

MINUTES
REGULAR MEETING OF THE
BOARD OF DIRECTORS
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
July 12, 2022

52875 The Board of Directors of The Metropolitan Water District of Southern California met in regular session on Tuesday, July 12, 2022.

Chairwoman Gray called the teleconference meeting to order at 3:03 p.m.

52876 The Meeting was opened with an invocation by Tuannee L. Holmes, Administrative Assistant III, External Affairs.

52877 The Pledge of Allegiance was given by Director Tana L. McCoy, City of Compton.

Chairwoman Gray made remarks regarding Independence Day and Disability Pride Month.

52878 Board Secretary Abdo administered the roll call. Those responding present were: Directors Abdo, Ackerman, Apodaca, Atwater, Blois, Camacho, Cordero, De Jesus, Dennstedt, Dick, Erdman, Faessel, Fellow, Fong-Sakai, Goldberg, Gray, Hawkins, Jung, Kurtz, Lefevre, Luna, McCoy, Miller, Morris, Ortega, Petersen, Peterson, Phan, Pressman, Quinn, Ramos, Record, Repenning, Smith, Sutley, and Tamaribuchi.

Those not responding were: Directors Kassakhian and Williams.

Board Secretary Abdo declared a quorum present.

52879 Chairwoman Gray invited members of the public to address the Board on matters within the Board's jurisdiction.

	Name	Affiliation	Item
1.	Caty Wagner	Sierra Club of California	Release Shaw Law Group Report, Waive Adm. Code
2.	Gina Chavez	Metropolitan Employee	Release Shaw Law Group Report
3.	Ellen Mackey	Ecologist, Leader of the Women's Caucus, and thirty-year Metropolitan Employee	Waive Adm. Code, Release Shaw Law Group Report

Chairwoman Gray addressed the following: Other Matters and Reports.

52880 Chairwoman Gray asked if there were any changes to the report of events attended by Directors at Metropolitan's expense during the month of June as previously posted and distributed to the Board. No amendments were made.

52881 Chairwoman Gray referred to her monthly report, which was previously posted and distributed to the Board. Chairwoman Gray announced pursuant to the board-approved hiring process for the General Auditor recruitment, she is establishing a five-member committee consisting of the Audit and Ethics Committee Chair, one Executive Committee member, and three directors to review applications, conduct initial interviews, and recommend the final applicant to the Board. The five members are:

Director(s)
1. Ramos
2. McCoy
3. Smith
4. Dennstedt
5. Luna

Chairwoman Gray asked if there were any questions. No requests were made.

52882 Regarding matters relating to Metropolitan's operations and activities, General Manager Hagekhalil, reported on the following:

1. Acknowledged Tuannee L. Holmes' second term as the Black Employees Association President.
2. Acknowledged one-year anniversary as Metropolitan's General Manager.
3. Reported on the event with California's Natural Resources Secretary Wade Crowfoot and turf replacement.
4. Reported on AB1845 testimony at the Senate and Finance Committee.
5. Reported that the lower feeder shut down is scheduled for September 6.

6. Announced Patricia (Patti) Arlt, Special Assistant to the General Manager's retirement

52883 Assistant General Counsel Beatty stated she had nothing to add to General Counsel's written report.

52884 Interim General Auditor Tonsick stated he had nothing to add to his report.

52885 Ethics Officer Salinas stated he had nothing to add to his report.

52886 Chairwoman Gray acknowledged Gerald C. Riss for his twenty years of leadership and service to Metropolitan during his term as Metropolitan's General Auditor.

Chairwoman Gray addressed the Consent Calendar Items for July 2022.

Director Camacho moved that the Board approve the Consent Calendar Items 6A, 6B, 6C, and 7-1 through 7-6 as follows:

52887 Chairwoman Gray asked Directors if there were any comments or discussions on the approval of the Minutes of the Regular Meeting for June 14, 2022 (Agenda Item 6A). No comments were made.

