

# 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.

## Sp.Exec Committee

G. Gray, Chair  
L. Ackerman, Vice Chair  
D. De Jesus, Vice Chair  
F. Jung, Vice Chair  
C. Kurtz, Vice Chair  
J. Abdo, Board Secretary  
R. Atwater  
M. Camacho  
G. Cordero  
L. Dick  
A. Fellow  
M. Luna  
T. McCoy  
G. Peterson  
B. Pressman  
M. Ramos  
R. Record  
T. Smith  
N. Sutley

## **Special Executive Committee - Final - Revised 1**

Meeting with Board of Directors \*

**December 13, 2022**

**12:00 p.m.**

Live streaming is available for all board and committee meetings on [mwdh2o.com](http://mwdh2o.com) ([Click Here](#))

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Committee on matters within the committee's jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276.

**Tuesday, December 13, 2022  
Meeting Schedule**

**08:30 a.m. L&C  
09:00 a.m. RP&AM  
10:30 a.m. C&L  
12:00 p.m. Sp Exec  
12:30 p.m. Board**

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

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\* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

- 1. Opportunity for members of the public to address the committee on limited to the items listed on the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**

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

- 2. CONSENT CALENDAR OTHER ITEMS - ACTION**

- A.** Approval of the Minutes of the Executive Committee Meeting for October 25, 2022 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-1771](#)

**Attachments:** [12122022 Sp Exec 2A Minutes](#)

- 3. CONSENT CALENDAR ITEMS - ACTION**

Zoom Online and Boardroom

NONE

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

**4. OTHER BOARD ITEMS - ACTION**

**8-1** Approve appointment of Board Vice Chairs effective January 1, 2023 [21-1766](#)

**8-2** Approve changes in the Administrative Code modifying the standing committees of the Board, creating certain ad hoc committees, modifying the role of the Board Secretary and providing an additional at-large elected member of the Executive Committee, eliminating gender-specific references to the Board and staff; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [REVISED LANGUAGE 12/6/22] [21-1767](#)

**Attachments:** [12132022 BOD 8-2 B-L](#)

**8-3** Approve Chairs, Vice Chairs, and members of Standing Committees, and of the newly approved Ad Hoc Committees of the Board effective January 1, 2023 [21-1773](#)

**Attachments:** [12132022 BOD 8-3 Chair-Elect Memo.pdf](#)

**5. FOLLOW-UP ITEMS**

NONE

**6. FUTURE AGENDA ITEMS**

**7. ADJOURNMENT**

**NOTE:** This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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 <http://www.mwdh2o.com>.

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.

# **THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

## **MINUTES**

### **EXECUTIVE COMMITTEE**

**October 25, 2022**

Chairwoman Gray called the hybrid teleconference and in-person meeting to order at 12:33 p.m.

Members present: Directors Abdo, Ackerman, Atwater, Camacho, De Jesus, Dick, Fellow, Gray, Jung, Kurtz, Luna, McCoy, Peterson, Pressman, Ramos, Record, Smith, and Sutley.

Members absent: Directors Cordero, and Hawkins

Other Board members present: Directors Blois, Dennstedt, Erdman, Faessel, Fong-Sakai, Goldberg, Lefevre, Miller, Morris, Repenning, and Tamaribuchi.

Committee staff present: Beatty, Chapman, Hagekhalil, Hudson, Kasaine, Salinas, Scully, Tonsick, Upadhyay, and Zinke.

#### **1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION**

No members responded.

#### **2. OTHER MATTERS AND REPORTS**

a. Subject: Chairwoman's Report

Presented by: Chairwoman Gloria D. Gray

Chairwoman Gray reported on the following:

- She will be traveling internationally to attend the Waterreuse's Mission to Israel from October 27<sup>th</sup> to November 3<sup>rd</sup>. Delegation of Authority to Vice Chair Ackerman.
- A complaint of discrimination, harassment, or retaliation involving a director or department head was received by the Chairwoman Gray and Director Kurtz in her capacity as Chair of Ad Hoc subcommittee 5. Outside counsel Lance Olson in consultation with Director Kurtz, determined that the complaint was directly related to the original complaint that subcommittee 5 was reviewing and that the complaint be referred to that subcommittee. The members of the subcommittee are Directors Kurtz, DeJesus, and Camacho.

b. Subject: General Manager's report of Metropolitan's activities

Presented by: General Manager Adel Hagekhalil

General Manager Hagekhalil reported on the following:

- Metropolitan national education campaign "Imagine a Day without Water."
- Meeting with the Lower Basin states.
- Inspection tours have resumed.
- Workshop to discuss Resource Planning and review Metropolitan Business Model has been postponed.
- General Manager office continuing interviews with board members and member agency managers.

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

Director(s)

1. Kurtz

Staff responded to Directors questions or comments.

c. Subject: General Counsel's report of Metropolitan's activities

Presented by: General Counsel Marcia L. Scully

Nothing to add to her report.

d. Subject: Interim General Auditor's report of Metropolitan's activities

Presented by: Interim General Auditor John L. Tonsick

Nothing to add the his report. He announced that he has reconsider his retirement date, the new date will be January 4, 2023.

e. Subject: Ethics Officer's report of Metropolitan activities

Presented by: Ethics Officer Abel Salinas

AB1234 training for the board of directors is on November 8, 2022, alternatively, directors can provide proof of certificate.

f. Subject: Report from Audit and Ethics Committee

Presented by: Committee Chair Ramos

Committee Chair Ramos announced that the Committee will hear the following items:

- Staff will present an action item that will be developed with director input to “amend the Administrative Code relating to EEO policies and EEO investigations involving Directors and Department Heads.”
- Discussion of Independent Auditor's Report from KPMG, LLP for fiscal year 2021-2022.
- Update on the Ethics Office monthly activity report.
- Update on the General Auditor’s monthly activity report.

g. Subject: Report from Communications and Legislation Committee

Presented by: Committee Vice Chair Kurtz

Committee Vice Chair Kurtz announced that the Committee will hear one information item:

- Legislative Priorities and Principles for 2023.

Additionally, the committee will hear two committee items:

- Report on activities from Washington D.C.
- Report on activities from Sacramento.

Lastly, the Committee will also hear the External Affairs Management Report.

h. Subject: Report from Diversity, Equity, and Inclusion Committee

The Diversity, Equity, and Inclusion Committee will not meet in November.

i. Subject: Report from Engineering and Operations Committee

Presented by: Committee Vice Chair Blois

Committee Vice Chair Blois announced that the Committee will hear the following consent items:

- 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. This item requires a four-fifths vote of the Board.
- Award a \$1,228,607.10 contract to Howard Ridley Company, Inc. for the rehabilitation of the concrete liner at ten locations within the Rainbow Tunnel segment of San Diego Pipeline No. 1.
- Authorize on-call agreements with GEI Consultants, Inc., HDR, Inc., and Stantec Consulting Services Inc. in amounts not to exceed \$2.5 million each, for a maximum of five years, to support Metropolitan's Dam Safety Initiatives Program.
- Award a \$820,852.53 procurement contract to Whipps, Inc. for three slide gates to rehabilitate the San Jacinto Diversion Structure; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA.
- State Water Project Dependent Areas – Drought Mitigation Update.

Lastly, the Committee will hear the following two management reports:

- Water System Operations Manager's report.
- Engineering Services Manager's report.

j. Subject: Report from Finance and Insurance Committee

Committee Chair Pressman announced that the Committee will hear two committee items:

- Quarterly Financial report.
- Year-End Financial report.

Lastly, the Chief Financial Officer will present the monthly activity report.

k. Subject: Report from Imported Water Committee

Presented by: Committee Chair Peterson

Committee Chair Peterson announced that the Committee will consider the following item presented by two guest speakers:

- Palo Verde Valley Community Improvement Fund Presented by: Jay Abbs, Board Chair and Marilee Harkinson, Chief Executive Officer.

One information item:

- Information on the High Desert Water Bank Program status, updated costs, and water quality.

The Committee will hear three committee items:

- Update on Bay-Delta Salmon Research.
- Update on Delta Conveyance Public Draft Environmental Impact Report.
- Update on Water Surplus and Drought Management and Water Shortage Emergency Condition.
- The following item was withdrawn from the November draft agenda: Item c, a committee item regarding Report on California Proposal to Conserve Colorado River Water. This item will be part of the Colorado River Manager's Report.

Lastly, the Committee will hear the following three management reports:

- Colorado River Manager's Report.
- Bay-Delta Manager's Report.
- Water System Operations Manager's report.

l. Subject: Report from Legal and Claims Committee

Presented by: Committee Chair Dick

Committee Chair Dick announced that the Committee will hear a report on the General Counsel's monthly activities.

- In closed session, the Committee will consider authorizing an increase in the maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the amount of \$350,000 for a total amount not to

exceed \$1,250,000 in the San Diego County Water Authority v. Metropolitan litigation.

- m.      Subject:              Report from One Water (Conservation and Local Resources) Committee

The One Water (Conservation and Local Resources) Committee will not meet in November.

- n.      Subject:              Report from Organization, Personnel and Technology Committee

Presented by:    Committee Chair Fellow

Committee Chair Fellow announced that the Committee will hear three committee items:

- Update on Status of Recommendation from Independent Review of Workplace Concerns.
- Labor Negotiations Update.
- Quarterly Cybersecurity Oral Update.

Lastly, there will be no Information Technology Manager's Report and Human Resources Manager's Report in November.

- o.      Subject:              Report from Real Property and Asset Management Committee

The Real Property and Asset Management Committee will not meet in November.

- p.      Subject:              Report from Underserved Communities Committee

The Underserved Communities Committee will not meet in November.

- q.      Subject:              Report from Water Planning and Stewardship Committee

The Water Planning and Stewardship Committee will not meet in November.



**CONSENT CALENDAR ITEMS – ACTION****3. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A. Approval of the Minutes of the Executive Committee Meeting for September 27, 2022.

Chairwoman Gray asked Directors if there were any comments or discussion on the minutes of August 23, 2022, Executive Committee Meeting. None were made.

- B. Approve draft committee and board meeting agendas, and schedule for November 2022.

Chairwoman Gray then asked Directors if there were any comments, additions, or corrections to the November 2022 draft packet. No comments were made.

- C. Approve candidates for Board Secretary for two-year term effective January 1, 2023.

Chairwoman Gray announced candidates will have an opportunity to make a statement at the November Board meeting.

Candidates Directors Fong-Sakai and Pressman accepted their nomination for Board Secretary.

Chairwoman Gray announced the vote for Board Secretary for the two-year term beginning January 1, 2023, will take place at the November 8 Board meeting.

Chairwoman Gray called for the vote on the Consent Calendar Action Items.

Director De Jesus made a motion, seconded by Director Peterson to approve the consent calendar Items 3A, 3B, and 3C as listed.

The vote was:

Ayes:	Directors Abdo, Ackerman, Atwater, Camacho, De Jesus, Dick, Fellow, Gray, Jung, Kurtz, Luna, McCoy, Peterson, Pressman, Ramos, Record, Smith, and Sutley
Noes:	None
Abstentions:	None
Absent:	Cordero and Hawkins

The motion for Items 3A, 3B and 3C passed by a vote of 18 ayes; 0 noes; 0 abstention; and 2 absent.

**4. CONSENT CALENDAR ITEMS – ACTION**

None

**END OF CONSENT CALENDAR ITEMS**

**5. OTHER BOARD ITEMS – ACTION**

None

**6. BOARD INFORMATION ITEMS**

None

**7. COMMITTEE ITEMS**

None

**8. FOLLOW-UP ITEMS**

None

**9. FUTURE AGENDA ITEMS**

None

**10. ADJOURNMENT**

The meeting was adjourned at 12:59 p.m.

Gloria D. Gray  
Chairwoman of the Board



• **Board of Directors**  
***Special Executive Committee***

12/13/2022 Board Meeting

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**8-2**

**Subject**

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Approve changes in the Administrative Code modifying the standing committees of the Board, creating certain ad hoc committees, modifying the role of the Board Secretary and providing an additional at-large elected member of the Executive Committee, eliminating gender-specific references to the Board and staff; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Executive Summary**

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This letter contains the Chair-Elect's proposal to amend Metropolitan's Administrative Code to: (1) modify the standing committees of the Board; (2) seek approval by the Board for the establishment of five ad hoc committees as described below; (3) amend the description of the role of the Secretary of the Board to include acting as the steward of parliamentary procedures, who may be called upon by the Board Chair for assistance during board meetings; and (4) provide for an additional at-large elected member to the Executive Committee for a total of three at-large members. The Chair-Elect also recommends revising the Administrative Code to eliminate gender-specific references to the Board and staff. As described below, the four Vice Chairs appointed by the Chair will be assigned specific fields of policy in order to better inform the Committee Chairs and, thus, committee members of matters coming before the respective committees and their timing on an ongoing basis. This structure is proposed to enhance the Board's leadership and oversight, as recommended by the State Audit, by empowering committees to effectively oversee policy, enhance deliberation by committee members, promote transparency to the public about the Board's deliberations, and to provide clear direction on policy and strategy to staff.

If approved, the changes to the Administrative Code will become effective immediately, and the new structure will be implemented beginning with the January 2023 board and committee meetings.

**Details**

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**Committee Structure**

The proposed changes to the committee structure include amending Section 2400 of Metropolitan's Administrative Code to make the following changes in the Standing Committees of the Board:

- The Engineering and Operations Committee will become the Engineering, Operations and Technology Committee.
- The Finance and Insurance Committee will become the Finance, Audit, Insurance and Real Property Committee.
- The Legal and Claims Committee will not be changed.
- The Water Planning and Stewardship Committee will be deleted.
- The Communications and Legislation Committee will become the Legislation, Regulatory Affairs and Communications Committee.
- The Organization, Personnel and Technology Committee will become the Ethics, Organization and Personnel Committee.

- The Real Property and Asset Management Committee will be deleted.
- The One Water (Conservation and Local Resources) Committee will become the One Water and Stewardship Committee).
- The Audit and Ethics Committee will be deleted.
- The Imported Water Committee will be deleted.
- The Underserved Communities Committee will be deleted and consolidated with the Diversity, Equity and Inclusion Committee.
- The Diversity, Equity and Inclusion Committee will be consolidated with the Underserved Communities Committee and become the Equity, Inclusion and Affordability Committee.

The proposed duties of the restructured committees are shown in **Attachment 2 and Attachment 3** to this board letter.

It is also proposed that Section 2410 of Metropolitan's Administrative Code be amended to increase the number of non-officer elected members of the Executive Committee from two to three.

### **Delegation of Duties to Vice Chairs and Creation of Five Ad Hoc Committees and Recommended Subcommittees**

Section 2204 on the Delegation of Duties to Vice Chairs will be amended to provide for specific duties for each of the four Vice Chairs of the Board. The delegation of duties to the Vice Chairs encompasses the proposed creation of five ad hoc committees as well as the recommendation that subcommittees also be formed. Because subcommittees of the Board can only be created by Standing Committees, approval of this proposed action will not create the recommended subcommittees. The recommendation is that the proposed reorganization of the Board structure include creation of the subcommittees listed below by the appropriate committees when the committees have their initial meetings. The delegation of duties to the Vice Chairs is as follows:

The four Board Vice Chairs will each focus on the specific policy portfolios set forth below to work with and through the Board Chair in providing feedback to Department Heads about matters coming before the committees and the Board, while informing and guiding the relevant committees.

1. Board Vice Chair for Climate Action will guide the following:
  - i. Engineering, Operations, and Technology Committee: The focus will be on the initiation, scheduling, contracting, and performance of construction programs and work; the operation, protection, and maintenance of facilities required for the production, exchange, sale, storage, treatment, and delivery of water and power and the storage and treatment of water; water treatment technologies and water quality policies and standards; energy matters; Metropolitan's Capital Investment Program; and information technology strategies, projects, and activities.
  - ii. One Water and Stewardship Committee: The focus will be on policies, procedures, water sources, and means of importing and distributing water, water treatment, transferring water, delivery, exchange, and wheeling of water; Metropolitan water supply planning including the regular updates to the Urban Water Management Plan, SB60 compliance and related policies; and issues related to existing and proposed federal, state, and local environmental statutes and regulations. This also includes guidance for the prioritization and funding of any current or future regional demand management or any regional or local supply projects within the Metropolitan service area receiving funding from Metropolitan, including those projects based on resources plans and programs approved by the Board.

iii. Proposed Ad Hoc Committees:

1. Ad Hoc Committee on Pure Water SoCal and Regional Conveyance: The focus of this ad hoc committee is on the planning and schedule of the entitlement process, as well as studying and recommending strategies for the acceleration of the construction process to meet urgent needs in coordination with other relevant committees and subcommittees of the Board.
2. Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta, and Colorado River Negotiations: This ad hoc committee will provide guidance to the General Manager on the application of Board-approved policy principles and actions relating to the Bay-Delta and Colorado River in preparation for negotiations and implementation of agreements with and among Colorado River Contractors, Federal and State Authorities; as well as the ongoing State Water Contract renegotiations; and negotiations with external authorities who regulate lands owned by Metropolitan outside of its service area, and other agricultural water conservation partnerships.

iv. Recommended Subcommittee of the One Water and Stewardship Committee to focus on Demand Management and Conservation Programs and Priorities:

It is recommended that the proposed subcommittee be comprised of no more than five members. The subcommittee will monitor the progress of SB60-related advances in conservation, recycling and groundwater replenishment; advise the Committee on drought mitigation strategies and conservation programs; recommend priorities; explore related Climate Action programs related to water carried out in other jurisdictions and evaluate their compatibility with Southern California; review the Innovative Conservation Program and other initiatives that attempt to foster innovation in demand management and water conservation.

2. Board Vice Chair for Strategic Communications and Stakeholder Engagement Policy will guide the following:

- i. Legislation, Regulatory Affairs and Communications Committee: This committee guides Metropolitan's State and Federal legislative and regulatory priorities, communications programs supporting policy education programs, outreach activities, and general communication efforts with member agencies and the general public.

ii. Recommended Subcommittee on Public Affairs Engagement:

It is recommended that the Legislative, Regulatory Affairs and Communications Committee establish the Subcommittee on Public Affairs Engagement. It is proposed that this subcommittee focus on devising strategies encouraging public confidence in safe drinking water, and public education to support progress for Climate Action programs and projects related to water supply and stewardship through the substantive engagement of key experts, decision makers around the state and region, diverse interested parties, industry groups, agriculture, and potential partners in throughout the West.

3. Board Vice Chair for Finance, Audit and Planning will guide the following:

- i. Finance, Audit, Insurance, and Real Property Committee: The focus is on policies and procedures related to budget development, cost containment, sale of bonds and borrowing and repayment of money, disposition and investment of funds, authorization of appropriations, except appropriations for capital projects; and determination of revenues through water transactions. Advises on the financial impact and requirements of policies concerning annexation, financial aspects of the Metropolitan's risk management program, and insurance coverage and provides guidance and reviews audit results, including the annual audit of Metropolitan's finances.
- ii. Ad Hoc Committee on Facilities Naming will be formed and meet when needed to consider the naming of Metropolitan facilities.

iii. Recommended Subcommittees:

1. Recommend the establishment of the Subcommittee on Long-Term Regional Planning Processes and Business Modeling by the Finance, Audit, Insurance and Real Property Committee with the directive to help guide and coordinate the Board's long-term climate action master plan visioning and framework process. The subcommittee will make recommendations to synchronize the individual plans and efforts by the relevant committees of the Board in support of the vision and framework set forth by the Board of Directors, culminating in a Master Climate Action Plan for water. The subcommittee will track progress and milestones in the implementation of the master plan by staff.
2. Recommend the establishment of the Subcommittee on Audits by the Finance, Audit, Insurance and Real Property Committee. This subcommittee would oversee the internal Audit Department and external auditors, including oversight on the effectiveness of Metropolitan's internal control system and requests from other committees of the Board for audits and reviews not included in the Audit Department's annual business plan.

4. Board Vice Chair for Organizational Integrity and Accountability will oversee the following:

- i. The Ethics, Organization, and Personnel Committee: Oversees the duties and responsibilities of the Ethics Officer to ensure the independence of the Ethics Office. It focuses on Metropolitan's organization and the relations between Metropolitan and its employees, including all matters affecting wages, hours, pension plans and other employee benefits, and other terms and conditions of employment, as well as Metropolitan's negotiation with employee bargaining units.
- ii. Legal and Claims Committee: Focuses on litigation and claims brought by or against Metropolitan, condemnation matters, public liability insurance matters, policy considerations concerning Metropolitan contracts, the selection of special counsel and the determination of the scope of their assignments, proposed amendments of the Metropolitan Water District Act, legislation dealing with public agencies, proposed Metropolitan ordinances and the organization and contents of the Administrative Code.
- iii. Equity, Inclusion and Affordability Committee: This committee oversees diversity, equity, and inclusion issues within Metropolitan and is tasked with recommending ways to enhance and promote equal opportunity, increased diversity of the workforce, and a culture of inclusion within Metropolitan, and to support these values. The Committee will consider the merits of external parties and programs seeking Metropolitan's financial and staff support for regional or statewide diversity workforce development programs. The Committee will also study and review the diversity of external water industry trade organizations Metropolitan belongs to through annual dues that are greater than \$25,000, and make recommendations about the expectations for diversity, equity and equality that Metropolitan should advocate for when considering such memberships. This committee will also develop policies and programs to promote affordability and access to resources for the benefit of underserved communities.
- iv. Maintain the Ad Hoc Committee on San Diego Litigation to focus on specific issues related to ongoing litigation between Metropolitan and San Diego County Water Authority.
- v. Establishment of an Ad Hoc Committee on the Implementation of State Audit. This Ad Hoc Committee would oversee the implementation of recommendations from the State Audit and the Independent Assessment of Workplace Concerns.

**Expansion of Duties of Board Secretary as Steward of Parliamentary Procedure**

Administrative Code Section 2207 is amended to provide that the Board Secretary will act as steward of parliamentary procedure for the Board and committees. In this role, the Board Secretary will encourage knowledge of such procedures to interested directors by creating and fostering opportunities for basic and continuing education about parliamentary procedure. If the Secretary has received training in parliamentary procedure, the Chair may call upon the Secretary to recommend and/or validate parliamentary rulings during board meetings.

The proposed amendments to Metropolitan's Administrative Code attached to this letter implement the changes described above. The proposed amendments are set forth in **Attachment 2**, with strikeouts showing deletions and underlining showing additions. **Attachment 3** shows the new version of the affected Administrative Code sections as they would read upon board approval. **Attachment 1** is a chart summarizing the new committee structure.

If approved, the changes to Metropolitan's Administrative Code will become effective immediately, and the new structure will be implemented beginning with the January 2023 Board and committee meetings, or any time thereafter as unanticipated situations may warrant.

### **Committee Format/Operations**

#### **Schedule**

In order to encourage meaningful discussion about policies and strategies, standing committees will be held on a concurrent schedule in pairs. Subcommittees will meet as directed by the home committee to consider specific matters, and Subcommittee Chairs will report their activities to their home committee. Ad hoc Committees will meet as needed and address evolving situations and milestones related to specific issues, negotiations and projects and their Chairs will report their activities to their home committees as appropriate.

#### **Committee Meeting Format**

In order to encourage meaningful discussion and deliberation at committee meetings, time will be allocated for board members who do not serve on the committee to comment on matters on the agenda at the conclusion of the public comment period rather than during deliberations by committee members. Staff will limit presentations to no more than half of the time allocated for the entire committee meeting to allow time for board members to deliberate the issues.

If more detailed presentations are needed, or education of the entire board about an issue is urgent, workshops will be scheduled if requested by staff and approved by the Committee Chair, Board Vice Chair, and Board Chair. Committee Chairs will have the prerogative to request extended committee time from the respective Board Vice Chair and Board Chair if a robust discussion is expected on an agenda item before the day of the committee meeting. The schedule will be adjusted as needed.

### **Policy**

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Metropolitan Water District Administrative Code Section 2400: Identification of Standing Committees

Metropolitan Water District Administrative Code Section 2401: Officers and Members of Standing Committees

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

### **California Environmental Quality Act (CEQA)**

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#### **CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378 (b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

#### **CEQA determination for Option #2:**

None required

## Board Options

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### Option #1

Adopt the CEQA determination and approve the recommendations for changes in the Metropolitan Administrative Code to modify the Board Committee structure as set forth above to reflect the new committee structure and duties.

**Fiscal Impact:** No fiscal impact

**Business Analysis:** The committee structure will be changed in accordance with the revisions to the Administrative Code.

### Option #2

Do not adopt the recommendations for changes in the Board committee structure

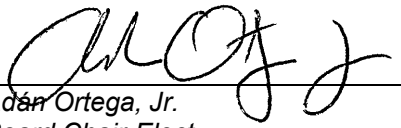
**Fiscal Impact:** No fiscal impact

**Business Analysis:** The Board Committee structure and duties will remain the same.

## Recommendation of Chair-Elect

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### Option #1

  
\_\_\_\_\_  
Adán Ortega, Jr. 12/8/2022  
Board Chair-Elect Date

### Attachment 1 – Proposed Committee Structure Chart

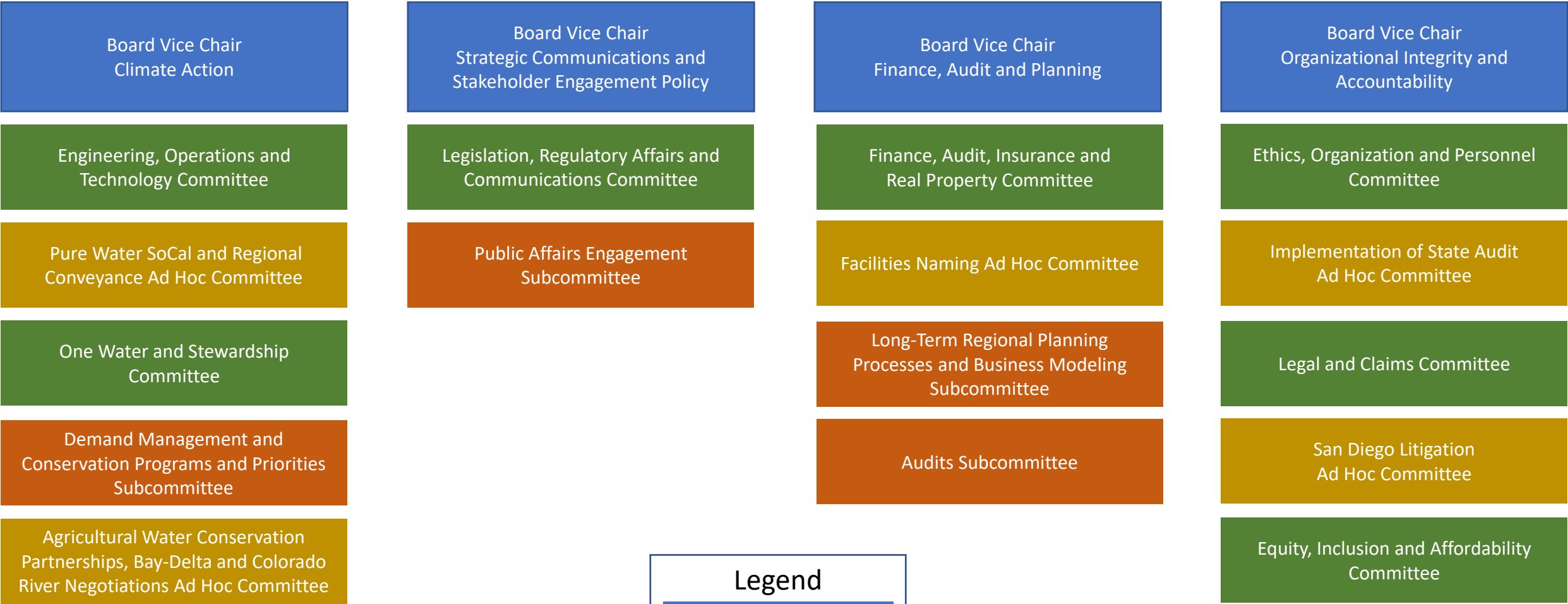
### Attachment 2 – Proposed Redlined Version Showing Substantive Amendments of the Metropolitan Water District Administrative Code (Revised)

### Attachment 3 – Clean Copy of the Affected Provisions in the Administrative Code if the Proposed Revisions are Approved by the Board (Revised)

Ref# bd12685400



PROPOSED COMMITTEE STRUCTURE



**Legend**

- Vice Chair
- Standing Committee
- Subcommittee
- Ad Hoc Committee

**Division II****PROCEDURES PERTAINING TO BOARD, COMMITTEES AND DIRECTORS****Chapter 1****BOARD OF DIRECTORS****Article 3****BOARD CONDUCT RULES****§ 2130. Avoiding Personal Bias.**

In any matter involving a contract, permit, license, or other entitlement for use, a Board member shall not make, participate in or attempt to influence any decision, if ~~he or she is they~~ are incapable of providing fair treatment to a matter before the Board due to bias, prejudice or because ~~he or she has they have~~ prejudged a matter.

