

MINUTES OF A SPECIAL MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE AUDITORIUM AT ELIZABETH HUDSON ELEMENTARY SCHOOL, 2335 WEBSTER AVENUE, LONG BEACH, CALIFORNIA, ON MONDAY, SEPTEMBER 24, 2007, AT 5:30 P.M.

Present: Commissioners: Sramek, Hankla, Topsy-Elvord, Walter, Cordero
Absent: " None

Also present:

S. B. Rubin	Managing Director
D. A. Thiessen	Managing Director
D. K. Jacobus	Acting Executive Officer to the Board
L. Marin	Director of Human Resources
H. C. Morris	Director of Communications
S. Joublat	Chief Financial Officer
D. L. Albrecht	Director of Information Management
R. Rich	Director of Maintenance
A. J. Moro	Chief Harbor Engineer
R. Cameron	Director of Environmental Planning
K. J. Adamowicz	Acting Director of Real Estate
C. Perrone	Director of Security
D. B. Snyder	Director of Trade Relations
S. Ashley	Director of Government Affairs
R. S. Baratta	Director of Risk Management
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT CORDERO PRESIDED AS CHAIRPERSON.

COMMISSIONER SRAMEK LED THE FLAG SALUTE.

COMMISSIONER COMMENTS.

President Cordero stated this is a historic meeting for the Long Beach Board of Harbor Commissioners. He thanked Mr. Felton Williams, President, Board of Education, Long Beach Unified School District, and Ms. Wendy Clafin, Principal, Elizabeth Hudson Elementary School, for their support and cooperation in bringing the Commission meeting here tonight.

Commissioner Walter stated it is great to be here at Elizabeth Hudson Elementary School and to see such a great turnout from the community. Additionally, he stated the best investment we can make in our children is in educating them.

Commissioner Topsy-Elvord thanked everyone for coming and stated she sees a lot of familiar faces in the audience. She stated the Commission welcomes and encourages input from the community.

Commissioner Hankla stated he is seeing a lot of old friends in the audience and he has worked with the City over 45 years. He said it is a difficult task to clean up the environment, but we will do it.

Commissioner Sramek welcomed, as a Westsider himself, the parents, teachers, and the community to the meeting, and he thanked everyone for coming. He stated the Commission is changing and that they are very interested in hearing from the community.

RECOGNITION.

President Cordero recognized and welcomed Senator Alan Lowenthal, Vice Mayor Bonnie Lowenthal, Councilmember Tonia Reyes Uranga, Ms. Connie Sziebl from the office of Supervisor Knabe, Mr. Felton Williams, President, Board of Education, Long Beach Unified School District, and Ms. Wendy Clafin, Principal, Elizabeth Hudson Elementary School.

Senator Alan Lowenthal acknowledged and recognized the Commission for addressing the concerns of the community with environmental issues and for bringing their meeting out to the community.

Vice Mayor Bonnie Lowenthal addressed the Board and stated this is a wonderful beginning for the Commission to be in the community and listening to the community addressing their environmental concerns. Additionally, Vice Mayor Lowenthal stated she supports the Clean Air Action Plan and the Clean Truck Program.

Councilmember Tonia Reyes Uranga addressed the Board and thanked them for coming to Elizabeth Hudson Elementary School for their Commission meeting. She also thanked Mr. Williams, Ms. Clafin, and the staff for their cooperation. Additionally, Councilmember Reyes Uranga thanked the community for attending the meeting.

Ms. Connie Sziebl, from the office of Supervisor Knabe, addressed the Board and thanked the Commissioners and Port staff for their involvement, interaction, and support of the community.

Mr. Felton Williams, President, Board of Education, Long Beach Unified School District, addressed the Board and stated that Long Beach Unified School District had been recognized as one of the top urban school districts in the nation and is a finalist for the 2007 Broad Prize for Urban Education.

Ms. Wendy Clafin, Principal, Elizabeth Hudson Elementary School, gave an overview presentation on the school and stated the school had again been recognized as a California Distinguished School for 2006 - 2010.

APPROVAL OF MINUTES.

Upon motion by Commissioner Topsy-Elvord, seconded by Commissioner Sramek and unanimously carried, the minutes of the regular meeting of September 17, 2007, were declared read and approved as read.

PUBLIC COMMENTS ON AGENDA ITEMS.

The following individuals addressed the Board and spoke on the environment and the Clean Air Action Plan, Ms. Maria Ramirez, Ms. Gloria Ceballos, Ms. Suzanne Arnold, RN, Ms. Elina Green, Ms. Andrea Hricko, Mr. Jesse Marquez, Reverend Sandra Olwine, Reverend Mary Jo Bradshaw, Mr. Ryan Nelson, Ms. Lizette Gonzalez, Ms. Marcella Vigil, Mr. Jorge Mayorga, Mr. Juan Calderon, Mr. Carlos Prinzen, Ms. Jessica William, Ms. Amy Palada, Mr. Lindsey Hendricks, Mr. Greg Roche, Ms. Colleen Callahan, Mr. John Taelieffi, Ms. Evelyn Knight, Mr. Allen Hose, Ms. Joan Greenwood, Mr. Ray Grabinski, Mr. Roger Holman, Mr. Tom Politeo, Mr. Merle Norquist, Mr. Steve Hinds, Mr. Amancio Ruiz, and Mr. Vicente Esqueda.

President Cordero thanked the speakers for their comments.

CONSENT AGENDA – ITEMS NOS. 1-10.

Items Nos. 3, 5, and 10 were removed from Consent Agenda for discussion.

