF) Plant No. 3  
1. **Consider Adoption of Minute Order**
- M-314/06** E. Approve and Authorize the Administrative Award of Contract Under Specification No. 1091W, Reservoirs Maintenance and Improvements 2006/07  
1. **Consider Adoption of Minute Order**
- M-315/06** F. Approve and Authorize an Agreement with Infrastructure Engineering Corporation to Perform a Water System Analysis of the Menifee West Area  
1. **Consider Adoption of Minute Order**
- M-316/06** G. Approve and Authorize an Amendment to the Annual Agreement with D. R. McNatty  
1. **Consider Adoption of Minute Order**
- M-317/06** H. Approve and Authorize Amendment No. 4 to the Engineering Services Agreement with Cozad & Fox, Inc., for Murrieta Area Sewer Improvements, Phase 1  
1. **Consider Adoption of Minute Order**
- M-318/06** I. Approve and Authorize the Administrative Award of Contracts with Necessary Consultants and Contractors and an Amendment to the Agreement with Krieger & Stewart for Completion of the San Jacinto Valley Interceptor Sewer - Phase I, up to the Bid/Award Phase  
1. **Consider Adoption of Minute Order**
- M-319/06** J. Approve and Authorize the Administrative Award of Contracts with Necessary Consultants and Contractors and an Amendment to the Agreement with Blaine A. Womer Civil Engineering for Completion of the North San Jacinto Sewer - Project II, up to the Bid/Award Phase  
1. **Consider Adoption of Minute Order**
- M-320/06** K. Approve and Authorize Execution of Memorandum of Understanding for the Preparation of a Supplemental Environmental Impact Report for the Hemet/San Jacinto Water Management Plan  
1. **Consider Adoption of Minute Order**
- M-321/06** L. Ratify the Execution of the SAWPA-EMWD Agreement for Additional SARI, Treatment and Disposal Capacity by the General Manager  
1. **Consider Adoption of Minute Order**
- M-322/06** M. Ratify the Execution of the SAWPA-EMWD Agreement Amending All Previous Pipeline Capacity and Treatment and Disposal Capacity Agreements to Convert All Discharge Operations into a Fee for Service Business Model  
1. **Consider Adoption of Minute Order**
- M-323/06** N. Approve and Authorize Funding and Acquisition Agreement for Community Facilities District (CFD) No. 2003-15-A (Morgan Valley)  
1. **Consider Adoption of Minute Order**
- R-4581** O. **Adopt Proposed Resolution No. 4581** Authorizing and Providing for the Issuance of 2006 Special Tax Bonds, Community Facilities District 2005-15 (Morgan Valley [Pulte Homes]), and Approving Certain Documents and Authorizing Certain Actions in Connection Therewith

### VIII. Closed Session

*Special Counsel provided District update & status on Litigation discussed in the morning*

- A. Re: Camp Pendleton Four-Party Agreement Claim  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

*Due to conflict in schedule, this item continued to Oct. 18*

- B. Re: Personnel  
Government Code Section 54957  
Annual Performance Evaluation of the General Manager

*Not discussed*

- C. Re: Assurance Co. of America vs. EMWD  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

*Not discussed*

- D. Re: EMWD vs. Huang/Lee RIC 416192  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

*Not discussed*

- E. Re: EMWD vs. American Guarantee  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

*Legal Counsel was given additional settlement authority*

- F. Re: EMWD vs. Tajik  
Government Code Section 54956.9  
Conference with Legal Counsel  
One Potential Litigation

ADDITIONS TO AGENDA - (if any) *In Accordance with §54954.2 of the Government Code (Brown Act) Two-Thirds Vote Required for Action Items (Upon a determination by two-thirds vote of the legislative body, or if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose after the Agenda was posted).*

M-324/06

### ADJOURNMENT

*Adjourned the meeting to Wednesday, October 18, 2006, 9:00 a.m.*