



## **BOARD OF WATER AND POWER COMMISSIONERS**

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES  
Room 1555-H, 111 North Hope Street, Los Angeles, CA 90012

# **REGULAR MEETING AGENDA Tuesday, January 25, 2022, at 10:00 A.M.**

## **Board of Water and Power Commissioners**

President Cynthia McClain-Hill

Vice President Susana Reyes

Commissioner Jill Banks Barad-Hopkins

Commissioner Mia Lehrer

Commissioner Nicole Neeman Brady

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### **SPECIAL NOTICE**

In conformity with California Assembly Bill AB361, signed into law by Governor Newsom on September 16, 2021, and due to public health concerns and directives issued by the Mayor of Los Angeles and Los Angeles County Public Health Department regarding reducing the spread of COVID-19, this meeting of the Board of Water and Power Commissioners for the City of Los Angeles (LADWP Board Meetings) will be conducted with some or all Commissioners appearing virtually from remote locations. All public comment will be taken telephonically or by written submission. This will apply to all LADWP Board Meetings taking place during the period in which state or local public health officials have imposed or recommended social distancing measures.

Members of the public who wish to listen to the LADWP Board Meetings live can do so by calling the following telephone number at any time during the meeting: (213) 306-3065 and entering code 24589476#.

Members of the public may also view the meeting live on-line by going to:

[http://ladwp.granicus.com/ViewPublisher.php?view\\_id=2&&\\_afrLoop=359337251116000](http://ladwp.granicus.com/ViewPublisher.php?view_id=2&&_afrLoop=359337251116000)

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act, can be requested in advance by contacting the Commission Office at (213) 367-1356 during business hours. For Telecommunications Relay Service for the hearing impaired, please visit the site below for details of the services available:

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>

### **OPPORTUNITIES FOR THE PUBLIC TO ADDRESS THE BOARD**

Before reaching those portions of the agenda where Board action is requested, members of the public will be given an opportunity to address the Board on items of interest within the subject matter jurisdiction of the Board (general public comment). Thereafter, members of the public will be given an opportunity to address the Board on any item on the regular agenda prior to or during the Board's consideration of that item. The same opportunity will be given in open session regarding the closed session agenda prior to commencement of the closed session. Agendas for special meetings will permit the public to address particular agenda items even where the agenda does not include general public comment.

Members of the public who wish to offer public comment may do so telephonically by calling (213) 306-3065 and entering code 24971359328# when prompted for a meeting ID number. The public comment phone line will be accessible starting at 9:45 a.m.

The requirement of public comment on individual items shall not apply if the opportunity for public comment on the item previously had been provided by a Board committee (consisting entirely of Board members at which a quorum was present) to all interested members of the public when it considered the item and the item had not changed substantially since the committee hearing. The Board agenda shall state whether such earlier opportunity for public comment had been duly provided. If the Board President determines that an item has changed substantially since the committee hearing, public comment on the item shall be allowed. (These public comment procedures are in addition to any other hearing requirement specifically imposed by law.)

Each speaker is allowed to speak up to two minutes per agenda item, with a five-minute cumulative total to speak on all agenda items. The Presiding Officer shall, however, exercise discretion to determine whether such period of time should be reduced or extended based upon such factors as the length of the agenda or substance of the agenda items, the number of public comment speaker cards submitted, the need for the Board to conclude its business as expeditiously as is practicable, and whether the Board is at risk of losing a quorum, among other factors.

### **BOARD MEETINGS**

The Board conducts regular meetings at 10:00 a.m., or as soon thereafter as a quorum is present, on the second and fourth Tuesdays of the month (or on the next business day when a meeting day falls on a legal holiday) in Room 1555-H of the John Ferraro Building (JFB). Special meetings are held at the date, time, and place specified in the meeting notice. Three members of the five-member Board constitute a quorum for the transaction of business. Meetings are recorded.

Board meetings are conducted in accordance with the Ralph M. Brown Act, California Government Code Section 54950 *et seq.* Resources: The Brown Act: Open Meetings for Local Legislative Bodies (Cal. Atty. Gen. 2003) (available online at <[www.oag.ca.gov/open-meetings](http://www.oag.ca.gov/open-meetings)>); Open & Public IV: A Guide to the Ralph M. Brown Act (League of Cal. Cities 2d ed. 2010) (available online at <[www.cacities.org](http://www.cacities.org)> search for "Open Meeting IV").

