

MINUTES
SPECIAL JOINT MEETING OF THE
EXECUTIVE COMMITTEE AND BOARD OF DIRECTORS
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
August 27, 2024

53762 The Executive Committee and Board of Directors of The Metropolitan Water District of Southern California met in a special session on Tuesday, August 27, 2024.

Chair Ortega called the meeting to order at 9:32 a.m.

53763 Board Executive Secretary Hudson administered the roll call. Those responding present were: Directors Ackerman, Alvarez Armstrong, Bryant, Camacho, Cordero, De Jesus, Dick, Douglas (teleconference posted location available for the public), Erdman, Faessel, Fellow, Fong-Sakai (teleconference posted location available for the public), Garza, Gold, Goldberg (teleconference posted location available for the public), Gray (teleconference posted location available for the public), Lefevre (teleconference posted location available for the public), Lewitt, Miller (teleconference posted location available for the public), Morris, Ortega, Pressman, Quinn, Ramos (teleconference posted location available for the public), Seckel, and Smith (teleconference posted location available for the public).

Those not responding were: Directors Crawford and Petersen.

Directors entered the meeting after the roll call: Directors Dennstedt, Jung (teleconference posted location available for the public), Kassakhian, Kurtz, Luna, McCoy, McMillan, Phan (teleconference posted location available for the public), and Sutley.

Board Executive Secretary Hudson declared a quorum present.

53764 Chair Ortega invited members of the public to address the Board on matters within the Board's jurisdiction (in-person and via teleconference).

	Name	Affiliation	Comment
1.	Adel Hagekhalil	MWD Employee	Items 10a, b, and c
2.	Kerry Garvis Wright	Attorney, Glaser Weil	Items 10a, b, and c
3.	Martin Adams	LADWP retired employee	Items 10a, b, and c
4.	Bruce Reznik	LA Waterkeeper	Items 10a, b, and c

5.	Randall Neudeck	MWD Employee	Items 10a, b, and c
6.	Russell Ryan	MWD Employee	Items 10a, b, and c
7.	Connor Everts	SCWA	Items 10a, b, and c
8.	Gonzalo Pantoja	MWD Employee	Employee Issues
9.	Conrad Villa	MWD Employee	Employee Issues
10.	Marc Miranda	MWD Employee	Employee Issues
11.	Michael Diaz	MWD Employee	Employee Issues
12.	Jeffrey Froehlich	MWD Employee	Employee Issues
13.	Alan Shanahan	MWD Employee	Employee Issues
14.	Drew Boronkay	MWD Employee	Items 10a, b, and c
15.	Caty Wagner	Sierra Club	Items 10a, b, and c
16.	Joe Ortega	MWD Employee	Items 10a, b, and c
17.	Jolene Fuentes	MWD Employee	Items 10a, b, and c
18.	Jennifer Sharp	MWD Employee	Employee Issues
19.	Seth Chipman	LA Resident	Items 10a, b, and c
20.	Margaret Shiriaki Rush	Summit County Water District	Items 10a, b, and c
21.	Ellen Mackey	MWD Employee	Items 10a, b, and c
22.	Hans Johnson	President of East Area Progressive Democrats	Items 10a, b, and c
23.	Charmin Evelyn	Sierra Club Water Committee	Items 10a, b, and c
24.	Nancy Blastos	Redlands Resident	Items 10a, b, and c
25.	Trish Gonzalez	MWD Retired Employee	Items 10a, b, and c
26.	Barbara Barrigan- Parrilla	Restore Delta	Items 10a, b, and c
27.	Jan Warren	Member of the Public	Items 10a, b, and c
28.	John Vrsalovich	MWD Employee	Items 10a, b, and c

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| 29. | Adrian Hightower | MWD Employee | Items 10a, b, and c |
| 30. | Crystal Marino | Ecological Program
Manager | Items 10a, b, and c |

EXECUTIVE COMMITTEE ITEMS

OTHER MATTERS AND REPORTS

- a. Subject: Chair's Report
Presented by: Chair Ortega

Chair Ortega stated he had nothing to add to the report.

- b. Subject: Interim General Manager's Report of Metropolitan activities
Presented by: Interim General Manager Deven Upadhyay

Interim General Manager Upadhyay reported on the following:

- Update on public comment from August 20 and August 27 meetings regarding safety culture and housing.
- Update on meeting with union leadership.
- Update on the housing report.
- Update safety council meeting.
- Civility training for all Metropolitan employees.

Roll call Director entered the meeting: Directors Dennstedt, Gray (teleconference posted location available for the public), Jung (teleconference posted location available for the public), Kassakhian, Kurtz, Luna, McCoy, McMillan, Phan (teleconference posted location available for the public), and Sutley.

- c. Subject: General Counsel's report of Metropolitan activities
Presented by: Assistant General Counsel Torres

Assistant General Counsel Torres stated General Counsel is monitoring Metropolitan developments while on vacation. Staff from the Engineering, Legal department, and outside counsel reached a resolution on the Baker Electric matter within the contract amount, which is within existing authority and will not need board action. An informational item will be presented at the September Legal and Claims Committee.

