

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.

Special Joint Meeting of the Executive Committee and Board of Directors - Final

January 21, 2025

8:30 AM

Tuesday, January 21, 2025 Meeting Schedule
08:30 a.m. Sp.Joint Exec and BOD

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 in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or to join by computer [click here](#).

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

Teleconference Locations:

Santa Ana City Hall • 20 Civic Center Plaza • Santa Ana, CA 92701

City Hall • 303 W. Commonwealth Avenue • Fullerton, CA 92832

30378 Canyon Trail Court • Menifee, CA 92584

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1. **Call to Order**
2. **Roll Call**
3. **Determination of a Quorum**
4. **Opportunity for members of the public to address the Board limited to the items listed on the agenda. (As required by Gov. Code §54954.3(a))**

EXECUTIVE COMMITTEE ITEMS

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

5. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approve draft Committee and Board meeting agendas and schedule for February 2025 [21-4245](#)

Attachments: [01212025 Sp JT Sp Exec and BOD 5A Draft Packet](#)

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

SPECIAL EXECUTIVE AND BOARD ITEMS

6. INFORMATION ITEMS

- a. Review and report on five completed investigations involving the General Manager, which include allegations of Equal Employment Opportunity policy and Ethics Policy violations by the General Manager [Public employee performance evaluation: General Manager, to be heard in closed session pursuant to Gov. Code Section 54957] [21-4246](#)

- b. Report on two claims presented involving the General Manager and a pending investigation regarding one of the claims [Conference with legal counsel— anticipated litigation; based on existing facts and circumstances of receipt of claims pursuant to the Government Claims Act (Gov't Code § 910 et seq.) on behalf of two individuals threatening litigation, there is significant exposure to litigation against Metropolitan; two potential cases; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)] [21-4250](#)

Attachments: [01172025 Sp Jt Exec and BOD 6.B. Claim-1](#)
[01172025 Sp Jt Exec and BOD 6.B. Claim-2](#)

7. ACTION ITEMS

- a. Consider action regarding General Manager's paid administrative leave status [Public employee performance evaluation: General Manager, to be heard in closed session pursuant to Gov. Code Section 54957] [21-4251](#)

- b. General Manager Performance Evaluation [Public employee performance evaluation: General Manager, to be heard in closed session pursuant to Gov. Code Section 54957] [21-4252](#)

- c. Public Employee Discipline/Dismissal/Release [To be heard in [21-4253](#) closed session pursuant to Gov. Code Section 54957]

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

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Draft

February 10-11, 2025

Committee and Board

Meeting

Agenda Packet



The Metropolitan Water District of Southern California



BOARD UPDATES

DRAFT Schedule of Meetings – February 2025

Monday, February 10

- 9:00 a.m. Engineering, Operations, and Technology Committee
- 11:00 a.m. Legislation and Communications Committee
- 12:00 p.m. Break
- 12:30 p.m. Ethics, Organization, and Personnel
- 3:00 p.m. One Water and Stewardship Committee

Tuesday, February 11

- 8:30 a.m. Legal and Claims Committee
- 9:30 a.m. Finance and Asset Management Committee
- 12:30 p.m. Break
- 1:00 p.m. Board of Directors Meeting

Tuesday, February 25

- 9:30 a.m. Audit Subcommittee of the Executive Committee
- 11:00 a.m. Executive Committee

Wednesday, February 26

- 9:30 a.m. Subcommittee on Long-Term Regional Planning Processes and Business Modeling

The Metropolitan Water District of Southern California

Agenda

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EOT Committee

D. Erdman, Chair
M. Camacho, Vice Chair
D. Alvarez
G. Bryant
J. Crawford
B. Dennstedt
S. Faessel
L. Fong-Sakai
R. Lefevre
J. McMillan
C. Miller
J. Morris
M. Petersen
K. Seckel

Engineering, Operations, and Technology Committee - Hidden

Meeting with Board of Directors *

February 10, 2025

9:00 a.m.

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**Monday, February 10, 2025
Meeting Schedule**

**09:00 a.m. EOT
11:00 a.m. LEG
12:00 p.m. Break
12:30 p.m. EOP
03:00 p.m. OWS**

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

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- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Engineering, Operations, and Technology Committee for January 13, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-4209**

3. CONSENT CALENDAR ITEMS - ACTION

- 7-1 Award a \$2,556,478.19 construction contract to Mastec Network Solutions, LLC for upgrades to the Desert microwave communications system; award a \$1,400,000 procurement contract to Logicalis, Inc. for communications sites network equipment; authorize an increase of \$590,340 to an existing agreement with Nokia of America Corporation, for a new not to exceed amount of \$5,887,340 for network materials, and manufacturer's field services; and authorize an increase of \$679,100 to an existing agreement with Hatfield & Dawson Consulting Engineers LLC, for a new not to exceed amount of \$1,409,100 to provide technical support during construction; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4194](#)
- 7-2 Award a \$1,931,000 contract to Fencecorp Inc. for housing perimeter fencing and playground areas shade improvements at four Colorado River Aqueduct Pumping Plant villages; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4195](#)
- 7-3 Authorize an agreement with Computer Aid, Inc. in an amount not to exceed \$5.75 million for co-managed support services for the operation and maintenance of the Metropolitan Cybersecurity Operations Center; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4196](#)

**** END OF CONSENT CALENDAR ITEMS ******4. OTHER BOARD ITEMS - ACTION**

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Power Operations and Planning Update **21-4211**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. Engineering Services activities **21-4213**
Information Technology activities
Water System Operations activities

8. SUBCOMMITTEE REPORTS AND DISCUSSION

- a. Discuss and provide direction to Subcommittee on Pure Water **21-4214**
Southern California and Regional Conveyance

9. FOLLOW-UP ITEMS

NONE

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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The Metropolitan Water District of Southern California

Agenda

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LEG Committee

F. Jung, Chair
A. Kassakhian, Vice Chair
L. Ackerman
B. Dennstedt
A. Fellow
J. Garza
G. Gray
J. Lewitt
M. Luna
J. McMillan
J. Morris
T. Phan
B. Pressman
M. Ramos

Legislation and Communications Committee - Hidden

Meeting with Board of Directors *

February 10, 2025

11:00 a.m.

