

MINUTES
REGULAR MEETING OF THE
BOARD OF DIRECTORS
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
April 11, 2023

53195 The Board of Directors of The Metropolitan Water District of Southern California met in a regular session on Tuesday, April 11, 2023.

Chair Ortega called the meeting to order at 12:01 p.m.

Chair Ortega requested Directors participating in the meeting utilizing AB2449 to state their presence and the circumstances.

Director Erdman announced he would use “Just Cause” to participate in the meeting due to medical reasons (illness).

Director Gray announced she was attending the meeting online (from a teleconference location).

Director Repenning announced she would use “Just Cause” to participate in the meeting due to a contagious illness.

Invocation: Director Arturo Chacon, Central Basin Municipal Water District, was unable to attend the Board meeting to present the invocation.

53196 The Pledge of Allegiance was given by Director Brenda Dennstedt, Western Municipal Water District of Riverside County.

Chair Ortega announced that Metropolitan would be hosting the Colorado River Board for a Pure Water Southern California demonstration facility tour on April 12, 2023, directors wishing to attend the event should notify the General Manager’s office.

The Metropolitan inaugural One Water Awards ceremony will recognize six outstanding participants of Metropolitan’s Water Savings Incentive Program in the commercial, industrial, and institutional sectors on May 22, 2023.

Metropolitan will celebrate Armenian History Month in collaboration with the Armenian Employee Resource Group. Lastly, May is water awareness month, and Metropolitan will have activities with water agencies and the community to highlight the importance of our water resources, conservation, water access, and equity.

53197 Board Secretary Fong-Sakai administered the roll call. Those responding present were: Directors Abdo, Ackerman, Alvarez, Armstrong, Atwater (teleconference posted location), Camacho, De Jesus, Dennstedt, Dick, Erdman (AB 2449), Faessel, Fellow, Fong-Sakai (teleconference posted location), Garza, Gray (teleconference posted location), Jung, Kurtz, Lefevre, Luna, McMillan, Miller, Morris, Ortega, Petersen, Peterson, Phan (teleconference posted location), Pressman, Ramos, Repenning (AB 2449), Seckel, and Sutley.

Those not responding were: Director Chacon, Cordero, Goldberg, McCoy, and Smith.

Directors entered the meeting after the roll call Kassakhian and Quinn.

Board Secretary Fong-Sakai declared a quorum present.

53198 Chair Ortega invited members of the public to address the Board on matters within the Board's jurisdiction (in-person and via teleconference).

| | Name | Affiliation | Item |
|-----|---------------------------------|--|---------------|
| 1. | Mark Gold | Director of Water Scarcity Solutions, NRDC | Item 7-14 |
| 2. | Maura Monagan | LA Waterkeeper | Item 7-14 |
| 3. | Caty Wagner | Sierra Club California | Item 7-14 |
| 4. | Darrell Goode | NAACP | Investigation |
| 5. | Dr. James Thomas | San Fernando Valley NAACP | Investigation |
| 6. | Latricia Mitchell | Los Angeles NAACP Yield time to Darrell Goode | Investigation |
| 7. | Dr. Janet Clark | NAACP, Yield time to Darrell Goode | Investigation |
| 8. | Jason Shepard | Vice President, Santa/Monica Venice NAACP | Investigation |
| 9. | Britney Davis | Los Angeles County resident | Investigation |
| 10. | Bill Neman | Sierra Club | Item 7-14 |
| 11. | Valeria (no last name provided) | Palisades Resident | Item 7-14 |

12. Shita Morsche Palisades, CA Resident Item 7-14

Chair Ortega addressed the following: Other Matters and Reports.

53199 Chair Ortega asked if there were any changes to the report of events attended by Directors at Metropolitan's expense during the month of March, as previously posted and distributed to the Board. Chair Ortega asked the Directors if there were any corrections on the item. No amendments were made.

53200 Chair Ortega referred to Chair's monthly report, which was previously posted and distributed to the Board. In addition, Chair Ortega reported on the following:

1. Update on the boardroom seating chart.

Chair Ortega asked the Directors if there were any questions on the item. No comments were made.

