

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.

Exec Committee

A. Ortega, Chair
J. Abdo, Board Vice Chair
M. Camacho, Board Vice Chair
S. Goldberg, Board Vice Chair
N. Sutley, Board Vice Chair
L. Fong-Sakai, Board Secretary
G. Cordero
D. Erdman
G. Gray
F. Jung
M. Luna
T. McCoy
B. Pressman
T. Quinn
M. Ramos
T. Smith

Executive Committee - Final - Revised 1

Meeting with Board of Directors *

September 26, 2023

1:00 p.m.

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmduUWpKR1c2Zz09>.

**Tuesday, September 26,
2023**

**08:30 a.m. PWSCRC
10:30 a.m. Sp BOD
12:30 p.m. Break
01:00 p.m. EXEC
02:30 p.m. LTRPPBM**

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

Teleconference Locations:

Covina Irrigating Company • 146 E. College Street • Covina, CA 91723

3008 W. 82nd Place • Inglewood, CA 90305

525 Via La Selva • Redondo Beach, CA 90277

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- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**
- 2. Voices of Met (Spotlight on Advancing Diversity, Equity, and Inclusion – Employee Perspectives)**
- 3. OTHER MATTERS AND REPORTS**
 - a. Chair's Report

- b. Palo Verde Irrigation District Election Report. [ADDED ITEM 9/21/23]
- c. General Manager's report of Metropolitan activities
- d. General Counsel's report of Metropolitan activities
- e. General Auditor's report of Metropolitan activities
- f. Ethics Officer's report of Metropolitan activities
- g. Report from Engineering, Operations, and Technology Committee
- h. Report from Equity, Inclusion, and Affordability Committee
- i. Report from Ethics, Organization, and Personnel Committee
- j. Report from Finance, Audit, Insurance, and Real Property Committee
- k. Report from Legal and Claims Committee
- l. Report from Legislation, Regulatory Affairs, and Communications Committee
- m. Report from One Water and Stewardship Committee

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

4. CONSENT CALENDAR OTHER ITEMS - ACTION

- A.** Approval of the Minutes of the Executive Committee Meeting of August 22, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) **[21-2655](#)**

Attachments: [09262023 Exec 4A \(08222023\) Minutes](#)

- B.** Approve draft Committee and Board meeting agendas, and schedule for October 2023 **[21-2656](#)**

Attachments: [09262023 Exec 4B Draft Agenda Packet](#)

5. CONSENT CALENDAR ITEMS - ACTION

- 7-7** Review and consider action for an ethics policy violation by a Director; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA **[21-2658](#)**

Attachments: [09262023 EXEC 7-7 B-L.pdf](#)

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

6. COMMITTEE ITEMS

- b. Labor Negotiations Update [Conference with labor negotiators; to be heard in closed session pursuant to Gov. Code Section 54957.6. Metropolitan representative(s): Katano Kasaine, Chief Financial Officer; Gifty Beets, Human Resources Section Manager; Adam Benson, Finance Group Manager; Employee Organization(s): The Employees Association of The Metropolitan Water District of Southern California/AFSCME Local 1902; the Management and Professional Employees Associations MAPA/AFSCME Chapter 1001; and the Supervisors Association.)]

[21-2708](#)

Attachments: [09262023 EXEC 6b Non-Interest Disclosure Notice](#)

7. FOLLOW-UP ITEMS

NONE

8. FUTURE AGENDA ITEMS

9. 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. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

EXECUTIVE COMMITTEE

August 22, 2023

Chair Ortega called the meeting to order at 12:15 p.m.

Chair Ortega announced at this time that we do not have any Directors participating in the meeting using AB 2449. We have members participating on Zoom, so we will complete a verbal roll call of committee members.

Chair Ortega called upon Director Camacho to introduce guest Member Agency Manager Shivaji Deshmukh, General Manager at Inland Empire Utilities Agency.

Director Camacho and Mr. Deshmukh made brief remarks.

Chair Ortega thanked Mr. Deshmukh for joining the Executive Committee and welcomed him to participate in the Committee meeting with the exception of voting and participating in closed session.

Members present: Directors Abdo, Camacho, Cordero, Erdman, Fong-Sakai, Goldberg, Jung (teleconference posted location), Luna, McCoy, Ortega, Pressman, Quinn, Ramos, and Smith.

Members absent: Directors Gray and Sutley.

Other Board members present: Directors Ackerman, Alvarez, Armstrong, Bryant, De Jesus (teleconference posted location), Dennstedt, Dick, Douglas, Fellow, Garza, Kurtz, Lefevre (teleconference posted location), Morris, Peterson (teleconference posted location), and Seckel

Committee staff present: Andrus, Hagekhalil, Hudson, Kuo, Salinas, Scully, Suzuki, Upadhyay, Tucker, Wheeler, Zinke.