**Monday, February 10, 2025
Meeting Schedule**

**09:00 a.m. EOT
11:00 a.m. LEG
12:00 p.m. Break
12:30 p.m. EOP
03:00 p.m. OWS**

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- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the minutes of the Special Legislation and Communications Committee for January 14, 2025 (copies have been submitted to each Director, any additions, corrections, or omissions) **21-4236**

3. CONSENT CALENDAR ITEMS - ACTION

NONE

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Update on proposal to increase local agency dollar threshold for public works construction contracts **21-4259**
- b. Update on Eastern Municipal Water District's proposed amendment to the MWD Act to allow alternate board members **21-4260**
- c. Report on Activities from Washington, D.C. **21-4237**
- d. Report on Activities from Sacramento **21-4238**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. External Affairs activities **21-4239**

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

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The Metropolitan Water District of Southern California

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EO&P Committee

B. Pressman, Chair
T. Phan, Vice Chair
G. Bryant
M. Camacho
G. Cordero
C. Douglas
D. Erdman
S. Faessel
L. Fong-Sakai
F. Jung
J. Lewitt
J. McMillan
M. Ramos
N. Sutley

Ethics, Organization, and Personnel Committee - Hidden

Meeting with Board of Directors *

February 10, 2025

12:30 p.m.

**Monday, February 10, 2025
Meeting Schedule**

**09:00 a.m. EOT
11:00 a.m. LEG
12:00 p.m. Break
12:30 p.m. EOP
03:00 p.m. OWS**

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- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Special Ethics, Organization, and Personnel Committee for January 13, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-4224**

3. CONSENT CALENDAR ITEMS - ACTION

- 7-7 Approve amending the list of Metropolitan officials required to take AB 1234 state ethics training to include all Form 700 filers; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4203](#)

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Independent Workplace Culture Survey by Shaw Law Group **21-4225**
- b. Update on District Wide Workplace Assessment **21-4258**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. Ethics Officer's report on monthly activities **21-4226**
- b. Equal Employment Opportunity activities **21-4227**
Human Resources activities
Safety, Security, and Protection activities

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

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The Metropolitan Water District of Southern California

Agenda

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OW&S Committee

T. Quinn, Chair
S. Faessel, Vice Chair
L. Ackerman
D. Alvarez
J. Armstrong
G. Cordero
D. De Jesus
D. Erdman
L. Fong-Sakai
M. Gold
S. Goldberg
C. Kurtz
R. Lefevre
J. Lewitt
C. Miller
B. Pressman
N. Sutley

One Water and Stewardship Committee - Hidden

Meeting with Board of Directors *

February 10, 2025

3:00 p.m.

Monday, February 10, 2025 Meeting Schedule

**09:00 a.m. EOT
11:00 a.m. LEG
12:00 p.m. Break
12:30 p.m. EOP
03:00 p.m. OWS**

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

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Meeting One Water Stewardship Committee for January 13, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-4215**

3. CONSENT CALENDAR ITEMS - ACTION

- 7-4 Authorize the General Manager to enter into an agreement with Palo Verde Irrigation District to jointly fund community investment in Palo Verde Irrigation District's service area [CEQA] [21-4198](#)
- 7-5 Authorize the General Manager to approve a new three-year agreement with WaterWise Consulting, Inc. for the Large Landscape and Residential Survey Program, for a total agreement not to exceed \$200,000/year; [CEQA] [21-4200](#)
- 7-6 Authorize the expansion of Bard Seasonal Fallowing Program and amend the System Conservation Implementation Agreement for Bard Seasonal Fallowing Program to increase its program size from 3,000 acres to 6,000 acres for the years 2025 and 2026 [CEQA] [21-4247](#)

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

4. OTHER BOARD ITEMS - ACTION

- 8-1 Authorize developing State Water Project water management actions to meet multiple objectives of managing dry year and wet year water supplies and generating new revenues; [CEQA] [21-4199](#)

5. BOARD INFORMATION ITEMS

- 9-2 Information on proposed agreements with the City of San Buena Ventura and Calleguas Municipal Water District for wheeling and emergency delivery of State Water Project water [21-4201](#)
- 9-3 Update on treatment approaches, contingencies, and amendments to the High Desert Water Bank Program agreement [21-4202](#)

6. COMMITTEE ITEMS

- a. An Overview of the Proposed Sites Reservoir Project **21-4216**
- b. State Water Project 2024 Statement of Charges and Annual Audit Update **21-4217**
- c. Palo Verde Valley Land Ownership Analysis **21-4218**

- d. Report on Exchange Agreement with Coachella Valley Water District **21-4256**
- e. Update on Water Surplus and Drought Management **21-4257**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. Bay-Delta Resources activities **21-4219**
 Colorado River Resources activities
 Sustainability, Resilience, and Innovation activities
 Water Resources Management activities

8. COMMITTEE REPORTS

- a. Report on the Delta Conveyance Design and Construction Authority Meeting **21-4220**
- b. Report on Delta Conveyance Finance Authority Meeting **21-4221**
- c. Report on the Bay-Delta Ad Hoc Meeting **21-4222**

9. SUBCOMMITTEE REPORTS AND DISCUSSION

- a. Discuss and provide direction to Subcommittee on Demand Management and Conservation Programs and Priorities **21-4223**

10. FOLLOW-UP ITEMS

NONE

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

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L&C Committee

M. Luna, Chair
J. Garza, Vice Chair
M. Camacho
G. Cordero
L. Dick
C. Douglas
A. Fellow
C. Kurtz
T. McCoy
C. Miller
M. Ramos
K. Seckel

Legal and Claims Committee - Hidden

Meeting with Board of Directors *

February 11, 2025

8:30 a.m.

**Tuesday, February 11, 2025
Meeting Schedule**

**08:30 a.m. LEGAL
09:30 a.m. FAM
12:30 p.m. Break
01:00 p.m. BOD**

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

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- A. General Counsel's report of monthly activities 21-4228

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

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Legal and Claims Committee for January 14, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions) 21-4229

4. CONSENT CALENDAR ITEMS - ACTION

- 7-9 Approve amendments to the Metropolitan Water District Administrative Code to conform surplus water provisions to current law and practice, update the list of active District funds, and clarify employee benefits for unrepresented employees; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4204](#)

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

5. OTHER BOARD ITEMS - ACTION

NONE

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

- a. 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; including report on discussions regarding 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 [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)] **21-4230**

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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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.

FAM Committee

L. Dick, Vice Chair
D. Alvarez
J. Armstrong
G. Bryant
D. De Jesus
B. Dennstedt
L. Fong-Sakai
M. Gold
J. McMillan
C. Miller
M. Petersen
B. Pressman
T. Quinn
K. Seckel

Finance and Asset Management Committee - Hidden

Meeting with Board of Directors *

February 11, 2025

9:30 a.m.

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: 873 4767 0235.

Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 876 9484 9772 or to join by computer [click here](#).