1. VERIZON CALIFORNIA, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE MEMORANDUM OF AGREEMENT FOR TELEPHONE CONDUIT – DOCUMENT NO. HD-7225.

Communication from Karl Adamowicz, Acting Director of Real Estate, dated September 19, 2007, requesting approval of a Memorandum of Agreement with Verizon California, Inc., for telephone conduit, effective January 1, 2007, through December 31, 2016, was presented to the Board. The request was approved by the Executive Director.

2. DJM CONSTRUCTION COMPANY – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE ADDITIONAL ADVANCE CHANGE ORDER AUTHORITY FOR THE TERMINAL ISLAND FIRE STATION NO. 24 AND THE HENRY FORD STORAGE YARD UTILITY INFRASTRUCTURE - CWO NO. 1191, SUPPLEMENT NO. 9, WITH A BUDGET REVISION AND CWO NO. 1258, SUPPLEMENT NO. 5, WITH A BUDGET REVISION – APPROVED.

Communication from C. J. Cardamone, Director of Construction Management, dated September 19, 2007, recommending approval of additional advance change order authority with DJM Construction Company, in the amount of \$490,000, for the Terminal Island Fire Station No. 20 and the Henry Ford Storage Yard Utility Infrastructure, CWO No. 1191, Supplement No. 9, in the amount of \$175,000, with a

budget revision, and CWO No. 1258, Supplement No. 5, in the amount of \$490,000, with a budget revision, was presented to the Board. The request was approved by the Executive Director.

4. CWO NO. 1237 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from Douglas J. Sereno, Director of Program Management, dated September 19, 2007, submitting the following project for closing action:

		<u>BHC Approval</u>	<u>Expenditures</u>
CWO No. 1237	Pier Echo Liquid Bulk Import Terminals, Berths T123-T124	\$1,175,000	\$ 694,223

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Executive Director.

6. TIDELANDS OIL PRODUCTION COMPANY – CONTRACT PURCHASE ORDER FOR UNIT OPERATING COSTS FOR OIL FIELD OPERATIONS.

Communication from Larry Cottrill, Director of Master Planning, dated September 19, 2007, requesting approval of the Contract Purchase Order with Tidelands Oil Production Company for unit operating costs for oil field operations for the first six months of FY 2007-2008, from October 1, 2007, through March 31, 2008, in the amount of \$23.305 million. The request was approved by the Executive Director.

7. ERIC SHEN – JAIME SANTA ANA – APPOINTMENTS.

Communication from Lisa Marin, Director of Human Resources, dated September 18, 2007, requesting approval of the appointments of the following individuals:

<u>Appointment</u>	<u>Classification</u>	<u>Range & Step</u>	<u>Effective Date</u>
Eric Shen	Director of Transportation Planning	EOO	10/22/07
Jaime Santa Ana	Director of Engineering Design	EOO	9/29/07

was presented to the Board. The request was approved by the Executive Director.

8. STEVEN M. PERRY – APPOINTMENT.

Communication from Lisa Marin, Director of Human Resources, dated September 20, 2007, requesting approval of the appointment of Steven M. Perry to the position of Port Communications Specialist III at Range/Step 562/02, effective October 1, 2007, was presented to the Board. The request was approved by the Executive Director.

9. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.

Communication from Sam Joublat, Chief Financial Officer, dated September 19, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
3,538.79	Health Department – vector control & laboratory charges for June through July 2007
3,849,883.75	Tidelands Fund – first installment of the operating transfer of 10% of FY 2006 Harbor net income. Due 10/1/07
1,200.00	Gas & Oil Department – demolition for a service cut of 6" P.E. on service order 50148
1,900.00	Health Department – reimbursement for Employee Assistance Program Service for the period of October 2006 through September 2007
1,791.40	Utility user's tax billed for August 2007
749,383.47	Employee Benefits and Insurance Funds – transfer of the August 2007 cost of employees' fringe benefits
805,776.00	Fire Department – Fire stations and boats for September 2007
9,344.88	Fire Department - vessel patrol for September 2007
24,997.00	Technology Services Department – data processing operations and maintenance for August and estimated September 2007
305,713.55	Gas, water, and sewer for August 2007

was presented to the Board. The request was approved by the Executive Director.

Commissioner Hankla moved, seconded by Commissioner Walter that the communications be received and filed and that Items Nos. 1, 2, 4, and 6-9 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	“	None
ABSENT:	“	None

3. SPECIFICATION NO. HD-S2321 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – FURNISHING WATERBORNE CONSTRUCTION EQUIPMENT.

Communication from C. J. Cardamone, Director of Construction Management, dated September 19, 2007, submitting Specification No. HD-S2321 for furnishing waterborne construction equipment and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Executive Director.

In response to a request by President Cordero, Mr. Cardamone reviewed the item.

Commissioner Topsy-Elvord moved, seconded by Commissioner Walter that the communication be received and filed, that Specification No. HD-S2321 be approved, and that the Executive Director be authorized to advertise for bids therefore. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	“	None
ABSENT:	“	None

5. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Richard D. Cameron, Director of Environmental Planning, dated September 18, 2007, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #07-072	SSA Marine – Unload and Install Container Cranes
HDP #07-082	LA County Department of Public Works – West Long Beach Pump Station Upgrades
HDP #07-087	Mercedes-Benz USA, LLC – Fence Repair
HDP #07-088	Total Terminals International – Pedestal Cameras

was presented to the Board. The request was approved by the Executive Director.