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

Name	Affiliation	Item
1. Darcy Burke	Elsinore Water District	EIA Panel

Chair Ortega made brief remarks to the public speaker.

2. OTHER MATTERS AND REPORTS

- a. Subject: Chair's Report

Presented by: Chair Ortega

Chair Ortega announced that if the Chair of a committee is not available to preside over the meeting in person, the Vice Chair will chair the meeting. If the Chair and Vice Chair are unavailable, the Board Vice Chair will chair the meeting.

- b. Subject: General Manager's Report of Metropolitan activities

Presented by: General Manager Adel Hagekhalil

General Manager Hagekhalil reported on the following:

- Metropolitan response to Hurricane Hilary
- Proposal to the U.S. Bureau of Reclamation submission
- Revised General Manager Business Plan
- Human Resources and Equal Opportunity of Employment collaboration on integrating diversity in Metropolitan hiring and promotion
- Metropolitan efforts to promote and gain public trust in public water supplies
- Human Resources Group Manager hiring
- Metropolitan Zero Emission Vehicle
- MetDay in Moreno Valley

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

Presented by: General Counsel Marcia Scully

General Counsel Scully reported on the per-polyfluoroalkyl (PFAS/PFOA) substances litigation.

Chair Ortega made brief remarks.

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

Presented by: General Auditor Scott Suzuki

General Auditor Suzuki stated he had nothing to add to his report.

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

Presented by: Ethics Officer Abel Salinas

Ethics Officer Salinas reported in the fall at the Ethics, Organization, and Personnel Committee that a review of the ethics policy and regular ethics training will be scheduled.

Chair Ortega called on Committee Chairs that will have meetings in September.

- f. Subject: Report from Engineering, Operations, and Technology Committee

Presented by: Committee Chair Erdman

Committee Chair Erdman announced that the Committee will consider the following three consent items:

- Award a \$3,895,000 contract to Miller Pipeline to furnish and install internal seals along Freda Siphon Barrel No.1 on the Colorado River Aqueduct
- Authorize an agreement with J.F. Shea Construction Inc. for a not-to-exceed amount of \$9.8 million for Phase 1 design-build services for the Sepulveda Feeder Pump Stations project; and authorize an increase of \$1.5 million to an existing agreement with Carollo Engineers Inc. for a new not-to-exceed amount of \$2.49 million to serve as the owner's advisor through the Phase 1 design-build agreement; and authorize an amendment to Metropolitan's Project Labor Agreement to include the Sepulveda Feeder Pumps Project to the list of covered projects
- Authorize an agreement with General Networks Corporation in an amount not to exceed \$6,609,900 for the implementation of a cloud-based Enterprise Content Management System

The Committee will consider one action item:

- a \$12,831,977 contract to James W. Fowler to construct an intertie between Inland Feeder and Rialto Pipeline as part of the water supply reliability improvements in Rialto Pipeline service area)

The Committee will consider the following four committee items:

- Information Technology Portfolio Management Update
- Shutdown Planning at Metropolitan
- Center for Smart Infrastructure
- Capital Investment Plan Quarterly Report for Period Ending June 2023

Lastly, the Committee will hear three management report(s):

- Water System Operations Manager's report
- Engineering Services Manager's Report
- Information Technology Manager's report

Lastly, we will have a subcommittee report:

- Discuss and provide direction to Subcommittee on Pure Water Southern California and Regional Conveyance

j. Subject: Report from Legal and Claims Committee

Presented by: Committee Vice Chair Garza

Committee Vice Chair Garza announced that the Committee will hear a report on the General Counsel's monthly activities; and

- In closed session, the Committee will hear an action item on Baker Electric, Inc. v. Metropolitan, et al., regarding Metropolitan's CRA 6.9 kV Power Cables Replacement Project, Contract No. 1915; and will consider authorizing:
 - 1) the filing of cross-complaints;
 - 2) an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by an amount to be determined; and
 - 3) an increase in the maximum amount payable under contract with Exponent, Inc., for consulting services by \$200,000 to an amount not-to-exceed \$600,000

g. Subject: Report from Equity, Inclusion, and Affordability Committee

Presented by: Board Executive Secretary Hudson

Board Executive Secretary Hudson announced that the Equity, Inclusion, and Affordability Committee will not meet in September.

h. Subject: Report from Ethics, Organization, and Personnel Committee

Presented by: Committee Chair Ramos

Committee Chair Ramos announced that the Committee will consider the following one action item:

- Adopt resolutions designating Metropolitan's maximum contribution for medical benefits for Active Employees and Retirees in order to comply with the current authorized Memoranda of Understanding

The Ethics Office will present one committee item:

- Monthly Ethics Education

Lastly, the Committee will hear three management report(s):

