

**SPECIAL MEETING OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
4040 PARAMOUNT BOULEVARD, LAKEWOOD, CALIFORNIA 90712**

**3:00 P.M., MONDAY, NOVEMBER 7, 2011**

**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" or "For Discussion" may also be the subject of an "action" taken by the Board or a Committee at the same meeting.

**1. DETERMINATION OF A QUORUM**

**2. PLEDGE OF ALLEGIANCE**

**3. INVOCATION**

**4. PUBLIC COMMENT**

**5. CONSENT CALENDAR**

Consent Calendar items are considered routine by the Board of Directors and will be adopted by one motion. There will be no separate discussion of these items unless a Board Member so requests, in which event the item will be removed from the Consent Calendar and considered separately immediately following action on the remaining items.

**A. MINUTES OF THE MEETING OF SEPTEMBER 16, 2011**

*Staff Recommendation:* Approve the minutes as submitted.

**B. MINUTES OF THE SPECIAL MEETING OF OCTOBER 11, 2011**

*Staff Recommendation:* Approve the minutes as submitted.

**6. WRD BOARD MEETING DATES**

- A. November 18, 2011 – 9:00 a.m. – Board of Directors Meeting
- B. December 16, 2011 – 9:00 a.m. – Board of Directors Meeting
- C. January 20, 2012 – 9:00 a.m. – Board of Directors Meeting
- D. February 17, 2012 – 9:00 a.m. – Board of Directors Meeting
- E. March 16, 2012 – 9:00 a.m. – Board of Directors Meeting

**7. CLOSED SESSION**

- A. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9

Name of Case: Water Replenishment District of Southern California v. All Persons Interested in the Matter of the Validity of Water Replenishment District of Southern California Resolution No. 11-901

Case No.: Los Angeles Superior Court Case No. BC 464772

- B. Public Employee Performance Evaluation, pursuant to Government Code §54957  
Title: General Manager

## 8. ADJOURNMENT

Agenda posted by Abigail C. Andom, Deputy Secretary, November 3, 2011. In compliance with ADA requirements, this document can be made available in alternative formats upon request.

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](http://www.wrd.org).

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**MINUTES OF SEPTEMBER 16, 2011  
MEETING OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**

A meeting of the Board of Directors of the Water Replenishment District of Southern California was held on September 16, 2011 at 9:20 a.m. in the District office located at 4040 Paramount Boulevard, Lakewood, California. President Sergio Calderon called the meeting to order. Deputy Secretary Abigail C. Andom recorded the minutes.

**1. DETERMINATION OF A QUORUM**

President Calderon declared that a quorum of Directors was present, which in addition to himself included Directors Rob Katherman, Lillian Kawasaki, Albert Robles, and Willard H. Murray, Jr.

**2. PLEDGE OF ALLEGIANCE**

Director Ed Chavez of Upper San Gabriel Valley Municipal Water District led the Pledge of Allegiance.

**3. INVOCATION**

President Calderon gave the Invocation.

**4. ADDITIONAL ITEMS TO AGENDA**

Interim District Counsel H. Francisco Leal stated that he would like to add an item to the agenda regarding a new lawsuit filed by Central Basin Municipal Water District (CBMWD) against WRD which was served on the District last Wednesday, September 14. Mr. Leal stated that there is an immediate need to take action on the item, and the need came subsequent to the posting of the agenda for this meeting.

Upon a motion duly made by Director Kawasaki, seconded by Director Katherman, and unanimously approved, it was

RESOLVED: That the Board determines there is a need to add an item to the agenda, the need came subsequent to the posting of the agenda for this meeting, and there is a need to take immediate action to discuss a case of existing litigation pursuant to Government Code §54956.9 (b), Central Basin Municipal Water District v. Water Replenishment District of Southern California, Case Number: LACV11-7531 VBF (RZX).

The item was added to the agenda as Agenda Item 14.F.1.

**5. PUBLIC COMMENT**

General Manager Robb Whitaker stated that he would like to acknowledge Chief Hydrogeologist Ted Johnson on 15 years of exemplary service to the District. Mr. Whitaker stated that Mr. Johnson began work at WRD on August 15, 1996. He explained that prior to that time, WRD relied on consultants for all its hydrogeological and groundwater monitoring needs. He noted that since 1996, due to Mr. Johnson's leadership, WRD had installed a comprehensive monitoring well network and implemented a soon to be announced award-winning groundwater monitoring program. Mr. Whitaker stated that WRD also has a comprehensive groundwater model developed in conjunction with the United States Geological Survey (USGS).

