

- **Board of Directors**
Legal, Claims and Personnel Committee

September 11, 2001 Board Meeting

8-2

Subject

Authorize amendment to contract with the law firm of Ellison, Schneider & Harris for legal services relating to Colorado River and State Water Resources Control Board matters

Description

Since August 1997 the law firm of Ellison, Schneider & Harris (formerly Ellison & Schneider) has been retained to represent Metropolitan's interest with respect to the appropriation of agricultural drainage water for desalting and eventual beneficial use, and to provide advice on other related Colorado River matters. In particular, Anne Schneider, a partner of the firm, had provided advice with regard to the pending State Water Resources Control Board (SWRCB) Petition by Imperial Irrigation District (IID) and San Diego County Water Authority (SDCWA) for approval of their long-term water transfer. Anne Schneider has extensive experience in matters before the SWRCB and her assistance has been invaluable. Further, because of her expertise with regard to the development of groundwater programs, also an important component of the California Plan, Ms. Schneider has been an active participant in the on-going discussions with various federal and state agencies assisting Metropolitan in its efforts to meet its obligations under the California Plan in developing groundwater programs.

It is anticipated that SWRCB will hold a hearing on the Petition by IID and SDWCA sometime in the next fiscal year. Anne Schneider's services will be required to continue to assist Metropolitan before the SWRCB. Therefore, the General Counsel seeks authority to amend the agreement with Ellison, Schneider & Harris to increase its contract by \$100,000. This \$100,000 increase brings the total agreement amount with this firm from \$700,000 to \$800,000 for the past five years of service.

Policy

Metropolitan Water District Administrative Code Section 6431 authorizes the General Counsel to enter into agreement to a maximum of \$100,000.

CEQA

The proposed action, i.e., amending a contract for legal services relating to the matters before the State Water Resources Control Board and various Colorado River matters, is not defined as a project under the California Environmental Quality Act (CEQA), because it involves continuing administrative activities (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not subject to CEQA because it involves government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA per Sections 15378(b)(2) and 15378(b)(4) of the State CEQA Guidelines.

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and authorize amendment of the agreement with Ellison, Schneider & Harris to increase contract by \$100,000.

Fiscal Impact: Up to an additional \$100,000 in additional billing.

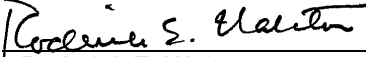
Option #2

Do not authorize the amendment to the contract.

Fiscal Impact: Impact to MWD's participation in SWRCB proceedings on the IID-SDCWA transfer, and on California Plan groundwater issues.

Staff Recommendation

Option #1


Roderick E. Walston
General Counsel

8/15/2001
Date