

FIRST AMENDMENT

RESIDENTIAL WATER CONSERVATION FUNDING AGREEMENT NO. 70037

BETWEEN

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

AND

THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER

There is now in effect a Water Conservation Funding Agreement between The Metropolitan Water District of Southern California (Metropolitan) and the The City of Los Angeles Department of Water and Power (LADWP) entered into as of July 1, 2006, hereinafter referred to as Agreement.

WHEREAS, under this Agreement, Metropolitan assists member agencies in implementing a variety of water conservation measures, which includes providing funding to retrofit devices with more efficient models.

WHEREAS, Metropolitan's Board approved the Region-wide Residential Conservation Program in July 2007, in which LADWP can participate pursuant to this First Amendment.

WHEREAS, Metropolitan entered into an agreement with the Electric & Gas Industries Association to administer Metropolitan's Region-wide Residential Conservation Program.

THEREFORE, the parties desire to amend the Agreement with this First Amendment as follows:

1. LADWP agrees to participate in Metropolitan's Region-wide Residential Conservation Program administered by the Electric & Gas Industries Association. Eligible device incentives under Metropolitan's Region-wide Residential Conservation Program are listed in Exhibit O-1.

2. Prior to participation by LADWP customers, LADWP shall submit to Metropolitan an executed copy of Exhibit O-2 acknowledging specific devices for participation under Metropolitan's Region-wide Residential Conservation Program. LADWP may revise and Exhibit O-2 at any time during the course of the Agreement by resubmitting an executed copy of Exhibit O-2.
3. LADWP may supplement Metropolitan's incentives under the Region-wide Program by submitting to Metropolitan an executed copy of Exhibit O-3, indicating the amount of funding to be added for each device and specified period as applicable. LADWP may revise Exhibit O-3 at any time during the course of the Agreement by resubmitting an executed copy of Exhibit O-3. Metropolitan will issue LADWP a debit on the monthly water bill for rebate supplements granted to customers within their service area, and will provide a monthly detailed rebate activity report.
4. In addition to participating in the Region-wide Residential Conservation Program, LADWP may administer separately its own programs to receive Metropolitan's incentive in compliance with Agreement terms. If LADWP administers its own residential conservation program, the following shall be provided to Metropolitan within 30 days if requested:
 - a. A database that includes pertinent customer and retrofitted device information for grant-funded items.
 - b. Documentation of LADWP's rebate approval process and supporting materials such as program application, copies of receipts, etc.
5. Prior to participation by LADWP, Metropolitan and its program administrator, the Electric & Gas Industries Association, shall execute the confidentiality agreement

Exhibit O-4 prepared by LADWP for the purpose of ensuring the confidentiality of LADWP customer data acquired for and through the implementation of the Region-wide Residential Conservation Program.

6. The Residential Region-wide Conservation Program is effective July 10, 2007.

Region-wide Residential Conservation Program

Attachments:

Exhibit O-1 Eligible Devices

Exhibit O-2 Device Participation

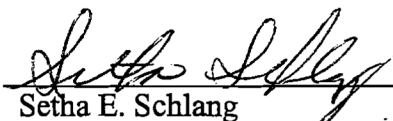
Exhibit O-3 Member Agency Supplemental Funding

Exhibit O-4 Member Agency Confidentiality Agreement

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment.

APPROVED AS TO FORM

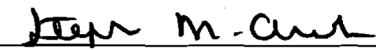
Karen L. Tachiki
General Counsel

By: 
Setha E. Schlang
Senior Deputy General Counsel

Date: 10/24/08

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Jeffrey Kightlinger
General Manager

By: 
Stephen N. Arakawa, Manager
Water Resource Management

Date: 10/24/08

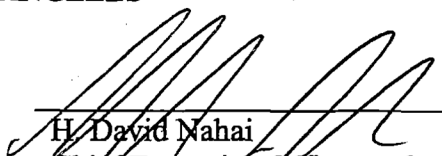
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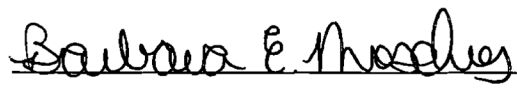
APPROVED AS TO FORM AND LEGALITY
ROCKARD J. DELGADILLO, CITY ATTORNEY

