

**MINUTES**  
**REGULAR MEETING OF THE**  
**BOARD OF DIRECTORS**  
**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**  
**November 8, 2022**

**52995** The Board of Directors of The Metropolitan Water District of Southern California met in a regular session on Tuesday, November 08, 2022.

Vice Chair Jung called the hybrid in-person and teleconference meeting to order at 12:00 p.m.

**52996** The Meeting was opened with an invocation by Wigs Mendoza, Program Manager II, Diversity, Equity & Inclusion provided the invocation on behalf of Jaime C. Paz, Associate Environmental Specialist Water System Operations Group.

**52997** The Pledge of Allegiance was given by Director John T. Morris, City of San Marino.

Vice Chair Jung and the Board observed a moment of silence in honor of Director Hawkins and Chairman Emeritus Pace, both of who recently passed away.

**52998** 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, Jung, Kassakhian, Kurtz, Luna, McCoy, Miller, Morris, Ortega, Peterson, Phan, Pressman, Quinn, Ramos, Record, Repenning, Smith, Sutley, Tamaribuchi, and Williams.

Those not responding were: Chairwoman Gray.

Directors entered the meeting after the roll call Lefevre and Petersen.

Board Secretary Abdo declared a quorum present.

**52999** Vice Chair Jung invited members of the public to address the Board on matters within the Board's jurisdiction (in-person and via teleconference). There were none.

**53000** Member Agency Overview by Craig J. Parker, Acting Assistant General Manager, Water Services at Anaheim Public Utilities.

Director Faessel introduced Craig J. Parker, Acting Assistant General Manager, Water Services at Anaheim Public Utilities.

Board Secretary Rosa Castro announced that the next vote for the AB361 remote

meeting resolution will take place at the Special Board meeting scheduled for December 12, 2022 due to the fact that there are more than 30 days between board meetings.

Director Petersen entered the meeting.

Vice Chair Jung addressed the following: Other Matters and Reports.

**53001** Vice Chair Jung asked if there were any changes to the report of events attended by Directors at Metropolitan's expense during the month of October, as previously posted and distributed to the Board. Vice Chair Jung asked the Directors if there were any corrections on the item. No amendments were made.

**53002** Vice Chair Jung referred to Chairwoman's monthly report, which was previously posted and distributed to the Board. Vice Chair Jung asked Directors if there were any questions on the item. No comments were made.

**53003** Regarding matters relating to Metropolitan's operations and activities, General Manager Hagekhalil, reported on the following:

1. Offered condolences to the family and friends of late Director Hawkins and Chairman Emeritus Pace;
2. Reported Engineering and Operations Inspection Trip with Directors;
3. Updated on the Delta Stewardship Council meeting;
4. Updated on the Delta Conveyance Project; and
5. Reminded everyone to exercise their right to vote.

**53004** General Counsel Scully stated she had nothing to add to her written report.

**53005** Deputy General Interim Auditor Tonsick stated he had nothing to add to his written report.

**53006** Ethics Officer Salinas stated he had nothing to add to his written report.

**53007** Report from Executive Committee on nominations for Board Secretary. Executive Committee Approved Nominees Directors Fong-Sakai and Pressman.

Vice Chair Jung addressed the Consent Calendar Items for November 2022.

Vice Chair Jung announced that Agenda Item 6B would be heard and voted on separately after the consent calendar.

**53008** Vice Chair Jung asked Directors if there were any comments or discussion on the Approval of the Minutes of the Board of Directors Regular Meeting for October 11, 2022 (Copies have been submitted to each Director) (Any additions, corrections, or omissions) (Agenda Item 6A). No comments were made.

**53009** Approval of Committee Assignments (Agenda Item 6C). There were no committee assignments at this time.

Vice Chair Jung addressed the Consent Calendar Items for November 2022.

Vice Chair Jung asked the Directors if they wanted to discuss Agenda Item 7-7 in closed session. No requests were made.

Director Ortega entered the meeting.

Vice Chair Jung called on the Committee Chairs to give a report on Consent Calendar Action Items as discussed at their Committees.

