

**MEETING OF THE ADMINISTRATIVE COMMITTEE
OF THE BOARD OF DIRECTORS
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA
4040 PARAMOUNT BOULEVARD, LAKEWOOD, CALIFORNIA 90712
12:00 P.M., MONDAY, JULY 12, 2010**

AGENDA

Each item on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "For information" may also be the subject of an "action" taken by the Board or a Committee at the same meeting.

- 1. DETERMINATION OF QUORUM**
- 2. PUBLIC COMMENT**
- 3. MINUTES OF THE MEETING OF JUNE 14, 2010**
Staff Recommendation: Approve as submitted.
- 4. FACILITIES USE POLICY & PERMITTING REQUIREMENTS**
Staff Recommendation: For discussion.
- 5. COMMITTEE DELINEATION OF DUTIES**
Staff Recommendation: For discussion.
- 6. REVIEW OF REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE BOARD AND DISTRICT EMPLOYEES**
Staff Recommendation: For discussion.
- 7. RECRUITMENT FIRM CONTRACT APPROVAL**
Staff Recommendation: Allow the General Manager to enter into contracts with either The Roberts Consulting Group or Alliance Resource Consulting, Inc., or Bob Murray and Associates at his discretion, for the search of the Assistant General Manager and Water Quality Program Manager.
- 8. DEPARTMENT REPORT**
Staff Recommendation: For information.
- 9. DIRECTOR'S REPORTS, INQUIRIES AND FOLLOW-UP OF DIRECTIONS TO STAFF**
- 10. ADJOURNMENT**

Posted by Abigail C. Andom, Deputy Secretary, July 8, 2010.

In compliance with the Americans with Disabilities Act (ADA), if special assistance is needed to participate in the Board meeting, please contact Deputy Secretary Abigail Andom at (562) 921-5521 for assistance to enable the District to make reasonable accommodations.

All public records relating to an agenda item on this agenda are available for public inspection at the time the record is distributed to all, or a majority of all, members of the Board. Such records shall be available at the District office located at 4040 Paramount Boulevard, Lakewood, California 90712.

Agendas and minutes are available at the District's website, www.wrd.org.

UNAPPROVED
MINUTES

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MINUTES

**MINUTES OF JUNE 14, 2010
MEETING OF THE ADMINISTRATIVE COMMITTEE
OF THE BOARD OF DIRECTORS
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**

A meeting of the Administrative Committee of the Board of Directors of the Water Replenishment District of Southern California was held on June 14, 2010 at 12:05 p.m. at the District Office, 4040 Paramount Boulevard, Lakewood, California. Chairperson Willard H. Murray, Jr. called the meeting to order and presided thereover. Deputy Secretary Abigail C. Adom recorded the minutes.

1. DETERMINATION OF QUORUM

Attendees included:

Committee: Directors Willard H. Murray, Jr. and
Sergio Calderon (Alternate)

Staff: Scott Ota, Jenna Shaunessy

2. PUBLIC COMMENT

None.

3. MINUTES OF THE MEETING OF MARCH 25, 2010

The minutes were received and filed.

**4. TIME EXTENSION FOR PROFESSIONAL SERVICES
AGREEMENT WITH M. ARTHUR GENSLER JR. &
ASSOCIATES, INC.**

Chief Financial Officer Scott Ota stated that the District contracted with M. Arthur Gensler Jr. & Associates in October 2008 to assist in obtaining a Leadership in Energy and Environmental Design (LEED) certification for the WRD Building. Mr. Ota stated that the initial LEED assessment has been completed and Gensler concluded that a silver rating is achievable. He explained that the contract with Gensler is expiring on June 30, 2010 and there are remaining funds available and there are additional services needed for Gensler to provide. Staff is recommending that the contract with Gensler be extended to December 31, 2010 with no additional cost to the District.

The Committee concurred with the staff recommendation and recommended Board approval.

