

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

April 9, 2002 Board Meeting

---

8-3

---

**Subject**

---

Amend contract in the amount of \$100,000 with the law firm of Ellison, Schneider & Harris for legal services relating to State Water Resources Control Board process

---

**Description**

---

The law firm of Ellison, Schneider & Harris represents Metropolitan's interests in the pending State Water Resources Control Board (SWRCB) Petition by the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA) for approval of their long-term water transfer. Anne Schneider, a partner of the firm, has considerable expertise in SWRCB proceedings and she has worked on this matter for Metropolitan since the filing of the petition.

This transfer is a key element in the California Colorado River Water Use Plan and the Quantification Settlement Agreement. The SWRCB hearing on the IID/SDCWA transfer petition will take place in April of this year.

The contract with Ellison, Schneider & Harris in this matter was executed in August 2001 under the General Counsel's authority in the amount of \$100,000. As Ms. Schneider's services will be required to continue to assist Metropolitan relative to the SWRCB hearings and the transfer petition, the General Counsel seeks authority to amend the agreement with Ellison, Schneider & Harris to increase the contract by \$100,000 to a total of \$200,000.

---

**Policy**

---

Metropolitan Water District Administrative Code § 6431: Contracts for special counsel in excess of \$100,000.

---

**California Environmental Quality Act (CEQA)**

---

CEQA determination for Options #1 and #2:

The proposed action, i.e., amending a contract for legal services relating to matters before the SWRCB and various Colorado River matters, is not defined as a project under 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 for Options #1 and #2 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 the contract by \$100,000.

**Fiscal Impact:** \$100,000

**Option #2**

Do not authorize the amendment to the contract.

**Fiscal Impact:** None but impact to Metropolitan's participation in SWRCB proceedings on the IID-SDCWA transfer.

**Staff Recommendation**

---

Option #1

for   
Jeffrey Kightlinger  
General Counsel

3/15/2002

Date