



● **Legal and Claims Committee**

July 10, 2012 Committee Meeting

6b

Subject

Approve General Counsel's Business Plan for fiscal year 2012/13

Description

The General Counsel's FY 2012/13 business plan establishes the anticipated focus of the Legal Department for next fiscal year. The business plan focuses on the work required to support the District's priorities, as described in the General Manager's Business Plan and the Legal Department budget for fiscal year 2012/13 that will carry into fiscal year 2013/14:

- Water Supply Reliability
- Corporate Resources/District Infrastructure
- Implement Smart Technologies
- Finance
- Operations
- Real Property Matters
- District Governance
- Managing Energy Costs
- Workforce Development and Cultural Changes
- Administrative Matters

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, cost-effective and creative manner. The proposed business plan (**Attachment 1**) includes goals in each of these areas. Pursuant to the biennial budget approved in April, the business plan goals include challenges anticipated in fiscal year 2013/14.

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 2012/13.

Fiscal Impact: None

Option #2

Adopt the CEQA determination and redirect the General Counsel's Business Plan for fiscal year 2012/13.

Fiscal Impact: None

Staff Recommendation

Option #1



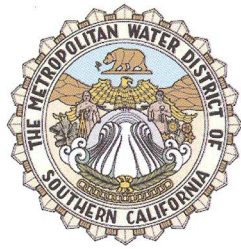
Marcia Scully
General Counsel

7/3/12

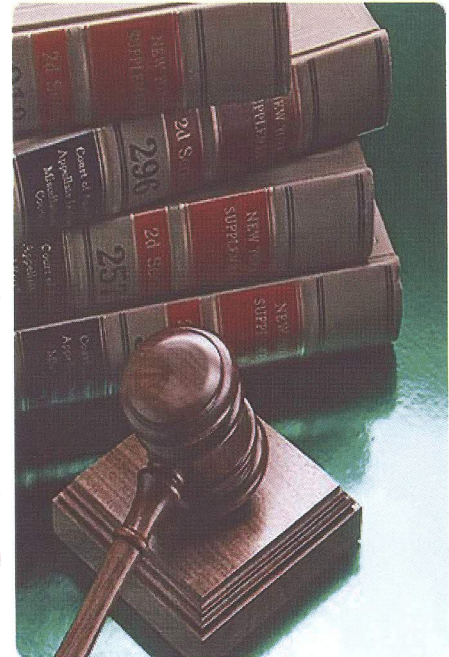
Date

Attachment 1 – General Counsel's Business Plan for Fiscal Year 2012/13

The Metropolitan Water District of Southern California



General Counsel's Business Plan Fiscal Year 2012/2013



- Water Supply Reliability
- Corporate Resources/District Infrastructure
- Implement Smart Technologies
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Water Supply Reliability

Bay-Delta

Pursue a wide-ranging legal strategy that proactively addresses legal and scientific issues associated with comprehensive Bay-Delta solutions 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 advice in support of the development of the Bay Delta Conservation Plan (BDCP) and the associated environmental documentation.

Provide legal advice in support of the review and analysis of Delta conveyance options.

Provide legal advice regarding implementation and financing of a Delta conveyance system.

Provide legal review and comment regarding multiple drafts of the Delta Plan, prepared by the Delta Stewardship Council, and the associated environmental documentation.

Identify other environmental "stressors" on aquatic species in the Delta, and provide legal strategy options for consideration.

Provide legal support for Metropolitan's efforts to implement interim measures for the Bay-Delta, including near-term Delta actions and operating criteria.

Represent Metropolitan in litigation and regulatory proceedings before the State Water Resources Control Board and Regional Water Quality Control Board(s) involving the Sacramento Regional County Sanitation District and other wastewater dischargers.

Represent Metropolitan's interests before the State Water Resources Control Board as a separate party or through the State Water Contractors (*e.g.*, Water Quality Control Plan amendments; development of salinity objectives; methyl mercury TMDL development and implementation; San Joaquin River flow objectives, etc.).

Colorado River

Provide legal support for Metropolitan's efforts to protect and make optimal use of its Colorado River rights and related water transfer, storage, and exchange programs. Participate, as applicable, in negotiations, administrative proceedings and litigation.