53201 General Manager Hagekhalil referred to the General Manager's monthly report, which was previously posted and distributed to the Board. In addition, General Manager Hagekhalil reported on the following:

1. Update on the Colorado River and the trips to Washington D.C. and Sacramento and meeting with Congressional Staff to share specifics on Metropolitan's position and expand the knowledge on the issues surrounding the Colorado River.
2. Update on the Bureau Reclamation SEIS report.
3. Update on the state water-dependent areas.
4. Update on Metropolitan safety issues and Metropolitan is in the process of implementing the recommendations of the safety council
5. Welcome and introduction of Jay L. Jefferson, II, Executive Legislative Representation External Affairs.
6. Update on the State Audit.

Directors Kassakhian and Quinn entered the meeting.

The following Director(s) asked questions or made comments:

Director(s)

1. Peterson
2. Petersen
3. Ortega

Staff responded to the Directors' comments or questions.

53202 General Counsel Scully referred to the General Counsel's monthly report, which was previously posted and distributed to the Board. In addition, General Counsel Scully reported on the following:

1. Update on the status of the CEQA documentation litigation case supporting the relicensing of the Orville Hydroelectric facilities.
2. General Counsel introduced Betty Kuo Brinton, Senior Deputy General Counsel to present the Social Media Briefing: Brown Act and First Amendment.

The following Director(s) asked questions or made comments:

| Director(s) |
|-------------|
|-------------|

- | |
|-------------|
| 1. Ortega |
| 2. Garza |
| 3. Peterson |
| 4. Camacho |

Staff responded to the Directors' comments or questions.

53203 General Auditor Suzuki stated he had nothing to add to the written report.

53204 Ethics Officer Salinas stated he had nothing to add to the written report.

53205 Presentation of Commendatory Resolutions for Directors Robert Apodaca and the late Phillip D. Hawkins, both representing Central Basin Municipal Water District; Randy Record representing Eastern Municipal Water District; Steve Blois representing Calleguas Municipal Water District; Satoru Tamaribuchi representing Municipal Water District of Orange County; and Harold C. Williams representing West Basin Municipal Water District for their service during their terms as Metropolitan's Board of Directors.

53206 Presentation of 10-year Service Pin to Director Cynthia Kurtz, City of Pasadena. Director Kurtz made brief remarks.

53207 Presentation of 15-year Service Pin to Director Linda Ackerman Municipal Water District of Orange County. Director Ackerman made brief remarks.

Chair Ortega addressed the Consent Calendar Items for April 2023.

53208 Chair Ortega asked the Directors if there were any comments or discussions on the Approval of the Minutes of the Special Board Meeting for February 28, 2023, and the Board of Directors Meeting for March 14, 2023. (Copies have been submitted to each Director, any additions, corrections, or omissions) (Agenda Item 6A). No amendments were made.

Vice Chair Camacho requested Item 7-14 be pulled from Consent Calendar Items.

53209 Approval of Committee Assignments (Agenda Item 6C). No assignments were made. Vice Chair Quinn will announce the membership of the Subcommittee on Demand Management and Conservation Programs and Priorities in May.

Chair Ortega called on the Committee Chairs to give a report on Consent Calendar Action Items and to hear recusals before any discussion on the items.

Chair Ortega noted that Item 7-7 was deferred. Director Quinn reported that One Water Committee met and there was no action taken.

53210 Adopt CEQA determination that the proposed action was previously addressed in the Mitigated Negative Declaration and related CEQA actions, and a. award an \$8,656,568 contract to Granite Construction Company for construction of structural protection measures at 24 cut-and-cover conduit locations along the Colorado River Aqueduct; b. authorize an agreement with Environmental Science Associates in an amount not to exceed \$1,200,000 for biological surveys and environmental monitoring; and c. authorize an agreement with Deto, Inc. in an amount not to exceed \$325,000 for compensatory environmental mitigation credits., as set forth in Agenda Item 7-1 board letter.

53211 Award a \$6,174,000 contract to West Valley Investment Group for seismic upgrades to the Foothill Hydroelectric Plant and Control Building, as set forth in Agenda Item 7-2 board letter.