**Chapter 2****BOARD OFFICERS****§ 2204. Delegation of Duties to Vice Chairs.**

The Vice Chairs selected by the Chair shall act in the Chair's absence, failure or inability to act. The Vice Chairs shall have ex officio membership on standing or special committees as designated in this Code. The Chair ~~shall~~ assigns the following duties to the designated ~~one or more duties of the Chair to the~~ Vice Chairs: as follows:

(1) Vice Chair for Climate Action will provide guidance to the following committees:

(a) Engineering, Operations and Technology Committee and the Ad Hoc Committee on Pure Water SoCal and Regional Conveyance; and

(b) One Water and Stewardship Committee and the Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations.

(2) Vice Chair for Strategic Communications and Stakeholder Engagement Policy will provide guidance to the Legislation, Regulatory Affairs and Communications Committee.

(3) Vice Chair for Finance, Audit and Planning will provide guidance to the Finance, Audit, Insurance and Real Property Committee and the Ad Hoc Committee on Facilities Naming.

(4) Vice Chair for Organizational Integrity and Accountability will provide guidance to the following committees:

(a) Ethics, Organization and Personnel Committee and the Ad Hoc Committee on Implementation of State Audit;

(b) Legal and Claims Committee and the Ad Hoc Committee on San Diego Litigation; and

(c) Equity, Inclusion and Affordability Committee.

~~– The Vice Chairs shall have ex officio membership on standing or special committees as designated in this Code.~~

~~...~~

#### **§ 2207. Duties of the Secretary of the Board.**

The duties of the Secretary of the Board are to:

(a) Sign all Board Meeting Minutes; and,

(b) Sign all official Board documents on behalf of the Board, unless signature of an item has been delegated to the Board Executive Secretary or another person; ~~and,~~

~~—(c) Act as steward of parliamentary procedure for the Board and committees~~

### **Chapter 3**

#### **RULES GOVERNING COMMITTEES**

#### **§ 2308. Obligations of Staff.**

All references and assignments to Board committees include, without the necessity of specific instruction, the request to the District's staff to render assistance and perform such functions and services to the committees as may be requested. Such references and requests shall be routed through the appropriate Department Head or ~~his/her~~ their designee, or the Board Executive Officer.

### **Chapter 4**

#### **STANDING COMMITTEES**

Article	Sec.
1 General	2400
2 Executive Committee	2410
3 Engineering, <del>and</del> Operations <u>and Technology</u> Committee	
2430	
4 Finance, <u>Audit</u> , <del>and</del> Insurance <u>and Real Property</u> Committee	
2440	
5 Legal and Claims Committee	2450
<del>6 Water Planning and Stewardship Committee</del>	<del>2460</del>
<del>67 Legislation, Regulatory Affairs and</del> Communications <del>and Legislation</del> Committee	
24670	
<del>78 Ethics, Organization, and</del> Personnel <del>and Technology</del> Committee	24780
<del>9. Real Property and Asset Management Committee</del>	<del>2490</del>
<del>9.5 Audit and Ethics Committee</del>	<del>2495</del>
<del>89.7 One Water (Conservation and Local Resources) and Stewardship</del> Committee	
248097	
<del>9.8 Imported Water Committee</del>	<del>2499</del>
<del>9.9 Underserved Communities Committee</del>	<del>2499.20</del>
<del>9.10 Diversity, Equity, and</del> Inclusion <u>and Affordability</u> Committee	
249099.40	

## Article 1

### GENERAL

Sec.

2400. Identification of Standing Committees  
 2401. Officers and Members of Standing Committees

#### § 2400. Identification of Standing Committees.

The Standing Committees of the Board of Directors are:

Executive Committee

Engineering, ~~and~~ Operations and Technology Committee

Finance, Audit, ~~and~~ Insurance and Real Property Committee

Legal and Claims Committee

~~Water Planning and Stewardship Committee~~

~~Legislation, Regulatory Affairs and~~ Communications ~~and Legislation~~ Committee

~~Ethics, Organization, and~~ Personnel ~~and Technology~~ Committee

~~Real Property and Asset Management Committee~~

~~Audit and Ethics Committee~~

~~One Water and Stewardship (Conservation and Local Resources)~~ Committee

~~Imported Water Committee~~

~~Underserved Communities Committee~~

Equity, Diversity, Equity and Inclusion and Affordability Committee

...

## Article 2

### EXECUTIVE COMMITTEE

Sec.

- 2410. Membership
- 2411. Selection of Nonofficer Members
- 2412. Term of Office for Nonofficer Members
- 2413. Limitation of Service
- 2414. Officers
- 2415. Day of Regular Meeting
- 2416. Duties and Functions
- 2417. Action by Board Officers

#### **§ 2410. Membership.**

The Executive Committee shall consist of the Chair, Vice Chairs, Secretary, all past Chairs of the Board who are directors of the District, and the Chairs of the standing committees in addition to the Executive Committee, and ~~two~~three additional directors as nonofficer members.

#### **§ 2411. Selection of Nonofficer Members.**

The ~~two~~three nonofficer members of the Executive Committee shall be nominated from the floor and elected at the January meeting of the Board.

#### **§ 2412. Term of Office for Nonofficer Members.**

The term of office for nonofficer members shall be two years and shall commence as of the date of their election at the January meeting of the Board.

#### **§ 2413. Limitation on Service.**

Each director may be elected as a nonofficer member of the Executive Committee for not more than two consecutive full two-year terms and a partial term immediately prior to the first full term.

#### **§ 2414. Officers.**

The Chair of the Board shall be the Chair of the Executive Committee and the Vice Chairs of the Board shall be the Vice Chairs of the Executive Committee and their terms shall be concurrent with their terms as officers of the Board.

**§ 2415. Day of Regular Meeting.**

The regular meeting of the Executive Committee shall be held on the fourth Tuesday of the month.

**§ 2416. Duties and Functions. [Executive Committee]**

(a) The Executive Committee shall study, advise, and make recommendations with regard to:

(1) Public information for governmental and other entities and officials, and for the citizens of California regarding matters affecting the District's interests;

(2) Official dealings with the United States Government, the State of California or other states, member public agencies or their sub-agencies, foreign governments and other entities or persons in matters of public policy or other activities as deemed appropriate;

(3) Policies and procedures to be considered by the Board or committees thereof, except for policy matters within the jurisdiction of a specific standing committee;

(4) Matters relating to the Colorado River Board of California;

(5) Major policy issues to be considered by the Board, including proposed amendments to the Metropolitan Water District Act;

(6) Questions raised by the officers and staff in intervals between meetings of the Board and in unexpected situations and emergencies.

(7) The terms and conditions of employment of all consultants and advisors not within the jurisdiction of other committees;

(8) Resolution of conflicting committee recommendations pursuant to §2314;

(9) The progress of, and propose modifications to, the Board's goals in light of then existing and projected future conditions; and

(10) Such other matters as may be required by Division II of this Code.

(b) The Executive Committee shall:

(1) Review and approve board and committee agendas and, notwithstanding the jurisdiction of the other standing committees in the Code, have the authority to direct which committee shall consider an item;

(2) Review and approve the scheduling of board and committee meetings;

(3) Be responsible for the oversight and management of the organization including, but not limited to, the form of the District's organization and the flow of the authority and responsibility. This includes monitoring and overseeing the duties and responsibilities of management; and

(4) Consider the effectiveness of the District's internal control system, including information technology security and control.

(c) The Executive Committee shall retain ultimate responsibility for those duties as are specifically assigned to the subcommittees of the Executive Committee.

(d) The Executive Committee shall be responsible for reviewing and approving the annual business plan containing the General Manager's key priorities for the coming year.

(e) As part of the Department Head annual evaluation process, the Executive Committee shall be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Manager.

(f) The Executive Committee shall also:

(1) Act on behalf of the Board in unexpected situations and emergencies, subject to subsequent approval or ratification of the actions taken whenever such approval or ratification is required by law.

(2) Provide policy guidance where appropriate to those directors and District staff members who are associated with organizations in which the District has membership.

(3) Conduct hearings on appeals of protest denials involving Purchasing Contracts and Professional and Technical Services Contracts pursuant to Section 8150(b).

(i) Hearings shall be held by the committee at its next regular meeting to be held at least 72 hours after the filing of the notice of appeal of the General Manager's determination under Section 8150(b). The decision of the committee shall be final unless the committee chooses to refer the notice of protest to the Board.

(ii) The Chair of the Executive Committee may re-delegate duties provided for under subparagraph (i) above to a minimum of three members of the Executive Committee who shall act in place of the committee.

(4) Resolve disputes over inspection dates and monitor conduct of inspection trips to assure maximum effectiveness.

(5) Investigate allegations of discrimination, harassment, and retaliation against directors, the General Manager, General Counsel, General Auditor, and Ethics Officer:

(i) The Executive Committee shall create an ad hoc subcommittee of three members to investigate any allegations of discrimination, harassment, or retaliation in violation of Section 2131 made against a director or allegations in violation of Section 6305 made against the General Manager, General Counsel, General Auditor, or Ethics Officer. No director who is the subject of an allegation of discrimination, harassment, or retaliation shall be appointed to the subcommittee.

(ii) The ad hoc subcommittee shall hire an outside counsel or investigator who shall report findings to the ad hoc subcommittee. At its discretion, the ad hoc subcommittee may consult with the General Counsel, Ethics Officer, and/or Equal Employment Opportunity Officer in the course of an investigation into allegations of discrimination, harassment, or retaliation involving a director.

(iii) The ad hoc subcommittee shall report its findings for appropriate action as follows:

a. To the Executive Committee for allegations involving a director or the General Manager.

b. To the Legal and Claims Committee for allegations involving the General Counsel.

c. To the Audit and Ethics Committee for allegations involving the General Auditor or Ethics Officer.

#### **§ 2417. Action by Board Officers.**

If, in the opinion of the Chair, it is impracticable that the full committee perform a function to be performed by the Executive Committee between regular meetings, such function may be performed by the Officers of the Board, acting at a meeting called for that purpose, with equal effect as if performed by the full committee.

### **Article 3**

#### **ENGINEERING, ~~AND~~ OPERATIONS AND TECHNOLOGY COMMITTEE**

Sec.

2430. Day of Regular Meeting

2431. Duties and Functions

#### **§ 2430. Day of Regular Meetings.**



The regular meetings of the Engineering, ~~and~~ Operations and Technology Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular Board meetings.

**§ 2431. Duties and Functions.**

(a) The Engineering, ~~and~~ Operations and Technology Committee shall study, advise and make recommendations with regard to:

- (1) Plans, specifications and bids;
- (2) The initiation, scheduling, contracting, and performance of construction programs and work, and the equipment or materials to be used, replaced, disposed of, or salvaged;
- (3) Such matters as may come to its attention on inspection trips of the aqueduct works which the committee shall make at least once a year;
- (4) The operation, protection, and maintenance of the plants and facilities required for the production, exchange, sale, storage, treatment, and delivery of water and power and for the storage and treatment of water; and for the distribution of electrical energy to the aqueduct pumping plants;
- (5) The providing of storage and distribution facilities and connections for the delivery of water;
- (6) Construction claims;
- (7) Engineering aspects of State Water Project facilities;
- (8) The selection of engineering and geologic consultants and the determination of the scope of their assignments;
- (9) Energy matters in general;
- (10) Water treatment technologies for complying with drinking water regulations;
- (11) Water quality policies and standards;
- (12) Policies regarding the quality of imported, reclaimed, reused and stored water;
- (13) The effect on the District of existing and proposed federal, state, and local water quality statutes and regulations;

(14) Proposed amendments to the Metropolitan Water District Act and Code affecting the engineering and operations functions of the District and water quality;

(15) Proposed rules and proposals regarding business development opportunities for intellectual property transactions; ~~and~~.

(16) The District's Capital Investment Program and appropriations for capital projects; ~~and~~.

(17) Changes in Metropolitan's aqueduct system to provide for the changing needs of the District member agencies; ~~and~~.

(18) Information technology strategies, projects and activities, including information technology asset management and the budgeting and tracking of information technology resources.

(b) The Engineering, ~~and~~ Operations and Technology Committee shall also conduct hearings on appeals of protest denials involving Public Works Contracts pursuant to Section 8150(a).

(1) Hearings shall be held by the committee at its next regular meeting, at least 72 hours after the filing of the notice of appeal of the General Manager's determination under Section 8150(a). The decision of the committee shall be final unless the committee chooses to refer the notice of protest to the Board.

(2) The Chair of the Engineering, ~~and~~ Operations and Technology Committee may re-delegate duties provided for under subparagraph (1) above to a minimum of three members of the Engineering, ~~and~~ Operations and Technology Committee who shall act in place of the committee.

#### Article 4

#### FINANCE, AUDIT, AND ~~INSURANCE~~ AND REAL PROPERTY COMMITTEE

Sec.

2440. Day of Regular Meeting

2441. Duties and Functions

#### § 2440. Day of Regular Meetings.

The regular meetings of the Finance, Audit, and ~~Insurance~~ and Real Property Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular meetings.

#### §2441. Duties and Functions.

The Finance, ~~Audit, and Insurance~~ and Real Property Committee shall study, advise and make recommendations with regard to:

- (a) Preparation of budgets;
- (b) Policies and procedures related to budget development and cost containment;
- (c) Sale of bonds and borrowing and repayment of money;
- (d) Disposition and investment of funds;
- (e) Authorization of appropriations, except appropriations for capital projects;

(f) The determination of revenues to be obtained through water transactions, including, but not limited to, sales, exchanges, and wheeling of water, water standby or availability of service charges, and the levying of taxes;

(g) The financial impact and requirements of policies concerning annexation;

(h) With respect to the duties and functions of the General Auditor, this Committee shall study, advise and make recommendations with regard to:

- i. All reports of the General Auditor and external auditors, including the audited financial statements of the District;
- ii. The Audit Department's annual business plan and biennial budget; and,
- iii. Requests from other committees of the Board for audits and reviews not included in the Audit Department's annual business plan.

(i) Monitoring and overseeing the duties and responsibilities of the Audit Department and the external auditors as those duties and responsibilities relate to the effectiveness of the District's internal control system. It shall review and approve the Audit Department business plan containing the key priorities for the coming year of the General Auditor and the Audit Department in advance of the July Board meeting.

(j) As part of the Department Head annual evaluation process, be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Auditor.

~~(hk)~~ The financial aspects of the District's risk management program;

~~(il)~~ Questions pertaining to insurance coverage and self-insurance;

~~(mj)~~ The selection of financial and insurance consultants and the determination of the scope of their assignments;

~~(kn)~~ Form and contents of accounts, financial reports, and financial statements;

(~~lo~~) Proposed amendments to the Metropolitan Water District Act affecting the finance ,  
audit, and insurance and real property functions of the District;

(~~mp~~) Goals and objectives related to financial planning for Metropolitan, including but not limited to revenues, operating expenses, reserve policies, internally funded construction, debt management, investments and capital financing strategies;

(~~nq~~) The prices and conditions governing water transactions, including, but not limited to, sales, exchanges, and wheeling sales of water;

(~~or~~) Costs and accounting procedures relating to the District's and other state water service contracts;

(~~ps~~) Policies regarding water transactions, including, but not limited to, the sale, exchange, and wheeling of water for various uses;

(~~qt~~) Policies regarding allocation of water standby or availability of service revenue requirements among member public agencies;

(~~ru~~) Water standby or availability of service charges within the District;

(~~vs~~) Determinations by the General Manager with respect to appeals concerning charges for water service, including readiness-to-serve charges and capacity charges, and report its recommendations, as appropriate, to affirm or reverse the General Manager's determinations;

(~~tw~~) Appeals from determinations by the General Manager to deny or qualify an application for exemption from the water standby charge, and report its recommendations, as appropriate, to affirm or reverse the General Manager's determinations;

(~~ux~~) The purchase, management and disposition of personal property assets such as equipment and vehicles;

(~~vy~~) Facility master plans, including budgeting for capital improvements and long-term facilities commitments;~~and~~

(z) Proposed rules and proposals regarding business development opportunities for real property;

(aa) Policies for the acquisition of rights-of-way;

(bb) The purchase, sale, and leasing of land and buildings, including the District's various office and garage space needs;

(cc) The incidental use of land in farming operations and otherwise;

(dd) The operation and maintenance of buildings;

(ee) The development, oversight, and coordination of recreational facilities at Diamond Valley Lake and Lake Skinner;

(ff) The use of proceeds from the sale or disposition of surplus property related to Diamond Valley Lake and Lake Skinner for recreational purposes.

(gg) Annexations and annexation policies including the requirements, procedures, terms and conditions for annexation.

## **Article 5**

### **LEGAL AND CLAIMS COMMITTEE**

Sec.

2450. Day of Regular Meetings

2451. Duties and Functions

#### **§ 2450. Day of Regular Meeting.**

The regular meetings of the Legal and Claims Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular Board meetings.

#### **§ 2451. Duties and Functions. [Legal and Claims Committee]**

The Legal and Claims Committee shall study, advise and make recommendations with regard to:

(a) Litigation and claims brought by or against the District;

(b) Condemnation matters, when they involve settlements requiring Board approval and inverse condemnation matters;

(c) Public liability insurance matters, including self-insurance aspects, and matters pertaining to errors and omissions insurance;

(d) Policy considerations concerning District contracts;

(e) The selection of candidates for consideration by the Board to serve as the General Counsel and the determination of the scope of the assignments of the General Counsel;

(f) The selection of special counsel and the determination of the scope of their assignments;

(g) Proposed amendments of the Metropolitan Water District Act, legislation dealing with public agencies, proposed District ordinances and the organization and contents of the Code;

(h) Proposed legislation dealing with public agencies and proposed amendments to the Public Employees Retirement Law; and

(i) The Legal and Claims Committee shall be responsible for reviewing and approving the business plan containing the key priorities for the coming year of the General Counsel and the Legal Department. It shall review and approve the business plan in advance of the July Board meeting.

(j) As part of the Department Head annual evaluation process, the Legal and Claims Committee shall be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Counsel.

## **~~Article 6~~**

### **~~WATER PLANNING AND STEWARDSHIP COMMITTEE~~**

~~Sec.~~

~~2460. Day of Regular Meetings~~

~~2461. Duties and Functions~~

#### **~~§ 2460. Day of Regular Meeting.~~**

~~———— The regular meetings of the Water Planning and Stewardship Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular Board meetings.~~

#### **~~§ 2461. Duties and Functions.~~**

~~———— The Water Planning and Stewardship Committee shall study, advise, and make recommendations with regard to:~~

~~———— (a) Policies, sources, and means of importing and distributing water, transferring water, and wheeling water as required by the District;~~

~~———— (b) Policies and procedures regarding the delivery and exchange of water for various uses;~~

~~———— (c) Metropolitan Water Supply Planning including the Integrated Resources Planning Process and completion of the Urban Water Management Plan and related policies;~~

~~———— (d) The effect on the District of existing and proposed federal, state, and local environmental statutes and regulations; and~~

~~—(e) Environmental compliance and requirements.~~

## Article ~~76~~

### THE LEGISLATION, REGULATORY AFFAIRS AND COMMUNICATIONS AND LEGISLATION COMMITTEE

Sec.

24~~6~~70. Day of Regular Meeting

24~~6~~71. Duties and Functions

#### § 24~~7~~60. Day of Regular Meeting.

The regular meetings of the Legislation, Regulatory Affairs and Communications ~~and Legislation~~ Committee shall be on the Monday preceding regular Board meetings or on the Tuesday of regular board meetings.

#### §2471. Duties and Functions.

The Legislation, Regulatory Affairs and Communications ~~and Legislation~~ Committee shall study, advise and make recommendations to the Board with regard to:

(a) Proposals of the General Manager, other committees, and board members concerning State and Federal legislation and regulations, or amendments thereto, that may affect the District;

(b) Recommendations for new legislation or regulations identified by members of the Board or the General Manager;

(c) Opportunities for members of the Board to assist in outreach activities, including efforts to inform members of the Legislature or the Congress of the District's position with regard to proposed legislation and regulations;

(d) The effectiveness of legislative and administrative advocacy efforts by staff and members of the Board;

(e) The development and implementation of Directors' inspection trips, including the expectations and goals for these trips;

(f) The development and implementation of school education programs, including the expectations and goals for these programs;

(g) The effectiveness of Metropolitan's external affairs programs and general communications efforts directed at member agencies and the general public; and

(h) The selection of public information consultants and the scope of their assignments.

**Article ~~87~~****ETHICS, ORGANIZATION ~~AND~~, PERSONNEL ~~AND TECHNOLOGY~~ COMMITTEE**

Sec.

~~248~~70. Day of Regular Meeting

~~248~~71. Duties and Functions

**§~~248~~70. Day of Regular Meeting.**

The regular meetings of the Ethics, Organization, and -Personnel ~~and Technology~~ Committee shall be held on the Monday preceding regular board meetings or on the Tuesday of regular board meetings.

**§~~248~~71. Duties and Functions.**

The Ethics, Organization, and Personnel ~~and Technology~~ Committee shall study, advise and make recommendations with regard to:

- (a) The form of the District's organization and the flow of authority and responsibility;
- (b) Periodic independent reviews and studies of the organization, classification of positions, job duties, salaries, and salary ranges;
- (c) Relations between the District and its employees, including all matters affecting wage, hours, pension plans and other employee benefits, and other terms and conditions of employment, as well as the district's negotiation of such matters with employee bargaining units and selection of negotiators;
- (d) Areas of special concern to the District and its employees, including, but not limited to work rules pertaining to the health and safety of employees;
- (e) Policies and rules regarding employment, discipline and discharge of District officers and employees;
- (f) Proposed amendments to the Metropolitan Water District Act and Administrative Code affecting contract procedures and policies, the organization and personnel policies of the District and to the Public Employees' Retirement Law;
- ...
- (h) ~~The Organization, Personnel and Technology Committee shall be responsible for the~~ aAnnual overall coordination of the Department Head Evaluation Program.



(i) Periodic performance expectations discussions, including progress checks, with the Ethics Officer.

(j) Monitoring and overseeing the duties and responsibilities of the Ethics Officer to ensure the independence of the Ethics Officer.

(k) Receive and review bi-monthly status reports of pending investigations by the Ethics Officer. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

(l) Receive and review quarterly reports from the Ethics Officer on any engagement of professional and technical consultants.

(m) Review and approval of the business plan containing the key priorities for the coming year for the Ethics Office. It shall review and approve the business plan in advance of the July Board meeting.

## **~~Article 9~~**

### **~~REAL PROPERTY AND ASSET MANAGEMENT COMMITTEE~~**

~~Sec.~~

~~—2490. Day of Regular Meeting~~

~~—2491. Duties and Functions~~

#### **~~§ 2490. Day of Regular Meeting~~**

~~The Real Property and Asset Management Committee shall hold regular meetings on the Monday preceding regular board meetings or on the Tuesday of regular board meetings.~~

~~——— M.I. 50467 — May 10, 2016.~~

#### **~~§ 2491. Duties and Functions~~**

~~The Real Property and Asset Management Committee shall study, advise, and make recommendations with regard to:~~

~~(a) Proposed amendments to the Metropolitan Water District Act and Code affecting the acquisition, ownership, and sale of land by the District;~~

~~(b) Proposed rules and proposals regarding business development opportunities for real property;~~

~~(c) Policies for the acquisition of rights-of-way;~~

~~(d) The purchase, sale, and leasing of land and buildings, including the District's various~~

~~office and garage space needs;~~

~~(e) The incidental use of land in farming operations and otherwise;~~

~~(f) The operation and maintenance of buildings;~~

~~(g) The development, oversight, and coordination of recreational facilities at Diamond Valley Lake and Lake Skinner; and~~

~~(h) The use of proceeds from the sale or disposition of surplus property related to Diamond Valley Lake and Lake Skinner for recreational purposes.~~

~~——— (i) Annexations and annexation policies including the requirements, procedures, terms and conditions for annexation.~~

~~——— M.I. 50467 May 10, 2016; added paragraph (i) by M.I. 52447 July 13, 2021.~~

~~[Article 9 Legislation Committee, §§ 2490–2491, Repealed by M.I. 49187 September 11, 2012]~~

## **Article 9.5**

### **AUDIT AND ETHICS COMMITTEE**

See:

~~–2495. Day of Regular Meeting~~

~~–2496. Duties and Functions~~

#### **§ 2495. Day of Regular Meeting**

~~The Audit and Ethics Committee shall hold regular meetings every two months on the fourth Tuesday of the month.~~

~~——— M.I. 51391 November 6, 2018~~

#### **§ 2496. Duties and Functions**

~~(a) Duties and Functions with respect to General Auditor~~

~~(1) The Audit and Ethics Committee shall study, advise and make recommendations with regard to:~~

~~(i) All reports of the General Auditor and external auditors, including the audited financial statements of the District;~~

~~(ii) The Audit Department's annual business plan and biennial budget;~~

~~(iii) Requests from other committees of the Board for audits and reviews not included in the Audit Department's annual business plan;~~

~~(2) The Audit and Ethics Committee shall be responsible for monitoring and overseeing the duties and responsibilities of the Audit Department and the external auditors as those duties and responsibilities relate to the effectiveness of the District's internal control system. It shall review and approve the business plan containing the key priorities for the coming year of the General Auditor and the Audit Department in advance of the July Board meeting.~~

~~(3) As part of the Department Head annual evaluation process, the Audit and Ethics Committee shall be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Auditor.~~

~~(b) Duties and Functions with respect to Ethics Officer~~

~~(1) As part of the Department Head annual evaluation process, the Audit and Ethics Committee shall be responsible for engaging in periodic performance expectations discussions, including progress checks, with the Ethics Officer.~~

~~(2) The Audit and Ethics Committee shall be responsible for monitoring and overseeing the duties and responsibilities of the Ethics Officer to ensure the independence of the Ethics Officer.~~

~~(3) The Audit and Ethics Committee shall review and receive bi-monthly status reports of pending investigations by the Ethics Officer. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.~~

~~(4) The Audit and Ethics Committee shall review and receive quarterly reports from the Ethics Officer on any engagement of professional and technical consultants.~~

~~(5) The Audit and Ethics Committee shall review and approve the business plan containing the key priorities for the coming year for the Ethics Office. It shall review and approve the business plan in advance of the July Board meeting.~~

~~M.I. 51391—November 6, 2018; amended paragraph (b)(3) by M.I. 52574—November 9, 2021; amended paragraphs (b)(1), (b)(2), and (b)(3) by M.I. 52941—August 16, 2022.~~

## **Article 89.7**

### **ONE WATER AND STEWARDSHIP (CONSERVATION AND LOCAL RESOURCES) COMMITTEE**

Sec.