Mr. Whitaker and the Board thanked Mr. Johnson for his hard work and dedicated service.

**6. CONSENT CALENDAR**

- A. MINUTES OF THE SPECIAL MEETING OF MAY 6, 2011**
- B. MINUTES OF THE SPECIAL MEETING OF JULY 22, 2011**
- C. DEMANDS – JUNE 2011**

- D. RESERVES, CASH AND INVESTMENT REPORT FOR THE PERIOD ENDING JUNE 30, 2011
- E. EXPENSES OVER 90 DAYS
- F. OPEB RESOLUTION
- G. COMMUNITY BANKING – FIRST BANK
- H. RFP FOR GOLDSWORTHY EXPANSION FEASIBILITY STUDY
- I. WORLEYPARSONS CONTRACT AMENDMENT FOR ASSISTANCE WITH CONTAMINATED SITE INVESTIGATION AND EXPEDITED CLEANUP
- J. WATER RESEARCH FOUNDATION MEMBERSHIP RENEWAL
- K. REQUEST FOR PROPOSALS (RFP) TO PREPARE ENVIRONMENTAL DOCUMENTS RELATED TO THE GROUNDWATER RELIABILITY IMPROVEMENT PROGRAM (GRIP)
- L. ACWA REGION 8 BALLOT
- M. MULTIMEDIA CONTRACT - TREEFOX

Upon a motion duly made by Director Murray, seconded by President Calderon, and unanimously approved, it was

RESOLVED: That the Board approves the Consent Calendar of September 16, 2011, as submitted.

**7. PRO BONO PUBLIC SERVICE ANNOUNCEMENTS BY MELISSA MARES**

General Manager Robb Whitaker stated that the District is looking forward to the opportunity of recording public service announcements (PSA) with Spanish language musical recording artist Melissa Mares. Mr. Whitaker explained that Ms. Mares had expressed her desire to perform the public service announcements at no cost to the District. He noted that the announcements will be in Spanish and will be broadcasted over television and radio. The PSAs are intended to raise the awareness of the importance of water reliability to the Spanish speaking community.

Director Robles stated that Ms. Mares attended a recent External Affairs Committee meeting and spoke about her experience as a singer and her interest in representing WRD in its PSAs. He noted that Ms. Mares will be an asset to the District and would assist in getting out the message of groundwater and conservation.

Upon a motion duly made by Director Robles, seconded by Director Katherman, and unanimously approved, it was

RESOLVED: That the Board recognizes and engages the services of Melissa Mares to record pro bono public service announcements in Spanish for television and radio for WRD.

**8. CONSULTANT SELECTION FOR THE FINAL DESIGN OF THE VANDER LANS FACILITY EXPANSION**

Mr. Whitaker stated that a key component of the District's Water Independence Now (WIN) Program is to expand production capacity at the Leo J. Vander Lans Water Treatment Facility (Facility) to satisfy 100% of the demand at the Alamitos Seawater Barrier using recycled water. He noted that the District has completed the preliminary engineering design for the expansion and is ready to move forward with the final design of the facility.

Mr. Whitaker stated that the Board approved the issuance of a request for proposals (RFP) for professional services for final design of the expansion, including a 30-percent design of a source water supply pipeline. He stated that the District received proposals from three consulting firms: Black & Veatch, CDM, and CH2M HILL. He noted that a proposal review panel was assembled consisting of two members from District staff, one from West Basin MWD, and one from Orange County Water District. The panel reviewed the proposals and conducted

interviews with the three firms on August 31, 2011. Mr. Whitaker indicated that the criteria for evaluations included understanding of the project and technical approach (35%), project team and relevant experience (40%), and cost of services (25%). Mr. Whitaker stated that CDM was ranked highest among the firms submitted a proposal. He noted that CDM demonstrated the most knowledge and experience for the particular project, assembled a strong project team with solid experience in the design of advanced recycled water treatment facilities and presented an excellent technical approach to achieve the project goals.

Mr. Whitaker also noted that the District received federal funding from the American Recovery and Reinvestment Act of 2009 that offset 25 percent of the cost to develop a preliminary engineering design. The District is working with the U.S. Bureau of Reclamation (USBR) to execute a separate funding agreement under Title XVI to cover 25 percent of the cost for final design of the expansion project and will pursue follow-on funding assistance for construction. He added that the Facility expansion is positioned to receive construction grant funding through the State Department of Water Resources (DWR) under the Integrated Regional Water Management (IRWM) Program. The District is expected to receive an estimated amount of \$4.7 million dollars to reimburse 16 to 20 percent of the costs for construction.

