




MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

7-12

May 16, 1997

To: Board of Directors (Legal and Claims Committee--Action)
(Organization and Personnel--Action)

From: General Counsel 

Subject: Authorization to Amend Contract with the Law Firm of Selzer, Ealy, Hemphill & Blasdel Increasing the Maximum Amount Payable

RECOMMENDATION:

It is recommended that the Board authorize the General Counsel to amend an existing contract with the law firm of Selzer, Ealy, Hemphill & Blasdel to increase the maximum amount payable from \$60,000 to \$160,000 per year to provide assistance on a range of environmental permitting issues.

EXECUTIVE SUMMARY:

Since 1995, the General Counsel has retained Paul Selzer, Esq. of Selzer, Ealy, Hemphill & Blasdel pursuant to Section 6431 of Metropolitan's Administrative Code to provide assistance on a range of Endangered Species Act and environmental permitting issues. It is expected that the need for Mr. Selzer's services will increase in the future due to, among other items, permitting needs related to the CALFED process and to the multi-species habitat conservation program which is being developed for the Lower Colorado River Basin. It is possible that Metropolitan will share a portion of Mr. Selzer's work with other parties who share Metropolitan's goals in these planning processes and will be reimbursed for a portion of his work. Under the agreement with Mr. Selzer, he will be compensated up to a maximum contract amount of \$160,000 per calendar year.

DETAILED REPORT:

Mr. Paul Selzer, Esq. of the law firm of Selzer, Ealy, Hemphill & Blasdel has been retained as outside counsel by the General Counsel under Section 6431 of Metropolitan's Administrative Code since 1995. Mr. Selzer has provided advice and assistance from time to time on a range of Endangered Species Act and environmental

permitting issues related to the Colorado River, the Bay-Delta and Metropolitan's Eastside Reservoir Project. Most recently, Mr. Selzer worked with Metropolitan and the California Urban Water Agencies (CUWA) to develop a strategy for obtaining the permits necessary in the CALFED process. CUWA reimbursed Metropolitan for a portion of that work.

In addition to his work for Metropolitan, Mr. Selzer played an integral role in developing the Riverside County Kangaroo Rat management plan and a similar plan for the desert tortoise in Clark County, Nevada. Because of these activities, Mr. Selzer has become a well recognized and respected expert in obtaining environmental approval of large and complex projects through the development of habitat conservation plans.

We anticipate an increased need for Mr. Selzer's services with respect to both Colorado River and Bay-Delta water related resources. In particular, his assistance will be invaluable in obtaining the environmental permitting and approvals which must be obtain as part of the CALFED program. In that regard, Mr. Selzer has begun assisting in the "Ag/Urban" process in which the participants are attempting to develop a coordinated approach to the CALFED process. On the Colorado River, the state-federal partnership formed to develop a multi-species conservation program accommodating both fish and wildlife and water and power needs has signed its formalizing agreements and is now in position to begin development of the management plan. Mr. Selzer could be expected to add considerable resources in this area as well. These items, in addition to ongoing work on Inland Feeder, Colorado River and Bay-Delta habitat restoration activities will result in the use of Mr. Selzer in excess of the General Counsel's authority under Administrative Code Section 6431.

Therefore, it is recommended that the General Counsel be authorized to amend his existing contract with Mr. Selzer to increase the maximum amount payable under the contract from the current \$60,000 to \$160,000 per year. It is likely that the Ag/Urban group, through the Association of California Water Agencies will reimburse Metropolitan for a portion of Mr. Selzer's work in that process, reducing Metropolitan's net costs for his services. Additional cost sharing opportunities in other joint efforts also will be pursued.