~~2497~~70. Day of Regular Meeting

~~2498~~71. Duties and Functions

**§ 24~~70~~<sup>97</sup>. Day of Regular Meeting**

The One Water ~~and Stewardship (Conservation and Local Resources)~~-Committee shall hold regular meetings on an as-needed basis.

**§ 24~~71~~<sup>98</sup>. Duties and Functions**

The One Water ~~and Stewardship (Conservation and Local Resources)~~-Committee ~~will have~~<sup>shall have</sup> oversight over the planning, prioritization, and funding of any current or future regional demand management or any regional or local supply projects within the Metropolitan service area receiving funding from Metropolitan, such as the Regional Recycling Project and local projects funded through Metropolitan's Local Resources Program. The Committee shall review and consider:

(a) Establishing policies and programs regarding water conservation and reuse, watershed management, storm water capture and management, recycling, sustainable groundwater management and protection, underground storage, and use thereof;

(b) Seawater desalination, recycling and reuse, and brackish water issues in Metropolitan's service area, and use thereof;

(c) Overseeing development and implementation of Metropolitan's Local Resources Program and Conservation Program and other efforts to meet local supply and water use efficiency goals;

(d) The effect of existing and proposed federal, state and local environmental, water supply and water management statutes and regulations on supplies produced or that may be produced within the District's region;

(e) Recommendations for comprehensive solutions to regional supply problems with the intent to increase water reliability, cost effectiveness, and environmental benefit;

(f) Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from external representatives;

(g) Recommendations to the Board on policies and programs that will strengthen relationships with other agencies in furthering Metropolitan's objectives for increased regional self-reliance and greater water use efficiency;

(h) Creating opportunities for collaboration to advance the development of local supplies and achieving greater water use efficiency;

(i) Coordinating and aligning new water supplies, local resources projects and programs, and investments with other Metropolitan strategic priorities and initiatives; ~~and~~

(j) Developing criteria for the prioritization of investments in new water supplies;

(k) Policies, sources, and means of importing and distributing water, transferring water, and wheeling water as required by the District;

(l) Policies and procedures regarding the delivery and exchange of water for various uses;

(m) Metropolitan Water Supply Planning including the Integrated Resources Planning Process and completion of the Urban Water Management Plan and related policies; and,

(n) Environmental compliance and requirements, and informing the technical aspects and science factors in providing comments to regulatory agencies and legislation affecting the regulation of water supply operational facilities and the conditions that they operate under.

### **~~Article 9.8~~**

#### **~~IMPORTED WATER COMMITTEE~~**

~~See:~~

~~—2499.— Day of Regular Meeting~~

~~—2499.10 Duties and Functions~~

#### **~~§ 2499. Day of Regular Meeting~~**

~~The Imported Water Committee shall hold regular meetings on an as-needed basis.~~

~~———M.I. 52666— January 11, 2022.~~

#### **~~§ 2499.10 Duties and Functions~~**

~~———The Imported Water Committee shall study, advise, and make recommendations regarding:~~

~~(a) Issues relating to the protection of Metropolitan's rights to receive imported water supplies from any source;~~

~~(b) Issues relating to the operation of the State Water Project and the implementation of Metropolitan's State Water Contract, including Bay-Delta issues;~~

~~(c) Issues relating to the Colorado River, including negotiation and implementation of agreements with and among Colorado River Contractors;~~

~~(d) The protections of the Metropolitan's water supply from, and mitigation of the impacts of water development on, the Colorado River;~~

~~(e) Issues relating to any future matters relating to imported water from any additional source;~~

~~(f) The effect of existing and proposed federal, state, and local environmental water supply and water conveyance statutes, regulations and permits on Metropolitan's water supplies from all sources;~~

~~(g) Policies and procedures regarding the delivery and exchange of imported water for various uses; and~~

~~(h) Receipt of the Water Surplus and Drought Management Reports.~~

### ~~Article 9.9~~

#### ~~UNDERSERVED COMMUNITIES COMMITTEE~~

~~See:~~

~~—2499.20 Day of Regular Meeting~~

~~—2499.30 Duties and Functions~~

#### ~~§ 2499.20. Day of Regular Meeting~~

~~The Underserved Communities Committee shall hold regular meetings on an as-needed basis.~~

~~——— M.I. 52666 — January 11, 2022.~~

#### ~~§ 2499.30 Duties and Functions~~

~~——— The Underserved Communities Committee shall study, advise, and make recommendations regarding the ways Metropolitan can:~~

~~(a) Better serve the disadvantaged and underserved communities within Metropolitan's service area;~~

~~(b) Improve the access of disadvantaged and underserved communities to reliable, high-quality drinking water supplies;~~

~~(c) Increase the participation of currently underserved communities in Metropolitan's rebate, conservation, and other local resources programs; and~~

~~(d) Assist and support member agency programs and advocate for underserved communities, including providing operational and technical assistance.~~

~~——— M.I. 52666 — January 11, 2022.~~

**Article 9.10****DIVERSITY, EQUITY, AND INCLUSION AND AFFORDABILITY COMMITTEE**

Sec.

~~249099.40~~ Day of Regular Meeting

~~249199.50~~ Duties and Functions

**§ 249099.40. Day of Regular Meeting**

The ~~Diversity, Equity, and Inclusion, and Affordability~~ Committee shall hold regular meetings on an as-needed basis.

**§ 249199.50 Duties and Functions**

The ~~Diversity, Equity, and Inclusion and Affordability~~ Committee will:

(a) Direct and receive reports from, and be the home committee for, Metropolitan's Diversity, Equity and Inclusion Officer;

(b) Receive input, policy and procedure recommendations from the Diversity, Equity and Inclusion Officer;

(c) Study diversity, equity, and inclusion issues within Metropolitan to recommend ways to enhance and promote equal opportunity, affirmative action, increased diversity of the workforce and a culture of inclusion within Metropolitan;

(d) Promote workforce development programs, including training and advancement opportunities at Metropolitan to increase diversity, equity and inclusion within Metropolitan and benefit the communities within Metropolitan's service area;

(e) Study areas of special concern to the District and its employees, including, but not limited to, equal employment opportunity and affirmative action.

(f) Study, advise and make recommendations on the ways the District can:

(1) Better serve the disadvantaged and underserved communities within Metropolitan's service area, and mitigate issues of affordability;

(2) Improve the access of disadvantaged and underserved communities to reliable, high-quality drinking water supplies;

(3) Increase the participation of currently underserved communities in Metropolitan's rebate, conservation, and other local resources programs; and

(4) Assist and support member agency programs and advocate for underserved communities, including providing communications, operational and technical assistance, with focus on consumer confidence of drinking water.

...

## Chapter 5

### OTHER COMMITTEES: MISCELLANEOUS COMMITTEE MATTERS

Article		Sec.
1	Special Committees	2500
2	Board and Committee Nomination Procedures	2520
<u>3</u>	<u>Ad Hoc Committees</u>	<u>2530</u>

## Article 2

### BOARD AND COMMITTEE NOMINATION PROCEDURES

#### § 2520. In General.

The Executive Committee shall:

(a) Nominate members for the offices of Chair and Secretary of the Board. If a member is nominated as a candidate by the committee, ~~he or she~~ they shall be advised by the committee and shall immediately cease further participation in the committee's deliberations and action on that office.

(b) Establish procedures for the fair and impartial election of members to the offices of Chair and Secretary of the Board including, but not limited to, sponsorship of forums for communication of the views of the candidates to Board members. Nominations from the floor shall be made at the meeting of the Board at which an election is scheduled. The committee will provide each director with written notice of any candidate nomination at least 10 days prior to the scheduled date of the election.

## Article 3

### Ad Hoc Committees

Sec.

2530. Ad Hoc Committee on Pure Water SoCal and Regional Conveyance



2531. Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations

2532. Ad Hoc Committee on San Diego Litigation

2533. Ad Hoc Committee on Implementation of State Audit

2534. Ad Hoc Committee on Facilities Naming

**§ 2530. Ad Hoc Committee on Pure Water SoCal and Regional Conveyance**

(a) The Ad Hoc Committee on Pure Water SoCal and Regional Conveyance shall hold meetings as required to accomplish committee objectives.

(b) Duties and Functions

The Ad Hoc Committee on Pure Water SoCal and Regional Conveyance shall work on the following:

(1) The planning and schedule of the water entitlement process; and

(2) The construction process and the determination of outreach needs in coordination with other relevant committees and subcommittees of the Board.

**§ 2531. Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations.**

(a) The Ad Hoc Committee on External Property Management, Bay-Delta and Colorado River Negotiations shall hold meetings as required to accomplish committee objectives.

(b) Duties and Functions

Provide guidance to the General Manager on the following issues:

(1) The application of Board-approved policy principles and actions relating to the Bay-Delta and Colorado River with regard to negotiations and implementation of agreement with and among Colorado River Contractors and Federal and State Authorities;

(2) The application of Board-approved policy principles and actions with regard to ongoing State Water Contract renegotiations; and

(3) The application of Board-approved policy principles and actions with regard to negotiations with external authorities in charge of regulating land owned by Metropolitan outside of its service area and other agricultural water conservation partnerships.

**§ 2532. Ad Hoc Committee on San Diego Litigation.**

(a) The Ad Hoc Committee on San Diego Litigation shall hold meetings as required to accomplish committee objectives.

(b) The Ad Hoc Committee on San Diego Litigation shall advise on issues related to the ongoing litigation between Metropolitan and the San Diego County Water Authority.

**§ 2533. Ad Hoc Committee on Implementation of State Audit.**

(a) The Ad Hoc Committee on Implementation of State Audit shall hold meetings as required to accomplish committee objectives.

(b) This committee shall oversee the implementation of recommendations from the State Audit and the Independent Assessment of Workplace Concerns.

**Added § 2534. Ad Hoc Committee on Facilities Naming**

The Ad Hoc Committee on Facilities Naming will meet when there is a need to consider the naming of Metropolitan facilities.

**Chapter 6**

**DIRECTORS**

Article	Sec.
1 General	2600
2 Inspection Trips	2610
3 Responsibilities of New Directors	2616
4 Miscellaneous	2620

**Article 1**

**GENERAL**

**§ 2600. Assumption of Office.**

(a) Before entering upon the duties of ~~his~~their office, each person appointed to be a director shall take and subscribe to an oath or affirmation conforming to that prescribed by Section 3 of Article XX of the California Constitution. Said oath or affirmation shall only be taken before a District officer or employee authorized to administer the oath.

(b) A person shall assume all rights and powers and be subject to all liabilities, duties and obligations of a director upon the taking of the oath administered in accordance with the provisions of Section 2600(a).

### Article 3

#### RESPONSIBILITIES OF NEW DIRECTORS

Sec.

2616. Obligations

2617. Inspection Trip Sponsorship Duty

#### § 2617. Inspection Trip Sponsorship Duty.

New directors are encouraged to participate as soon as possible in an inspection trip being sponsored by a fellow director, and, subsequently, to sponsor an inspection trip within ~~his/her~~ their first year on the Board.

### Chapter 7

#### PERIODIC STAFF REPORTS TO BOARD AND COMMITTEES

#### Article 1

#### ANNUAL REPORTS

#### § 2700. General Manager's Annual Reports.

The General Manager shall annually make the following reports

(a) To the Board:

(1) On financial matters generally;

(2) After consulting with the General Counsel, on the results of ~~his or her~~ their review made pursuant to Section 5204 of District compliance with minimum fund requirements outlined in Sections 5201-5204 and with the articles and covenants contained in resolutions of issuance;

(3) On the status of appropriations pursuant to Section 5108(c).

(4) On annexation matters pursuant to Sections 3107 and 3300(b).

(5) On payment of dues to organizations pursuant to Section 11102.

...

(c) To the ~~Organization, Personnel and Technology~~ Equity, Inclusion and Affordability Committee: ~~(1) On~~ the status of the equal employment opportunity policy and affirmative action program as required by Section 6304.

(d) To the Ethics, Organization and Personnel Committee ~~(2) On~~ all consulting agreements in effect during the preceding year and the exercise of authority under Section 8121(c). Each such report shall indicate when a consultant is a former employee of the District.

#### **§ 2701. Treasurer's Reports**

...

(b) The Treasurer shall report to the Finance, Audit, and Insurance and Real Property Committee:

(1) All payments after loss of a bond interest coupon made pursuant to Section 5104; and

(2) All issuances of duplicate bonds made pursuant to Section 5105.

#### **§ 2703. General Auditor's Report**

The General Auditor shall annually report to the Finance, Audit, Insurance and Real Property ~~and Ethics~~ Committee a business plan containing the General Auditor's key priorities for the coming year for the Audit Department as required by Sections 2501 and 6451.

#### **§ 2704. Ethics Officer's Report**

The Ethics Officer shall annually report to the Ethics, Organization and Personnel ~~Audit and Ethics~~ Committee a business plan containing the Ethics Officer's key priorities for the coming year for the Ethics Office as required by Sections 2501 and 6473.

### **Article 2**

#### **QUARTERLY REPORTS**

#### **§ 2720. General Manager's Quarterly Reports.**

The General Manager shall quarterly make the following reports:

(a) To the Engineering, ~~and~~ Operations and Technology Committee: a report on the Capital Investment Plan, including service connections approved by the General Manager pursuant to Sections 4700-4708 with the estimated cost and approximate location of each and the execution of any relocation agreements involving an amount in excess of \$100,000 under authority of Section 8122(c);

(b) To the Finance, Audit, ~~and~~ Insurance and Real Property Committee:

A summary of financial performance including Comparative Statements of Operations and Comparative Balance Sheets and variances thereof from estimates;

(c) To the ~~Real Property and Asset Management~~ Finance, Audit, Insurance and Real Property Committee:

(1) Deeds or grants accepted during the preceding quarter;

(2) Easements, or similar rights, granted during the preceding quarter under the authority of Section 8220, and shall also include in such report any relocation or protection agreement made in connection therewith;

(3) All leases made during the preceding quarter under the authority of Sections 8222, 8223, 8230 and 8232;

(4) The details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District; and

(5) Property sold pursuant to the authority granted by Section 8240 et seq.

(d) To the Legal and Claims Committee, jointly with the General Counsel, the exercise of any power delegated to them by Sections 6431, 6433 and 6434, and, in addition any and all other personnel-related settlements that invoke confidentiality or have any financial impact – including paid and reinstated leave – regardless of settlement type. The reporting on personnel-related settlements should include whether equal employment opportunity issues were implicated, whether the employee is still employed by the District, the existence and type of any financial or confidentiality terms, and whether the District has taken any corrective action in response to the alleged issues.

(e) To the ~~Organization, Personnel~~ Engineering, Operations and Technology Committee:

(1) The status of all information technology projects throughout the organization.

(2) The employment of any professional and technical consultant, the extension of any professional and technical consulting agreement, on the exercise of authority under Section 8121(c) and 8122(h) and the execution of any contract authorized pursuant to Section 8122(g) during the preceding calendar quarter. The report covering the last calendar quarter of the year may be combined with and included in the annual report. Each such report shall indicate when a consultant is a former employee of the District.

...

**§ 2722. General Auditor's Quarterly Reports.**

The General Auditor shall report to the Finance, Audit, Insurance and Real Property ~~and Ethics~~ Committee the exercise of any power delegated to the General Auditor by Section 6453.

**§ 2723. Ethics Officer's Quarterly Reports.**

The Ethics Officer shall report to the ~~Audit and Ethics~~, Organization and Personnel Committee on activities concerning agreements executed pursuant to the authority given to the Ethics Officer in Section 6471.

**Article 3**

**MONTHLY REPORTS**

**§ 2743. Ethics Officer's Bi-Monthly Reports.**

The Ethics Office shall provide bi-monthly reports to the ~~Audit and Ethics~~, Organization and Personnel Committee summarizing all investigations. The reports shall be limited to the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

**Article 4**

**MISCELLANEOUS REPORTS**

**§ 2750. Escheat to District of Unclaimed Funds.**

The Controller shall file a report with the Finance, Audit, and Insurance and Real Property ~~Audit, and Insurance and Real Property~~ Committee after each publication made pursuant to Section 5113 regarding moneys unclaimed in the District treasury.

**2751. Report of Exercise of Authority.**

The General Manager shall report to the next following meeting of the Finance, Audit, and Insurance and Real Property ~~Audit, and Insurance and Real Property~~ Committee any exercise of authority pursuant to Sections 5300-5303.

**§ 2752. Emergency Contracting.**

The General Manager shall report to the Board on any action taken under the authority of Section 8122(b) within 7 days after taking that action or at the next following meeting of the Engineering, ~~and~~ Operations and Technology Committee if that meeting will occur not later than 14 days after the action.

### **Division III**

#### **ANNEXATIONS**

Chapter		Sec.
1	Annexation Procedure	3100
2	Policies Related to Annexations	3200
3	Financial Policies Related to Annexations	3300

#### **Chapter 1**

#### **ANNEXATION PROCEDURE**

##### **§ 3108. Time for Completion of Annexation.**

...

(b) If the General Manager finds that there is no significant change in the circumstances surrounding the annexation, ~~he~~they shall grant an extension for one year subject to any new mandatory terms and conditions which have been adopted by the Board since the original approval of the annexation, and further subject to payment of the current annexation charges. If the General Manager finds that there are significant changes in the circumstances surrounding the annexation, ~~he~~they shall submit the request for extension to the Board in accordance with Section 3102.

...

### **Division IV**

#### **WATER SERVICE POLICIES**

#### **Chapter 2**

#### **REGIONAL WATER MANAGEMENT**

##### **§ 4206. Carryover Storage.**

(a) The General Manager is authorized to store District water in any storage facility within any member public agency of the District where storage capacity is available. Further, the General Manager is instructed that no water is to be delivered or supplied under any storage contract until ~~he has~~ they have determined that sufficient water supplies will be available to fill the District's storage reservoirs.

...

### Chapter 3

#### WATER TRANSACTIONS REVENUE

##### § 4304. Apportionment of Revenues and Setting of Water Rates.

(a) Not later than at its February meeting the General Manager shall present to the Finance, ~~Audit, and~~ Insurance and Real Property Committee of the Board:

(1) Determinations of the revenue requirements and cost of service analysis supporting the rates and charges required during the biennial period beginning the following July 1, as determined by the General Manager in accordance with current Board policies, and,

(2) Recommendations of rates including, but not limited to, the System Access Rate, Water Stewardship Rate, System Power Rate, Treatment Surcharge, and the Supply Rates for the various classes of water service to become effective each January 1 of the biennial period. These recommended rates shall be the General Manager's determination, made in accordance with current Board policies, of the rates necessary to produce substantially the revenues to be derived from water transactions, including, but not limited to, sales, exchanges, and wheeling, during the biennial period beginning the following July 1.

(b) Not later than at its February meeting, the General Manager shall also present to the Finance, ~~Audit, and~~ Insurance and Real Property Committee recommendations regarding the continuation of a water standby charge or the imposition of an availability of service charge (such as the readiness-to-serve charge and capacity charge), which shall be the General Manager's determination, made in accordance with current Board policies, of the charge necessary to produce substantially the revenues to be derived from fixed revenue sources, if any, exclusive of taxes, during the biennial period beginning the following July 1 which the Finance and Insurance Committee has determined to be necessary.

(c) Not later than its February meeting the Finance, ~~Audit, and~~ Insurance and Real Property Committee shall set a time or times for, and shall thereafter hold, one or more meetings of the Finance, ~~Audit, and~~ Insurance and Real Property Committee, to be held prior to its regular



April meeting, at which interested parties may present their views regarding the proposed water rates and availability of service charges to said committee. The Finance, Audit, ~~and~~ Insurance and Real Property Committee shall direct the General Manager to cause the publication of a notice of such public hearing to be published in newspapers of general circulation within the District's service area. Such notice shall be published not less than 10 days prior to the public hearing.

(d) Not later than its regular April meeting the Finance, Audit, ~~and~~ Insurance and Real Property Committee shall make its determination regarding the revenue requirement to be paid from water rates and the water rates to become effective each January 1 of the biennial period and shall recommend said water rates to the Board no later than the Board's regular April meeting.

## Chapter 4

### CLASSIFICATION AND RATES

#### § 4402. Readiness-to-Serve Charge.

...

(c) The General Manager shall establish and make available to member public agencies procedures for administration of the readiness-to-serve charge, including filing and consideration of applications for reconsideration of their respective readiness-to-serve charge. The General Manager shall review any applications for reconsideration submitted in a timely manner. The General Manager shall also establish reasonable procedures for the filing of appeals from ~~his~~ their determination.

## Chapter 5

### WATER SERVICE REGULATIONS - GENERAL

#### § 4504. Rates of Flow.

(a) Within any 24-hour period, changes in rate of flow through any service connection serving a member public agency will be limited to ten (10) percent above and below the previous 24-hour average rate of flow except when a specific request for a change in rate that would exceed such limitations has been made to the District; such requests (1) shall be made at least 6 hours in advance of the time such change is to be made; (2) shall be approved by the General Manager only if in ~~his~~ their judgment the change would not adversely affect the District's ability to apportion available water equitably. The General Manager is hereby authorized to reduce the maximum obtainable rate of flow at any service connection where this regulation is being violated and in the event the capacity of the distribution system is insufficient to accommodate

the above mentioned daily fluctuations in delivery rate, the General Manager shall regulate the rates of flow at any or all service connections so as to assure equitable service to all agencies. However, the District will endeavor to meet all reasonable demands for service so long as comparable service can be provided to all member public agencies being served from a related section of the District's distribution system.

...

(d) The General Manager shall have the power to waive the provisions of Sections 4504(a), 4504(b) and 4504(c) for a specified period with respect to any service connection if in ~~his~~their judgment such a waiver will serve to accomplish the current objectives of the District and will not adversely affect the operation of the District's distribution system or impair its ability to provide service to all member public agencies.

#### **§ 4507. Billing and Payment for Water Deliveries.**

...

(g) **Review Process.** With respect to water sold and delivered at the rates prescribed for water sold under water programs or contract (unless otherwise specified in an agreement with the District) the District will complete its review within twelve months from date of receipt of the original supporting documentation.

(1) Should the District not complete its review within twelve months of the submittal of all source documentation, the review will be considered complete and the certifications final.

(2) When the review is completed, the District will notify the member agency of its initial findings for its comments. The member agency will provide its comments within 60 days. Metropolitan staff and the agency will work together to reconcile any differences.

(3) If the member agency and Metropolitan staff cannot reconcile the differences, Metropolitan's Water System Operations' Group Manager has the responsibility to consult with the member agency and make a final ruling, subject to the General Manager's oversight. If the ruling is unsatisfactory to the agency, it can be appealed to Metropolitan's Finance, Audit, ~~and~~ Insurance and Real Property Committee.

(4) If the member agency does not provide further documentation correcting Metropolitan staff findings within the ~~60~~-day comment period as specified in (g) (2), then it shall be conclusively presumed that the District's findings are correct and the District's next monthly billing shall reflect such adjustment.

#### **§ 4519            Emergency Deliveries of Member Agency Water Supplies in Metropolitan's System**

...

(j) Term for Emergency Deliveries: In ~~his~~their sole discretion, Metropolitan's General Manager shall determine: (i) when the emergency begins; and (ii) when the emergency ends because emergency deliveries are no longer necessary or need to be discontinued. Emergency deliveries of member agency water supplies shall not exceed one year in length unless a longer term is approved by Metropolitan's Board of Directors. Metropolitan will endeavor to provide the member agency with 72 hours' notice of the conclusion of the emergency and the return of normal operations.

## Chapter 7

### SERVICE CONNECTIONS

#### § 4700. General Authorization.

The General Manager is authorized to construct, or have constructed, any service connection requested by a member public agency, which, in the opinion of the General Manager, should be authorized and which is not specifically precluded by resolution of the Board; subject to such terms and conditions as shall be deemed by ~~him~~them to be reasonable and proper, and which shall, however, include the following:

...

#### § 4708. General Manager's Report on Service Connections.

The General Manager shall report quarterly to the Engineering, ~~and~~ Operations and Technology Committee of the Board new service connections approved by ~~him~~them pursuant to this Chapter with the estimated cost and approximate location of each.

## Chapter 8

### SYSTEM INTERCONNECTIONS - HYDRAULIC TRANSIENTS

#### § 4803. Reduction or Suspension of Deliveries.

The General Manager is authorized to reduce or suspend deliveries to any member public agency if ~~he~~they determines that a member public agency or subagency has failed to install reliable protective devices to protect the District's facilities from damage from hydraulic transients and that a substantial risk of such damage exists.

**Division V****FINANCIAL MATTERS****Chapter 1****ADMINISTRATIVE MATTERS****§ 5104. Payment After Loss of Bond Interest Coupon.**

...

(b) The Treasurer shall report to the Finance, Audit, ~~and~~ Insurance and Real Property Committee all payments made pursuant to this Section 5104.

**§ 5105. Lost or Destroyed Bonds.**

...

(b) The Treasurer shall report to the Finance, Audit, ~~and~~ Insurance and Real Property Committee of the Board all issuances of duplicate bonds made pursuant to this Section 5105.

...

**§ 5107. Biennial Budget Process.**

(a) There shall be prepared each even-numbered year, under the direction of the General Manager, a proposed biennial budget covering District operations for the following two fiscal years. The proposed biennial budget shall be submitted to the Board no later than the date of the regular Board meeting in June immediately preceding the first fiscal year of the biennium to which the budget applies. The proposed biennial budget shall indicate by fund all anticipated expenses and required reserves and the source of revenues to be used to meet such expenses and provide such reserves. The proposed biennial budget will at a minimum include a five-year financial forecast. At least one Board Workshop on the proposed biennial budget will be conducted prior to submission of the proposed biennial budget for Board approval. The Finance, Audit, ~~and~~ Insurance and Real Property Committee shall review the proposed biennial budget in its entirety, together with the recommendations from the Board workshop, and report its recommendations to the Board.