In response to a question by Commissioner Sramek, Mr. Cameron reviewed Harbor Development Permit #07-082 and stated the county would fund the upgrades.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the communication and said Level I Harbor Development Permits be approved. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	"	None
ABSENT:	"	None

10. AKIN GUMP STRAUSS HAUER & FELD, LLP - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR FEDERAL LEGISLATIVE ADVOCACY SERVICES - DOCUMENT NO. HD-7226.

Communication from Samara Ashley, Director of Government Affairs, dated September 18, 2007, recommending authorization of a Contract with Akin Gump Strauss Hauer & Feld, LLP, for federal legislative advocacy services, in the monthly amount of \$10,000, for the period of October 1, 2007, through September 30, 2008, was presented to the Board. The recommendation was approved by the Executive Director.

Commissioner Hankla stated his concerns with a possible conflict of interest with the Contract with Akin Gump Strauss Hauer & Feld, LLP, since they are representing the Metropolitan Transportation Authority on the I-710.

Commissioner Walter stated he felt the potential conflict of interest should be addressed before the approval of the Contract.

In response to a question by Commissioner Topsy-Elvord, Mr. Holzhaus, Principal Deputy City Attorney, stated the Board could authorize the Executive Director to sign the Contract contingent upon obtaining confirmation of the Contract requirement regarding conflicts of interest or the Board could hold the item over until the issue is clarified.

Commissioner Topsy-Elvord moved, seconded by Commissioner Sramek that the communication be received and filed, that the Executive Director be authorized to execute said contract with Akin Gump Strauss Hauer & Feld, LLP, contingent upon obtaining confirmation of the Contract requirement regarding conflicts of interest. Carried by the following vote:

AYES:	Comms:	Sramek,Topsy-Elvord,Cordero
NOES:	"	Hankla,Walter
ABSENT:	"	None

REGULAR AGENDA.

11. PORT OF LONG BEACH TARIFF NO. 4 – ITEM 262 – GREEN FLAG INCENTIVE PROGRAM – RESOLUTION NO. HD-2386 - ADOPTED - FIRST READING OF ORDINANCE.

Communication from Donald B. Snyder, Director of Trade Relations, dated September 19, 2007, recommending approval of a one-year extension of the Green Flag Incentive Program, under Port of Long Beach Tariff No. 4, Item 262, was presented to the Board together with the authorizing resolution and ordinance therefore. The recommendation was approved by the Executive Director.

In response to a request by President Cordero, Mr. Snyder reviewed the item.

Commissioner Topsy-Elvord moved, seconded by Commissioner Sramek that the communication be received and filed and that the resolution entitled "A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED EXHIBIT A TARIFF NO. 4 BY AMENDING ITEM NO. 262," be declared read and adopted as read. Carried by the following vote:

AYES:	Comms:	Sramek, Hankla, Topsy-Elvord, Walter, Cordero
NOES:	"	None
ABSENT:	"	None

Commissioner Hankla moved, seconded by Commissioner Walter that the ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED EXHIBIT A TO TARIFF NO. 4, BY AMENDING ITEM NO 262," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Sramek, Hankla, Topsy-Elvord, Walter, Cordero
NOES:	"	None
ABSENT:	"	None

NEW BUSINESS.

Commissioner Hankla stated "Pollution Solution!" is an excellent production and it is coming to the Long Beach Performing Arts Center on September 29, 2007, at 11 a.m. He encouraged everyone to attend and stated admission is free.

President Cordero recognized and thanked Ms. Morris, Director of Communications, and the Port staff, for doing such a great job and working in conjunction with Elizabeth Hudson Elementary School to organize this meeting.

President Cordero stated the meeting of Monday, October 1, 2007, has been cancelled.

PUBLIC COMMENTS ON NON-AGENDA ITEMS.

There was no one present to address the Board.

ADJOURNED.

At 9:10 p.m., Commissioner Topsy-Elvord moved, seconded by Commissioner Walter that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	“	None
ABSENT:	“	None

MINUTES
REGULAR MEETING OF THE BOARD OF WATER COMMISSIONERS
LONG BEACH, CALIFORNIA
SEPTEMBER 6, 2007

The Board of Water Commissioners of the City of Long Beach met in the Assembly Room of the Treatment Plant, 2950 Redondo Avenue, Long Beach, California, on September 6, 2007.

The meeting was called to order at 9:20 a.m. by President Clarke.

PRESENT:	Frank Clarke	Commissioner
	William B. Townsend	Commissioner
	Stephen T. Conley	Commissioner
	John Allen	Commissioner
	Paul Blanco	Commissioner
	Michael J. Mais	Assistant City Attorney
	Kevin L. Wattier	General Manager
	Sandra L. Fox	Secretary to the Board of Water Commissioners
	B. Anatole Falagan	Deputy General Manager – Business
	Ryan J. Alsop	Director, Government & Public Affairs
	Matthew P. Lyons	Director, Planning & Conservation
	Isaac C. Pai	Director of Engineering
	Eric Leung	Director of Water Resources
	Paul Fujita	Director of Finance
	David Honey	Administrative Officer
	Monya Hawkins	Manager Information Technology
	Robert V. Swain	Engineering Manager
	Ken Bott	Administrative Analyst III
ABSENT:	Robert C. Cheng	Deputy General Manager – Operations

1. PLEDGE OF ALLEGIANCE

President Clarke led the Board and audience in the Pledge of Allegiance.

2. APPROVAL OF MINUTES

August 16, 2007 & August 30, 2007

Upon motion by Commissioner Blanco, seconded by Commissioner Townsend and unanimously carried, the Minutes of the Regular Meeting of August 16, 2007, and the minutes of the August 30, 2007 Public Hearing were approved.