- Ethics Officer's report
- Human Resources Manager's Report
- Equal Employment Opportunity Manager's report

- i. Subject: Report from Finance, Audit, Insurance, and Real Property Committee

Presented by: Committee Chair Smith

Committee Chair Smith announced that the Committee one consent item and one action item:

- Authorize the General Manager to execute a second amendment to extend the office lease located in Washington D.C. an additional ninety months with an option to extend another thirty-six months
- Authorize three new agricultural lease agreements with Joey DeConinck Farms, Nish Noroian Farms, and Red River Farms, thereby allowing these existing lessees to continue farming on Metropolitan's fee-owned properties in the Palo Verde Valley

The committee will hear two committee items:

- Mid-Cycle Budget Review
- Added item: Review Draft FY 2023/24 Long-Range Finance Plan Needs Assessment

The Committee will hear the management reports:

- Chief Financial Officer's Report
- General Auditor's Report

Lastly, the committee will hear four Subcommittee reports:

- Report from Subcommittee on Audits
- Discuss and provide direction to Subcommittee on Audits
- Report from Subcommittee on Long-Term Regional Planning Processes and Business Modeling
- Discuss and provide direction to Subcommittee on Long-Term Regional Planning Processes and Business Modeling

- k. Subject: Report from Legislation, Regulatory Affairs, and Communications Committee

Presented by: Committee Chair Jung

Committee Chair Jung announced that the Committee will hear one Subcommittee report:

- Report from Subcommittee on Public Affairs Engagement

The Committee will hear four committee items:

- Federal and State Regulatory Matrices Report
- Vista del Lago Water Center Upgrades
- Reports on activities from Washington D.C.
- Report on activities from Sacramento

Lastly, the Committee will hear one management report:

- External Affairs Management Report

I. Subject: Report from One Water and Stewardship Committee

Presented by: Committee Chair Quinn

Committee Chair Quinn announced that the Committee one consent and two action items:

- Review and consider the Eastern Municipal Water District's certified Final Environmental Impact Report and Addendum, and take related CEQA actions; Authorize the General Manager to enter into a Local Resources Program Agreement with Eastern Municipal Water District for the French Valley Recycled Water Distribution System Project for up to 140 acre-feet per year of recycled water for irrigation use in the Eastern Municipal Water District's service area
- Authorize payments, by a two-thirds vote, of up to \$4.16 million for participation in the State Water Contractors for FY 2023/24
- Review and consider Addenda Nos. 1, 2, and 3 to the Mitigated Negative Declaration previously adopted by the Antelope Valley-East Kern Water Agency for the High Desert Water Bank; approve changes to the design, construction and operation of Water Bank facilities; authorize up to \$80 million for additional costs associated with these changes; and approve deliveries of State Water Project supplies to the Water Bank this year

The Committee will consider the following three committee items:

- Update on Conservation Budget and Expenditure
- Information on Round 3 Future Supply Action Funding Program
- Update on Conservation

The Committee will hear four management reports:

- Colorado River Management Manager's report
- Bay-Delta Manager's report
- Water Resource Management Manager's report
- Chief Sustainability Resiliency and Innovation Officer's report

Lastly, we will hear two subcommittee reports:

- Discuss and provide direction to Subcommittee on Bay-Delta
- Discuss and provide direction to Subcommittee on Demand Management and Conservation Programs and Priorities

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

B. Approve draft Committee and board meeting agendas, and schedule for September 2023.

A. Approval of the Minutes of the Executive Committee Meeting for July 25, 2023.

Chair Ortega asked Directors if there were any additions, corrections, or omissions on the minutes of the July 25, 2023, Executive Committee Meeting. None were made.

Chair Ortega announced an item will be added to the September Board Agenda, “Resolution for Association of California Water Agencies (ACWA) Region 8 Board Member nominating Director John Morris.”

4. CONSENT CALENDAR ITEMS – ACTION

None

Chair Ortega called for the vote on Items 3A and 3B.

Director Ramos made a motion, seconded by Director Pressman to approve the consent calendar Items 3A and 3B as listed.

The vote was:

Ayes: Directors Abdo, Camacho, Cordero, Erdman, Fong-Sakai, Goldberg, Jung, Luna, McCoy, Ortega, Pressman, Quinn, Ramos, and Smith

Abstention: None

Recusal:

Absent: Gray and Sutley

The motion for Item 3A and 3B passed by a vote of 14 ayes; 0 noes; 0 abstention; and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. COMMITTEE INFORMATION ITEMS

Subject: Colorado River Board Meeting Report

Presented by: Director Cordero

Director Cordero reported on the following:

- Acknowledged the groundwork Director Peterson has done on the Colorado River Board
- The upcoming negotiations on the Colorado River Board
- The Colorado River Board meetings locations at the service areas
- Colorado River Board guest speaker Becky Mitchell, Colorado State Commissioner
- The next monthly meeting is scheduled in Blythe
- Attended the Post Federal State Group Kickoff Meeting with tribal leaders
- Goal of the Colorado Post Federal State Group Kickoff Meeting

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

Director(s)

1. Kurtz

Director Cordero and Staff responded to the Director(s)' comments or questions.