...

**Chapter 2**

## FINANCIAL POLICIES

### § 5204. Compliance with Fund Requirements and Bond Indenture Provisions.

As of June 30 of each year, the General Manager shall make a review to determine whether the minimum fund requirements outlined in this Chapter have been met and whether the District has complied with the provisions of the articles and covenants contained in the resolutions of issuance for all outstanding District bond issues during the preceding fiscal year. The General Manager, after consulting with the General Counsel, shall report the results of ~~his~~ their review in writing to the Board of Directors annually.

## Chapter 3

### SHORT-TERM REVENUE CERTIFICATES

#### § 5301. Dealer-Manager.

(a) The General Manager may solicit proposals based on specifications prepared by ~~him~~ them from any person or firm to act as dealer-manager that, as a minimum:

...

(b) The General Manager shall make a recommendation for award of contract for the services of a dealer-manager based on ~~his~~ their review of the proposals and on interviews of persons or firms offering proposals which ~~he~~ they may have conducted. In making that recommendation, ~~he~~ they may give consideration to any factor ~~he~~ they deems relevant, including, but not limited to, the experience, reputation and resources of any person or firm offering a proposal and the charges for the services set forth in the proposal.

...

#### § 5302. Credit Facility.

(a) The General Manager may solicit proposals based on specifications prepared by ~~him~~ them from financial institutions to provide a credit facility securing the payment of principal and interest on the certificates. To the extent permitted by the Act, such credit facility may be an insurance policy issued by a reputable municipal bond insurance company, a letter of credit issued by a commercial bank or savings and loan association, a line of credit, or a standby purchase agreement with a financial institution.

(b) The General Manager shall make a recommendation for award of contract to provide a credit facility based on ~~his~~their review of the proposals and on any interviews of representatives of financial institutions offering proposals which ~~he~~they may have conducted. In making that recommendation, ~~he~~they may give consideration to any factor ~~he~~they deems relevant in addition to the qualifications set forth in the specifications for proposals.

(c) A contract to provide a credit facility shall be awarded by the Board; provided, however, that the Board may reject all proposals.

(d) Any contract to provide a credit facility shall be for a period no longer than 48 months but may be subject to extension upon mutual agreement of the District and the financial institution, and shall be subject to termination by either party upon 60 days' notice. Such contract shall further provide that if the credit rating of such financial institution, as determined by any national rating organization, is at any time withdrawn, suspended or otherwise modified in such a manner as to impair, in the judgment of the General Manager, the marketability of certificates, it may be terminated by the General Manager immediately on written notice to such financial institution. The General Manager may contract with another financial institution having a satisfactory credit rating to provide a substitute credit facility or a temporary overlapping credit facility if ~~he~~they determines that such an arrangement best serves the interests of the District. Any extension or termination of a contract to provide a credit facility shall be subject to the District's obligations to the holders of outstanding certificates.

### **§ 5303. Issuing and Payment Agent.**

The General Manager is authorized to execute a contract with a financial institution to act as issuing and paying agent of certificates to be marketed or redeemed from time to time. Such contract, as a minimum, shall be terminable by either party without cause upon 30 days' notice and by the General Manager immediately on written notice to such financial institution if, in ~~his~~their judgment, good cause exists; shall provide for monthly accounting of all transactions; shall provide for insurance or a surety bond protecting the District against theft or fraudulent use of blanks or certificates in the custody of the agent; and shall provide for prompt delivery to a party to be designated by the District of any canceled certificates or blanks upon expiration or termination of the contract.

### **§ 5304. Method and Procedures for Sale of Certificates.**

(a) Board Action by Resolution. - Sale and issuance of the District's certificates shall be authorized by the Board by resolution which, as a minimum, shall specify the matters required by Section 298 of the Act and which may contain any other terms and conditions which the Board determines to be in the best interests of the District.

(b) Standards for Issuance of Certificates. - Subject to the terms of the resolution of sale and issuance adopted by the Board pursuant to Section 5304(a), the General Manager may sell and issue certificates in the name of the District when required to meet cash requirements of the

District when ~~he~~they determines that the cost of funds resulting from the sale of certificates would be less than the cost of funds that would be incurred if alternative sources of financing were utilized.

(c) Sale of Certificates. - Subject to any limitations which the Board may impose in the resolution adopted pursuant to Section 5304(a), such certificates shall be sold by the General Manager at such time as may be fixed by ~~him~~them and upon such notice as ~~he~~they may deem advisable, either at public sale, upon sealed bids, to the bidder whose bid will result in the lowest interest cost to the District determined in the manner prescribed by said resolution, or by negotiated sale. Under either method, the sale shall be for cash, payable upon delivery of the certificates by the issuing and paying agent to the dealer-manager thereof.

### **§ 5305. Report of Exercise of Authority.**

The General Manager shall report to the next following meeting of the Finance, Audit, ~~and Insurance~~ and Real Property Committee of the Board any exercise of authority pursuant to this Chapter.

## **Division VI**

### **PERSONNEL MATTERS**

#### **Chapter 1**

### **EMPLOYEE RELATIONS**

#### **Article 1**

### **GENERAL PROVISIONS**

### **§ 6101. Definitions.**

The words and terms defined in this section shall have the following meanings throughout this Chapter. Any term not defined herein, which is defined in Sections 3500 to 3510, inclusive, of the California Government Code, or which is defined in this Administrative Code shall have the meaning therein.

...

(b) "Confidential Employee" – means an employee who, in the course of ~~his or her~~their duties, has access to confidential information relating to the decisions of District management affecting employer-employee relations.

...

(m) “Memorandum of Understanding” – means a written document, signed by the General Manager and a duly authorized representative of recognized employee organization, incorporating agreement between the General Manager and representatives of recognized employee organizations whereby the General Manager binds ~~himself~~themselves to recommend to the Board of Directors action on matters within the scope of representation.

## **§ 6102. Employee Rights.**

Employees of the District shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations including wages, hours and other terms and conditions of employment. Employees of the District also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District, but may not enter into any arrangements that are contrary to, modify or abridge any understanding reached between the District and the employee organization certified as exclusive representative for the unit in which the individual is included. Neither the District nor any employee organization shall interfere with, intimidate, restrain, coerce or discriminate against any District employee because of ~~his~~their exercise of these rights.

## **Article 2**

### **REPRESENTATION PROCEEDINGS**

## **§ 6106. District Response to Recognition Petition.**

...

(b) If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, ~~he/she~~they shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 6113 of this Chapter.

## **§ 6109. Procedure for Decertification of Exclusively Recognized Employee Organization.**

...



(c) The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article 2. If ~~his/her~~ their determination is in the negative, ~~he/she~~ they shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 6113 of this Article 2. If the determination of the Employee Relations Officer is in the affirmative, or ~~his/her~~ their negative determination is reversed on appeal, ~~he/she~~ they shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

#### **§ 6111. Procedures for Modification of Established Appropriate Units.**

...

(b) The Employee Relations Officer may by ~~his~~ their own motion propose that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 6110 of this Article 2, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 6113 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Section 6105 hereof.

#### **§ 6113. Appeals.**

(a) An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer; or an employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 6105), Challenging Petition (Section 6107), Decertification Petition (Section 6109), Unit Modification Petition (Section 6111) --- or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 6109) --- has not been filed in compliance with the applicable provisions of this Article, may, within twenty (20) days of notice of the Employee Relations Officer's final decision request to submit the matter to mediation by the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the Ethics, Organization, and Personnel ~~and Technology~~ Committee for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of mediation proceedings, whichever is later.

(b) Appeals to the Ethics, Organization, and Personnel ~~and Technology~~ Committee shall be filed in writing with the Board's Executive Secretary, and a copy thereof served on the Employee Relations Officer. The Ethics, Organization, and Personnel ~~and Technology~~ Committee shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Ethics, Organization, and Personnel ~~and Technology~~ Committee may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Ethics, Organization and Personnel ~~and Technology~~ Committee on the use of such procedures, and/or any decision of the Ethics, Organization, and Personnel ~~and Technology~~ Committee determining the substance of the dispute shall be final and binding.

#### Article 4

### IMPASSE PROCEDURES

#### § 6118. Impasse Procedures.

Impasse procedures are as follows:

...

(b) If the mediator is unable to effect settlement of the controversy within 30 days after ~~his or her~~ their appointment, the Exclusively Recognized Employee Organization may request that the parties' differences be submitted to a fact-finding panel for written findings of fact and recommended terms of settlement pursuant to Government Code sections 3505.4 and 3505.5.

...

#### Article 5

### MISCELLANEOUS PROVISIONS

#### § 6121. Interpretation and Administration.

The General Manager shall have authority to interpret and administer provisions of this Chapter, subject to appeal to the Ethics, Organization, and Personnel ~~and Technology~~ Committee.

#### Chapter 2

### PERSONNEL REGULATIONS

#### § 6208. Pay Rate Administration.

...

(h) Pay Rate Survey.

(1) As needed, the General Manager has the authority to cause a survey to be made of rates of pay and benefits of employees of other organizations specified by the Board, and may thereafter recommend to the Board revisions in the pay rate structure and benefits for employees. The survey need not include positions for which pay rates are established pursuant to a memorandum of understanding approved by the Board which is in effect for the entire calendar year. Action, if any, on the pay rate survey may be taken at the same meeting the survey information is presented or at a subsequent meeting. The General Counsel, General Auditor and Ethics Officer may also recommend to the Ethics, Organization, and Personnel ~~and Technology~~ Committee revisions regarding positions peculiar to their own departments.

...

**§ 6209. Discharge.**

(a) Unclassified employees, other than executive officers and their principal assistants, may be removed by their respective Department Heads, but may appeal such removal to the Ethics, Organization, and Personnel ~~and Technology~~ Committee. The decision of the Committee will be final unless the Committee chooses to refer the appeal to the Board.

**§ 6210. Employee Evaluation.**

...

(2) Regular employees. The evaluation process should be completed on an annual basis, even if the employee is at the top step of ~~his or her~~ their classification and therefore is ineligible for a merit increase.

...

(4) Department Heads (General Manager, General Counsel, Auditor and Ethics Officer). Each Department Head shall provide a narrative summary and presentation to the Board at its July meeting concerning accomplishments in performance areas deemed relevant by the Board, including but not limited to strategic leadership, operational leadership, Board relationships and results. In July, each member of the Board shall submit an evaluation form for each Department Head. At its August meeting, the Board shall discuss the evaluation results and determine an overall performance rating for each Department Head. Each member of the Board shall properly execute ~~his or her~~ their right and duty to actively participate in the annual evaluation of each Department Head.

**§ 6211. Merit Increases.**

...

(b) A regular employee's eligibility date for a merit increase is the first day of the pay period following ~~his or her~~ their satisfactory completion of the six-month probationary period and, thereafter, one year from the date of the previous merit review, merit increase, demotion or promotion, whichever is later.

...

#### **§ 6217. Disciplinary Procedure.**

...

(e) Be advised of ~~his or her~~ their appeal rights as provided in Section 6218.

...

#### **§ 6219. Disciplinary Actions.**

...

EE. Conviction of a felony or conviction of a misdemeanor involving moral turpitude which relates to the employee's ability to perform the duties of ~~his~~ their position. For purposes of these rules, a plea of "nolo contendere" or "no contest" will constitute conviction

...

#### **§ 6227. Sick Leave.**

...

(1) A physician's certification or other proof of incapacity or treatment may be required if an employee's supervisor believes that a medical verification is justified in order for the employee to fulfill ~~his or her~~ their job requirements or if the employee has a leave abuse problem. Notice of this requirement shall be given in advance in all cases of prior leave abuse. A physician's certification shall be required for all sick leave absences exceeding 10 working days.

(2) A physician's certification authorizing an employee's return to work from serious illness or injury shall be reviewed by the District's medical support in Workplace Health & Safety prior to the employee's return to work. An illness or injury may require additional medical examinations/testing in order to determine whether the employee can safely perform ~~his or her~~ their duties, or to determine appropriate work restrictions. Such examination/testing will be done at District expense and on District time if the District requires that it be conducted by District-selected medical personnel.

...

#### **§ 6231. Family and Medical Leave.**

...

(i) An employee who takes a Leave for ~~his or her~~ their own serious health condition is required to submit a Return to Work / Doctor's Release prior to returning to work.

...

#### **§ 6232. Paid Leave While Caring For A Newly Born Or Newly Adopted Child.**

...

(b) The employee who desires to use sick leave while on family and medical leave to care for a newly born or newly adopted child shall exhaust ~~his or her~~ their leave credits in the following order:

- (1) Special leave.
- (2) Annual leave.
- (3) Personal leave.
- (4) Compensatory time off.
- (5) Section 6225(b) holiday leave.

(c) The employee, at ~~his or her~~ their option, may use up to 160 hours of accumulated sick leave while on family and medical leave to care for a newly born or newly adopted child after the exhaustion of the leave credits listed in subdivision (b). A request to use sick leave for this purpose shall be accompanied by a medical certification substantiating the need for caring for the newly born or newly adopted child. This provision does not affect the use of sick leave pursuant to section 6227.

...

#### **§ 6241. Notice of Absence.**

An employee who is absent because of illness, injury, disability, or special leave shall notify ~~his or her~~ their immediate supervisor, or such other person as department rules may provide, promptly on the first day of absence, of the reason for requiring such leave, and the estimated length of absence. If the length of the absence exceeds the original estimate, the employee shall promptly notify ~~his or her~~ their immediate supervisor, or such other person as department rules may provide, of the need for and length of additional leave. The failure to provide such notice may be grounds for denial of such leave for the period of absence. An employee who intends to be absent from duty on personal leave shall obtain the approval of ~~his~~

~~or her~~their immediate supervisor, or such other person as department rules may provide, before beginning personal leave.

#### **§ 6246. Military Leave.**

...

(c) Military Spousal Leave - Every employee who has worked at least an average of 20 hours a week in the last 6 months and is married to a service member is entitled to 10 days leave when ~~his or her~~their spouse returns from active duty. Employees must notify the District of their intention to take this leave within two business days of receiving official notice that the spouse will be on leave from military deployment.

...

#### **§ 6247. Leave Without Pay.**

(a) Leave without pay, except when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee only after exhaustion of all accumulated vacation leave. The General Manager may promulgate regulations pursuant to Administrative Code Section 6115(c) which permit leave without pay without exhaustion of accumulated vacation leave. Leave without pay granted pursuant to this Section may not exceed 120 consecutive calendar days unless authorized by the Board for a longer period. Such leave may be terminated at any time by the employee's returning to work. An employee on such leave is entitled to the benefits of sick leave accumulated prior to ~~his~~their absence.

...

(c) Leave without pay, when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee for a period which, when added to the period of disability leave and to the interval between the exhaustion of accumulated sick leave and the beginning of disability leave, shall not exceed 3,132 hours, unless authorized by the Board for a longer period. Such leave shall be granted only after exhaustion of accumulated sick and disability leave, except that disability leave need not be exhausted prior to the taking of leave without pay for the 40 hours specified in Section 6228(b)(2). An employee who, due to illness or injury, has taken leave without pay under this Section 6247(b) in excess of 30 consecutive calendar days will be required to provide a physician's statement attesting to ~~his~~their fitness, based upon ~~his~~their normal duties pursuant to ~~his~~their job description, before returning to work.

...

(2) Notwithstanding Section 6247(d)(1), the District shall pay the premiums it would otherwise pay for any employee who is on leave without pay and is receiving temporary

disability indemnity under Division 4 of the State Labor Code as a result of an injury incurred in the course and scope of District employment provided, however, said employee continues to pay ~~his~~-~~their~~ portion of said premiums. Any payment of premiums pursuant to this subsection shall terminate 30 calendar days after the final temporary disability indemnity payment is made.

#### **§ 6248. Severance Pay.**

(a) Any employee who resigns, is laid off for lack of work, is removed for cause, retires under the provisions of the Public Employees' Retirement Law, or enters upon an extended military leave without pay, shall be paid for all of ~~his~~-~~their~~ accumulated vacation leave and earned compensatory time, if any, as soon as practicable after separation from active employment. If the employee should die, ~~his~~-~~their~~ estate shall be entitled to ~~his~~-~~their~~ pay for accumulated vacation and earned compensatory time.

(b) Any employee who resigns, is laid off for lack of work, is removed for cause, or retires under the provisions of the Public Employees' Retirement Law, shall be paid at ~~his~~-~~their~~ hourly pay rate for 52.2 percent of ~~his~~-~~their~~ accumulated hours of sick leave, if any, at the time of separation.

If the employee should die before or after separation from employment, ~~his~~-~~their~~ estate shall be entitled to any unpaid remainder of the severance value of ~~his~~-~~their~~ accumulated sick leave as determined above.

...

(c) If any employee with more than 10,440 hours without an interruption in District service, as defined in Section 6248(e), is laid off from District employment because of a reduction in the work force, the employee shall, in addition to any other payments to which ~~he~~ ~~they~~ may be entitled, receive a payment of 40 times ~~his~~-~~their~~ current hourly rate. The amount will be paid as if earned during the payroll period in effect on the last day the employee was employed by the District.

#### **§ 6249. Jury Duty Leave.**

...

(d) In the absence of proof of attendance, an employee will be required to use such other leave as is prescribed by ~~his~~-~~their~~ Department Head.

#### **§ 6261. Time Off for Voting.**

The General Manager is authorized to allow employees to absent themselves from duty with pay for not more than two hours during such times as ~~he~~-~~they~~ shall prescribe for the purpose

of voting at any statewide election. Employees who do not avail themselves of this privilege shall not thereby become entitled to overtime pay.

**§ 6262. Leave for Subpoenaed Employees.**

When an employee is served with a subpoena which compels ~~his~~their presence as a witness, unless ~~he~~they are ~~is~~ a party or an expert witness, ~~he~~they shall be granted a leave of absence. If the amount the employee receives for ~~his~~their appearance is less per day than ~~his~~their regular pay for that day, such leave shall be with pay in the amount of the difference for each day served.

**§ 6264. Retention of Travel Incentives.**

Any employee traveling on District business may retain travel incentives made available to ~~him~~them so long as such incentives result in no additional cost to the District.

**Chapter 3**

**GENERAL EMPLOYEE MATTERS**

**Article 1**

**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

**§ 6304. General Manager's Report on Equal Employment Opportunity Policy and Affirmative Action Program.**

Annually, the General Manager shall report to the ~~Organization, Personnel and Technology~~Equity, Inclusion and Affordability Committee on the status of the equal employment opportunity policy and affirmative action program.

**Article 2**

**EXPENSE ACCOUNT REGULATIONS**

**§ 6331. Preparation, Approval and Processing of Claims.**

...

(4) In no event shall the District process claims by a director or employee for any expenses that ~~he or she~~they incurs on the District's behalf if the claim for reimbursement



of such expenses is not submitted within 90 days after the expenses were incurred. Extensions of time may be granted by the Department Head in the case of employees, or by the Chair of the Board in the case of directors when the circumstances causing the delinquent filing are exceptional.

...

#### **§ 6332. Audit.**

...

(c) Questionable claims of assistant department heads or group managers shall be referred by the General Auditor to the General Manager for resolution. Questionable claims of other employees shall be referred to the appropriate level of management or supervision for resolution. The General Manager, or ~~his~~their designee, in consultation with the General Counsel's office, shall have the authority to make final determinations on audit issues involving the expense reports of all employees below the level of department head.

## **Chapter 4**

### **OFFICERS**

#### **Article 3**

#### **GENERAL COUNSEL**

#### **§ 6430. Powers and Duties.**

The powers and duties of the General Counsel shall be as follows:

(a) The General Counsel shall be the attorney for the District and shall represent said District and the Board, or any officer of said District, in all actions at law or in equity, and special proceedings, for or against said District, or in which it may be legally interested, or for or against said Board or any officer of said District, in ~~his/her~~their official capacity.

...

(c) The General Counsel shall keep on file in ~~his/her~~their office copies of all written communications given to the Board or to any officer or employee of the District; copies of all papers, briefs, and transcripts used in causes wherein ~~he/she~~they appears, and a register of all actions or proceedings in ~~his/her~~their charge in which the District or the Board or any officer of the District, in ~~his/her~~their official capacity, is a party or is interested.

(d) The General Counsel may, when authorized so to do by the Board, employ attorneys and other persons to render special and temporary services in assisting in the performance of ~~his/her~~ their duties and upon such compensation as the Board may determine.

**§ 6431. Authority to Obtain Expert Assistance.**

The General Counsel is authorized to employ special counsel and investigators to advise or assist ~~him/her~~ them in representing the District, and such technical experts as necessary for proper preparation and presentation of the District's interest in any court action, special proceedings, legislative hearings, or other proceedings whether in or out of court where the assistance of technical experts may be necessary in order to represent the District adequately, so long as the amount to be expended in fees, costs, and expenses in any one year in connection with any assignment will not exceed \$100,000.

**§ 6433. Authority to Litigate, Compromise and Settle Claims By and Against the District.**

...

(d) Authority to Contest Matters by or Before Administrative Agencies. - The General Manager is authorized to initiate a contest of any claim, order, finding or decision made, charge, citation, or penalty assessed or proposed by an administrative agency against the District. The General Counsel is authorized, upon request of the General Manager, to represent the District in such contest and, if ~~he~~ they deems it appropriate, to seek review by a court of law; and is further authorized to do all things ~~he~~ they deems necessary or proper in the conduct of any such contest or action including, without limitation, to conduct ancillary proceedings, to compromise and settle, to dismiss, or to appeal a decision or judgment rendered in any such contest or action.

(e) Prosecution of Claims. - The General Manager is authorized to do all things ~~he~~ they deems necessary or proper to obtain payment of a claim of the District. For that purpose ~~he~~ they may ~~himself~~ themselves, with the approval of the General Counsel, institute an action within the jurisdictional limits of the small claims court and may request the General Counsel, who is hereby authorized to do so, to institute an action in the superior court or federal district court to recover damages in any amount arising out of injury to person or property and to institute other actions in which the amount sought to be recovered does not exceed \$125,000. In the case of small claims court actions, the General Manager, with the approval of the General Counsel, may, in connection with any such action, compromise, settle or dismiss such action, conduct ancillary proceedings, or appeal a judgment rendered in such action. In other actions brought under authority of this Section, the General Counsel, with the approval of the General Manager, may compromise, settle or dismiss such action, conduct ancillary proceedings, or appeal a judgment rendered in such action, provided that the amount to be paid by the District as a result of any compromise or settlement shall not exceed \$125,000.

(f) Litigation - Leases - Encroachments. - The General Counsel is authorized, upon request of the General Manager, to bring an action to enforce the terms of District written and

oral leases or to remove unauthorized encroachments upon District property and is authorized to do all things ~~he/she-they~~ deems necessary or proper in the conduct of any such action including, without limitation, to conduct ancillary proceedings, to settle or dismiss the action, or to appeal a judgment.

(g) Representation of Employees. - The General Counsel is authorized to represent an employee or former employee of the District who requests a defense by the District in any civil or criminal action or proceeding brought against such employee arising out of an act or omission in the scope of ~~his/her-their~~ employment. ~~He/she-They~~ may refuse to represent such employee in any civil action for any reason stated in Section 995.2 or Section 995.4 of the Government Code.

...

#### **§ 6436. Annual and Quarterly Reports to Legal and Claims Committee.**

(a) The General Manager and General Counsel shall report quarterly to the Legal and Claims Committee the exercise of any power delegated to them by Sections 6433 and 6434. The General Counsel shall report quarterly to the Legal and Claims Committee the exercise of any power delegated to ~~him or her-them~~ by Section 6431.

...

#### **§ 6438. Assistants General Counsel and Deputies General Counsel.**

(a) The Assistants General Counsel and Deputies General Counsel shall perform such duties and render such services to the District as may be prescribed and assigned to them by the General Counsel, with like effect as though such duties or services were performed or rendered in person by the General Counsel. During the absence or disability of the General Counsel, or inability for any reason to act in person, or in case of ~~his/her-their~~ death, resignation or removal, until the appointment and qualification of a successor, the Assistants General Counsel shall perform all of the duties and exercise all of the powers of the General Counsel. The Assistants General Counsel and Deputies General Counsel shall act in the name of the General Counsel, except when directed by the latter to act in their own names, and their acts shall be equally effective whether done in the name of the General Counsel or in their own names.

(b) The General Counsel may designate a Deputy General Counsel, who during the absence or disability of the General Counsel and of the Assistant General Counsel, or the inability of both of them for any reason to act in person, or in case of the death, resignation or removal of all of them, until the appointment and qualification of their successors, shall perform all duties and exercise all of the powers of the General Counsel. Such designation shall be made in writing, the original to be delivered to the Deputy General Counsel, a signed copy to be filed in the office of the Secretary of the Board. Each Deputy General Counsel shall act in the name of the General Counsel except when directed by the latter to act in ~~his-their~~ own name.

## Article 4

### GENERAL AUDITOR

#### § 6450. Powers and Duties.

(a) The District's independent internal auditing function is governed by provisions of the California Government Code and by policies established by the Board of Directors. The Finance, Audit, Insurance and Real Property and Ethics Committee is responsible for the oversight of the internal auditing function, approving the Audit Department charter (subject to review and approval of the Board of Directors), selecting and overseeing the work of external auditors, and reviewing reports issued by both the internal and external auditors.

(b) The General Auditor manages the District's Audit Department and is responsible for formulating departmental policies and procedures; directing and evaluating the performance of work done by employees within the department, administering the internal records of the department; and administering the District's contract for external audit services. The General Auditor shall, annually in advance of the July Board meetings, submit to the Finance, Audit, Insurance and Real Property and Ethics Committee an Audit business plan containing key priorities for the coming year for review and approval. The business plan shall be submitted in conjunction with similar plans by the General Manager to the Executive Committee, the General Counsel to the Legal and Claims Committee and the Ethics Officer to the Finance, Audit, Insurance and Real Property and Ethics Committee.

(c) The General Auditor shall report the findings, opinions, and recommendations which result from the performance of the duties outlined in paragraph 6450(b) to the General Manager, General Counsel and Ethics Officer for their information and appropriate actions. Whenever an audit report contains recommendations for corrective actions or changes in current practices, the General Manager, General Counsel, Ethics Officer or their designees shall respond to the General Auditor in an appropriate manner and within a reasonable time, indicating their views on the recommendations and proposed actions to be taken, if any.

(d) The General Auditor's reports on internal audit assignments shall be addressed to the Finance, Audit, Insurance and Real Property and Ethics Committee. The General Auditor shall have the discretion to determine the form and content of such audit reports, subject to guidance by the Finance, Audit, Insurance and Real Property and Ethics Committee. With the exception of those reports which the General Auditor deems to be urgent or confidential in nature, copies of all audit reports addressed to the Finance, Audit, Insurance and Real Property and Ethics Committee shall be submitted to the General Manager and General Counsel for review and comment simultaneously to their submittal to the Finance, Audit, Insurance and Real Property and Ethics Committee.

(e) The General Auditor shall transmit all reports issued by the District's external auditors to the Finance, Audit, Insurance and Real Property and Ethics Committee and any other

committees of the Board as may be applicable. Such transmittal letters should include any comments on the external auditor's reports that the General Auditor deems necessary.