Dave Ebersold of CDM thanked the Board for the opportunity to speak. Mr. Ebersold stated that the team is looking forward to the partnership and noted that CDM designed the first phase of the Vander Lans Facility for the District.

Upon a motion duly made by Director Katherman, seconded by Director Robles, and unanimously approved, it was

RESOLVED: That the Board approves award of a professional services contract with Camp Dresser & McKee (CDM) for the final design of the Vander Lans Facility expansion, subject to approval of form by District Counsel, for an amount not to exceed \$1,966,672, plus a 10% contingency for a maximum authorized amount of \$2,163,000.

**9. LEGISLATIVE REPORT**

Government Affairs Manager Adeline Yoong provided an update on federal and state legislative activities. On the federal level, Ms. Yoong stated that legislation to raise the debt ceiling was enacted just prior to the August recess. She explained that the legislation included a provision to create a special committee to cut \$1.2 trillion from the federal budget over the next ten years. Ms. Yoong stated that insiders predict that the special committee will fail to reach an agreement forcing automatic spending cuts to occur.

On the state front, Ms. Yoong stated that September 9 was the last day for bills to be passed by the Legislature and sent to the Governor's desk. She noted that the Governor has until October 9 to act on bills passed by the Legislature. Ms. Yoong also provided an update on the following bills the District has been following: AB 187, AB 359, AB 1292, AB 263, and SB 607.

**10. GENERAL MANAGER'S REPORT**

In addition to his written report, Mr. Whitaker stated that the District was recently informed by the National Ground Water Association (NGWA) that it will be the recipient of the 2011 Outstanding Groundwater Projects Award for the WRD groundwater monitoring program. He stated that the award will be presented at the NGWA's Annual Conference and Expo to be held November 30 – December 2, 2011 in Las Vegas, Nevada.

**11. DISTRICT COUNSEL'S REPORT**

Deferred to closed session.

**12. AB 1234 COMPLIANCE REPORTS AND DIRECTORS REPORTS**

Director Kawasaki stated that she will submit her meetings in writing.

Director Robles stated that last Tuesday, September 13, was "National Protect Your Groundwater Day" which the District celebrated at the Rancho Santa Gertrudes Elementary School in Santa Fe Springs. He indicated that the school held an assembly attended by 125 students and teachers who made a pledge to protect their groundwater. He stated that the event was also attended by elected officials including Assemblymember Tony Mendoza and Santa Fe Springs Mayor Joseph Serrano, Sr. Director Robles stated that proclamations were also received from Congresswoman Grace Napolitano, Assemblymember Ricardo Lara and Los Angeles County Supervisor Gloria Molina.

Director Katherman stated he will submit his meetings in writing. He noted that he attended the Urban Water Institute Annual Conference in San Diego in August 25-26, 2011.

President Calderon stated that he will submit his meetings in writing.

**13. WRD BOARD MEETING DATES**

- A. October 21, 2011 – 9:00 a.m. – Board of Directors Meeting
- B. November 18, 2011 – 9:00 a.m. – Board of Directors Meeting
- C. December 16, 2011 – 9:00 a.m. – Board of Directors Meeting

#### 14. CLOSED SESSION

- A. Conference with Legal Counsel – Existing litigation, pursuant to Government Code §54956.9(a), California Water Service Company, et al. v. City of Compton, et al., Case No. 506 806
- B. Conference with Legal Counsel – Existing litigation, pursuant to Government Code §54956.9(a), Central and West Basin Water Replenishment District v. Charles Adams; L.A.S.C. Case No. 786, 656
- C. Conference with Labor Negotiator: Clifton Albright  
Employee Organization: American Federation of State County & Municipal Employees (AFSCME)
- D. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: City of Cerritos, City of Downey and City of Signal Hill v. Water Replenishment District of Southern California  
Case No.: Los Angeles County Superior Court BS128136
- E. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: Central Basin Municipal Water District v. Water Replenishment District of Southern California, and Does 1 through 50  
Case No.: Los Angeles County Superior Court BS 129817
- F. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: Central Basin Municipal Water District v. Water Replenishment District of Southern California  
Case No.: Los Angeles County Superior Court BS 132202
- F.1. Conference with Legal Counsel – Existing Litigation  
Name of Case: Central Basin Municipal Water District v. Water Replenishment District of Southern California  
Case Number: LACV11-7531 VBF (RZX)
- G. Conference with Legal Counsel – Anticipated Litigation, Pursuant to Government Code §54956.9 (b), One Case
- H. Public Employee Performance Evaluation, pursuant to Government Code §54957  
Title: General Manager

The Board went into closed session. The Board reconvened in open session.