**5. PUBLIC AGENCY RETIREMENT SERVICES (PARS)
AMENDMENT #2**

Mr. Ota stated that the Public Agency Retirement System (PARS) is a tax-qualified plan to provide retirement benefits for Board members who are not CalPERS members. The current agreement

with PARS will expire on August 31, 2010 and staff would like to extend the contract to August 31, 2013.

The Committee concurred with the staff recommendation and recommended Board approval.

6. SELECTION OF EXECUTIVE SEARCH FIRM

Mr. Ota stated that staff has obtained quotes from recruitment firms to assist in the recruitment of the open Chief of Engineering position. He explained that four (4) quotes were secured and based on the quotes and discussions with the consulting firms, staff would like to recommend the firm of Teri Black & Company, with a fee not to exceed \$27,000.

Discussion followed and the Committee concurred with the staff recommendation and recommended Board approval.

7. DEPARTMENT REPORT

Director Murray requested that Board approval of the Procurement Policy and Procedures be deferred to the July Board meeting. He also asked that Facilities Use Policy and Hosting of Events at the District be discussed at the next meeting.

8. DIRECTOR'S REPORTS, INQUIRIES AND REVIEW OF DIRECTIONS TO STAFF

None.

9. ADJOURNMENT

With no other business to come before the Committee, the meeting was adjourned at 1:00 p.m.

Chair

ATTEST:

Member



MEMORANDUM

ITEM NO. 4

*Prepared by: Scott Ota
Reviewed by: Robb Whitaker
Approved by: Robb Whitaker*

DATE: JULY 12, 2010

TO: ADMINISTRATIVE COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: FACILITIES USE POLICY AND PERMITTING REQUIREMENTS

SUMMARY

The Administrative Committee requested that research be done concerning a possible Facilities Use Policy ("Policy"). The Policy would allow use of certain portions of the District's facilities by members of the public when they are not being used by the District for its official business. District staff have identified five areas of concern regarding the proposed Policy – 1) the scope of the District's discretion to control the use of the facilities, 2) the District's authority to allow alcohol service and sale at events using the facilities, 3) the District's ability to require a user to provide liability insurance, 4) whether the District should allow members of the public to use the facilities on weekends, and 5) whether the District should have standards or requirements for caterers. This memorandum will address each of these issues and present the District's options for drafting a user-friendly Policy.

Analysis

1. Use of District Facilities

If the District chooses to open up its facilities for public use, it must ensure that restrictions on the use of its facilities are viewpoint neutral and reasonable in light of the purpose served by the facilities, which is to carry out the District's policies and programs for groundwater management.

The law currently permits the District to allow some groups to use the facilities while excluding others, but the basis for the distinction must be viewpoint neutral and reasonable. For example, the District could restrict access to non-profit groups and exclude profit-based organizations. Non-profits are performing a service for the community, which is in keeping with the purpose of the forum. This policy would not discriminate based on viewpoint because the distinction would be made based on the tax status rather than the particular message of the group involved.

If the District wants to limit the use of its facilities, the District should develop a policy based on the constitutional standard discussed above and stick to that policy with no exceptions. The District should not determine whether it will allow a particular group and exclude another on a case by case basis, unless objective criteria are utilized (such as the ability to pay the use fee, number of people at the event, etc.), because such a policy would provide the District with too much discretion to determine whether a particular group is “suitable” and would likely be struck down as violating the “viewpoint neutrality” requirement.

a. Facility Fee

Under current case law, the District can charge a reasonable fee for use of the facilities. The fee could cover the District’s expenses for administration and personnel and perhaps maintenance expenses, if such expenses could be identified for the period when the facilities are being used. The fee cannot be so great that it exceeds the District’s expenses for allowing the organization to use the facility, because such a fee could potentially be construed as an improper tax. The District may also charge different fees for different individuals/groups, however that type of fee policy would need to be reasonable and viewpoint neutral.

b. District Parking Lot

The District could rent the parking area for events, but holding a private event in a parking lot raises some additional considerations that are not in play when the event is held inside a building. Since an outside event is far more likely to draw public attention and curiosity, the group renting the lot would need a security guard or other staff to restrict access to persons who are not invited to the event.

