



● **Board of Directors**  
***Ethics, Operations, and Personnel Committee***

6/13/2023 Board Meeting

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**7-9**

**Subject**

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Authorize adding a \$500,000 line item to the fiscal year 2023/2024 Equal Employment Opportunity Office budget to cover outside legal services; and authorize an agreement with Meyers Nave in an amount not to exceed \$500,000 for ongoing legal advice in support of Equal Employment Opportunity Office activities and Equal Employment Opportunity related personnel and compliance matters; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Executive Summary**

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In February 2022, Meyers Nave began providing Metropolitan with legal advice and support services for the General Manager and Equal Employment Opportunity (EEO) Office. Currently, EEO utilizes Meyers Nave for legal services and support, including case consultation on EEO investigations and other personnel-related matters. To continue supporting these critical and ongoing efforts and ensure service is not interrupted, we request board authorization to add a line item to the FY 2023/2024 EEO budget and authorize an agreement for legal services with Meyers Nave in an amount not to exceed \$500,000.

**Details**

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**Background**

On August 17, 2021, the Board adopted all recommendations of the Shaw Law Group, which included “eliminating Legal’s direct involvement in most investigations” as it related to EEO investigations and employing outside counsel to assist with these investigations. In response, the General Manager retained Meyers Nave, an external law firm, in February 2022 to support the transition of EEO cases to the newly established EEO Office. The initial agreement authorized a not-to-exceed amount of \$225,000. In July 2022, the General Manager authorized an increase of \$24,000 to the agreement, and in September 2022, the Board authorized an increase in the maximum amount payable under the existing agreement to \$439,000.

Currently, the EEO Office continues to utilize Meyers Nave for ongoing assistance and advice to the Chief EEO Officer regarding compliance regulations, management of transitioned EEO investigations from Legal, review of EEO investigation reports, legal advice on discipline related to EEO findings, and other EEO personnel and compliance related matters. However, the maximum amount payable under the agreement will soon be reached. Due to the ongoing nature of EEO matters and the direction of the Board to utilize an external law firm for these matters, the General Manager requests the addition of a \$500,000 line item to the FY 2023/24 EEO budget and authorization of a new agreement for legal services with Meyers Nave in an amount not to exceed \$500,000.

**Policy**

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Metropolitan Water District Administrative Code Section 2131: [Discrimination, Harassment, and Retaliation by Directors], and 2416 [Duties of Executive Committee]

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

**California Environmental Quality Act (CEQA)**

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**CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because it involves continuing administrative or maintenance activities that will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not defined as a project under CEQA because it involves the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

**CEQA determination for Option #2:**

None required

**Board Options**

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**Option #1**

Authorize adding a \$500,000 line item to the fiscal year 2023/2024 Equal Employment Opportunity Office budget to cover outside legal services; and authorize an agreement with Meyers Nave in an amount not to exceed \$500,000 for ongoing legal advice in support of Equal Employment Opportunity Office activities and Equal Employment Opportunity related personnel and compliance matters.

**Fiscal Impact:** An amount not to exceed \$500,000 for professional services. These funds are budgeted in the General Manager’s budget.

**Business Analysis:** This option would comply with the Board’s direction to engage outside counsel to assist with EEO-related policies and procedures.

**Option #2**

Do not authorize adding a line item to the fiscal year 2023/24 EEO budget for ongoing outside legal services, and do not authorize an agreement for legal services with Meyers Nave in an amount not to exceed \$500,000.

**Fiscal Impact:** Not applicable

**Business Analysis:** This option would prevent the General Manager from complying with the Board’s direction to engage outside counsel to assist with EEO-related policies and procedures.

**Staff Recommendation**

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Option #1

  
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Jonaura Wisdom  
Chief Equal Employment Opportunity Officer

6/6/2023

Date

  
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Adel Hagekhalil  
General Manager

6/6/2023

Date