Board meetings are conducted in accordance with the Rules of the Board of Water and Power Commissioners (available online at <[www.ladwp.com/board](http://www.ladwp.com/board)>).

Board meetings are presided over by the Board President or, in his or her absence, as provided in Board Rule No. 5.

The Board upon request will provide reasonable accommodation to the disabled to ensure equal access to its meetings. To ensure availability, such request should be made as soon as reasonably practical by contacting the Commission Office at (213) 367-1356 during business hours.

### **MEETING AGENDAS**

The agenda for meetings contains a brief general description of the items to be considered. The Board may consider an item not on the agenda only in limited circumstances consistent with the Brown Act. The agenda is posted in the front window to the left (as viewed from the street) of the main entrance of the JFB Building, in the JFB lobby before entering Security area, JFB Level A lobby before entering Security area, and outside JFB Room 1555-H at least 72 hours before regular meetings and at least 24 hours before special meetings. The agenda is also available online at <[www.ladwp.com/board](http://www.ladwp.com/board)>. The description of any item displayed on the agenda may be changed subsequent to the electronic posting of the agenda or by Board action at the meeting, but only if consistent with the Brown Act.

### **ACCESS BY THE PUBLIC TO DOCUMENTS DISTRIBUTED TO BOARD MEMBERS**

Members of the public may inspect documents (other than legally confidential documents) relating to open session items on the agenda distributed to at least a majority of Board members in advance of the meeting or at the meeting. Many of the documents distributed in advance of the meeting will be available online through a link included in the item description on the agenda. Some large documents or documents received too late to link to an agenda item may not be viewable in this manner. Documents (other than confidential documents) distributed during the meeting -- if prepared by the Department, another City department or office, or a Board member -- will be made available for inspection during the meeting. Documents may be viewed in the Commission Office (JFB Room 1555) prior to or after the meeting. Copies may be obtained in accordance with regular procedures for copying Department records.

### **THE ORDER OF BUSINESS**

The order of business for regular meetings typically follows the sequence described below. The Board, however, sometimes considers matters out of order as the Board President may direct. The order of business for special meetings will be determined by the agenda. Thus, some special meeting agendas may follow the organizational format of regular meetings, while other meeting agendas may be limited to but one or several items.

1. *Preliminary Matters:* The Board President will begin the meeting with opening remarks. General Public comments will then follow. Thereafter, the General Manager may give a report followed by introduction of motions by Commissioners.
2. *Consideration of Items Recommended for Approval:* The Board will consider items recommended for approval. Items on which there are speaker cards or which a Commissioner has requested pulled for discussion will generally be considered after the Management Reports and Filed Items.
3. *Management Reports:* Reports from management and other documents are presented to the Board for information or possible discussion. No action is requested in regard to these items.
4. *Filed Items:* Filed items from management and other documents are presented to the Board for informational purposes and/or possible discussion. No action is requested in regard to these items.
5. *Items Recommended for Approval:* The Board President will announce the items to be considered by the Board. The Board will hear from members of the public who have requested to speak on an item that a speaker card has been submitted.
6. *Closed Session Agenda:* Before going into closed session, the Board will hear from members of the public on any closed session item. Thereafter, the Board will make any announcements required by law before retiring to closed session. Closed sessions are allowed only for particular subject matters permitted by the Brown Act. The Board agenda will state any provisions of the Brown Act permitting the closed session. After the closed session, the Board will publicly report any action taken in closed session and the vote or abstention thereon of every member present in accordance with California Government Code Section 54957.1.

### **BOARD ACTIONS**

The vote of at least three members is required for Board action. With some exceptions, Board actions are not final when taken because, under Los Angeles City Charter Section 245, the City Council may assert jurisdiction for possible veto of actions of boards and commissions of City government. Board actions thus become final as provided by Charter Section 245.

## Meeting Agenda – January 25, 2022

### Board of Water and Power Commissioners

#### A. Roll Call

#### B. Opening remarks by the Commission President

#### C. General Public Comment

An opportunity for the public to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board. In accordance with the Brown Act, no action or discussion shall be undertaken by the Board on any item not appearing on the posted agenda.)

