

# 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

A. Kassakhian, Chair  
J. McMillan, Vice Chair  
M. Camacho  
J. Crawford  
D. De Jesus  
C. Douglas  
M. Katz  
C. Kurtz  
C. Miller  
M. Ramos  
G. Shepherd Romey

## **Legal and Claims Committee - Final**

Meeting with Board of Directors \*

**May 12, 2026**

**8:30 a.m.**

## Tuesday, May 12, 2026 Meeting Schedule

08:30 a.m. LEGAL  
09:30 a.m. ETHICS  
10:30 a.m. OPE  
12:00 p.m. BREAK  
12:30 p.m. FAAME  
02:00 p.m. BOD

Written public comments received by 3:00 p.m. the business day before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here: <https://mwdh2o.legistar.com/Legislation.aspx>.

Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference and in-person. To provide public comment by teleconference dial 1-877-853-5257 and enter meeting ID: 862 4397 5848 or to join by computer [click here](#).

**Disclaimer: Written and oral public comments are received in compliance with the Ralph M. Brown Act. Please note that Metropolitan does not endorse or ensure the accuracy or reliability of the information provided as public comment or by third parties.**

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MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012  
Teleconference Locations:  
3008 W. 82nd Place • Inglewood, CA 90305  
Allendale Insurance Agency • 337 West Foothill Boulevard • Glendora, CA 91740  
26772 Calle Maria • Dana Point, CA 92624  
Long Beach Utilities Office • 1800 E Wardlow Road • Long Beach, CA 90807

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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 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 [21-5596](#)

**Attachments:** [05122026 LC 2A General Counsel's report of monthly activities](#)

**\*\* CONSENT CALENDAR \*\***

**3. COMMITTEE ACTION (ONLY)**

A. Approval of the Minutes of the Legal and Claims Committee of March 10, 2026 [21-5597](#)

**Attachments:** [05122026 LC 3A \(03102026\) Minutes](#)

**4. COMMITTEE ITEMS (FOR BOARD CONSIDERATION)**

NONE

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

**5. COMMITTEE ITEMS (ACTION FOR BOARD CONSIDERATION)**

NONE

**6. COMMITTEE ITEMS (INFORMATIONAL FOR BOARD CONSIDERATION)**

NONE

**7. COMMITTEE ITEMS (INFORMATIONAL)**

a. Discussion of department head performance and goal setting [Public employee performance evaluation—General Counsel; to be heard in closed session pursuant to Government Code Section 54957] [21-5797](#)

**Attachments:** [05122026 LC 7a Business Plan](#)

**8. FOLLOW-UP ITEMS**

NONE

## **9. FUTURE AGENDA ITEMS**

## **10. 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.

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 <https://mwdh2o.legistar.com/Calendar.aspx>.

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.



**Matters Received**

<u>Category</u>	<u>Received</u>	<u>Description</u>								
Government Code Claims	1	Claim relating to MWD vehicle collision with Claimant’s vehicle in the county of Riverside								
Subpoenas	3	Deposition Subpoena for Production of Business Records that requests employment, wage, agreements, contracts, and understandings for a matter unrelated to MWD; Subpoena for personnel, wage, medical, and workers comp records relating to a matter before the Workers Compensation Appeals Board; and Deposition Subpoena for Production of Business Records in the case <i>Gonick v. Voznyuk</i> filed in Los Angeles County Superior Court, seeking pertinent non-privileged records from the claim file including but not limited to original photographs, repair estimates, repair bills, statements of witnesses, statements of your insured, medical bills, medical records, medical report, investigative reports, police reports, employment and loss of earnings information, proof of medical payments, personal injury settlements, releases and dismissals								
Requests Pursuant to the Public Records Act	14	<table border="1"> <thead> <tr> <th><u>Requestor</u></th> <th><u>Documents Requested</u></th> </tr> </thead> <tbody> <tr> <td>AQL Technologies</td> <td>Request for Intramet Redesign awarded proposal</td> </tr> <tr> <td>Center for Contract Compliance (3 requests)</td> <td>(1) Certified Payroll Records and contractor’s fringe benefit statement for Priority Landscape Services LLC; (2) Bid and contract information for Mills Plant Tree Clean Up Services; and (3) Bid and contract information for Riverside County-Fencing</td> </tr> <tr> <td>Private Citizens (9 requests)</td> <td>Documents relating to: (1) RFQ process, contract award, and work product for the On-Call Research Services to Support Public Outreach, Communications, and Engagement due December 19, 2025; (2) Photos for a book for the San Geronio Pass Water Agency; (3) Request that MWD initiate a formal review of its fluoridation operations; (4) Bid tabulation for Second Lower Feeder PCCP Rehabilitation - Reach 3A submitted on April 5, 2022;</td> </tr> </tbody> </table>	<u>Requestor</u>	<u>Documents Requested</u>	AQL Technologies	Request for Intramet Redesign awarded proposal	Center for Contract Compliance (3 requests)	(1) Certified Payroll Records and contractor’s fringe benefit statement for Priority Landscape Services LLC; (2) Bid and contract information for Mills Plant Tree Clean Up Services; and (3) Bid and contract information for Riverside County-Fencing	Private Citizens (9 requests)	Documents relating to: (1) RFQ process, contract award, and work product for the On-Call Research Services to Support Public Outreach, Communications, and Engagement due December 19, 2025; (2) Photos for a book for the San Geronio Pass Water Agency; (3) Request that MWD initiate a formal review of its fluoridation operations; (4) Bid tabulation for Second Lower Feeder PCCP Rehabilitation - Reach 3A submitted on April 5, 2022;
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Requestor

Documents Requested

SmartProcure

(5) MWD Plans of Creation and Certification Reports for Extraordinary Conservation Intentionally Created Surplus (ICS) to US Bureau of Reclamation for calendar years 2008-2024;

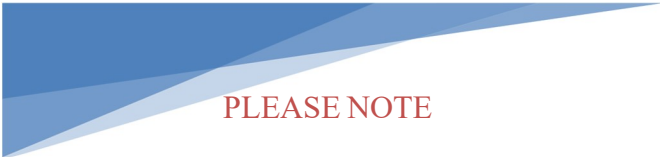
(6) Proposals, evaluation documents, and rankings for IT SAM Solution Implementation Services;

(7) Public records request fees;

(8) Bid tabulation for Garvey Reservoir Sodium Hypochlorite Feed System submitted on 12/10/2020; and

(9) Site inspection, investigation, and information regarding identification, storage, handling, containment, and feed systems for polymers and related treatment chemicals used at Weymouth

PO/Vendor Information from January 16, 2026 to current including: (1) purchase order number, (2) purchase date, (3) line item details, (4) line item quantity, (5) line item price, and (6) vendor information



PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TWO TABLES WILL BE SHOWN IN RED.
- ANY CHANGE TO THE *OUTSIDE COUNSEL AGREEMENTS* TABLE WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).



