

MINUTES
REGULAR MEETING OF THE
BOARD OF DIRECTORS
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
May 11, 2021

52357 The Board of Directors of The Metropolitan Water District of Southern California met in Regular Meeting on Tuesday, May 11, 2021.

Chairwoman Gray called the Teleconference Meeting to order at 12:00 p.m.

52358 The Meeting was opened with an introduction by Samir Sachdev, Unit Manager, Information Technology Group for the invocation by Sary Huang, Principal Information Technology Analyst, Information Technology Group.

52359 The Pledge of Allegiance to the Flag was given by Director Barry Pressman.

Chairwoman Gray addressed the Board providing brief remarks.

52360 Board Secretary Abdo administered the roll call. Those responding present were: Directors Abdo, Ackerman, Apodaca, Atwater, Blois, Camacho, Cordero, De Jesus, Dick, Erdman, Faessel, Fellow, Galleano, Goldberg, Gray, Hawkins, Hogan, Jung, Kurtz, Lefevre, Luna, Morris, Murray, Ortega, Petersen, Peterson, Phan, Pressman, Quinn, Ramos, Record, Repenning, Smith, Tamaribuchi, and Williams.

Those not responding were: Directors Butkiewicz, Kassakhian, and McCoy.

Board Secretary Abdo declared a quorum present.

52361 Chairwoman Gray invited members of the public to address the Board on matters within the Board's jurisdiction.

No requests were made.

Chairwoman Gray addressed the following: Other Matters and Reports for April.

52362 Chairwoman Gray asked if there were any changes to the report of events attended by Directors at Metropolitan's expense during the month of April as previously posted and distributed to the Board.

No amendments were made.

52363 Chairwoman Gray referred to her monthly report, which was previously posted and distributed to the Board. Chairwoman stated she had nothing to add to her report.

The following Director asked questions or made comments:

1. Ortega

52364 Regarding matters relating to Metropolitan's operations and activities, General Manager Kightlinger reported on the expanded drought declaration made by the Governor.

The following Director asked questions or made comments:

1. Peterson

General Manager Kightlinger responded.

Additional information on the General Manager's activities may be found in his written monthly report.

52365 General Counsel Scully stated she had nothing to report at this time.

52366 General Auditor Riss reported his department began planning for next year's annual audit plan beginning in June.

52367 Ethics Officer Salinas reported that the Shaw Law Group is entering the final phase of their review of workplace concerns at Metropolitan. This phase includes interviews, analyzing information collected, and preparing a report for the Board. During this final phase, Directors will be contacted by the Shaw Law Group and given an opportunity to schedule an interview with the firm. The Shaw Law Group will report its findings and recommendations to the Board in July and the Board will receive updates regarding the process.

52368 Chairwoman Gray acknowledged Director Sylvia Ballin, representing the City of San Fernando, for her current two years of service and previously 11 years of service as a Metropolitan Board member by presenting her with a commendatory resolution.

Director Ballin responded with brief remarks to the Board.

52369 Presentation of Commendatory Resolution for Director Jesus Quiñonez, representing the city of Los Angeles. Director Quiñonez was unable to attend, arrangements will be made to deliver resolution to the Director.

The following Director asked questions or made comments:

1. Murray

Chairwoman Gray addressed the Consent Calendar Other Items – Action for May 2021.

52370 Chairwoman Gray asked Directors if there were any comments or discussion on the approval of the Minutes of the Meeting for April 13, 2021 (Agenda Item 6A). No requests were made.

52371 Chairwoman Gray announced there were no new Committee Assignments (Agenda Item 6B).

Chairwoman Gray proceeded with the Consent Calendar Items from Committee Chairs.

Chairwoman asked the Directors if there were any requests for discussions or voting on items separately; or statements or recusals on any of the items. The following Directors responded:

Director Abdo stated that Item 7-6 involves a contract with the city of Santa Monica and disclosed, for the record, that she receives a per diem from the city to serve as a representative on Metropolitan's Board of Directors. Director also stated she was advised that she is able to vote on this item.

Director Smith stated that Item 7-4 involves authorizing an increase to an agreement with Black & Veatch, in which he currently owns Black & Veatch stock. For this reason, he recused himself from all participation in this matter.

Director Cordero stated that she will be recusing herself from Item 7-10 because she is a former Edison employee and current stockholder.

Director Erdman stated that he will be recusing himself from Item 7-10 because he is a former Edison employee and current stockholder.

Director Morris stated that he will not participate in discussion or voting on Item 7-4.

Director Record stated he will be recusing himself from Item 7-10.

Chairwoman Gray called on the Committee Chairs to give a report of the Consent Calendar Action Items as discussed at their Committees.

52372 Adopt the resolution to continue the Standby Charge for fiscal year 2021/22, as set forth in Agenda Item 7-1 board letter.

