

MINUTES
ADJOURNED REGULAR MEETING OF THE
BOARD OF DIRECTORS
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
August 17, 2021

52458 The Board of Directors of The Metropolitan Water District of Southern California met in Regular Session on Tuesday, August 17, 2021.

Vice Chair Kurtz called the Teleconference Meeting to order at 12:13 p.m.

52459 The Meeting was opened with an invocation by Jeany Wong, Sr. Engineer, Engineering Services Group.

52460 The Pledge of Allegiance to the Flag was given by Director Repenning.

Vice Chair Kurtz addressed the Board providing brief remarks.

52461 Board Secretary Abdo administered the roll call. Those responding present were: Directors Abdo, Apodaca, Atwater, Blois, Butkiewicz, Camacho, De Jesus, Dennstedt, Dick, Erdman, Faessel, Fellow, Goldberg, Hawkins, Hogan, Jung, Kurtz, Lefevre, Luna, McCoy, Morris, Murray, Ortega, Peterson, Phan, Pressman, Quinn, Ramos, Record, Repenning, Smith, Tamaribuchi, and Williams.

Director Ackerman responded after roll call.

Director Petersen entered the meeting after roll call.

Those not responding were: Chairwoman Gray, and Directors Cordero, and Kassakhian.

Board Secretary Abdo declared a quorum present.

52462 Vice Chair Kurtz introduced Tanya Trujillo, Assistant Secretary for Water and Science for the US Department of the Interior. Ms. Trujillo spoke regarding current water issues.

The following participants asked questions or made comments:

Directors/Participants	Comments/Questions
1. Peterson	Asked a question
2. Tanya Trujillo	Responded to Director Peterson
3. Erdman	Asked a question
4. Tanya Trujillo	Responded to Director Erdman

Director Ackerman entered the meeting.

52463 Vice Chair Kurtz invited members of the public to address the Board on matters within the Board's jurisdiction.

Name	Affiliation	Item
1. Caty Wagner	Sierra Club	Proposed Voluntary Agreements.
2. Conner Everts	So. Cal. Watershed Alliance/Desal Response Group	Climate Change and Proposed Voluntary Agreements.
3. Doug Obegi	Natural Resources Defense Council	Proposed Voluntary Agreements
4. John Mendoza	City of Pomona	Shaw Report and Proposed Voluntary Agreements.

Vice Chair Kurtz addressed the following: Other Matters and Reports.

52464 Vice Chair Kurtz asked if there were any changes to the report of events attended by Directors at Metropolitan's expense during the month of July as previously posted and distributed to the Board.

No amendments were made.

52465 Vice Chair Kurtz referred to Chairwoman Gray's monthly report, which was previously posted and distributed to the Board.

52466 Regarding matters relating to Metropolitan's operations and activities, General Manager Hagekhalil announced the following:

1. Continuing meeting with Member Agencies to discuss current issues and establishing relationships.
2. Continuing efforts to visit field facilities to meet with staff and discuss priority issues. As well as, continuing to meet with federal and state officials.

Additional information on the General Manager's activities may be found in his written monthly report.

52467 General Counsel Scully had nothing to add to her report.

52468 General Auditor Riss provided an update on recent "Billing for Reimbursable Projects" audit.

52469 Ethics Officer Salinas had nothing to add to his report.

52470 Report on List of Certified Assessed Valuations for Fiscal Year 2021/22 and tabulation of assessed valuations, percentage participation, and vote entitlement of member agencies as of August 17, 2021. No questions or comments were made.

Vice Chair Kurtz addressed the Consent Calendar Other Items for August 2021.

52471 Approval of the Minutes of the meeting for July 13, 2021. Vice Chair Kurtz asked Directors if there were any comments or discussion on the approval of the Minutes of the Meeting for July 13, 2021 (Agenda Item 6A). No requests were made.

52472 Authorize preparation of commendatory resolution for Jeff Kightlinger for his service and leadership during his term as general manager of The Metropolitan Water District of Southern California (Agenda Item 6B). No comments were made.