3. PUBLIC COMMENT

At the request of President Clarke, Sandra Fox, Secretary to the Board of Water Commissioners, opened the public comment period. As there were no requests to address the Board, the public comment period was closed.

4. PRESIDENT'S REPORT

- **Frank Clarke, President, Board of Water Commissioners**

President Clarke reported he had seen an important segment by "Heal the Bay" that ran on September 1, 2007, on Channel 9 regarding plastic pollution. He also reported he had seen a segment on HBO on September 2, 2007, that featured Portland, Oregon and their Greening Solutions. He requested that staff obtain copies of these segments to be shared with the Board.

5. GENERAL MANAGER'S REPORT

Kevin L. Wattier, General Manager

2007-2008 LBWD BUDGET ADJUSTMENTS

Mr. Wattier reminded the Board that when the 2007-2008 budget was adopted on June 21, 2007, it contained language regarding some minor adjustments in city support charges and fringe benefits that would be forthcoming, and that the Board had authorized the General Manager to make these adjustments. He reported that those changes had been made within the allowable limit.

COASTAL COMMISSION APPROVAL OF PERMIT

Mr. Wattier reported that the California Coastal Commission unanimously approved a coastal development permit for construction of an under ocean floor intake and discharge demonstration system, a key part of the Long Beach Water Department's national seawater desalination project. He advised that partnering with the United States Department of the Interior, Bureau of Reclamation, the Long Beach Water Department will install and remove a temporary demonstration seawater intake and discharge system seaward of the Bluff Park vehicle parking lot at Junipero Beach. The underground, temporary system is intended to demonstrate an alternative to the open ocean intake and discharge practices of seawater desalination facilities located around the world.

JUDGE'S RULING REGARDING WATER PUMPING PRACTICES AFFECTING BAY DELTA

Mr. Wattier reported that the Federal Judge had provided an oral ruling on Friday, August 31, 2007. The Judge's oral ruling combined multiple criteria from each of the plaintiffs and defendants in the case, making it difficult to immediately gauge the impact to imported water supplies being pumped from the Delta. The Judge further instructed the parties to work together to fashion a written plan based on his oral ruling, and he gave a deadline of October 22, 2007 for the parties to return with the written operating plan.

Mr. Wattier suggested that the Board might want to consider moving to the next level in the Water Supply Shortage Plan by calling for an Imminent Water Supply Shortage at a Special Meeting to be scheduled on September 13, 2007 in light of the recent ruling.

MAYOR & COUNCIL PRESENTATION

Mr. Wattier advised the Board that he would be making a follow-up presentation to the Mayor & Council at the September 11, 2007 council meeting regarding water supply issues.

Commissioner Conley reminded the Board and staff that the President of the Board of Water Commissioners should also attend the council meeting to introduce the General Manager, and make brief opening remarks.

ALTERED OCEANS DVD

Mr. Wattier reminded the Board that staff had distributed a copy of the Altered Oceans DVD to the Mayor and Council per President Clarke's request, and that the Board had also received a copy of the DVD. He commented that this DVD was based on the Pulitzer prize-winning series that recently ran in the *Los Angeles Times*.

COUNCIL DISTRICT 6 BUDGET BRIEFING

Mr. Falagan advised that staff had recently met with Council District 6 staff regarding the LBWD budget. He reported that Councilmember Andrews was not present for the briefing, but that he had outlined some information that he sought from the LBWD regarding mapping and water pipeline information to assist his district in their redevelopment efforts.

Commissioner Allen inquired if the Mayor and Council had responded to the invitation for the two groups to meet to discuss Water Department issues. President Clarke responded that to-date there had been no response for this meeting.

President Clarke did however report that he and Vice President Townsend had been invited to meet on Friday, September 7, 2007 with Councilmember Suja Lowenthal and Councilwoman Gerrie Schipske to discuss their concerns with Water Department issues, as previously had occurred with Commissioners Allen and Blanco.

6. LEGAL COUNSEL REPORT

- **Michael J. Mais, Assistant City Attorney**

Mr. Mais introduced himself to the Board, and reported he was substituting for Mr. Parkin who was on vacation.

7. CONSENT CALENDAR

It was moved by Commissioner Conley and seconded by Commissioner Townsend that the Board approve Consent Calendar items 7a. thru 7f.

Commissioner Allen advised he objected to Consent Calendar item 7d.

The original motion was amended by Commissioner Conley and seconded by Commissioner Townsend to approve Consent Calendar items 7a., 7b., 7c., 7e. and 7f., and pulling Consent Calendar item 7d. for separate discussion. Consent Calendar items 7a., 7b., 7c., 7e. and 7f. were unanimously approved.

7a. Approval of Transfer of Funds by Journal Entry Dated September 6, 2007

A communication was presented to the Board from Paul Fujita, which is on file at the Long Beach Water Department.

7b. Receive and File the List of Vendor Payments for the month of July, 2007

A communication was presented to the Board from Paul Fujita, which is on file at the Long Beach Water Department.

7c. Authorize the General Manager to execute the first renewal option of Agreement 2753 with Backflow Apparatus and Valve Company (BAVCO) to furnish and deliver backflow assembly repair kits and whole backflow assemblies in an amount not to exceed \$250,000.00

A communication was presented to the Board from Robert Cheng, which is on file at the Long Beach Water Department.

7e. Authorization to attend The California Conference for Equality and Justice (CCEJ) 44th Annual Dinner, and Presentation of the Gene Lentzner Human Relations Award on Thursday, September 20, 2007, at 6:30 P.M.