52888 Adopt resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan's legislative bodies for a period of 30 days (Agenda Item 6B). Chairwoman Gray asked Directors if there were any comments or discussions on the item. No comments were made.

52889 Authorize preparation of a Commendatory Resolution for Ned Hyde for his service and leadership during his term as General Manager at Palo Verde Irrigation District (Agenda Item 6C). Chairwoman Gray asked Directors if there were any comments or discussions on the item. No comments were made.

52890 Waive applicable provisions of the Administrative Code and authorize the Chair, without approval of the Board, to appoint Members, Chairs, and Vice-Chairs of Committees to fill current vacancies and to stand up the Under Served Communities, Diversity, Equity, and Inclusion and Imported Water Committees established by Board approval on November 23, 2021 (Agenda Item 6D). Chairwoman Gray asked Directors if there were any comments or discussions on the item.

The following Directors asked questions or made comments:

Director(s)

1. Camacho

Staff responded to the Director comments or questions.

Director Camacho moved, seconded by Director DeJesus that the Board approve the Consent Calendar Items 6A, 6B, 6C, 6D, and 7-1 through 7-6 as follows:

The following Directors asked questions or made comments:

	Director(s)
1.	Record
2.	Goldberg
3.	Peterson
4.	Ortega
5.	Repenning
6.	Quinn

Staff responded to the Directors' comments or questions

Chairwoman Gray called for a vote to approve the Consent Calendar Items 6A, 6B, 6C, 6D, and 7-1 through 7-6 without reading for the records minute items 52891 through 52897 (**M.I. 52887 through 52897**).

52891 Approval of Committee Assignments (Agenda Item 6E). There were no committee assignments at this time.

52892 By four-fifths vote amend the current CIP to include planning and implementation of infrastructure projects to replace an expansion joint on the Upper Feeder; and determine that there is a need to continue the emergency action of executing a no-bid contract for installation of a new expansion joint on the Upper Feeder, as set forth in Agenda Item 7-1 board letter.

52893 Adopt the CEQA determination that the proposed action has been previously addressed in the certified 2015 Final EIR, related CEQA actions and Addendum No. 3, and award \$25,972,700 contract to Mladen Buntich Construction Company, Inc. to replace a portion of the interior lining of the Etiwanda Pipeline, as set forth in Agenda Item 7-2 board letter.

52894 Authorize an agreement with Jacobs Engineering Group, Inc. for a not-to-exceed amount of \$700,000 to perform final design for security upgrades at the Jensen plant, as set forth in Agenda Item 7-3 board letter.

52895 Review and consider JCSD's Initial Study/Final MND, MMRP, and four addenda and take related CEQA actions, and authorize the General Manager to enter into a Local Resources Program Agreement with Western Municipal Water District and Jurupa Community Services District for the JCSD Recycled Water Program for up to 500 AFY of recycled water for irrigation use and groundwater recharge in the JCSD service area, as set forth in Agenda Item 7-4 board letter.

52896 Express support, if amended, for AB 2108 (Rivas, D-Hollister and Garcia, D-Bell Gardens), as set forth in Agenda Item 7-5 board letter.

52897 Authorize increase in maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000, as set forth in Agenda Item 7-6.

The following is a record of the vote:

Record of Vote on Consent Item(s):		6A, 6B, 6C, 6D, and 7-1 through 7-6								
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote	
Anaheim	5277	Faessel								
Beverly Hills	4056	Pressman	x	x	4056					
Burbank	2666	Ramos	x	x	2666					
Calleguas Municipal Water District	11552	Blois	x	x	11552					
Central Basin Municipal Water District	17051	Apodaca	x	x	8526					
		Hawkins	x	x	8526					
			Subtotal:		17051					
Compton	553	McCoy	x	x	553					
Eastern Municipal Water District	9492	Record	x	x	9492					
Foothill Municipal Water District	2131	Atwater	x	x	2131					
Fullerton	2255	Jung	x	x	2255					
Glendale	3622	Kassakhian								
Inland Empire Utilities Agency	13433	Camacho	x	x	13433					
Las Virgenes	2741	Peterson	x	x	2741					
Long Beach	5772	Cordero	x	x	5772					
Los Angeles	70689	Sutley	x	x	14138					
		Petersen	x	x	14138					
		Quinn	x	x	14138					
		Luna	x	x	14138					
		Repenning	x	x	14138					
			Subtotal:		70689					
Municipal Water Dist. of Orange County	57264	Ackerman	x	x	14316					
		Tamaribuch	x	x	14316					
		Dick	x	x	14316					
		Erdman	x	x	14316					
			Subtotal:		57264					
Pasadena	3522	Kurtz	x	x	3522					
San Diego County Water Authority	58302	Fong-Sakai	x	x	14576					
		Goldberg	x	x	14576					
		Miller	x	x	14576					
		Smith	x	x	14576					
			Subtotal:		58302					
San Fernando	224	Ortega	x	x	224					
San Marino	730	Morris	x	x	730					
Santa Ana	3035	Phan	x	x	3035					
Santa Monica	4352	Abdo	x	x	4352					
Three Valleys Municipal Water District	7753	De Jesus	x	x	7753					
Torrance	3237	Lefevre	x	x	3237					
Upper San Gabriel Valley Mun. Wat. Dist.	11942	Fellow	x	x	11942					
West Basin Municipal Water District	23608	Williams								
		Gray	x	x	23608					
			Subtotal:		23608					
Western Municipal Water District	12466	Dennstedt	x	x	12466					
Total	337725				328826					
Present and not voting										
Absent	8899									

The motion to approve the Consent Calendar Items 6A, 6B, 6C, 6D, and 7-1 through 7-6 (**M.I. 52887 through 52897**), passed by a vote of 328,826 ayes; 0 noes; 0 abstain; 0 not voting; and 8,899 absent.

***Note: Individual vote tally for Item 6B**

Directors Peterson and Record voted No on Item 6B. The motion to approve the Consent Calendar Item 6B passed by a vote of 316,593 ayes; 12,233 noes; 0 abstain; 0 not voting; and 8,899 absent.

***Note: Individual vote tally for Item 6D**

Director Fong-Sakai abstained on Item 6D. The motion to approve the Consent Calendar Item 6D passed by a vote of 314,251 ayes; 0 noes; 14,576 abstain; 0 not voting; and 8,899 absent.

***Note: Individual vote tally for Item 7-1**

Director Phan recused herself on Item 7-1, due to the fact that PCL Construction, Inc. is a client of her employer Rutan & Tucker, LLP. The motion to approve the Consent Calendar Item 7-1 required a four-fifths vote of the Board, passed by a vote of 325,791 ayes; 0 noes; 0 abstain; 3,035 not voting; and 8,899 absent.

***Note: Individual vote tally for Item 7-4**

Director Dennstedt recused herself on Item 7-4, due to her being a representative for Western Municipal Water District. The motion to approve the Consent Calendar Item 7-4 passed by a vote of 316,360 ayes; 0 noes; 0 abstain; 12,466 not voting; and 8,899 absent.

***Note: Individual vote tally for Item 7-6**

Directors Fong-Sakai, Goldberg, Miller, and Smith recused themselves for Item 7-6; and Director Phan recused herself on Item 7-6, due to the fact that City of Torrance is a client of her employer Rutan & Tucker, LLP. The motion to approve the Consent Calendar Item 7-6 passed by a vote of 267,489 ayes; 0 noes; 0 abstain; 61,337 not voting; and 8,899 absent.

