



- **Board of Directors**
Legal and Claims Committee

1/14/2025 Board Meeting

7-7

Subject

Authorize increase of \$200,000, to a maximum amount payable of \$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

Executive Summary

The General Counsel entered into a contract with the law firm of Olson Hagel & Fishburn LLP (Olson Hagel) on July 1, 2014, for \$50,000 to provide Metropolitan with general government law advice related to the Political Reform Act (PRA), the Fair Political Practices Commission (FPPC) regulations, conflict of interest law and other legislative and ethics matters. The firm focuses on election and political law, campaign reporting, conflicts of interest, ethics, lobbying and other public law matters. In 2020 the name of the firm was changed to Olson Remcho LLP. Lance Olson continues to perform most of the work under the contract.

Under this contract, the firm provides valuable advice and assistance to Legal and the Ethics Office on an as-requested basis. As part of the contract, the firm serves as Metropolitan's designated agent for the required electronic filing of Lobbyist Reports under the PRA, and regularly reviews and files these reports with the FPPC for Metropolitan. The firm also provides the General Counsel and, in some cases, the General Counsel and the Ethics Officer advice regarding the interpretation and requirements of the PRA and related laws applicable to public agencies and officials. The firm provided Brown Act training to the Board in January 2021 and assisted in responding to additional questions from the Board regarding the training and related matters.

The agreement was amended on November 1, 2016, to increase the maximum amount payable to \$100,000; in August 2018 by \$100,000 to a maximum amount payable of \$200,000; in July 2021 by \$100,000 to a maximum amount payable of \$300,000 and in January 2023 by \$100,000 to a maximum amount payable of \$400,000. This letter requests an increase of \$200,000 to a maximum amount payable of \$600,000 so that Olson Remcho LLP can continue to provide these legal services for Metropolitan. This agreement remains in effect until terminated. While the rate of expenditure is subject to the number and nature of matters requiring assistance from the firm, it is anticipated that the requested increase will be adequate for an additional year to 18 months.

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Authorize the General Counsel to increase the amount payable under its agreement with Olson Remcho LLP by \$200,000 to a maximum amount payable of \$600,000.

Fiscal Impact: The sum of \$200,000 is added to this agreement for the provision of the authorized legal services, funded within the FY 2024/25 budget.

Business Analysis: Metropolitan will retain the expertise needed for general government law advice including conflicts and lobbying.

Option #2

Do not authorize an increase in the maximum amount payable under this agreement with Olson Remcho LLP, effectively terminating this contract when the current funds are exhausted.

Fiscal Impact: None

Business Analysis: Metropolitan will not have access to the valuable expertise and assistance provided by this law firm.

Alternatives Considered

Not applicable

Applicable Policy

Metropolitan Water District Administrative Code Section 6430: General Counsel’s employment of attorneys to render special counsel services

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Related Board Action(s)/Future Action(s)

Not applicable

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines Section 15378(a).)

CEQA determination(s) for Option #2:

None required



Marcia Scully
General Counsel

12/27/2024
Date