



Regular Board Meeting - Final - Revised 1

August 17, 2021

12:00 PM

Tuesday, August 17, 2021 Meeting Schedule
09:00 a.m. - Adj. L&C
10:30 a.m. - Adj. RP&AM
11:30 a.m. - Break
12:00 p.m. - Adj. Board

Live streaming is available for all board and committee meetings on our mwdh2o.com website ([Click to Access Board Meetings Page](#))

Public Comment Via Teleconference Only: Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (404) 400-0335 and use Code: 9601962.

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

1. Call to Order

- 1.1 Invocation: Jeany Wong, Sr Engineer, Engineering Services Group
- 1.2 Pledge of Allegiance: Director Repenning, City of Los Angeles

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))

- a. Tanya Trujillo, Department of the Interior Assistant Secretary for Water and Science [Item Added 8/11/2021] [21-398](#)

5. OTHER MATTERS AND REPORTS

- A. Report on Directors' events attended at Metropolitan expense [21-349](#)

Attachments: [08172021 BOD 5A Report](#)

- B. Chairwoman's Monthly Activity Report [21-350](#)

- C. General Manager's report of Metropolitan activities [21-239](#)

Attachments: [08172021 BOD 5C Report](#)

- D. General Counsel's summary of activities [21-351](#)
Attachments: [08172021 BOD 5D Report](#)
- E. General Auditor's summary of activities [21-352](#)
Attachments: [08172021 BOD 5E Report](#)
- F. Ethics Officer's summary of activities [21-353](#)
Attachments: [08172021 BOD 5F Report](#)
- G. Report on list of certified assessed valuations for fiscal year 2021/22 and tabulation of assessed valuations, percentage participation, and vote entitlement of member agencies as of August 17, 2021 (FI) [21-326](#)
Attachments: [08172021 FI 5G B-L.pdf](#)
[08162021 FI 5G Presentation.pdf](#)

**** CONSENT CALENDAR OTHER ITEMS -- ACTION ****

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Meeting for July 13, 2021 (Copies have been submitted to each Director) Any additions, corrections, or omissions [21-331](#)
Attachments: [BOD July 13 Approved minutes](#)
- B. Authorize preparation of Commendatory Resolution for Jeff Kightlinger for his service and leadership during his term as General Manager of The Metropolitan Water District of Southern California [21-383](#)
- C. Approve Committee Assignments

7. CONSENT CALENDAR ITEMS - ACTION

- 7-1** Adopt resolution establishing the tax rate for fiscal year 2021/22; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FI) [21-321](#)
- Attachments:** [08162021 FI 7-1 Presentation.pdf](#)
[08172021 FI 7-1 B-L.pdf](#)
[SDCWA letter re 7-1 8-17-2021](#)
[Resolution 9284](#)
- 7-2** Award a \$492,440 procurement contract to Royal Industrial Solutions for equipment to upgrade the ozone control system at the Henry J. Mills Water Treatment Plant and authorize an agreement with Suez Treatment Solutions, Inc. in an amount not to exceed \$430,000 for specialized technical assistance to support the upgrade; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO) [21-330](#)
- Attachments:** [08172021 EO 7-2 B-L.pdf](#)
[08172021 EO 7-2 Presentation.pdf](#)
- 7-3** Authorize an agreement with CDM Smith, Inc., in an amount not to exceed \$2.75 million, for support of engineering and technical studies at the advanced water treatment demonstration facility; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO) [21-337](#)
- Attachments:** [08172021 EO 7-3 B-L.pdf](#)
[08172021 EO 7-3 Presentation.pdf](#)
- 7-4** Approve Metropolitan's annual membership in the U.S. Water Alliance and authorize payment of \$18,500, and approve Metropolitan's annual membership in Water Education for Latino Leaders and authorize payment of \$25,000; the General Manager determined that the proposed action is exempt or otherwise not subject to CEQA (CL) [21-332](#)
- Attachments:** [08172021 CL 7-4 B-L.pdf](#)
[08172021 CL 7-4 Presentation.pdf](#)