**Tuesday, February 11, 2025
Meeting Schedule**

**08:30 a.m. LEGAL
09:30 a.m. FAM
12:30 p.m. Break
01:00 p.m. BOD**

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Finance and Asset Management Committee Meeting for December 10, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-4108**

3. CONSENT CALENDAR ITEMS - ACTION

- 7-8 Review and consider the Lead Agency's certified Final Environmental Impact Report and Initial Study and take related CEQA actions, and adopt resolution for 117th Fringe Area Annexation to Eastern Municipal Water District and Metropolitan [21-4206](#)

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

4. OTHER BOARD ITEMS - ACTION

- 8-2 Authorize new agricultural lease agreements, up to two years, with D&L Farms, Inc., Sierra Cattle Company, and Dinelli Farms, thereby allowing existing lessees to continue farming on Metropolitan's fee-owned property in the Sacramento-San Joaquin Delta; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with real property negotiators; properties totaling approximately 5,603 gross acres in the area commonly known as Bacon Island, also identified as San Joaquin County Assessor Parcel Nos. 129-050-01, 129-050-02; 129-050-03; 129-050-04; 129-050-05; 129-050-06; 129-050-07; 129-050-08; 129-050-09; 129-050-11; 129-050-12; 129-050-13; 129-050-14; 129-050-15; 129-050-16; 129-050-17; 129-050-18; 129-050-19; 129-050-24; 129-050-25; 129-050-26; 129-050-27; 129-050-28; 129-050-52; 129-050-54; 129-050-55; 129-050-56; 129-050-60; approximately 3,103 gross acres in the area commonly known as Bouldin Island West, also identified as San Joaquin County Assessor Parcel Nos. 069-030-35, 069-030-36, 069-030-37, 069-030-38, 069-030-39, 069-100-02; approximately 2,728 gross acres in the area commonly known as Bouldin Island East, also identified as San Joaquin County Assessor Parcel Nos. 069-100-01; 069-100-02; 069-030-39; agency negotiators: Kevin Webb, and Kieran Callanan; negotiating parties: Leisha and David Robertson dba D&L Farms; Robert Hilarides dba Sierra Cattle Company; Steve Dinelli dba Dinelli Farms; under negotiation: price and terms; to be heard in closed session pursuant to Government Code Section 54956.8] [21-4205](#)

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- d. Quarterly Investment Activities Report **21-4234**
- b. Quarterly Financial Report **21-4232**
- e. Update on Business Model Review and Refinement Ad Hoc Working Group: Treated Water Surcharge **21-4235**
- c. Update on Business Model Review and Refinement Ad Hoc Working Group: Fixed v. Volumetric Revenues/Reserves **21-4233**
- a. Business Continuity Update **21-4231**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. Finance and Asset Management activities **21-4109**

8. SUBCOMMITTEE REPORTS AND DISCUSSION

- a. Report from Subcommittee on Long-Term Regional Planning Processes and Business Modeling **21-4110**
- b. Discuss and provide direction to Subcommittee on Long-Term Regional Planning Processes and Business Modeling **21-4111**

9. FOLLOW-UP ITEMS

NONE

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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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 - Hidden

February 11, 2025

1:00 PM

Tuesday, February 11, 2025 Meeting Schedule
08:30 a.m. LEGAL 09:30 a.m. FAM 12:30 p.m. Break 01:00 p.m. BOD

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MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

1. Call to Order

- a. Invocation: TBD
- b. Pledge of Allegiance: TBD

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. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense 21-4186

- | | | |
|-----------|---|----------------|
| B. | Chair's Monthly Activity Report | 21-4187 |
| C. | Interim General Manager's summary of activities | 21-4188 |
| D. | General Counsel's summary of activities | 21-4189 |
| E. | General Auditor's summary of activities | 21-4190 |
| F. | Ethics Officer's summary of activities | 21-4191 |
| G. | Presentation of 10-year Service Pin to Director Marsha Ramos, City of Burbank | 21-4255 |
| H. | Presentation Commendatory Resolution for Director Timothy Smith representing San Diego County Water Authority | 21-4192 |
| I. | Presentation of Commendation to Eduardo Rosado, Lux Bus Company | 21-4243 |

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

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- | | | |
|-----------|--|----------------|
| A. | Approval of the Minutes of the Board of Directors Meeting for January 14, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions) | 21-4193 |
| B. | Chair and Vice Chair of standing committee appointments for the term commencing on February 11, 2025. | 21-4254 |
| C. | Approve Committee Assignments | |

7. CONSENT CALENDAR ITEMS - ACTION

- | | | |
|------------|--|---------------------------------------|
| 7-1 | Award a \$2,556,478.19 construction contract to Mastec Network Solutions, LLC for upgrades to the Desert microwave communications system; award a \$1,400,000 procurement contract to Logicalis, Inc. for communications sites network equipment; authorize an increase of \$590,340 to an existing agreement with Nokia of America Corporation, for a new not to exceed amount of \$5,887,340 for network materials, and manufacturer's field services; and authorize an increase of \$679,100 to an existing agreement with Hatfield & Dawson Consulting Engineers LLC, for a new not to exceed amount of \$1,409,100 to provide technical support during construction; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) | <u>21-4194</u> |
|------------|--|---------------------------------------|

- 7-2** Award a \$1,931,000 contract to Fencecorp Inc. for housing perimeter fencing and playground areas shade improvements at four Colorado River Aqueduct Pumping Plant villages; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4195](#)
- 7-3** Authorize an agreement with Computer Aid, Inc. in an amount not to exceed \$5.75 million for co-managed support services for the operation and maintenance of the Metropolitan Cybersecurity Operations Center; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4196](#)
- 7-4** Authorize the General Manager to enter into an agreement with Palo Verde Irrigation District to jointly fund community investment in Palo Verde Irrigation District's service area [CEQA] (OWS) [21-4198](#)
- 7-5** Authorize the General Manager to approve a new three-year agreement with WaterWise Consulting, Inc. for the Large Landscape and Residential Survey Program, for a total agreement not to exceed \$200,000/year; [CEQA] (OWS) [21-4200](#)
- 7-6** Authorize the expansion of Bard Seasonal Fallowing Program and amend the System Conservation Implementation Agreement for BardSeasonal Fallowing Program to increase its program size from 3,000 acres to 6,000 acres for the years 2025 and 2026 [CEQA] (OWS) [21-4247](#)
- 7-7** Approve amending the list of Metropolitan officials required to take AB 1234 state ethics training to include all Form 700 filers; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOP) [21-4203](#)
- 7-8** Review and consider the Lead Agency's certified Final Environmental Impact Report and Initial Study and take related CEQA actions, and adopt resolution for 117th Fringe Area Annexation to Eastern Municipal Water District and Metropolitan (FAM) [21-4206](#)
- 7-9** Approve amendments to the Metropolitan Water District Administrative Code to conform surplus water provisions to current law and practice, update the list of active District funds, and clarify employee benefits for unrepresented employees; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-4204](#)

