

# The Metropolitan Water District of Southern California

# Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

## Board of Directors - Final - Revised 2

October 10, 2023

1:00 PM

Tuesday, October 10, 2023 Meeting Schedule
08:30 a.m. L&C 10:30 a.m. FAIRP 12:30 p.m. Break 01:00 p.m. BOD 02:30 p.m. Bay-Delta

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>

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MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

Teleconference Locations:

City of Fullerton City Hall • 303 W. Commonwealth Avenue • Fullerton, CA 92832

20 Civic Center Plaza • Santa Ana CA 92701

3008 W. 82nd Place • Inglewood, CA 90305

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## 1. Call to Order

- a. Invocation: Director Martin Miller, San Diego County Water Authority
- b. Pledge of Allegiance: Director Cynthia Kurtz, City of Pasadena

## 2. Roll Call

## 3. Determination of a Quorum

## 4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code §54954.3(a))

## 5. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense

[21-2492](#)

**Attachments:** [10102023 BOD 5A Report](#)

- B. Chair's Monthly Activity Report [21-2493](#)  
**Attachments:** [10102023 BOD 5B Report](#)  
[10102023 BOD 5B Supplemental Report](#)
- C. General Manager's summary of activities [21-2494](#)  
**Attachments:** [10102023 BOD 5C Report](#)
- D. General Counsel's summary of activities [21-2495](#)  
**Attachments:** [10102023 BOD 5D Report](#)
- E. General Auditor's summary of activities [21-2496](#)  
**Attachments:** [10102023 BOD 5E Report](#)
- F. Ethics Officer's summary of activities [21-2497](#)  
**Attachments:** [10102023 BOD 5F Report](#)

**\*\* CONSENT CALENDAR ITEMS -- ACTION \*\***

**6. CONSENT CALENDAR OTHER ITEMS - ACTION**

- A. Approval of the Minutes of the Board of Directors Meeting for September 12, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-2498](#)  
**Attachments:** [10102023 BOD 6A \(09122023\) Minutes](#)
- B. Approve Committee Assignments
- C. Nomination and Election of nonofficer member of the Executive Committee for the remaining two-year term effective October 10, 2023 and ending at the January 2025 Board Meeting. [ADDED ITEM 10/4/2023] [21-2742](#)

**7. CONSENT CALENDAR ITEMS - ACTION**

- 7-1** Amend the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include development of a multi-benefit landscape project on Webb Tract and authorize professional service agreements with: (1) GEI Consultants Inc. in an amount not to exceed \$1.5 million; and (2) Environmental Science Associates in an amount not to exceed \$980,000; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EOT) **[21-2668](#)**
- Attachments:** [10102023 EOT 7-1 B-L](#)  
[10102023 EOT 7-1 Presentation](#)
- 7-2** Authorize an agreement with Black & Veatch Corporation in an amount not to exceed \$750,000 for design of new access platforms to facilitate maintenance activities on the main pumps at the five Colorado River Aqueduct pumping plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **[21-2669](#)**
- Attachments:** [10102023 EOT 7-2 B-L](#)  
[10102023 EOT 7-2 Presentation](#)
- 7-3** Award a \$4,400,000 construction contract to Bosco Constructors Inc. for San Diego Canal Concrete Liner Rehabilitation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **[21-2670](#)**
- Attachments:** [10102023 EOT 7-3 B-L](#)  
[10102023 EOT 7-3 Presentation](#)
- 7-4** Authorize up to \$6 million in additional funding for member agency studies and research under the Future Supply Actions Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [SUBJECT REVISED 10/2/2023] (OWS) **[21-2676](#)**
- Attachments:** [10102023 OWS 7-4 B-L](#)  
[10102023 OWS 7-4 Presentation](#)

- 7-5** Authorize of Cost-of-Living Adjustment for General Auditor; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [REVISED BOARD LETTER NUMBER 10/4/23] (EOP) [21-2730](#)

**Attachments:** [10102023 EOP 7-5 B-L](#)  
[10102023 EOP 7-5 Presentation](#)

**\*\* END OF CONSENT CALENDAR ITEMS \*\***

**8. OTHER BOARD ITEMS - ACTION**

- 8-1** Report on legal claims alleging equal employment opportunity violations; and authorize an increase in the maximum amount payable under two contracts for legal services with Seyfarth Shaw LLP as follows: Agreement No. 201897 by \$150,000 to an amount not to exceed \$350,000, and Agreement No. 203454 by \$50,000 to an amount not to exceed \$210,000; 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 of receipt of two legal claims threatening litigation, 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)] (LC) [21-2694](#)
- 8-2** Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$350,000 for a total amount not to exceed \$750,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-2712](#)

- 8-3** Receive report on litigation in In re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, and provide direction on response to proposed settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)]. [REVISED SUBJECT 10/6/23] (LC) [21-2664](#)

**Attachments:** [10102023 LC 8-3 B-L](#)  
[10102023 LC 8-3 Presentation](#)

- 8-4** Express support for the goals of the Climate Mayors Colorado River Conservation Working Group and, by two-thirds vote, approve a financial sponsorship of \$50,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. [REVISED SUBJECT 10/4/2023] (OWS) [21-2677](#)

**Attachments:** [10102023 OWS 8-4 B-L](#)  
[10102023 OWS 8-4 Presentation](#)

## **9. BOARD INFORMATION ITEMS**

- 9-1** Conservation Program Board Report [21-2499](#)

**Attachments:** [10102023 9-1 B-L](#)

- 9-2** Compliance with Fund Requirements and Bond Indenture Provisions (FAIRP) [21-2696](#)

**Attachments:** [10102023 FAIRP 9-2 B-L](#)

- 9-3** Update on review of desalination technologies for potential water supply augmentation (EOT) [21-2671](#)

**Attachments:** [10102023 EOT 9-3 B-L](#)  
[10102023 EOT 9-3 Presentation](#)

## **10. OTHER MATTERS**

NONE

## **11. FOLLOW-UP ITEMS**

NONE

## **12. FUTURE AGENDA ITEMS**

## **13. ADJOURNMENT**

**NOTE:** Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item, e.g. (EOT). Board agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.