A communication was presented to the Board from Kevin Wattier, which is on file at the Long Beach Water Department.

7f. Authorization to attend the Long Beach Branch NAACP 28th Freedom Fund Banquet & Awards Presentation, October 19, 2007

A communication was presented to the Board from Kevin Wattier, which is on file at the Long Beach Water Department.

7d. Authorization to attend the Long Beach Area Chamber of Commerce Inaugural State of the County Address on Thursday, November 1, 2007, at the Hyatt Regency Long Beach

A communication was presented to the Board from Kevin Wattier, which is on file at the Long Beach Water Department.

It was moved by Commissioner Conley and seconded by Commissioner Blanco that the Board approve Consent Calendar item 7d.

Commissioner Allen advised he objected to supporting this event, as the sponsoring group, the Long Beach Chamber of Commerce, in his opinion, is too political.

There was general discussion regarding membership in the Chamber of Commerce and the possibility of a conflict of interest. The Assistant City Attorney, Michael Mais, advised he saw no conflict of interest with the Water Department and some Board members being members of the Chamber.

Commissioner Conley commented on support for this inaugural event (State of the County Address).

Vice President Townsend called for the question. President Clarke requested a roll call vote for Consent Calendar item 7d.

A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>FRANK CLARKE,</u> <u>WILLIAM TOWNSEND,</u> <u>STEPHEN CONLEY, PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>JOHN ALLEN</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

8. **ADOPT RESOLUTION NO. WD-1233 AMENDING RESOLUTION NO. WD-1227, CREATING OFFICES AND POSITIONS IN THE PERMANENT SERVICE OF THE LONG BEACH WATER DEPARTMENT, FIXING THE AMOUNT OF COMPENSATION FOR SUCH OFFICES AND POSITIONS, AND RESCINDING ALL OTHER RESOLUTIONS OR ORDERS RELATING THERETO**
- **Kevin L. Wattier, General Manager**

Mr. David Honey, Administrative Officer, provided a brief overview of the Salary Resolution amendment process. He discussed the Water Department's need for Research Assistants, and reported this revision adds that unclassified category to the Water Department's salary resolution.

It was moved by Commissioner Allen and seconded by Commissioner Conley that the Board adopt Resolution No. WD-1233 Amending Resolution No. WD-1227, Creating Offices and Positions in the Permanent Service of the Long Beach Water Department, Fixing the Amount of Compensation for such Offices and Positions, and Rescinding all other Resolutions or Orders Relating Thereto.

A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>FRANK CLARKE,</u> <u>WILLIAM TOWNSEND,</u> <u>STEPHEN CONLEY, JOHN ALLEN,</u> <u>PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>NONE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

9. **CONSIDER AND POTENTIALLY APPROVE MODIFICATIONS TO POLICY STATEMENT 2003-32 "DISTRIBUTION AND USE OF FREE BOTTLED WATER"**
- **Kevin L. Wattier, General Manager**

Mr. Wattier summarized the options (1-4) available for action as noted in the Board letter (agenda item 9.).

It was moved by Commissioner Blanco and seconded by Commissioner Allen that Option #2 – “Eliminate the Promotional Distribution of Bottled Water, but Continue Bottling Water for Emergency Preparedness” be approved.

Commissioner Conley advised he disagreed with Option 2, and recommended modification of Option 3 (“Continue the Current Program, but Place Renewed Emphasis on Recycling the Plastic Bottle”) to request that recipients of the free bottled water have a recycling program for the plastic bottles, and be required to report back to the Board regarding their disposal/recycling of the plastic bottles after their event/use of bottled water. Commissioner Conley provided various perspectives on continuation of the program and its benefits.

Commissioner Conley made a substitute motion recommending modification of Option 3 (“Continue the Current Program, but Place Renewed Emphasis on Recycling the Plastic Bottle”) to require recipients of the free bottled water to have a recycling program available for the plastic bottles, and be required to report back to the Board regarding their disposal/recycling of the plastic bottles after their event/use of bottled water. Commissioner Townsend seconded the motion.

Commissioner Townsend commented that he agreed with the ideas outlined in Commissioner Conley’s substitute motion, but he recommended that the bottled water program be shut down for 60 – 90 days, and then have the Board return with a viable plan. If no viable revised plan was brought forth the shutdown would remain in effect. The Assistant City Attorney suggested these comments could become a friendly amendment to the substitute motion.

Commissioner Conley requested clarification regarding the friendly amendment.

President Clarke commented on the recent correspondence he had forwarded to the Mayor and Council regarding policies adopted by the City and County of San Francisco on ordinances banning bottled water, and banning use of plastic bags within the City of San Francisco.

Commissioner Conley advised he could reconsider supporting Option 2 if the Council would take a position to eliminate bottled water use in the City.

Commissioner Blanco made a substitute motion to defer action on Agenda item 9. until after the President and Vice President had a chance to meet with Councilmembers Lowenthal and Schipske. Commissioner Blanco recommended this item be deferred to the September 13, 2007 special meeting. Commissioner Conley seconded this motion.

President Clarke requested a Roll Call vote.

A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>WILLIAM TOWNSEND,</u> <u>STEPHEN CONLEY, JOHN ALLEN</u> <u>PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>COMMISSIONER CLARKE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

- 10. AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND ALL NECESSARY DOCUMENTS TO CREATE A JOINT POWERS AUTHORITY TO CREATE THE LOS ANGELES GATEWAY REGIONAL INTEGRATED REGIONAL MANAGEMENT AUTHORITY**
- **Kevin L. Wattier, General Manager**

Mr. Wattier provided a brief overview of the Integrated Regional Water Management Plan (IRWMP) process, including a history of this program. He noted this is a very bureaucratic and highly controversial plan to manage water distribution funds for the Southern California sub-region.

