



*Los Angeles Gateway Region
Integrated Regional Water Management
Joint Powers Authority*

AGENDA

**Regular Meeting of the Board of Directors
Thursday, November 9, 2023 at 12:00 PM**

Progress Park Plaza, 15500 Downey Avenue, Paramount, CA

- 1. Roll Call**
- 2. Determination of a Quorum**
- 3. Additions to Agenda (Govt. Code Sec. 54954.2(b))**
- 4. Oral Communications to the Board**

This is an opportunity for members of the public to address the Board on any item under the jurisdiction of the agency. Depending upon the subject matter, the Board may be unable to respond until the item can be posted on the agenda at a future meeting in accordance with provisions of the Brown Act.
- 5. Consent Calendar: (Acted as one item unless withdrawn by request)**
 - a. Minutes of the Board Meeting of September 14, 2023 (Enclosure).
 - b. Ratify the Warrant Register for October 2023 and Approve the Warrant Register for November 2023 (Enclosures).
 - c. Receive and File the Updated Expenditures for Legal Counsel Services (Enclosure).
- 6. Discussion/Action Regarding GWMA's Updated On-Call Consulting Services List**
 - a. Approve GWMA's Updated On-Call Consulting Services List as presented.
 - b. Authorize the Chair to execute On-Call Professional Services Agreements with the newly pre-qualified on-call consultants, contingent upon legal counsels' review of any requested non-material changes on PSAs.
- 7. Discussion/Action Regarding Memorandum of Understanding with Zenith Energy West Coast Terminals, LLC for Lower Los Angeles River Coordinated Integrated Monitoring Plan Cost Sharing**
 - a. Approve the MOU with the Zenith Energy WCT for the Administration and Cost Sharing for the Implementation of a Coordinated Compliance Monitoring and Reporting Plan and authorize the Chair to execute the MOU.
- 8. Discussion Regarding Regional Stormwater Operation and Maintenance Services**

Adriana Figueroa (Paramount), Board Chair • Kelli Pickler (Lakewood), Vice-Chair • Thomas Bekele (Signal Hill), Secretary/Treasurer
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9. Safe Clean Water Program – Oral Report

- a. Lower San Gabriel River “LSGR” WASC Chair – Melissa You
- b. Lower Los Angeles River “LLAR” WASC Chair – Madeline Chen

10. Executive Officer’s Oral Report

11. Directors’ Oral Comments/Reports

12. Adjournment to Regular Board Meeting on December 14, 2023 at Progress Park Plaza, 15500 Downey Avenue, Paramount, CA

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**MINUTES OF THE GATEWAY WATER MANAGEMENT AUTHORITY
LOS ANGELES GATEWAY REGION
INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY
BOARD
THURSDAY, SEPTEMBER 14, 2023**

A regular meeting of the Board of Directors of the Gateway Water Management Authority was held on Thursday, September 14, 2023 at 12:00 p.m. at Progress Park Plaza, 15500 Downey Avenue, Paramount, CA.

Vice-Chair Kelli Pickler called the meeting to order at 12:07 p.m. Roll was called by Ms. Traci Gleason and a quorum of the Board was declared.

BOARD MEMBERS PRESENT:

Bernie Iniguez	Bell Gardens
Len Gorecki	Bellflower
Isabelle Guido (alternate)	Central Basin Municipal Water District
Mike O'Grady	Cerritos
Dan Mueller (alternate)	Downey
Cesar Roldan	Huntington Park
Marlin Munoz (alternate)	La Mirada
Kelli Pickler	Lakewood
Melissa You	Long Beach
Diana Tang	Long Beach Utilities
Jerry Gomez	Maywood
Adriana Figueroa	Paramount
Dylan Porter (alternate)	Port of Long Beach
Jesse Sira (alternate)	Santa Fe Springs
Thomas Bekele	Signal Hill
Gladis Deras (alternate)	South Gate
Esther Rojas	Water Replenishment District
Vicki Smith	Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Grace Kast	Executive Officer
Traci Gleason	Program Administrative Manager
Nicholas Ghirelli	Legal Counsel
Madeline Anderson	Koa Consulting

ITEM 3 - ADDITIONS TO THE AGENDA

None.

ITEM 4 - ORAL COMMUNICATIONS TO THE BOARD

None.

ITEM 5 - CONSENT CALENDAR

Director Pickler moved to approve the consent calendar.