### Bay-Delta and SWP Litigation

Subject	Status
<p><b>Delta Conveyance Project CEQA Cases</b></p> <p><i>Tulare Lake Basin Water Storage District v. California Department of Water Resources</i> (case name for the consolidated cases)</p> <p><i>City of Stockton v. California Department of Water Resources</i></p> <p><i>County of Butte v. California Department of Water Resources</i></p> <p><i>County of Sacramento v. California Department of Water Resources</i></p> <p><i>County of San Joaquin et al. v. California Department of Water Resources</i></p> <p><i>Sacramento Area Sewer District v. California Department of Water Resources</i></p> <p><i>San Francisco Baykeeper, et al. v. California Department of Water Resources</i></p> <p><i>Sierra Club, et al. v. California Department of Water Resources</i></p> <p><i>South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources</i></p> <p><i>Sacramento County Superior Ct.</i> (Judge Acquisto)</p> <p>3d District Court of Appeal Case No. C101878</p> <p>Supreme Court Case No. S294127</p>	<ul style="list-style-type: none"> <li>• DWR is the only named respondent/defendant</li> <li>• All alleged CEQA violations</li> <li>• Most allege violations of the Delta Reform Act, Public Trust Doctrine and Delta and Watershed Protection Acts</li> <li>• Two allege violations of the fully protected bird statute</li> <li>• One alleges violations of Proposition 9 (1982) and the Central Valley Project Act</li> <li>• March 27, 2026 order denying DWR's motion to disqualify the Somach, Simmons &amp; Dunn law firm</li> <li>• March 30, 2026 preliminary injunction halting preconstruction geotechnical soil testing vacated, clearing the way for the Design and Construction Authority to resume work</li> <li>• <a href="#"><u>April 2, 2026 Metropolitan and other supporting SWP contractors granted leave to intervene</u></a></li> <li>• May 29, 2026 next Case Management Conference</li> </ul>
<p><del><b>Sierra Club et al. v. California Department of Water Resources</b></del></p> <p><del>Sacramento County Super. Ct.</del> (Judge Stephen P. Acquisto)</p>	<ul style="list-style-type: none"> <li>• <del>Filed July 18, 2025</del></li> <li>• <del>Alleges DWR unlawfully "piecemealed" CEQA review of the Delta Conveyance Project and its petition to the State Water Resources Control Board for a time extension of its existing State Water Project water right permits</del></li> <li>• <del>Seeks an order requiring DWR to withdraw its time extension petition, decertify the DCP EIR, rescind the CEQA findings and project approval, prepare a subsequent EIR for the DCP, and prohibiting DWR from issuing</del></li> </ul>



	<p><del>revenue bonds until it has certified a subsequent EIR</del></p> <ul style="list-style-type: none"> <li><del>Jan. 5, 2026 judgment sustaining DWR's demurrer without leave to amend, resulting in dismissal with prejudice</del></li> <li><del>March 6, 2026 deadline to file Notice of Appeal</del></li> <li><del>No Notice of Appeal filed by the deadline</del></li> </ul>
<p><b>Consolidated DCP Revenue Bond Validation Action and CEQA Case</b></p> <p><i>Sierra Club, et al. v. California Department of Water Resources</i> (CEQA, designated as lead case)</p> <p><i>DWR v. All Persons Interested</i> (Validation)</p> <p>Sacramento County Superior Ct. (Judge Kenneth C. Mennemeier)</p> <p>3d District Court of Appeal Case No. C100552</p>	<ul style="list-style-type: none"> <li>Validation Action</li> <li>Final Judgment and Final Statement of Decision issued January 16, 2024 ruling the bonds are not valid</li> <li>DWR, Metropolitan and other supporting public water agencies filed Notices of Appeal on or before the February 16, 2024 deadline</li> <li>Eight opposing groups filed Notices of Cross Appeals by March 27, 2024</li> <li>Appeals and cross-appeals fully briefed as of May 12, 2025</li> <li>November 19, 2025 oral argument</li> <li>Dec. 31, 2025 Court of Appeal opinion filed upholding trial court ruling the bonds are not valid</li> <li>Jan. 15, 2026 DWR filed a petition for rehearing</li> <li>Jan. 28, 2026 petition for rehearing denied, opinion modified to correct factual errors and add citations without changing the judgment</li> <li>Feb. 9, 2026 DWR and supporting SWP contractors filed a petition for California Supreme Court review and request to depublish the Dec. 31, 2025 opinion</li> <li>March 2, 2026 deadline to file an answer to the petition for review</li> <li>March 12, 2026 deadline to file a reply in support of petition for review</li> <li><del>May 8, 2026 deadline for Supreme Court to act on petition for review</del></li> <li><u>April 15, 2026, Supreme Court denied review and depublishing, terminating the case</u></li> </ul>
<p><b>2025 Delta Conveyance Program Revenue Bond Validation</b></p> <p><i>Department of Water Resources v. All Persons Interested, etc.</i></p> <p>Sacramento County Superior Court</p>	<ul style="list-style-type: none"> <li>Jan. 6, 2025, the Department of Water Resources (DWR) adopted a new bond resolution</li> <li>Jan. 7, DWR filed a complaint seeking a judgment validating its authority to issue the bonds under the CVP Act</li> <li>15 answers filed, 10 in opposition and 5 in support</li> </ul>



