

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. Dick
C. Douglas
C. Kurtz
T. McCoy
C. Miller
G. Peterson
M. Ramos
K. Seckel

Legal and Claims Committee - Final - Revised 1

Meeting with Board of Directors *

January 11, 2022

8:30 a.m.

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. If you have technical difficulties with the live streaming page, a listen-only phone line is available at 1-877-853-5257; enter meeting ID: 862 4397 5848. 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, January 11, 2022 Meeting Schedule

**08:30 a.m. - L&C
10:30 a.m. - OP&T
11:30 a.m. - Break
12:00 p.m. - BOD**

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

* 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 REPORTS

- a. General Counsel's report of monthly activities

[21-779](#)

Attachments: [01112022 LC 2a Report - Revised](#)

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

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held December 14, 2021 [21-780](#)

Attachments: [01112022 LC 3A Minutes.pdf](#)

4. CONSENT CALENDAR ITEMS - ACTION

- 7-10 Approve amendments to the Administrative Code to establish changes in the committee structure of the Board; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [ADDED ITEM 1/6/2022] [21-794](#)

Attachments: [01112022 LC 7-10 B-L.pdf](#)

[Proposed Edits to One Water Committee from Dir Quinn.pdf](#)

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

5. OTHER BOARD ITEMS - ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Report on litigation, including discussions regarding potential settlement, in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)] [SUBJECT REVISED 1/6/2022] [21-781](#)

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. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.



Matters Impacting Metropolitan

California Supreme Court Addresses Legal Standard of Review in Whistleblower Retaliation Cases

In a unanimous decision, the California high court in *Wallen Lawson v. PPG Arch. Finishes Inc.*, said that the legal standard in California statutory whistleblower retaliation cases differs from the standard federal courts use in anti-discrimination employment lawsuits.

California Labor Code Section 1102.6 provides that when an employee demonstrates by a preponderance of the evidence that an employee's action to disclose a violation by the employer of state, federal or local law or regulation was a factor in an adverse employment action, the employer shall have the burden of proof to demonstrate that the adverse action would have been taken for legitimate independent reasons.

Prior to the high court's decision, some lower courts in California had used the federal standard in state whistleblower retaliation cases. Under the federal standard, an employer need only show a legitimate business reason for acting against an employee. In the high court's written opinion, Justice Leondra Kruger described that federal standard as a "well-worn, but meaningfully different, burden shifting framework."

Instead of the federal standard, the high court explained that, in accordance with the statute, a California employee suing for whistleblower retaliation need only show that an illegal retaliatory motive was a contributing factor in an employer's decision to act against the employee. Once the employee makes that showing, the employer has the burden to show by "clear and convincing evidence" that it would have taken the same adverse employment action against the employee for legitimate, independent reasons.

Matters Received by the Legal Department

| <u>Category</u> | <u>Received</u> | <u>Description</u> | |
|---|-----------------|--|--|
| Government Code Claims | 1 | Claim relating to MWD truck and claimant's personal items were stolen while parked at a mall | |
| Subpoenas | 1 | Subpoena for employment-related records for a former employee for a matter unrelated to Metropolitan | |
| Requests Pursuant to the Public Records Act | 17 | <u>Requestor</u> | <u>Documents Requested</u> |
| | | AECOM | Proposal and contract documents for Environmental Planning Phase Engineering Services for Conveyance and Recharging Facilities |
| | | California State University East Bay Student | Data on turf removal rebates from 2014 to the present |



| <u>Requestor</u> | <u>Documents Requested</u> |
|--|--|
| Center for Contract Compliance (5 requests) | (1) Certified payroll records and fringe benefit statement for Kaveh Engineering & Construction relating to its work on the West Valley Feeder 1 De Soto Avenue Valve Structure Replacement Project; (2) contract and bid information for San Diego Pipeline Nos. 1 and 2 Patrol Road Relocation; (3) contract and bid information for Dry Polymer Building Roof Replacement; (4) contract and bid information for Skinner Water Treatment Plant Cathodic Protection; and (5) contract and bid information for Mills Electrical Upgrades Stage 2 |
| CCS Global Tech | Bid tabulation, purchase order, and proposal documents for On-Call Information Technology Services |
| Donahoo & Associates | Contract, bond, and certified payroll records regarding CRA Whitewater Erosion Protection Structure Rehab |
| E.J. Ward, Inc. | Winning proposal and contract for Fuel Management System |
| Future Starts Now | Records, including budgets, agendas, notes, invoices, and memos relating to any mention of cloud seeding, weather modification, silver iodide, attenuated bacteria, increasing precipitation, and/or rainmaking from 2000 to the present |
| HELIX Environmental Planning | Rankings for consultants' responses to requests for qualifications for (1) Biological Resources Management, (2) Cultural Resources Management, (3) Regulatory Permitting and Guidance, (4) General On-Call Environmental Planning Services, and (5) Environmental Planning Support for Specific Future CIP and/or Special Projects; and copies of proposals submitted for Regional Recycled Water Program - Environmental Planning Support |
| Student, School in the Kern High School District | Water quality data for the Southern California area |
| Otay Water District Board Member | Data regarding MWD consultants |



| <u>Requestor</u> | <u>Documents Requested</u> |
|--------------------------|--|
| Private Citizen | Maps showing MWD easements for San Diego Pipelines Nos. 1 and 2 near Patton Avenue |
| Quality Sprayers | Current contracts with Lawnsapes Systems and Powerland Equipment for (1) weed abatement and trash removal service at Skinner, and (2) weed abatement, herbicide application and trash removal service at DVL |
| Specialty Mowing Service | Winning bid and annual spend for Lake Skinner Distribution System Weed Abatement and Trash Removal Services |

Matters Concluded and/or Terminated

Central Delta Water Agency v. California Department of Water Resources – Supreme Court denies review, ending the “Monterey Plus” Litigation

On January 5, 2022, the California Supreme Court denied review in a pair of appeals after the Court of Appeal issued its opinion in September 2021, affirming the trial court rulings in three cases regarding amendments to the State Water Project (SWP) contracts known as the Monterey Plus Amendments and related actions.

The Supreme Court’s action ends 27 years of litigation over contract amendments first agreed to in 1995. Since DWR and the State Water Contractors have been operating under the underlying amendments for decades, the Supreme Court’s denial maintains the status quo, ending decades of uncertainty.

In September 2021, the Court of Appeal upheld the adequacy of the “Monterey Plus” Environmental Impact Report (EIR) issued in 2010, the revised EIR issued in 2016, the validity of the Monterey Amendments and Kern Fan Element Transfer Agreement, and the trial court’s denial of attorneys’ fees. *Central Delta Water Agency v. Department of Water Resources* (2021) 69 Cal.App.5th 170. Plaintiffs argued that the amendments encourage unsustainable farming and place the Kern Water Bank under the control of private farming interests, and that DWR’s environmental analysis overlooked potentially significant impacts to the Bay-Delta.

Metropolitan was an active participant in the many rounds of litigation along with other SWP contractors.

The litigation stems from amendments to the SWP contracts approved in 1995 after an agreement reached in late 1994 in Monterey. Those amendments altered the SWP water allocation procedures in times of shortage by eliminating the so-called “urban preference” and requiring instead that deliveries to both agricultural and urban SWP contractors would, with exceptions, be reduced proportionately. They also transferred land known as the Kern Fan Element from the Department of Water Resources to the Kern County Water Agency (then transferred to the Kern Water Bank Authority to create the Kern Water Bank); authorized permanent sales of water among contractors; and implemented various other changes in administration of the SWP.

Planning and Conservation League (PCL) and other plaintiffs litigated under CEQA and challenged the validity of both the Monterey Amendments and the Kern Fan Element transfer, resulting in a published decision in *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892. The parties settled, and DWR agreed to prepare a new EIR that would cover the original Monterey Amendments, the Kern Fan Element transfer and some additional contract amendments that became known as the “Monterey Plus” project.