52473 Approval of Committee Assignments (Agenda Item 6C). Vice Chair Kurtz announced there were no new committee assignments at this time.

Vice Chair Kurtz called on the Committee Chairs to give a report of the Consent Calendar Items for Action as discussed at their Committees.

Director Smith stated that Item 7-3 involves authorizing an agreement that includes a subcontract with Black & Veatch. He currently owns Black & Veatch stock and for this reason, is recusing himself from all participation in this matter.

52474 Adopt the Resolution Levying Ad Valorem Property Taxes for the Fiscal Year Commencing July 1, 2021 and ending June 30, 2022 for the Purposes of The Metropolitan Water District of Southern California maintaining the tax rate at .0035 percent of assessed valuation, the same rate levied in FY 2020/21; and direct staff to transmit that resolution to the county auditors for the levy and collection of the ad valorem property tax, as set forth in Agenda Item 7-1 board letter.

Director Record stated that a letter dated August 15, 2021 regarding Agenda Item 7-1 was received from the San Diego Directors Butkiewicz, Goldberg, Hogan, and Smith and that it be added to the record. The letter was received on August 15, 2021 at 8:40 p.m.

52475 Award a \$492,440 procurement contract to Royal Industrial Solutions for the ozone control system equipment for the Mills plant; and authorize an agreement with Suez Treatment Solutions, Inc. for a not-to-exceed total of \$430,000 for specialized technical support of the upgrade, as set forth in Agenda Item 7-2 board letter.

52476 Authorize an agreement with CDM Smith Inc., in an amount not to exceed \$2.75 million for support of engineering and technical studies at the advanced water treatment demonstration facility, as set forth in Agenda Item 7-3 board letter.

52477 Approve Metropolitan's annual membership in the U.S. Water Alliance and authorize payment of dues for \$18,500, and approve Metropolitan's annual membership in Water Education for Latino Leaders and authorize payment of dues for \$25,000, as set forth in Agenda Item 7-4 board letter.

52478 Adopt the proposed Water Supply Alert Resolution, as set forth in Agenda Item 7-5 board letter.

52479 Authorize the General Manager to enter into an agreement with USGS for up to \$357,000 for water quality and biological monitoring and assessments on Metropolitan's Delta properties, as set forth in Agenda Item 7-6 board letter.

52480 Authorize a ten-year agreement with Urban Park to maintain, operate and invest in the marina recreation facility at Diamond Valley Lake, as set forth in Agenda Item 7-7 board letter.

Agenda Items 7-8 and 7-9 were deferred.

52481 Vice Chair Kurtz called for a vote to approve the Consent Calendar Items 6A, 6B, and 7-1, 7-2, 7-3* through 7-7 **(M.I. No. 52471 through 52480.)**

Director Dick moved, seconded by Director Peterson that the Board approve the Consent Calendar Agenda Items 6A, 6B, and 7-1, 7-2, 7-3* through 7-7.

The following is a record of the vote:

Record of Vote on Consent Item(s): 6A, 6B, 7-1, 7-2, 7-3* through 7-7									
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5277	Faessel	x	x	5277				
Beverly Hills	4056	Pressman	x	x	4056				
Burbank	2666	Ramos	x	x	2666				
Calleguas Municipal Water District	11552	Blois	x	x	11552				
Central Basin Municipal Water District	17051	Apodaca	x	x	8526				
		Hawkins	x	x	8526				
			Subtotal:		17051				
Compton	553	McCoy	x	x	553				
Eastern Municipal Water District	9492	Record	x	x	9492				
Foothill Municipal Water District	2131	Atwater	x	x	2131				
Fullerton	2255	Jung	x						
Glendale	3622	Kassakhian							
Inland Empire Utilities Agency	13433	Camacho	x	x	13433				
Las Virgenes	2741	Peterson	x	x	2741				
Long Beach	5772	Cordero							
Los Angeles	70689	Murray	x	x	17672				
		Petersen							
		Quinn	x	x	17672				
		Luna	x	x	17672				
		Repenning	x	x	17672				
			Subtotal:		70689				
Municipal Water Dist. of Orange Coun	57264	Ackerman	x	x	14316				
		Tamaribuchi	x	x	14316				
		Dick	x	x	14316				
		Erdman	x	x	14316				
			Subtotal:		57264				
Pasadena	3522	Kurtz	x	x	3522				
San Diego County Water Authority	58302	Butkiewicz	x	x	14576				
		Goldberg	x	x	14576				
		Hogan	x	x	14576				
		Smith	x	x	14576				
			Subtotal:		58302				
San Fernando	224	Ortega	x	x	224				
San Marino	730	Morris	x	x	730				
Santa Ana	3035	Phan	x	x	3035				
Santa Monica	4352	Abdo	x	x	4352				
Three Valleys Municipal Water District	7753	De Jesus	x	x	7753				
Torrance	3237	Lefevre	x	x	3237				
Upper San Gabriel Valley Mun. Wat. D	11942	Fellow	x	x	11942				
West Basin Municipal Water District	23608	Williams	x	x	23608				
		Gray							
			Subtotal:		23608				
Western Municipal Water District	12466	Dennstedt	x	x	12466				
Total	337725				326076				
Present and not voting	2255								
Absent	9394								

Director Jung did not vote.

The motion to approve the Consent Calendar Items 6A, 6B, 7-1, 7-2, 7-3* through 7-7 passed by a vote of 326,076 ayes; 0 noes; 0 abstain; 2,255 not voting; and 9,394 absent.

***Note: Individual vote tally for Item 7-3**

Director Smith recused himself from voting. The motion to approve the Consent Calendar Item 7-3 passed by a vote of 326,076 ayes; 0 noes; 0 abstain; 2,255 not voting; and 9,394 absent.

Vice Chair Kurtz called on Director Murray to address Agenda Item 8-1.

52482 Organization, Personnel and Technology Committee Chair Murray moved, seconded by Director Ortega, that the Board approve the following modified motion of having the Equal Employment Officer report to the General Manager and having the Equal Employment Officer and General Manager develop a Shaw Report implementation program and budget for review and approval by the Organization Personnel and Technology (OP&T) Committee and Board and report monthly to the OP&T Committee on implementation progress; and authorize an increase in the maximum amount payable to the Shaw Law Group by \$25,000, to a maximum payable of \$575,000 (Agenda Item 8-1).

Director Petersen entered the meeting.

The following is a record of the vote:

Record of Vote on Item:		8-1							
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5277	Faessel	x	x	5277				
Beverly Hills	4056	Pressman	x	x	4056				
Burbank	2666	Ramos	x	x	2666				
Calleguas Municipal Water District	11552	Blois	x	x	11552				
Central Basin Municipal Water District	17051	Apodaca	x	x	8526				
		Hawkins	x	x	8526				
			Subtotal:		17051				
Compton	553	McCoy	x	x	553				
Eastern Municipal Water District	9492	Record	x	x	9492				
Foothill Municipal Water District	2131	Atwater	x	x	2131				
Fullerton	2255	Jung	x						
Glendale	3622	Kassakhian							
Inland Empire Utilities Agency	13433	Camacho	x	x	13433				
Las Virgenes	2741	Peterson	x	x	2741				
Long Beach	5772	Cordero							
Los Angeles	70689	Murray	x	x	14138				
		Petersen	x	x	14138				
		Quinn	x	x	14138				
		Luna	x	x	14138				
		Repenning	x	x	14138				
			Subtotal:		70689				
Municipal Water Dist. of Orange County	57264	Ackerman	x	x	14316				
		Tamaribuchi	x	x	14316				
		Dick	x	x	14316				
		Erdman	x	x	14316				
			Subtotal:		57264				
Pasadena	3522	Kurtz	x	x	3522				
San Diego County Water Authority	58302	Butkiewicz	x	x	14576				
		Goldberg	x	x	14576				
		Hogan	x	x	14576				
		Smith	x	x	14576				
			Subtotal:		58302				
San Fernando	224	Ortega	x	x	224				
San Marino	730	Morris	x	x	730				
Santa Ana	3035	Phan	x	x	3035				
Santa Monica	4352	Abdo	x	x	4352				
Three Valleys Municipal Water District	7753	De Jesus	x	x	7753				
Torrance	3237	Lefevre	x	x	3237				
Upper San Gabriel Valley Mun. Wat.	11942	Fellow	x	x	11942				
West Basin Municipal Water District	23608	Williams	x	x	23608				
		Gray							
			Subtotal:		23608				
Western Municipal Water District	12466	Dennstedt	x	x	12466				
Total	337725				326076				
Present and not voting	2255								
Absent	9394								