<p>(Judge Kenneth C. Mennemeier)</p>	<ul style="list-style-type: none"> <li>• June 12, 2025 two motions to dismiss denied</li> <li>• Aug. 15, 2025 case assigned to Judge Mennemeier for all purposes</li> <li>• Sept. 23, 2025 Case Management Conference</li> <li>• Dec. 5, 2025 opening trial briefs</li> <li>• Jan. 14, 2026 DWR filed a motion to stay the case pending exhaustion of appellate remedies in the 2020 bond validation case</li> <li>• Jan. 21, 2026 hearing on motion for stay and stay granted</li> </ul>
<p><b>2024 CESA Incidental Take Permit Consolidated Cases</b></p> <p><i>California Sportfishing Protection Alliance, et al. v. California Department of Water Resources, et al.</i> (CEQA, CESA, Delta Reform Act, Public Trust Doctrine)</p> <p>Sacramento County Superior Ct. Case No. 24WM000181 (Judge Arguelles) (Designated lead case for the consolidated cases)</p> <p><i>San Francisco Baykeeper, et al. v. California Department of Water Resources</i> (CEQA, Delta Reform Act, Public Trust Doctrine)</p> <p><i>Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al.</i> (CEQA)</p> <p><i>Central Delta Water Agency and South Delta Water Agency v. California Department of Water Resources</i> (CEQA, Delta Reform Act, Watershed Protection Acts, Public Trust Doctrine)</p>	<p>Cases challenge DWR’s Final EIR and the California Department of Fish and Wildlife’s California Endangered Species Act Incidental Take Permit for the updated Long Term Operations plan for the State Water Project</p> <ul style="list-style-type: none"> <li>• Oct. 8, 2025 minute order consolidating cases under the <i>California Sportfishing Protection Alliance</i> case name</li> <li>• Dec. 12, 2025, case management conference in the consolidated cases</li> <li>• June 12, 2026 case management conference</li> </ul>
<p><b>CDWR Environmental Impact Cases Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C100302 (20 Coordinated Cases)</b></p> <p>Validation Action <i>DWR v. All Persons Interested</i></p> <p>CEQA 17 cases</p> <p>CESA/Incidental Take Permit 2 cases</p> <p>(Judge Arguelles)</p>	<ul style="list-style-type: none"> <li>• Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit</li> <li>• January 10, 2020 – Nine motions for attorneys’ fees and costs denied in their entirety</li> <li>• May 11, 2022, court of appeal reversed the trial court’s denial of attorney fees and costs</li> <li>• Coordinated cases remitted to trial court for re-hearing of fee motions consistent with the court of appeal’s opinion</li> <li>• Dec. 26, 2023 order denying fee motions</li> <li>• Six notices of appeal filed</li> <li>• Dec. 9, 2025 Court of Appeal decision upholding trial court denial of attorney fee motions</li> </ul>



- Jan. 20, 2026 losing appellants filed three petitions for review in the California Supreme Court
- [March 18, 2026 petitions for review denied, ending the cases](#)

**Water Management Tools Contract Amendment**

*California Water Impact Network et al. v. DWR*  
Sacramento County Superior Ct.  
(Judge Acquisto)

*North Coast Rivers Alliance, et al. v. DWR*  
Sacramento County Super. Ct.  
(Judge Acquisto)

- Filed September 28, 2020
- CWIN and Aqualliance allege one cause of action for violation of CEQA
- NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief
- SWC motion to intervene in both cases granted
- Dec. 20, 2022 DWR filed notice of certification of the administrative record and filed answers in both cases



Outside Counsel Agreements				
Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Aleshire & Wynder	Oil, Mineral and Gas Leasing	174613	08/18	\$50,000
Anzel Galvan LLP	Bond Issues	220411	07/24	N/A
Atkinson Andelson Loya Ruud & Romo	Employee Relations	59302	04/04	\$1,316,937
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	\$250,000
	MWD Drone and Airspace Issues	193452	08/20	\$50,000
	AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period)	201883	07/12/21	\$30,000
	Ethics and EEO Investigation	222534	01/25	\$50,000
	PRA Issues	222539	02/25	\$110,000
	Sanchez Job Audit Appeal	222551	03/25	\$50,000
	Gutierrez Job Audit Appeal	222552	03/25	\$100,000
	RFIs by AFSCME Local 1902	222554	03/25	\$20,000
	EEO Investigation	226516	05/25	\$25,000
	Advice and Counsel – AB399 Issues	226533	01/26	\$50,000
	Employment Matter	226534	01/26	\$50,000
	Team Manager Leave Premiums Denial HO Appeal	226539	01/26	\$50,000
	Temporary Upgrade Assignment Denial HO Appeal	226540	01/26	\$50,000
	Temporary Upgrade Assignment Standby Denial HO Appeal	231484	01/26	\$50,000
	Desert Medical Credit HO Appeal	231487	01/26	\$50,000
Employment Matter	231488	03/26	\$50,000	
<u>Employment Matter</u>		<u>231491</u>	<u>04/26</u>	<u>\$50,000</u>



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
BDG Law Group, APLC	Gutierrez v. MWD	216054	03/24	\$900,000
	Hagekhalil Defense in Kasaine Litigation	222547	03/25	\$250,000
Best, Best & Krieger	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	\$500,000
	Environmental Compliance Issues	185888	05/20	\$100,000
	Grant Compliance Issues	211921	05/23	\$250,000
	Pure Water Southern California	207966	11/22	\$350,000
	Progressive Design Build	216053	04/24	\$250,000
	Pure Water – SB 149 CEQA Record Preparation	222526	02/25	\$150,000
	Rates and Taxes Advice	226517	05/25	\$50,000
	PWSC Construction Contracting Issues	226524	07/25	\$125,000
	Diamond Valley Lake Groundwater Basin Issues	231486	1/26	\$100,000
	<u>Technology – Contracts and Related Matters</u>	<u>231489</u>	<u>03/26</u>	<u>\$35,000</u>
Burke, Williams & Sorensen, LLP	Real Property – General	180192	01/19	\$100,000
	Labor and Employment Matters	180207	04/19	\$75,000
	General Real Estate Matters	180209	08/19	\$200,000
	Rancho Cucamonga Condemnation Actions (Grade Separation Project)	207970	05/22	\$150,000
	Foothill Pump Station Condemnation	226522	06/25	\$100,000
	Fakhoury, et al. v. City of Rancho Cucamonga, et al.	226528	12/25	\$100,000
	Ethics Office Investigations	226537	01/26	\$75,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	220409	07/24	N/A



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Castañeda + Heidelberg LLP	Employment Matter	216055	04/24	\$100,000
	Employment Matter	222530	11/24	\$100,000
Cislo & Thomas LLP	Intellectual Property	170703	08/17	\$100,000
Davis Wright Tremaine, LLP	Advice and Representation re Potential Litigation	220424	10/24	\$250,000
	Kasaine v. MWD	222543	03/25	<del>\$250,000</del> <u>\$750,000</u>
	Advice and Representation re Employment -Related Claims	226526	08/25	\$200,000
	Government Code Claim Investigation	226538	02/26	\$150,000
Erin Joyce Law, PC	Ethics Advice	216058	05/24	\$100,000
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	\$50,000
Hanna, Brophy, MacLean, McAleer & Jensen, LLP	Workers' Compensation	211926	06/23	\$500,000
Hanson Bridgett LLP	Finance Advice	158024	12/16	\$100,000
	Deferred Compensation/HR	170706	10/17	\$600,000
	Alternative Project Delivery (ADP)	207961	10/22	\$250,000
	Lake Mathews Mining Issues	231485	01/26	\$100,000
Hausman & Sosa, LLP	<del>Jones v. MWD</del>	<del>216056</del>	<del>05/24</del>	<del>\$250,000</del>
	Villavicencio v. MWD	220426	10/24	\$100,000
	Jensen Operator Standby Removal	222522	10/24	\$100,000
	Villa NOIS Appeal	222553	03/25	\$50,000
	Alberto NOID Appeal	226523	06/25	\$100,000
Hawkins Delafield & Wood LLP*	Bond Counsel	220405	07/24	N/A