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

8. OTHER BOARD ITEMS - ACTION

- 8-1** Authorize developing State Water Project water management actions to meet multiple objectives of managing dry year and wet year water supplies and generating new revenues; [CEQA] (OWS) [21-4199](#)
- 8-2** Authorize new agricultural lease agreements, up to two years, with D&L Farms, Inc., Sierra Cattle Company, and Dinelli Farms, thereby allowing existing lessees to continue farming on Metropolitan's fee-owned property in the Sacramento-San Joaquin Delta; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with real property negotiators; properties totaling approximately 5,603 gross acres in the area commonly known as Bacon Island, also identified as San Joaquin County Assessor Parcel Nos. 129-050-01, 129-050-02; 129-050-03; 129-050-04; 129-050-05; 129-050-06; 129-050-07; 129-050-08; 129-050-09; 129-050-11; 129-050-12; 129-050-13; 129-050-14; 129-050-15; 129-050-16; 129-050-17; 129-050-18; 129-050-19; 129-050-24; 129-050-25; 129-050-26; 129-050-27; 129-050-28; 129-050-52; 129-050-54; 129-050-55; 129-050-56; 129-050-60; approximately 3,103 gross acres in the area commonly known as Bouldin Island West, also identified as San Joaquin County Assessor Parcel Nos. 069-030-35, 069-030-36, 069-030-37, 069-030-38, 069-030-39, 069-100-02; approximately 2,728 gross acres in the area commonly known as Bouldin Island East, also identified as San Joaquin County Assessor Parcel Nos. 069-100-01; 069-100-02; 069-030-39; agency negotiators: Kevin Webb, and Kieran Callanan; negotiating parties: Leisha and David Robertson dba D&L Farms; Robert Hilarides dba Sierra Cattle Company; Steve Dinelli dba Dinelli Farms; under negotiation: price and terms; to be heard in closed session pursuant to Government Code Section 54956.8] (FAM) [21-4205](#)

9. BOARD INFORMATION ITEMS

- 9-1** Report on Conservation Program [21-4248](#)
- 9-2** Information on proposed agreements with the City of San Buena Ventura and Calleguas Municipal Water District for wheeling and emergency delivery of State Water Project water (OWS) [21-4201](#)
- 9-3** Update on treatment approaches, contingencies, and amendments to the High Desert Water Bank Program agreement (OWS) [21-4202](#)

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>

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Schonbrun Seplow Harris
Hoffman & Zeldes, LLP

RECEIVED

MAY 13 2024

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
LEGAL DEPARTMENT

CONFIDENTIAL

May 13, 2024

VIA HAND DELIVERY

Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90012
Attn.: General Counsel Marcia Scully

Re: *Heather Beatty v. Metropolitan Water District of Southern California*
Claim Pursuant to Government Code Section 910, et seq.
Demand Under Labor Code Section 2802 and Government Code Sections 825,
et seq. and 995, et seq.

To Metropolitan Water District of Southern California:

This letter constitutes a claim on behalf of Heather Beatty pursuant to Government Code Section 910, et seq., with respect to claims arising from ongoing retaliation and other violations of law suffered during her employment with Metropolitan Water District of Southern California ("MWD"). This letter also contains a demand under Labor Code Section 2802 and Government Code Sections 825, et seq. and 995, et seq. Below are details of Ms. Beatty's claim and demand against MWD.

As a preliminary matter, please notify me immediately if MWD will require my office to deliver this claim and demand to the Executive Secretary of the MWD Board of Directors. Ms. Beatty is aware that more routine claims such as for property damage are so delivered, but that the claims are then circulated among numerous MWD staff across departments. Because of the nature of this claim and demand, that type of circulation would be inappropriate and further damage Ms. Beatty. Moreover, Ms. Beatty is aware that other employment claims made under Government Code Section 910, et seq. have been delivered directly to the Legal Department and have been accepted.

The name and post office address of the claimant:

Heather C. Beatty, Esq.
c/o Wilmer J. Harris, Esq.
Schonbrun Seplow Harris Hoffman & Zeldes LLP
715 Fremont Avenue, Suite A
South Pasadena, CA 91030
Tel.: (626) 441-4129

715 Fremont Avenue, Suite A, South Pasadena, CA 91030
Tel.: (626) 441-4129 | Fax: (626) 283-5770 | www.sshhzlaw.com

Fax: (626) 283-5770

The post office address to which the person presenting the claim desires notices to be sent:

Wilmer J. Harris, Esq.
Schonbrun Seplow Harris Hoffman & Zeldes LLP
715 Fremont Avenue, Suite A
South Pasadena, CA 91030
Tel.: (626) 441-4129
Fax: (626) 283-5770

The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

A. Heather Beatty Is An Exemplary Attorney and MWD Employee.

Heather Beatty began working for MWD's Legal Department in 2008 as a Senior Deputy General Counsel, after a successful career in private practice including partnership at the international law firm Bingham McCutchen, where MWD was one of her clients. Her lifelong pattern of academic and professional success, conducted with integrity, continued unabated at MWD and she was promoted to an Assistant General Counsel in 2012, placing her as part of MWD's executive management. Ms. Beatty has always provided exemplary service to MWD, resulting in increasing responsibilities and professional acknowledgement and respect. Throughout her tenure at MWD, Ms. Beatty has received the highest rating, "outstanding," in every evaluation.

Ms. Beatty has provided legal representation to MWD on litigation, finance, labor/employment, governance, external affairs, technology, and operational matters, and until recent years on ethics matters as well. She has overseen litigation and finance work of Legal, including managing a series of complex and significant finance cases that have resulted in savings for MWD of over \$500 million in recent years and billions of dollars going forward. Ms. Beatty also assists the General Counsel in managing the Legal Department (which consists of about twenty attorneys, as well as other staff).

B. MWD Retaliates Against Ms. Beatty for Engaging in Protected Whistleblowing Conduct and Engages in Other Unlawful Conduct Against Her.