6. FOLLOW-UP ITEMS

Chair Ortega announced a survey will come from Board Executive Officer, Margie Wheeler regarding availability on December 5, 2023, to attend a Special Board meeting to be held at Gene Camp facility in Lake Havasu and details on the survey and meeting.

7. FUTURE AGENDA ITEMS

None

8. ADJOURNMENT

The meeting was adjourned at 1:08 p.m.

Adán Ortega, Jr.
Chair of the Board

Draft

October 9-10, 2023

Board and Committee

Agenda Packet



The Metropolitan Water District of Southern California



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

BOARD UPDATES

Schedule of Meetings – October 2023

Monday, October 9

- 9:30 a.m. Engineering, Operations, and Technology Committee
- 11:30 a.m. Ethics, Organization, and Personnel Committee
- 1:30 p.m. Break
- 2:00 p.m. One Water and Stewardship Committee

Tuesday, October 10

- 8:30 a.m. Legal and Claims Committee
- 10:30 a.m. Finance, Audit, Insurance, and Real Property Committee
- 12:30 p.m. Break
- 1:00 p.m. Board of Directors Meeting
- 2:30 p.m. Subcommittee on Bay-Delta

Tuesday, October 24

- 9:30 a.m. Equity, Inclusion, and Affordability Committee
- 11:30 a.m. Break
- 12:00 p.m. Executive Committee
- 1:30 p.m. Board Workshop on Long-Term Regional Planning Processes and Business Modeling

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.

EOT Committee

D. Erdman, Chair
M. Camacho, Vice Chair
D. Alvarez
G. Bryant
A. Chacon
B. Dennstedt
S. Faessel
L. Fong-Sakai
R. Lefevre
J. McMillan
C. Miller
J. Morris
M. Petersen
G. Peterson
T. Quinn
K. Seckel
T. Smith

Engineering, Operations, and Technology Committee - Hidden

Meeting with Board of Directors *

October 9, 2023

9:30 a.m.

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Monday, October 9, 2023 Meeting Schedule

**09:30 a.m. EOT
11:30 a.m. EOP
01:30 p.m. Break
02:00 p.m. OWS**

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

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- 1. Opportunity for members of the public to address the committee on matters within 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 Engineering, Operations, and Technology Committee for September 11, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) **21-2526**

3. CONSENT CALENDAR ITEMS - ACTION

TBD

- 7-1** Amend the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include development of a multi-benefit landscape project on Webb Tract and authorize professional service agreements with: (1) GEI Consultants Inc. in an amount not to exceed \$1.5 million; (2) Hydrofocus Inc. in an amount not to exceed \$840,000; and (3) Environmental Science Associates in an amount not to exceed \$980,000; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA **21-2668**
- 7-2** Authorize an agreement with Black & Veatch Corporation in an amount not to exceed \$750,000 for design of new access platforms to facilitate maintenance activities on the main pumps at the five Colorado River Aqueduct pumping plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA **21-2669**
- 7-3** Award a \$4,400,000 construction contract to Bosco Constructors Inc. for San Diego Canal Concrete Liner Rehabilitation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA **21-2670**

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

- 9-4** Update on Alternative Water Supply Augmentation Technologies Review **21-2671**

6. COMMITTEE ITEMS

- a.** Quarterly Cybersecurity Oral Update **21-2672**
[Conference with Metropolitan Director of Info Tech Services, Information Technology, Jacob Margolis, or designated agents on threats to public services or facilities; to be heard in closed session pursuant to Gov. Code Section 54957(a)]
- b.** Update on Asset Management Program **21-2673**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a.** Engineering Services, Information Technology, and Water System Operations activities **21-2527**

8. SUBCOMMITTEE REPORTS AND DISCUSSION

TBD

- a. Report from Subcommittee on Subcommittee on Pure Water Southern California and Regional Conveyance **21-2675**
- b. Discuss and provide direction to Subcommittee on Pure Water Southern California and Regional Conveyance **21-2674**

9. FOLLOW-UP ITEMS

NONE

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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EO&P Committee

M. Ramos, Chair
T. Phan, Vice Chair
G. Bryant
M. Camacho
G. Cordero
C. Douglas
D. Erdman
S. Faessel
L. Fong-Sakai
F. Jung
A. Kassakhian
J. McMillan
N. Sutley

Ethics, Organization, and Personnel Committee - Hidden

Meeting with Board of Directors *

October 9, 2023

11:30 a.m.