2. Alcoholic Beverages

The District may allow organizations to serve alcohol at events held at District facilities. If alcohol will be sold at the event, the organization renting the facility will need to obtain a license or authorization from the Department of Alcoholic Beverage Control.

3. Insurance Requirement

The District can and should require the user to provide liability insurance and name the District as an additional insured. The insurance policy should indemnify the District from all loss, damage, claims or liability suffered by the District as a result of the organization’s use of the District’s facilities. Courts have had mixed reactions to requirements that a user provide a specific amount of insurance, finding in some cases that this allows the government too much discretion to discriminate against a particular type of use by requiring a high level of insurance that the user simply cannot provide. (See *Courtemanche v. GSA*, 172 F.Supp.2d 251 (2001).) To avoid this potential pitfall, the amount of insurance should be left to the discretion of the user.

4. Weekend Rental of District Facilities

The District may rent its facilities on both weekdays and weekends. However, if employees volunteer to staff weekend events, the District must comply with State law and its own employee policies regarding payment, overtime and other employment issues. (See Water Replenishment District Administrative Code, Section 11.6.)

5. Catering Services

Under State law, caterers are required to serve food in a safe, sanitary manner and protect the food from contamination. Caterers must obtain a Public Health Operating License from the Los Angeles County Health Department. If a caterer serves alcohol, he/she must have a caterer's license issued by the California Department of Alcoholic Beverage Control as well as a permit for the specific event being catered. The District should require a caterer to provide proof that he/she has the requisite licenses and permits to cater the event. The District can also require a caterer to provide everything necessary for service of food or beverages, including staff.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For discussion.

**WATER REPLENISHMENT
DISTRICT OF SOUTHERN CALIFORNIA
FACILITIES USE POLICY**

1. PURPOSE OF POLICY

The purpose of this Facilities Use Policy is to make available to members of the public certain portions of the Water Replenishment District of Southern California ("District") building on reasonable terms and conditions.

2. FACILITIES AVAILABLE FOR PUBLIC USE

Those portions of the District building which are available for use pursuant to this policy are the conference rooms, Board Room and parking lot. These facilities shall collectively be referred to as "Facilities."

3. USE OF FACILITIES

The Facilities may be used for [This section should describe who may use the facilities. The limitation must be reasonable and viewpoint neutral]. Applicants must be 21 years or older and take responsibility for clean up and damages.

4. RESERVATIONS

Subject to the limitations set forth in this Policy, the Facilities are available on a "first-come, first-served" basis. The Facilities may be booked up to six months in advance by contacting the General Manager at (562)921-5521. Notwithstanding the above, official District functions shall always have first priority for the use of Facilities. In the event a Facility is needed for a District function, the District, at its discretion, may change the reservation to a Facility different than the Facility originally reserved.

5. FEES

The District shall charge a use fee to recoup the cost of making the Facilities available for use by the public, and shall have the right to recover costs associated with any damage to the Facilities. Please refer to the Facility Use Fee Schedule for the applicable fees. In addition, the District shall require a non-refundable deposit for use of the Facilities and, if alcohol is to be served and/or sold, the District shall require an additional deposit to cover the potential costs of cleanup and damage. The alcohol deposit will be refunded if the Facilities, after completion of the event, are in as good condition as they were prior to the event.

6. PROCEDURE

- a. The person ("Applicant") wishing to apply for use of the Facilities shall obtain an application from the District, and shall provide all information required on the application.
- b. Upon receipt of a complete application, a District staff person will contact the Applicant and indicate whether the desired Facilities are available for the date and time requested and, if so, will send a Fee Schedule, Conference Room Summary, and Facility Application and Agreement Form ("Form") to the Applicant. The Applicant must sign and return the Form to the District at least thirty (30) calendar days prior to the event. If the application is for use of the Facilities less than thirty (30) calendar days before the event, the Applicant shall, by contacting the number specified herein, schedule an in-person appointment with the General Manager, or his designee.