Mr. Wattier noted the comments and perspectives surrounding the formation of the subgroup.

Commissioner Conley requested additional information regarding this matter such as what other cities have joined the Joint Powers Authority (JPA). Commissioner Conley also inquired if Los Angeles County Supervisor Don Knabe was involved in the formation of this JPA.

Mr. Wattier responded that so far the cities of Downey, South Gate, Signal Hill and Lakewood have approved to join this JPA, with other surrounding communities slated to possibly also join.

Commissioner Townsend inquired if there would be a risk to funding by this action. Mr. Wattier responded that there was that possibility, but the process is such that the likelihood of successfully obtaining funds is remote to begin with. He explained the details regarding opportunities for funding and recognition by the State of the group as a legal recipient for funding.

Mr. Alsop clarified the opportunities for this JPA process by stating this group hoped to establish a more focused, targeted plan to enhance the planning process.

President Clarke requested this agenda item be held over one week to the special meeting of September 13, 2007.

11. LEGISLATIVE ISSUES/ACTIONS/BILLS

- **Ryan J. Alsop, Director, Government & Public Affairs**

Mr. Alsop reported that both the Federal and State legislatures were back in session. He advised he is tracking key legislation and will report back to the Board in the coming weeks regarding this topic.

Mr. Alsop reported that the current edition of the *WAVE* was being distributed to households in the community. He pointed out that the lead story in this edition highlighted the need to conserve water.

Mr. Alsop reported to the Board that Congresswoman Laura Richardson had been sworn in on September 5, 2007. He advised that President Clarke had sent a congratulatory letter to her. (He noted the Board had received a copy of this correspondence).

Commissioner Conley commented on Congresswoman Richardson's upcoming local celebratory event. He urged the Board to continue an organized approach with her to carry on the partnership and support of LBWD projects previously established with the late Congresswoman Millender-McDonald.

Mr. Alsop advised the Board that Sandra Holden of the local public cable channel would be interviewing Matt Lyons regarding the LBWD Conservation Program, and would feature the conservation garden in a video interview.

Mr. Alsop reported he has an upcoming meeting with Kathy Parsons, City of Long Beach Public Information Officer, to work on future joint communications regarding disseminating the water conservation message.

Commissioner Townsend requested a presentation and information on the tiered rate structure, and rationale and basis.

President Clarke asked what the status was regarding some of the 5th District Long Beach residents being served by Golden State Water Company. Mr. Wattier responded that the City Attorney is providing an opinion to 5th District Councilwoman Schipske regarding this matter.

There was general discussion regarding commercial tiered rates. Commissioner Conley requested a study session be set to discuss tiered rates.

President Clarke inquired regarding the status of the high bill report made by a constituent at the August 30, 2007 Public Hearing. Mr. Wattier reported this was being investigated by staff. President Clarke requested that staff report back to the Board regarding the results of this investigation.


12. NEW BUSINESS

It was moved by Commissioner Allen, seconded by Commissioner Blanco and unanimously approved that staff report back to the Board on October 18, 2007, regarding the cost to televise future Board of Water Commission meetings; the various manners of distribution (web streaming; cable TV; satellite TV). Commissioner Blanco seconded the motion. The motion passed unanimously.

It was moved by Commissioner Allen, seconded by Commissioner Townsend, and unanimously approved to excuse Commissioner Conley and Commissioner Blanco from the September 20, 2007 board meeting.


13. ADJOURNMENT

There being no further business to come before the Board, President Clarke adjourned the meeting at 10:55 a.m. to the Special Board Meeting of the Water Commission to be held on Thursday, September 13, 2007, at 9:15 a.m., in the Assembly Room of the Treatment Plant, 2950 Redondo Avenue, in Long Beach, California



Paul C. Blanco, Secretary

Attest:



William B. Townsend, President

MINUTES
SPECIAL MEETING OF THE BOARD OF WATER COMMISSIONERS
LONG BEACH, CALIFORNIA
SEPTEMBER 13, 2007

The Board of Water Commissioners of the City of Long Beach met in the Assembly Room of the Treatment Plant, 2950 Redondo Avenue, Long Beach, California, on September 13, 2007.

The meeting was called to order at 9:17 a.m. by President Clarke.

PRESENT:	Frank Clarke	Commissioner
	William B. Townsend	Commissioner
	Stephen T. Conley	Commissioner
	John Allen	Commissioner
	Paul Blanco	Commissioner
	Charles Parkin	Principal Deputy City Attorney
	Kevin L. Wattier	General Manager
	Sandra L. Fox	Secretary to the Board of Water Commissioners
	Robert C. Cheng	Deputy General Manager – Operations
	B. Anatole Falagan	Deputy General Manager – Business
	Ryan J. Alsop	Director, Government & Public Affairs
	Matthew P. Lyons	Director, Planning & Conservation
	Isaac C. Pai	Director of Engineering
	Eric Leung	Director of Water Resources
	Paul Fujita	Director of Finance
	David Honey	Administrative Officer
	Monya Hawkins	Manager Information Technology
	Robert V. Swain	Engineering Manager
	Melissa L. Keyes	Administrative Analyst II/Special Projects Coordinator
	Ken Bott	Administrative Analyst III
ABSENT:	Dynna Long	Office Administrator

1. PLEDGE OF ALLEGIANCE

Commissioner Allen led the Board and audience in the Pledge of Allegiance.

