



• **Legal and Claims Committee**

June 8, 2010 Committee Meeting

6b

Subject

General Counsel's Business Plan for fiscal year 2010/11

Description

The General Counsel's FY 2010-11 business plan establishes the anticipated focus of the Legal Department for next fiscal year. The business plan focuses on the following priorities, which were listed in the Legal Department budget for fiscal year 2010-11 and will carry into fiscal year 2011/12:

- Water Supply Reliability
- Balancing Growth and Sustainability
- Managing Energy Costs
- Operations
- District Governance
- Workforce Development and Cultural Changes
- Real Property Matters
- Finance
- Administrative Matters within the Department

The Legal Department intends to concentrate on these priorities in carrying out its mission of providing a full range of legal services in a professional, timely, increasingly cost-effective and creative manner. The proposed business plan (**Attachment 1**) includes goals in each of these areas. Following adoption of a two-year budget in May, the Legal Department expanded its goals to include challenges anticipated in fiscal year 2011/12.

Policy

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

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

The proposed actions are not defined as projects under CEQA (Section 15378(b) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed actions are not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed actions are not subject to CEQA pursuant to Sections 15378(b) and 15061(b)(3) of the State CEQA Guidelines.

Board Options

Option #1

Adopt the CEQA determination and approve the General Counsel's Business Plan for fiscal year 2010/11.
Fiscal Impact: None

Option #2

Adopt the CEQA determination and redirect the General Counsel's Business Plan for fiscal year 2010/11.

Fiscal Impact: None

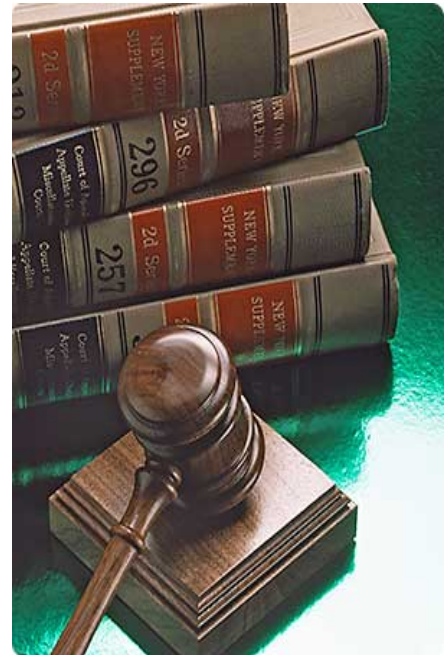
Staff Recommendation

Option #1


Karen L. Tachiki
General Counsel

6/3/10
Date

Attachment 1 – General Counsel's Business Plan for Fiscal Year 2010-11



General Counsel's Business Plan Fiscal Year 2010/11

- Water Supply Reliability
- Balancing Growth and Sustainability
- Managing Energy Costs
- Operations
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Water Supply Reliability

Pursue a wide-ranging legal strategy that proactively addresses legal issues associated with a comprehensive Bay-Delta solution while vigorously defending Metropolitan's interests in litigation and administrative proceedings.

Represent Metropolitan, as a separate party or working through the State Water Contractors, in litigation and regulatory proceedings under the federal and state Endangered Species Acts.

Provide legal support for Metropolitan's efforts to implement temporary and interim measures for the Bay-Delta, including near-term Delta actions. Identify other possible Delta stressors and provide legal strategy options for consideration.

Continue defending the Quantification Settlement Agreement and its related agreements in any future actions. Provide advice and support regarding potential impacts from ruling in the first phase of trial.

Advise Metropolitan's directors, officers and employees on disseminating information regarding the state water bond measure in an effective and appropriate manner.

Provide legal support for initiatives to identify and obtain new water supplies on the Colorado River, with a particular focus on working with Mexico.

Provide legal support in the development of water transfers and exchanges.

Assist with monitoring and development of local resources, desalination and conservation projects and programs.

Provide legal support for review of the Water Supply Allocation Plan and any modifications to the Plan.

Balancing Growth and Sustainability

Provide legal support for the 2010 IRP Update to ensure consistency with the Urban Water Management Planning Act and other requirements.

Provide legal support for Metropolitan initiatives to achieve Metropolitan's goals for reduction of carbon dioxide emissions.

Managing Energy Costs

Vigorously defend Metropolitan's interest in the Hyatt-Thermalito litigation.

Support Metropolitan's efforts to renew its Hoover Power Contract.

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

Assist with development and implementation of the Strategic Power Plan.

Operations

Negotiate and prepare service connection agreements for new or modified member agency connections. Provide legal assistance on regulatory and real estate issues, including CEQA issues, arising out of service connection requests. Provide legal assistance regarding adoption of updated service connection policies.

Work with the State Water Resources Control Board and local Regional Boards as they revise municipal storm water discharge permits to assure that Metropolitan maintains the ability to discharge system water as part of maintenance operations.

Continue to defend Metropolitan against claims that it is liable for perchlorate cleanup costs in Orange County basin. Participate in Tronox bankruptcy proceedings to preserve Tronox liability for cleanup of perchlorate discharges to the Colorado River.

Provide legal support for workplace health and safety compliance framework.

District Governance

Continue to provide timely advice to the Board and committees on governance and legal compliance matters.

Advise the Blue Ribbon Committee on Brown Act compliance and governance procedures.

Provide legal guidance for the Board's consideration of Blue Ribbon Committee recommendations and implementation options.

Advise on MWD Act, Brown Act, Public Records Act and Political Reform Act issues.

Analyze proposed legislation affecting Metropolitan. Prepare or review proposed legislation and amendments. Assist with development of legislative strategy.

Workforce Development and Cultural Changes

Provide proactive counsel and advice on workforce issues.

Continue to defend Metropolitan in Public Employment Relations Board matters as well as grievance and disciplinary matters. Defend Metropolitan in employment litigation.

Provide legal advice and support for MOU negotiations with Metropolitan's bargaining units.

Real Property Matters

Support entitlement process for properties acquired as part of the Diamond Valley Lake (DVL) effort.

Support the development and implementation of a strategy for use of the DVL Visitors Center.

Support the expanded work efforts of the Real Property Management Group.

Finance

Continue to provide legal support for finance matters, in particular with regard to the increased need to review and act based upon municipal market conditions.

Prepare and provide accurate and timely disclosures to the municipal markets, including timely filing of notices required by Continuing Disclosure Undertakings.

Provide legal advice regarding adoption of rates and charges and two-year budget.

Administrative Matters within the Department

Continue to aggressively manage outside counsel costs, while obtaining effective representation to protect Metropolitan's interests.

Continue to identify and implement cost efficiency measures.

Continue to develop and implement a professional pathway program.

Continue to provide timely employee evaluations.