In 2010, DWR certified the Monterey Plus EIR, and two new cases were filed. Both challenged the



EIR under CEQA and one challenged the SWP contract amendments and Kern Fan Element transfer. The trial court ruled that the EIR failed to adequately analyze impacts of the Kern Water Bank on adjacent groundwater. In 2016, DWR

certified a Revised Monterey Plus EIR to address the trial court ruling. Two more cases were filed challenging the revised EIR, but the trial court ruled in DWR's favor, and the three appeals ensued that have now been conclusively decided.



PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TABLES WILL BE SHOWN IN RED.
- ANY CHANGE IN CONTRACT AMOUNTS WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).



| Bay-Delta and SWP Litigation | |
|---|---|
| Subject | Status |
| <p>Consolidated DCP Revenue Bond Validation Action and CEQA Case</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 EarlTBD) <u>(Judge Earl has been appointed as a justice at the Third Appellate District of the California Court of Appeal in Sacramento)</u></p> | <ul style="list-style-type: none"> • Validation Action <ul style="list-style-type: none"> • Metropolitan, Mojave Water Agency, Coachella Valley Water District, and Santa Clarita Valley Water Agency have filed answers in support • Kern County Water Agency, Tulare Lake Basin Water Storage District, Oak Flat Water District, County of Kings, Kern Member Units & Dudley Ridge Water District, and City of Yuba City filed answers in opposition • North Coast Rivers Alliance et al., Howard Jarvis Taxpayers Association, Sierra Club et al., County of Sacramento & Sacramento County Water Agency, CWIN et al., Clarksburg Fire Protection District, Delta Legacy Communities, Inc, and South Delta Water Agency & Central Delta Water Agency have filed answers in opposition • Case ordered consolidated with the DCP Revenue Bond CEQA Case for pre-trial and trial purposes and assigned to Judge Earl for all purposes • <u>DWR's motions for summary judgment re CEQA affirmative defenses granted; cross-motions by opponents denied</u> • CEQA Case <ul style="list-style-type: none"> • Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a standalone CEQA lawsuit challenging DWR's adoption of the bond resolutions • Alleges DWR violated CEQA by adopting bond resolutions before certifying a Final EIR for the Delta Conveyance Project • Cases ordered consolidated for pre-trial and trial purposes • <u>DWR's motion for summary judgment granted; Sierra Club's motion denied</u> |



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| <p>SWP-CVP 2019 BiOp Cases</p> <p><i>Pacific Coast Fed’n of Fishermen’s Ass’ns, et al. v. Raimondo, et al. (PCFFA)</i></p> <p><i>Calif. Natural Resources Agency, et al. v. Raimondo, et al. (CNRA)</i></p> <p>Federal District Court, Eastern Dist. of California, Fresno Division (Judge Drozd)</p> | <ul style="list-style-type: none"> • SWC intervened in both <i>PCFFA</i> and <i>CNRA</i> cases • Briefing on federal defendants’ motion to dismiss CNRA’s California ESA claim is complete; no hearing date set and may be decided on the papers • Federal defendants circulated administrative records for each of the BiOps • December 18, 2020 PCFFA and CNRA filed motions to complete the administrative records or to consider extra-record evidence in the alternative • Federal defendants reinitiated consultation on Oct 1, 2021 • On Nov. 8, 2021, Federal Defendants and PCFFA plaintiffs stipulated to inclusion of certain records in the Administrative Records and to defer further briefing on the matter until July 1, 2022 • On Nov. 12, 2021, SWC filed a motion to amend its pleading to assert cross-claims against the federal defendants for violations of the ESA, NEPA and WIIN Act; Court has yet to set a hearing date • November 23, 2021, Federal Defendants filed a motion for voluntary remand of the 2019 Biological Opinions and NEPA Record of Decision and requesting that the Court issue an order approving an Interim Operations Plan through September 30, 2022; that the cases be stayed for the same time period; and that the Court retain jurisdiction during the pendency of the remand. State Plaintiffs filed a motion for injunctive relief seeking judicial approval of the Interim Operations Plan • December 16, 2021 – NGO Plaintiffs <u>filed</u> a motion for preliminary injunction related to interim operations • <u>Motions fully briefed as of Jan. 24, 2022</u> • <u>Hearing on motions set for Feb. 11, 2022</u> |
| <p>CESA Incidental Take Permit Cases</p> <p>Coordinated Case Name <i>CDWR Water Operations Cases</i>, JCCP 5117 (Coordination Trial Judge Gevercer)</p> | <ul style="list-style-type: none"> • All 8 cases ordered coordinated in Sacramento County Superior Court • Stay on discovery issued until coordination trial judge orders otherwise • All four Fresno cases transferred to Sacramento to be heard with the four other coordinated cases |



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| <p><i>Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA/Breach of Contract)</p> <p><i>State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA)</p> <p><i>Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources</i> (CEQA)</p> <p><i>San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA/ Breach of Contract/Takings)</p> <p><i>Sierra Club, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p> <p><i>North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p> <p><i>Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin)</p> <p><i>San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA)</p> | <ul style="list-style-type: none"> • SWC and Metropolitan have submitted Public Records Act requests seeking administrative record materials and other relevant information • Answers filed in the three cases filed by State Water Contractors, including Metropolitan's • Draft administrative records produced on Sept. 16, 2021 • Certified administrative records due early March 2022 |
| <p>CDWR Environmental Impact Cases Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C091771 (20 Coordinated Cases)</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> | <ul style="list-style-type: none"> • Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit • January 10, 2020 – Nine motions for attorneys' fees and costs denied in their entirety • Parties have appealed attorneys' fees and costs rulings • Appeals fully briefed |
| <p>COA Addendum/ No-Harm Agreement</p> <p><i>North Coast Rivers Alliance v. DWR</i> Sacramento County Superior Ct. (Judge Gevercer)</p> | <ul style="list-style-type: none"> • Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine • USBR Statement of Non-Waiver of Sovereign Immunity filed September 2019 • Westlands Water District and North Delta Water Agency granted leave to intervene • Metropolitan & SWC monitoring • Deadline to prepare administrative record extended to <u>March 21</u>, 2022 |



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| | <ul style="list-style-type: none"> July 22, 2022 hearing on the merits |
| <p>Delta Plan Amendments and Program EIR 4 Consolidated Cases Sacramento County Superior Ct. (Judge Gevercer)</p> <p><i>North Coast Rivers Alliance, et al. v. Delta Stewardship Council</i> (lead case)</p> <p><i>Central Delta Water Agency, et al. v. Delta Stewardship Council</i></p> <p><i>Friends of the River, et al. v. Delta Stewardship Council</i></p> <p><i>California Water Impact Network, et al. v. Delta Stewardship Council</i></p> <p>Delta Stewardship Council Cases 3 Remaining Cases (CEQA claims challenging original 2013 Delta Plan EIR) (Judge Chang)</p> <p><i>North Coast Rivers Alliance, et al. v. Delta Stewardship Council</i></p> <p><i>Central Delta Water Agency, et al. v. Delta Stewardship Council</i></p> <p><i>California Water Impact Network, et al. v. Delta Stewardship Council</i></p> | <ul style="list-style-type: none"> Cases challenge, among other things, the Delta Plan Updates recommending dual conveyance as the best means to update the SWP Delta conveyance infrastructure to further the coequal goals Allegations relating to “Delta pool” water rights theory and public trust doctrine raise concerns for SWP and CVP water supplies Cases consolidated for pre-trial and trial under <i>North Coast Rivers Alliance v. Delta Stewardship Council</i> SWC granted leave to intervene Metropolitan supports SWC 2013 and 2018 cases to be heard separately due to peremptory challenge SWC and several individual members, including Metropolitan, SLDMWA and Westlands have dismissed their remaining 2013 CEQA claims but remain intervenor-defendants in the three remaining <i>Delta Stewardship Council Cases</i> <p>2013 Cases</p> <ul style="list-style-type: none"> Hearing on merits of CEQA claims in the three remaining 2013 cases re-set for Feb. 25, 2022 <p>2018 Cases</p> <ul style="list-style-type: none"> <u>2018 Cases fully briefed as of Jan. 24, 2022, hearing on the merits set for July 22, 2022</u> |