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Horvitz & Levy	General Appellate Advice	146616	12/15	\$200,000
	Colorado River	203464	04/22	\$100,000
	Delta Conveyance Bond Validation Appeal	216047	03/24	\$25,000
	PFAS Multi-District Litigation – Appeal	216050	03/24	\$200,000
Internet Law Center	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	\$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	\$500,000
	General Advice and Counsel	222544	02/25	\$25,000
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance	137992	02/14	\$45,000
Katten Muchin Rosenman LLP	Bond Counsel	220412	07/24	N/A
Kronenberger Rosenfeld, LLP	Systems Integrated, LLC v. MWD	211920	04/23	\$500,000
Kutak Rock LLP	Delta Islands Land Management	207959	10/22	\$160,000
Lesnick Prince Pappas & Alverson LLP	Kidde-Fenwal Bankruptcy	216061	06/24	\$50,000
Liebert Cassidy Whitmore	Labor and Employment	158032	02/17	\$244,741
	EEO Advice	216041	12/23	\$450,000
Lieff Cabraser Heimann & Bernstein, LLP	PFAS Multi-District Litigation	216048	03/24	\$200,000
Marten Law LLP	PFAS Multi-District Litigation	216034	09/23	\$550,000
	PFAS-Related Issues (PWSC)	220414	08/24	\$150,000
	Perris Valley Pipeline Project	220415	07/24	\$100,000
	PFAS-Related Issues (General)	220413	10/24	\$50,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Morgan, Lewis & Bockius	Project Labor Agreements	200476	04/21	\$100,000
Musick, Peeler & Garrett LLP	Arvin-Edison v. Dow Chemical	203452	01/22	\$150,000
	Semitropic TCP Litigation	207954	09/22	\$75,000
	Employment Matter	220417	08/24	<del>\$100,000</del> <u>\$150,000</u>
	Employment Matter	226535	01/26	\$50,000
Nixon Peabody LLP*	Bond Counsel	220404	07/24	N/A
Norton Rose Fulbright US LLP*	Bond Counsel	220407	7/24	N/A
	Pure Water Special Project Finance	226513	05/25	\$200,000
Olson Remcho LLP	Government Law	131968	07/14	\$600,000
	Advice/Assistance re Proposition 26/Election Issues	211922	05/23	\$100,000
Pearlman, Brown & Wax, L.L.P.	Workers' Compensation	216037	10/23	\$100,000
Redwood Public Law, LLP	PRA and Conflicts Issues	222540	02/25	\$150,000
Renne Public Law Group, LLP	Employee Relations and Personnel Matters	216045	01/24	\$50,000
	ACE v. MWD (PERB Case No. LA CE 1729 M)	220421	09/24	\$70,000
	AFSCME v. MWD (PERB Case No. LA-CE-1733-M)	220422	09/24	\$35,000
	AFSCME v. MWD (PERB Case No. LA-CE-1746-M)	222528	11/24	\$35,000
	AFSCME v. MWD (PERB Case No. LA-CE-1774-M)	226515	05/25	\$35,000
	AFSCME v. MWD (PERB Case No. LA-CE-1772-M)	226518	05/25	\$35,000
	AFSCME v. MWD (PERB Case No. LA-CE-1775-M)	226519	05/25	\$35,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	AFSCME v. MWD (PERB Case No. LA-CE-1776-M)	226520	05/25	\$35,000
	AFSCME v. MWD (PERB Case No. LA-CE-1785-M)	226527	10/25	\$50,000
	<u>Supervisors Association of MWD v. MWD (PERB Case No. LA-CE-1854-M)</u>	<u>226536</u>	<u>01/26</u>	<u>\$50,000</u>
Ryan & Associates	Leasing Issues	43714	06/01	\$200,000
	Unlawful Encroachment on Metropolitan Rights-of-Way	216065	06/24	\$100,000
Seyfarth Shaw LLP	Phan v. MWD	201897	11/04/21	\$700,000
	Claim (Contract #203436)	203436	11/15/21	\$1,000,000
	General Labor/Employment Advice	211917	3/23	\$250,000
	Crawford v. MWD	216035	09/23	\$1,200,000
	<del>Tiegs v. MWD</del>	<del>216043</del>	<del>12/23</del>	<del>\$1,075,000</del>
Sheppard Mullin Richter & Hampton LLP	Iverson v. MWD	222532	12/24	\$500,000
Snell & Wilmer LLP	Public Records Act Requests	226531	12/25	\$150,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	220408	7/24	N/A
Theodora Oringer PC	Construction Contracts - General Conditions Update	185896	07/20	\$100,000
	Santa Monica Feeder Incident	226526	08/25	\$150,000
Thompson Coburn LLP	NERC Energy Reliability Standards	193451	08/20	\$600,000
Van Ness Feldman, LLP	General Litigation	170704	07/18	\$50,000
	Colorado River MSHCP	180191	01/19	\$50,000
	Bay-Delta and State Water Project Environmental Compliance	193457	10/15/20	\$50,000
	Colorado River Issues	211924	05/23	<del>\$250,000</del> <u>\$500,000</u>



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	Cajalco Road Widening Project	226509	04/25	\$50,000
Wesierski & Zurek LLP	Eight-Vehicle Pile-Up Claims, Rancho Cucamonga	226529	12/25	\$150,000
	General Tort Claims and Litigation Defense Advice	226530	12/25	\$150,000

\*Expenditures paid by Bond Proceeds/Finance

\*\*Expenditures paid by another group

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**March 10, 2026**

Vice Chair McMillan called the meeting to order at 12:06 p.m.

Members present: Directors Camacho (entered after roll call), De Jesus (teleconference posted location), Douglas, Kassakhian (entered after roll call), Katz, Kurtz, McMillan, Miller, Ramos (teleconference posted location), and Shepherd Romey.

Members absent: Director Crawford.