(f) The General Auditor may receive requests from time to time from the other executive officers or committees of the Board to perform audit assignments which are not included in the approved annual Audit Business Plan. Similarly, the General Auditor may identify a need to include new assignments in the Audit Business Plan during the year. The General Auditor shall have sufficient latitude and discretion to include those new assignments in the annual Audit Business Plan as ~~the~~ the General Auditor deems necessary. The reporting process for assignments requested by either executive management or by committees of the Board shall generally follow the process outlined in paragraphs 6450(c) or (d) previously. However, any reports on audits requested by a committee of the Board shall be jointly addressed to such committee and the Finance, Audit, Insurance and Real Property-and-Ethics Committee. Copies of these reports will first be provided to management for review and comment consistent with the provisions of paragraph 6450(d).

(g) The General Auditor shall manage the work of the Audit Department in accordance with the Audit Department Charter. The General Auditor shall assess annually whether the purpose, authority and responsibility, as defined in this Charter, continue to be adequate to enable the Audit Department to accomplish its objectives.

#### § 6451. Audit Department Charter.

...

(b) Accountability - The General Auditor shall be accountable to the Board of Directors and the Finance, Audit, Insurance and Real Property-and-Ethics Committee to:

...

(d) Responsibilities - The Audit Department shall carry out the following responsibilities:

(1) Develop and present a flexible annual audit plan to the Finance, Audit, Insurance and Real Property-and-Ethics Committee for review and approval. This plan should be developed utilizing a risk-based methodology and should include risks or internal control concerns identified by Management or the Board of Directors;

(2) Report periodically to the Finance, Audit, Insurance and Real Property-and-Ethics Committee and Management the status of the current year's audit plan and the sufficiency of department resources;

(3) Issue an opinion on internal controls over financial reporting on an annual basis;

(4) Submit audit reports to the Finance, Audit, Insurance and Real Property-and-Ethics Committee and Management communicating the auditor's opinion regarding the internal control structure, identifying significant control issues and providing related recommendations;

(5) Evaluate the adequacy and timeliness of Management's responses to, and the corrective action taken on, all significant control issues noted in such reports. Conduct follow-up

reviews as necessary and periodically report to the Finance, Audit, Insurance and Real Property and Ethics Committee the status of Management's progress;

(6) Ensure the selection, development and supervision of competent and professional audit staff;

(7) Perform a quality assurance program by which the General Auditor evaluates internal auditing activities against professional standards. Obtain external quality assurance review as required by GAGAS and the *Standards*;

(8) Perform consulting services to assist management in meeting its objectives. Examples may include facilitation, process design, training, and advisory services;

(9) Evaluate additions or changes in internal control processes coincident with their development and implementation;

(10) Keep the Finance, Audit, Insurance and Real Property and Ethics Committee informed of significant emerging trends and best practices in internal auditing and governance;

(11) Assist in the investigation of significant suspected fraudulent activities within the organization. Assure reporting to the Finance, Audit, Insurance and Real Property and Ethics Committee on the results, as appropriate;

(12) Coordinate with external auditors to minimize duplication of effort and to ensure that issues raised, as a result of their review, are appropriately addressed.

(e) Authority - The General Auditor and Audit Department staff members are authorized to:

(1) Have unrestricted access to all functions, records, property, and personnel, subject to the requirements of safekeeping, confidentiality and applicable process;

(2) Have full and free access to the Finance, Audit, Insurance and Real Property and Ethics Committee, subject to applicable law,

(3) Allocate resources, set frequencies, and select subject, determine scopes of work, and apply the techniques required to accomplish audit objectives;

(4) Obtain the necessary assistance of personnel in units of the organization where they perform audit, as well as other specialized services from within or outside the organization;

The General Auditor and Audit Department staff members are not authorized to:

(1) Perform any operational duties for the organization;

(2) Initiate or approve accounting transactions external to the internal auditing department;

(3) Direct the activities of any organization employee not employed by the internal auditing department, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

This Charter shall be reviewed at least annually by the Finance, Audit, Insurance and Real Property and Ethics Committee and Board of Directors.

...

#### **§ 6452. Assistant General Auditor.**

(a) The General Auditor may designate an Assistant General Auditor who shall perform such duties and render such services to the District as may be prescribed and assigned to ~~him~~ them by the General Auditor, with like effect as though such duties or services were performed or rendered in person by the General Auditor.

(b) During the absence of the General Auditor, or ~~his-their~~ inability for any reason to act in person, or in case of ~~his-their~~ death, resignation or removal, until the appointment and qualification of ~~his-their~~ successor, the Assistant General Auditor shall perform all of the duties and exercise all of the powers of the General Auditor.

#### **§ 6453. Authority to Obtain Professional Services.**

The General Auditor is authorized to employ the services of independent auditors or other professional or technical consultants to advise or assist ~~him-them~~ in performing ~~his-their~~ assigned duties as may be required or as ~~they~~~~he~~ deems necessary provided that the amount to be expended in fees, costs, and expenses under any one contract in any one year shall not exceed \$40,000. External auditors, while employed as external auditors for Metropolitan, are prohibited from performing any other consulting work for Metropolitan or performing any work for other clients that conflicts, or may conflict, with their responsibilities as Metropolitan's external auditors. These prohibitions shall be included in Metropolitan's agreements with external auditors. The General Auditor shall inform the Finance, Audit, Insurance and Real Property and Ethics Committee whenever ~~he-they~~ exercises the authority granted under this section and ~~he~~ they shall further report quarterly to the Legal and Claims Committee concerning any agreements entered into under this section.

### **Article 5**

#### **ETHICS OFFICER**

##### **§6470. Powers and Duties.**

The powers and duties of the Ethics Officer shall be as follows:

(a) The Ethics Officer shall report to the Board, through the ~~Audit and Ethics,~~ Organization and Personnel Committee.

(b) The Ethics Officer shall oversee an Ethics Office staffed with professional, qualified persons.

(c) The Ethics Officer shall be free from political interference in fulfilling ~~his/her~~the responsibilities detailed in this article and in Division VII.

(d) The Ethics Officer shall have sole authority to interpret Metropolitan's ethics rules.



(e) The Ethics Officer shall propose amendments to the Administrative Code to the ~~Audit and Ethics~~, Organization and Personnel Committee for approval and adoption by the Board, relating to:

- (1) Regulation of lobbying activities;
- (2) Conflicts of interest and financial disclosure;
- (3) Public notice and approval procedures for contracts of \$50,000 or more;
- (4) Disclosure of campaign contributions related to potential conflicts of interest;
- (5) Such other ethics rules for application to board members, officers, employees, lobbyists, lobbying firms, and contractors as deemed appropriate.

(f) The Ethics Officer shall educate, train, provide advice and seek compliance from board members, officers, applicable employees, lobbyist, lobbying firms, and Metropolitan contractors and subcontractors concerning:

- (1) The rules prescribed in Division VII;
- (2) The Political Reform Act of 1974, as amended and applicable regulations;
- (3) The conflict of interest rules of Government Code section 1090.

(g) The Ethics Officer shall investigate potential violations of ethics rules in Division VII by board members, officers, applicable staff, lobbyists, lobbying firms, and contractors consistent with the rules specified in Division VII. The Ethics Officer shall prepare status reports of pending investigations on a bi-monthly basis. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

(h) The Ethics Officer shall be the filing officer on behalf of the District to receive and file Statements of Economic Interest pursuant to the California Government Code and Section 7501 of this Administrative Code.

(i) The Ethics Officer shall have the authority to confer with the Chair of the Board and the Chair and Vice Chair of the ~~Audit and Ethics~~, Organization and Personnel Committee for the purpose of seeking advice and feedback on any policy and operational matters, or feedback on investigative matters, subject to the confidentiality requirements in section 7412 of the Administrative Code.

(j) The Ethics Officer shall have the authority to obtain, and have unrestricted access to all functions, documents, records, property, personnel and other information requested as part of an Ethics Office complaint or investigation without waiving any privileges that may apply.

#### **§6471. Authority to Obtain Professional Services.**

(a) The Ethics Officer is authorized to contract for independent legal counsel as ~~he or she~~ they deems necessary in fulfilling duties and responsibilities of the Ethics Office. The Ethics Officer



may contract with one or more attorneys or law firms depending on the areas of expertise needed. The amount to be expended in fees, costs and expenses under any one contract in any one-year period shall not exceed \$100,000. The General Counsel shall review such contracts solely for consistency with Metropolitan's contract requirements. The General Counsel shall not have the authority to deny the Ethics Officer's ability to contract with any given party.

...

(c) The Ethics Officer shall inform the ~~Audit and~~ Ethics, Organization and Personnel Committee whenever the authority granted under this section is exercised, and shall further report quarterly on activities concerning any agreements entered into under this section. Any such contracts shall be consistent with Metropolitan contract requirements and shall be reviewed by the General Counsel.

#### **§6472. Reports to Audit and Ethics Committee.**

(a) The Ethics Officer shall annually, in advance of the July Board meetings, submit to the ~~Audit and~~ Ethics, Organization and Personnel Committee a business plan for the Ethics Office containing key priorities for the coming year for review and approval.

(b) The Ethics Officer shall prepare quarterly reports to the ~~Audit and~~ Ethics, Organization and Personnel Committee on activities concerning agreements executed pursuant to the authority given to the Ethics Officer in Section 6471, and bi-monthly reports related to pending investigations as specified in Section 6470.

### **Chapter 8**

#### **EMPLOYEE DEFERRED COMPENSATION AND SAVINGS PLANS**

##### **Article 1**

#### **THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA 457(b) DEFERRED COMPENSATION PLAN AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA 401(k) SAVINGS PLAN**

#### **§ 6813. Administration by General Manager.**

The District is the Administrator of the 401(k) and 457(b) Plans and has designated the General Manager to carry out the powers, duties and responsibilities of the Plan Administrator. The General Manager shall represent the District in all matters concerning administration of the 401(k) and 457(b) Plans. Further, the General Manager shall have full power and authority:

1) to adopt rules and regulations for the administration of the 401(k) and 457(b) Plans provided they are not inconsistent with either plan, respectively; 2) to interpret , alter, amend or revoke any rules and regulations so adopted; 3) to appoint such administrative agents, or persons as ~~he or she~~they deems advisable or desirable to carry out the terms and conditions of the 401(k) and 457 (b) Plans, as applicable; and, 4) to exercise any other powers, duties and responsibilities as are provided in the 401(k) and 457(b) Plans, respectively, for purposes of their orderly administration. However, the exercise of such power and authority does not preclude employees or their representatives from either consulting or meeting and conferring with the Employee Relations Officer, as appropriate, about the practical consequences that the exercise of such power or authority may have on wages, hours, and other terms and conditions of employment subject to Section 6102 (Employee Rights).

## **Division VII**

### **GOVERNMENTAL ETHICS**

#### **Article 1**

#### **PURPOSES AND PRINCIPLES**

##### **§ 7103. Definition of Terms.**

...

(f) “Disclosure category” means the types of financial interests that a Designated Employee must disclose on ~~his or her~~their Statement of Economic Interests.

...

#### **Article 3**

### **METROPOLITAN ETHICS REQUIREMENTS**

##### **§ 7123. Political Contributions and Activities.**

...

(e) At the time of ~~his or her~~their election to any elective public office, the Metropolitan employee shall disclose the office elected to and the term of office to the Ethics Officer and General Manager.

**§7302. Ticket Distribution Policy.**

...

(e) Designation of Agency Head. For the purpose of implementing and posting this ticket distribution policy, and completing and posting the required FPPC form for distribution of tickets and/or passes, Metropolitan's General Manager, or ~~his or her~~ their designee, is the responsible official.

**Division VIII****CONTRACTS/DISTRICT PROPERTY****Article 2****AUTHORITY TO CONTRACT****§ 8120. Indemnification Agreements.**

An Executive Officer is authorized to bind the Metropolitan Water District to indemnify, hold harmless, and defend another party whenever the Executive Officer, in ~~his or her~~ their judgment, determines that such commitment will assist the District in carrying out its purposes and functions and such commitment is incidental to an agreement which the Executive Officer is otherwise authorized to execute. Any such agreement shall be subject to approval by the General Counsel.

**§ 8122. General Manager's Contracting Authority in Specified Circumstances.**

...

**(c) Relocation Agreements**

(1) The General Manager is authorized to execute any agreement involving an amount not exceeding \$500,000 under which the District is to pay the cost of relocation or protection, or both, of facilities owned by others whenever the General Manager deems that such action is necessary to the construction of District facilities.

(2) The General Manager is authorized to issue all appropriate orders necessary to implement any such agreement, and, in the General Manager's discretion, to advance funds therefore.

(3) The General Manager is authorized to execute and to perform any agreement involving an amount not exceeding \$500,000 for the relocation or protection, or both, of

District-owned facilities to accommodate the improvement of facilities owned by others and to determine whether a deposit shall be made prior to the commencement of work, and if so, in what amount.

(4) The General Manager shall report quarterly to the Engineering, ~~and~~ Operations and Technology Committee the General Manager's execution under the authority of this Section of any agreements involving an amount in excess of \$100,000.

(5) All such agreements shall be subject to the approval of the General Counsel.

### Article 3

#### AWARD OF CONTRACTS

##### §8150. Protests.

(a) Public Works Contracts. – Within five days after service of the General Manager's determination under Section 8142(d), or within five days of the bid opening, a bidder may file a protest with the General Manager pursuant to procedures developed and administered by the Chief Engineer. If the General Manager denies the protest, in whole or in part, the bidder may file a notice of appeal of the protest denial with the Board Executive Secretary within five days of such denial. A hearing on the appeal by the Engineering, ~~and~~ Operations and Technology Committee shall be conducted in accordance with Section 2431(b).

...

### Article 4

#### CONTRACT TERMS AND CONDITIONS

##### § 8160. Bonds.

...

(c) Bidder's Bond. - Whenever a performance bond is required under Section 8160(b), the General Manager may require bids with respect to such work or purchase to be accompanied by either a certified or cashier's check, or bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the District. Such check or bond shall be in an amount not less than specified in the notice inviting bids or, if no amount be so specified, then in an amount not less than 10 percent of the aggregate amount of the bid, and shall guarantee that the successful bidder will enter into a contract with the District on the terms stated in ~~his or her~~ their proposal within the time specified in the contract documents.

**§ 8162. Payment of Prevailing Wages.**

If not otherwise required, the General Manager is authorized to include provisions relating to the payment of prevailing wages in service contracts at ~~his or her~~ their discretion.

**Article 5****CONTRACTOR DEBARMENT****§ 8170. Definitions.**

...

- (a) “Initiating Official” means the General Manager, or ~~his/her~~ their designee, who is responsible for initiating and prosecuting debarment actions. “Preponderance of the Evidence” means evidence which is of greater weight or more convincing than the evidence offered against it.

**Chapter 2****DISTRICT PROPERTY****Article 4****DISPOSITION OF REAL PROPERTY****§ 8248. Disposal of Unnecessary Improvements.**

(a) The General Manager is authorized to dispose of, in the manner the General Manager deems to be in the best interest of the District, any improvements that must be removed to make land acquired for District operations suitable for District use.

(b) The General Manager shall report quarterly to the Finance, Audit, Insurance and -Real Property ~~and Asset Management~~ Committee the details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District.

...

**§ 8257. Quarterly Reports.**

The General Manager shall report to the Finance, Audit, Insurance and Real Property ~~and Asset Management~~ Committee quarterly on any real property sold pursuant to this Article.

## Article 5

### DISPOSAL OF SURPLUS PERSONAL PROPERTY

#### § 8270. Disposal of Excavated Materials.

The General Manager is authorized to dispose of surplus excavated materials, or other materials, from Metropolitan's construction projects, with or without monetary consideration, in a manner to accomplish the purposes herein recited and determined by ~~him~~them best to serve the interests of Metropolitan.

#### § 8272. Acceptable Bidders on Disposal of Surplus Personal Property.

District directors and employees, their spouses and dependent children may not make exchange for or purchase surplus personal property from the District under any terms and conditions for the disposal of surplus personal property prescribed by the General Manager under the authority delegated to ~~him~~them by Section 8271.

## Division X

### RECORDS

#### Chapter 1

### RETENTION AND DISPOSITION OF RECORDS

#### § 10104. Custodian of Records.

Each Department Head shall be the custodian for official District records under ~~his~~their department's responsibility and control. The Department Head shall ensure that classes of records under ~~his~~their responsibility and control are periodically disposed of in accordance with the provisions of the Metropolitan Water District Records Retention Schedule.

#### § 10106. Media Type.

Each Department Head shall determine the records media type (paper, microform, electronic, etc.) for retention purposes for official District records under ~~his~~their department's responsibility and control. Any written records which are converted to an alternative storage media, in accordance with the requirements in California Government Code section 60203, may be subject to destruction. Each official record shall be stored in only one media type, unless

designated vital or historical. Records designated vital shall be retained in their original form and historical records shall be retained in paper form.

**§ 10201. Procedure for Responding to Inspection Request.**

The responsible executive officer shall, within 10 days after the receipt of a request to examine records, determine whether to comply with the request and notify the person making the request of ~~his~~their determination. If access is to be denied, the reason therefor shall be stated in the notification. The 10-day time limit may be extended in unusual circumstances through written notice by the responsible executive officer to the person making the request, setting forth the reasons for the extension and the date on which determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days.

**Division II****PROCEDURES PERTAINING TO BOARD, COMMITTEES AND DIRECTORS****Chapter 1****BOARD OF DIRECTORS****Article 3****BOARD CONDUCT RULES****§ 2130. Avoiding Personal Bias.**

In any matter involving a contract, permit, license, or other entitlement for use, a Board member shall not make, participate in or attempt to influence any decision, if they are incapable of providing fair treatment to a matter before the Board due to bias, prejudice or because they have prejudged a matter.

**Chapter 2****BOARD OFFICERS****§ 2204. Delegation of Duties to Vice Chairs.**

The Vice Chairs selected by the Chair shall act in the Chair's absence, failure or inability to act. The Vice Chairs shall have ex officio membership on standing or special committees as designated in this Code. The Chair assigns the following duties to the designated Vice Chairs as follows:

(1) Vice Chair for Climate Action will provide guidance to the following committees:

(a) Engineering, Operations and Technology Committee and the Ad Hoc Committee on Pure Water SoCal and Regional Conveyance; and

(b) One Water and Stewardship Committee and the Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations.

(2) Vice Chair for Strategic Communications and Stakeholder Engagement Policy will provide guidance to the Legislation, Regulatory Affairs and Communications Committee.



(3) Vice Chair for Finance, Audit and Planning will provide guidance to the Finance, Audit, Insurance and Real Property Committee and the Ad Hoc Committee on Facilities Naming.

(4) Vice Chair for Organizational Integrity and Accountability will provide guidance to the following committees:

(a) Ethics, Organization and Personnel Committee and the Ad Hoc Committee on Implementation of State Audit;

(b) Legal and Claims Committee and the Ad Hoc Committee on San Diego Litigation; and

(c) Equity, Inclusion and Affordability Committee.

...

**§ 2207. Duties of the Secretary of the Board.**

The duties of the Secretary of the Board are to:

(a) Sign all Board Meeting Minutes; and

(b) Sign all official Board documents on behalf of the Board, unless signature of an item has been delegated to the Board Executive Secretary or another person; and (c) Act as steward of parliamentary procedure for the Board and committees

### **Chapter 3**

#### **RULES GOVERNING COMMITTEES**

**§ 2308. Obligations of Staff.**

All references and assignments to Board committees include, without the necessity of specific instruction, the request to the District's staff to render assistance and perform such functions and services to the committees as may be requested. Such references and requests shall be routed through the appropriate Department Head or their designee, or the Board Executive Officer.

### **Chapter 4**

#### **STANDING COMMITTEES**

Article		Sec.
1	General	2400
2	Executive Committee	2410
3	Engineering, Operations and Technology Committee	2430
4	Finance, Audit, Insurance and Real Property Committee	2440
5	Legal and Claims Committee	2450
6	Legislation, Regulatory Affairs and Communications Committee	2460
7	Ethics, Organization and Personnel Committee	2470
8	One Water and Stewardship Committee	2480
9	Equity, Inclusion and Affordability Committee	2490

## Article 1

### GENERAL

Sec.

2400. Identification of Standing Committees

2401. Officers and Members of Standing Committees

#### **§ 2400. Identification of Standing Committees.**

The Standing Committees of the Board of Directors are:

Executive Committee

Engineering, Operations and Technology Committee

Finance, Audit, Insurance and Real Property Committee

Legal and Claims Committee

Legislation, Regulatory Affairs and Communications Committee

Ethics, Organization and Personnel Committee

One Water and Stewardship Committee

Equity, Inclusion and Affordability Committee

...

## Article 2

### EXECUTIVE COMMITTEE

Sec.

2410. Membership

2411. Selection of Nonofficer Members

- 2412. Term of Office for Nonofficer Members
- 2413. Limitation of Service
- 2414. Officers
- 2415. Day of Regular Meeting
- 2416. Duties and Functions
- 2417. Action by Board Officers

**§ 2410. Membership.**

The Executive Committee shall consist of the Chair, Vice Chairs, Secretary, all past Chairs of the Board who are directors of the District, and the Chairs of the standing committees in addition to the Executive Committee, and three additional directors as nonofficer members.

**§ 2411. Selection of Nonofficer Members.**

The three nonofficer members of the Executive Committee shall be nominated from the floor and elected at the January meeting of the Board.

**§ 2412. Term of Office for Nonofficer Members.**

The term of office for nonofficer members shall be two years and shall commence as of the date of their election at the January meeting of the Board.

**§ 2413. Limitation on Service.**

Each director may be elected as a nonofficer member of the Executive Committee for not more than two consecutive full two-year terms and a partial term immediately prior to the first full term.

**§ 2414. Officers.**

The Chair of the Board shall be the Chair of the Executive Committee and the Vice Chairs of the Board shall be the Vice Chairs of the Executive Committee and their terms shall be concurrent with their terms as officers of the Board.

**§ 2415. Day of Regular Meeting.**

The regular meeting of the Executive Committee shall be held on the fourth Tuesday of the month.

**§ 2416. Duties and Functions. [Executive Committee]**

(a) The Executive Committee shall study, advise, and make recommendations with regard to:

- (1) Public information for governmental and other entities and officials, and for the citizens of California regarding matters affecting the District's interests;

(2) Official dealings with the United States Government, the State of California or other states, member public agencies or their sub-agencies, foreign governments and other entities or persons in matters of public policy or other activities as deemed appropriate;

(3) Policies and procedures to be considered by the Board or committees thereof, except for policy matters within the jurisdiction of a specific standing committee;

(4) Matters relating to the Colorado River Board of California;

(5) Major policy issues to be considered by the Board, including proposed amendments to the Metropolitan Water District Act;

(6) Questions raised by the officers and staff in intervals between meetings of the Board and in unexpected situations and emergencies.

(7) The terms and conditions of employment of all consultants and advisors not within the jurisdiction of other committees;

(8) Resolution of conflicting committee recommendations pursuant to §2314;

(9) The progress of, and propose modifications to, the Board's goals in light of then existing and projected future conditions; and

(10) Such other matters as may be required by Division II of this Code.

(b) The Executive Committee shall:

(1) Review and approve board and committee agendas and, notwithstanding the jurisdiction of the other standing committees in the Code, have the authority to direct which committee shall consider an item;

(2) Review and approve the scheduling of board and committee meetings;

(3) Be responsible for the oversight and management of the organization including, but not limited to, the form of the District's organization and the flow of the authority and responsibility. This includes monitoring and overseeing the duties and responsibilities of management; and

(4) Consider the effectiveness of the District's internal control system, including information technology security and control.

(c) The Executive Committee shall retain ultimate responsibility for those duties as are specifically assigned to the subcommittees of the Executive Committee.

(d) The Executive Committee shall be responsible for reviewing and approving the annual business plan containing the General Manager's key priorities for the coming year.

(e) As part of the Department Head annual evaluation process, the Executive Committee shall be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Manager.

(f) The Executive Committee shall also:

(1) Act on behalf of the Board in unexpected situations and emergencies, subject to subsequent approval or ratification of the actions taken whenever such approval or ratification is required by law.

(2) Provide policy guidance where appropriate to those directors and District staff members who are associated with organizations in which the District has membership.

(3) Conduct hearings on appeals of protest denials involving Purchasing Contracts and Professional and Technical Services Contracts pursuant to Section 8150(b).

(i) Hearings shall be held by the committee at its next regular meeting to be held at least 72 hours after the filing of the notice of appeal of the General Manager's determination under Section 8150(b). The decision of the committee shall be final unless the committee chooses to refer the notice of protest to the Board.

(ii) The Chair of the Executive Committee may re-delegate duties provided for under subparagraph (i) above to a minimum of three members of the Executive Committee who shall act in place of the committee.

(4) Resolve disputes over inspection dates and monitor conduct of inspection trips to assure maximum effectiveness.

(5) Investigate allegations of discrimination, harassment, and retaliation against directors, the General Manager, General Counsel, General Auditor, and Ethics Officer:

(i) The Executive Committee shall create an ad hoc subcommittee of three members to investigate any allegations of discrimination, harassment, or retaliation in violation of Section 2131 made against a director or allegations in violation of Section 6305 made against the General Manager, General Counsel, General Auditor, or Ethics Officer. No director who is the subject of an allegation of discrimination, harassment, or retaliation shall be appointed to the subcommittee.

(ii) The ad hoc subcommittee shall hire an outside counsel or investigator who shall report findings to the ad hoc subcommittee. At its discretion, the ad hoc subcommittee may consult with the General Counsel, Ethics Officer, and/or Equal

Employment Opportunity Officer in the course of an investigation into allegations of discrimination, harassment, or retaliation involving a director.

(iii) The ad hoc subcommittee shall report its findings for appropriate action as follows:

a. To the Executive Committee for allegations involving a director or the General Manager.

b. To the Legal and Claims Committee for allegations involving the General Counsel.

c. To the Audit and Ethics Committee for allegations involving the General Auditor or Ethics Officer.

#### **§ 2417. Action by Board Officers.**

If, in the opinion of the Chair, it is impracticable that the full committee perform a function to be performed by the Executive Committee between regular meetings, such function may be performed by the Officers of the Board, acting at a meeting called for that purpose, with equal effect as if performed by the full committee.

### **Article 3**

#### **ENGINEERING, OPERATIONS AND TECHNOLOGY COMMITTEE**

Sec.

2430. Day of Regular Meeting

2431. Duties and Functions

#### **§ 2430. Day of Regular Meetings.**

The regular meetings of the Engineering, Operations and Technology Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular Board meetings.