MWD should be well aware of the whistleblowing report Ms. Beatty made on February 25, 2022, which she expanded upon on June 30, 2022 and July 13, 2022, and which was preceded by Ms. Beatty's unsuccessful efforts beginning in December 2021 to prevent Ethics officials' violations of law and ethical standards. In summary, Ms. Beatty engaged in conduct protected by Labor Code Section 1102.5 and the Fair Employment and Housing Act ("FEHA"), among other laws and regulations, by acting in compliance with local, state, and federal law; refusing to engage in unlawful and unethical conduct at MWD; and reporting unlawful conduct. In 2023, Ms. Beatty also made a report and sought the correction of false information that had

been submitted to a government agency on MWD's behalf, which too was conduct protected by Labor Code Section 1102.5.

In retaliation for Ms. Beatty's protected conduct, MWD has subjected Ms. Beatty to a campaign of retaliation, defamation, and harassment and discrimination due to her gender that has caused her significant emotional distress and diminished and harmed her professional reputation and potentially her livelihood.

Specifically, Ethics Officer Abel Salinas and Assistant Ethics Officer Peter von Haam failed and refused to comply with the California Public Records Act, sought to force Ms. Beatty's violation of that law, engaged in a series of other unlawful and unethical conduct, and made false and defamatory internal and external statements about Ms. Beatty's work performance and professional integrity, as a result of her protected conduct beginning in December 2021 and her whistleblower report in February 2022. Upon information and belief, the false and defamatory statements continue to the present day.

Rather than address Ms. Beatty's whistleblower report properly and with due care, MWD unreasonably and it appears deliberately mishandled the matter. That this was occurring was signaled by the fact that Director Marsha Ramos - the director with oversight responsibility over Ethics, who received Ms. Beatty's whistleblower report, and was one of three directors assigned to the ad hoc committee of the Board of Directors that was charged with handling most of the report - engaged in gratuitous, effusive public praise of the Ethics Officer while the matter was under investigation. The ad hoc committee then issued to Ms. Beatty a series of contradictory and pretextual closing communications over several months. The final closing communication of the ad hoc committee, labeled a "draft," revealed that in contrast to representations in earlier closing communications, many of Ms. Beatty's allegations in fact were ignored and were only addressed against one of the two respondents (without identifying which). That communication also confirmed that contrary to earlier closing communications that nothing she alleged was substantiated, it was in fact substantiated that "the respondent" was found to have prevented Ms. Beatty's compliance with the law on behalf of MWD, as she reported. Inexplicably, this unlawful conduct by MWD's Ethics official(s) was stated to nevertheless be acceptable, without identifying who had made such an extraordinary decision on behalf of MWD with future significant repercussions for MWD's operations.

The ad hoc committee also stated that they "understand" (although apparently did not bother to confirm) that a portion of Ms. Beatty's complaint was being handled by the EEO Officer: EEO allegations regarding the Assistant Ethics Officer. Yet, EEO Officer Jonaura Wisdom failed and refused to provide any communication to Ms. Beatty about this whatsoever. Moreover, the EEO Officer failed to afford Ms. Beatty any of the mandated retaliation protections, even while the EEO Office informed the Board that it always does so. Ms. Beatty is informed and believes based on the EEO Office's required protocols to involve its independent counsel, that the EEO Officer's independent counsel Camille Hamilton Pating of Meyers Nave participated in this retaliatory mistreatment of Ms. Beatty.

When Ms. Beatty elevated to Chair of the Board Adan Ortega the failure and refusal of MWD to address many of her serious allegations and the conclusion on behalf of MWD that Ethics official(s) may violate the law and force others to do so, neither the Chair nor anyone else on behalf of MWD addressed this. The Chair simply ignored Ms. Beatty's last communication on the topic in December 2023, just as the ad hoc committee had ignored her communications in October and November 2023.

In addition, beginning in January 2023, Ms. Beatty reported misrepresentations made to a government agency on MWD's behalf and sought for this to be corrected, and was retaliated against for doing so. In connection with her litigation responsibilities, Ms. Beatty learned that Ms. Hamilton Pating on behalf of the EEO Officer had submitted to the California Civil Rights Department ("CRD") a complaint response of MWD that contained multiple incorrect and misleading statements. The CRD case was still open and this was fixable. Ms. Beatty notified her manager General Counsel Marcia Scully, Redacted

[Redacted]

¹ Ms. Hamilton Pating was very hostile about this. The incorrect and misleading response was never corrected, that CRD case was closed with the response standing as the official statement of MWD, and it may become a factor in pending litigation to MWD's (and the General Manager's) detriment. Among the inaccuracies in the response is the omission of the General Manager's involvement despite a direct question by the CRD, his own public statements about his involvement, and the fact that the EEO Officer recused herself because of his involvement. Also among the incorrect statements was that the Board of Directors considered a matter and took an action that never occurred.

Moreover, Ms. Beatty has suffered unlawful harassment and discrimination based on her gender. In the course of her work, MWD subjected Ms. Beatty to hostile, demeaning treatment that her male counterparts did not suffer and caused the diminishment of her responsibilities and marginalization due to her gender. Ms. Beatty's report of harassment due to gender was mishandled, and it was ignored entirely as to at least one respondent. The gender harassment has continued and Ms. Beatty has subsequently experienced gender discrimination as well.

MWD's campaign of retaliation against Ms. Beatty and other mistreatment has eroded her well-earned reputation for professionalism and integrity among MWD management and executive leadership in the period from December 2021 to the present. For example and notably,

¹ Ms. Beatty's and the General Counsel's communications with Ms. Hamilton Pating are not privileged. The Legal Department, which represents MWD, has no professional relationship with Ms. Hamilton Pating. Pursuant to Board direction, she is independent counsel for the EEO Officer, and the General Manager has also made her his own employment counsel. And in this situation in particular, there was no common interest in an incorrect and misleading submission to a government agency.

on March 12, 2024, the General Manager and the Chair of the Board continued the ongoing pattern of retaliation, defamation, and gender harassment and discrimination in an egregious fashion by falsely accusing Ms. Beatty of misconduct while she was giving a presentation to the Legal and Claims Committee of the Board about four employment cases which she was responsible for managing on behalf of MWD.²

Redacted

Redacted

The statements were knowingly false. As the General Manager well knows, the investigation findings (which Ms. Beatty had no involvement in) are in writing, the General Manager was briefed on the findings by management and engaged in decision making on behalf of MWD as a result, and the findings have been known to him for nearly three years. Redacted

As the Chair of the Board well knows, Ms. Beatty did not withhold any investigation reports from the Board and instead it was the Ethics Officer - who oversaw and was responsible for the investigations - who did so. Indeed, the Chair knows that part of Ms. Beatty's unaddressed whistleblower report is that in 2022 after directors requested the investigation reports, the Ethics Officer and Assistant Ethics Officer created false "summaries" and provided these to the Board instead of providing the reports; tried to force Ms. Beatty's participation in that effort and retaliated against her for refusing to participate; and suggested she misrepresent the falsified documents as supposed compliance with Public Records Act requests for the reports.