Other Board Members present: Directors Ackerman, Alvarez, Bryant, Cordero, Crane, Denham (teleconference posted location), Dennstedt, Erdman, Faessel, Fellow, Fong-Sakai, Garza, Gray (teleconference posted location), Jay, McCoy, Ortega, Paule, Pressman, Seckel, and Sutley.

Committee Staff present: Beatty, Boucher, Deshmukh, Gaxiola, Hudson, Rubin, and Scully.

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

None

**2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS**

A. Subject: General Counsel’s report of monthly activities

General Counsel Scully provided an update on the deferral of Item 7-1.

**CONSENT CALENDAR ITEMS – ACTION**

**3. COMMITTEE ACTION (ONLY)**

A. Subject: Approval of the Minutes of the Legal and Claims Committee for February 10, 2026.

#### 4. COMMITTEE ITEMS (FOR BOARD CONSIDERATION)

Director Camacho entered the meeting.

**7-1**     **Subject**             Amend the Metropolitan Administrative Code to conform to current policy, law, and practice, and to make other minor, non-substantive changes; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Item 7-1 was deferred.

**7-2**     **Subject**             Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of existing committees to accommodate a new committee, and make other minor non-substantive changes; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Motion**                   Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of existing committees to accommodate a new committee, and make other minor non-substantive changes

**7-3**     **Subject**             Authorize an increase in the maximum amount payable under contract with Van Ness Feldman, LLP, for legal advice on Colorado River matters by \$250,000 to an amount not-to-exceed \$500,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

**Motion**                   Authorize an increase in the maximum amount payable under contract with Van Ness Feldman LLP, for legal advice on Colorado River matters by \$250,000 to an amount not to exceed \$500,000

The following Directors provided comments or asked questions:

1. Miller
2. Garza

Staff responded to the Director's questions and comments.

No presentations were given. Motion by Director Camacho, seconded by Director Miller, to approve the consent calendar items 3A, 7-2, and 7-3.

The vote was:

Ayes: Directors Camacho, De Jesus, Douglas, Katz, Kurtz, McMillan, Miller, Ramos, and Shepherd Romey  
Noes: None  
Abstentions: Katz (item 3A)  
Absent: Directors Crawford, Kassakhian

The motion for Item 3A passed by a vote of 8 ayes, 0 noes, 1 abstention, and 2 absent.

The motion for Items 7-2 and 7-3 passed by a vote of 9 ayes, 0 noes, 0 abstention, and 2 absent.

**END OF CONSENT CALENDAR ITEMS**

Vice Chair McMillan called the meeting into closed session.

Chair Kassakhian entered the meeting.

**5. COMMITTEE ITEMS (ACTION FOR BOARD CONSIDERATION)**

- 8-2**      Subject      Report on litigation in Systems Integrated, LLC v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 21STCV18292 and consider authorizing settlement [Conference with legal counsel--existing litigation; to be heard in closed session pursuant to Government Code Section 54956.9(d) (1)]
- Presented by:      Tony Zepeda, Senior Deputy General Counsel
- 
- 8-3**      Subject      Report on litigation in Encarnacion Gutierrez v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV11052; and authorize an increase in the maximum amount payable under contract for legal services with BDG Law Group, APLC, in the amount of \$400,000 for a total amount not to exceed \$900,000; 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 Government Code Section 54956.9(d)(1)]
- Presented by:      Tony Zepeda, Sr. Deputy General Counsel
- Motion      Authorize an increase in the maximum amount payable under contract for legal services with BDG Law Group, APLC, in the amount of \$400,000 for a total amount not to exceed \$900,000

<b>8-4</b>	<b>Subject</b>	Report on litigation in Katano Kasaine v. Metropolitan Water District of Southern California; Adel Hagekhalil, an individual; Los Angeles Superior Court Case No. 25STCV05250, and authorize increase in the maximum amount payable under a contract for legal services with Davis Wright Tremaine LLP in the amount of \$500,000 for a total amount not to exceed \$750,000; 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)]
	<b>Presented by:</b>	Tony Zepeda, Sr. Deputy General Counsel
	<b>Motion</b>	Authorize increase in the maximum amount payable under a contract for legal services in Katano Kasaine v. Metropolitan Water District of Southern California; Adel Hagekhalil, an individual; with Davis Wright Tremaine LLP in the amount of \$500,000 for a total amount not to exceed \$750,000

Chair Kassakhian reported on Item 8-2 there was no reportable action taken in closed session and on Item 8-3 and 8-4 no action was taken in closed session.

In open session, Director Kurtz made a motion, seconded by Director Camacho to approve the contract increase in Item 8-3.

The vote was:

Ayes: Directors Camacho, De Jesus, Douglas, Kassakhian, Katz, Kurtz, McMillan, Miller, Ramos, and Shepherd Romey  
Noes: None  
Abstentions: None  
Absent: Director Crawford

The motion for Item 8-3 passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 1 absent.

In open session, Director Douglas made a motion, seconded by Director Katz to approve the contract increase in Item 8-4.

The vote was:

Ayes: Directors Camacho, De Jesus, Douglas, Kassakhian, Katz, Kurtz, McMillan, Miller, Ramos, and Shepherd Romey  
Noes: None  
Abstentions: None  
Absent: Director Crawford

The motion for Item 8-4 passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 1 absent.

**6. COMMITTEE ITEMS (INFORMATIONAL FOR BOARD CONSIDERATION)**

None

**7. COMMITTEE ITEMS (INFORMATIONAL)**

None

**8. FOLLOW-UP ITEMS**

None

**9. FUTURE AGENDA ITEMS**

None

Meeting adjourned at 1:59 p.m.

Ardy Kassakhian  
Chair



## ***Legal and Claims Committee***

5/12/2026 Committee Meeting

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7a

### **Subject**

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General Counsel Business Plan for Fiscal Year 2026/2027

### **Role of the General Counsel**

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*The role of the General Counsel is to serve as the attorney for The Metropolitan Water District of Southern California; to represent Metropolitan in all actions and proceedings; to serve as the legal advisor to the Board and Officers of Metropolitan; and to cooperate with and assist the General Manager and his staff by providing a full range of legal services in a professional, timely, cost effective, and creative manner.*

### **Description**

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The General Counsel's fiscal year 2026/2027 Business Plan establishes the anticipated focus of the Legal Department for the next fiscal year. The Business Plan focuses on the work required to support Metropolitan's priorities, as authorized by the Board and described in the General Manager's Business Plan.

