

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
August 19, 2015**

At 8:30 a.m. Vice President Osborne called to order the Regular Meeting of the Municipal Water District of Orange County in the Board Room at the District facilities located in Fountain Valley. Yorba Linda Water District Director Gary Melton led the Pledge of Allegiance and Secretary Goldsby called the roll.

MWDOC DIRECTORS

Brett R. Barbre
Larry Dick (absent)
Joan Finnegan
Susan Hinman
Wayne Osborne
Sat Tamaribuchi
Jeffery M. Thomas (absent)

STAFF

Robert Hunter, General Manager
Karl Seckel, Assistant General Manager
Joe Byrne, Legal Counsel
Maribeth Goldsby, Board Secretary
Harvey De La Torre, Prin. Water Res. Planner

ALSO PRESENT

Linda Ackerman
Larry McKenney
William Kahn
Chris Davis
Rick Erkeneff
Andy Brunhart
Dennis Erdman
Marc Marcantonio
Howard Johnson

MWDOC MET Director
MWDOC MET Director
El Toro Water District
City of Huntington Beach
South Coast Water District
South Coast Water District
South Coast Water District
Yorba Linda Water District
Brady & Associates

PUBLIC PARTICIPATION/PUBLIC COMMENT

Vice President Osborne announced members of the public wishing to comment on agenda items could do so after the item has been discussed by the Board and requested members of the public identify themselves when called on. Mr. Osborne asked whether there were any comments on other items which would be heard at this time.

No comments were received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present, a unanimous vote.)

Legal Counsel Byrne advised that it was necessary to add an item regarding intervention in the LADWP/MET Public Records Act litigation regarding Turf Removal Rebate Information to both the open agenda and closed session agenda, noting that MWDOC received a PRA request for this information. He indicated that the item arose subsequent to the posting of the agenda and there was a need for immediate Board action.

Upon MOTION by Director Barbre, seconded by Director Finnegan, and carried (5-0), the Board determined that the issue regarding intervening in the LADWP/MET Public Records Act Litigation regarding Turf Removal Rebate Information arose subsequent to the posting of the agenda, that there was a need for immediate action, and approved adding this item to both the open agenda, and closed session agenda (for a conference with legal counsel regarding anticipated litigation, pursuant to Government Code Section 54956.9(4)(d). Directors Barbre, Finnegan, Hinman, Osborne & Tamaribuchi voted in favor; Directors Dick and Thomas were absent.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Vice President Osborne inquired as to whether there were any items distributed to the Board less than 72 hours prior to the meeting.

No items were presented.

CONSENT CALENDAR

Vice President Osborne stated all matters under the Consent Calendar would be approved by one MOTION unless a Director wished to consider an item separately.

Upon MOTION by Director Barbre, seconded by Director Finnegan, and carried (5-0), the Board approved the Consent Calendar items as follows. Directors Barbre, Finnegan, Hinman, Osborne, and Tamaribuchi voted in favor. Directors Dick and Thomas were absent.

MINUTES

The following minutes were approved.

July 1, 2015 Workshop Board Meeting
July 15, 2015 Regular Board Meeting

COMMITTEE MEETING REPORTS

The following Committee Meeting reports were received and filed as presented.

Planning & Operations Committee Meeting: July 7, 2015
Administration & Finance Committee Meeting: July 8, 2015
Public Affairs & Legislation Committee Meeting: July 20, 2015
Executive Committee Meeting: July 16, 2015
MWDOC/OCWD Joint Planning Committee Meeting: July 22, 2015

TREASURER'S REPORTS

The following items were ratified and approved as presented.

MWDOC Revenue/Cash Receipt Register as of July 31, 2015
MWDOC Disbursement Registers (July/August)

The following items were received and filed as presented.

MWDOC Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of June 30, 2015

PARS Monthly Statement (OPEB Trust)

Water Use Efficiency Projects Cash Flow

FINANCIAL REPORT

No financial reports were presented.

DISTRICT CONFERENCES

- a. CalDesal Conference, October 1-2, 2015, Ontario, CA
- b. Association of Metropolitan Water Agencies (AMWA) Executive Management Conference, October 11-14, 2015, Savannah, GA

The Board authorized attendance by the Assistant General Manager at the CalDesal Conference, and authorized attendance by the General Manager at the AMWA conference.

TRAVEL TO WASHINGTON, DC TO COVER FEDERAL INITIATIVES

The Board received and filed the report.

TRAVEL TO SACRAMENTO TO COVER STATE INITIATIVES

The Board received and filed the report.

AB 1164 (GATTO) – WATER CONSERVATION: DROUGHT TOLERANT LANDSCAPING

The Board adopted a “watch” position on AB 1164 (Gatto).

SB 789 (WIECKOWSKI) – SALE OF WATER BY LOCAL PUBLIC ENTITIES: EXCISE TAX

The Board adopted an “oppose” position on SB 789 (Wieckowski) and authorized sending a letter to the author indicating MWDOC’s opposition.

H.R. 2689 (WALTERS) – CLARIFY THE SCOPE OF ELIGIBLE WATER RESOURCES PROJECTS UNDER THE WATER RESOURCES DEVELOPMENT ACT OF 1986 AND THE WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014, AND FOR OTHER PURPOSES

The Board adopted a “support” position on H.R. 2689 (Walters) and authorized sending a letter to the author indicating MWDOC’s support.

S. 1894 (FEINSTEIN) – CALIFORNIA DROUGHT RELIEF ACT OF 2015

The Board adopted “support” position on S. 1894 (Feinstein) and authorized sending a letter to the author indicating MWDOC’s support.