Continue defending the Quantification Settlement Agreement (QSA) and its related agreements in pending litigation, and enforce the terms of those agreements among the participating agencies. Provide legal support in negotiations for resolving disputes over implementation of the QSA water transfers and proposals to ensure compliance with QSA mitigation obligations.

Monitor Tronox remediation and adversary action. Monitor and comment on prepared changes to perchlorate and chromium 6 regulations.

Provide legal support for initiatives to identify and obtain new water supplies on the Colorado River, and to protect existing Colorado River water supplies against erosion by unlawful or unreasonable uses.

Other Water Supply Issues

Continue to defend Monterey Amendment in ongoing California Environmental Quality Act (CEQA) proceedings.

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

Provide legal support for member agency annexation requests.

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

Provide legal support for implementation of the 2010 Integrated Resource Plan Update and 2010 Regional Urban Water Management Plan, including development of the Long-Term Conservation Plan and resource programs to assist the region in meeting the goal of reducing retail water consumption by 20 percent by the year 2020.

Corporate Resources

Provide legal support for capital improvement program, professional services and procurement contracts.

Continue to defend Metropolitan in claims arising from implementation of capital projects and other contractual matters.

Provide legal support for environmental analysis under CEQA of Metropolitan's projects and other discretionary actions, in addition to analyzing the potential environmental impacts of other agencies' projects on Metropolitan properties and facilities.

Implement Smart Technologies

Continue to work with the Information Technology Department (IT) staff to upgrade technology in the Legal Department, including the installation of upgraded computers and training on new software.

Provide legal assistance relating to e-discovery and implementation of other advances in computer technology.

E-Discovery

Continue to work with IT staff on implementation of the electronic discovery management system. This system will enable Metropolitan's Legal and IT staffs to respond to litigation and Public Records Act requests effectively and efficiently. Legal staff is also working with Corporate Resources staff to develop a comprehensive document management process for the entire organization.

Telecommunications

Continue to coordinate with Riverside County as it implements its Public Safety Enterprise Communications Project that, when completed, will provide mutual benefits to the County and Metropolitan.

External Affairs

Continue to provide legal advice regarding public communication strategies, disclosure requirements, and terms and conditions of revised consumer rebates program.

Finance

Continue to provide legal support for District financial transactions. Assist in development of proposed financing structures, such as extendable commercial paper program.

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. Continue to defend Metropolitan against challenges to its rate structure.

Provide review of legal compliance with financial documents in connection with the annual audit.

Operations

Continue to defend Metropolitan against claims that it is liable for perchlorate cleanup costs in Orange County Basin and San Gabriel Operating Unit.

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.

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

Provide legal support for operational safety and environmental compliance framework.

Real Property Matters

Assist with development of long-term use plan for Diamond Valley Lake Visitors Center and surplus lands. Assist Real Property Development and Asset Management (RPDAM) staff in negotiation and documentation of real property transactions.

Support the expanded work efforts of RPDAM.

District Governance

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

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

Review District Administrative Code and recommend amendments, as appropriate.

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

Managing Energy Costs

Support Metropolitan's participation in the Western Area Power Administration process for renewing the Hoover Power Contract and assist with the negotiation, drafting, and administration of energy-related agreements.

Provide legal support to ensure that State Water Project energy needs are met in a cost-effective and sustainable manner. Participate in Hyatt-Thermalito appeal with goal of affirming successful trial court ruling.

Provide legal support for Metropolitan initiatives to address climate change impacts on water supply and quality, review and comment on proposed regulations and other laws dealing with climate change.

Participate in proceedings at the Federal Energy Regulatory Commission, the Air Resources Board, and other agencies to protect and promote Metropolitan's financial and regulatory interests.

Assist with development and implementation of the Energy Management Plan, including providing counsel on renewable energy projects and legislation.

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 and other workforce disputes.

Provide legal advice and support for negotiations with Metropolitan's bargaining units concerning management decisions triggering a meet and confer obligation.

Administrative Matters

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

Continue to identify and implement cost efficiency measures.

Coordinate Metropolitan's compliance with Public Records Act Requests.

Continue to develop and implement succession planning.

Continue to provide timely employee evaluations.