### **Drivers:**

#### **Unplanned matters – Litigation and other adversary actions:**

The General Counsel represents Metropolitan in all actions and proceedings. In addition to litigation, this involves pre-litigation claims, regulatory matters such as Cal-OSHA citations and permits. In over 90% of such matters, Metropolitan is the defendant: the litigation is neither planned nor initiated by Metropolitan. The Department must be flexible and capable of responding on short notice to litigation and other unanticipated matters. Although the nature and timing of matters are unplanned, the General Counsel's Office anticipates and plans to respond to claims, citations, and litigation that will be filed each year.

#### **Priorities of the Board and the General Manager**

Equally important to representing Metropolitan in disputed matters, the role of the Department is to support the priorities established by the Board of Directors and the General Manager. The goal of the Legal Department is to provide a full range of legal services in a professional, timely, cost effective, and creative manner that assist with implementation of Board priorities in a manner that minimizes risk to Metropolitan.

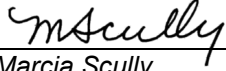
Legal's support includes providing advice, drafting documents, and taking other actions to minimize risk to Metropolitan in the implementation of the District's priorities as well as in responding to requests of Metropolitan from third parties.

The proposed Business Plan (**Attachment 1**) includes anticipated activities consistent with the priorities of Metropolitan as set forth in the Budget and the General Manager's Business Plan.

**Policy**

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Metropolitan Water District Administrative Code Section 6436(b): Annual and Quarterly Reports to Legal and Claims Committee

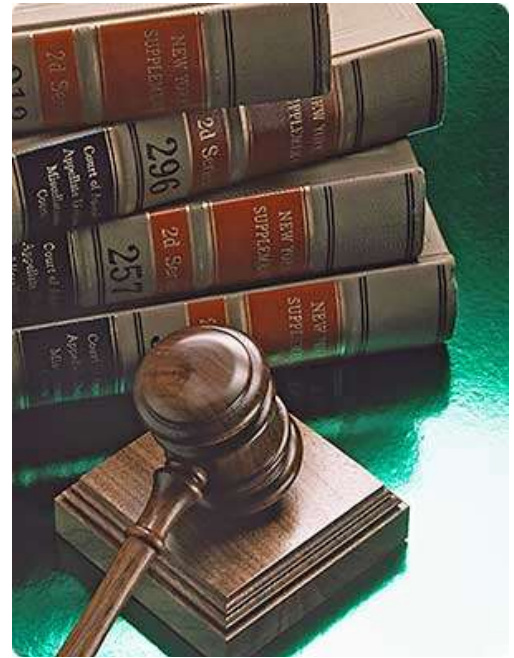
  
\_\_\_\_\_  
Marcia Scully  
General Counsel

5/7/2026  
Date

**Attachment 1 – General Counsel’s Business Plan for Fiscal Year 2026-2027**











Ref# I12707409

The Metropolitan Water District of Southern California



# General Counsel’s Business Plan Fiscal Year 2026/2027

Purpose: The General Counsel’s fiscal year 2026/2027 Business Plan establishes the anticipated focus of the Legal Department for the next fiscal year. The role of the Department is to support the priorities established by the Board of Directors and the General Manager, and to provide a full range of legal services in a professional, timely, cost effective, and creative manner.

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# Water Supply Reliability

## Colorado River

The current Operating Guidelines (Guidelines) for management of the Colorado River (CR) expire this year. To date, negotiations among the seven states that are parties to the Colorado River Compact have been unsuccessful.

The Bureau of Reclamation is proposing actions to manage CR supplies including actions to protect Glen Canyon Dam and Lake Powell infrastructure.

It is anticipated that in the coming year: i) the Guidelines will require all Lower Basin States (California, Nevada and Arizona) to significantly reduce demands on the CR; ii) there may be litigation among various parties including Basin States, the federal government or water agencies; iii) third party challenges to Metropolitan's Colorado River rights including Intentionally Created Surplus (ICS).

The Legal Department, using in-house staff and outside counsel engaged for their CR and litigation expertise will collaborate with the General Manager's staff and Metropolitan's partners on the CR to provide legal and strategic advice; assist with documentation of agreements, including forbearance and fallowing agreements with agricultural partners and Tribes required to implement conservation measures, and new Guidelines to minimize risk and protect Metropolitan's water supply.

Assist, as appropriate, with applications for federal funds.

Advise and represent Metropolitan in the event of litigation or other disputes.

## Water Quality

Continue to monitor and comment on matters impacting water quality including:

- Remediation of groundwater contamination at Topock
- Continue to coordinate with General Manager staff to resolve issues relating to contamination impacting groundwater storage banks
- Continue to monitor litigation, regulations, and legislation regarding per and polyfluoroalkyl substances (PFAS) and other contaminants.
- Continue to monitor actions by water agencies and legislation regarding fluoride
- Continue to participate and represent Metropolitan's interests in the remediation of the former Tronox site and use of settlement funds from the Tronox adversary action, and remediation of the former PEPCON/AMPAC site

- Investigation and remediation of the Hoover Dam waste disposal site
- Changes to state and federal perchlorate and chromium 6 regulations

Continue to monitor and comment on other matters impacting source water quality and treatment.

### State Water Project (SWP)/Bay Delta

Represent Metropolitan, as a separate party or working through the State Water Contractors (SWC), in litigation and regulatory proceedings relating to:

- Permits and operation of the SWP
- Water diversions and deliveries to Metropolitan
- The update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary
- The Delta Plan and regulations

Provide legal advice and representation regarding compliance with the Delta Plan and regulations adopted by the Delta Stewardship Council.

Provide legal support regarding Delta science and habitat restoration objectives.

Represent Metropolitan's interests before the State Water Resources Control Board (SWRCB) as a separate party or through the SWC on matters of concern to Metropolitan, including:

- Bay Delta Water Quality Control Plan amendments, including assisting with negotiation of the Agreements to Support Healthy Rivers and Landscapes
- Methyl Mercury TMDL
- Protecting stored water releases

Provide legal support in ongoing negotiations between SWC and Department of Water Resources (DWR) concerning various SWP financial and billing issues in the annual Statement of SWP Charges.

Provide support to General Manager's staff in review and implementation of Board decisions relating to the future use of the Delta Islands.

Provide legal advice and support for:

- Metropolitan's and DWR's cooperative efforts relating to SWP infrastructure, including subsidence issues and potential action by DWR
  - Implementation of the SWP Contract Extension Amendment
  - Development of the SWP Multi-Year Market Pool and similar programs for the sale and purchase of SWP water

Provide legal advice and support for drought response actions, including potential legislation or regulations affecting SWP supplies.

Continue to assist with negotiation, drafting, and documentation of proposed agreements or amendments to existing agreements, including Metropolitan's SWP contract.