END CONSENT CALENDAR**ACTION CALENDAR****ADDITIONAL AUTHORIZATIONS FOR THE OC WATER RELIABILITY STUDY**

Director Barbre advised that the Administration & Finance Committee discussed this item and recommended approval of the \$42,020 increase to the OC Water Reliability Study.

Upon MOTION by Director Barbre, seconded by Director Hinman, and carried (5-0-), the Board authorized an additional \$42,020 to the current authorizations related to the OC Water Reliability Study, as outlined in the Board packet (\$32,020 to CDM-Smith, and \$10,000 to G&E Engineering). Directors Barbre, Finnegan, Hinman, Osborne & Tamaribuchi voted in favor; Directors Dick and Thomas were absent.

DISCUSS INTERVENTION IN LADWP V. MET PUBLIC RECORDS ACT LITIGATION REGARDING TURF REMOVAL REBATE INFORMATION

Legal Counsel Byrne provided an overview of the Public Records Act (PRA) requests (both MWDOC and MET), along with an overview of the current litigation between LADWP and MET on the same issue. He advised that although this information is eligible for public disclosure, the LA County Superior Court issued a Temporary Restraining Order (TRO) to preclude MET from releasing the specific information of program funding recipients in LADWP’s service area (due to a confidentiality agreement between LADWP and MET). Mr. Byrne noted that there is no comparable confidentiality agreement with MWDOC, however MWDOC has the option to join the lawsuit and request protection under the TRO.

Director Barbre stated that because MWDOC does not have a comparable confidentiality clause, and because of his belief that this information should be subject to public disclosure (as it involves public funds), he would recommend the District not join the lawsuit and submit full disclosure per the PRA.

Director Tamaribuchi thought it prudent to add language to the rebate applications informing applicants that the information is subject to records requests. Director Barbre concurred, noting that language indicating that the rebate may be taxable also be added.

Upon MOTION by Director Barbre, seconded by Director Finnegan, and carried (5-0), the Board voted to not intervene in the LADWP/MET lawsuit at this time, and to hold a policy discussion on adding language to the applications (public disclosure and tax information) at the next Administration & Finance Committee meeting. Directors Barbre, Finnegan, Hinman, Osborne & Tamaribuchi voted in favor; Directors Dick and Thomas were absent. Given this action, it was noted that there was no need to meet in closed session on this matter.

INFORMATION CALENDAR**GENERAL MANAGER'S REPORT, AUGUST 2015**

General Manager Hunter advised that the General Manager's report was included in the Board packet.

Responding to an inquiry by Director Hinman regarding desalination, MWDOC MET Director McKenney advised that the MET IRP update is currently focusing on the general aspects of MET's supply portfolio (current projects).

Ms. Hinman commented and General Manager Hunter provided clarification on several other areas of the report, including the OC Reliability Study, and the Model Efficient Landscape Ordinance Update. It was noted that Mr. Seckel would provide information to Director Hinman, on who participated in the OC SurfQuake After-Action meeting.

The Board received and filed the report as presented.

MWDOC GENERAL INFORMATION ITEMS**BOARD OF DIRECTORS**

The Board members each reported on their attendance at the regular (and special) MWDOC Board and Committee meetings. In addition to these meetings, the following reports were made on conferences and meetings attended on behalf of the District.

Director Hinman reported on attending the MWDOC Board and Committee meetings, a meeting with representatives from The Ecology Center and Inside the Outdoors regarding the school program, a conference call regarding the meeting with South County agencies, and a meeting with Wayne Rayfield.

Director Tamaribuchi reported that he attended the MWDOC Board and Committee meetings (with the exception of the Joint Planning Committee and Administration & Finance Committee meetings), a meeting with representatives from The Ecology Center and Inside the Outdoors, a conference call regarding the meeting with South County agencies, the WACO meeting, the IRWD Water Resources Committee meeting, and a meeting with the Mayor and city staff from Newport Beach.

Director Finnegan advised that she attended the MWDOC Board and Committee meetings, as well as the ISDOC Executive Committee and ISDOC luncheon meetings, the Joint Planning Committee meeting, and a meeting with the Center for Demographic Research.

Director Barbre reported on attending the MWDOC and MET regular meetings, as well as the Yorba Linda Water District (YLWD) Board meeting, the ad hoc meeting between MWDOC/OCWD/YLWD, the Water Policy dinner, the ISDOC meeting, a meeting with Kathy

Cole and Tom Philp regarding Sacramento water issues, the WACO meeting, the IRWD Board meeting, a meeting with Gary Breaux on MET reserves issues, and the Buena Park, La Habra, and Brea City Council meetings. Mr. Barbre also reported on presenting information (along with Melissa Baum-Haley) to a Mobile Home Owners group, as well as attending the MET caucus meeting, and Congressman Calvert's Water LA meeting.

Director Barbre, as Chair of the Public Affairs & Legislation Committee, requested that the September meeting date be changed to Tuesday, September 15, 2015 both to accommodate the MET meeting date changes, as well as MWDOC Board member's availability, and he asked staff to send out notices of the date change.

Director Osborne advised that he attended the Public Affairs & Legislation Committee, the Executive Committee, and the Joint Planning Committee meetings, as well as the Water Policy dinner, the ISDOC meeting, and the Board meetings.

CLOSED SESSSION ITEM

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph 4 of subdivision (d) of Section 54956.9: one case

At 9:11 a.m., Legal Counsel Byrne announced that the Board would adjourn to closed session on the above matter.

RECONVENE

The Board reconvened at 9:33 a.m., and Legal Counsel Byrne announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business to come before the Board, Vice President Osborne adjourned the meeting at 9:34 a.m.

Respectfully submitted,

Maribeth Goldsby, Secretary