53212 A. Authorize an agreement with Stantec Consulting Services, Inc., for a not-to-exceed amount of \$900,000, for detailed seismic analysis of the Lake Skinner outlet tower; and b. award a \$1,174,475 procurement contract to B&K Valves and Equipment, Inc. for the replacement of two valves at the Lake Skinner outlet tower, as set forth in Agenda Item 7-3 board letter.

53213 Authorize an amendment to an existing agreement with Brown & Caldwell, for a \$475,000 increase to a new not-to-exceed amount of \$715,000, to investigate potential modifications to Metropolitan's existing East-West conveyance and distribution system, as set forth in Agenda Item 7-4 board letter.

53214 Authorize an increase of \$5.4 million to an existing agreement with Arcadis U.S., Inc., for a new not-to exceed total amount of \$6.35 million, for engineering design services to rehabilitate Garvey Reservoir, as set forth in Agenda Item 7-5 board letter.

53215 Authorize an agreement with Canary Systems California, LLC, for an amount not to exceed \$1.95 million to upgrade the data acquisition systems at Diamond Valley Lake and Garvey Reservoir, as set forth in Agenda Item 7-6 board letter.

Agenda Item 7-7 was Deferred (please note it was inadvertently displayed as part of the voting record).

53216 A. Approve the draft of Appendix A (Attachment 1) attached to the board letter with a modification to page A-24 to delete the words, “and is owned by”; b. Authorize the General Manager, or other designee of the Ad Hoc Committee, to finalize, with changes approved by the General Manager and General Counsel, Appendix A; and c. authorize distribution of Appendix A, finalized by the General Manager or other designee of the Ad Hoc Committee, in connection with the sale or remarketing of bonds, as set forth in Agenda Item 7-8 board letter.

53217 Adopt resolutions fixing and adopting a Readiness-to-Serve Charge and a Capacity Charge for calendar year 2024, as set forth in Agenda Item 7-9 board letter.

53218 Review and consider the Lead Agency’s adopted Mitigated Negative Declaration and Addendum and take related CEQA actions and adopt resolution for the 112th Fringe Area Annexation concurrently to EMWD and Metropolitan, as set forth in Agenda Item 7-10 board letter.

53219 Approve the award of a four-year contract for external audit services with Macias Gini O’Connell, LLP, for the not-to-exceed amount of \$1,600,090, as set forth in Agenda Item 7-11 board letter.

53220 Approve proposed amendment to Administrative Code Section 6450 regarding individual Board member requests for audit assignments, as set forth in Agenda Item 7-12 board letter.

53221 Authorize a credit of up to \$200,000 to Western Municipal Water District for treatment surcharge costs incurred due to the unexpected extension of a Metropolitan shutdown, as set forth in Agenda Item 7-13 board letter.

Committee Chair Jung reported that Item 7-14 the Legislation, Regulatory Affairs, and Communications Committee voted on a substitute motion to delay taking action on AB 1572 (Friedman): Potable water: nonfunctional turf and return to the board as expeditiously as possible when the bill is amended to consider sponsorship.

Chair Ortega announced that the Board will discuss Item 7-14 and the item is pulled from the Consent Calendar.

53222 A. Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability, as set forth in Agenda Item 7-15 board letter.

53223 Approve the nomination and naming of Metropolitan’s Boardroom in honor of former Metropolitan Board Chair Phillip J. Pace, as set forth in Agenda Item 7-16 board letter.

Chair Ortega called for a vote to approve Consent Calendar Items 6A, 7-1 through 7-6, 7-8 through 7-13, and 7-15 and 7-16 (**M.I. No. 53208, 53210 through 53215, 53216 through 53223**).

Director Pressman moved, seconded by Director Alvarez that the Board approve the Consent Calendar Items 6A, 7-1 through 7-6, 7-8 through 7-13, and 7-15 and 7-16 as follows:

Director Repenning announced before the vote that no one was in the room with her 18 years of age or older.

Director Erdman announced before the vote that no one was in the room with him 18 years of age or older.