The motion was seconded by Director Smith and was approved by the following voice vote:

AYES: Iniguez, Gorecki, Guido, O’Grady, Mueller, Roldan, You, Gomez, Porter, Bekele, Rojas, Smith

NOES: None

ABSTAIN: Munoz, Pickler, Sira, Deras

ITEM 6 - DISCUSSION/ACTION REGARDING CATCH BASIN CLEANING PROPOSALS

Executive Officer Grace Kast led a discussion regarding Request For Proposals for catch basin cleaning services for Gateway Region Cities. She noted that a total of three proposals were received by GWMA staff by the deadline. Proposals were submitted by Nationwide Environmental Services (NES), Ron’s Maintenance (RMI), and United Stormwater (United). The three proposals were deemed responsive to GWMA’s requirements. Staff requested authorization to distribute the entire Request for Proposal package to member cities for their respective selection and contracting, noting that GWMA would not be making recommendations to Gateway Region Cities regarding proposals. No voting action was required, but a consensus was reached directing staff to distribute the package.

ITEM 7 – DISCUSSION/ACTION REGARDING INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP) PROPOSITION 1 ROUND 2 GRANT

Executive Officer Grace Kast announced that GWMA submitted a regional project for funding which was ultimately selected. The project is the Regional Recycled Water Expansion Project (Project) which includes the cities of Downey and Bell Gardens for a total grant amount of \$3,372,600. Ms. Kast stated that GWMA must enter into a Memorandum of Understanding (MOU) with the Los Angeles County Flood Control District (LACFCD) to serve as the Local Project Sponsor by which GWMA will receive a total grant of \$3,372,600 on behalf of the two projects.

Director Diane Tang entered the meeting at 12:14 p.m.

Director Iniguez moved to approve the following recommendations:

- a. Approve the MOU between LACFCD and GWMA and authorize the Executive Officer to make non-material changes to the MOU in consultation with Legal Counsel, if needed.
- b. Authorize the Chair to sign the MOU between the LACFCD and GWMA.
- c. Approve the Subrecipient Agreements with the City of Downey and the City of Bell Gardens for implementation of the Regional Recycled Water Project, contingent upon non-material changes authorized by the Executive Officer and approved by Legal Counsel.
- d. Authorize the Chair to sign the final Subrecipient Agreements.

The motion was seconded by Director Rojas, and the items were approved by the following voice vote:

AYES: Iniguez, Gorecki, Guido, O'Grady, Mueller, Roldan, You, Tang, Gomez, Porter, Bekele, Rojas, Smith, Munoz, Pickler, Sira, Deras

NOES: None

ABSTAIN: None

ITEM 8 – DISCUSSION/ACTION REGARDING STORMWATER OPERATION AND MAINTENANCE SERVICES

A discussion took place amongst members regarding stormwater operation and management services. Concerns were brought up about operations, maintenance, and design challenges. Director Pickler and Director Gorecki discussed Lakewood and Bellflower's current stormwater capture facilities and the issues that they are experiencing, such as lack of human access points for maintenance, percolation, algae growth, water and air quality issues, and sediment build up. There are concerns over the expenses to maintain and solve issues that continue to arise. A discussion around how to improve design and prevent future issues was requested at the next Board Meeting.

ITEM 9 – SAFE CLEAN WATER PROGRAM – ORAL REPORT

Director You who serves on the LLAR WASC as well as the LSGR WASC stated that the LSGR WASC met on August 8th to discuss roles and interviewing for open seats. The Chair and Vice-Chair positions will remain the same. The next meeting will be in October. As for the LLAR WASC update, Director You mentioned that she did not attend the last meeting, but the discussion around appointing future Chair and Vice-Chair was tabled until the September 26th meeting.

ITEM 10 - EXECUTIVE OFFICER'S ORAL REPORT

Executive Officer Grace Kast mentioned that there is an issue with outstanding accounts receivables by one of the member cities including non-payment of membership dues. Ms. Kast requested assistance by members to help mitigate the outstanding funds.

Ms. Kast also requested volunteers to evaluate/rank/recommend On-Call Consultants for GWMA based on 10 SOQs received. Director Smith, Director Deras, and Director Roldan volunteered.

Director Adriana Figueroa entered the meeting at 12:44 p.m.

ITEM 11 – DIRECTORS' ORAL COMMENTS/REPORTS

None.

The meeting adjourned at 12:47 p.m.

The next regular Board Meeting of the Directors of the Gateway Water Management Authority will be on Thursday, October 12, 2023 at 12:00 p.m. at the Clearwater Building, 16404 Paramount Boulevard, Paramount, CA.

Adriana Figueroa, Chair

Date



*Los Angeles Gateway Region
Integrated Regional Water Management
Joint Powers Authority*

November 9, 2023

AGENDA ITEM 5b – Ratify the Warrant Register for October 2023 and Approve the Warrant Register for November 2023

SUMMARY

The Warrant Register is a listing of general checks issued since the last warrant register. Warrants will be signed by 2 of the 3 Board Officers and released by Traci Gleason, serving as the Administrative/Accounting Manager of the Gateway Water Management Authority, upon Board Approval.

DISCUSSION

The Warrant Register for expenditures dated October 2023 in the amount of \$210,215.24 is submitted for ratification by the Board, and the Warrant Register for expenditures dated November 2023 in the amount of \$198,144.69 is submitted for approval. Invoices and supporting documentation are available for review at the office of the GWMA.