#### **§ 2431. Duties and Functions.**

(a) The Engineering, Operations and Technology Committee shall study, advise and make recommendations with regard to:

(1) Plans, specifications and bids;

(2) The initiation, scheduling, contracting, and performance of construction programs and work, and the equipment or materials to be used, replaced, disposed of, or salvaged;

(3) Such matters as may come to its attention on inspection trips of the aqueduct works which the committee shall make at least once a year;

(4) The operation, protection, and maintenance of the plants and facilities required for the production, exchange, sale, storage, treatment, and delivery of water and power and for the storage and treatment of water; and for the distribution of electrical energy to the aqueduct pumping plants;

(5) The providing of storage and distribution facilities and connections for the delivery of water;

(6) Construction claims;

(7) Engineering aspects of State Water Project facilities;

(8) The selection of engineering and geologic consultants and the determination of the scope of their assignments;

(9) Energy matters in general;

(10) Water treatment technologies for complying with drinking water regulations;

(11) Water quality policies and standards;

(12) Policies regarding the quality of imported, reclaimed, reused and stored water;

(13) The effect on the District of existing and proposed federal, state, and local water quality statutes and regulations;

(14) Proposed amendments to the Metropolitan Water District Act and Code affecting the engineering and operations functions of the District and water quality;

(15) Proposed rules and proposals regarding business development opportunities for intellectual property transactions;

(16) The District's Capital Investment Program and appropriations for capital projects;

(17) Changes in Metropolitan's aqueduct system to provide for the changing needs of the District member agencies; and,

(18) Information technology strategies, projects and activities, including information technology asset management and the budgeting and tracking of information technology resources.

(b) The Engineering, Operations and Technology Committee shall also conduct hearings on appeals of protest denials involving Public Works Contracts pursuant to Section 8150(a).

(1) Hearings shall be held by the committee at its next regular meeting, at least 72 hours after the filing of the notice of appeal of the General Manager's determination under Section 8150(a). The decision of the committee shall be final unless the committee chooses to refer the notice of protest to the Board.

(2) The Chair of the Engineering, Operations and Technology Committee may re-delegate duties provided for under subparagraph (1) above to a minimum of three members of the Engineering, Operations and Technology Committee who shall act in place of the committee.

#### **Article 4**

#### **FINANCE , AUDIT, INSURANCE AND REAL PROPERTY COMMITTEE**

Sec.

2440. Day of Regular Meeting

2441. Duties and Functions

#### **§ 2440. Day of Regular Meetings.**

The regular meetings of the Finance, Audit, Insurance and Real Property Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular meetings.

#### **§2441. Duties and Functions.**

The Finance, Audit, Insurance and Real Property Committee shall study, advise and make recommendations with regard to:

- (a) Preparation of budgets;
- (b) Policies and procedures related to budget development and cost containment;
- (c) Sale of bonds and borrowing and repayment of money;
- (d) Disposition and investment of funds;
- (e) Authorization of appropriations, except appropriations for capital projects;



(f) The determination of revenues to be obtained through water transactions, including, but not limited to, sales, exchanges, and wheeling of water, water standby or availability of service charges, and the levying of taxes;

(g) The financial impact and requirements of policies concerning annexation;

(h) With respect to the duties and functions of the General Auditor, this Committee shall study, advise and make recommendations with regard to:

i. All reports of the General Auditor and external auditors, including the audited financial statements of the District;

ii. The Audit Department's annual business plan and biennial budget; and,

iii. Requests from other committees of the Board for audits and reviews not included in the Audit Department's annual business plan.

(i) Monitoring and overseeing the duties and responsibilities of the Audit Department and the external auditors as those duties and responsibilities relate to the effectiveness of the District's internal control system. It shall review and approve the Audit Department business plan containing the key priorities for the coming year of the General Auditor and the Audit Department in advance of the July Board meeting.

(j) As part of the Department Head annual evaluation process, be responsible for engaging in periodic performance expectations discussions, including progress checks, with the General Auditor.

(k) The financial aspects of the District's risk management program;

(l) Questions pertaining to insurance coverage and self-insurance;

m) The selection of financial and insurance consultants and the determination of the scope of their assignments;

(n) Form and contents of accounts, financial reports, and financial statements;

(o) Proposed amendments to the Metropolitan Water District Act affecting the finance , audit, insurance and real property functions of the District;

(p) Goals and objectives related to financial planning for Metropolitan, including but not limited to revenues, operating expenses, reserve policies, internally funded construction, debt management, investments and capital financing strategies;

(q) The prices and conditions governing water transactions, including, but not limited to, sales, exchanges, and wheeling sales of water;

(r) Costs and accounting procedures relating to the District's and other state water service contracts;

(s) Policies regarding water transactions, including, but not limited to, the sale, exchange, and wheeling of water for various uses;

(t) Policies regarding allocation of water standby or availability of service revenue requirements among member public agencies;

(u) Water standby or availability of service charges within the District;

vs) Determinations by the General Manager with respect to appeals concerning charges for water service, including readiness-to-serve charges and capacity charges, and report its recommendations, as appropriate, to affirm or reverse the General Manager's determinations;

(w) Appeals from determinations by the General Manager to deny or qualify an application for exemption from the water standby charge, and report its recommendations, as appropriate, to affirm or reverse the General Manager's determinations;

(x) The purchase, management and disposition of personal property assets such as equipment and vehicles;

(y) Facility master plans, including budgeting for capital improvements and long-term facilities commitments

(z) Proposed rules and proposals regarding business development opportunities for real property;

(aa) Policies for the acquisition of rights-of-way;

(bb) The purchase, sale, and leasing of land and buildings, including the District's various office and garage space needs;

(cc) The incidental use of land in farming operations and otherwise;

(dd) The operation and maintenance of buildings;

(ee) The development, oversight, and coordination of recreational facilities at Diamond Valley Lake and Lake Skinner;

(ff) The use of proceeds from the sale or disposition of surplus property related to Diamond Valley Lake and Lake Skinner for recreational purposes.

(gg) Annexations and annexation policies including the requirements, procedures, terms and conditions for annexation.

## **Article 5**

## LEGAL AND CLAIMS COMMITTEE

Sec.

2450. Day of Regular Meetings

2451. Duties and Functions

### **§ 2450. Day of Regular Meeting.**

The regular meetings of the Legal and Claims Committee shall be held on the Monday preceding regular Board meetings or on the Tuesday of regular Board meetings.

### **§ 2451. Duties and Functions. [Legal and Claims Committee]**

The Legal and Claims Committee shall study, advise and make recommendations with regard to:

- (a) Litigation and claims brought by or against the District;
- (b) Condemnation matters, when they involve settlements requiring Board approval and inverse condemnation matters;
- (c) Public liability insurance matters, including self-insurance aspects, and matters pertaining to errors and omissions insurance;
- (d) Policy considerations concerning District contracts;
- (e) The selection of candidates for consideration by the Board to serve as the General Counsel and the determination of the scope of the assignments of the General Counsel;
- (f) The selection of special counsel and the determination of the scope of their assignments;
- (g) Proposed amendments of the Metropolitan Water District Act, legislation dealing with public agencies, proposed District ordinances and the organization and contents of the Code;
- (h) Proposed legislation dealing with public agencies and proposed amendments to the Public Employees Retirement Law; and
- (i) The Legal and Claims Committee shall be responsible for reviewing and approving the business plan containing the key priorities for the coming year of the General Counsel and the Legal Department. It shall review and approve the business plan in advance of the July Board meeting.
- (j) As part of the Department Head annual evaluation process, the Legal and Claims Committee shall be responsible for engaging in periodic performance expectations discussions,

including progress checks, with the General Counsel.

## **Article 6**

### **THE LEGISLATION, REGULATORY AFFAIRS AND COMMUNICATIONS COMMITTEE**

Sec.

2460. Day of Regular Meeting

2461. Duties and Functions

#### **§ 2460. Day of Regular Meeting.**

The regular meetings of the Legislation, Regulatory Affairs and Communications Committee shall be on the Monday preceding regular Board meetings or on the Tuesday of regular board meetings.

#### **§2471. Duties and Functions.**

The Legislation, Regulatory Affairs and Communications Committee shall study, advise and make recommendations to the Board with regard to:

(a) Proposals of the General Manager, other committees, and board members concerning State and Federal legislation and regulations , or amendments thereto, that may affect the District;

(b) Recommendations for new legislation or regulations identified by members of the Board or the General Manager;

(c) Opportunities for members of the Board to assist in outreach activities, including efforts to inform members of the Legislature or the Congress of the District's position with regard to proposed legislation and regulations;

(d) The effectiveness of legislative and administrative advocacy efforts by staff and members of the Board;

(e) The development and implementation of Directors' inspection trips, including the expectations and goals for these trips;

(f) The development and implementation of school education programs, including the expectations and goals for these programs;

(g) The effectiveness of Metropolitan's external affairs programs and general communications efforts directed at member agencies and the general public; and

(h) The selection of public information consultants and the scope of their assignments.

**Article 7****ETHICS, ORGANIZATION AND PERSONNEL COMMITTEE**

Sec.

2470. Day of Regular Meeting

2471. Duties and Functions

**§2470. Day of Regular Meeting.**

The regular meetings of the Ethics, Organization and Personnel Committee shall be held on the Monday preceding regular board meetings or on the Tuesday of regular board meetings.

**§2471. Duties and Functions.**

The Ethics, Organization and Personnel Committee shall study, advise and make recommendations with regard to:

- (a) The form of the District's organization and the flow of authority and responsibility;
- (b) Periodic independent reviews and studies of the organization, classification of positions, job duties, salaries, and salary ranges;
- (c) Relations between the District and its employees, including all matters affecting wage, hours, pension plans and other employee benefits, and other terms and conditions of employment, as well as the district's negotiation of such matters with employee bargaining units and selection of negotiators;
- (d) Areas of special concern to the District and its employees, including, but not limited to work rules pertaining to the health and safety of employees;
- (e) Policies and rules regarding employment, discipline and discharge of District officers and employees;
- (f) Proposed amendments to the Metropolitan Water District Act and Administrative Code affecting contract procedures and policies, the organization and personnel policies of the District and to the Public Employees' Retirement Law;
- ...
- (h) Annual overall coordination of the Department Head Evaluation Program.
- (i) Periodic performance expectations discussions, including progress checks, with the Ethics Officer.

(j) Monitoring and overseeing the duties and responsibilities of the Ethics Officer to ensure the independence of the Ethics Officer.

(k) Receive and review bi-monthly status reports of pending investigations by the Ethics Officer. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

(l) Receive and review quarterly reports from the Ethics Officer on any engagement of professional and technical consultants.

(m) Review and approval of the business plan containing the key priorities for the coming year for the Ethics Office. It shall review and approve the business plan in advance of the July Board meeting.

## **Article 8**

### **ONE WATER AND STEWARDSHIP COMMITTEE**

Sec.

2470. Day of Regular Meeting

2471. Duties and Functions

#### **§ 2470. Day of Regular Meeting**

The One Water and Stewardship Committee shall hold regular meetings on an as-needed basis.

#### **§ 2471. Duties and Functions**

The One Water and Stewardship Committee shall have oversight over the planning, prioritization, and funding of any current or future regional demand management or any regional or local supply projects within the Metropolitan service area receiving funding from Metropolitan, such as the Regional Recycling Project and local projects funded through Metropolitan's Local Resources Program. The Committee shall review and consider:

(a) Establishing policies and programs regarding water conservation and reuse, watershed management, storm water capture and management, recycling, sustainable groundwater management and protection, underground storage, and use thereof;

(b) Seawater desalination, recycling and reuse, and brackish water issues in Metropolitan's service area, and use thereof;

(c) Overseeing development and implementation of Metropolitan's Local Resources Program and Conservation Program and other efforts to meet local supply and water use efficiency goals;

(d) The effect of existing and proposed federal, state and local environmental, water supply and water management statutes and regulations on supplies produced or that may be produced within the District's region;

(e) Recommendations for comprehensive solutions to regional supply problems with the intent to increase water reliability, cost effectiveness, and environmental benefit;

(f) Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from external representatives;

(g) Recommendations to the Board on policies and programs that will strengthen relationships with other agencies in furthering Metropolitan's objectives for increased regional self-reliance and greater water use efficiency;

(h) Creating opportunities for collaboration to advance the development of local supplies and achieving greater water use efficiency;

(i) Coordinating and aligning new water supplies, local resources projects and programs, and investments with other Metropolitan strategic priorities and initiatives;

(j) Developing criteria for the prioritization of investments in new water supplies;

(k) Policies, sources, and means of importing and distributing water, transferring water, and wheeling water as required by the District;

(l) Policies and procedures regarding the delivery and exchange of water for various uses;

(m) Metropolitan Water Supply Planning including the Integrated Resources Planning Process and completion of the Urban Water Management Plan and related policies; and,

(n) Environmental compliance and requirements, and informing the technical aspects and science factors in providing comments to regulatory agencies and legislation affecting the regulation of water supply operational facilities and the conditions that they operate under.

## **Article 9**

### **EQUITY, INCLUSION AND AFFORDABILITY COMMITTEE**

Sec.

2490 Day of Regular Meeting

2491 Duties and Functions

#### **§ 2490.40. Day of Regular Meeting**

The Equity, Inclusion, and Affordability Committee shall hold regular meetings on an as-needed basis.

#### **§ 249150 Duties and Functions**

The Equity, Inclusion and Affordability Committee will:

(a) Direct and receive reports from, and be the home committee for, Metropolitan's Diversity, Equity and Inclusion Officer;

(b) Receive input, policy and procedure recommendations from the Diversity, Equity and Inclusion Officer;

(c) Study diversity, equity, and inclusion issues within Metropolitan to recommend ways to enhance and promote equal opportunity, affirmative action, increased diversity of the workforce and a culture of inclusion within Metropolitan;

(d) Promote workforce development programs, including training and advancement opportunities at Metropolitan to increase diversity, equity and inclusion within Metropolitan and benefit the communities within Metropolitan's service area;

(e) Study areas of special concern to the District and its employees, including, but not limited to, equal employment opportunity and affirmative action.

(f) Study, advise and make recommendations on the ways the District can:

(1) Better serve the disadvantaged and underserved communities within Metropolitan's service area, and mitigate issues of affordability;

(2) Improve the access of disadvantaged and underserved communities to reliable, high-quality drinking water supplies;

(3) Increase the participation of currently underserved communities in Metropolitan's rebate, conservation, and other local resources programs; and

(4) Assist and support member agency programs and advocate for underserved communities, including providing communications, operational and technical assistance, with focus on consumer confidence of drinking water.



...

## Chapter 5

### OTHER COMMITTEES: MISCELLANEOUS COMMITTEE MATTERS

Article	Sec.
1 Special Committees	2500
2 Board and Committee Nomination Procedures	2520
3 Ad Hoc Committees	2530

## Article 2

### BOARD AND COMMITTEE NOMINATION PROCEDURES

#### § 2520. In General.

The Executive Committee shall:

(a) Nominate members for the offices of Chair and Secretary of the Board. If a member is nominated as a candidate by the committee, they shall be advised by the committee and shall immediately cease further participation in the committee's deliberations and action on that office.

(b) Establish procedures for the fair and impartial election of members to the offices of Chair and Secretary of the Board including, but not limited to, sponsorship of forums for communication of the views of the candidates to Board members. Nominations from the floor shall be made at the meeting of the Board at which an election is scheduled. The committee will provide each director with written notice of any candidate nomination at least 10 days prior to the scheduled date of the election.

## Article 3

### Ad Hoc Committees

Sec.

- 2530. Ad Hoc Committee on Pure Water SoCal and Regional Conveyance
- 2531. Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations
- 2532. Ad Hoc Committee on San Diego Litigation
- 2533. Ad Hoc Committee on Implementation of State Audit
- 2534. Ad Hoc Committee on Facilities Naming

#### § 2530. Ad Hoc Committee on Pure Water SoCal and Regional Conveyance

(a) The Ad Hoc Committee on Pure Water SoCal and Regional Conveyance shall hold meetings as required to accomplish committee objectives.

(b) Duties and Functions

The Ad Hoc Committee on Pure Water SoCal and Regional Conveyance shall work on the following:

(1) The planning and schedule of the water entitlement process; and

(2) The construction process and the determination of outreach needs in coordination with other relevant committees and subcommittees of the Board.

**§ 2531. Ad Hoc Committee on Agricultural Water Conservation Partnerships, Bay-Delta and Colorado River Negotiations.**

(a) The Ad Hoc Committee on External Property Management, Bay-Delta and Colorado River Negotiations shall hold meetings as required to accomplish committee objectives.

(b) Duties and Functions

Provide guidance to the General Manager on the following issues:

(1) The application of Board-approved policy principles and actions relating to the Bay-Delta and Colorado River with regard to negotiations and implementation of agreement with and among Colorado River Contractors and Federal and State Authorities;

(2) The application of Board-approved policy principles and actions with regard to ongoing State Water Contract renegotiations; and

(3) The application of Board-approved policy principles and actions with regard to negotiations with external authorities in charge of regulating land owned by Metropolitan outside of its service area and other agricultural water conservation partnerships.

**§ 2532. Ad Hoc Committee on San Diego Litigation.**

(a) The Ad Hoc Committee on San Diego Litigation shall hold meetings as required to accomplish committee objectives.

(b) The Ad Hoc Committee on San Diego Litigation shall advise on issues related to the ongoing litigation between Metropolitan and the San Diego County Water Authority.

**§ 2533. Ad Hoc Committee on Implementation of State Audit.**

(a) The Ad Hoc Committee on Implementation of State Audit shall hold meetings as required to accomplish committee objectives.

(b) This committee shall oversee the implementation of recommendations from the State Audit and the Independent Assessment of Workplace Concerns.

**Added § 2534. Ad Hoc Committee on Facilities Naming**

The Ad Hoc Committee on Facilities Naming will meet when there is a need to consider the naming of Metropolitan facilities.

## **Chapter 6**

### **DIRECTORS**

Article	Sec.
1 General	2600
2 Inspection Trips	2610
3 Responsibilities of New Directors	2616
4 Miscellaneous	2620

#### **Article 1**

#### **GENERAL**

**§ 2600. Assumption of Office.**

(a) Before entering upon the duties of their office, each person appointed to be a director shall take and subscribe to an oath or affirmation conforming to that prescribed by Section 3 of Article XX of the California Constitution. Said oath or affirmation shall only be taken before a District officer or employee authorized to administer the oath.

(b) A person shall assume all rights and powers and be subject to all liabilities, duties and obligations of a director upon the taking of the oath administered in accordance with the provisions of Section 2600(a).

#### **Article 3**

### **RESPONSIBILITIES OF NEW DIRECTORS**

Sec.
2616. Obligations
2617. Inspection Trip Sponsorship Duty

**§ 2617. Inspection Trip Sponsorship Duty.**

New directors are encouraged to participate as soon as possible in an inspection trip being sponsored by a fellow director, and, subsequently, to sponsor an inspection trip within their first year on the Board.

## **Chapter 7**

### **PERIODIC STAFF REPORTS TO BOARD AND COMMITTEES**

#### **Article 1**

#### **ANNUAL REPORTS**

##### **§ 2700. General Manager's Annual Reports.**

The General Manager shall annually make the following reports

(a) To the Board:

(1) On financial matters generally;

(2) After consulting with the General Counsel, on the results of their review made pursuant to Section 5204 of District compliance with minimum fund requirements outlined in Sections 5201-5204 and with the articles and covenants contained in resolutions of issuance;

(3) On the status of appropriations pursuant to Section 5108(c).

(4) On annexation matters pursuant to Sections 3107 and 3300(b).

(5) On payment of dues to organizations pursuant to Section 11102.

...

(c) To the Equity, Inclusion and Affordability Committee on the status of the equal employment opportunity policy and affirmative action program as required by Section 6304.

(d) To the Ethics, Organization and Personnel Committee on all consulting agreements in effect during the preceding year and the exercise of authority under Section 8121(c). Each such report shall indicate when a consultant is a former employee of the District.

##### **§ 2701. Treasurer's Reports**

...

(b) The Treasurer shall report to the Finance, Audit, Insurance and Real Property Committee:

(1) All payments after loss of a bond interest coupon made pursuant to Section 5104; and

(2) All issuances of duplicate bonds made pursuant to Section 5105.

### **§ 2703. General Auditor's Report**

The General Auditor shall annually report to the Finance, Audit, Insurance and Real Property Committee a business plan containing the General Auditor's key priorities for the coming year for the Audit Department as required by Sections 2501 and 6451.

### **§ 2704. Ethics Officer's Report**

The Ethics Officer shall annually report to the Ethics, Organization and Personnel Committee a business plan containing the Ethics Officer's key priorities for the coming year for the Ethics Office as required by Sections 2501 and 6473.

## **Article 2**

### **QUARTERLY REPORTS**

### **§ 2720. General Manager's Quarterly Reports.**

The General Manager shall quarterly make the following reports:

(a) To the Engineering, Operations and Technology Committee: a report on the Capital Investment Plan, including service connections approved by the General Manager pursuant to Sections 4700-4708 with the estimated cost and approximate location of each and the execution of any relocation agreements involving an amount in excess of \$100,000 under authority of Section 8122(c);

(b) To the Finance, Audit, Insurance and Real Property Committee:

A summary of financial performance including Comparative Statements of Operations and Comparative Balance Sheets and variances thereof from estimates;

(c) To the Finance, Audit, Insurance and Real Property Committee:

(1) Deeds or grants accepted during the preceding quarter;

(2) Easements, or similar rights, granted during the preceding quarter under the authority of Section 8220, and shall also include in such report any relocation or protection agreement made in connection therewith;

(3) All leases made during the preceding quarter under the authority of Sections 8222, 8223, 8230 and 8232;

(4) The details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District; and

(5) Property sold pursuant to the authority granted by Section 8240 et seq.

(d) To the Legal and Claims Committee, jointly with the General Counsel, the exercise of any power delegated to them by Sections 6431, 6433 and 6434, and, in addition any and all other personnel-related settlements that invoke confidentiality or have any financial impact – including paid and reinstated leave – regardless of settlement type. The reporting on personnel-related settlements should include whether equal employment opportunity issues were implicated, whether the employee is still employed by the District, the existence and type of any financial or confidentiality terms, and whether the District has taken any corrective action in response to the alleged issues.

(e) To the Engineering, Operations and Technology Committee:

(1) The status of all information technology projects throughout the organization.

(2) The employment of any professional and technical consultant, the extension of any professional and technical consulting agreement, on the exercise of authority under Section 8121(c) and 8122(h) and the execution of any contract authorized pursuant to Section 8122(g) during the preceding calendar quarter. The report covering the last calendar quarter of the year may be combined with and included in the annual report. Each such report shall indicate when a consultant is a former employee of the District.

...

#### **§ 2722. General Auditor's Quarterly Reports.**

The General Auditor shall report to the Finance, Audit, Insurance and Real Property Committee the exercise of any power delegated to the General Auditor by Section 6453.

#### **§ 2723. Ethics Officer's Quarterly Reports.**

The Ethics Officer shall report to the Ethics, Organization and Personnel Committee on activities concerning agreements executed pursuant to the authority given to the Ethics Officer in Section 6471.

### **Article 3**

## **MONTHLY REPORTS**

### **§ 2743. Ethics Officer's Bi-Monthly Reports.**

The Ethics Office shall provide bi-monthly reports to the Ethics, Organization and Personnel Committee summarizing all investigations. The reports shall be limited to the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

## **Article 4**

## **MISCELLANEOUS REPORTS**

### **§ 2750. Escheat to District of Unclaimed Funds.**

The Controller shall file a report with the Finance, Audit, Insurance and Real Property Committee after each publication made pursuant to Section 5113 regarding moneys unclaimed in the District treasury.

### **2751. Report of Exercise of Authority.**

The General Manager shall report to the next following meeting of the Finance, Audit, Insurance and Real Property Committee any exercise of authority pursuant to Sections 5300-5303.

### **§ 2752. Emergency Contracting.**

The General Manager shall report to the Board on any action taken under the authority of Section 8122(b) within 7 days after taking that action or at the next following meeting of the Engineering, Operations and Technology Committee if that meeting will occur not later than 14 days after the action.

## **Division III**

## **ANNEXATIONS**

Chapter	Sec.
1    Annexation Procedure	3100
2    Policies Related to Annexations	3200
3    Financial Policies Related to Annexations	3300

## **Chapter 1**

## **ANNEXATION PROCEDURE**

**§ 3108. Time for Completion of Annexation.**

...

(b) If the General Manager finds that there is no significant change in the circumstances surrounding the annexation, they shall grant an extension for one year subject to any new mandatory terms and conditions which have been adopted by the Board since the original approval of the annexation, and further subject to payment of the current annexation charges. If the General Manager finds that there are significant changes in the circumstances surrounding the annexation, they shall submit the request for extension to the Board in accordance with Section 3102.

...

**Division IV****WATER SERVICE POLICIES****Chapter 2****REGIONAL WATER MANAGEMENT****§ 4206. Carryover Storage.**

(a) The General Manager is authorized to store District water in any storage facility within any member public agency of the District where storage capacity is available. Further, the General Manager is instructed that no water is to be delivered or supplied under any storage contract until they have determined that sufficient water supplies will be available to fill the District's storage reservoirs.

...

**Chapter 3****WATER TRANSACTIONS REVENUE****§ 4304. Apportionment of Revenues and Setting of Water Rates.**

(a) Not later than at its February meeting the General Manager shall present to the Finance, Audit, Insurance and Real Property Committee of the Board:

(1) Determinations of the revenue requirements and cost of service analysis supporting the rates and charges required during the biennial period beginning the



following July 1, as determined by the General Manager in accordance with current Board policies, and,

(2) Recommendations of rates including, but not limited to, the System Access Rate, Water Stewardship Rate, System Power Rate, Treatment Surcharge, and the Supply Rates for the various classes of water service to become effective each January 1 of the biennial period. These recommended rates shall be the General Manager's determination, made in accordance with current Board policies, of the rates necessary to produce substantially the revenues to be derived from water transactions, including, but not limited to, sales, exchanges, and wheeling, during the biennial period beginning the following July 1.

(b) Not later than at its February meeting, the General Manager shall also present to the Finance, Audit, Insurance and Real Property Committee recommendations regarding the continuation of a water standby charge or the imposition of an availability of service charge (such as the readiness-to-serve charge and capacity charge), which shall be the General Manager's determination, made in accordance with current Board policies, of the charge necessary to produce substantially the revenues to be derived from fixed revenue sources, if any, exclusive of taxes, during the biennial period beginning the following July 1 which the Finance and Insurance Committee has determined to be necessary.

(c) Not later than its February meeting the Finance, Audit, Insurance and Real Property Committee shall set a time or times for, and shall thereafter hold, one or more meetings of the Finance, Audit, Insurance and Real Property Committee, to be held prior to its regular April meeting, at which interested parties may present their views regarding the proposed water rates and availability of service charges to said committee. The Finance, Audit, Insurance and Real Property Committee shall direct the General Manager to cause the publication of a notice of such public hearing to be published in newspapers of general circulation within the District's service area. Such notice shall be published not less than 10 days prior to the public hearing.

(d) Not later than its regular April meeting the Finance, Audit, Insurance and Real Property Committee shall make its determination regarding the revenue requirement to be paid from water rates and the water rates to become effective each January 1 of the biennial period and shall recommend said water rates to the Board no later than the Board's regular April meeting.

## **Chapter 4**

### **CLASSIFICATION AND RATES**

#### **§ 4402. Readiness-to-Serve Charge.**

...