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| <p>SWP Contract Extension Validation Action Sacramento County Superior Ct. (Judge Culhane) <i>DWR v. All Persons Interested in the Matter, etc.</i></p> | <ul style="list-style-type: none">• DWR seeks a judgment that the Contract Extension amendments to the State Water Contracts are lawful• Metropolitan and 7 other SWCs filed answers in support of validity to become parties• Four answers filed in opposition denying validity on multiple grounds raised in affirmative defenses• Case deemed related to the two CEQA cases below and assigned to Judge Culhane• DWR certified the administrative record for the validation action on May 3, 2021• Parties stipulated to a revised briefing schedule in all three related cases (validation and CEQA):<ul style="list-style-type: none">• Opening Briefs Sept. 17, 2021• Opposition Briefs Nov. 15, 2021• Reply Briefs Dec. 17, 2021• Jan. 5-7, 2022 Hearing on the merits <u>held</u> with CEQA cases, below |
| <p>SWP Contract Extension CEQA Cases Sacramento County Superior Ct. (Judge Culhane) <i>North Coast Rivers Alliance, et al. v. DWR</i> <i>Planning & Conservation League, et al. v. DWR</i></p> | <ul style="list-style-type: none">• Petitions for writ of mandate alleging CEQA and Delta Reform Act violations filed on January 8 & 10, 2019• Deemed related to DWR's Contract Extension Validation Action and assigned to Judge Culhane• Administrative Record completed• DWR filed its answers on September 28, 2020• Metropolitan, Kern County Water Agency and Coachella Valley Water District have intervened and filed answers in the two CEQA cases• Briefing and hearing on the merits same as for the SWP Contract Extension Validation Action, above |



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| <p>Delta Conveyance Project Soil Exploration Case</p> <p><i>Central Delta Water Agency, et al. v. DWR</i> Sacramento County Superior Ct. (Judge Chang)</p> | <ul style="list-style-type: none"> • Filed August 10, 2020 • Plaintiffs Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta • One cause of action alleging that DWR's adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) for soil explorations needed for the Delta Conveyance Project violates CEQA • March 24, 2021 Second Amended Petition filed to add allegation that DWR's addendum re changes in locations and depths of certain borings violates CEQA • Deadline to prepare the administrative record extended to <u>Feb. 21, 2022</u> • DWR's petition to add the 2020 CEQA case to the <i>Department of Water Resources Cases</i>, JCCP 4594, San Joaquin County Superior Court <u>denied</u> |
| <p>Water Management Tools Contract Amendment</p> <p><i>California Water Impact Network et al. v. DWR</i> Sacramento County Superior Ct. (Judge Earl<u>TBD</u>)</p> <p><i>North Coast Rivers Alliance, et al. v. DWR</i> Sacramento County Super. Ct. (Judge Earl<u>TBD</u>)</p> | <ul style="list-style-type: none"> • 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 • Parties have stipulated to production of a draft administrative record by April 1, 2022 and to a timeline to attempt to resolve any disputes over the contents • CWIN case reassigned to Judge Earl so both cases will be heard together • SWC motion to intervene in both cases <u>granted</u> |



| San Diego County Water Authority v. Metropolitan, et al. | | |
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| Cases | Date | Status |
| 2010, 2012 | Aug. 13-14, 2020 | Final judgment and writ issued. Transmitted to the Board on August 17. |
| | Aug. 28, Sept. 1 | SDCWA and Metropolitan filed memoranda of costs. |
| | Sept. 11 | Metropolitan filed notice of appeal of judgment and writ. |
| | Sept. 14, 16 | Metropolitan filed motion to strike SDCWA's costs memorandum, and SDCWA filed motion to strike or tax Metropolitan's costs memorandum. |
| | Jan. 13, 2021 | Court issued order finding SDCWA is the prevailing party on the Exchange Agreement, entitled to attorneys' fees and costs under the contract. |
| | Feb. 4 | Metropolitan filed opening appellate brief regarding final judgment and writ. |
| | Feb. 10 | Court issued order awarding SDCWA statutory costs, granting SDCWA's and denying Metropolitan's related motions. |
| | Feb. 16 | Per SDCWA's request, Metropolitan paid contract damages in 2010-2012 cases judgment and interest. Metropolitan made same payment in Feb. 2019, which SDCWA rejected. |
| | Feb. 25 | Metropolitan filed notice of appeal of Jan. 13 (prevailing party on Exchange Agreement) and Feb. 10 (statutory costs) orders. |
| | Aug. 5 | Metropolitan filed opening appellate brief regarding prevailing party on the Exchange Agreement and statutory costs. |
| | Sept. 21 | Court of Appeal issued opinion on Metropolitan's appeal regarding final judgment and writ, holding: (1) the court's 2017 decision invalidating allocation of Water Stewardship Rate costs to transportation in the Exchange Agreement price and wheeling rate applied not only to 2011-2014, but also 2015 forward; (2) no relief is required to cure the judgment's omission of the court's 2017 decision that allocation of State Water Project costs to transportation is lawful; and (3) the writ is proper and applies to 2015 forward. |
| | Sept. 21 | SDCWA filed responding appellate brief regarding prevailing party on the Exchange Agreement and statutory costs. |
| | Mar. 16, 2022 | Court of Appeal oral argument regarding prevailing party on the Exchange Agreement and statutory costs. |



| Cases | Date | Status |
|------------|---------------|---|
| 2014, 2016 | Aug. 28, 2020 | SDCWA served first amended (2014) and second amended (2016) petitions/complaints. |
| | Sept. 28 | Metropolitan filed demurrers and motions to strike portions of the amended petitions/complaints. |
| | Sept. 28-29 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the demurrers and motions to strike. |
| | Feb. 16, 2021 | Court issued order denying Metropolitan's demurrers and motions to strike, allowing SDCWA to retain contested allegations in amended petitions/complaints. |
| | March 22 | Metropolitan filed answers to the amended petitions/complaints and cross-complaints against SDCWA for declaratory relief and reformation, in the 2014, 2016 cases. |
| | March 22-23 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the amended petitions/complaints in the 2014, 2016 cases. |
| | April 23 | SDCWA filed answers to Metropolitan's cross-complaints. |
| | Sept. 30 | Based on the Court of Appeal's Sept. 21 opinion (described above), and the Board's Sept. 28 authorization, Metropolitan paid \$35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest. |
| 2017 | July 23, 2020 | Dismissal without prejudice entered. |
| 2018 | July 28 | Parties filed a stipulation and application to designate the case complex and related to the 2010-2017 cases, and to assign the case to Judge Massullo's court. |
| | Nov. 13 | Court ordered case complex and assigned to Judge Massullo's court. |
| | April 21 | SDCWA filed second amended petition/complaint. |
| | May 25 | Metropolitan filed motion to strike portions of the second amended petition/complaint. |