### Delta Conveyance Project (DCP)

As authorized by the Board, assist with the work required to complete necessary regulatory approvals and permitting, including the change in point of diversion petition at the State Water Resources Control Board and certification of consistency with the Delta Plan.

Represent Metropolitan in anticipated a new revenue bond validation litigation, SWC amendment and potential legislation to facilitate financing and construction of the DCP.

Review and analyze proposed legislation, regulations and amendments that may affect implementation of DCP or impact Metropolitan's interest in the Delta.

Continue to assist with negotiations of SWP contract amendments to allocate costs and benefits of the DCP among the SWCs.

### Pure Water Southern California

To the extent authorized by the Board, assist with the development and implementation of the proposed Pure Water Southern California recycled water project with Los Angeles County Sanitation Districts, including assistance with:

- right-of-way acquisition
- preliminary design
- construction contracts
- electrical upgrades
- grant funding applications
- financing options and related governance structures, including possible tax treatment
- regulatory compliance issues and other matters
- partnering opportunities with agencies within and outside service area

### Groundwater Storage Projects

Assist with continued implementation of Antelope Valley-East Kern Water Agency (AVEK) High Desert Water Bank Groundwater Storage Program, including:

### Kern County Groundwater Subbasin:

- Continue to monitor updates to groundwater sustainability plans including incorporation of DWR subsidence best practices and implementation.

### Arvin-Edison Water Storage District (Arvin-Edison) Groundwater Storage Program

Continue to collaborate with Arvin-Edison regarding:

- Existing and emerging contaminants
- Operational and financial challenges

### Semitropic Water Storage District (Semitropic) Groundwater Storage Program

Continue to monitor water quality and contaminant litigation, including:

- Semitropic's lawsuit regarding 1,2,3-trichloropropane (TCP)

Continue to represent Metropolitan's interests with respect to nationwide per and polyfluoroalkyl substances (PFAS) litigation.

### Surface Water Storage

Continue to assist with the Sites Reservoir planning efforts to augment dry-year supplies and advise re participation in the next phases of the Sites Reservoir Project, including potential financial commitments, design, construction and governance.

### Distribution/Delivery

#### **State Water Project Dependent Areas**

Assist with permits and capital projects required to:

- provide additional flexibility in the operation of Metropolitan's distribution system and collaborate with Metropolitan's non-member agency partners in development and implementation of shared use programs
- meet the special needs of SWP-dependent member agencies
- address potential issues relating to potential invasive species within the SWP

#### **Transfer/Exchanges**

Provide legal advice and support for documentation of water transfers and exchanges and development of demand management programs.

Assist in development of local supply exchange program.

### Conservation

Provide legal advice and support regarding:

- Development and implementation of emergency conservation measures intended to maximize available supplies

- LRP and other conservation programs
- Advise regarding opportunities for partnership with third parties for new programs

### Legislation/Regulation

Provide legal advice and support regarding:

- issues and proposed legislation and regulations regarding both regulated and emerging contaminants, such as PFAS
- facilitation of the completion of DCP
- potential governance of Sites

Continue to monitor and participate as amicus (as appropriate) in litigation regarding:

- The definition and scope of waters of the United States protected under the federal Clean Water Act
- EPA determinations and actions to regulate specific contaminants in drinking water

### Water Supply Plans

- Implementation of the 2020 Integrated Water Resources Plan (IRP) and continued implementation of the 2020 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP)
- Support member agency coordination, public outreach, drafting, finalizing, and public hearing for the 2025 UWMP and WSCP and submit to DWR before the July 1, 2026 deadline
  - Preparation of the annual SB 60 Report to the California State Legislature regarding Metropolitan's achievements in conservation, recycling, and groundwater recharge
  - Preparation of the Annual Drinking Water Quality Report
  - Development and implementation of Metropolitan's Cross-Connection Control Plan
  - Support investigation of opportunities for increased exchange/transfers and sales including the potential for interstate transfers on the Colorado River

# Finance/Business Model/Camp4W

## Revenue

Provide legal advice regarding implementation of the adopted rates and charges and levying of ad valorem taxes.

Assist with development of new sources of revenues to meet budget demands.

Participate and provide assistance in all aspects of the review of the Camp4W development of alternatives to the business model and review of potential infrastructure projects.

Assist with grant applications and compliance.

## Financial Transactions

Provide legal support for Metropolitan’s financial transactions, including issuance of bonds and other debt instruments.

Provide review of legal compliance with financial documents in connection with the annual audit and quarterly financial reports.

Assist in development of proposed financing structures.

Assist in the preparation of accurate and timely disclosures to the municipal markets.

## Regulation/Legislation

Monitor and report on litigation and legislation relating to public agency water rates at the wholesale and retail levels and public finance.

## Training

Provide training to staff and the Board regarding financial disclosures and related securities laws.

# Representation of District in Disputed Matters/Litigation

Represent Metropolitan in litigation including:

- Disputed matters, claims and litigation arising from construction contracts, operations, and CEQA compliance
- Provide amicus support in litigation impacting Metropolitan's interests
- Coordinate with Risk Manager to resolve Government Code claims, workers' compensation claims, and settlement of litigation

Continue to represent Metropolitan's interests in pending litigation and/or engage in settlement discussions as appropriate.

## Be prepared to handle new matters including:

- Government Code claims and tort litigation
- CEQA issues
- Employment matters including PERB hearings, administrative hearings
- Construction-related litigation
- Eminent domain, pre-condemnation activities, and real property issues
- Finance-related matters
- Notices of safety violations from Cal-OSHA and be prepared to handle new matters including other regulatory entities or environmental
- Rates
- Other matters

# Operations/Sustainability

## Safety

Provide legal support for operational safety and environmental compliance.

Coordinate with Safety Staff to respond to Cal-OSHA and other regulatory issues.

Provide legal support with the development of a FEMA Hazard Mitigation Plan.

## Infrastructure

Provide legal assistance with:

- Negotiating and preparing new or amended service connection agreements
- Regulatory and permitting issues relating to both water deliveries and changes to Metropolitan's infrastructure to support operational requirements
- CEQA compliance for operations and maintenance projects

## Permits

Work with the SWRCB and Regional Boards as they revise municipal stormwater discharge permits to ensure that Metropolitan maintains the ability to discharge system water as part of maintenance operations.

Assist in obtaining permits relating to the impact of invasive species on operations

## Energy Costs and Management

Assist with implementation of the Energy Management Plan, including providing advice on:

- Wholesale energy transactions
- Sustainable energy projects
- Energy-related contracts
- Legislation and regulations

Assist staff with long-term resource and transmission planning and compliance with national electric reliability standards.