Despite the outrageous and unfounded attacks on Ms. Beatty while she tried to fulfill her work requirements, Redacted

² While these statements occurred in closed session, they are not privileged for at least two reasons: (1) they are not part of the proper scope of the closed session; and (2) the Chair of the Board, upon advice of outside counsel, has taken the position on behalf of MWD that a whistleblower may discuss statements made in closed session. Ms. Beatty's discussion of this information is as a whistleblower.

Shockingly, immediately after the meeting and despite Ms. Beatty being visibly upset, the General Manager continued this campaign against Ms. Beatty when he blocked her from gathering her belongings; then placed and held his hand on her shoulder, holding her in place in an aggressive and intimidating manner; and as he did so, got close to her face and said he needed to defend himself. His offensive and threatening physical action and restraint of Ms. Beatty was outrageous and extraordinarily upsetting. It was extreme enough that an employee who witnessed the incident from across the room sent Ms. Beatty an unsolicited email shortly after, documenting what he saw and noting others were watching intently too.

The General Manager and the Chair of the Board are clearly pleased with their attack on Ms. Beatty and their success in causing Ms. Beatty distress, which was apparent. Neither has said anything to Ms. Beatty about what they did on March 12 - not one word of apology, explanation, or concern, or even any acknowledgement of what occurred. However, both continue to make public statements professing to care about all employees and employees' safety and work environment. And the Chair continues to make laudatory public remarks about the Ethics Officer.

Notably, four high-level staff of the General Manager who have leadership roles in addressing mistreatment of employees were present in the March 12 meeting and observed what occurred. None have contacted Ms. Beatty about this either, clearly following the General Manager's lead that she is an employee who is to be devalued, mistreated, and marginalized. In contrast, multiple directors reached out to Ms. Beatty thanking her for speaking truthfully and expressing support.

As a result of continued unwarranted attacks on Ms. Beatty's professional ability and integrity and other mistreatment, and her own need to not be in the position of being forced to violate the law or further attacked, Ms. Beatty has been subjected to further limitations on her work for MWD, reduction of her position and responsibilities, yet more diminution of her opportunities for continued advancement and promotion, and marginalization.³

The name or names of the public employee or employees causing the injury, damage, or loss, if known.

Abel Salinas; Peter von Haam; Directors Marsha Ramos and Cynthia Kurtz, and former Director Richard Atwater (agents of MWD, assigned responsibilities of MWD as ad hoc committee members); Jonaura Wisdom; Adan Ortega (agent of MWD, assigned responsibilities of MWD including over ad hoc committee members); Adel Hagekhalil; Camille Hamilton Pating (Meyers Nave, acting on behalf of and in concert with her clients Jonaura Wisdom and Adel Hagekhalil).

³ Ms. Beatty can provide more specific information about the facts underlying her claim as requested.

A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.

Ms. Beatty has suffered and continues to suffer substantial economic losses (in the form of the reduction and instability of her existing position and diminished career prospects) and severe emotional injuries as a direct and proximate result of conduct by employees and agents of MWD. As a result of the above-discussed conduct, Ms. Beatty will bring causes of action that include, but are not limited to, retaliation in violation of Labor Code Section 1102.5; gender harassment, discrimination, and retaliation in violation of FEHA; failure to prevent gender harassment, discrimination, and retaliation in violation of FEHA; defamation; battery; false imprisonment; negligent supervision; intentional infliction of emotional distress; and other state and federal civil rights violations, among other claims.

Superior Court Jurisdiction.

Ms. Beatty's damages are far in excess of the minimum jurisdiction of the Los Angeles County Superior Court.

Cessation of Retaliation and Other Unlawful Conduct.

Please ensure that retaliation and other unlawful conduct against Ms. Beatty ceases immediately. Due to her above-stated experience, Ms. Beatty cannot utilize MWD's internal complaint procedures without facing further and more severe retaliation and other mistreatment, all while any such complaint is mishandled and/or ignored. Therefore, this claim and subsequent legal action are the only way she can attempt to protect herself.

Demand Under Labor Code Section 2802 and Government Code Sections 825, et seq. and 995, et seq.

Ms. Beatty hereby makes a demand for MWD's payment and indemnity for all necessary expenditures and losses, including but not limited to attorney's fees for her defense and all other reasonable costs, that she incurs as a result of pending California State Bar Case No. 22-O-12952.

On November 14, 2023, Ms. Beatty learned that Assistant Ethics Officer Peter von Haam had filed a false and retaliatory complaint about her with the California State Bar in 2022 as a result of her above-described protected activity. Ms. Beatty engaged in no professional misconduct and instead at all times acted properly within the course and scope of her employment with MWD and in the proper discharge of her duties for MWD. Ms. Beatty is legally entitled to MWD's payment and indemnity for all expenditures and losses that she necessarily incurs as a result of the complaint.

On November 15, 2023, General Counsel Marcia Scully by email informed Chair of the Board Adan Ortega **Redacted**

Redacted
Ms. Beatty's response to the

Metropolitan Water District of Southern California
May 13, 2024
Page 8

complaint was submitted to the State Bar by her legal counsel on March 4, 2024, the matter is pending, and it may be pending for years.

Based on the above-described events and in particular the retaliatory and defamatory conduct of the Chair of the Board on March 12, 2024, Ms. Beatty does not wish to rely solely on the email statement of the Chair regarding authorization for MWD's payment of the defense. Accordingly, Ms. Beatty makes this formal demand for MWD's payment and indemnity for all expenditures and losses, including costs of defense, associated with Case No. 22-O12952.

Requested Communication to the Board of Directors.

We request that this letter be provided to the MWD Board of Directors promptly and confidentially.

Sincerely,

SCHONBRUN SEPLOW HARRIS
HOFFMAN & ZELDES LLP



Wilmer J. Harris

COMMUNICATION PROTECTED BY FEDERAL RULE OF EVIDENCE, RULE 408;
CALIFORNIA EVIDENCE CODE §1542

CONFIDENTIAL PERSONNEL COMMUNICATION

October 18, 2024

Mr. Adan Ortega
Chair of the Board of Directors; and
The Board of Directors of Metropolitan Water District
c/o Ms. Rickita Hudson
Board Executive Secretary
rhudson@mwd2o.com
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90012
VIA EMAIL ONLY

Re: Katano Kasaine, Assistant General Manager and Chief Financial Officer

Dear Chair Ortega and the Board of Directors of Metropolitan Water District:

Please be advised that this law firm has been retained to represent Katano Kasaine in connection with her employment at the Metropolitan Water District of Southern California (“MWD”). This is confidential communication. This letter contains Ms. Kasaine’s private personnel matters. It should be treated as confidential and not released to the public or to any person who does not have a need to know.