(c) The General Manager shall establish and make available to member public agencies procedures for administration of the readiness-to-serve charge, including filing and consideration of applications for reconsideration of their respective readiness-to-serve charge. The General

Manager shall review any applications for reconsideration submitted in a timely manner. The General Manager shall also establish reasonable procedures for the filing of appeals from their determination.

## **Chapter 5**

### **WATER SERVICE REGULATIONS - GENERAL**

#### **§ 4504. Rates of Flow.**

(a) Within any 24-hour period, changes in rate of flow through any service connection serving a member public agency will be limited to ten (10) percent above and below the previous 24-hour average rate of flow except when a specific request for a change in rate that would exceed such limitations has been made to the District; such requests (1) shall be made at least 6 hours in advance of the time such change is to be made; (2) shall be approved by the General Manager only if in their judgment the change would not adversely affect the District's ability to apportion available water equitably. The General Manager is hereby authorized to reduce the maximum obtainable rate of flow at any service connection where this regulation is being violated and in the event the capacity of the distribution system is insufficient to accommodate the above mentioned daily fluctuations in delivery rate, the General Manager shall regulate the rates of flow at any or all service connections so as to assure equitable service to all agencies. However, the District will endeavor to meet all reasonable demands for service so long as comparable service can be provided to all member public agencies being served from a related section of the District's distribution system.

...

(d) The General Manager shall have the power to waive the provisions of Sections 4504(a), 4504(b) and 4504(c) for a specified period with respect to any service connection if in their judgment such a waiver will serve to accomplish the current objectives of the District and will not adversely affect the operation of the District's distribution system or impair its ability to provide service to all member public agencies.

#### **§ 4507. Billing and Payment for Water Deliveries.**

...

(g) **Review Process.** With respect to water sold and delivered at the rates prescribed for water sold under water programs or contract (unless otherwise specified in an agreement with the District) the District will complete its review within twelve months from date of receipt of the original supporting documentation.

(1) Should the District not complete its review within twelve months of the submittal of all source documentation, the review will be considered complete and the certifications final.

(2) When the review is completed, the District will notify the member agency of its initial findings for its comments. The member agency will provide its comments within 60 days. Metropolitan staff and the agency will work together to reconcile any differences.

(3) If the member agency and Metropolitan staff cannot reconcile the differences, Metropolitan's Water System Operations' Group Manager has the responsibility to consult with the member agency and make a final ruling, subject to the General Manager's oversight. If the ruling is unsatisfactory to the agency, it can be appealed to Metropolitan's Finance, Audit, Insurance and Real Property Committee.

(4) If the member agency does not provide further documentation correcting Metropolitan staff findings within the 60-day comment period as specified in (g) (2), then it shall be conclusively presumed that the District's findings are correct and the District's next monthly billing shall reflect such adjustment.

#### **§ 4519            Emergency Deliveries of Member Agency Water Supplies in Metropolitan's System**

...

(j) Term for Emergency Deliveries: In their sole discretion, Metropolitan's General Manager shall determine: (i) when the emergency begins; and (ii) when the emergency ends because emergency deliveries are no longer necessary or need to be discontinued. Emergency deliveries of member agency water supplies shall not exceed one year in length unless a longer term is approved by Metropolitan's Board of Directors. Metropolitan will endeavor to provide the member agency with 72 hours' notice of the conclusion of the emergency and the return of normal operations.

### **Chapter 7**

#### **SERVICE CONNECTIONS**

##### **§ 4700. General Authorization.**

The General Manager is authorized to construct, or have constructed, any service connection requested by a member public agency, which, in the opinion of the General Manager, should be authorized and which is not specifically precluded by resolution of the Board; subject to such terms and conditions as shall be deemed by them to be reasonable and proper, and which shall, however, include the following:

...

##### **§ 4708. General Manager's Report on Service Connections.**

The General Manager shall report quarterly to the Engineering, Operations and Technology Committee of the Board new service connections approved by them pursuant to this Chapter with the estimated cost and approximate location of each.

## **Chapter 8**

### **SYSTEM INTERCONNECTIONS - HYDRAULIC TRANSIENTS**

#### **§ 4803. Reduction or Suspension of Deliveries.**

The General Manager is authorized to reduce or suspend deliveries to any member public agency if they determine that a member public agency or subagency has failed to install reliable protective devices to protect the District's facilities from damage from hydraulic transients and that a substantial risk of such damage exists.

## **Division V**

### **FINANCIAL MATTERS**

## **Chapter 1**

### **ADMINISTRATIVE MATTERS**

#### **§ 5104. Payment After Loss of Bond Interest Coupon.**

...

(b) The Treasurer shall report to the Finance, Audit, Insurance and Real Property Committee all payments made pursuant to this Section 5104.

#### **§ 5105. Lost or Destroyed Bonds.**

...

(b) The Treasurer shall report to the Finance, Audit, Insurance and Real Property Committee of the Board all issuances of duplicate bonds made pursuant to this Section 5105.

...

#### **§ 5107. Biennial Budget Process.**

(a) There shall be prepared each even-numbered year, under the direction of the General Manager, a proposed biennial budget covering District operations for the following two fiscal years. The proposed biennial budget shall be submitted to the Board no later than the date of the regular Board meeting in June immediately preceding the first fiscal year of the biennium to

which the budget applies. The proposed biennial budget shall indicate by fund all anticipated expenses and required reserves and the source of revenues to be used to meet such expenses and provide such reserves. The proposed biennial budget will at a minimum include a five-year financial forecast. At least one Board Workshop on the proposed biennial budget will be conducted prior to submission of the proposed biennial budget for Board approval. The Finance, Audit, Insurance and Real Property Committee shall review the proposed biennial budget in its entirety, together with the recommendations from the Board workshop, and report its recommendations to the Board.

...

## **Chapter 2**

### **FINANCIAL POLICIES**

#### **§ 5204. Compliance with Fund Requirements and Bond Indenture Provisions.**

As of June 30 of each year, the General Manager shall make a review to determine whether the minimum fund requirements outlined in this Chapter have been met and whether the District has complied with the provisions of the articles and covenants contained in the resolutions of issuance for all outstanding District bond issues during the preceding fiscal year. The General Manager, after consulting with the General Counsel, shall report the results of their review in writing to the Board of Directors annually.

## **Chapter 3**

### **SHORT-TERM REVENUE CERTIFICATES**

#### **§ 5301. Dealer-Manager.**

(a) The General Manager may solicit proposals based on specifications prepared by them from any person or firm to act as dealer-manager that, as a minimum:

...

(b) The General Manager shall make a recommendation for award of contract for the services of a dealer-manager based on their review of the proposals and on interviews of persons or firms offering proposals which they may have conducted. In making that recommendation, they may give consideration to any factor they deem relevant, including, but not limited to, the experience, reputation and resources of any person or firm offering a proposal and the charges for the services set forth in the proposal.

...

#### **§ 5302. Credit Facility.**

(a) The General Manager may solicit proposals based on specifications prepared by them from financial institutions to provide a credit facility securing the payment of principal and interest on the certificates. To the extent permitted by the Act, such credit facility may be an insurance policy issued by a reputable municipal bond insurance company, a letter of credit issued by a commercial bank or savings and loan association, a line of credit, or a standby purchase agreement with a financial institution.

(b) The General Manager shall make a recommendation for award of contract to provide a credit facility based on their review of the proposals and on any interviews of representatives of financial institutions offering proposals which they may have conducted. In making that recommendation, they may give consideration to any factor they deem relevant in addition to the qualifications set forth in the specifications for proposals.

(c) A contract to provide a credit facility shall be awarded by the Board; provided, however, that the Board may reject all proposals.

(d) Any contract to provide a credit facility shall be for a period no longer than 48 months but may be subject to extension upon mutual agreement of the District and the financial institution, and shall be subject to termination by either party upon 60 days' notice. Such contract shall further provide that if the credit rating of such financial institution, as determined by any national rating organization, is at any time withdrawn, suspended or otherwise modified in such a manner as to impair, in the judgment of the General Manager, the marketability of certificates, it may be terminated by the General Manager immediately on written notice to such financial institution. The General Manager may contract with another financial institution having a satisfactory credit rating to provide a substitute credit facility or a temporary overlapping credit facility if they determine that such an arrangement best serves the interests of the District. Any extension or termination of a contract to provide a credit facility shall be subject to the District's obligations to the holders of outstanding certificates.

### **§ 5303. Issuing and Payment Agent.**

The General Manager is authorized to execute a contract with a financial institution to act as issuing and paying agent of certificates to be marketed or redeemed from time to time. Such contract, as a minimum, shall be terminable by either party without cause upon 30 days' notice and by the General Manager immediately on written notice to such financial institution if, in their judgment, good cause exists; shall provide for monthly accounting of all transactions; shall provide for insurance or a surety bond protecting the District against theft or fraudulent use of blanks or certificates in the custody of the agent; and shall provide for prompt delivery to a party to be designated by the District of any canceled certificates or blanks upon expiration or termination of the contract.

### **§ 5304. Method and Procedures for Sale of Certificates.**

(a) Board Action by Resolution. - Sale and issuance of the District's certificates shall be authorized by the Board by resolution which, as a minimum, shall specify the matters required

by Section 298 of the Act and which may contain any other terms and conditions which the Board determines to be in the best interests of the District.

(b) Standards for Issuance of Certificates. - Subject to the terms of the resolution of sale and issuance adopted by the Board pursuant to Section 5304(a), the General Manager may sell and issue certificates in the name of the District when required to meet cash requirements of the District when they determine that the cost of funds resulting from the sale of certificates would be less than the cost of funds that would be incurred if alternative sources of financing were utilized.

(c) Sale of Certificates. - Subject to any limitations which the Board may impose in the resolution adopted pursuant to Section 5304(a), such certificates shall be sold by the General Manager at such time as may be fixed by them and upon such notice as they may deem advisable, either at public sale, upon sealed bids, to the bidder whose bid will result in the lowest interest cost to the District determined in the manner prescribed by said resolution, or by negotiated sale. Under either method, the sale shall be for cash, payable upon delivery of the certificates by the issuing and paying agent to the dealer-manager thereof.

#### **§ 5305. Report of Exercise of Authority.**

The General Manager shall report to the next following meeting of the Finance, Audit, Insurance and Real Property Committee of the Board any exercise of authority pursuant to this Chapter.

### **Division VI**

## **PERSONNEL MATTERS**

### **Chapter 1**

## **EMPLOYEE RELATIONS**

### **Article 1**

## **GENERAL PROVISIONS**

#### **§ 6101. Definitions.**

The words and terms defined in this section shall have the following meanings throughout this Chapter. Any term not defined herein, which is defined in Sections 3500 to 3510, inclusive, of the California Government Code, or which is defined in this Administrative Code shall have the meaning therein.

...

(b) “Confidential Employee” – means an employee who, in the course of their duties, has access to confidential information relating to the decisions of District management affecting employer-employee relations.

...

(m) “Memorandum of Understanding” – means a written document, signed by the General Manager and a duly authorized representative of recognized employee organization, incorporating agreement between the General Manager and representatives of recognized employee organizations whereby the General Manager binds himself to recommend to the Board of Directors action on matters within the scope of representation.

### **§ 6102. Employee Rights.**

Employees of the District shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations including wages, hours and other terms and conditions of employment. Employees of the District also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District, but may not enter into any arrangements that are contrary to, modify or abridge any understanding reached between the District and the employee organization certified as exclusive representative for the unit in which the individual is included. Neither the District nor any employee organization shall interfere with, intimidate, restrain, coerce or discriminate against any District employee because of their exercise of these rights.

## **Article 2**

### **REPRESENTATION PROCEEDINGS**

### **§ 6106. District Response to Recognition Petition.**

...

(b) If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, they shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 6113 of this Chapter.

### **§ 6109. Procedure for Decertification of Exclusively Recognized Employee Organization.**



...

(c) The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article 2. If their determination is in the negative, they shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 6113 of this Article 2. If the determination of the Employee Relations Officer is in the affirmative, or their negative determination is reversed on appeal, they shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

#### **§ 6111. Procedures for Modification of Established Appropriate Units.**

...

(b) The Employee Relations Officer may by their own motion propose that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with Section 6110 of this Article 2, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 6113 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to Section 6105 hereof.

#### **§ 6113. Appeals.**

(a) An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer; or an employee organization aggrieved by a determination of the Employee Relations Officer that a Recognition Petition (Section 6105), Challenging Petition (Section 6107), Decertification Petition (Section 6109), Unit Modification Petition (Section 6111) --- or employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 6109) --- has not been filed in compliance with the applicable provisions of this Article, may, within twenty (20) days of notice of the Employee Relations Officer's final decision request to submit the matter to mediation by the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the Ethics, Organization and Personnel Committee for final decision within fifteen (15) days of notice of the Employee Relations Officer's determination or the termination of mediation proceedings, whichever is later.

(b) Appeals to the Ethics, Organization and Personnel Committee shall be filed in writing with the Board's Executive Secretary, and a copy thereof served on the Employee Relations Officer. The Ethics, Organization and Personnel Committee shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Ethics, Organization and Personnel Committee may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Ethics, Organization and Personnel Committee on the use of such procedures, and/or any decision of the Ethics, Organization and Personnel Committee determining the substance of the dispute shall be final and binding.

#### **Article 4**

### **IMPASSE PROCEDURES**

#### **§ 6118. Impasse Procedures.**

Impasse procedures are as follows:

...

(b) If the mediator is unable to effect settlement of the controversy within 30 days after their appointment, the Exclusively Recognized Employee Organization may request that the parties' differences be submitted to a fact-finding panel for written findings of fact and recommended terms of settlement pursuant to Government Code sections 3505.4 and 3505.5.

...

#### **Article 5**

### **MISCELLANEOUS PROVISIONS**

#### **§ 6121. Interpretation and Administration.**

The General Manager shall have authority to interpret and administer provisions of this Chapter, subject to appeal to the Ethics, Organization and Personnel Committee.

#### **Chapter 2**

### **PERSONNEL REGULATIONS**

#### **§ 6208. Pay Rate Administration.**

...

(h) Pay Rate Survey.

(1) As needed, the General Manager has the authority to cause a survey to be made of rates of pay and benefits of employees of other organizations specified by the Board, and may thereafter recommend to the Board revisions in the pay rate structure and benefits for employees. The survey need not include positions for which pay rates are established pursuant to a memorandum of understanding approved by the Board which is in effect for the entire calendar year. Action, if any, on the pay rate survey may be taken at the same meeting the survey information is presented or at a subsequent meeting. The General Counsel, General Auditor and Ethics Officer may also recommend to the Ethics, Organization and Personnel Committee revisions regarding positions peculiar to their own departments.

...

#### **§ 6209. Discharge.**

(a) Unclassified employees, other than executive officers and their principal assistants, may be removed by their respective Department Heads, but may appeal such removal to the Ethics, Organization and Personnel Committee. The decision of the Committee will be final unless the Committee chooses to refer the appeal to the Board.

#### **§ 6210. Employee Evaluation.**

...

(2) Regular employees. The evaluation process should be completed on an annual basis, even if the employee is at the top step of their classification and therefore is ineligible for a merit increase.

...

(4) Department Heads (General Manager, General Counsel, Auditor and Ethics Officer). Each Department Head shall provide a narrative summary and presentation to the Board at its July meeting concerning accomplishments in performance areas deemed relevant by the Board, including but not limited to strategic leadership, operational leadership, Board relationships and results. In July, each member of the Board shall submit an evaluation form for each Department Head. At its August meeting, the Board shall discuss the evaluation results and determine an overall performance rating for each Department Head. Each member of the Board shall properly execute their right and duty to actively participate in the annual evaluation of each Department Head.

#### **§ 6211. Merit Increases.**

...

(b) A regular employee's eligibility date for a merit increase is the first day of the pay period following their satisfactory completion of the six-month probationary period and, thereafter, one year from the date of the previous merit review, merit increase, demotion or promotion, whichever is later.

...

**§ 6217. Disciplinary Procedure.**

...

(e) Be advised of their appeal rights as provided in Section 6218.

...

**§ 6219. Disciplinary Actions.**

...

EE. Conviction of a felony or conviction of a misdemeanor involving moral turpitude which relates to the employee's ability to perform the duties of their position. For purposes of these rules, a plea of "nolo contendere" or "no contest" will constitute conviction

...

**§ 6227. Sick Leave.**

...

(1) A physician's certification or other proof of incapacity or treatment may be required if an employee's supervisor believes that a medical verification is justified in order for the employee to fulfill their job requirements or if the employee has a leave abuse problem. Notice of this requirement shall be given in advance in all cases of prior leave abuse. A physician's certification shall be required for all sick leave absences exceeding 10 working days.

(2) A physician's certification authorizing an employee's return to work from serious illness or injury shall be reviewed by the District's medical support in Workplace Health & Safety prior to the employee's return to work. An illness or injury may require additional medical examinations/testing in order to determine whether the employee can safely perform their duties, or to determine appropriate work restrictions. Such examination/testing will be done at District expense and on District time if the District requires that it be conducted by District-selected medical personnel.

...

**§ 6231. Family and Medical Leave.**

...

(i) An employee who takes a Leave for their own serious health condition is required to submit a Return to Work / Doctor's Release prior to returning to work.

...

**§ 6232. Paid Leave While Caring For A Newly Born Or Newly Adopted Child.**

...

(b) The employee who desires to use sick leave while on family and medical leave to care for a newly born or newly adopted child shall exhaust their leave credits in the following order:

- (1) Special leave.
- (2) Annual leave.
- (3) Personal leave.
- (4) Compensatory time off.
- (5) Section 6225(b) holiday leave.

(c) The employee, at their option, may use up to 160 hours of accumulated sick leave while on family and medical leave to care for a newly born or newly adopted child after the exhaustion of the leave credits listed in subdivision (b). A request to use sick leave for this purpose shall be accompanied by a medical certification substantiating the need for caring for the newly born or newly adopted child. This provision does not affect the use of sick leave pursuant to section 6227.

...

**§ 6241. Notice of Absence.**

An employee who is absent because of illness, injury, disability, or special leave shall notify their immediate supervisor, or such other person as department rules may provide, promptly on the first day of absence, of the reason for requiring such leave, and the estimated length of absence. If the length of the absence exceeds the original estimate, the employee shall promptly notify their immediate supervisor, or such other person as department rules may provide, of the need for and length of additional leave. The failure to provide such notice may be grounds for denial of such leave for the period of absence. An employee who intends to be absent from duty on personal leave shall obtain the approval of their immediate supervisor, or such other person as department rules may provide, before beginning personal leave.

**§ 6246. Military Leave.**

...

(c) Military Spousal Leave - Every employee who has worked at least an average of 20 hours a week in the last 6 months and is married to a service member is entitled to 10 days leave when their spouse returns from active duty. Employees must notify the District of their intention to take this leave within two business days of receiving official notice that the spouse will be on leave from military deployment.

...

**§ 6247. Leave Without Pay.**

(a) Leave without pay, except when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee only after exhaustion of all accumulated vacation leave. The General Manager may promulgate regulations pursuant to Administrative Code Section 6115(c) which permit leave without pay without exhaustion of accumulated vacation leave. Leave without pay granted pursuant to this Section may not exceed 120 consecutive calendar days unless authorized by the Board for a longer period. Such leave may be terminated at any time by the employee's returning to work. An employee on such leave is entitled to the benefits of sick leave accumulated prior to their absence.

...

(c) Leave without pay, when necessitated by illness, injury, pregnancy, childbirth, miscarriage or abortion, may be granted by a Department Head to an employee for a period which, when added to the period of disability leave and to the interval between the exhaustion of accumulated sick leave and the beginning of disability leave, shall not exceed 3,132 hours, unless authorized by the Board for a longer period. Such leave shall be granted only after exhaustion of accumulated sick and disability leave, except that disability leave need not be exhausted prior to the taking of leave without pay for the 40 hours specified in Section 6228(b)(2). An employee who, due to illness or injury, has taken leave without pay under this Section 6247(b) in excess of 30 consecutive calendar days will be required to provide a physician's statement attesting to their fitness, based upon their normal duties pursuant to their job description, before returning to work.

...

(2) Notwithstanding Section 6247(d)(1), the District shall pay the premiums it would otherwise pay for any employee who is on leave without pay and is receiving temporary disability indemnity under Division 4 of the State Labor Code as a result of an injury incurred in the course and scope of District employment provided, however, said employee continues to pay their portion of said premiums. Any payment of premiums pursuant to this subsection shall terminate 30 calendar days after the final temporary disability indemnity payment is made.

**§ 6248. Severance Pay.**

(a) Any employee who resigns, is laid off for lack of work, is removed for cause, retires under the provisions of the Public Employees' Retirement Law, or enters upon an extended military leave without pay, shall be paid for all of their accumulated vacation leave and earned compensatory time, if any, as soon as practicable after separation from active employment. If the employee should die, their estate shall be entitled to their pay for accumulated vacation and earned compensatory time.

(b) Any employee who resigns, is laid off for lack of work, is removed for cause, or retires under the provisions of the Public Employees' Retirement Law, shall be paid at their hourly pay rate for 52.2 percent of their accumulated hours of sick leave, if any, at the time of separation.

If the employee should die before or after separation from employment, their estate shall be entitled to any unpaid remainder of the severance value of their accumulated sick leave as determined above.

...

(c) If any employee with more than 10,440 hours without an interruption in District service, as defined in Section 6248(e), is laid off from District employment because of a reduction in the work force, the employee shall, in addition to any other payments to which they may be entitled, receive a payment of 40 times their current hourly rate. The amount will be paid as if earned during the payroll period in effect on the last day the employee was employed by the District.

#### **§ 6249. Jury Duty Leave.**

...

(d) In the absence of proof of attendance, an employee will be required to use such other leave as is prescribed by their Department Head.

#### **§ 6261. Time Off for Voting.**

The General Manager is authorized to allow employees to absent themselves from duty with pay for not more than two hours during such times as they shall prescribe for the purpose of voting at any statewide election. Employees who do not avail themselves of this privilege shall not thereby become entitled to overtime pay.

#### **§ 6262. Leave for Subpoenaed Employees.**

When an employee is served with a subpoena which compels their presence as a witness, unless they are a party or an expert witness, they shall be granted a leave of absence. If the amount the employee receives for their appearance is less per day than their regular pay for that day, such leave shall be with pay in the amount of the difference for each day served.

#### **§ 6264. Retention of Travel Incentives.**

Any employee traveling on District business may retain travel incentives made available to them so long as such incentives result in no additional cost to the District.

### **Chapter 3**

## **GENERAL EMPLOYEE MATTERS**

### **Article 1**

#### **EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

##### **§ 6304. General Manager's Report on Equal Employment Opportunity Policy and Affirmative Action Program.**

Annually, the General Manager shall report to the Equity, Inclusion and Affordability Committee on the status of the equal employment opportunity policy and affirmative action program.

### **Article 2**

#### **EXPENSE ACCOUNT REGULATIONS**

##### **§ 6331. Preparation, Approval and Processing of Claims.**

...

(4) In no event shall the District process claims by a director or employee for any expenses that they incur on the District's behalf if the claim for reimbursement of such expenses is not submitted within 90 days after the expenses were incurred. Extensions of time may be granted by the Department Head in the case of employees, or by the Chair of the Board in the case of directors when the circumstances causing the delinquent filing are exceptional.

...

##### **§ 6332. Audit.**

...

(c) Questionable claims of assistant department heads or group managers shall be referred by the General Auditor to the General Manager for resolution. Questionable claims of other employees shall be referred to the appropriate level of management or supervision for resolution. The General Manager, or their designee, in consultation with the General Counsel's office, shall have the authority to make final determinations on audit issues involving the expense reports of all employees below the level of department head.

### **Chapter 4**

## **OFFICERS**

### **Article 3**



## **GENERAL COUNSEL**

### **§ 6430. Powers and Duties.**

The powers and duties of the General Counsel shall be as follows:

(a) The General Counsel shall be the attorney for the District and shall represent said District and the Board, or any officer of said District, in all actions at law or in equity, and special proceedings, for or against said District, or in which it may be legally interested, or for or against said Board or any officer of said District, in their official capacity.

...

(c) The General Counsel shall keep on file in their office copies of all written communications given to the Board or to any officer or employee of the District; copies of all papers, briefs, and transcripts used in causes wherein they appear, and a register of all actions or proceedings in their charge in which the District or the Board or any officer of the District, in their official capacity, is a party or is interested.

(d) The General Counsel may, when authorized so to do by the Board, employ attorneys and other persons to render special and temporary services in assisting in the performance of their duties and upon such compensation as the Board may determine.

### **§ 6431. Authority to Obtain Expert Assistance.**

The General Counsel is authorized to employ special counsel and investigators to advise or assist them in representing the District, and such technical experts as necessary for proper preparation and presentation of the District's interest in any court action, special proceedings, legislative hearings, or other proceedings whether in or out of court where the assistance of technical experts may be necessary in order to represent the District adequately, so long as the amount to be expended in fees, costs, and expenses in any one year in connection with any assignment will not exceed \$100,000.

### **§ 6433. Authority to Litigate, Compromise and Settle Claims By and Against the District.**

...

(d) Authority to Contest Matters by or Before Administrative Agencies. - The General Manager is authorized to initiate a contest of any claim, order, finding or decision made, charge, citation, or penalty assessed or proposed by an administrative agency against the District. The General Counsel is authorized, upon request of the General Manager, to represent the District in such contest and, if they deem it appropriate, to seek review by a court of law; and is further authorized to do all things they deem necessary or proper in the conduct of any such contest or action including, without limitation, to conduct ancillary proceedings, to compromise and settle, to dismiss, or to appeal a decision or judgment rendered in any such contest or action.

(e) Prosecution of Claims. - The General Manager is authorized to do all things they deem necessary or proper to obtain payment of a claim of the District. For that purpose they may themselves, with the approval of the General Counsel, institute an action within the jurisdictional limits of the small claims court and may request the General Counsel, who is hereby authorized to do so, to institute an action in the superior court or federal district court to recover damages in any amount arising out of injury to person or property and to institute other actions in which the amount sought to be recovered does not exceed \$125,000. In the case of small claims court actions, the General Manager, with the approval of the General Counsel, may, in connection with any such action, compromise, settle or dismiss such action, conduct ancillary proceedings, or appeal a judgment rendered in such action. In other actions brought under authority of this Section, the General Counsel, with the approval of the General Manager, may compromise, settle or dismiss such action, conduct ancillary proceedings, or appeal a judgment rendered in such action, provided that the amount to be paid by the District as a result of any compromise or settlement shall not exceed \$125,000.

(f) Litigation - Leases - Encroachments. - The General Counsel is authorized, upon request of the General Manager, to bring an action to enforce the terms of District written and oral leases or to remove unauthorized encroachments upon District property and is authorized to do all things they deem necessary or proper in the conduct of any such action including, without limitation, to conduct ancillary proceedings, to settle or dismiss the action, or to appeal a judgment.

(g) Representation of Employees. - The General Counsel is authorized to represent an employee or former employee of the District who requests a defense by the District in any civil or criminal action or proceeding brought against such employee arising out of an act or omission in the scope of their employment. They may refuse to represent such employee in any civil action for any reason stated in Section 995.2 or Section 995.4 of the Government Code.