OCT 23 2008
BY 
S. DAVID HOTCHKISS
Assistant City Attorney

In triplicate
O:\A\SC\2008\LADWP 1stAmend.doc

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER
COMMISSIONERS OF THE CITY OF
LOS ANGELES

By: 
H. David Nahai
Chief Executive Officer and
General Manager


Secretary

Date 12/2/08

AUTHORIZED BY RES. 009 104
NOV 18 2008

REGION-WIDE RESIDENTIAL CONSERVATION PROGRAM

ELIGIBLE DEVICES

DEVICE/ITEM SUBJECT TO MODIFICATIONS	METROPOLITAN INCENTIVE
High-Efficiency Toilet (HET) <i>(Maximum of 1.28 gallons per flush; replacing 3.0 gallons per flush or greater)</i>	\$165.00
HET Upgrade <i>(Maximum of 1.28 gallons per flush; replacing Ultra Low-Flush Toilet 1.6 gallons per flush or greater into a new home)</i>	\$ 30.00
High Efficiency Clothes Washers (HECW) <i>(Requires a water factor of 5.0 or less)</i>	\$85.00
High Efficiency Clothes Washers (HECW) - using grant funds <i>(Requires a water factor of 5.0 or less)</i>	\$110.00
Weather Based Irrigation Controller (WBIC) <i>(less than one irrigated acre up to 12 stations)</i> <i>(Must be tested. For a list of qualifying devices, refer to www.Irrigation.org, Swat Controller Reports, Performance Reports)</i>	\$ 80.00
More than 12 stations	\$ 6.50 (per station)
Weather Based Irrigation Controller (WBIC) <i>(one irrigated acre or larger)</i>	\$630.00 (per acre)
Rotating Nozzles <i>(one time rebate per address)</i>	\$ 4.00
Synthetic Turf <i>(replacing irrigated area with synthetic turf grass) (one time rebate per address)</i>	\$ 0.30 (per sq. ft)

Note: All other devices must be administered and funded by each Member Agency.

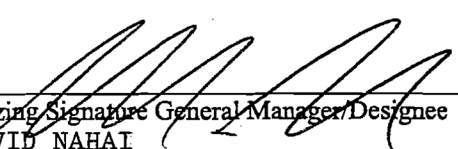
Exhibit O-2

REGION-WIDE RESIDENTIAL CONSERVATION PROGRAM

LADWP PARTICIPATION

DEVICE/ITEM SUBJECT TO BE MODIFICATION	REGION-WIDE PROGRAM	LOCAL PROGRAM
High-Efficiency Toilet (HET) (Maximum of 1.28 gallons per flush; replacing 3.0 gallons per flush or greater)	X	
HET Upgrade (Maximum of 1.28 gallons per flush; replacing Ultra Low-Flush Toilet 1.6 gallons per flush or greater into a new home)	X	
High Efficiency Clothes Washers (HECW) - using grant funds (Requires a water factor of 5.0 or less)	X	
Weather Based Irrigation Controller (WBIC) (less than one irrigated acre up to 12 stations) (Must be tested. For a list of qualifying devices, refer to www.Irrigation.org , Swat Controller Reports, Performance Reports)	X	
Weather Based Irrigation Controller (WBIC) (one irrigated acre or larger)	X	
Rotating Nozzles (one time rebate per address)	X	
Synthetic Turf (replacing irrigated area with synthetic turf grass) (one time rebate per address)	X	

Device Participation


 Authorizing Signature General Manager/Designee
 H. DAVID NAHAI

12/2/08
 Date

Exhibit O-3

REGION-WIDE RESIDENTIAL CONSERVATION PROGRAM

LADWP SUPPLEMENTAL FUNDING

DEVICE/ITEM SUBJECT TO MODIFICATIONS	METROPOLITAN INCENTIVE	MEMBER AGENCY SUPPLEMENT
High-Efficiency Toilet (HET) (Maximum of 1.28 gallons per flush; replacing 3.0 gallons per flush or greater)	\$165.00	\$0
HET Upgrade (Maximum of 1.28 gallons per flush; replacing Ultra Low-Flush Toilet 1.6 gallons per flush or greater into a new home)	\$ 30.00	\$70.00
High Efficiency Clothes Washers (HECW) - using grant funds (Requires a water factor of 5.0 or less)	\$110.00	\$215.00
Weather Based Irrigation Controller (WBIC) (less than one irrigated acre up to 12 stations) (Must be tested. For a list of qualifying devices, refer to www.Irrigation.org , Swat Controller Reports, Performance Reports)	\$ 80.00	\$170.00
More than 12 stations	\$6.50 (per station)	\$0
Weather Based Irrigation Controller (WBIC) (one irrigated acre or larger)	\$630.00 (per acre)	\$120.00
Rotating Nozzles (one time rebate per address)	\$ 4.00	\$3.00
Synthetic Turf (replacing irrigated area with synthetic turf grass) (one time rebate per address)	\$ 0.30 (per sq. ft)	\$0.50 (per sq. ft.)

Member Agency Supplemental Funding

Amount \$ 13,750,000

Starting Date November 18, 2008

Ending Date June 30, 2015


H. DAVID NAHAI
Authorizing Signature General Manager/Designee

12/2/08
Date