Ms. Kasaine is a whistleblower who has been subjected to retaliation that has caused her monetary, emotional, and reputational harm.

Five months ago, Ms. Kasaine, in her capacity as the Assistant General Manager and Chief Financial Officer of the Metropolitan Water District of Southern California (“MWD”) sent a confidential 14-page letter to the MWD Chair Adan Ortega, members of MWD’s Board of Directors, and to Marcia Scully, MWD’s General Counsel.¹ The letter disclosed a troubling and on-going pattern of conduct by MWD General Manager and CEO Adel Hagekhalil. [REDACTED]

¹ For reference, Ms. Kasaine’s May 27, 2024 letter is attached hereto as Exhibit “A”

[REDACTED]

Ms. Kasaine’s May 27, 2024 letter also set forth protected complaints [REDACTED]

[REDACTED]

[REDACTED]

Notice of Claim

MWD and Hagekhalil face significant exposure for Ms. Kasaine’s legal claims that include, but are not limited to, whistleblower retaliation (Labor Code §1102.5); discrimination and harassment based on race, national origin, and gender (Gov’t Code §12940 *et seq.*); retaliation for engaging in protected activity (Govt’ Code §12940 *et seq.*); and violation of the California Equal Pay Act (Labor Code §1197.5).

Attached hereto as Exhibit “B” is Ms. Kasaine’s right-to sue letter regarding her claims under the Fair Employment and Housing Act (Gov’t Code §§12940 *et seq.*) Further, this letter serves as notice to MWD and Hagekhalil of Ms. Kasaine’s claims pursuant to the Government Claims Act (Gov’t Code § 910.) Ms. Kasaine’s May 27, 2024 letter, which is incorporated herein by reference, as well as the contents of this letter, set forth the circumstances giving rise to Ms. Kasaine’s claims. If forced to sue, Ms. Kasaine will seek damages in excess of \$10,000.

Whistleblower Retaliation

We will not restate here the protected complaints and reports of unlawful and unethical conduct that Ms. Kasaine articulated to Mr. Ortega, members of the Board, and Ms. Scully in her May 27, 2024 letter. (See Exhibit “A”). Rather, what we discuss below is the swift and damaging retaliation that followed and that continues until this day, serving as the basis for Ms. Kasaine’s whistleblower claim.

The Unauthorized Leak of Ms. Kasaine's Confidential Letter.

In retaliation for exposing Hagekhalil and MWD's unethical and unlawful conduct, MWD caused Ms. Kasaine's confidential letter to be leaked to the public. The result was immediate and significant reputational harm that has and will continue to have a lasting negative impact on Ms. Kasaine's professional reputation and employment prospects.

The unauthorized release of her letter was not only a violation of Ms. Kasaine's right to privacy in her own personnel matters, but it also exposed her to unwarranted public scrutiny. She has become the target of attacks from Hagekhalil's supporters and surrogates who have attempted to garner public support to undermine her and the serious issues raised in her letter. They have made every attempt to change the narrative by casting Hagekhalil as the "victim" and Ms. Kasaine as merely a "disgruntled employee".

Just yesterday, in an obvious attempt to undermine Ms. Kasaine, MWD caused an LA Times opinion piece to be distributed to the Board and *all staff* which, among other things, suggested that Ms. Kasaine was part of a "coup at Metropolitan." This was meant to intimidate Ms. Kasaine and to inject bias into the organization at a time when a critically consequential investigation into Ms. Kasaine's letter is pending.

Moreover, since the release of her letter, Ms. Kasaine has become the target of a flurry of anonymous complaints filed with MWD's Ethics and EEO offices. All of these complaints have been unsubstantiated. However, they appear to be part of the coordinated effort by MWD, Hagekhalil, his inner circle of consultants, and surrogates to discredit Ms. Kasaine's leadership and integrity.

Since the retaliatory leak of her letter, Ms. Kasaine has stood alone and unprotected in a storm of backlash and public bullying. For the last five months, she has remained professional, she has made every effort to fulfill her duties as AGM/Chief Financial Officer, and she has acted with grace and discretion notwithstanding attacks on her character, wild conspiracy theories, on-going adverse employment actions, and debilitating emotional distress.

[REDACTED]

Notably, Ms. Kasaine is not the only victim of MWD's retaliation and reckless disregard for her privacy and safety. By leaking her letter and causing an avalanche of backlash, MWD has sent a clear message about what a well-intentioned whistleblower can expect if they dare challenge the unethical and unlawful pattern of conduct at the highest levels of MWD. There is a chilling effect that undermines public trust and serves as a strong disincentive for anyone to say anything

that may upset those who have an interest in perpetuating and profiting from such unethical and unlawful conduct.

The Reassignment of Key Responsibilities.

Rather than take immediate corrective action to protect Ms. Kasaine from the hostile work environment, discrimination, and retaliation detailed in her May 27, 2024 letter, MWD instead further marginalized Ms. Kasaine by removing critical functions from her scope of responsibility.

Ms. Kasaine’s oversight of the Human Resources (HR) and Diversity, Equity, and Inclusion (DEI), functions which are expressly delegated to the AGM/CFO in Operating Policy No. A-02, remains in a state of flux, with a dual reporting structure to the Interim General Manager. Without any clear business rationale or explanation provided to Ms. Kasaine, the HR and DEI units have been redirected to report directly to the Interim General Manager. This sudden disruption in established reporting lines, along with the inconsistent application of management policies—seemingly affecting only Ms. Kasaine—has created significant inefficiencies and internal discord. The HR Director and DEI managers now find themselves caught between conflicting dual reporting structures, hampering their ability to perform their core functions effectively. And, it has deeply undermined Ms. Kasaine’s authority and credibility within the organization.