| Cases | Date | Status |
|------------------|---------------|--|
| 2018 (cont.) | May 25-26 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the motion to strike. |
| | July 19 | Court issued order denying Metropolitan's motion to strike portions of the second amended petition/complaint. |
| | July 29 | Metropolitan filed answer to the second amended petition/complaint and cross-complaint against SDCWA for declaratory relief and reformation. |
| | July 29 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the second amended petition/complaint. |
| | Aug. 31 | SDCWA filed answer to Metropolitan's cross-complaint. |
| 2014, 2016, 2018 | June 11 | Metropolitan lodged administrative records. |
| | June 11, 21 | Deposition of non-party witness. |
| | Aug. 25 | Hearing on Metropolitan's motion for further protective order regarding deposition of non-party witness. |
| | Aug. 25 | Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial. |
| | Aug. 30 | Court issued order granting Metropolitan's motion for a further protective order regarding deposition of non-party witness. |
| | Aug. 31 | SDCWA filed consolidated answer to Metropolitan's cross-complaints in the 2014, 2016, and 2018 cases. |
| | Oct. 27 | Parties submitted to the court a joint stipulation and proposed order staying discovery through Dec. 8 and resetting pre-trial deadlines. |
| | October 29 | Court issued order staying discovery through Dec. 8 and resetting pre-trial deadlines, while the parties discuss the prospect of settling some or all remaining claims and crossclaims. |
| | Jan. 12, 2022 | Case Management Conference. <u>Court ordered a 35-day case stay to allow the parties to focus on settlement negotiations, with weekly written check-ins with the court; and directed the parties to meet and confer regarding discovery and deadlines.</u> |



| | <u>Jan. 27, 2022</u> | <u>Parties submitted to the court a joint stipulation and proposed order resetting pre-trial deadlines.</u> |
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| | <u>Feb. 23, 2022</u> | <u>Next Case Management Conference.</u> |
| Cases | Date | Status |
| All Cases | April 15, 2021 | Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022. |
| | April 27 | SDCWA served notice of deposition of non-party witness. |
| | May 13-14 | Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness. |
| | June 4 | Ruling on motions to quash and for protective order. |



| Outside Counsel Agreements | | | | |
|------------------------------------|--|---------------|-----------------|------------------|
| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
| Andrade Gonzalez LLP | MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation | 185894 | 07/20 | \$250,000 |
| Aleshire & Wynder | Oil, Mineral and Gas Leasing | 174613 | 08/18 | \$50,000 |
| Atkinson Andelson Loya Ruud & Romo | Employee Relations | 59302 | 04/04 | \$1,214,517 |
| | MWD v. Collins | 185892 | 06/20 | \$100,000 |
| | Delta Conveyance Project Bond Validation-CEQA Litigation | 185899 | 09/21 | \$100,000 |
| | MWD Drone and Airspace Issues | 193452 | 08/20 | \$50,000 |
| | Equal Employee Opportunity Commission Charge | 200462 | 03/21 | \$20,000 |
| | Public Employment Relations Board Charge No. LA-CE-1441-M | 200467 | 03/21 | \$30,000 |
| | Representation re the Shaw Law Group's Investigations | 200485 | 05/20/21 | \$50,000 |
| | DFEH Charge [REDACTED] (DFEH Number 202102-12621316) | 201882 | 07/01/21 | \$25,000 |
| | AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period) | 201883 | 07/12/21 | \$30,000 |
| | AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M | 201889 | 09/15/21 | \$20,000 |
| | MWD MOU Negotiations** | 201893 | 10/05/21 | \$100,000 |
| | <u>DFEH Charge [REDACTED] (DFEH Number 202106-13819209)</u> | <u>203439</u> | <u>12/14/21</u> | <u>\$15,000</u> |
| Best, Best & Krieger | Navajo Nation v. U.S. Department of the Interior, et al. | 54332 | 05/03 | \$185,000 |
| | Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs) | 170697 | 08/17 | \$500,000 |
| | Environmental Compliance Issues | 185888 | 05/20 | \$50,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|---|--|---------------|----------------|------------------|
| Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP | FCC and Communications Matters | 110227 | 11/10 | \$100,000 |
| Buchalter, a Professional Corp. | Union Pacific Industry Track Agreement | 193464 | 12/07/20 | \$50,000 |
| Burke, Williams & Sorensen, LLP | Real Property - General | 180192 | 01/19 | \$100,000 |
| | Labor and Employment Matters | 180207 | 04/19 | \$50,000 |
| | General Real Estate Matters | 180209 | 08/19 | \$100,000 |
| Law Office of Alexis S.M. Chiu* | Bond Counsel | 200468 | 07/21 | N/A |
| Cislo & Thomas LLP | Intellectual Property | 170703 | 08/17 | \$75,000 |
| Curls Bartling P.C.* | Bond Counsel | 174596 | 07/18 | N/A |
| | Bond Counsel | 200470 | 07/21 | N/A |
| Duane Morris LLP | SWRCB Curtailment Process | 138005 | 09/14 | \$615,422 |
| Duncan, Weinberg, Genzer & Pembroke PC | Power Issues | 6255 | 09/95 | \$3,175,000 |
| Ellison, Schneider, Harris & Donlan | Colorado River Issues | 69374 | 09/05 | \$175,000 |
| | Issues re SWRCB | 84457 | 06/07 | \$200,000 |
| Haden Law Office | Real Property Matters re Agricultural Land | 180194 | 01/19 | \$50,000 |
| Hanson Bridgett LLP | SDCWA v. MWD | 124103 | 03/12 | \$1,100,000 |
| | Finance Advice | 158024 | 12/16 | \$100,000 |
| | Deferred Compensation/HR | 170706 | 10/17 | \$ 400,000 |
| | Tax Issues | 180200 | 04/19 | \$50,000 |
| Hausman & Sosa, LLP | MOU Hearing Officer Appeal | 201892 | 09/21 | \$25,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|--|---|---------------|-----------------|------------------|
| Hawkins Delafield & Wood LLP* | Bond Counsel | 193469 | 07/21 | N/A |
| Horvitz & Levy | SDCWA v. MWD | 124100 | 02/12 | \$900,000 |
| | General Appellate Advice | 146616 | 12/15 | \$100,000 |
| | <u>MWD v. Collins</u> | <u>203449</u> | <u>01/03/22</u> | <u>\$20,000</u> |
| Hunt Ortmann Palffy Nieves Darling & Mah, Inc. | Construction Contracts/COVID-19 Emergency | 185883 | 03/20 | \$40,000 |
| Internet Law Center | HR Matter | 174603 | 05/18 | \$60,000 |
| | Cybersecurity and Privacy Advice and Representation | 200478 | 04/13/21 | \$100,000 |
| | Systems Integrated, LLC v. MWD | 201875 | 05/17/21 | \$40,000 |
| Amira Jackmon, Attorney at Law* | Bond Counsel | 200464 | 07/21 | N/A |
| Jackson Lewis P.C. | Employment: Department of Labor Office of Contract Compliance (OFCCP) | 137992 | 02/14 | \$45,000 |
| Jones Hall, A Professional Law Corporation* | Bond Counsel | 200465 | 07/21 | N/A |
| Kegel, Tobin & Truce | Workers' Compensation | 180206 | 06/19 | \$250,000 |
| Lesnick Prince & Pappas LLP | Topock/PG&E's Bankruptcy | 185859 | 10/19 | \$30,000 |
| Lieberth Cassidy Whitmore | Labor and Employment | 158032 | 02/17 | \$201,444 |
| | EEO Investigations | 180193 | 01/19 | \$100,000 |
| | FLSA Audit | 180199 | 02/19 | \$50,000 |
| LiMandri & Jonna LLP | Bacon Island Subrogation | 200457 | 03/21 | \$50,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|------------------------------------|--|---------------|----------------|------------------|
| Manatt, Phelps & Phillips | In Re Tronox Incorporated | 103827 | 08/09 | \$540,000 |
| | SDCWA v. MWD rate litigation | 146627 | 06/16 | \$2,900,000 |
| Meyers Nave Riback Silver & Wilson | OCWD v. Northrop Corporation | 118445 | 07/11 | \$2,300,000 |
| | IID v. MWD | 185900 | 08/20 | \$ 410,000 |
| | IID v. MWD (Contract Litigation) | 193472 | 02/21 | \$100,000 |
| Miller Barondess, LLP | SDCWA v. MWD | 138006 | 12/14 | \$600,000 |
| Morgan, Lewis & Bockius | SDCWA v. MWD | 110226 | 07/10 | \$8,750,000 |
| | Project Labor Agreements | 200476 | 04/21 | \$100,000 |
| Musick, Peeler & Garrett LLP | Colorado River Aqueduct Electric Cables Repair/Contractor Claims | 193461 | 11/20 | \$300,000 |
| Norton Rose Fulbright US LLP* | Bond Counsel | 200466 | 07/21 | N/A |
| Olson Remcho LLP | Government Law | 131968 | 07/14 | \$200,000 |
| | Ethics Office | 170714 | 01/18 | \$350,000 |
| Ryan & Associates | Leasing Issues | 43714 | 06/01 | \$200,000 |
| Seyfarth Shaw LLP | HR Litigation | 185863 | 12/19 | \$250,000 |
| | Claim (Contract #201897) | 201897 | 11/04/21 | \$100,000 |
| | Claim (Contract #203436) | 203436 | 11/15/21 | \$100,000 |
| Stradling Yocca Carlson & Rauth* | Bond Counsel | 200471 | 07/21 | N/A |
| Theodora Oringer PC | OHL USA, Inc. v. MWD | 185854 | 09/19 | \$1,100,000 |
| | Construction Contracts - General Conditions Update | 185896 | 07/20 | \$100,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|--------------------------|---|---------------|----------------|------------------|
| Thomas Law Group | MWD v. DWR, CDFW, CDNR – Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation | 185891 | 05/20 | \$250,000 |
| | Iron Mountain SMARA (Surface Mining and Reclamation Act) | 203435 | 12/03/21 | \$100,000 |
| Thompson Coburn LLP | FERC Representation re Colorado River Aqueduct Electrical Transmission System | 122465 | 12/11 | \$100,000 |
| | NERC Energy Reliability Standards | 193451 | 08/20 | \$100,000 |
| 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 |
| Western Water and Energy | California Independent System Operator Related Matters | 193463 | 11/20/20 | \$100,000 |