52898 Chairwoman Gray addressed Other Board Items – Action.

Approve public release of documents by Shaw Law Group, PC concerning its investigations of equal employment opportunity complaints by four employees, by waiving the attorney-client privilege and confidentiality in specified documents; the General Manager has determined that 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 a legal claim threatening litigation, there is significant exposure to litigation against Metropolitan: unknown number of potential cases; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)].

Chairwoman Gray called on General Manager Hagekhalil to begin discussion on Agenda Item 8-1.

Chairwoman Gray called the meeting into closed session.

The meeting returned to open session at 5:52 p.m. Chairwoman stated that the Board discussed and conferred with its legal counsel regarding Item 8-1. No action was taken in closed session.

Chairwoman Gray called for a vote on the substitute motion.

Director Camacho moved, seconded by Director Ortega that the Board approve the substitute motion as follows:

Release the Shaw Law Group report fully redacted as determined by counsel.

The following Directors asked questions or made comments:

Director(s)

- | |
|-------------|
| 1. Abdo |
| 2. Fellow |
| 3. Peterson |

Staff responded to the Directors' comments or questions

The following is a record of the vote:

Record of Vote on Item:		8-1 Substitute Motion							
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5277	Faessel							
Beverly Hills	4056	Pressman	x			x	4056		
Burbank	2666	Ramos	x			x	2666		
Calleguas Municipal Water District	11552	Blois	x			x	11552		
Central Basin Municipal Water District	17051	Apodaca	x	x	8526				
		Hawkins	x	x	8526				
			Subtotal:		17051				
Compton	553	McCoy	x			x	553		
Eastern Municipal Water District	9492	Record	x			x	9492		
Foothill Municipal Water District	2131	Atwater	x			x	2131		
Fullerton	2255	Jung	x			x	2255		
Glendale	3622	Kassakhian							
Inland Empire Utilities Agency	13433	Camacho	x	x	13433				
Las Virgenes	2741	Peterson	x			x	2741		
Long Beach	5772	Cordero							
Los Angeles	70689	Sutley	x	x	23563				
		Petersen							
		Quinn							
		Luna	x			x	23563		
		Repenning	x	x	23563				
			Subtotal:		47126		23563		
Municipal Water Dist. of Orange County	57264	Ackerman							
		Tamaribuchi	x			x	19088		
		Dick	x			x	19088		
		Erdman	x			x	19088		
			Subtotal:				57264		
Pasadena	3522	Kurtz	x			x	3522		
San Diego County Water Authority	58302	Fong-Sakai	x	x	14576				
		Goldberg	x	x	14576				
		Miller	x	x	14576				
		Smith	x	x	14576				
			Subtotal:		58302				
San Fernando	224	Ortega	x	x	224				
San Marino	730	Morris	x			x	730		
Santa Ana	3035	Phan							
Santa Monica	4352	Abdo	x	x	4352				
Three Valleys Municipal Water District	7753	De Jesus	x			x	7753		
Torrance	3237	Lefevre	x			x	3237		
Upper San Gabriel Valley Mun. Wat. Dist.	11942	Fellow	x			x	11942		
West Basin Municipal Water District	23608	Williams							
		Gray	x			x	23608		
			Subtotal:				23608		
Western Municipal Water District	12466	Dennstedt	x			x	12466		
Total	337725				140488		179531		
Present and not voting									
Absent	17706								

The substitute motion to approve Item 8-1 failed by a vote of 140,488 ayes; 179,531 noes; 0 abstain; 0 not voting; and 17,706 absent.

The following Directors asked questions or made comments:

Director(s)

1. Ramos
2. Fellow
3. Peterson

Staff responded to the Directors' comments or questions

Chairwoman Gray called for a vote on the original motion.

Director Peterson moved, seconded by Director Fellow that the Board approve the original motion as follows:

Not to release the Shaw Law Group investigation reports; send a letter to staff, post the letter on the website, and send the letter to the press, about why the reports are not being released and anything else to address concerns.