c. With the application, the Applicant shall also include a non-refundable application fee of Fifty Dollars (\$50.00), which shall be credited towards any fees charged by the District for use of the Facilities.

d. Based on the information in the Form, the District will determine whether the proposed use is consistent with the District's Facilities Use Policy and will complete the portion of the Form to inform the Applicant as to the amount of insurance, deposit, use fee, staffing required, and other reasonable terms and conditions the District may impose on the use of the Facilities. The District will then notify the Applicant in writing, of the above stated requirements. After the District has informed the Applicant of the additional requirements, the District must receive the use fee, additional deposit (if any), proof of insurance, and any other documentation requested by the District, at least ten (10) calendar days prior to the event. If the District does not receive the documentation within the appropriate time, the Applicant will be deemed to have withdrawn its application for use of the Facilities.

7. TIMING OF RESERVATION

The District's Facilities shall not be deemed as having been reserved by an Applicant unless and until the District receives the deposit(s), use fee, proof of insurance in the forms requested by the District, and other documents consistent with the terms and conditions set forth in the Form. Upon receipt of a completed Form and all required documents, the District shall inform the Applicant in writing, that the reservation is complete.

8. REVENUE PRODUCING ACTIVITIES

Only qualified non-profit organizations may sell items or otherwise engage in fundraising activities when using District facilities. For purposes of this policy, a "qualified non-profit organization" shall be defined as a tax exempt organization under Internal Revenue Code section 501(c). No solicitations or requests for contributions or donations of any kind for any cause or purpose are allowed except for qualified non-profit organizations.

9. USE OF DISTRICT PROPERTY

If requested in advance by the Applicant, the District may allow use of its equipment on a case-by-case basis.

10. INDEMNIFICATION; INSURANCE

The District shall require the Applicant utilizing the facilities to indemnify and hold harmless the District, its elected officials, its officers, employees, agents, and volunteers from any and all losses, damages, claims, or costs of any nature stemming from the event and the Applicant's use thereof. The District shall also require the Applicant to provide insurance in a form and an amount, and from a carrier, acceptable to the District's General Counsel. The District shall be named as an additional insured under Applicant's coverage. In addition, this insurance as respect to any claim, loss or liability arising directly or indirectly from Applicant's activities at the District shall be the only insurance utilized, and any other insurance maintained by the District shall be considered noncontributing.

11. USE RESTRICTIONS

- a. The following activities or items are prohibited:
- Pyrotechnics;
 - Candles, lanterns, incense, or open flames;

- Mylar or plastic confetti;
- Smoking;
- "Silly String";
- Decorations or other items that will damage building surfaces, such as nails, fasteners, glue, or other adhesives;
- Smog or fog generating devices;
- Any act which may cause harm, damage, or loss to District owned or leased structures, equipment, buildings, or supplies;
- Any modification to the Facilities, District's property or premises;
- Animals, excluding service animals; and
- Bicycles, skateboards, scooters, roller skates, rollerblades, or similar items, except in the parking lot.

b. The number of persons in any area shall not exceed the posted occupancy limit.

c. All exit doors shall remain unlocked and shall not be obstructed by any means for any reason during the entire event.

d. The District is not responsible for lost or stolen items. The District is not responsible for any items delivered before an event or left after an event.

12. COMPLIANCE WITH APPLICABLE LAW

Applicant's use of the Facilities shall comply with the ADA, as well as all applicable local, State, and federal rules, regulations, and statutes.

13. SIGNAGE

The Applicant may not post any signage outside of the Facilities, other than directional signs. Such directional signs must be approved by the District's General Manager, or designee thereof, at least three (3) business days before the event. Such directional signs must also be consistent with District policy. Such signage, to the extent possible, shall be posted only during the event, unless the Applicant obtains the prior written approval from the General Manger, or designee thereof.

14. ALCOHOLIC BEVERAGES

The District reserves the right to determine whether or not alcoholic beverages may be served/sold. Under no circumstances shall alcoholic beverages be sold or served to anyone who is under 21 years of age. Applications for events with alcoholic beverages shall only be considered if accompanied by proof of appropriate insurance coverage and any necessary permits (including ABC permit if alcohol is to be sold).