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Monday, October 9, 2023 Meeting Schedule

**09:30 a.m. EOT
11:30 a.m. EOP
01:30 p.m. Break
02:00 p.m. OWS**

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- 1. Opportunity for members of the public to address the committee on matters within 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 Ethics, Organization, and Personnel Committee for September 11, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) **21-2511**

3. CONSENT CALENDAR ITEMS - ACTION

NONE

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- | | | |
|----|---|----------------|
| a. | Monthly Ethics Education: Fair Political Practices Commission advice letter re contracts with member agencies | 21-2692 |
| b. | Ethics Policy Development for 2024 | 21-2691 |
| c. | Update on Implementation of Recommendations from State Audit and Independent Review of Workplace Concerns | 21-2690 |
| d. | Labor Negotiations Update [closed session language] | 21-2688 |
| e. | Equal Employment Opportunity Statistical Report | 21-2687 |

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- | | | |
|----|---|----------------|
| a. | Ethics Officer's report on monthly activities | 21-2717 |
| b. | Equal Employment Opportunity and Human Resources activities | 21-2512 |

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS**10. ADJOURNMENT**

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OW&S Committee

T. Quinn, Chair
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G. Cordero
D. De Jesus
D. Erdman
L. Fong-Sakai
S. Goldberg
C. Kurtz
R. Lefevre
C. Miller
M. Petersen
G. Peterson
B. Pressman
N. Sutley

One Water and Stewardship Committee

- Hidden

Meeting with Board of Directors *

October 9, 2023

2:00 p.m.

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Teleconference Locations:

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- 1. Opportunity for members of the public to address the committee on matters within 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 One Water and Stewardship Committee for September 11, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) 21-2521**

3. CONSENT CALENDAR ITEMS - ACTION

- 7-4** Authorize the funding of member agency studies and research under the Future Supply Actions Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA **21-2676**
- 7-5** Express support for the goals of the Climate Mayors Colorado River Conservation Working Group and approve a financial sponsorship of \$50,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA **21-2677**

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a.** The 20th Anniversary of the Quantification Settlement Agreement **21-2678**
- b.** Update on Conversation **21-2681**

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a.** Bay-Delta Initiatives, Colorado River Resources, Sustainability, Resilience and Innovation, and Water Resource Management activities **21-2522**

8. SUBCOMMITTEE REPORTS AND DISCUSSION

- a.** Discuss and provide direction to Subcommittee on Bay-Delta **21-2679**
- b.** Discuss and provide direction to Subcommittee on Demand Management and Conservation Programs and Priorities **21-2680**

9. FOLLOW-UP ITEMS

NONE

10. FUTURE AGENDA ITEMS

11. 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. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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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.

L&C Committee

M. Luna, Chair
J. Garza, Vice Chair
M. Camacho
G. Cordero
L. D. Dick
C. Douglas
C. Kurtz
T. McCoy
C. Miller
G. Peterson
M. Ramos
K. Seckel
N. Sutley

Legal and Claims Committee - Hidden

Meeting with Board of Directors *

October 10, 2023

8:30 a.m.

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 873 4767 0235. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 876 9484 9772 or click <https://us06web.zoom.us/j/87694849772?pwd=V3dGZGRYUjJ3allqdUxXTIJRM044Zz09>

Tuesday, October 10, 2023 Meeting Schedule

**08:30 a.m. L&C
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. BOD
02:30 p.m. Bay-Delta**

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

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1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

A. General Counsel's report of monthly activities **21-2501**

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

3. CONSENT CALENDAR OTHER ITEMS - ACTION

A. Approval of the Minutes of the Legal and Claims Committee for September 12, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-2695**

4. CONSENT CALENDAR ITEMS - ACTION

TBD

NONE

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

5. OTHER BOARD ITEMS - ACTION

- | | | |
|------------|--|----------------|
| 8-1 | Confidential Seyfarth Shaw LLP contract increase [Subject and CEQA language pending] | 21-2694 |
| 8-2 | Receive report on litigation in In re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, and consider options and provide direction on action in response to settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)] | 21-2664 |
| 8-3 | Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; and authorize increase in maximum amount payable under contract for legal services with Seyfarth Shaw LLP in the amount of \$TBD for a total amount not to exceed \$TBD; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] | 21-2712 |

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

NONE

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

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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.

FAIRP Committee

T. Smith, Chair
L. Dick, Vice Chair
D. Alvarez
J. Armstrong
A. Chacon
D. De Jesus
B. Dennstedt
L. Fong-Sakai
C. Miller
M. Petersen
B. Pressman
T. Quinn
K. Seckel

Finance, Audit, Insurance, and Real Property Committee - Hidden

Meeting with Board of Directors *

October 10, 2023

10:30 a.m.