52373 Approve the draft of Appendix A as shown in Attachment 1 of the board letter; and authorize the General Manager, or other designee of the Ad Hoc Committee, to finalize, with changes approved by the General Manager and General Counsel, Appendix A; and authorize distribution of Appendix A, finalized by the General Manager or other designee of the Ad Hoc Committee, in connection with the sale or remarketing of bonds, as set forth in Agenda Item 7-2 board letter.

San Diego County Water Authority delegation submitted a letter dated May 9, 2021 regarding Agenda Item 7-2, addressed to Metropolitan General Counsel to be made

part of the record. The letter was received via email on Sunday, May 9, 2021 at 6:49 p.m.

Agenda Item 7-3 was withdrawn.

52374 Authorize increase of \$200,000 in change order authority for rehabilitation of the Greg Avenue Pump Station, up to an aggregate amount not to exceed \$1,848,750; and authorize increase of \$350,000 to the agreement with Black & Veatch for a new not-to-exceed amount of \$1,250,000, as set forth in Agenda Item 7-4 board letter.

52375 Award \$2,022,000 contract to R2BUILD to upgrade the flow monitoring equipment at Mile 12 along the Colorado River Aqueduct, as set forth in Agenda Item 7-5 board letter.

52376 Review and consider the city of Santa Monica's CEQA documents and take related CEQA actions, and authorize the General Manager to enter into a Local Resources Program Agreement with the city of Santa Monica for the Santa Monica Sustainable Water Supply Project for up to 2,300 AFY of advanced treated recycled water under the terms included in the board letter, as set forth in Agenda Item 7-6 board letter.

52377 Authorize the General Manager to enter into agreements to provide a cost-offset credit of up to \$332 per AF in CY 2021 and \$349 per AF in CY 2022 for net increased costs incurred by a member agency from shifting operations to improve regional reliability, consistent with the terms in Attachment 1 of the board letter, as set forth in Agenda Item 7-7 board letter.

52378 Adopt the 2020 UWMP and its resolution for submittal to the State of California in order to comply with the Urban Water Management Planning Act in the California Water Code; adopt Appendix 11 Addendum to the 2015 UWMP and its resolution for submittal to the State of California in order to include in Metropolitan's 2015 UWMP all of the elements described in Delta Plan Policy WR P1, Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance (Cal. Code Regs., tit. 23, § 5003, subd. (c)(1)) to support a certification of consistency for one or more future water supply covered actions in the Delta; and adopt the WSCP and its resolution for submittal to the State of California in order to comply with the Urban Water Management Planning Act in the California Water Code, as set forth in Agenda Item 7-8 board letter.

San Diego County Water Authority General Counsel submitted a letter dated May 9, 2021 regarding Agenda Item 7-8, addressed to Metropolitan General Counsel to be made part of the record. The letter was received via email on Sunday, May 9, 2021 at 6:49 p.m.

52379 Express opposition, unless amended, for AB 1195, as set forth in Agenda Item 7-9 board letter

52380 Authorize the granting of a permanent power line easement for overhead power lines to Southern California Edison, as set forth in Agenda Item 7-10 board letter.

52381 Authorize an agreement with Helix Environmental Planning, Inc. in an amount not to exceed \$250,000 for CEQA documentation; and authorize an agreement with Fugro USA Land, Inc. in an amount not to exceed \$350,000 for geotechnical services to support the Desert Housing and Property Improvements Program, as set forth in Agenda Item 7-11 board letter.

52382 Authorized the General Counsel to retain the firms listed in the board letter (Bond Counsel services with Hawkins Delafield Wood LLP, Jones Hall, A Professional Law Corporation, Nixon Peabody LLP, and Norton Rose Fulbright US LLP; Co-Bond Counsel services with Amira Jackson, Law Offices of Alexis S.M. Chiu, and Curls Bartling P.C.; and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C.) for the period ending June 30, 2024, and determine that Bond Counsel, Co-Bond Counsel, and Disclosure Counsel fees may be approved by the General Counsel in amounts sufficient to procure Bond Counsel, Co-Bond Counsel, or Disclosure Counsel services for bond issues and for legal advice, as set forth in Agenda Item 7-12 board letter.

52383 Authorize an increase in the maximum amount payable under contract with Meyers Nave for legal services by \$210,000 to an amount not to exceed \$410,000 in the matter of *Imperial Irrigation District v. Metropolitan Water District of Southern California, et. al.*, as set forth in Agenda Item 7-13 board letter.