Director Jung did not vote.

The motion to approve Agenda Item 8-1, the motion to approve Item 8-1 passed by a vote of 326,076 ayes; 0 noes; 0 abstain; 2,255 not voting; and 9,394 absent.

52483 Board Vice Chair Kurtz asked if there were questions or need for discussion for Board Information Item 9-1. No requests were made.

Vice Chair Kurtz addressed Other Matters Agenda Items 10-1 and 10-2 for August 2021.

52484 Board Vice Chair Kurtz called on Assistant General Manager Upadhyay to introduce Agenda Item 10-1 in open session. Item 10-1 is an information item regarding an Update On Proposed Voluntary Agreements For Delta Operations 21-401 and on CDWR Water Operations Cases, Sacramento County Superior Court, Case No. JCCP 5117, which includes the following eight cases: The Metropolitan Water Dist. of S. Cal., et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG01347; State Water Contractors, et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG1302; San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al., Fresno County Superior Ct. Case No. 20CECG01556; Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources, Fresno County Superior Ct. Case No. 20CECG01303; Sierra Club, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517120; North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517078; Central Delta Water Agency, et al. v. Calif. Dept. of Water Resources, Sacramento County Superior Ct. Case No. 34-2020-80003368; and San Francisco Baykeeper et al. v. Calif. Dept. of Water Resources, et al., Alameda County Superior Ct. Case No. RG20063682; and report on Pacific Coast Federation of Fishermens Assns., et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00431-DAD-SAB and Calif. Natural Resources Agency, et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00426-DAD-SKO. Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1).]

Bay-Delta Manager Arakawa presented an update on the Voluntary Agreements to the Board.

Director Phan recused herself from any deliberation or anything related to Agenda Item 10-1 because a number of entities involved are represented by her employer Rutan and Tucker.

The following participants asked questions or made comments:

Directors/Staff	Comments/Questions
1. Lefevre	Asked a question
2. Bay-Delta Manager Arakawa	Responded to Director Lefevre
3. Repenning	Asked a question
4. General Counsel Scully	Responded to Director Repenning
5. Bay-Delta Manager Arakawa	Responded to Director Repenning
6. Repenning	Commented
7. Quinn	Commented
8. Bay-Delta Manager Arakawa	Responded to Director Quinn

9. General Manager Hagekhalil Commented

Board Vice Chair Kurtz called the meeting into Closed Session for the closed session portion of Agenda Item 10-1 Update on Voluntary Agreements, and Agenda Item 10-2 regarding Discussion of Department Head Evaluation Process Guidelines and Department Head Evaluation Presentations. Public employee's performance evaluations; General Counsel, General Auditor, and Ethics Officer, to be heard in closed session pursuant to Gov. Code Section 54957.

The meeting returned from Closed Session.

52485 Vice Chair Kurtz stated that regarding 10-1 the Board, during Closed Session, provided direction to staff regarding this matter.

52486 Vice Chair Kurtz stated the Board did not discuss Item 10-2, during Closed Session and deferred this item to September Board meeting.

52487 Vice Chair Kurtz asked if there were any follow-up items. No requests were made.

52488 Vice Chair Kurtz asked if there were any future agenda items. No requests were made.

52489 There being no objection, at 2:40 p.m., Vice Chair Kurtz adjourned the Meeting.

JUDY ABDO
SECRETARY

GLORIA D. GRAY
CHAIRWOMAN