Assist with providing information and education to the Board regarding power

### Climate Action/Energy

Assist staff with implementing the Climate Action Plan, Energy Sustainability Plan, Transmission Strategic Plan, and Risk Management Policy.

Assist with implementation of contracts with Southern California Edison, the Arizona Electric Power Cooperative, Inc., and the California Independent System Operator for the operation and resource management of the Colorado River Aqueduct Transmission System.

Provide legal support to ensure that SWP energy needs are met in a cost-effective and sustainable manner.

Assist with the protection of Metropolitan's interests in determination and collection of required mitigation from third party entities developing new power generation facilities impacting Metropolitan.

Participate in or monitor proceedings to protect and promote Metropolitan's financial and regulatory interests at:

- Federal Energy Regulatory Commission
- California Independent System Operator
- California Public Utilities Commission
- Other agencies, as appropriate

Monitor climate change litigation and legislation pertaining to carbon-free generation, DWR energy procurement, and regionalization of transmission operations.

## Corporate Resources/ District Infrastructure/CIP

Provide legal support with respect to contracting for:

- Capital investment projects
- Repair and replacement projects
- Professional services
- Procurement

Provide legal support for CEQA compliance of Metropolitan's capital projects and other discretionary actions.

Analyze potential operational and environmental impacts of other agencies' projects on Metropolitan's properties and facilities.

Provide legal support to Engineering and Contracting Services on construction, procurement, and professional services contracts and solicitations.

Continue to review and work with Contracting Services to provide consistent contracting practices.

Work with outside counsel and contracting services on specialized technology contracts to protect Metropolitan's interests

Assist Business Outreach with policies related to small, regional, veteran-owned, and historically underutilized businesses.

Assist in the management and development of a data classification and new records retention schedule.

Assist with the implementation of the PLA.

### Real Property

Assist and support:

- the acquisition, management, and protection and disposition of real property assets
- reduction of expenses related to real property holdings
- generation of revenues from secondary uses to offset operational expenses.
- Assist in resolution of third-party claims relating to Metropolitan property and other assets.

Assist Asset Management in:

- Maintaining and operating MWD real property assets, Union Station Headquarters Building and Diamond Valley Lake Visitor Center in an environmentally sustainable manner

Assist Planning and Acquisition in:

- Negotiation and documentation of real property transactions
- Disposal of surplus real property
- Planning and valuation of real property and real property rights in support of near term and long-term capital projects and strategic initiatives to meet water supply and infrastructure reliability targets
- Title reviews and environmental property assessments
- Property owner and tenant relocations

Assist Land Management in:

- Management and protection of property assets and the development of secondary revenues from such holdings
- Negotiation and documentation of easements, licenses and permits for the use of land, site use agreements, and leases
- Elimination of unauthorized encroachments on Metropolitan's property
- Annexation matters

## Workforce/Human Resources

Provide representation and proactive advice on workforce and deferred compensation plan matters.

Provide legal advice and support concerning:

- Metropolitan Memoranda of Understanding (MOUs) with Bargaining Units
  - Metropolitan Administrative Code and Operating Policies regulating employee relations and personnel matters
  - Employee benefits
  - Bargaining unit consultation and negotiations
  - Personnel transactions, including recruitment, promotions, transfers, and separations
  - Workforce housing and recreational activities for Metropolitan's desert facilities
  - When requested, assist with Equal Employment Opportunity (EEO) matters, including mediation of federal U.S. Equal Employment Opportunity Commission (EEOC) and state Civil Rights Department (CRD) Complaints
  - Misconduct matters and threat assessments, as requested
- Diversity, Equity, and Inclusion initiatives and compliance, as requested

Supervise consultant investigations concerning:

- Misconduct, as referred by Human Resources or management
- Incident response investigations, as requested by management

Represent Metropolitan in:

- Pre-litigation employment claims
- Employment litigation
- California Public Employment Relations Board (PERB) matters, grievances and hearing officer appeals

Provide specialized advice on Metropolitan's deferred compensation plans, including:

- The plan investment committee
- The recordkeeper contract
- Plan amendments
- Plan loans, distributions, and death benefits

# Technology

Collaborate on information governance initiatives and policies with:

- Chief Sustainability Resiliency and Innovation Officer
- Information Technology Group, including software upgrades
- Administrative Services
- External Affairs, including ADA compliance
- Human Resources

Continue to work collaboratively with staff to advise on:

- Appropriate use of new technology and equipment
- Governance, training, and pilot testing in use of Generative Artificial Intelligence (AI) applications
- The use of drones, mobile devices, and MWD applications
- Cybersecurity issues, incident response and reporting, new cybersecurity regulations, and the cybersecurity operations center
- Data management, secure data sharing, and records retention
- Calendaring and document management system
- Website content management, access, and regulatory compliance

Work with appropriate business units for a district-wide system of record keeping with capabilities for calendaring and tracking key dates for agreement terms.

Provide training to the Board on emerging legal issues relating to Technology, AI, and social media.

# Legislation

Analyze proposed legislation affecting Metropolitan and assist with comments and draft amendments, as requested.

Prepare and/or review Metropolitan-proposed legislation and amendments.

Assist with the development of legislative strategy.

Participate in and support industry groups regarding proposed legislation, including the review and drafting of comments on proposed regulations and legislation.



# District Governance and Support

## Administration

Provide timely advice to the Board and committees and the Board Executive Office and staff on governance and legal compliance matters including Brown Act compliance and training.

Assist board support staff on agendas, board letters, board meeting process and technology.

When requested, assist the Chair of the Board, management, and staff regarding amendments to the Administrative Code.

Prepare updates of the Administrative Code and the MWD Act to conform to new legislation.

Assist with review and updates to Metropolitan's Operating Policies, and other internal policies and procedures.

Review and assist with delegations of authority.

Continue to coordinate Metropolitan's responses to Public Records Act requests.

Review contracts to ensure compliance with MWD requirements.



## Legal Department Administration

Aggressively manage outside counsel and consultant costs, while obtaining effective representation and specialized expertise to protect Metropolitan's interests.

Upgrade technology within the Legal Department and improve the efficient use of Metropolitan resources.

Provide training in new technologies, including Generative AI and cybersecurity.

Provide ongoing training opportunities related to:

- Minimum Continuing Legal Education compliance
- Litigation skills, including monthly litigation meetings
- Drafting of contracts and other documents
- Oral and written communication
- Presentation skills
- Leadership and management skills
- Various substantive areas

Develop and implement succession planning.

Provide an appropriate level of staffing.

Provide timely employee evaluations.