Chairwoman Gray called for a vote to approve the Consent Calendar Items 6A, 7-1, 7-2, and 7-4 through 7-13 (**M.I. 52370 through 52383**)

The following Directors asked questions or made comments:

	Directors	Comments/Questions
1	Ortega	Stated his intent to Abstain on Item 7-9; and that he Moved the Consent Calendar
2	Hogan	Stated his intent to vote NO on 7-2
3	Camacho	Seconded Consent Calendar

Director Ortega moved, seconded by Director Camacho that the Board approve the Consent Calendar Other Items for Action Items 6A, 7-1, 7-2, and 7-4 through 7-13 as follows:

The following is a record of the vote:

Record of Vote on Consent Item(s) 6A, 7-1, 7-2*, 7-4*, through 7-8, 7-9*, 7-10* through 7-13									
Member Agency	Total Votes	Director	Present	Yes	Yes Vote	No	No Vote	Abstain	Abstain Vote
Anaheim	5083	Faessel	x	x	5083				
Beverly Hills	3896	Pressman	x	x	3896				
Burbank	2614	Ramos	x	x	2614				
Calleguas Municipal Water District	11162	Blois	x	x	11162				
Central Basin Municipal Water District	16384	Apodaca	x	x	8192				
		Hawkins	x	x	8192				
			Subtotal:		16384				
Compton	532	McCoy							
Eastern Municipal Water District	8936	Record	x	x	8936				
Foothill Municipal Water District	2052	Atwater	x	x	2052				
Fullerton	2238	Jung	x	x	2238				
Glendale	3517	Kassakhian							
Inland Empire Utilities Agency	12645	Camacho	x	x	12645				
Las Virgenes	2649	Peterson	x	x	2649				
Long Beach	5598	Cordero	x	x	5598				
Los Angeles	67972	Murray	x	x	13594				
		Petersen	x	x	13594				
		Quinn	x	x	13594				
		Luna	x	x	13594				
		Repenning	x	x	13594				
			Subtotal:		67972				
Municipal Water Dist. of Orange Cour	55013	Ackerman	x	x	13753				
		Tamaribuchi	x	x	13753				
		Dick	x	x	13753				
		Erdman	x	x	13753				
			Subtotal:		55013				
Pasadena	3395	Kurtz	x	x	3395				
San Diego County Water Authority	56310	Butkiewicz							
		Goldberg	x	x	18770				
		Hogan	x	x	18770				
		Smith	x	x	18770				
			Subtotal:		56310				
San Fernando	216	Ortega	x	x	216				
San Marino	711	Morris	x	x	711				
Santa Ana	2889	Phan	x	x	2889				
Santa Monica	4199	Abdo	x	x	4199				
Three Valleys Municipal Water District	7535	De Jesus	x	x	7535				
Torrance	3136	Lefevre	x	x	3136				
Upper San Gabriel Valley Mun. Wat. D	11544	Fellow	x	x	11544				
West Basin Municipal Water District	22776	Williams	x	x	11388				
		Gray	x	x	11388				
			Subtotal:		22776				
Western Municipal Water District	11824	Galleano	x	x	11824				
Total	324826				320777				
Present and not voting									
Absent	4049								

The motion to approve the Consent Calendar Items 6A, 7-1, 7-2*, and 7-4* through 7-8, 7-9*, 7-10* through 7-13 (M.I. 52370 through 52383), passed by a vote of 320,777 ayes; 0 noes; 0 abstain; 0 not voting; and 4,049 absent.

***Note: Individual vote tallies for Item 7-2:**

Directors Goldberg, Hogan, and Smith voted NO on Item 7-2 **(M.I. 52373)**; the motion passed by a vote of 264,467 ayes; 56,310 noes; 0 abstain; 0 not voting; and 4,049 absent.

***Note: Individual vote tallies for Item 7-4:**

Director Smith recused himself and Directors Morris did not participate in the vote on Item 7-4 **(M.I. 52374)**; the motion passed by a vote of 320,066 ayes; 0 noes; 0 abstain; 711 not voting; and 4,049 absent.

***Note: Individual vote tallies for Item 7-9:**

Director Ortega abstained from Item 7-9 **(M.I. 52379)**; the motion passed by a vote of 320,561 ayes; 0 noes; 216 abstain; 0 not voting; and 4,049 absent.

***Note: Individual vote tallies for Item 7-10:**

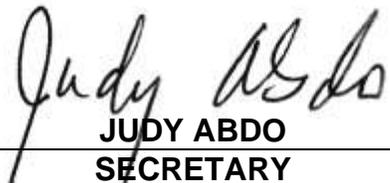
Directors Cordero, Erdman, and Record recused themselves from Item 7-10 **(M.I. 52380)**; the motion passed by a vote of 306,243 ayes; 0 noes; 0 abstain; 14,534 not voting; and 4,049 absent.

52384 Board Chairwoman Gray asked if there were questions or need for discussion for Board Information Item 9-1 or 9-2. No requests were made.

52385 Chairwoman Gray asked if there were any future agenda items. No requests were made.

52386 There being no objection, at 12:45 p.m., Chairwoman Gray adjourned the Meeting.


GLORIA D. GRAY
CHAIRWOMAN


JUDY ABDO
SECRETARY