



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

10/14/2025 Board Meeting

7-6

## Subject

Authorize and fund additional counsel position in the Office of the General Counsel; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

## Executive Summary

The General Counsel seeks the Board's authorization for the creation of an additional counsel position in the Office of the General Counsel and the funding for the position, due to an increased workload in the office, particularly employment litigation. The requested position would be a Senior Deputy General Counsel or Deputy General Counsel, with an annual salary range of \$186,077 to \$278,387 based on level of experience, and an annual burdened rate range (salary plus the cost to Metropolitan for benefits) of \$330,844.55 to \$494,972.44. The salary and benefits would be subject to increases comparable to other Metropolitan counsel, and the General Counsel would include the position in future budget requests.

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

### Staff Recommendation: Option #1

#### Option #1

Authorize and fund additional counsel position in the Office of the General Counsel

**Fiscal Impact:** An initial annual burdened rate range (salary and cost of benefits) of \$330,844.55 to \$494,972.44, with future increases comparable to other Metropolitan counsel

**Business Analysis:** Authorization and funding for the new position would help the Office of the General Counsel meet its obligation to provide legal counsel and representation to Metropolitan given the office's increased workload, particularly in employment litigation.

#### Option #2

Do not authorize and fund additional counsel position in the Office of the General Counsel

**Fiscal Impact:** Unknown impact from increased outside counsel costs, but potentially higher than the cost of the requested new position

**Business Analysis:** If the new position is not authorized and funded, existing staff would continue to provide legal services to Metropolitan and likely rely on outside counsel to a greater extent. This may impact the time existing staff can devote to certain matters and/or increase overall costs for Metropolitan through increased use of outside counsel.

## Alternatives Considered

Not applicable

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**Applicable Policy**

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Metropolitan Water District Administrative Code Section 6430: Powers and Duties (General Counsel)

Metropolitan Water District Administrative Code Section 6438: Assistant General Counsel and Deputies General Counsel

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

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

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Not applicable

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**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 because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5)).

**CEQA determination for Option #2:**

None required

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**Details and Background**

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**Background**

The General Counsel is the attorney for Metropolitan and is responsible for representing Metropolitan, its Board of Directors, and its officers in legal proceedings and serving as the legal advisor to the Board and officers (Admin. Code Sec. 6430(a) and (b)). The General Counsel may, when authorized to do so by the Board, employ attorneys and others to assist in the performance of these duties (Admin. Code Sec. 6430(d)). This includes Deputy General Counsels (Admin. Code Sec. 6438).

The Office of the General Counsel currently includes 21 attorneys along with other staff. In addition to the General Counsel, the attorney positions are (from higher to lower level) Assistant General Counsel, Principal Deputy General Counsel, Senior Deputy General Counsel, and Deputy General Counsel. The office's one Deputy General Counsel is currently on a maternity leave of absence.

The office handles legal advice and representation in litigation and other legal proceedings in numerous specialized areas of law, including contracts, construction, environmental, finance, real estate, legislative, governance, torts, and labor and employment. The office's attorneys handle this work in part in-house and in part in conjunction with outside counsel. When outside counsel is engaged on a given matter, the office's attorneys still expend time and resources in managing the outside counsel and serving in a co-counsel capacity.

The Office of the General Counsel has experienced an increased workload. The General Counsel reported to the Legal and Claims Committee in September 2025 that Metropolitan has experienced an increase in employment litigation and is currently defending 11 such cases, which is the highest number in Metropolitan's history to the current staff's knowledge. She reported that there are also three open pre-litigation claims and 12 open Hearing Officer appeals. The General Counsel advised the committee that in October 2025, she would be requesting authorization to create a new counsel position to assist with the office's workload, in particular employment litigation.

Three of the office's attorneys spend a significant amount of their time handling employment law work including defending litigation, independently and in conjunction with outside counsel. Two other office attorneys also handle some of this work. Each of these attorneys has other work assignments, including both Assistant General Counsels who assist in managing the office and addressing governance issues. There is insufficient bandwidth among the existing office counsel to handle the current level of employment litigation.

**Requested Action**

The General Counsel requests that the Board authorize the creation of an additional counsel position in the Office of the General Counsel and the funding for the position, due to the increased workload. The new counsel would be assigned to primarily handle employment litigation, along with other assignments to meet the needs of the office in providing legal services to Metropolitan, the Board, and officers. The attorney's work assignments could vary in the future based on changing needs. The General Counsel would endeavor to complete the competitive recruitment for the position in 2025 or early 2026, with the new counsel ideally starting by early 2026.

The requested position would be a Senior Deputy General Counsel or a Deputy General Counsel, based on the level of experience of the best-qualified candidate selected from the competitive recruitment. The current annual salary range for a Senior Deputy General Counsel is \$212,534 to \$278,387, and the annual burdened rate range (salary plus the cost to Metropolitan for benefits) is \$377,866.16 to \$494,972.44. The current annual salary range for a Deputy General Counsel is \$186,077 to \$242,882, and the annual burdened rate range (salary plus the cost to Metropolitan for benefits) is \$330,844.55 to \$431,843.48.

Therefore, the overall initial annual burdened rate range (salary and cost of benefits) for the requested position would range from \$330,844.55 to \$494,972.44, depending on the level of the selected candidate.

The salary and benefits would be subject to future increases comparable to other Metropolitan counsel, including cost-of-living increases and merit increases as applicable. The General Counsel would include the position in future budget requests for the Office of the General Counsel, beginning with the budget for fiscal years 2026/27 and 2027/28 which the Board will consider and adopt in April 2026.

***Project Milestone***

Not applicable

  
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Marcia Scully  
General Counsel

10/6/2025  
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Date