*Expenditures paid by Bond Proceeds/Finance

**Expenditures paid by another group

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MINUTES

LEGAL AND CLAIMS COMMITTEE

December 14, 2021

Chair Dick called the teleconference meeting to order at 10:02 a.m.

Members present: Chair Dick, Directors Atwater, Camacho (entered after roll call), Fellow, Phan, Record, Smith, Sutley, and Tamaribuchi.

Members absent: Directors Goldberg and Kassakhian.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Cordero, De Jesus, Dennstedt, Fong-Sakai, Jung, Kurtz, Lefevre, Luna, Miller, Ortega, Pressman, Quinn, Ramos, Repenning, and Williams.

Committee Staff present: Beatty, Hagekhalil, Miyashiro, Scully, Torres, and Upadhyay.

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

None

2. MANAGEMENT REPORTS

- a. Subject: General Counsel’s report of monthly activities

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

CONSENT CALENDAR OTHER ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held November 9, 2021.

No comments on the minutes.

4. CONSENT CALENDAR ITEMS – ACTION

The following directors made remarks: Miller and Fong-Sakai

- 7-9** Subject Adopt amendment to the Administrative Code establishing Metropolitan-specific parliamentary procedures; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion: Retain Metropolitan’s current procedural rules with amendments to Administrative Code Sections 2205 and 2401 to provide that a parliamentary ruling by the Chair of a committee or the Board may be overruled by a majority vote of the applicable committee or Board
- Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave a report on this item.

The following Directors provided comments or asked questions:

1. Chairwoman Gray
2. Ortega
3. Smith
4. Repenning
5. Sutley
6. Fong-Sakai
7. Chair Dick

Director Tamaribuchi made a motion, seconded by Director Fellow, to approve the consent calendar consisting of Items 3A and 7-9:

The vote was:

- Ayes: Directors Atwater, Dick, Fellow, Record, Smith, and Tamaribuchi
- Noes: Sutley and Phan
- Recusal: None
- Abstain: None
- Absent: Camacho, Goldberg, and Kassakhian

The motion for Items 3A and 7-15 passed by a vote of 6 ayes, 2 noes, 0 abstain, and 3 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Report on San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014 action and the first 2016 action.
[Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

Presented by: General Manager Adel Hagekhalil and General Counsel Marcia Scully

Directors Fong-Sakai, Miller, and Smith, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

Director Phan recused herself for the report on this item.

In closed session, General Manager Adel Hagekhalil gave a report on this item with input from General Counsel Marcia Scully.

- b. Subject Discussion of Department Head Performance and Goal Setting
[Public employees' performance evaluations – General Counsel; to be heard in closed session pursuant to Gov. Code Section 54957]

This item was deferred. There was no discussion on this item.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on January 11, 2022.

Meeting adjourned at 11:34 a.m.

Larry Dick
Chair



● **Board of Directors**
Legal and Claims Committee

1/11/2022 Board Meeting

7-10

Subject

Approve amendments to the Administrative Code to establish changes in the committee structure of the Board; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

At its November 23, 2021 special meeting, the Board approved the following changes to the Board's committee structure and directed staff to return to the Board with revisions to the Administrative Code required to implement the changes:

1. Establish a new Underserved Communities standing committee.
2. Establish a new Imported Water standing committee.
3. Establish the Conservation and Local Resources Special Committee as a standing committee and re-name as the Conservation and Local Resources One Water Committee.
4. Establish a new Diversity, Equity and Inclusion Committee as a standing committee.
5. Delete the Bay-Delta Committee.

Attachment 1 shows the new version of the Metropolitan Administrative Code as it would read upon Board approval of the proposed changes. The proposed substantive amendments are set forth on **Attachment 2** with strikeouts showing deletions and underlining showing additions.

Details

In accordance with the authorization by the Board at the November 23, 2021 special meeting, this letter provides detail and proposed changes to the Metropolitan Administrative Code to implement changes to the Board's Committee structure to create four new standing committees (Underserved Communities, Imported Water, One Water (Conservation and Local Resources), and Diversity, Equity and Inclusion) and to delete the Bay-Delta Committee. The allocation of duties to the new committees requires minor modifications to the duties of the Water Planning and Stewardship; Engineering and Operations; and the Organization, Personnel and Technology Committees to avoid duplication. If approved by the Board, the changes will be effective February 1, 2022.

A clean copy of the proposed changes is attached as **Attachment 1**. A redlined copy showing all of the changes is attached as **Attachment 2**. The proposed changes to the committee structure and duties are summarized below.

A. New Committees

1. The new Underserved Communities Committee will study, advise and make recommendations regarding the ways in which Metropolitan can:
 - a. Better serve the disadvantaged and underserved communities within Metropolitan's service area.
 - b. Improve the access of these communities to reliable, high-quality drinking water supplies.
 - c. Increase the participation of currently underserved communities in Metropolitan's rebate, conservation, and other local resources programs.

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

The Underserved Communities Committee will meet as needed.

2. The new Imported Water Committee will study, advise and make recommendations regarding:
 - a. Issues relating to the protection of Metropolitan's rights to receive imported water supplies from any source.
 - b. Issues relating to the operation of the State Water Project and the implementation of Metropolitan's State Water Contract, including Bay-Delta issues.
 - c. Issues relating to the Colorado River, including negotiation and implementation of agreements with and among Colorado River Contractors.
 - d. The protection of Metropolitan's water supply from, and mitigation of the impacts of water development on, the Colorado River.
 - e. Issues relating to imported water from any additional source.
 - f. The effect of existing and proposed federal, state, and local environmental, water supply and water conveyance statutes, regulations and permits on Metropolitan's water supplies from all sources.
 - g. Policies and procedures regarding the delivery and exchange of imported water for various uses.
 - h. Receipt of the Water Surplus and Drought Management Report.