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

Tuesday, October 10, 2023 Meeting Schedule

**08:30 a.m. L&C
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. BOD
02:30 p.m. Bay-Delta**

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

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- 1. Opportunity for members of the public to address the committee on matters within 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 Finance, Audit, Insurance, and Real Property Committee Meeting for September 12, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) **21-2505**

3. CONSENT CALENDAR ITEMS - ACTION

NONE

TBD

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

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

- | | | |
|-----|---|---------|
| 9-2 | Compliance with Fund Requirements and Bond Indenture Provisions | 21-2696 |
|-----|---|---------|

6. COMMITTEE ITEMS

- | | | |
|----|--|---------|
| a. | Pure Water Southern California Cost Recovery Alternatives | 21-2697 |
| b. | Review Draft 2023 Long-Range Finance Plan Needs Assessment | 21-2698 |

7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- | | | |
|----|--|---------|
| a. | General Auditor's report on monthly activities | 21-2506 |
| b. | Financial, Insurance, and Real Property activities | 21-2716 |

8. SUBCOMMITTEE REPORTS AND DISCUSSION

- | | | |
|----|--|---------|
| a. | Report from Subcommittee on Long-Term Regional Planning Processes and Business Modeling | 21-2699 |
| b. | Discuss and provide direction to Subcommittee on Long-Term Regional Planning Processes and Business Modeling | 21-2700 |

9. FOLLOW-UP ITEMS

NONE

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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The Metropolitan Water District of Southern California

Agenda

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BOD Committee

Board of Directors - Hidden

Meeting with Board of Directors *

October 10, 2023

1:00 p.m.

**Tuesday, October 10, 2023
Meeting Schedule**

**08:30 a.m. L&C
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. BOD
02:30 p.m. Bay-Delta**

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

1. Call to Order

- a. Invocation: TBD
- b. Pledge of Allegiance: TBD

2. Roll Call

3. Determination of a Quorum

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

5. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense 21-2492**
- B. Chair's Monthly Activity Report 21-2493**
- C. General Manager's summary of activities 21-2494**
- D. General Counsel's summary of activities 21-2495**

- | | | |
|----|---|----------------|
| E. | General Auditor's summary of activities | 21-2496 |
| F. | Ethics Officer's summary of activities | 21-2497 |

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

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- | | | |
|----|--|----------------|
| A. | Approval of the Minutes of the Board of Directors Meeting for September 12, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) | 21-2498 |
| B. | Approve Committee Assignments | |

7. CONSENT CALENDAR ITEMS - ACTION

- | | | |
|------------|---|----------------|
| 7-1 | Amend the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include development of a multi-benefit landscape project on Webb Tract and authorize professional service agreements with: (1) GEI Consultants Inc. in an amount not to exceed \$1.5 million; (2) Hydrofocus Inc. in an amount not to exceed \$840,000; and (3) Environmental Science Associates in an amount not to exceed \$980,000; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EOT) | 21-2668 |
| 7-2 | Authorize an agreement with Black & Veatch Corporation in an amount not to exceed \$750,000 for design of new access platforms to facilitate maintenance activities on the main pumps at the five Colorado River Aqueduct pumping plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) | 21-2669 |
| 7-3 | Award a \$4,400,000 construction contract to Bosco Constructors Inc. for San Diego Canal Concrete Liner Rehabilitation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) | 21-2670 |
| 7-4 | Authorize the funding of member agency studies and research under the Future Supply Actions Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) | 21-2676 |
| 7-5 | Express support for the goals of the Climate Mayors Colorado River Conservation Working Group and approve a financial sponsorship of \$50,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (OWS) | 21-2677 |

- 7-6** Authorize the General Manager to seek legislation to amend the Surface Mining and Reclamation Act to eliminate the sunset date to provide Metropolitan with lead agency status for its activities; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LRAC) **21-2703**

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

8. OTHER BOARD ITEMS - ACTION

- 8-1** Confidential Seyfarth Shaw LLP contract increase [Subject and CEQA language pending] (LC) **21-2694**
- 8-2** Receive report on litigation in In re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, and consider options and provide direction on action in response to settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)] (LC) **21-2664**
- 8-3** Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; and authorize increase in maximum amount payable under contract for legal services with Seyfarth Shaw LLP in the amount of \$TBD for a total amount not to exceed \$TBD; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)] (LC) **21-2712**

9. BOARD INFORMATION ITEMS

- 9-1** Conservation Program Board Report **21-2499**
- 9-2** Compliance with Fund Requirements and Bond Indenture Provisions (FAIRP) **21-2696**
- 9-3** Community Partnering Program Pilot Project (LRAC) **21-2704**
- 9-4** Update on Alternative Water Supply Augmentation Technologies Review (EOT) **21-2671**

10. OTHER MATTERS

NONE

11. FOLLOW-UP ITEMS

NONE

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

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

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The Metropolitan Water District of Southern California

Agenda

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Bay-Delta Committee

T. Quinn, Chair
L. Ackerman, Vice Chair
D. Alvarez
J. Armstrong
D. Erdman
R. Lefevre
M. Luna
C. Miller
G. Peterson
T. Smith

Subcommittee on Bay-Delta - Hidden

Meeting with Board of Directors *

October 10, 2023

2:30 p.m.

