

MINUTES

**FINANCE, LEGAL, AND ADMINISTRATION
COMMITTEE MEETING
INLAND EMPIRE UTILITIES AGENCY*
AGENCY HEADQUARTERS, CHINO, CA
WEDNESDAY, FEBRUARY 10, 2010
11:00 AM**

COMMITTEE MEMBERS PRESENT

Terry Catlin
Gene Koopman

STAFF PRESENT

Richard W. Atwater, Chief Executive Officer/General Manager
Martha Davis, Executive Manager of Policy Development
Tom Love, Executive Manager of Engineering
Patrick Sheilds, Executive Manager of Operations
Rosemary Alvarado, Supervising Contracts and Procurement Administrator
Kathleen Baxter, Supervising Contracts and Procurement Administrator
Parivash Dezham, Manager of Pre-Treatment & Source Control
Tina Cheng, Budget Officer
Michael Chung, Manager of Fiscal Management
Jonathan Glazier, Manager of Information Services
Warren Green, Manager of Safety and Risk Management
Cameron Langner, Manager of Contract and Procurement
Alex Lopez, Senior Financial Management Analyst
Craig Parker, Manager of Engineering
Christina Valencia, Manager of Financial Planning
April Woodruff, Board Secretary

OTHERS PRESENT

None

The meeting was called to order at 11:05 a.m. There were no public comments received or additions to the agenda.

Executive Manager of Engineering, Tom Love requested that the Committee pull Action Item No.1G, Adoption of Resolution No. 2010-2-3, Implementing an Updated Employer-Employee Relation Resolution. He stated that an agreement has not been finalized, and staff will bring this item before the Committee and Board in March.

ACTION ITEMS

The Committee:

- ◆ Approved the January 13, 2010, Finance, Legal, and Administration Committee meeting minutes.
- ◆ Recommended that the Board:
 1. Approve the termination of the 1994 and 2005 Interest Swap Agreements based on the favorable termination value due to the Agency of approximately \$112,000; and

2. Adopt Resolution 2010-2-4, authorizing the Chief Executive Officer/General Manager to execute the Termination Agreement with Citibank, N.A. an affiliate of Citigroup Global Markets Inc. for the termination of the 1994 and 2005 Swap agreements, as long as the termination value results in positive cash flow to the Agency;

as an Action Item on the February 17, 2010, Board meeting agenda.

◆ Recommended that the Board:

1. Approve the combination of 2008A Revenue Bond proceeds and USBR Title XVI federal stimulus grant proceeds as the primary financing sources of the Northwest Area Recycled Water Projects; and
2. Approve the re-allocation of \$19.8 million of unexpended 2008A Revenue Bond proceeds from the Regional Capital Improvement (RC) Fund to the Recycled Water (WC) Fund;

as an Action Item on the February 17, 2010, Board meeting agenda.

◆ Recommended that the Board:

1. Approve Reimbursement Agreement No. 4600000629 with Aerial Information Systems Inc. (AIS) to conduct a land use survey. The contract expires in March 2011, and has a budget amount not-to-exceed \$245,000; and
2. Authorize the Chief Executive Officer/General Manager to execute and issue said contracts and task orders;

as a Consent Calendar Item on the February 17, 2010, Board meeting agenda.

◆ Recommended that the Board:

1. Approve Reimbursement Agreement No. 4600000628 with the Santa Ana Watershed Association (SAWA) for removal of invasive species and planting of native habitat along Mill Creek, Chino Creek, and Magnolia Channel in the Prado Basin. The agreement expires in March 2011, and has a budget not-to-exceed \$125,000; and
2. Authorize the Chief Executive Officer/General Manager to execute and issue said contracts and task orders;

as a Consent Calendar Item on the February 17, 2010, Board meeting agenda.

◆ Recommended that the Board:

1. Approve the sale of the one (1) NRWS capacity unit to Niagara Bottling, L.L.C. (Niagara II) for \$150,000; and
2. Authorize the Chief Executive Officer/General Manager to execute the corresponding NRWS Capacity Right Agreement upon receiving their payment;

as a Consent Calendar Item on the February 17, 2010, Board meeting agenda.

- ◆ The Adoption of Resolution No. 2010-2-3, Implementing an Updated Employer-Employee Relation Resolution was pulled from the Agenda.

INFORMATION ITEMS

The following information items were presented, received, and filed by the Committee:

- ◆ Treasurer's Report of Financial Affairs for December
- ◆ FY 2009/10 Second Quarter Budget Variance and Performance Goals Updates
- ◆ Workers' Compensation Statistical Information
- ◆ Acquisition of NRWS Capacity from CSDLAC
- ◆ SAP/Procurement/Contract Management Update

COMMITTEE MEMBER COMMENTS

There were no Committee Member comments.

COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS

There were no Committee Member requests for future agenda items.

CLOSED SESSION

The Committee went into closed session at 11:55 a.m., A. PURSUANT TO GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR Property: RP-5 Solids Handling Facility; Negotiating Parties: Environ Strategy Consultants, Inc. and Onsite Power System, Inc.; Under Negotiation: Price and Terms of Lease

The meeting resumed at 12:15 p.m. and Executive Manager of Engineering, Tom Love stated that the below-mentioned matters were discussed in Closed Session, and the Committee recommended the following actions:

Regarding Conference with Real Property Negotiator:

Property: RP-5 Solids Handling Facility
Negotiating Parties: Environ Strategy Consultants, Inc. and Onsite Power System, Inc..
Under Negotiation: Price and Terms of Lease

The Committee recommended no reportable action.

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With no further business, the meeting adjourned at 12:15 p.m.

Respectfully submitted,

April Woodruff
Board Secretary

*A Municipal Water District

APPROVED: MARCH 10, 2010