The Imported Water Committee will meet as needed.

3. The duties of the One Water (Conservation and Local Resources) Committee will include the duties of the prior Conservation and Local Resources Special Committee. The duties of the Committee will emphasize the comprehensive integration of programs to achieve One Water solutions and include:
 - a. Establishing policies and programs regarding water conservation and reuse, watershed management, storm water capture and management, recycling, sustainable groundwater management and protection, underground storage, and use thereof.
 - b. Seawater desalination, reclamation and their development and brackish water issues in Metropolitan's service area, and use thereof.
 - c. Overseeing development and implementation of Metropolitan's Local Resources and Conservation Programs and other efforts to meet local supply and water use efficiency.
 - d. Recommending comprehensive solutions to regional supply problems with the intent to increase water reliability, cost effectiveness and environmental benefit.
 - e. Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from external representatives.
 - f. Creating opportunities for collaboration to advance development of local supplies and achieving greater water use efficiency.

The One Water (Conservation and Local Resources) Committee will meet as needed.

4. The Diversity, Equity and Inclusion (DE&I) Committee will:
 - a. Be the home committee for Metropolitan's DE&I Officer.
 - b. Receive input, policy, and procedure recommendations from the DE&I Council for consideration and recommendation to the full Board.
 - c. Study diversity, equity and inclusion issues within Metropolitan to recommend to the full Board programs to enhance and promote equal employment opportunity, affirmative action, increased diversity of the workforce and a culture of inclusion within Metropolitan.

- d. Promote workforce development programs, including training and advancement opportunities to increase diversity, equity and inclusion within Metropolitan and benefit the communities within Metropolitan's service area.
- e. Study areas of special concern to the District and its employees, including, but not limited to, equal employment opportunity and affirmative action.

The Diversity, Equity and Inclusion Committee will meet as needed.

B. Deleted Committee

The Bay-Delta Committee will be deleted.

C. Changes in Duties of Existing Committees

1. The duties of the Water Planning and Stewardship Committee will be modified to:
 - a. Transfer its duties relating to the Colorado River and State Water Project to the Imported Water Committee.
 - b. Transfer its duties relating to water conservation, recycling and reuse, storage and capture of water within local surface and groundwater facilities, desalination and related matters to the One Water (Conservation and Local Resources) Committee.
 - c. Retain the duties for Metropolitan's Water Supply Planning, including the Integrated Resources Planning Process and completion of the Urban Water Management Plan and related policies.
2. The duties which shall remain the same are:
 - a. Consider policies regarding importing, distributing, transferring and wheeling water as required by Metropolitan.
 - b. Consider the effect of existing and proposed federal, state, and local water supply, and water management statutes and environmental regulations on supplies within Metropolitan's service area.
 - c. Consider policies and procedures regarding the delivery and exchange of water for various uses.
 - d. Environmental compliance and requirements.
3. The duties of the Operations, Personnel and Technology Committee will be modified to move initial study of areas of special concern to Metropolitan and its employees, including equal employment opportunity and affirmative action to the Diversity, Equity and Inclusion Committee.
4. The duties of the Engineering and Operations Committee will be modified to include changes in Metropolitan's aqueduct system to provide for the changing needs of Metropolitan's member agencies.

Policy

Metropolitan Administrative Code Section 2400: Identification of Committees.

Metropolitan Administrative Code Section 11104: Delegation of Responsibilities.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

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

CEQA determination for Option #2:

None required

Board Options

Option #1

Approve the recommendations for changes in the Metropolitan Administrative Code to modify the Board Committee structure as set forth in **Attachment 1** to reflect the new committee structure and duties.

Fiscal Impact: None

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

Option #2

Do not approve the recommendations for changes in the Metropolitan Administrative Code to modify the Board Committee structure as set forth in Attachment 1

Fiscal Impact: None

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

Recommendation of Chairwoman

Option 1



Gloria D. Gray
Chairwoman of Board of Directors

1/6/2022

Date

Attachment 1 – Clean copy of the affected provisions in the Administrative Code if the proposed revisions are approved by the Board

Attachment 2 – Proposed redlined version showing substantive amendments of the Metropolitan Water District Administrative Code

Ref# I12684309

Attachment 1—Clean Version of Administrative Code Committee Changes

Division II
PROCEDURES PERTAINING TO BOARD, COMMITTEES
AND DIRECTORS
Chapter 4
STANDING COMMITTEES

| Article | | Sec. |
|---------|--|---------|
| 1 | General | 2400 |
| 2 | Executive Committee | 2410 |
| 3 | Engineering and Operations Committee | 2430 |
| 4 | Finance and Insurance Committee | 2440 |
| 5 | Legal and Claims Committee | 2450 |
| 6 | Water Planning and Stewardship Committee | 2460 |
| 7 | Communications and Legislation Committee | 2470 |
| 8 | Organization, Personnel and Technology Committee | 2480 |
| 9. | Real Property and Asset Management Committee | 2490 |
| 9.5 | Audit and Ethics Committee | 2495 |
| 9.7 | One Water (Conservation and Local Resources) Committee | 2497 |
| 9.8 | Imported Water Committee | 2499 |
| 9.9 | Underserved Communities Committee | 2499.20 |
| 9.10 | Diversity, Equity and Inclusion Committee | 2499.40 |

Article 1

GENERAL

| | |
|-------|---|
| Sec. | |
| 2400. | Identification of Standing Committees |
| 2401. | Officers and Members of Standing Committees |

§ 2400. Identification of Standing Committees.

The Standing Committees of the Board of Directors are:

Executive Committee
 Engineering and Operations Committee
 Finance and Insurance Committee
 Legal and Claims Committee
 Water Planning and Stewardship Committee

Communications and Legislation Committee
Organization, Personnel and Technology Committee
Real Property and Asset Management Committee
Audit and Ethics Committee
One Water (Conservation and Local Resources) Committee
Imported Water Committee
Underserved Communities Committee
Diversity, Equity and Inclusion Committee

Article 3

ENGINEERING AND OPERATIONS COMMITTEE

Sec.

2430. Day of Regular Meeting

2431. Duties and Functions

§ 2430. Day of Regular Meetings.

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

§ 2431. Duties and Functions.

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

(1) Plans, specifications and bids;

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

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

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

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

(6) Construction claims;

(7) Engineering aspects of State Water Project facilities;

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

(9) Energy matters in general;

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

(11) Water quality policies and standards;

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

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

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

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

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

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

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

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

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

Article 6**WATER PLANNING AND STEWARDSHIP COMMITTEE**

Sec.

2460. Day of Regular Meetings

2461. Duties and Functions

§ 2460. Day of Regular Meeting.

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

§ 2461. Duties and Functions.

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

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

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

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

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

(e) Environmental compliance and requirements.

Article 8**ORGANIZATION, PERSONNEL AND TECHNOLOGY COMMITTEE**

Sec.

2480. Day of Regular Meeting

2481. Duties and Functions

§ 2480. Day of Regular Meeting.

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

§ 2481. Duties and Functions.

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

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

Article 9.7**ONE WATER (CONSERVATION AND LOCAL RESOURCES) COMMITTEE**

Sec.

2497. Day of Regular Meeting

2498. Duties and Functions

§ 2497. Day of Regular Meeting

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

§ 2498. Duties and Functions

The One Water (Conservation and Local Resources) Committee shall review and consider:

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

(b) Seawater desalination, reclamation and their development and brackish water issues in Metropolitan's service area, and use thereof;

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

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

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

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

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

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

Article 9.8**IMPORTED WATER COMMITTEE**

Sec.