Interim District Counsel H. Francisco Leal stated that the subsequent need item was added to the agenda as Agenda Item 14.F.1. Mr. Leal reported that Agenda Items 14.A, 14.B and 14.C were not discussed. He stated

that for Agenda Items 14.D, 14.E, and 14.F, no action was taken. For Agenda Items 14.F.1, the Board voted to solicit three firms with expertise in the field of representation intellectual property. For Agenda Item 14.G, he stated that the Board approved the issuance of request for qualifications (RFQ) for the District's Environmental Impact Report (EIR) for the Strategic Plan. Lastly, Agenda Item 14.H was continued to the next Board meeting.

**15. ADJOURNMENT**

President Calderon asked if there was any further business to come before the Board, and there being none, the meeting was adjourned at 12:05 p.m.

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Sergio Calderon, President

ATTEST:

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Robert Katherman, Secretary

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**MINUTES OF OCTOBER 11, 2011  
SPECIAL MEETING OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**

A special meeting of the Board of Directors of the Water Replenishment District of Southern California was held on October 11, 2011 at 2:38 p.m. in the District office located at 4040 Paramount Boulevard, Lakewood, California. President Sergio Calderon called the meeting to order. Deputy Secretary Abigail C. Andom recorded the minutes.

**1. DETERMINATION OF A QUORUM**

President Calderon declared that a quorum of Directors was present, which in addition to himself included Lillian Kawasaki, Rob Katherman, and Albert Robles. Director Willard H. Murray, Jr. was excused.

**2. PLEDGE OF ALLEGIANCE**

President Calderon led the Pledge of Allegiance.

**3. INVOCATION**

President Calderon gave the Invocation.

**4. PUBLIC COMMENT**

None.

**5. CLOSED SESSION**

- A. Conference with Legal Counsel – Existing Litigation, pursuant to Government Code § 54956.9(a), California Water Service Company, et al. v. City of Compton, et al., Case No. 506 806
- B. Conference with Legal Counsel – Existing Litigation, pursuant to Government Code § 54956.9(a) Central and West Basin Water Replenishment District v. Charles Adams; L.A.S.C. Case No. 786,656
- C. Conference with Labor Negotiator: Clifton Albright  
Employee Organization: American Federation of State, County and Municipal Employees (AFSCME)

- D. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: City of Cerritos, City of Downey and City of Signal Hill v. Water Replenishment District of Southern California  
Case No.: Los Angeles County Superior Court BS128136
- E. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: Central Basin Municipal Water District v. Water Replenishment District of Southern California  
Case Number: LACV11-7531 VBF (RZX)
- F. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: Water Replenishment District of Southern California v. All Persons Interested in the Matter of the Validity of Water Replenishment District of Southern California Resolution No. 11-901  
Case No.: Los Angeles Superior Court Case No. BC 464772
- G. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code §54956.9  
Name of Case: Water Replenishment District of Southern California v. City of Cerritos, City of Downey and City of Signal Hill  
Case No.: Los Angeles Superior Court Case No. BC 464773
- H. Public Employee Performance Evaluation, pursuant to Government Code §54957  
Title: General Manager

Interim District Counsel H. Francisco Leal stated that the Board will only consider Agenda Items 5.D, 5.E, and 5.F. The Board went into closed session. The Board reconvened in open session.

Mr. Leal reported that for Agenda Item 5.D, the Board authorized an agreement tolling the statute of limitations in connection with the Proposition 218 litigation, to be presented to pumpers. For Agenda Item 5.E, the Board authorized the retention of the law firms of Robert E. Lyon and Tafoya & Garcia, for an amount not to exceed \$25,000, to jointly represent the District. For Agenda Item 5.F, a status report was provided and no formal action was taken.

**6. TOLLING AGREEMENT**

The report from closed session was that the Board authorized an agreement tolling the statute of limitations in connection with the Proposition 218 litigation.

**7. RATIFICATION AND APPROVAL OF THE MOU**

This item was not discussed.

**8. ADJOURNMENT**

President Calderon asked if there was any further business to come before the Board, and there being none, the meeting was adjourned at 4:00 p.m.

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Sergio Calderon, President

ATTEST:

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Robert Katherman, Secretary