



● **Board of Directors**  
***Legal and Claims Committee***

8/21/2018 Board Meeting

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7-4

**Subject**

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Adopt CEQA determination and authorize increase of \$100,000, to a maximum amount payable of \$200,000, for existing General Counsel contract with Olson Hagel & Fishburn LLP to provide general government law advice related to the Political Reform Act (PRA), the Fair Political Practices Commission (FPPC) regulations, conflict of interest law and other legislative and ethics matters

**Executive Summary and Details**

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The General Counsel entered into a contract with the law firm of Olson Hagel & Fishburn LLP (Olson Hagel) on July 1, 2014, for the amount of \$50,000 to provide Metropolitan with general government law advice related to the PRA, FPPC regulations, conflict of interest law and other legislative and ethics matters. The firm focuses on election and political law, campaign reporting, conflicts of interest, ethics and other public law matters. The firm has recently been engaged in a separate contract to assist in a review of the policies and procedures of Metropolitan's Ethics Office and to propose amendments to Metropolitan's Administrative Code relative to Ethics matters.

Under the current contract, the firm provides advice and assistance on an as requested basis. As part of the contract, the firm serves as Metropolitan's designated agent for the required electronic filing of Lobbyist Reports under the PRA, and regularly reviews and files these reports with the FPPC for Metropolitan. The firm has also provided assistance to the General Counsel in the review of investigation reports by the Ethics Officer as required by the Office of Ethics Guidelines for Investigations and has participated with the General Counsel and the Ethics Officer jointly in discussions of the interpretation and requirements of the Political Reform Act.

The agreement was amended on November 1, 2016, to increase the maximum amount payable to \$100,000. The amount spent under this 2014 agreement is approaching the \$100,000 limit, and this letter requests that the maximum amount payable for this agreement be increased by \$100,000 to a maximum amount payable of \$200,000, so that Olson Hagel can continue to provide these legal services for Metropolitan. This agreement remains in effect until terminated. While the rate of expenditure is subject to the number and nature of the matters requiring assistance from the firm, it is anticipated that the increase will be adequate for at least two additional years.

**Policy**

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Metropolitan Water District Administrative Code Section 6430: General Counsel's employment of attorneys to render special counsel services

**California Environmental Quality Act (CEQA)**

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**CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because the proposed action involves fiscal decisions that will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In addition, the proposed action is not defined as a project under CEQA because it involves continuing

administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines) and other government fiscal activities, which do not involve any commitment to any specific project, or which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines). Finally, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not defined as a project under Public Resources Code Section 21065 and State CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4), and is not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**CEQA determination for Option #2:**

None required

**Board Options**

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**Option #1**

Adopt the CEQA determination that the proposed action is not defined as a project under CEQA and is not subject to CEQA, and

Authorize the General Counsel to increase the amount payable under its agreement with Olson Hagel & Fishburn LLP by \$100,000 to a maximum amount payable of \$200,000.

**Fiscal Impact:** The sum of \$100,000 is added to this agreement for the provision of the authorized legal services

**Option #2**

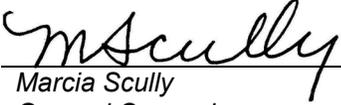
Do not authorize an increase in the maximum amount payable under this agreement with Olson, Hagel & Fishburn LLP, effectively terminating this contract

**Fiscal Impact:** No known fiscal impact but Metropolitan will not have access to the expertise and assistance provided by this law firm

**Staff Recommendation**

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Option # 1

  
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 Marcia Scully  
 General Counsel

7/31/2018  
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 Date