

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Board of Directors - Final - Revised 1

January 14, 2025

12:00 PM

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| Tuesday, January 14, 2025 Meeting Schedule |
| 08:30 a.m. LEGAL 11:30 a.m. Break 12:00 p.m. BOD 01:15 p.m. LEG |

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. the business days before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here: <https://mwdh2o.legistar.com/Legislation.aspx>.

If you have technical difficulties with the live streaming page, a listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145.

Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or to join by computer [click here](#).

There will be No In-Person Participation Permitted. Participation is by teleconference only. See the teleconference information below.

1. Call to Order

- a. Invocation: Tuannee Holmes, Admin Analyst External Affairs and President, Black Employees Association
- b. Pledge of Allegiance: Director Jeffrey D. Armstrong, Eastern Municipal Water District

2. Roll Call

3. Determination of a Quorum

4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code §54954.3(a))

5.1 Chair's Second Term Priorities

5. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense [21-4112](#)
Attachments: [01142024 BOD 5A Report](#)
- B. Chair's Monthly Activity Report [21-4113](#)
Attachments: [01142025 BOD 5B Report](#)
- C. Interim General Manager's summary of activities [21-4114](#)
Attachments: [01142025 BOD 5C Report](#)
- D. General Counsel's summary of activities [21-4115](#)
Attachments: [01142025 BOD 5D Report](#)
- E. General Auditor's summary of activities [21-4116](#)
Attachments: [01142025 BOD 5E Report](#)
- F. Ethics Officer's summary of activities [21-4117](#)
Attachments: [01142025 BOD 5F Report](#)
- G. Presentation of 10-year Service Pin to Director Marsha Ramos, City of Burbank [21-4146](#)
- H. Induction of new Director Mel Katz from San Diego County Water Authority [21-4148](#)
(a) Receive credentials
(b) Report on credentials by General Counsel
(c) File credentials
(d) Administer Oath of Office
(e) File Oath
Attachments: [01142025 BOD 5H Report](#)

**** CONSENT CALENDAR ITEMS -- ACTION ****

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- A.** Approval of the Minutes of the Special Joint Executive Committee and Board of Directors Meeting for December 10, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-4118](#)
- Attachments:** [12102024 BOD 9A \(11192024\) Minutes](#)
- B.** Approve Commendatory Resolution for Director Timothy Smith representing San Diego County Water Authority [21-4147](#)
- C.** Approve waiver of Administrative Code to extend the term of Nonofficer members of the Executive Committee through the end of March 2025 [21-4162](#)

7. CONSENT CALENDAR ITEMS - ACTION

- 7-1** Authorize an increase of \$5.55 million to an agreement with Arcadis U.S. Inc. for a new not-to-exceed total amount of \$7.55 million for final design to rehabilitate the finished water reservoirs at the Henry J. Mills and Joseph Jensen Water Treatment Plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4119](#)
- Attachments:** [01142025 EOT 7-1 B-L](#)
[01132025 EOT 7-1 Presentation](#)
- 7-2** Authorize the General Manager to enter into a funding agreement for the Disadvantaged Communities Leak Detection and Repair Program with the U.S. Bureau of Reclamation to implement phase two of the Lower Colorado River Basin System Conservation and Efficiency Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) [21-4126](#)
- Attachments:** [01142025 OWS 7-2 B-L](#)
[01132025 OWS 7-2 Presentation](#)