**53010** Approve recommended amendments to Administrative Code Sections 2131 and 2416, as set forth in Attachment 1 and Attachment 2 of the Board letter, and approve Equal Employment Opportunity Investigative Procedures for the Board and its direct reports, as set forth in Agenda Item 7-1 board letter.

**53011** Ratify an emergency contract with PCL Construction, Inc. in the amount of \$855,623.78 for replacement of the expansion joint on the Upper Feeder pipeline at the Santa Ana River bridge crossing, as set forth in Agenda Item 7-2 board letter. [Required a four-fifths vote of the Board.]

**53012** Award a \$1,228,607.10 contract to Howard Ridley Company, Inc. to rehabilitate the concrete liner of the Rainbow Tunnel at ten locations, as set forth in Agenda Item 7-3 board letter.

Agenda Item 7-4 board letter was withdrawn from the agenda.

**53013** Adopt CEQA determination that the environmental effects of the East County Advanced Water Purification Local Resources project that is the subject of the proposed action was previously addressed in Padre Dam Municipal Water District's Mitigated Negative Declaration and related CEQA actions and that no further CEQA review is required, and authorize the General Manager to amend the existing Local Resources Program agreement with SDCWA and East County Advanced Water Purification Joint Powers Authority for the East County Advanced Water Purification Project, as set forth in Agenda Item 7-5 board letter.

**53014** Award an \$820,852.53 procurement contract to Whipps, Inc. to furnish three slide gates and appurtenances to rehabilitate the San Jacinto Diversion Structure, as set forth in Agenda Item 7-6 board letter.

**53015** Authorize an increase in the maximum amount payable under the contract for legal services with Horvitz & Levy, LLP in the San Diego California Water District v. Metropolitan, et al. rate litigation in the amount of \$350,000 for a total amount not to exceed \$1,250,000; and authorize an increase in the maximum amount payable under the contract for consulting services with Cogent Legal, LLC in the rate litigation in the amount of \$100,000 for a total amount not to exceed \$150,000, as set forth in Agenda Item 7-7.

Director Goldberg disclosed for the record she receives per diem and expense reimbursement from San Diego California Water District for serving as their representative on Metropolitan Board, but that she will vote on Item 7-5. She will recuse herself from voting on Item 7-7 along with San Diego County Water Authority members.

Director Miller reiterate what Director Goldberg stated and will recuse himself for Item 7-5 and Item 7-7.

Director Fong-Sakai reiterate what Director Goldberg stated and will recuse herself for Item 7-5 and Item 7-7.

Director Phan recused herself on Item 7-2 as PCL Construction, Inc. is a client of her employer Rutan & Tucker, LLP; she does not work on the matter, and recusal on Item 7-7 City of Torrance are a client of her employer Rutan & Tucker, LLP.

Director Smith will recuse himself for Item 7-5 and Item 7-7.

Vice Chair Jung called for a vote to approve the Consent Calendar Items 6A, 7-1 through 7-3, and 7-5 through 7-7 **(M.I. 53008, 53010 through 53015)**.

Director Morris moved, seconded by Director Peterson that the Board approve the Consent Calendar Items 6A, 7-1 through 7-3, and 7-5 through 7-7 as follows:

The following is a record of the vote:

Record of Vote on Consent Item(s): 6A, 7-1 through 7-3, and 7-5 through 7-7									
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5627	Faessel	x	x	5627				
Beverly Hills	4267	Pressman	x	x	4267				
Burbank	2893	Ramos	x	x	2893				
Calleguas Municipal Water District	12368	Blois	x	x	12368				
Central Basin Municipal Water District	18216	Apodaca	x	x	18216				
		Vacant							
			Subtotal:		18216				
Compton	599	McCoy	x	x	599				
Eastern Municipal Water District	10502	Record	x	x	10502				
Foothill Municipal Water District	2290	Atwater	x	x	2290				
Fullerton	2390	Jung	x	x	2390				
Glendale	3814	Kassakhian	x	x	3814				
Inland Empire Utilities Agency	14663	Camacho	x	x	14663				
Las Virgenes	2927	Peterson	x	x	2927				
Long Beach	6151	Cordero	x	x	6151				
Los Angeles	75699	Sutley	x	x	15140				
		Petersen	x	x	15140				
		Quinn	x	x	15140				
		Luna	x	x	15140				
		Repenning	x	x	15140				
			Subtotal:		75699				
Municipal Water Dist. of Orange County	60913	Ackerman	x	x	15228				
		Tamaribuchi	x	x	15228				
		Dick	x	x	15228				
		Erdman	x	x	15228				
			Subtotal:		60913				
Pasadena	3716	Kurtz	x	x	3716				
San Diego County Water Authority	63232	Fong-Sakai	x	x	15808				
		Goldberg	x	x	15808				
		Miller	x	x	15808				
		Smith	x	x	15808				
			Subtotal:		63232				
San Fernando	238	Ortega	x	x	238				
San Marino	770	Morris	x	x	770				
Santa Ana	3228	Phan	x	x	3228				
Santa Monica	4619	Abdo	x	x	4619				
Three Valleys Municipal Water District	8254	De Jesus	x	x	8254				
Torrance	3416	Lefevre	x	x	3416				
Upper San Gabriel Valley Mun. Wat. Dis	12688	Fellow	x	x	12688				
West Basin Municipal Water District	25453	Williams							
		Gray							
			Subtotal:						
Western Municipal Water District	13541	Dennstedt	x	x	13541				
<b>Total</b>	<b>362474</b>				<b>337021</b>				
<b>Present and not voting</b>									
<b>Absent</b>	<b>25453</b>								

The motion to approve the Consent Calendar Items 6A, 7-1 through 7-3, and 7-5 through 7-7 (**M.I. 53008, 53010 through 53015**)\* passed by a vote of 337,021 ayes; 0 noes; 0 abstain; 0 not voting; and 25,453 absent.

**\*Note: Individual vote tally for Item 7-2**

Director Phan recused herself on Item 7-2 as PCL Construction, Inc. is a client of her employer Rutan & Tucker, LLP. Four-fifths vote of the Board is required.

The motion to approve the Consent Calendar Item 7-2 passed by a vote of 333,793 ayes; 0 noes; 0 abstain; 3,228 not voting; and 25,453 absent.

**\*Note: Individual vote tally for Item 7-5**

Directors Miller, Fong-Sakai, and Smith recused themselves on Item 7-5 as they receive per diem from San Diego California Water District. The motion to approve the Consent Calendar Item 7-5 passed by a vote of 337,021 ayes; 0 noes; 0 abstain; 0 not voting; and 25,453 absent.

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

Director Phan recused herself on Item 7-7 as the City of Torrance is a client of her employer Rutan & Tucker, LLP. Directors Fong-Sakai, Goldberg, Miller, and Smith recused themselves on Item 7-7. The motion to approve the Consent Calendar Items 7-7 passed by a vote of 270,561 ayes; 0 noes; 0 abstain; 66,460 not voting; and 25,453 absent.

**53016** Nomination and Election for Board Secretary for two-year term effective January 1, 2023.

Vice Chair Jung announced he will be conducting the nomination and election for Board Secretary for a two-year term effective January 1, 2023. The Executive Committee approved Director Fong-Sakai and Director Pressman's Nominations.

Vice Chair Jung asked are there any nominations from the Floor?

Director Pressman withdrew his candidacy for Board Secretary.

Director Blois nominated Director Dennstedt for Board Secretary. Director Dennstedt accepted the nomination.

Directors Dennstedt and Fong-Sakai made opening statements.

The following Directors asked questions or made comments:

Director(s)
1. Peterson
2. Luna
3. Repenning
4. Sutley
5. Dick

Staff and Directors Dennstedt and Fong-Sakai responded to the Directors comments or questions.

Vice Chair Jung called for a vote to approve Item 6B (M.I. 53016).