**Tuesday, October 10, 2023
Meeting Schedule**

**08:30 a.m. L&C
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. BOD
02:30 p.m. Bay-Delta**

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- 1. Opportunity for members of the public to address the committee on matters within 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 Legal and Claims Committee for April 25, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) **21-2715**

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

3. SUBCOMMITTEE ITEMS

TBD

- a. Delta Island Collaborative Efforts **21-2467**
- b. Delta Stewardship Council: Virginia Madueno, Chair and Jessica Pearson, Executive Officer **21-2714**
- c. Overview of the Bay-Delta Memo **21-2713**

4. FOLLOW-UP ITEMS

NONE

5. FUTURE AGENDA ITEMS

6. ADJOURNMENT



Executive Committee

9/26/2023 Committee Meeting

7-7

Subject

Review and consider action for an ethics policy violation by a Director; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA

Executive Summary

In November 2022, the Ethics Office received a complaint alleging that a director violated an ethics policy. In accordance with Board-adopted procedures, the Ethics Office conducted a fact-finding investigation through an outside firm and made a finding of an ethics policy violation. Pursuant to Administrative Code section 7432, the Ethics Officer is now referring this policy violation to the Executive Committee for review and consideration of further action, if the Committee finds that further action is appropriate under the circumstances.

Details

Background

In 2022, Metropolitan Director Anthony Fellow ran for re-election to the Board of Directors of Upper San Gabriel Valley Municipal Water District, a Metropolitan member agency. The re-election campaign website included a photo of another Metropolitan director standing in Metropolitan's board room. The photo depicted Metropolitan's official seal in the background. When the photograph was displayed on the campaign website, there was a link soliciting contributions.

The Ethics Office received a complaint alleging Director Fellow used a photograph which included the official seal of Metropolitan for political campaign purposes, in violation of Metropolitan Administrative Code section 7123(b). Section 7123(b) states that:

Metropolitan officials shall not use Metropolitan's seal, trademark, stationary, or other indicia of Metropolitan's identity, or facsimile thereof, in any solicitation for political contributions

The Ethics Office followed Administrative Code procedures including: retaining an outside firm to conduct the investigation, giving the director an opportunity to review the investigation report and Ethics Officer findings report, allowing the Director to provide a written response prior to a final determination, and basing the finding on the preponderance of the evidence standard.

Policy Determination/Finding

The preponderance of the evidence substantiates a finding that Director Fellow violated the plain language of Administrative Code Section 7123(b): "Metropolitan officials shall not use Metropolitan's seal, trademark, stationery, or other indicia of Metropolitan's identity, or facsimile thereof, in any solicitation for political contributions." The seal was used in a solicitation for political contributions for a campaign.

Based on the Administrative Code Section 7123(b) violation and the mitigating factors, this matter is a Level IV (Incidental Violation), pursuant to Administrative Code Section 7431. Level IV is a violation that is a minor infraction that is technical in nature. In mitigation, the Ethics Officer considered that the director cooperated with the investigation, and the violation was unintentional. The Ethics Officer did not find any applicable aggravating factors.

Committee Process

The Executive Committee's only action is to determine whether any type of action should be taken and, if so, what type. Options are provided in the Administrative Code section detailed below.

Administrative Code sections 7431 – 7432 set forth the Board-adopted process, in pertinent part, for addressing ethics policy violations by directors:

§7431. Levels of Violations.

In any Ethics Officer report that finds a violation, the finding shall include a conclusion about the severity of the violation. This conclusion shall be based upon the severity of the underlying offense, along with any relevant mitigating or extenuating circumstances.

(a) Levels of violations:

- (1) Level I (Severe Violation): One or more violations that seriously undermine or threaten the integrity of Metropolitan's governmental decision-making processes.
- (2) Level II (Significant Violation): One or more violations that undermine or threaten the integrity of Metropolitan's governmental decision-making processes.
- (3) Level III (Violation): One or more violations that are isolated or limited in nature, and that provide no more than a minimal personal benefit.
- (4) Level IV (Incidental Violation): A minor infraction that is technical in nature and does not constitute a Level III violation. Multiple or repeated Level IV infractions collectively may constitute a Level III violation.

(b) Mitigating and aggravating factors.