The following is a record of the vote:

| Record of Vote on Consent Item(s): | Items: 6A, and 7-1 through 7-6, 7-8 through 7-13, and 7-15 & 7-16 | | | | | | | | |
|--|---|------------|-----------|-----|---------------|----|---------|---------|--------------|
| 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 | McMillan | x | x | 12368 | | | | |
| Central Basin Municipal Water District | 18216 | Garza | x | x | 18216 | | | | |
| | | Chacon | | | | | | | |
| | | | Subtotal: | | 18216 | | | | |
| Compton | 599 | McCoy | | | | | | | |
| Eastern Municipal Water District | 10502 | Armstrong | 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 | | | | | | | |
| 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 | | | | |
| | | Seckel | 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 | 31616 | | | | |
| | | Goldberg | | | | | | | |
| | | Miller | x | x | 31616 | | | | |
| | | Smith | | | | | | | |
| | | | Subtotal: | | 63232 | | | | |
| San Fernando | 238 | Ortega | x | x | 238 | | | | |
| San Marino | 770 | Morris | x | x | 770 | | | | |
| Santa Ana | 3228 | Phan | x | | | | | | |
| Santa Monica | 4619 | Abdo | x | x | 4619 | | | | |
| Three Valleys Municipal Water District | 8254 | De Jesus | x | x | 8254 | | | | |
| Torrance | 3416 | Lefevre | | | | | | | |
| Upper San Gabriel Valley Mun. Wat. Dist. | 12688 | Fellow | x | x | 12688 | | | | |
| West Basin Municipal Water District | 25453 | Alvarez | x | x | 25453 | | | | |
| | | Gray | | | | | | | |
| | | | Subtotal: | | 25453 | | | | |
| Western Municipal Water District | 13541 | Dennstedt | x | x | 13541 | | | | |
| Total | 362474 | | | | 349080 | | | | |
| Present and not voting | 3228 | | | | | | | | |
| Absent | 10166 | | | | | | | | |

The motion to approve the Consent Calendar Items 6A, 7-1 through 7-6, 7-8 through 7-13, and 7-15 and 7-16 (**M.I. No. 53208, 53210 through 53215, 53216 through 53223**)* passed by a vote of 349,080 ayes; 0 noes; 0 abstain; 3,228 not voting; and 10,166 absent.

***Note:**

Director Phan recused herself on Consent Calendar Items 6A, 7-1 through 7-6, 7-8 through 7-13, and 7-15 and 7-16 because she was unable to run conflicts of interest on the voting items.

53224 Authorize the General Manager to co-sponsor, if amended, 21-2072 Assembly Bill 1572 (Friedman, D – Glendale): Potable water: nonfunctional turf; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA, as set forth in Agenda Item 7-14.

Committee Chair Jung reported that Item 7-14 the Legislation, Regulatory Affairs, and Communications Committee voted on a substitute motion to delay taking action on AB 1572 (Friedman): Potable water: nonfunctional turf and return to the board as expeditiously as possible when the bill is amended to consider sponsorship.

Director Dick motioned, seconded by Director Ramos for the motion passed by the committee.

Director Quinn recused herself from the discussion as Metropolitan is cosponsoring legislation with her employer, Heal the Bay, in an abundance of caution on whether her participation on the item is permissible.

Dee Zinke, Assistant General Manager External Affairs, read into the record an email correspondence received from Assemblymember Friedman's Office. The Board Office sent out the amendments received from Assemblymember Friedman's Office but not the email that went with the amendments.

The message from the Assembly Member stated,

"I was able to listen to the MWD Leg Committee meeting yesterday and wanted to follow up on behalf of the author, and former MWD board member, Assemblymember Friedman.

Attached are the amendments that were submitted by the author to the committee today. I expect them to cross the desk today and be in print tonight or tomorrow. Feel free to share with the Board of Directors.

Assemblymember Friedman welcomes MWD's co-sponsorship, support and will consider any amendments that MWD proposes for the legislation."

The following Director(s) asked questions or made comments:

Director(s)

1. Ramos
2. Camacho

Chair Ortega called for a reading of the substitute motion of the staff recommendation of Option 1 made by Vice Camacho and seconded by Director Sutley.

General Counsel Scully read the substitute motion “Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water: non-functional turf.”