- 7-3** Authorize: (1) renewal of the Municipal Water Quality Investigations Agreement between the Department of Water Resources, the State Water Contractors and participating urban State Water Project Contractors; and (2) renewal of the Municipal Water Quality Investigations Program Specific Project Agreement between the State Water Contractors and participating urban State Water Project Contractors; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (OWS) [21-4127](#)
- Attachments:** [01142025 OWS 7-3 B-L](#)
[01132025 OWS 7-3 Presentation](#)
- 7-4** Authorize extension of Metropolitan’s existing Colorado River System Conservation Agreement with U.S. Bureau of Reclamation to fund Metropolitan’s Palo Verde Irrigation District Fallowing Program; and adopt CEQA determination that the environmental effects of the conservation efforts in Palo Verde Irrigation District are the subject of a proposed action that was previously addressed in various CEQA documents and related actions. [UPDATED SUBJECT 1/7/2025] (OWS) [21-4165](#)
- Attachments:** [01142025 OWS 7-4 B-L](#)
[01132025 OWS 7-4 Presentation](#)
- 7-5** Report on Nevada Environmental Response Trust Site (former Tronox Site) in Henderson, Nevada and authorize an increase of \$150,000 to an amount not to exceed \$450,000 for an existing contract with GeoPentech, Inc. for consulting services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-4143](#)
- Attachments:** [01142025 LC 7-5 B-L](#)
[01142025 LC 7-5 Presentation](#)
- 7-6** Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$150,000 for a total amount not to exceed \$900,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-4166](#)
- Attachments:** [01142025 LC 7-6 B-L](#)
[01142025 LC 7-6 Presentation](#)

- 7-7** Authorize increase of \$200,000, to a maximum amount payable of [21-4167](#)
\$600,000, for existing General Counsel contract with Olson Remcho LLP to provide general government law advice related to the Political Reform Act, the Fair Political Practices Commission regulations, conflict of interest law and other legislative and ethics matters; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (LC)

Attachments: [01142025 LC 7-7 B-L](#)
[01142025 LC 7-7 Presentation](#)

**** END OF CONSENT CALENDAR ITEMS ****

8. OTHER BOARD ITEMS - ACTION

- 8-1** Adopt a resolution to support a grant application selected to receive United States Department of the Interior, Bureau of Reclamation WaterSMART: Applied Sciences Program funding for fiscal year 2023 for an amount totaling \$390,000; authorize Metropolitan's non-federal cost share of \$130,000; and authorize the General Manager to enter a contract with the United States Department of the Interior, Bureau of Reclamation, subject to General Counsel approval; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (OWS) [21-4125](#)

Attachments: [01142025 OWS 8-1 B-L](#)
[01132025 OWS 8-1 Presentation](#)

- 8-2** Report on litigation in Maria Carmen Zarate v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV15786; and authorize an increase in the maximum amount payable under contract for legal services with Seyfarth Shaw LLP, in the amount of \$250,000 for a total amount not to exceed \$500,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-4155](#)

8-3 Report on litigation in Encarnacion Gutierrez v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV11052; and authorize an increase in the maximum amount payable under contract for legal services with BDG Law Group, APLC, in the amount of \$250,000 for a total amount not to exceed \$500,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-4156](#)

8-4 Conference with legal counsel regarding anticipated litigation based on existing facts and circumstances, including receipt of a government claim threatening litigation, there is significant exposure to litigation against Metropolitan: one potential case; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2); the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [+621-4168](#)

Attachments: [01142025 LC 8-4 Claim](#)

- 8-5** Report on litigation in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and the appeals of the 2014, 2016, and 2018 actions, Court of Appeal for the First Appellate District Case No. A170156; and provide direction to staff on potential settlement of the 2014, 2016, and 2018 actions, including the cross-complaints and appeals, San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389 and Court of Appeal for the First Appellate District Case No. A170156; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)] (LC) [21-4144](#)

9. BOARD INFORMATION ITEMS

- 9-1** Report on Conservation Program [21-4145](#)
Attachments: [01142025 OWS 9-1 B-L](#)
- 9-2** Update on the Colorado River Aqueduct High-Voltage Transformers Replacement Project (EOT) [21-4120](#)
Attachments: [01142025 EOT 9-2 B-L](#)
[01132025 EOT 9-2 Presentation](#)
- 9-3** Information on developing State Water Project water management actions (OWS) [21-4129](#)
Attachments: [01142025 OWS 9-3 B-L](#)
[01132025 OWS 9-3 Presentation](#)

10. OTHER MATTERS

NONE

11. FOLLOW-UP ITEMS

NONE

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE: Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item, e.g. (EOT). Board agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.