15. CATERING SERVICES

The Applicant may use a third party catering service for the event. Any caterer hired by the Applicant shall furnish the District with proof of current licenses from the Los Angeles County Health Department and shall maintain all requisite licenses and permits to cater the event. In the event the caterer serves alcoholic beverages, the caterer shall furnish the District with proof of a current license from the California Department of Alcoholic Beverage Control.

16. DISTRICT DISCLAIMER

The following disclaimer must be included in any published announcement:

"WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA NEITHER
SUPPORTS NOR ENDORSES THE CAUSE NOR ACTIVITIES
OF ORGANIZATIONS WHICH USE DISTRICT FACILITIES
THAT ARE MADE AVAILABLE AS A PUBLIC SERVICE"

17. USE OF PARKING AREA

Parking areas located at the District's building may be used for vehicle parking and for the event. The District reserves the right to restrict parking to assigned areas of the parking lot.

18. RIGHT TO TERMINATE

The District reserves the right to terminate use of the Facilities by the Applicant at any time.

19. NON DISCRIMINATION

Groups using the Facilities may not discriminate against anyone with regard to race, creed, color or national origin.

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Facility Application and Agreement Form
Water Replenishment District of Southern California

4040 Paramount Boulevard

Lakewood, CA, 90712

Phone: (562) 921-5521

Fax: (562) 921-6101

Name of Organization: _____

Name of Applicant: _____

Address: _____

Phone Number: (day) _____ (evening) _____ (cell) _____

E-mail address: _____

Nature of Proposed Use: (meeting, banquet, etc.) _____

Anticipated number of attendees: Adults: _____ Children (under 18): _____

Special facilities requested for use: _____

Date Facilities are requested: _____

Hours of Use: _____ Hours of Event (if different) _____

Proposed Set up, with attached drawing if possible:
(number of requested tables, chairs, etc) : _____

Equipment Proposed to be used: _____

Alcohol being served? Yes No
(If alcoholic beverages are being served/sold, an additional deposit is also required.)

Alcohol being sold? Yes No
(If alcoholic beverages are sold, an ABC Permit is required & copy to be provided to General Manager 10 days prior to event)

Catering Services? Yes No

Name of Caterer: _____

Address: _____

Phone Number: (day) _____ (evening) _____ (cell) _____
(If catering services are used, caterer must provide copies of all licenses to General Manager 10 days prior to event)

Facility area for reservation are limited to the following areas:

- Gage Conference Room Hollydale Conference Room Silverado Conference Room
 Sunnyside Conference Room Board Room Parking Lot*

* Only check parking lot if the event is to be held in the parking lot, otherwise the parking lot is limited to parking vehicles only.

IMPORTANT – PLEASE READ THE INFORMATION BELOW

I declare that the foregoing information is true and correct. I am aware that I will not have reserved the District facility until the District receives the deposit(s), use fee, the insurance in the forms requested by the District, and other documents consistent with the terms and conditions set forth in the Form. I agree to comply with the District's Facilities Use Policy, attached hereto. I further agree to indemnify and hold harmless the District its elected officials, officers, employees, agents, and

volunteers from any and all losses, damages, claims, or costs of any nature stemming from the event and my use thereof.

Signature of Applicant

Date

To be completed by the District if it determines that the use is permitted under the District's Facilities Use Policy and that the requested facility is available for the date and time requested.

The following requirements must be met in order to reserve the requested District Facility:

Security Deposit \$ _____ Facility Use Fee \$ _____
(Non refundable)

Alcohol Deposit \$ _____

Insured Endorsement to be provided, listing the District as an additional insured *(required 7 days prior to event)*

Type of Insurance: _____

Amount of Insurance: _____

Staffing levels: _____

Other terms and conditions: _____

If the conditions and terms set forth above are met and applicant provides the requested documentation at least ten (10) calendar days prior to the event, the above indicated District Facilities shall be deemed to be reserved by the applicant.