#### D. Report/Briefing by the General Manager and Chief Engineer

Reports also from Water, Power, and Administrative System Management concerning current matters relating to Departmental operations.

#### E. Introduction of Motions for Future Consideration

#### F. Comments from Ratepayer Advocate on Agendized Items

#### G. Discussion with Neighborhood Council Representatives

Discussion with Neighborhood Council representatives on any Neighborhood Council Resolution or Community Impact Statement filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Water and Power Board.

#### H. Consideration of Items Recommended for Approval

The Board will consider items recommended for approval. Items on which there are speaker cards or which a Commissioner has requested pulled for discussion will generally be considered after the Management Reports and Filed Items.

#### I. Management Reports

1. Presentation regarding Cal/OSHA Recordable and Reportable Injury Cases
2. Presentation regarding Advancement of Diversity, Equity, and Inclusion Update

## **J. Filed Items**

1. Office of the Chief Information Security Officer Monthly Report – December 2021
2. Water System Monthly Report – November/December 2021
3. Elysian Reservoir Community Parks Enhancement Fund Los Angeles Department of Recreation and Parks Quarterly Report – July 1 through September 30, 2021

## **K. Minutes**

1. Recommendation for approval of the minutes of the December 13, 2021, Special Meeting of the Board of Water and Power Commissioners.
2. Recommendation for approval of the minutes of the December 14, 2021, Regular Meeting of the Board of Water and Power Commissioners.

## **L. Items for Approval**

1. **Recommended by Office of the Chief Information Technology Officer**  
Approval of Optical Fiber Lease Agreement No. FO-881-07/2021 and Short Form IRU-01 Lease Agreement No. FO-882-07/2021 with The Switch Enterprises, LLC, for Lease of LADWP Optical Fibers.  
*Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3).*
2. **Recommended by External and Regulatory Affairs**  
Approval of 2021 Grid Reliability Study Required by Statewide Once-Through-Cooling Policy.  
*Determine item is exempt pursuant to CEQA Guidelines Section 15060(c)(1).*
3. **Recommended by Financial Services Organization**  
Approval of Excess Liability Insurance Policy and Wildfire Insurance Program Renewal.  
*Determine item is exempt pursuant to CEQA Guidelines Section 15060(c)(2).*
4. **Recommended by General Manager and Chief Engineer**  
Approval of Resolution Adopting Rules and Regulations Revised December 13, 2021, for a Special Election for the Power System Active Employee Representative for the Term Ending May 1, 2024.  
*Determine item is exempt pursuant to CEQA Guidelines Section 15060(c)(3).*
5. **Recommended by Water System**  
Approval of Agreement No. 47696 for eSTRE Analysis Model with Watercourse Engineering, Inc., for a term of five years and an amount not to exceed \$500,000.  
*Determine item is exempt pursuant to CEQA Guidelines Section 15060(c)(3).*

## **M. Closed Session**

The Board shall recess into closed session for a conference with legal regarding the below items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(d)(1) of the California Government Code)

*Serena Schroeder v. Los Angeles Department of Water and Power*,  
Los Angeles Superior Court Case No. 19STCV16773.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(d)(1) of the California Government Code)

*Mikel Rastegar, et al. v. West Basin Municipal Water District, et al.*,  
Los Angeles Superior Court Case No. BC684499.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(d)(1) of the California Government Code)

*City of Los Angeles v. California Air Resources Board*, Sacramento  
Superior Court Case No. 34-2013-80001451-CU-WM-GDS.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(d)(1) of the California Government Code)

*Dreher v. Los Angeles Department of Water and Power*, Los Angeles  
Superior Court Case No. 19STCV07272.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(a) of the California Government Code)

*Antwon Jones v. City of Los Angeles*, Los Angeles Superior Court Case  
No. BC577267 (and designated related cases).

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Section 54956.9(a) of the California Government Code)

*City of Los Angeles v. Pricewaterhouse Coopers LLP (PwC)*, Los Angeles  
Superior Court Case No. BC574690 (including current appeals and  
designated related cases).

7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Subdivision (d)(4) of Section 54956.9 of the California Government Code)

Discussion regarding initiation of litigation (1 case).

The Board shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, in accordance with Section 54957.1 of the California Government Code.

**N. Adjournment**