In determining the appropriate level for a specific violation, the Ethics Officer report shall include any applicable mitigating or aggravating factors including, but not limited to, the following:

- (1) The nature and seriousness of the offense, and its relationship to the employee's duties and responsibilities.
- (2) The official position of the subject, including its responsibilities, prominence, or fiduciary role.
- (3) Acceptance of responsibility by the subject.
- (4) The degree to which the subject cooperated in the investigation.
- (5) Whether the subject had notice of the rules that were violated, or had been warned about the conduct in question.
- (6) Whether the offense was intentional, technical, negligent, or inadvertent, or was frequent.

§7432. Penalties for Violations.

- (a) Whenever the Ethics Officer finds a violation of a Metropolitan ethics rule, the Ethics Officer shall determine the level of violation pursuant [to] section 7431.
- (b) Whenever the Ethics Officer finds a violation of a Metropolitan ethics rule, the Ethics Officer shall refer the Ethics Officer report and the accompanying determination of level of violation as follows:
 - (1) Violations by Directors shall be referred to the Executive Committee for review and consideration of further action if appropriate under the circumstances which may include counseling, training, a private warning letter, public censure, temporary or permanent removal from committee assignments, or referral to the Director's appointing authority requesting appropriate action.

Pursuant to Administrative Code section 7432, the Ethics Officer refers this finding to the Executive Committee for review and consideration of further action if the Committee finds that further action is appropriate under the circumstances. Further action may include any of the options described in section 7432(b)(1) above.

Policy

Metropolitan Administrative Code §7405: Investigations of Directors, General Manager, General Counsel, General Auditor, or Ethics Officer.

Metropolitan Administrative Code §7420: Public Information on Investigations.

Metropolitan Administrative Code §7431: Levels of Violations.

Metropolitan Administrative Code §7432: Penalties for Violations.

Metropolitan Administrative Code §11104: Delegation of Responsibilities

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not subject to 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, the proposed action is not subject to CEQA because it involves organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment (Section 15378(b)(5) of the state CEQA Guidelines).

Board Options

Option #1

Consider action for a finding of an ethics policy violation by a Director.

Fiscal Impact: None

Business Analysis: Not applicable

Staff Recommendation

Not applicable



Abel Salinas
Ethics Officer

9/21/2023

EXECUTIVE
COMMITTEE MEETING
September 26, 2023 – 1:00 p.m.
MWD Headquarters Building/Teleconference Meeting

NON-INTEREST DISCLOSURE NOTICE
COMMITTEE ITEM 6.b.

COMMITTEE ITEM 6.b. – Labor Negotiations Update [Conference with labor negotiators; to be heard in closed session pursuant to Gov. Code Section 54957.6. Metropolitan representative(s): Katano Kasaine, Chief Financial Officer; Gifty Beets, Human Resources Section Manager; Adam Benson, Finance Group Manager; Employee organization(s): The Employees Association of The Metropolitan Water District of Southern California/AFSCME Local 1902; the Management and Professional Employees Associations MAPA/AFSCME Chapter 1001; and the Supervisors Association.]

This Non-Interest Disclosure Notice is being provided under the California Government Code: Pursuant to Government Code Section 1091.5(a)(9), a District officer or employee does not have a financial interest in a District contract if these conditions are satisfied: (i) his or her interest is that of a person receiving a salary, per diem or reimbursement for expenses from a government entity; (ii) the contract does not directly involve the department of the government entity that employs him or her; and (iii) the interest is disclosed to his or her body or board at the time the contract is considered and is noted in its official record. In accordance with this statute, the following District officers or employees have been, or may be, involved in the bargaining unit negotiations on behalf of management: Adel Hagekhalil, Marcia Scully, Katano Kasaine, Heather Beatty, Shane Chapman, Deven Upadhyay, Gifty Beets, Henry Torres, Tony Zepeda, Gonzalo Barriga Jr., Arnout Van den Berg, Adam Benson, Carmondy Breaux-Burns, and Isamar Munoz Marroquin.

Heather Beatty, Carmondy Breaux-Burns, Isamar Munoz Marroquin are members of the Association of Confidential Employees (“ACE”), and Arnout Van den Berg is a member of Management And Professional Association (“MAPA”), which both have a salary provision in its Memorandum of Understanding that allows ACE and MAPA to select an annual salary adjustment from any one of the Memoranda of Understanding for the other bargaining units. Each of the remaining individuals is unrepresented. Under Administrative Code Section 6500(d), unless the Board directs otherwise, the pay rate range for each unrepresented individual except Adel Hagekhalil and Marcia Scully, will be adjusted annually to correspond with the annual across-the-board salary adjustment provided to the District’s management employees under the Memoranda of Understanding; although actual pay rates for these unrepresented individuals will be determined by their management. The other compensation and benefits for which the unrepresented individuals are eligible are set forth in the Administrative Code.