The following is a record of the vote:

Record of Vote on Item:		8-1 Original Motion							
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5277	Faessel							
Beverly Hills	4056	Pressman	x	x	4056				
Burbank	2666	Ramos	x	x	2666				
Calleguas Municipal Water District	11552	Blois	x	x	11552				
Central Basin Municipal Water District	17051	Apodaca	x			x	8526		
		Hawkins	x			x	8526		
			Subtotal:				17051		
Compton	553	McCoy	x	x	553				
Eastern Municipal Water District	9492	Record	x	x	9492				
Foothill Municipal Water District	2131	Atwater	x	x	2131				
Fullerton	2255	Jung	x	x	2255				
Glendale	3622	Kassakhian							
Inland Empire Utilities Agency	13433	Camacho	x			x	13433		
Las Virgenes	2741	Peterson	x	x	2741				
Long Beach	5772	Cordero							
Los Angeles	70689	Sutley	x			x	23563		
		Petersen							
		Quinn							
		Luna	x	x	23563				
		Repenning	x			x	23563		
			Subtotal:		23563		47126		
Municipal Water Dist. of Orange County	57264	Ackerman							
		Tamaribuchi	x	x	19088				
		Dick	x	x	19088				
		Erdman	x	x	19088				
			Subtotal:		57264				
Pasadena	3522	Kurtz	x	x	3522				
San Diego County Water Authority	58302	Fong-Sakai	x			x	14576		
		Goldberg	x			x	14576		
		Miller	x			x	14576		
		Smith	x			x	14576		
			Subtotal:				58302		
San Fernando	224	Ortega	x			x	224		
San Marino	730	Morris	x	x	730				
Santa Ana	3035	Phan							
Santa Monica	4352	Abdo	x			x	4352		
Three Valleys Municipal Water District	7753	De Jesus	x	x	7753				
Torrance	3237	Lefevre	x	x	3237				
Upper San Gabriel Valley Mun. Wat. Dist.	11942	Fellow	x	x	11942				
West Basin Municipal Water District	23608	Williams							
		Gray	x	x	23608				
			Subtotal:		23608				
Western Municipal Water District	12466	Dennstedt	x	x	12466				
Total	337725				179531		140488		
Present and not voting									
Absent	17706								

The original motion to approve Item 8-1 passed by a vote of 179,531 ayes; 140,488 noes; 0 abstain; 0 not voting; and 17,706 absent.

Chairwoman clarified that the board approved the whole consent calendar items for action; and displayed the votes again for the board members to confirm, including recusals/Nos/abstentions to ensure accuracy.

52899 Chairwoman Gray asked if there were questions or need for discussion for Board Information Item 9-1. No requests were made.

52900 Chairwoman Gray asked if there were any Follow-up Items. No requests were made.

52901 Chairwoman Gray asked if there were any Other Matters. No requests were made.

52902 Chairwoman Gray asked if there were any Follow-up Items. No requests were made.

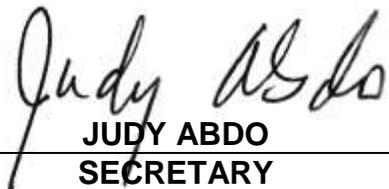
Director Peterson asked as a point of privilege if the Board could adjourn the meeting in memory of Ms. Tubbs. Brian Tubbs' mother passed away this month.

Director Kurtz asked if the Admin Code could be reviewed to examine the need for standing committees to meet monthly due to the number of standing committees Metropolitan now has. She requested that the General Manager and Executive staff decide what meetings are needed rather than the board dictating what meetings need to be held monthly. Chairwoman Gray responded that the Admin Code had language that already addressed the meeting frequency but that staff would check if that was not the case.

52903 Chairwoman Gray asked if there were any future agenda items. No requests were made.

52904 There being no objection, at 6:17 p.m. Chairwoman Gray adjourned the meeting.


GLORIA D. GRAY
CHAIRWOMAN


JUDY ABDO
SECRETARY