- 7-5** Adopt resolution to declare a “Condition 2 - Water Supply Alert”; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Subject Revised 8/10/2021] (WPS) [21-385](#)
- Attachments:** [08172021 WPS 7-5 B-L](#)
[08172021 WPS 7-5 Presentation.pdf](#)
- 7-6** Authorize agreement with the United States Geological Survey for \$357,000 to evaluate existing ponds on Metropolitan’s Delta islands for their potential to assist in preserving Delta smelt; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (WPS) [21-387](#)
- Attachments:** [08172021 WPS 7-6 B-L.pdf](#)
[08172021 WPS 7-6 Presentation.pdf](#)
- 7-7** Authorize the General Manager to enter into a ten-year agreement with Urban Park Concessionaires to operate and maintain the marina facility at Diamond Valley Lake in the City of Hemet; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (RPAM) [21-334](#)
- Attachments:** [08172021 RPAM 7-7 B-L.pdf](#)
[08172021 RPAM 7-7 Presentation.pdf](#)
- 7-8** Adopt amendment to the Administrative Code establishing Metropolitan-specific parliamentary procedures; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [20-175](#)
- 7-9** Report on existing litigation OHL USA, Inc. v. The Metropolitan Water District of Southern California, Los Angeles Superior Court Case No. 19STCV27689; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-333](#)
[Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]
[Posting Separately] (LC)

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

8. OTHER BOARD ITEMS - ACTION

- 8-1** Discussion of recommendations from Shaw Law Group's independent review of allegations of systemic Equal Employment Opportunity-related discrimination, harassment and retaliation, and related concerns; adopt recommendations as presented or with modifications and direct General Manager to implement the recommendations; authorize an increase in the maximum amount payable under contract with Shaw Law Group by \$25,000 to an amount not to exceed \$575,000 for follow-up requests; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Added Item on 8/11/2021] (OPT) **[21-395](#)**

Attachments: [08172021 OPT 8-1 B-L.pdf](#)
[08162021 OPT 8-1 Presentation.pdf](#)

9. BOARD INFORMATION ITEMS

- 9-1** Update on Conservation Program **[21-354](#)**

Attachments: [08172021 BOD 9-1 Report.pdf](#)

10. OTHER MATTERS

- 10-1** Update on Proposed Voluntary Agreements for Delta Operations and on CDWR Water Operations Cases, Sacramento County Superior Court, Case No. JCCP 5117, which includes the following eight cases: The Metropolitan Water Dist. of S. Cal., et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG01347; State Water Contractors, et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG1302; San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al., Fresno County Superior Ct. Case No. 20CECG01556; Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources, Fresno County Superior Ct. Case No. 20CECG01303; Sierra Club, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517120; North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517078; Central Delta Water Agency, et al. v. Calif. Dept. of Water Resources, Sacramento County Superior Ct. Case No. 34-2020-80003368; and San Francisco Baykeeper et al. v. Calif. Dept. of Water Resources, et al., Alameda County Superior Ct. Case No. RG20063682; and report on Pacific Coast Federation of Fishermens Assns., et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00431-DAD-SAB and Calif. Natural Resources Agency, et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00426-DAD-SKO [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]. [Added Item on 8/12/2021]

[21-401](#)

Attachments: [08172021 Board 10-1 Presentation.pdf](#)
[NGO letter to MWD re 10-1 8-16-2021](#)

- 10-2** Discussion of Department Head Evaluation Process Guidelines and Department Head Evaluation Presentations [Public employee's performance evaluations; General Counsel, General Auditor, and Ethics Officer, to be heard in closed session pursuant to Gov. Code Section 54957] **21-370**

11. FOLLOW-UP ITEMS

None

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE:

At the discretion of the Board, all items appearing on this agenda and all committee agendas, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

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. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

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 Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.