2499. Day of Regular Meeting

2499.10 Duties and Functions

§ 2499. Day of Regular Meeting

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

§ 2499.10 Duties and Functions

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

- (a) Issues relating to the protection of Metropolitan's rights to receive imported water supplies from any source;
- (b) Issues relating to the operation of the State Water Project and the implementation of Metropolitan's State Water Contract, including Bay-Delta issues;
- (c) Issues relating to the Colorado River, including negotiation and implementation of agreements with and among Colorado River Contractors;
- (d) The protection of the Metropolitan's water supply from, and mitigation of the impacts of water development on, the Colorado River;
- (e) Issues relating to any future matters relating to imported water from any additional source;
- (f) The effect of existing and proposed federal, state, and local environmental, water supply and water conveyance statutes, regulations and permits on Metropolitan's water supplies from all sources;
- (g) Policies and procedures regarding the delivery and exchange of imported water for various uses; and
- (h) Receipt of the Water Surplus and Drought Management Reports

Article 9.9**UNDERSERVED COMMUNITIES COMMITTEE**

Sec.

2499.20 Day of Regular Meeting

2499.30 Duties and Functions

§ 2499.20 Day of Regular Meeting

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

§ 2499.30 Duties and Functions

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

- (a) Better serve the disadvantaged and underserved communities within Metropolitan's service area;
- (b) Improve the access of disadvantaged and underserved communities to reliable, high-quality drinking water supplies;
- (c) Increase the participation of currently underserved communities in Metropolitan's rebate, conservation, and other local resources programs; and
- (d) Assist and support member agency programs and advocate for underserved communities, including providing operational and technical assistance.

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

Sec.

2499.40 Day of Regular Meeting

2499.50 Duties and Functions

§ 2499.40 Day of Regular Meeting

The Diversity, Equity and Inclusion Committee shall hold regular meetings on a monthly basis.

§ 2499.50 Duties and Functions

The Diversity, Equity and Inclusion Committee will:

- (a) Direct and receive reports from, and be the home committee for, Metropolitan's Diversity, Equity and Inclusion Officer;
- (b) Receive input, policy and procedure recommendations from the Diversity, Equity and Inclusion Council for consideration and recommendation to the Board;
- (c) Study diversity, equity, and inclusion issues within Metropolitan to recommend ways to enhance and promote equal opportunity, affirmative action, increased diversity of the workforce and a culture of inclusion within Metropolitan;

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

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

Chapter 5

OTHER COMMITTEES: MISCELLANEOUS COMMITTEE MATTERS

| Article | Sec. |
|---|------|
| 1 Special Committees | 2500 |
| 2 Board and Committee Nomination Procedures | 2520 |

Article 1

SPECIAL COMMITTEES

Sec.

2500. General

2501. Agriculture and Industry Relations Special Committee

2502. Integrated Resources Plan Special Committee

§ 2502. Integrated Resources Plan Special Committee.

(a) The Integrated Resources Plan Special Committee shall hold meetings as needed to accomplish the objectives of the committee.

(b) The Integrated Resources Plan Special Committee shall review, consider and make recommendations with regard to the Integrated Resources Planning Process, and options for updating the Integrated Resources Plan, including those recommended by the One Water (Conservation and Local Resources) Committee and the Water Planning and Stewardship Committee.

Attachment 2—Redline Version of Administrative Code Committee Changes

Division II
PROCEDURES PERTAINING TO BOARD, COMMITTEES
AND DIRECTORS
Chapter 4
STANDING COMMITTEES

| Article | Sec. |
|---|-----------------|
| 1 General | 2400 |
| 2 Executive Committee | 2410 |
| 3 Engineering and Operations Committee | 2430 |
| 4 Finance and Insurance Committee | 2440 |
| 5 Legal and Claims Committee | 2450 |
| 6 Water Planning and Stewardship Committee | 2460 |
| 7 Communications and Legislation Committee | 2470 |
| 8 Organization, Personnel and Technology Committee | 2480 |
| 9. Real Property and Asset Management Committee | 2490 |
| 9.5 Audit and Ethics Committee | 2495 |
| 9.7 Bay-Delta Committee | 2497 |
| 9.7 <u>One Water (Conservation and Local Resources) Committee</u> | <u>2497</u> |
| 9.8 <u>Imported Water Committee</u> | <u>2499</u> |
| 9.9 <u>Underserved Communities Committee</u> | <u>2499.20</u> |
| 9.10 <u>Diversity, Equity and Inclusion Committee</u> | <u>2499.40</u> |

Article 1

GENERAL

Sec.

2400. Identification of Standing Committees

2401. Officers and Members of Standing Committees

§ 2400. Identification of Standing Committees.

The Standing Committees of the Board of Directors are:

Executive Committee
 Engineering and Operations Committee
 Finance and Insurance Committee
 Legal and Claims Committee

Water Planning and Stewardship Committee
Communications and Legislation Committee
Organization, Personnel and Technology Committee
Real Property and Asset Management Committee
Audit and Ethics Committee

~~Bay-Delta Committee~~

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

~~Imported Water Committee~~

~~Underserved Communities Committee~~

~~Diversity, Equity and Inclusion Committee~~

Article 3

ENGINEERING AND OPERATIONS COMMITTEE

Sec.

2430. Day of Regular Meeting

2431. Duties and Functions

§ 2430. Day of Regular Meetings.

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

§ 2431. Duties and Functions.

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

(1) Plans, specifications and bids;

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

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

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

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

(6) Construction claims;

- (7) Engineering aspects of State Water Project facilities;
- (8) The selection of engineering and geologic consultants and the determination of the scope of their assignments;
- (9) Energy matters in general;
- (10) Water treatment technologies for complying with drinking water regulations;
- (11) Water quality policies and standards;
- (12) Policies regarding the quality of imported, reclaimed, reused and stored water;
- (13) The effect on the District of existing and proposed federal, state, and local water quality statutes and regulations;
- (14) Proposed amendments to the Metropolitan Water District Act and Code affecting the engineering and operations functions of the District and water quality;
- (15) Proposed rules and proposals regarding business development opportunities for intellectual property transactions;
- (16) The District's Capital Investment Program and appropriations for capital projects; and

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

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

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

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

Article 6

WATER PLANNING AND STEWARDSHIP COMMITTEE

Sec.

2460. Day of Regular Meetings

2461. Duties and Functions

§ 2460. Day of Regular Meeting.

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

§ 2461. Duties and Functions.

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

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

~~_____ (b) Changes in the District's aqueduct system to provide for the changing needs of the District's member agencies;~~

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

~~_____ (d) Policies regarding water conservation, recycling, reuse and underground storage of water and use thereof;~~

~~_____ (e) The protection of the District's water supply from, and mitigation of the impacts of water development on, the Colorado River;~~

~~_____ (f) Seawater desalination, reclamation and their development and brackish water issues in Metropolitan's service area;~~

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

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

(ei) Environmental compliance and requirements.

Article 8**ORGANIZATION, PERSONNEL AND TECHNOLOGY COMMITTEE**

Sec.

2480. Day of Regular Meeting

2481. Duties and Functions

§ 2480. Day of Regular Meeting.

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

§ 2481. Duties and Functions.

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

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

Article 9.7

**CONSERVATION AND LOCAL RESOURCES SPECIAL ONE WATER
(CONSERVATION AND LOCAL RESOURCES) COMMITTEE**

Sec.