...

#### **§ 6436. Annual and Quarterly Reports to Legal and Claims Committee.**

(a) The General Manager and General Counsel shall report quarterly to the Legal and Claims Committee the exercise of any power delegated to them by Sections 6433 and 6434. The General Counsel shall report quarterly to the Legal and Claims Committee the exercise of any power delegated to them by Section 6431.

...

#### **§ 6438. Assistants General Counsel and Deputies General Counsel.**

(a) The Assistants General Counsel and Deputies General Counsel shall perform such duties and render such services to the District as may be prescribed and assigned to them by the General Counsel, with like effect as though such duties or services were performed or rendered in person by the General Counsel. During the absence or disability of the General Counsel, or

inability for any reason to act in person, or in case of their death, resignation or removal, until the appointment and qualification of a successor, the Assistants General Counsel shall perform all of the duties and exercise all of the powers of the General Counsel. The Assistants General Counsel and Deputies General Counsel shall act in the name of the General Counsel, except when directed by the latter to act in their own names, and their acts shall be equally effective whether done in the name of the General Counsel or in their own names.

(b) The General Counsel may designate a Deputy General Counsel, who during the absence or disability of the General Counsel and of the Assistant General Counsel, or the inability of both of them for any reason to act in person, or in case of the death, resignation or removal of all of them, until the appointment and qualification of their successors, shall perform all duties and exercise all of the powers of the General Counsel. Such designation shall be made in writing, the original to be delivered to the Deputy General Counsel, a signed copy to be filed in the office of the Secretary of the Board. Each Deputy General Counsel shall act in the name of the General Counsel except when directed by the latter to act in their own name.

#### **Article 4**

#### **GENERAL AUDITOR**

##### **§ 6450. Powers and Duties.**

(a) The District's independent internal auditing function is governed by provisions of the California Government Code and by policies established by the Board of Directors. The Finance, Audit, Insurance and Real Property Committee is responsible for the oversight of the internal auditing function, approving the Audit Department charter (subject to review and approval of the Board of Directors), selecting and overseeing the work of external auditors, and reviewing reports issued by both the internal and external auditors.

(b) The General Auditor manages the District's Audit Department and is responsible for formulating departmental policies and procedures; directing and evaluating the performance of work done by employees within the department, administering the internal records of the department; and administering the District's contract for external audit services. The General Auditor shall, annually in advance of the July Board meetings, submit to the Finance, Audit, Insurance and Real Property Committee an Audit business plan containing key priorities for the coming year for review and approval. The business plan shall be submitted in conjunction with similar plans by the General Manager to the Executive Committee, the General Counsel to the Legal and Claims Committee and the Ethics Officer to the Finance, Audit, Insurance and Real Property Committee.

(c) The General Auditor shall report the findings, opinions, and recommendations which result from the performance of the duties outlined in paragraph 6450(b) to the General Manager, General Counsel and Ethics Officer for their information and appropriate actions. Whenever an audit report contains recommendations for corrective actions or changes in current practices, the General Manager, General Counsel, Ethics Officer or their designees shall respond to the

General Auditor in an appropriate manner and within a reasonable time, indicating their views on the recommendations and proposed actions to be taken, if any.

(d) The General Auditor's reports on internal audit assignments shall be addressed to the Finance, Audit, Insurance and Real Property Committee. The General Auditor shall have the discretion to determine the form and content of such audit reports, subject to guidance by the Finance, Audit, Insurance and Real Property Committee. With the exception of those reports which the General Auditor deems to be urgent or confidential in nature, copies of all audit reports addressed to the Finance, Audit, Insurance and Real Property Committee shall be submitted to the General Manager and General Counsel for review and comment simultaneously to their submittal to the Finance, Audit, Insurance and Real Property Committee.

(e) The General Auditor shall transmit all reports issued by the District's external auditors to the Finance, Audit, Insurance and Real Property Committee and any other committees of the Board as may be applicable. Such transmittal letters should include any comments on the external auditor's reports that the General Auditor deems necessary.

(f) The General Auditor may receive requests from time to time from the other executive officers or committees of the Board to perform audit assignments which are not included in the approved annual Audit Business Plan. Similarly, the General Auditor may identify a need to include new assignments in the Audit Business Plan during the year. The General Auditor shall have sufficient latitude and discretion to include those new assignments in the annual Audit Business Plan as the General Auditor deems necessary. The reporting process for assignments requested by either executive management or by committees of the Board shall generally follow the process outlined in paragraphs 6450(c) or (d) previously. However, any reports on audits requested by a committee of the Board shall be jointly addressed to such committee and the Finance, Audit, Insurance and Real Property Committee. Copies of these reports will first be provided to management for review and comment consistent with the provisions of paragraph 6450(d).

(g) The General Auditor shall manage the work of the Audit Department in accordance with the Audit Department Charter. The General Auditor shall assess annually whether the purpose, authority and responsibility, as defined in this Charter, continue to be adequate to enable the Audit Department to accomplish its objectives.

**§ 6451. Audit Department Charter.**

...

(b) Accountability - The General Auditor shall be accountable to the Board of Directors and the Finance, Audit, Insurance and Real Property Committee to:

...

(d) Responsibilities - The Audit Department shall carry out the following responsibilities:

(1) Develop and present a flexible annual audit plan to the Finance, Audit, Insurance and Real Property Committee for review and approval. This plan should be developed utilizing a risk-based methodology and should include risks or internal control concerns identified by Management or the Board of Directors;

(2) Report periodically to the Finance, Audit, Insurance and Real Property Committee and Management the status of the current year's audit plan and the sufficiency of department resources;

(3) Issue an opinion on internal controls over financial reporting on an annual basis;

(4) Submit audit reports to the Finance, Audit, Insurance and Real Property Committee and Management communicating the auditor's opinion regarding the internal control structure, identifying significant control issues and providing related recommendations;

(5) Evaluate the adequacy and timeliness of Management's responses to, and the corrective action taken on, all significant control issues noted in such reports. Conduct follow-up reviews as necessary and periodically report to the Finance, Audit, Insurance and Real Property Committee the status of Management's progress;

(6) Ensure the selection, development and supervision of competent and professional audit staff;

(7) Perform a quality assurance program by which the General Auditor evaluates internal auditing activities against professional standards. Obtain external quality assurance review as required by GAGAS and the *Standards*;

(8) Perform consulting services to assist management in meeting its objectives. Examples may include facilitation, process design, training, and advisory services;

(9) Evaluate additions or changes in internal control processes coincident with their development and implementation;

(10) Keep the Finance, Audit, Insurance and Real Property Committee informed of significant emerging trends and best practices in internal auditing and governance;

(11) Assist in the investigation of significant suspected fraudulent activities within the organization. Assure reporting to the Finance, Audit, Insurance and Real Property Committee on the results, as appropriate;

(12) Coordinate with external auditors to minimize duplication of effort and to ensure that issues raised, as a result of their review, are appropriately addressed.

(e) Authority - The General Auditor and Audit Department staff members are authorized to:

(1) Have unrestricted access to all functions, records, property, and personnel, subject to the requirements of safekeeping, confidentiality and applicable process;

(2) Have full and free access to the Finance, Audit, Insurance and Real Property Committee, subject to applicable law,

(3) Allocate resources, set frequencies, and select subject, determine scopes of work, and apply the techniques required to accomplish audit objectives;

(4) Obtain the necessary assistance of personnel in units of the organization where they perform audit, as well as other specialized services from within or outside the organization;

The General Auditor and Audit Department staff members are not authorized to:

- (1) Perform any operational duties for the organization;
- (2) Initiate or approve accounting transactions external to the internal auditing department;
- (3) Direct the activities of any organization employee not employed by the internal auditing department, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

This Charter shall be reviewed at least annually by the Finance, Audit, Insurance and Real Property Committee and Board of Directors.

...

**§ 6452. Assistant General Auditor.**

(a) The General Auditor may designate an Assistant General Auditor who shall perform such duties and render such services to the District as may be prescribed and assigned to them by the General Auditor, with like effect as though such duties or services were performed or rendered in person by the General Auditor.

(b) During the absence of the General Auditor, or their inability for any reason to act in person, or in case of their death, resignation or removal, until the appointment and qualification of their successor, the Assistant General Auditor shall perform all of the duties and exercise all of the powers of the General Auditor.

**§ 6453. Authority to Obtain Professional Services.**

The General Auditor is authorized to employ the services of independent auditors or other professional or technical consultants to advise or assist them in performing their assigned duties as may be required or as they deem necessary provided that the amount to be expended in fees, costs, and expenses under any one contract in any one year shall not exceed \$40,000. External auditors, while employed as external auditors for Metropolitan, are prohibited from performing any other consulting work for Metropolitan or performing any work for other clients that conflicts, or may conflict, with their responsibilities as Metropolitan's external auditors. These prohibitions shall be included in Metropolitan's agreements with external auditors. The General Auditor shall inform the Finance, Audit, Insurance and Real Property Committee whenever they exercise the authority granted under this section and they shall further report quarterly to the Legal and Claims Committee concerning any agreements entered into under this section.

**Article 5**

**ETHICS OFFICER**

**§6470. Powers and Duties.**

The powers and duties of the Ethics Officer shall be as follows:

(a) The Ethics Officer shall report to the Board, through the Ethics, Organization and Personnel Committee.

(b) The Ethics Officer shall oversee an Ethics Office staffed with professional, qualified persons.

(c) The Ethics Officer shall be free from political interference in fulfilling the responsibilities detailed in this article and in Division VII.

(d) The Ethics Officer shall have sole authority to interpret Metropolitan's ethics rules.

(e) The Ethics Officer shall propose amendments to the Administrative Code to the Ethics, Organization and Personnel Committee for approval and adoption by the Board, relating to:

- (1) Regulation of lobbying activities;
- (2) Conflicts of interest and financial disclosure;
- (3) Public notice and approval procedures for contracts of \$50,000 or more;
- (4) Disclosure of campaign contributions related to potential conflicts of interest;
- (5) Such other ethics rules for application to board members, officers, employees, lobbyists, lobbying firms, and contractors as deemed appropriate.

(f) The Ethics Officer shall educate, train, provide advice and seek compliance from board members, officers, applicable employees, lobbyist, lobbying firms, and Metropolitan contractors and subcontractors concerning:

- (1) The rules prescribed in Division VII;
- (2) The Political Reform Act of 1974, as amended and applicable regulations;
- (3) The conflict of interest rules of Government Code section 1090.

(g) The Ethics Officer shall investigate potential violations of ethics rules in Division VII by board members, officers, applicable staff, lobbyists, lobbying firms, and contractors consistent with the rules specified in Division VII. The Ethics Officer shall prepare status reports of pending investigations on a bi-monthly basis. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

(h) The Ethics Officer shall be the filing officer on behalf of the District to receive and file Statements of Economic Interest pursuant to the California Government Code and Section 7501 of this Administrative Code.

(i) The Ethics Officer shall have the authority to confer with the Chair of the Board and the Chair and Vice Chair of the Ethics, Organization and Personnel Committee for the purpose of

seeking advice and feedback on any policy and operational matters, or feedback on investigative matters, subject to the confidentiality requirements in section 7412 of the Administrative Code.

(j) The Ethics Officer shall have the authority to obtain, and have unrestricted access to all functions, documents, records, property, personnel and other information requested as part of an Ethics Office complaint or investigation without waiving any privileges that may apply.

**§6471. Authority to Obtain Professional Services.**

(a) The Ethics Officer is authorized to contract for independent legal counsel as they deem necessary in fulfilling duties and responsibilities of the Ethics Office. The Ethics Officer may contract with one or more attorneys or law firms depending on the areas of expertise needed. The amount to be expended in fees, costs and expenses under any one contract in any one-year period shall not exceed \$100,000. The General Counsel shall review such contracts solely for consistency with Metropolitan's contract requirements. The General Counsel shall not have the authority to deny the Ethics Officer's ability to contract with any given party.

...

(c) The Ethics Officer shall inform the Ethics, Organization and Personnel Committee whenever the authority granted under this section is exercised, and shall further report quarterly on activities concerning any agreements entered into under this section. Any such contracts shall be consistent with Metropolitan contract requirements and shall be reviewed by the General Counsel.

**§6472. Reports to Audit and Ethics Committee.**

(a) The Ethics Officer shall annually, in advance of the July Board meetings, submit to the Ethics, Organization and Personnel Committee a business plan for the Ethics Office containing key priorities for the coming year for review and approval.

(b) The Ethics Officer shall prepare quarterly reports to the Ethics, Organization and Personnel Committee on activities concerning agreements executed pursuant to the authority given to the Ethics Officer in Section 6471, and bi-monthly reports related to pending investigations as specified in Section 6470.

**Chapter 8**

**EMPLOYEE DEFERRED COMPENSATION AND SAVINGS PLANS**

**Article 1**

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN  
CALIFORNIA 457(b) DEFERRED COMPENSATION PLAN  
AND  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN**



## **CALIFORNIA 401(k) SAVINGS PLAN**

### **§ 6813. Administration by General Manager.**

The District is the Administrator of the 401(k) and 457(b) Plans and has designated the General Manager to carry out the powers, duties and responsibilities of the Plan Administrator. The General Manager shall represent the District in all matters concerning administration of the 401(k) and 457(b) Plans. Further, the General Manager shall have full power and authority: 1) to adopt rules and regulations for the administration of the 401(k) and 457(b) Plans provided they are not inconsistent with either plan, respectively; 2) to interpret, alter, amend or revoke any rules and regulations so adopted; 3) to appoint such administrative agents, or persons as they deem advisable or desirable to carry out the terms and conditions of the 401(k) and 457 (b) Plans, as applicable; and, 4) to exercise any other powers, duties and responsibilities as are provided in the 401(k) and 457(b) Plans, respectively, for purposes of their orderly administration. However, the exercise of such power and authority does not preclude employees or their representatives from either consulting or meeting and conferring with the Employee Relations Officer, as appropriate, about the practical consequences that the exercise of such power or authority may have on wages, hours, and other terms and conditions of employment subject to Section 6102 (Employee Rights).

## **Division VII**

### **GOVERNMENTAL ETHICS**

#### **Article 1**

### **PURPOSES AND PRINCIPLES**

### **§ 7103. Definition of Terms.**

...

(f) "Disclosure category" means the types of financial interests that a Designated Employee must disclose on their Statement of Economic Interests.

...

#### **Article 3**

### **METROPOLITAN ETHICS REQUIREMENTS**

### **§ 7123. Political Contributions and Activities.**

...

(e) At the time of their election to any elective public office, the Metropolitan employee shall disclose the office elected to and the term of office to the Ethics Officer and General Manager.

**§7302. Ticket Distribution Policy.**

...

(e) Designation of Agency Head. For the purpose of implementing and posting this ticket distribution policy, and completing and posting the required FPPC form for distribution of tickets and/or passes, Metropolitan's General Manager, or their designee, is the responsible official.

**Division VIII**

**CONTRACTS/DISTRICT PROPERTY**

**Article 2**

**AUTHORITY TO CONTRACT**

**§ 8120. Indemnification Agreements.**

An Executive Officer is authorized to bind the Metropolitan Water District to indemnify, hold harmless, and defend another party whenever the Executive Officer, in their judgment, determines that such commitment will assist the District in carrying out its purposes and functions and such commitment is incidental to an agreement which the Executive Officer is otherwise authorized to execute. Any such agreement shall be subject to approval by the General Counsel.

**§ 8122. General Manager's Contracting Authority in Specified Circumstances.**

...

**(c) Relocation Agreements**

(1) The General Manager is authorized to execute any agreement involving an amount not exceeding \$500,000 under which the District is to pay the cost of relocation or protection, or both, of facilities owned by others whenever the General Manager deems that such action is necessary to the construction of District facilities.

(2) The General Manager is authorized to issue all appropriate orders necessary to implement any such agreement, and, in the General Manager's discretion, to advance funds therefore.

(3) The General Manager is authorized to execute and to perform any agreement involving an amount not exceeding \$500,000 for the relocation or protection, or both, of District-owned facilities to accommodate the improvement of facilities owned by others and to determine whether a deposit shall be made prior to the commencement of work, and if so, in what amount.

(4) The General Manager shall report quarterly to the Engineering, Operations and Technology Committee the General Manager's execution under the authority of this Section of any agreements involving an amount in excess of \$100,000.

(5) All such agreements shall be subject to the approval of the General Counsel.

### **Article 3**

#### **AWARD OF CONTRACTS**

##### **§8150. Protests.**

(a) Public Works Contracts. – Within five days after service of the General Manager's determination under Section 8142(d), or within five days of the bid opening, a bidder may file a protest with the General Manager pursuant to procedures developed and administered by the Chief Engineer. If the General Manager denies the protest, in whole or in part, the bidder may file a notice of appeal of the protest denial with the Board Executive Secretary within five days of such denial. A hearing on the appeal by the Engineering, Operations and Technology Committee shall be conducted in accordance with Section 2431(b).

...

### **Article 4**

#### **CONTRACT TERMS AND CONDITIONS**

##### **§ 8160. Bonds.**

...

(c) Bidder's Bond. - Whenever a performance bond is required under Section 8160(b), the General Manager may require bids with respect to such work or purchase to be accompanied by either a certified or cashier's check, or bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the District. Such check or bond shall be in an amount not less than specified in the notice inviting bids or, if no amount be so specified, then in an amount not less than 10 percent of the aggregate amount of the bid, and shall guarantee that the successful bidder will enter into a contract with the District on the terms stated in their proposal within the time specified in the contract documents.

**§ 8162. Payment of Prevailing Wages.**

If not otherwise required, the General Manager is authorized to include provisions relating to the payment of prevailing wages in service contracts at their discretion.

**Article 5****CONTRACTOR DEBARMENT****§ 8170. Definitions.**

...

- (a) “Initiating Official” means the General Manager, or their designee, who is responsible for initiating and prosecuting debarment actions. “Preponderance of the Evidence” means evidence which is of greater weight or more convincing than the evidence offered against it.

**Chapter 2****DISTRICT PROPERTY****Article 4****DISPOSITION OF REAL PROPERTY****§ 8248. Disposal of Unnecessary Improvements.**

(a) The General Manager is authorized to dispose of, in the manner the General Manager deems to be in the best interest of the District, any improvements that must be removed to make land acquired for District operations suitable for District use.

(b) The General Manager shall report quarterly to the Finance, Audit, Insurance and Real Property Committee the details of any transactions during the preceding quarter in which an improvement was disposed of in such a manner as to make the improvement available for subsequent use by a party other than the District.

...

**§ 8257. Quarterly Reports.**

The General Manager shall report to the Finance, Audit, Insurance and Real Property Committee quarterly on any real property sold pursuant to this Article.

**Article 5****DISPOSAL OF SURPLUS PERSONAL PROPERTY**

**§ 8270. Disposal of Excavated Materials.**

The General Manager is authorized to dispose of surplus excavated materials, or other materials, from Metropolitan's construction projects, with or without monetary consideration, in a manner to accomplish the purposes herein recited and determined by them best to serve the interests of Metropolitan.

**§ 8272. Acceptable Bidders on Disposal of Surplus Personal Property.**

District directors and employees, their spouses and dependent children may not make exchange for or purchase surplus personal property from the District under any terms and conditions for the disposal of surplus personal property prescribed by the General Manager under the authority delegated to them by Section 8271.

**Division X****RECORDS****Chapter 1****RETENTION AND DISPOSITION OF RECORDS****§ 10104. Custodian of Records.**

Each Department Head shall be the custodian for official District records under their department's responsibility and control. The Department Head shall ensure that classes of records under their responsibility and control are periodically disposed of in accordance with the provisions of the Metropolitan Water District Records Retention Schedule.

**§ 10106. Media Type.**

Each Department Head shall determine the records media type (paper, microform, electronic, etc.) for retention purposes for official District records under their department's responsibility and control. Any written records which are converted to an alternative storage media, in accordance with the requirements in California Government Code section 60203, may be subject to destruction. Each official record shall be stored in only one media type, unless designated vital or historical. Records designated vital shall be retained in their original form and historical records shall be retained in paper form.

**§ 10201. Procedure for Responding to Inspection Request.**

The responsible executive officer shall, within 10 days after the receipt of a request to examine records, determine whether to comply with the request and notify the person making the request of their determination. If access is to be denied, the reason therefor shall be stated in the notification. The 10-day time limit may be extended in unusual circumstances through written

notice by the responsible executive officer to the person making the request, setting forth the reasons for the extension and the date on which determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days.



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

## BOARD ITEM 8-3

**Date:** December 13, 2022  
**To:** Board of Directors  
**From:** Adán Ortega, Chair-Elect  
**Subject:** Changes to Committee Structure, Proposed Appointment of Board Vice Chairs, Standing Committee Chairs, and Standing Committee Vice Chairs

After careful consideration and input from Board members, the proposed committee structure outlined in this memo is intended to provide meaningful discussion on policies and strategies. The four Board Vice Chairs will focus on specific fields of policy to better inform the Committee Chairs and thus, committee members, of matters coming before them. This structure is proposed to enhance the Board's leadership and oversight by empowering committees to effectively oversee policy, enhance deliberation by committee members, promote transparency to the public about the Board's deliberations, and to provide clear direction on policy and strategy to staff.

Board Letter 8-2, which will be considered by the Executive Committee and Board in December includes the proposed changes to Metropolitan's Administrative Code required to implement the new committee structure, including eight standing committees.

If 8-2 is approved, the Board will also consider the standing committee and adhoc committee leadership appointments below. Additionally, once established, standing committees will consider establishing subcommittees as recommended. Proposed appointments to standing committees, adhoc committees and recommended sub-committees are included below as well in the interest of transparency.

I have communicated in writing to all board members soliciting input and have attempted to speak to all board members as well. Board members were asked to review the potential changes to our committee structure over one month ago, and I received many helpful suggestions that are incorporated in Board Letter 8-2 and below. It is very gratifying to recommend the assignment of 32 of the board's members to committee, sub-committee and adhoc committee chair and vice chair posts. I will shortly be recommending representatives to external groups such as the Colorado River Board as well, but my intended nominations are included here too. We are accomplishing this while reducing the number of standing committees and by greatly limiting directors who serve in multiple leadership roles.

With members of the Executive Committee prescribed by the administrative code (that include the Board Chair, Board Secretary and two Chair Emeriti), and before 3 at-large members are

\*TBD To be determined upon first meeting of the committee

elected, the Executive Committee includes 9 women and 6 men. By ethnicity, the Executive Committee if approved includes 4 Latino/as, 2 Black, 2 Asian, and 7 white. Standing Committee Vice Chairs include 3 White, 2 Latino/as, 1 Western Asian (Armenian). Again, this does not account for the election of 3 at-large members of the Executive Committee in January 2023.

We have giant challenges and a heavy workload, and I look forward to working with each of you as we lead Metropolitan in the two years ahead.

### **Board Vice Chairs**

Heather Repenning

Board Vice Chair for Climate Action

Michael Camacho

Board Vice Chair for Strategic Communications and Engagement

Gail Goldberg

Board Vice Chair for Finance and Planning

Judy Abdo

Board Vice Chair for Organizational Integrity & Accountability

### **Standing Committees**

As described in the administrative code, the Executive Committee consists of the Board Chair, Board Vice Chairs, Secretary, all past Chairs of the Board who are directors of the district, and the Chairs of the standing committees. Currently, 2 directors serve as nonofficer members, which I propose increasing to three non-officer members.



Executive Committee
Adán Ortega, Board Chair
Lois Fong-Sakai, Board Secretary
Heather Repenning, Board Vice Chair for Climate Action
Gail Goldberg, Board Vice Chair for Finance and Planning
Michael Camacho, Board Vice Chair for Strategic Communications and Engagement
Judy Abdo, Board Vice Chair for Organizational Integrity, and Accountability
Tracy Quinn, Chair, One Water Committee
Dennis Erdman, Chair, Engineering, Operations & Technology Committee
Fred Jung, Chair, Legislation, Regulations and Communications Committee
Marsha Ramos, Chair, Ethics, Organization and Personnel Committee
Tana McCoy, Chair, Equity, Inclusion and Affordability Committee
Tim Smith, Chair, Finance, Audit & Asset Management Committee
Nancy Sutley, Chair, Legal & Claims Committee
Gloria Gray, Board Chair Emeritus
Randy Record, Board Chair Emeritus
At-Large 1
At-Large 2
At-Large 3

One Water Committee	Legislative, Regulatory Affairs and Communications Committee
Tracy Quinn, Committee Chair	Fred Jung, Committee Chair
Steve Faessel, Committee Vice Chair	Ardy Kassakhian, Committee Vice Chair
Recommended Sub-Committee on Demand Management & Conservation Priorities: TBD*, Chair TBD, Vice Chair	Recommended Sub-Committee on Public Engagement Strategy: Dr. Barry Pressman, Chair Dr. Tony Fellow, Vice Chair

Engineering, Operations & Technology Committee	Ethics, Organization & Personnel Committee
Dennis Erdman, Committee Chair	Marsha Ramos, Committee Chair
Matt Petersen, Committee Vice Chair	Thai Phan, Committee Vice Chair

\*TBD To be determined upon first meeting of the committee

<b>Finance, Asset Management &amp; Audit Committee</b>		<b>Legal &amp; Claims Committee</b>	
Tim Smith, Committee Chair		Nancy Sutley, Committee Chair	
Larry Dick, Committee Vice Chair		Robert Apodaca, Committee Vice Chair	
Recommended Sub-Committee on Long-Term Regional Planning & Business Modeling: Richard Atwater, Chair TBD, Vice Chair			
Recommended Sub-Committee on Audits: David DeJesus, Chair TBD, Vice Chair			

<b>Equity, Inclusion &amp; Affordability Committee</b>
Tana McCoy, Committee Chair
Gloria Cordero, Committee Vice Chair

\*TBD To be determined upon first meeting of the committee

## Ad Hoc Committees

<b>Ad Hoc Committee Pure Water SoCal &amp; Regional Conveyance</b>	<b>Ad Hoc Committee on External Property Management, Bay-Delta, and Colorado River Negotiations</b>
Art Chacon, Committee Chair	Martin Miller, Committee Chair
Steve Blois, Committee Vice Chair	Linda Ackerman, Committee Vice Chair
	Members:
	Colorado River Board Rep. Gloria Cordero
	Palo Verde Land Management Committee, Cynthia Kurtz
	Bay Delta Construction Authority, Miguel Luna
	Bay Delta Finance Authority, Russ Lefevre
	Plus, two at-large to be appointed in January '23

<b>Ad Hoc Committee on Facilities Naming (Board Room)</b>	<b>Ad Hoc Committee San Diego Litigation</b>
To be Announced Jan. '23, Committee Chair	Continue with Current Committee already authorized by the board

<b>Ad Hoc Committee on Implementation of State Audit</b>
David DeJesus, Committee Chair
Tana McCoy, Committee Vice Chair

Thank you for your consideration of the Standing Committees and my leadership nominations and appointments. I look forward to working with you on the tasks ahead.

Sincerely yours,



Adán Ortega, Jr.

Board Chair-Elect

\*TBD To be determined upon first meeting of the committee