Not only did the current administration significantly reduce the scope of Ms. Kasaine’s responsibilities after she “blew the whistle,” but they further retaliated against her by continuing to exclude her from oversight of the Business Model project in favor of Mohsen Mortada, a member of Hagekhalil’s inner circle who is in a position to carry out Hagekhalil’s agenda even while Hagekhalil remains on administrative leave. This continued assignment occurred, despite Mortada’s documented failures in managing the Business Model project. Indeed, Mortada’s inability to manage the project is evident in the Board’s recent decision to expend further public funds to bring in multiple outside consultants as well as Member Agencies in an attempt to accomplish what Mortada failed to do and what MWD would not allow Ms. Kasaine to do. The resulting confusion and inefficiencies have significant financial and budgetary consequences for MWD, calling into question any purported legitimate business reason for removing Ms. Kasaine from overseeing the Business Model project in the first place.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On-Going Ethical Violations

Despite Ms. Kasaine’s urgent plea for the Chair and the Board of Directors to take immediate action to repair and prevent the harm done by Hagekhalil’s ethical violations and breach of his fiduciary duty to act in the best interest of MWD, Chair Ortega and the Board have at best, done nothing, and at worst, have perpetuated the harm to MWD. In what appears to be a ratification of Hagekhalil’s unethical conduct, the current administration has disregarded and failed to take action to correct the fact that Hagekhalil brought on numerous contractors who continue to get paid public funds to perform work *already being performed* by MWD staff, or to perform no work at all.

[REDACTED]

MWD remains complicit, ratifying these unethical contracts with ongoing payment using public funds, eroding the principles of transparent governance and fiduciary responsibility.

Request for Employment File

In anticipation of litigation, we hereby request a complete copy of the following documents within 30 days of the date of this letter:

- Ms. Kasaine’s employee file including, without limitation, her personnel file, medical file, and investigation file, as well as any and all other records which MWD maintains related to Ms. Kasaine’s entire employment. (CA Labor Code § 1198.5)

Mr. Adan Ortega
October 18, 2024
Page 6

- All documents signed by Ms. Kasaine that relate to her obtaining and holding employment with MWD. (CA Labor Code §432)
- All of Ms. Kasaine's payroll records from August 2019 (CA Labor Code §§ 226(b) and (c)).

Kindly send the above requested documents to the following address: Dawn T. Collins, CollinsKim LLP, 8383 Wilshire Blvd, Suite 800, Beverly Hills, CA 90211. Alternatively, the documents can be delivered electronically to: *dcollins@collinskim.com*.

Litigation Hold

Please also regard this letter as a formal request that MWD preserve all relevant or potentially relevant documents related to Ms. Kasaine's employment including, without limitation, all documents related to Ms. Kasaine's written and/or verbal complaints, and any investigation and findings related thereto, including all emails, memorandum, calls (including recorded teleconferences such as Zoom calls), voicemails, text messages, instant messages, social media messages, social media posts, internet searches, and other electronic communication or data, as well as financial, budget and personnel records maintained by MWD's HR, Ethics, EEO, and Legal Departments, and internal and external auditors.

We request that MWD immediately cease any routine business practices that would lead to the destruction of documents related to Ms. Kasaine's employment.

To ensure that all relevant documents are preserved, we specifically request that MWD preserve any documents relating to Ms. Kasaine's employment and that were created, received, or maintained by: Adel Hagekhalil, Deven Upadhyay, Mohsen Mortada, Marcia Scully, Adan Ortega, Shane Chapman, Dee Zinke, Lori Lalla, Henry Torres, Mark Brower, Tony Zepeda, Heather Beatty, all current/retired General Manager Staff, all current Board members, all current/retired Executive Managers, and Group Managers.

Steps should promptly be taken to avoid deliberate or inadvertent deletion of the above mentioned custodians' emails, text messages, including Teams messages, WhatsApp messages, Slack messages, and other instant messages, or voicemails that may exist on both the personal or work-issued devices of the listed individuals and others who may have relevant or potentially relevant documents or information.

* * * * *

Before Ms. Kasaine files her lawsuit against MWD and Adel Hagekhalil, she has authorized this law firm to explore an amicable resolution. If MWD is interested in having that conversation, I invite you to contact me on or before Monday, October 28, 2024. I can be reached by phone at 213-341-0238, or by email at: *dcollins@collinskim.com*. If we do not hear from you


Mr. Adan Ortega
October 18, 2024
Page 7

by close of business on October 28, we will assume that MWD has no interest in exploring an amicable resolution.

Please be advised that this letter and its contents are not a complete statement of Ms. Kasaine's rights, interests, and remedies, all of which are expressly reserved.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Dawn T. Collins". The signature is written in a cursive, flowing style.

Dawn T. Collins

Enclosures

cc: Marcia Scully, General Counsel (via email only: Mscully@mwd2o.com)

EXHIBIT A

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EXHIBIT B



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 17, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26707817

Right to Sue: Kasaine / Metropolitan Water District of Southern California et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 17, 2024

Katano Kasaine

RE: **Notice of Case Closure and Right to Sue**

CRD Matter Number: 202410-26707817

Right to Sue: Kasaine / Metropolitan Water District of Southern California et al.

Dear Katano Kasaine:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 17, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Katano Kasaine

CRD No. 202410-26707817

8 Complainant,

9 vs.

10 Metropolitan Water District of Southern California
11 700 North Alameda Street
12 Los Angeles, CA 90012

13 Adel Hagekhalil
14 700 North Alameda Street
15 Los Angeles, CA 90012

16 Respondents

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19 **1.** Respondent **Metropolitan Water District of Southern California** is an **employer** subject to
20 suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et
21 seq.).

22 **2.** Complainant is naming **Adel Hagekhalil** individual as Co-Respondent(s).

23 **3.** Complainant **Katano Kasaine**, resides in the City of , State of .

24 **4.** Complainant alleges that on or about **October 17, 2024**, respondent took the
25 following adverse actions:

26 **Complainant was harassed** because of complainant's national origin (includes language
27 restrictions), sex/gender, race (includes hairstyle and hair texture).

28 **Complainant was discriminated against** because of complainant's national origin
(includes language restrictions), sex/gender, race (includes hairstyle and hair texture) and
as a result of the discrimination was denied equal pay, demoted, denied any employment
benefit or privilege, denied work opportunities or assignments.

-1-

Complaint – CRD No. 202410-26707817

Date Filed: October 17, 2024

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment and as a result was denied equal pay, demoted, denied any
3 employment benefit or privilege, denied work opportunities or assignments.

4 **Additional Complaint Details:** Katano Kasaine is a Black woman of African descent with
5 over 30 years of government service. Since August 2019, she has served as the Chief
6 Financial Officer and Assistant General Manager of the Metropolitan Water District of
7 Southern California where she oversees a budget in excess of \$2 billion. MWD and General
8 Manager/CEO, Adel Hagekhalil have subjected Ms. Kasaine to an on-going pattern of
9 harassment, discrimination, and retaliation based on her race, gender and national origin,
10 and for engaging in protected activity.
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1 VERIFICATION

2 I, **Dawn T. Collins**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 17, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Los Angeles, CA

-3-

Complaint – CRD No. 202410-26707817

Date Filed: October 17, 2024