The following is a record of the vote:

Record of Vote on Item:		6B							
Member Agency	Total Votes	Director	Present	Dennstedt	Dennstedt Vote	Fong-Sakai	Fong-Sakai Vote	Abstain	Abstain Vote
Anaheim	5627	Faessel	x			x	5627		
Beverly Hills	4267	Pressman	x			x	4267		
Burbank	2893	Ramos	x			x	2893		
Calleguas Municipal Water District	12368	Blois	x	x	12368				
Central Basin Municipal Water District	18216	Apodaca	x			x	18216		
		Vacant							
		Subtotal:					18216		
Compton	599	McCoy	x	x	599				
Eastern Municipal Water District	10502	Record	x	x	10502				
Foothill Municipal Water District	2290	Atwater	x			x	2290		
Fullerton	2390	Jung	x			x	2390		
Glendale	3814	Kassakhian	x			x	3814		
Inland Empire Utilities Agency	14663	Camacho	x			x	14663		
Las Virgenes	2927	Peterson	x			x	2927		
Long Beach	6151	Cordero	x			x	6151		
Los Angeles	75699	Sutley	x			x	15140		
		Petersen	x			x	15140		
		Quinn	x			x	15140		
		Luna	x			x	15140		
		Repenning	x			x	15140		
		Subtotal:					75699		
Municipal Water Dist. of Orange County	60913	Ackerman	x	x	15228				
		Tamaribuchi	x	x	15228				
		Dick	x	x	15228				
		Erdman	x	x	15228				
		Subtotal:			60913				
Pasadena	3716	Kurtz	x						
San Diego County Water Authority	63232	Fong-Sakai	x			x	15808		
		Goldberg	x			x	15808		
		Miller	x			x	15808		
		Smith	x			x	15808		
		Subtotal:					63232		
San Fernando	238	Ortega	x			x	238		
San Marino	770	Morris	x			x	770		
Santa Ana	3228	Phan	x			x	3228		
Santa Monica	4619	Abdo	x			x	4619		
Three Valleys Municipal Water District	8254	De Jesus	x			x	8254		
Torrance	3416	Lefevre	x			x	3416		
Upper San Gabriel Valley Mun. Wat. Dist	12688	Fellow	x			x	12688		
West Basin Municipal Water District	25453	Williams							
		Gray							
		Subtotal:							
Western Municipal Water District	13541	Dennstedt	x	x	13541				
<b>Total</b>	<b>362474</b>				<b>97923</b>		<b>235382</b>		
<b>Present and not voting</b>	<b>3716</b>								
<b>Absent</b>	<b>25453</b>								
	7.02%				27.02%		64.94%		0.00%

Director Fong-Sakai was elected Board Secretary for a two-year term beginning January 1, 2023; with 235,382 (64.94%) votes.

**53017** Vice Chair Jung announced there were no Other Board Items for action

**53018** Vice Chair Jung asked if there were questions or need for discussion for Board Information Items 9-1 and 9-2. No requests were made.

**53019** Vice Chair Jung indicated that Items 10-1, 10-2, and 10-3 have been deferred to next month.

**53020** AB 1234 Ethics Biennial Training.

Abel Salinas, Ethics Officer, introduced Christoper S. Frederick, Associate with Liebert Cassidy Whitmore, to present the Item.

The following Directors asked questions or made comments:

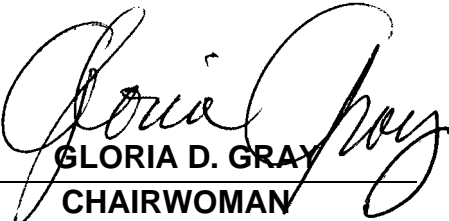
	Director(s)
1.	Faessel
2.	Smith
3.	Quinn
4.	Fellow
5.	Luna

Staff and Christopher S. Frederick responded to the Directors comments or questions.

**53021** Vice Chair Jung asked if there were any Follow-up Items. There were none.

**53022** Vice Chair Jung asked if there were any Future Agenda Items. There were none.

**53023** There being no objection, at 3:10 p.m., Vice Chair Jung adjourned the meeting in honor of two water industry leaders who passed away this past week, Chairman Emeritus Phil Pace and Director Phil Hawkins.

  
GLORIA D. GRAY  
CHAIRWOMAN

  
JUDY ABDO  
SECRETARY