- d. Subject: General Auditor's report of Metropolitan activities
Presented by: General Auditor Suzuki

General Auditor Suzuki stated the internal quality assessment deadline is approaching. The Board and management still have time to respond.

- e. Subject: Ethics Officer's report of Metropolitan activities
Presented by: Ethics Officer Abel Salinas

Ethics Officer Salinas stated he had nothing to add to his report.

CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Executive Committee Meeting for July 23, 2024.

Chair Ortega asked the Directors if there were any additions, corrections, or omissions on the minutes of the July 23, 2024, Executive Committee Meeting. None were made.

- B. Approve the draft of the Committee and Board meeting agendas and schedule for September 2024.

Chair Ortega asked if there were any additions or deletions to the September 2024 draft packet.

Committee Chair Luna reported that at the Legal and Claims Committee, the following subject has been revised:

- Report on litigation and tentative settlement agreement in Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al., (Los Angeles Superior Court Case No. 21STCV15612) regarding Metropolitan's CRA 6.9 kV Power Cables Replacement Project Contract N. 1915.

Committee Chair Pressman reported that at the Ethics, Organization & Personnel Committee, the following subject has been revised:

- Response to public comment including safety concerns.

Chair Ortega called for the vote on Items 6A and 6B.

Director De Jesus made a motion, seconded by Director Garza, to approve the consent calendar Items 6A and 6B as listed and revised.

The vote was:

Ayes: Directors Armstrong, Camacho, Cordero, De Jesus, Erdman, Fong-Sakai, Garza, Goldberg, Gray, Jung, Luna, McCoy, Ortega, Pressman Smith and Sutley.

Abstention: None

Recusal: None

Absent: Quinn

The motion for Items 6A and 6B passed by a vote of 16 ayes; 0 noes; 0 abstention; and 1 absent.

END OF CONSENT CALENDAR ITEMS

COMMITTEE INFORMATION ITEMS

Chair Ortega announced that the Palo Verde Irrigation District will be holding an election for two of the seven members of its Board of Trustees on September 17, 2024.

Metropolitan is authorized to cast votes based on its ownership of land. He has assigned Director Camacho as his proxy.

7a. Subject: Report on the Colorado River Board Meeting.

Presented by: Director Cordero

Director Cordero reported on the Colorado River Board meeting.

7b. Subject: Colorado River Activities

Presented by: Bill Hasencamp

Mr. Hasencamp reported on Colorado River activities.

SUBCOMMITTEE REPORTS AND DISCUSSION

Committee Chair Armstrong announced the next Audit Subcommittee of the Executive Committee will be on October 22, 2024.

SPECIAL BOARD ITEMS

BOARD INFORMATION ITEMS

Chair Ortega called the meeting into closed session to discuss Agenda Items 9-1, 10A, 10B, and 10C.

53764 Labor Negotiations Update [Conference with labor negotiators; to be heard in closed session pursuant to Gov. Code Section 54957.6. Metropolitan representative(s): Katano Kasaine, Chief Financial Officer; Gifty Beets, Human Resources Section Manager; Mark Brower, Human Resources Group Manager; Adam Benson, Finance Group Manager; Employee Organization(s): The Employees Association of The Metropolitan Water District of Southern California/AFSCME Local 1902; the Management and Professional Employees Associations MAPA/AFSCME Chapter 1001; the Supervisors Association; and the Association of Confidential Employees]. (Agenda Item 9-1).

The non-Interest Disclosure Notice will be attached to the minutes.

OTHER BOARD ITEMS - ACTION

53765 Status of investigations and provide direction on potential interim measures; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel—anticipated litigation; based on existing facts and circumstances, including receipt of correspondences containing allegations of serious Equal Employment Opportunity, retaliation, and other violations; 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)]. (Agenda Item 10A).

53766 Review of Department Head Performance Evaluation [Public employee performance evaluation: General Manager, to be heard in closed session pursuant to Gov. Code Section 54957]. (Agenda Item 10B)

53767 Public Employee Discipline/Dismissal/Release [to be heard in closed session pursuant to Gov. Code Section 54957]. (Agenda Item 10C)

The Board returned to open session; in closed session, the Board discussed Item 9-1. No action was taken in closed session.

The Board discussed Items 10A, 10B, and 10C. Chair Ortega called on Assistant General Counsel Torres to report the action.

Mr. Torres reported Item 10A the Board voted to reconvene on October 22, 2024, and to extend administrative leave for General Manager until October 23, 2024. On Items 10B and 10C there are no reportable actions.