2. PUBLIC COMMENT

At the request of President Clarke, Sandra Fox, Secretary to the Board of Water Commissioners, opened the public comment period. As there were no requests to address the Board, the public comment period was closed.

3. PRESIDENT'S REPORT

- **Frank Clarke, President, Board of Water Commissioners**

President Clarke reported he and Vice President Townsend had recently met with Councilmember Suja Lowenthal and Councilwoman Gerrie Schipske, regarding Water Department communications and coordination with the City Council.

President Clarke suggested setting up a contest involving school children in water conservation efforts.

President Clarke acknowledged the recent Excellence in Science award made to Candy Jennings (Science Teacher) and Prisk Elementary School by BP for their solar energy program.

4. GENERAL MANAGER'S REPORT Kevin L. Wattier, General Manager

HIGH WATER BILL INQUIRY

Mr. Wattier reported to the Board that LBWD staff had investigated the report of high water usage for the customer who spoke at the Board of Water Commissioner's August 30, 2007 Public Hearing. The results were that staff found an outlet gasket leak at the water meter; repairs had been made and staff would adjust the customer's bill accordingly.

ALAMITOS BAY WATER QUALITY UPDATE

Mr. Wattier advised the Board that the beach water quality in Alamitos Bay had received good reports for the last four weeks. He advised that the City Water Quality Taskforce had worked with the AES power plant staff to continue to operate their circulating pumps through the end of September 2007 at a cost to the city of \$5,000 per day, paid through the Tidelands Fund.

President Clarke thanked and acknowledged Mr. Wattier's work with the City Water Quality Taskforce to assist with the Alamitos Bay beach water quality issues.

GOVERNOR SCHWARZENEGGER CALLS FOR SPECIAL LEGISLATIVE SESSION

Mr. Wattier advised the Board that there was a copy of the Governor's press release in their cubbies regarding his call for the Legislature to meet in a special session regarding two key initiatives – health care reform, and ensuring a safe and reliable water supply.

5. LEGAL COUNSEL REPORT

- **Charles Parkin, Principal Deputy City Attorney**

None.

6. UNFINISHED BUSINESS:

**6a. Consider and Potentially Approve Modifications to Policy Statement 2003-32
“Distribution and Use of Free Bottled Water”**

Mr. Wattier summarized the four options for revision of Board Policy Statement 2003-32.

Commissioner Conley clarified his comments that he previously made at the September 6, 2007 board meeting regarding the modifications to Option 3 requiring recipients of free bottled water to have a recycling program available for the bottles, and then be required to report back to the Board after their event on their recycling efforts.

It was moved by Commissioner Conley that the Board approve Option 3 with the modification requiring recipients of free bottled water to have a recycling program available for the bottles, and then be required to report back to the Board after their event on their recycling efforts. The motion failed for lack of a second.

It was moved by Commissioner Townsend and seconded by Commissioner Blanco that the Board approve Option 2: Eliminate the Promotional and Distribution of Bottled Water, but Continue Water for Emergency Preparedness.

Commissioner Townsend advised that during his recent conversation with several of the Councilmembers they had also voiced support for Option 2.

Commissioner Clarke spoke regarding the AB 2449 legislation effective July 1, 2007, related to plastic bag recycling and distributed an information piece from “Californians Against Waste” regarding this bill.

There was discussion regarding instituting a 90-day moratorium on the Free Bottled Water Program to see reactions from the Council and City Departments.

President Clarke called for a roll call vote.

A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>FRANK CLARKE,</u> <u>WILLIAM TOWNSEND, JOHN ALLEN</u> <u>PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>STEPHEN CONLEY</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

The motion carried by a 4-1 vote.

- 6b. AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND ALL NECESSARY DOCUMENTS TO CREATE A JOINT POWERS AUTHORITY TO CREATE THE LOS ANGELES GATEWAY REGIONAL INTEGRATED REGIONAL MANAGEMENT AUTHORITY**
- **Kevin L. Wattier, General Manager**

Mr. Wattier provided a brief overview of the Integrated Regional Water Management Plan (IRWMP) process, including a history of this program.

Mr. Wattier noted the surrounding cities that had already agreed to join this Joint Powers Authority, including the City of Long Beach, and advised there were 8 – 10 key cities who have said they want to join.

Commissioner Allen inquired if working through this sub-group would better enable access to Prop. 50 and Prop. 84 funding.

Mr. Wattier advised that he believed so, as this group would be able to provide more focus to the group's needs, and allow for greater coordination with the larger IRWMP for Los Angeles County.

President Clarke called for a roll call vote.

A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>FRANK CLARKE,</u> <u>WILLIAM TOWNSEND,</u> <u>STEPHEN CONLEY, JOHN ALLEN</u> <u>PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>NONE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

The motion carried by a 5-0 vote.

7. CONSIDER IMPLEMENTATION OF WATER CONSERVATION AND WATER SUPPLY SHORTAGE PLAN

- **Matthew P. Lyons, Director of Planning & Conservation**

President Clarke made introductory remarks regarding the need for the Board to consider this next step in water conservation.

Mr. B. Anatole Falagan, Deputy General Manager – Business, provided a presentation to the Board regarding a drought update. As part of this report he updated the Board on conditions in the Delta; State Water Project (SWP) resources; recent judicial ruling on CVP and SWP Endangered Species Act Permits; water storage supplies and water demand levels which contributed to staff recommending taking the next step in the Water Supply Shortage Plan.