2497. Day of Regular Meeting

2498. Duties and Functions

§ 2497. Day of Regular Meeting

The ~~Conservation and Local Resources Special One Water (Conservation and Local Resources)~~ Committee shall hold regular meetings on ~~a bi-monthly an as-needed~~ basis, ~~or as required to accomplish a specific committee objective.~~

§ 2498. Duties and Functions

The ~~Conservation and Local Resources Special One Water (Conservation and Local Resources)~~ Committee shall review and consider:

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

(b) Seawater desalination, reclamation and their development and brackish water issues in Metropolitan's service area, and use thereof;

(c) Changes to Overseeing development and implementation of Metropolitan's Local Resources Program and Conservation Program and other efforts to meet local supply and ~~consideration of other efforts Metropolitan may undertake to help meet the local supply and water use efficiency goals contained in Metropolitan's most recent Integrated Resources Plan;~~

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

(e) ~~Comprehensive Recommendations for comprehensive~~ solutions to regional supply problems with the intent to which may increase water reliability, ~~and~~ cost effectiveness, and environmental benefit ~~environmental and other beneficial instream uses of waters within the region;~~

(f) Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from external representatives ~~of agencies that have developed or are implementing/managing local supplies and/or efficiency programs;~~

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

(h) Creating opportunities for collaboration to advance the development of mutual ~~interests of agencies within Metropolitan's region in furthering the development~~ local supplies and achieving greater ~~levels of~~ water use efficiency.

Article 9.7**BAY-DELTA COMMITTEE**

Sec.

2497. Day of Regular Meeting

2498. Duties and Functions

§ 2497 Day of Regular Meeting

The Bay Delta Committee shall hold regular meetings on the fourth Tuesday of the month.

§ 2498. Duties and Functions

The Bay Delta Committee shall study, advise and make recommendations with regard to:

(a) Protection of the District's water supply from, and mitigation of the impacts of water development on the Bay Delta Estuary;

(b) Comprehensive solutions to Bay Delta Estuary problems which will benefit water supply reliability, water quality and environmental and other beneficial instream uses of the waters of the Bay Delta Estuary; and

(c) The effect of existing and proposed federal, state and local environmental, water supply and water conveyance statutes and regulations on the District's interests in the Bay Delta Estuary.

Article 9.8

IMPORTED WATER COMMITTEE

Sec.

2499. Day of Regular Meeting

2499.10 Duties and Functions

§ 2499. Day of Regular Meeting

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

§ 2499.10 Duties and Functions

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

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

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

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

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

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

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

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

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

Article 9.9

UNDERSERVED COMMUNITIES COMMITTEE

Sec.

2499.20 Day of Regular Meeting

2499.30 Duties and Functions

§ 2499.20 Day of Regular Meeting

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

§ 2499.30 Duties and Functions

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

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

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

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

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

Article 9.10

DIVERSITY, EQUITY AND INCLUSION COMMITTEE

Sec.

2499.40 Day of Regular Meeting

2499.50 Duties and Functions

§ 2499.40 Day of Regular Meeting

The Diversity, Equity and Inclusion Committee shall hold regular meetings on a monthly basis.

§ 2499.50 Duties and Functions

The Diversity, Equity and Inclusion Committee will:

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

(b) Receive input, policy and procedure recommendations from the Diversity, Equity and Inclusion Council for consideration and recommendation to the Board;

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

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

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

Chapter 5

OTHER COMMITTEES: MISCELLANEOUS COMMITTEE MATTERS

| | | |
|---------|---|------|
| Article | | Sec. |
| 1 | Special Committees | 2500 |
| 2 | Board and Committee Nomination Procedures | 2520 |

Article 1

SPECIAL COMMITTEES

| | |
|------------------|---|
| Sec. | |
| 2500. | General |
| 2501. | Agriculture and Industry Relations Special Committee |
| 2502. | Conservation and Local Resources Special Committee |
| 250 <u>2</u> . | Integrated Resources Plan Special Committee |

~~§2502. Conservation and Local Resources Special Committee.~~

~~(a) The Conservation and Local Resources Special Committee shall hold regular meetings on a bi-monthly basis, or as required to accomplish a specific committee objective.~~

~~(b) Duties and Functions~~

~~The Conservation and Local Resources Special Committee shall review and consider:~~

~~(1) Policies regarding water conservation, watershed management, storm water capture and management, recycling, sustainable groundwater management, brackish and seawater desalination and use thereof;~~

~~(2) Recommendations for future updates to the Integrated Resources Plan goals for local supplies and water use efficiency;~~

~~(3) Changes to Metropolitan's Local Resources Program and Conservation Program and consideration of other efforts Metropolitan may undertake to help meet the local supply and water use efficiency goals contained in Metropolitan's most recent Integrated Resources Plan;~~

~~(4) The effect of existing and proposed federal, state, and local governmental, water supply and water management statutes and regulations on supplies produced or that may be produced within the District's region;~~

~~(5) Comprehensive solutions to regional supply problems which may increase water reliability and cost effectiveness, and benefit environmental and other beneficial instream uses of waters within the region;~~

~~(6) Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from representatives of agencies that have developed or are implementing/managing local supplies and/or efficiency programs;~~

~~(7) Recommendations to the Board on policies and programs that will strengthen relationships with other agencies in furthering Metropolitan's objectives for increased regional self-reliance and greater water use efficiency; and~~

~~(8) Opportunities for collaboration to advance the mutual interests of agencies within Metropolitan's region in furthering the development of local supplies and achieving greater levels of water use efficiency.~~

§ ~~2503~~ 2502. Integrated Resources Plan Special Committee.

(a) The Integrated Resources Plan Special Committee shall hold meetings as needed to accomplish the objectives of the committee.

(b) The Integrated Resources Plan Special Committee shall review, consider and make recommendations with regard to the Integrated Resources Planning Process, and options for updating the Integrated Resources Plan, including those recommended by the ~~Conservation and Local Resources~~ One Water (Conservation and Local Resources) Committee and the Water Planning and Stewardship Committee.

Comments submitted by Dir. Quinn regarding Item 7-10 of Legal and Claims Committee
Received by Board Executive Secretary via email on January 10, 2022 at 7:54 p.m.

The duties of the One Water (Conservation and Local Resources) Committee will include the duties of the prior Conservation and Local Resources Special Committee. The Committee will have authority over the planning, prioritization, and funding of any current or future regional demand management or supply projects within the Metropolitan service area receiving funding from Metropolitan, such as the Regional Recycling Project and local projects funded through Metropolitan's Local Resources Program. The duties of the Committee will emphasize the comprehensive integration of programs to achieve One Water solutions and include:

- a. Establishing policies and programs regarding water conservation and reuse, watershed management, storm water capture and management, recycling, sustainable groundwater management and protection, underground storage, and use thereof.
- b. Seawater desalination, reclamation and their development and brackish water issues in Metropolitan's service area, and use thereof.
- c. Overseeing development and implementation of Metropolitan's Local Resources and Conservation Programs and other efforts to meet local supply and water use efficiency.
- d. Recommending comprehensive solutions to regional supply problems with the intent to increase water reliability, cost effectiveness and environmental benefit.
- e. Expanding Metropolitan's understanding of regional water supply issues by inviting informational presentations and feedback from external representatives.
- f. Creating opportunities for collaboration to advance development of local supplies and achieving greater water use efficiency.
- g. Reconcile planning processes for IRP, and UWMP implementation, with the means for meeting established goals set by the Underserved Communities Committee. Coordinate and align new water supplies, local resources projects and programs, and investments with other Metropolitan strategic priorities and initiatives.
- f.h. Develop criteria for the prioritization of investments in new water supplies.

The duties of the Water Planning and Stewardship Committee will be modified to:

- a. Transfer its duties relating to the Colorado River and State Water Project to the Imported Water Committee.
- b. Transfer its duties relating to water conservation, recycling and reuse, storage and capture of water within local surface and groundwater facilities, desalination and related matters to the One Water (Conservation and Local Resources) Committee, including the Regional Recycling Project and any future local project that receives funding from Metropolitan.
- c. Retain the duties for Metropolitan's Water Supply Planning, including the Integrated Resources Planning Process and completion of the Urban Water Management Plan and related policies.