Date: _____

General Manager/Designee: _____



MEMORANDUM

ITEM NO. 5

Prepared by: Abbie Andom

Reviewed by: Scott M. Ota

Approved by: Robb Whitaker

DATE: JULY 12, 2010
TO: ADMINISTRATIVE COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: COMMITTEE DELINEATION OF DUTIES

SUMMARY

Based on a request from the Committee Chairperson, the Administrative Committee would like to review the responsibilities of each Standing Committee of the Board of Directors as currently outlined in Section 3 of the Administrative Code.

Pursuant to Chapter 3 of the District's Administrative Code ("Code"), the District currently has five standing committees that are organized to review discrete issues. In accordance with Section 4.2 of the Code, before an item is placed on the agenda for a regularly scheduled Board meeting, a Committee must first review the item. There are however, two exceptions, the President may direct that an item be placed on the agenda without Committee review, and the Board may place an item on the agenda. In accordance with Section 4.2, an item shall be placed on the Board agenda after a Committee unanimously votes to place the item on the agenda.

Under the District's Code, Committees do not have any legislative authority, and do not set policy for the District. All items must still go before the Board for final review and approval.

Each of the District's standing committees are subject to the Brown Act, therefore all meetings are publicly noticed, and the public is invited to attend. Due to the public nature of the meetings, items may be brought before more than one Committee prior to being presented to the Board.

Staff will provide additional information to the Administrative Committee about the current duties of each committee based on the Administrative Code.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For discussion



MEMORANDUM

ITEM NO. 6

Prepared by: Abbie Andom

Reviewed by: Scott M Ota

Approved by: Robb Whitaker

DATE: JULY 12, 2010

TO: ADMINISTRATIVE COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: REVIEW OF REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE BOARD OF DIRECTORS AND DISTRICT EMPLOYEES

SUMMARY

The Board of Directors at its August 7, 2009 meeting adopted Resolution No. 09-858 amending Chapter 7 of the Administrative Code relating to reimbursement of expenses for members of the Board of Directors and District employees.

In light of the new committee assignments, directors have asked that Chapter 7 be reviewed.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

For discussion.



MEMORANDUM

ITEM NO. 7

*Prepared by: J H Shaunessy
Reviewed by: Robb Whitaker
Approved by: Robb Whitaker*

DATE: JULY 14, 2010
TO: ADMINISTRATIVE COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: RECRUITMENT FIRM CONTRACT APPROVAL

SUMMARY

On June 18, 2010 The Board of Directors authorized the General Manager to enter into a contract with a search firm to perform the recruitment search for the Assistant General Manager position for an amount not to exceed \$27,000. The WRD also has an opening for a Water Quality Program Manager which will soon be vacant due to the retirement of a long time District employee. Due to the specialized nature of this position, the General Manager would also like to utilize a recruitment firm for this position as well. Both of these positions are budgeted positions.

Due to scheduling issues, the recruitment firm initially desired by staff will not be able to assist the District in the time line required. Therefore, staff has had discussions with several search firms related to the District's needs to fill both positions and would like approval from the Board of Directors to choose from the following list of search firms for an amount not to exceed \$27,000 for each position.

Below is the list of pre-interviewed firms along with the related recruitment fee and reimbursement of expenses such as advertising, interviewing, background checks, telephone, postage and photocopying.

<u>Consulting Firm Name</u>	<u>Recruitment Fee</u>	<u>Reimbursable Expenses</u>
Roberts Consulting Group	\$ 27,000	Included in Fee
Alliance Resource Consulting, Inc.	\$ 17,000	Not to exceed \$5,000
Bob Murray & Associates	\$ 17,000	Not to exceed \$7,500

FISCAL IMPACT

Not to exceed \$27,000 for each position. This amount is included in the budget.

STAFF RECOMMENDATION

Allow the General Manager to enter into contracts with either The Roberts Consulting Group or Alliance Resource Consulting, Inc., or Bob Murray and Associates at his discretion, for the search of the Assistant General Manager and Water Quality Program Manager.