The following is a record of the vote:

Record of Vote on Item:		10A - Closed Session							
Motion: Reconvene discussion on October 22, 2024 and extend the administrative leave of the General Manager until October 23, 2024									
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	6306	Faessel	x	x	6306				
Beverly Hills	4677	Pressman	x	x	4677				
Burbank	3330	Ramos	x	x	3330				
Calleguas Municipal Water District	13627	McMillan	x	x	13627				
Central Basin Municipal Water District	20265	Garza	x	x	20265				
		Crawford							
			Subtotal:		20265				
Compton	678	McCoy	x	x	678				
Eastern Municipal Water District	12919	Armstrong	x	x	12919				
Foothill Municipal Water District	2543	Bryant	x	x	2543				
Fullerton	2766	Jung	x	x	2766				
Glendale	4165	Kassakhian							
Inland Empire Utilities Agency	17103	Camacho	x	x	17103				
Las Virgenes	3224	Lewitt	x	x	3224				
Long Beach	6805	Cordero	x	x	6805				
Los Angeles	83835	Sutley							
		Petersen							
		Quinn	x	x	41918				
		Luna							
		Douglas	x	x	41918				
			Subtotal:		83835				
Municipal Water Dist. of Orange County	68102	Ackerman	x	x	17026				
		Seckel	x			x	17026		
		Dick	x			x	17026		
		Erdman	x	x	17026				
			Subtotal:		34051		34051		
Pasadena	4042	Kurtz							
San Diego County Water Authority	70862	Fong-Sakai	x	x	17716				
		Goldberg	x	x	17716				
		Miller	x	x	17716				
		Smith	x	x	17716				
			Subtotal:		70862				
San Fernando	274	Ortega	x	x	274				
San Marino	836	Morris	x	x	836				
Santa Ana	3569	Phan	x	x	3569				
Santa Monica	5055	Gold							
Three Valleys Municipal Water District	9019	De Jesus	x	x	9019				
Torrance	3781	Lefevre	x	x	3781				
Upper San Gabriel Valley Mun. Wat. Dis	14079	Fellow	x	x	14079				
West Basin Municipal Water District	28764	Alvarez	x	x	28764				
		Gray							
			Subtotal:		28764				
Western Municipal Water District	15689	Dennstedt	x			x	15689		
Total	406315				343313		49740		
Present and not voting									
Absent	13262								

The motion to approve the Item 10A Closed Session (**M.I. No. 53765**) passed by a vote of 343,313 ayes; 49,740 noes; 0 abstain; 0 not voting; and 13,262 absent.


53766 Chair Ortega asked if there were any Follow-up Items. There were none.

53767 Chair Ortega asked if there were any Future Agenda Items. Director Dick requested an update on preserving the Solar Cup.

53768 There being no objection, the meeting was adjourned at 3:18 p.m.

Rickita C. Hudson

**RICKITA HUDSON
BOARD EXECUTIVE SECRETARY**



**ADÁN ORTEGA, JR.
CHAIR OF THE BOARD**

SPECIAL JOINT EXECUTIVE AND BOARD MEETING

August 27, 2024 – 9:30 a.m.

MWD Headquarters Building/Teleconference Meeting

**NON-INTEREST DISCLOSURE NOTICE
BOARD ITEM 9-1**

SPECIAL BOARD ITEM Item 9-1 – Labor Negotiations Update [Conference with labor negotiators; to be heard in closed session pursuant to Gov. Code Section 54957.6. Metropolitan representative(s): Katano Kasaine, Chief Financial Officer; Gifty Beets, Human Resources Section Manager; Mark Brower, Human Resources Group Manager; Adam Benson, Finance Group Manager; Employee Organization(s): The Employees Association of The Metropolitan Water District of Southern California/AFSCME Local 1902; the Management and Professional Employees Associations MAPA/AFSCME Chapter 1001; the Supervisors Association; and the Association of Confidential Employees.)]

This Non-Interest Disclosure Notice is being provided under the California Government Code: Pursuant to Government Code Section 1091.5(a)(9), a District officer or employee does not have a financial interest in a District contract if these conditions are satisfied: (i) his or her interest is that of a person receiving a salary, per diem or reimbursement for expenses from a government entity; (ii) the contract does not directly involve the department of the government entity that employs him or her; and (iii) the interest is disclosed to his or her body or board at the time the contract is considered and is noted in its official record. In accordance with this statute, the following District officers or employees have been, or may be, involved in the bargaining unit negotiations on behalf of management: Adel Hagekhalil, Marcia Scully, Katano Kasaine, Shane Chapman, Deven Upadhyay, Gifty Beets, Mark Brower, Henry Torres, Tony Zepeda, Adam Benson, and Diana Vidal.

Diana Vidal is a member of the Association of Confidential Employees (“ACE”), which have a salary provision in its Memorandum of Understanding that

allows ACE to select an annual salary adjustment from any one of the Memoranda of Understanding for the other bargaining units. Each of the remaining individuals is unrepresented. Under Administrative Code Section 6500(d), unless the Board directs otherwise, the pay rate range for each unrepresented individual except Adel Hagekhalil and Marcia Scully, will be adjusted annually to correspond with the annual across-the-board salary adjustment provided to the District's management employees under the Memoranda of Understanding; although actual pay rates for these unrepresented individuals will be determined by their management. The other compensation and benefits for which the unrepresented individuals are eligible are set forth in the Administrative Code.