The following Director(s) asked questions or made comments:

| Director(s) |
|-------------|
|-------------|

- | |
|---------------|
| 1. Peterson |
| 2. Petersen |
| 3. Jung |
| 4. Fellow |
| 5. Kurtz |
| 6. Pressman |
| 7. Kassakhian |
| 8. Dick |
| 9. Dennstedt |
| 10. Sutley |
| 11. Ackerman |
| 12. Abdo |
| 13. Petersen |
| 14. Repenning |
| 15. McMillan |
| 16. Alvarez |
| 17. Garza |
| 18. Ramos |

Staff responded to the Directors’ comments or questions.

Director Pressman called the question.

Chair Ortega called for a vote to approve Consent Calendar Items 7-14 (**M.I. No. 53224**).

General Counsel Scully restated the substitute motion:

Authorize the General Manager to support, if amended, and co-sponsor if the amendments are made (AB 1572 (Friedman): Potable water: non-functional turf).

Director Camacho moved, seconded by Director Sutley, that the Board approve the Agenda Item 7-14 as follows:

Director Repenning announced before the vote that she was alone in her room.

Director Erdman announced before the vote that he was alone in his room.

The following is a record of the vote:

| Record of Vote on Consent Item(s): 7-14 | | | | | | | | | |
|--|--------------------|-----------------|----------------|------------|-----------------|-----------|----------------|----------------|---------------------|
| 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 | McMillan | x | | | x | 12368 | | |
| Central Basin Municipal Water District | 18216 | Garza | x | x | 18216 | | | | |
| | | Chacon | | | | | | | |
| | | | Subtotal: | | 18216 | | | | |
| Compton | 599 | McCoy | | | | | | | |
| Eastern Municipal Water District | 10502 | Armstrong | 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 | | | | | | | |
| Los Angeles | 75699 | Sutley | | | | | | | |
| | | Petersen | x | x | 25233 | | | | |
| | | Quinn | | | | | | | |
| | | Luna | x | x | 25233 | | | | |
| | | Repenning | x | x | 25233 | | | | |
| | | | Subtotal: | | 75699 | | | | |
| Municipal Water Dist. of Orange County | 60913 | Ackerman | x | | | x | 15228 | | |
| | | Seckel | 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 | 63232 | | | | |
| | | Goldberg | | | | | | | |
| | | Miller | | | | | | | |
| | | Smith | | | | | | | |
| | | | 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 | | | | | | | |
| Upper San Gabriel Valley Mun. Wat. Dist. | 12688 | Fellow | x | | | x | 12688 | | |
| West Basin Municipal Water District | 25453 | Alvarez | x | x | 25453 | | | | |
| | | Gray | | | | | | | |
| | | | Subtotal: | | 25453 | | | | |
| Western Municipal Water District | 13541 | Dennstedt | x | | | x | 13541 | | |
| Total | 362474 | | | | 220530 | | 117088 | | 14690 |
| Present and not voting | | | | | | | | | |
| Absent | 10166 | | | | | | | | |

The motion to approve the Consent Calendar Item 7-14 (**M.I. No. 53224**)* passed by a vote of 220,530 ayes; 117,088 noes; 14,690 abstain; 0 not voting; and 10,166 absent.

***Note: Individual vote tally for Item 7-14**

Director Quinn recused herself on Item 7-14 due to a Metropolitan cosponsoring legislation with her employer, Heal the Bay, in an abundance of caution on whether her participation on the item is permissible.

Chair Ortega announced there were no other board items for action.

53225 Chair Ortega asked if there were questions or need for discussion for Board Information Items 9-1, 9-2, and 9-3. No requests were made.

Director Ackerman reported regarding a error in the electronic display of the consent calendar vote including Item 7-7.

53226 Chair Ortega asked if there were any Other Matters Items. There were none.

53227 Chair Ortega asked if there were any Follow-Up Items. There were none.

53228 Chair Ortega asked if there were any Future Agenda Items. There were none.

Chair Ortega thanked Director Fellow for chairing the Equity, Inclusion, and Affordability Committee in a robust discussion and wished the Directors that are ill a speedy recovery.

Director Dick requested that the meeting be adjourned in honor of the Orange County region's loss of a water leader in memory of Mr. C.L. Fraiss.

53229 There being no objection, at 2:05 p.m., Chair Ortega adjourned the meeting in honor of Mr. C. L. Fraiss.


LOIS FONG-SAKAI
SECRETARY


ADÁN ORTEGA
CHAIR