Mr. Wattier advised that Mayor Foster had recently asked at the council meeting water briefing if there would be an appeal of the recent judicial ruling affecting the CVP and SWP water pumping actions. Mr. Falagan responded that the ruling was made in Federal Court, and therefore an appeal would not cause a stay of the Judge's ruling. Both DWR and USBR were reserving the right to appeal, but such an appeal could put the case in the Ninth Circuit Court of Appeals, which could possibly lead to an unfavorable ruling.

Commissioner Allen inquired how much water is in the Semitropic and Arvin-Edison Storage Programs. Mr. Falagan responded that each program has several hundred thousand acre-feet of storage under contract with Metropolitan. Mr. Wattier responded that Metropolitan has several storage programs throughout the state which amount to 2.5 million acre-feet in total.

Upon inquiry from Commissioner Conley, Mr. Wattier explained the linkage between the amount of rainfall and snow that falls in the Sierras and the availability of water supplies for the State Water Project.

Mr. Wattier also commented on the various rules and guidelines that the Department of Water Resources already had to comply with to balance the supply of water moving through the Delta, and how the recent ruling by the judge has now added additional restrictions and guidelines. He reported that DWR and the SWP need to run new models on how these new rules will affect the movement and reliability of the water supplies.

Mr. Wattier spoke regarding the reservoirs throughout the state, but highlighted storage capacity and current storage levels for Oroville, Shasta and San Luis which contribute to the water supply in Southern California.

Mr. Wattier reported that staff had to go back to 1995 to find reservoir storage levels as low as they currently are.

Mr. Lyons summarized major elements of the Water Conservation and Water Supply Plan.

He described additional water-use restrictions that would be put in place if the Board declared an Imminent Water Supply Shortage.

Mr. Lyons summarized the recommended action.

PUBLIC COMMENT

Ms. Mary Robison spoke regarding water conservation, and her household's efforts to always conserve water.

Mr. Wattier advised the Board that the LBWD Water Supply Shortage Plan does not include water rationing. Instead it is focusing on prohibited uses of water, and tiered water use rates to encourage water conservation.

Commissioner Allen asked if rates could be increased for residential and commercial customers. Mr. Wattier explained rates would not be increased under the Imminent Water Supply declaration, but if other stages (1, 2 or 3) were implemented rates could be increased by the Board up to 10%. He advised that additional rate increases would require another Prop. 218 hearing be held before any further rate increases could be implemented.

It was moved by Commissioner Blanco and seconded by Commissioner Townsend that the Board adopt a resolution declaring an Imminent Water Supply Shortage in accordance with Resolution WD-1232, said resolution to be effective five (5) days after publication in a newspaper of general circulation in the City of Long Beach.

Mr. Wattier described the Metropolitan Water District's (MWD) shortage allocation plan. He explained that this plan could trigger punitive rate increases for water consumption by member agencies that exceed the MWD allocated amount.

Commissioner Conley expressed his concerns with restrictions on washing of driveways with a hose instead of a pressurized source as outlined in WD-1232.

There was discussion regarding the language in this section. Mr. Lyons spoke regarding the use of water brooms attached to hoses. Mr. Conley still expressed concerns about existing water operators who use pressure water systems that conserve water.

President Clarke asked the City Attorney for suggested clarification on the language in this section. It was agreed that the language on page 4 of WD-1232 item (3)

would be revised to read: Washing driveways, sidewalks, parking areas, patios or other outdoor areas with a hose unless using a water-conserving pressurized cleaning device; a simple spray nozzle does not quality as a water-conserving pressurized cleaning device.

Commissioner Conley recommended a friendly amendment to the motion on the floor to also include this language change to WD-1232. The amendment was accepted.

Commissioner Townsend inquired how this Board action would be advertised/implemented in such a diverse community.

Mr. Alsop spoke regarding the different media outlets that would be used to advertise this conservation message. He commented on the "echo effect" of this message being discussed in offices; at council meetings; in the news (radio; TV; print), and getting the message out to the community that we can no longer tolerate wasting water.

Mr. Wattier advised that staff would elevate communications to customers who are wasting water, by sending them letters outlining actions/corrections they need to take comply with water conservation declaration.

Commissioner Conley advised that it was necessary to educate the public that most parks and golf courses use reclaimed water for irrigation.

President Clarke commented on the city's water waste through improperly maintained irrigation systems, and over-watering.

President Clarke called for the vote on the amended motion which reads:

The Board will adopt a resolution declaring an Imminent Water Supply Shortage in accordance with Resolution WD-1232, said resolution to be effective five (5) days after publication in a newspaper of general circulation in the City of Long Beach. The language on page 4 of WD-1232 item (3) will be revised to read: Washing driveways, sidewalks, parking areas, patios or other outdoor areas with a hose unless using a water-conserving pressurized cleaning device; a simple spray nozzle does not quality as a water-conserving pressurized cleaning device.

A roll call vote was taken on the amended motion as follows:

AYES:	COMMISSIONERS:	<u>FRANK CLARKE,</u>
		<u>WILLIAM TOWNSEND,</u>
		<u>STEPHEN CONLEY, JOHN ALLEN</u>
		<u>PAUL BLANCO</u>
NOES:	COMMISSIONERS:	<u>NONE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>


The motion carried by a 5-0 vote.

8. NEW BUSINESS

None.

9. ADJOURNMENT

There being no further business to come before the Board, President Clarke adjourned the meeting at 10:55 a.m.



Paul C. Blanco, Secretary

Attest:



William B. Townsend, President