FISCAL IMPACT

The Warrant Register totals \$408,359.93. Funds to cover payment are available in the GWMA budget.

RECOMMENDATION

Ratify the Warrant Registers for October 2023 and Approve the Warrant Register for November 2023.

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WARRANT REGISTER
DISBURSEMENT JOURNAL
October 2023

Invoice Date	Vendor	Invoice Number	Description	Amount
9/11/2023	Alliant Insurance Services, Inc.	2313	SLIP Insurance (9/29/23 to 9/29/24)	\$ 15,120.03
8/2/2023	Anchor QEA	18429	Harbor Toxic Downstream (Service through 6/30/23)	\$ 8,182.21
8/6/2023	CASQA	2023-11	LCC Membership	\$ 4,900.00
8/6/2023	CASQA	2023-13	LSGR Membership	\$ 13,900.00
10/1/2023	City of Paramount	5103	Office Lease (Oct 2023)	\$ 410.64
9/13/2023	CWE	23373	LARUR2 (August 2023)	\$ 8,236.94
9/29/2023	Gateway Cities Council of Governments	09-29-23	Office Supplies (August and September 2023)	\$ 200.00
8/23/2023	JLHA Municipal Contractor	GWM1GHR12307	Harbor Toxics Upstream (July 2023)	\$ 3,236.76
8/23/2023	JLHA Municipal Contractor	GWM1LSG12307	LSGR WMP Implementation (July 2023)	\$ 39,737.96
9/20/2023	JLHA Municipal Contractor	GWM1LSG12308	LSGR WMP Implementation (August 2023)	\$ 29,473.29
10/2/2023	Koa Consulting, Inc.	K114-01-72	Water-Related PM Coordination Activities and Executive Officer Services, DAC Chair and DACIP Co-Chair (Sept 2023)	\$ 38,253.00
9/11/2023	Rodger's Catering	48726	GWMA Sept Board Meeting	\$ 561.17
9/20/2023	Richard Watson & Associates	23-192-003-009	LCC WMP CIMP (July 2023)	\$ 43,520.74
9/15/2023	Richards Watson Gershon	244159	Legal Services - General (service through 8/31/23)	\$ 4,482.50
			Total	\$ 210,215.24

Reviewed and Approved by:


Thomas Bekete, Signal Hill



WARRANT REGISTER
DISBURSEMENT JOURNAL
November 2023

Invoice Date	Vendor	Invoice Number	Description	Amount
9/27/2023	Anchor QEA	19403	Harbor Toxic Downstream (Services 6/1/2023-8/31/2023)	\$ 21,485.98
11/1/2023	City of Paramount	5130	Office Lease (November 2023)	\$ 410.64
10/13/2023	CWE	23439	LARUR2 (Sept 2023)	\$ 9,545.68
10/31/2023	Gateway Cities Council of Governments	10-31-23	Office Supplies (Oct 2023)	\$ 100.00
9/20/2023	JLHA Municipal Contractor	GWM1LLA12308	LLAR WMP Implementation (Aug 2023)	\$ 31,887.79
10/17/2023	JLHA Municipal Contractor	GWM1LLA12309	LLAR WMP Implementation (Sept 2023)	\$ 44,902.23
10/30/2023	Koa Consulting	K114-01-73	Water-Related PM Coordination Activities and Executive Officer Services, DAC Chair and DACIP Co-Chair (Oct 2023)	\$ 38,253.00
10/18/2023	Richard Watson & Associates	23-192-003-010	LCC WMP CIMP (Sept 2023)	\$ 50,459.37
10/17/2023	Richards Watson Gershon	244773	Legal Services - General (service through Sept 30, 2023)	\$ 1,100.00
			Total	\$ 198,144.69

Reviewed and Approved by:


Thomas Bekele, Signal Hill



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AGENDA ITEM 5c – Status of Total Legal Expenditures for General Legal Counsel Services for Fiscal Year 2023-2024

SUMMARY

At the Board meeting in June 2023, the Board approved the budget for legal counsel services of \$30,500 for Fiscal Year (FY) 2023-2024 to address legal issues. The Board has previously directed staff to provide monthly updates on total expenditures for legal counsel services.

Legal Counsel Services Update:

\$ 30,500.00	FY 2023-2024 Budget amount for Legal Counsel services
<u>\$ 5,747.50</u>	Expenditures for Legal Counsel services through September 30, 2023
\$ 24,752,50.00	Remaining budget amount available through June 30, 2024

FISCAL IMPACT

The total expenditures for Legal Counsel services for FY 2023-2024 through September 30, 2023 total \$5,747.50. Sufficient funds to cover payment for legal counsel services are remaining in the GWMA FY 2023-2024 budget.

RECOMMENDATION

Receive and file the status the updated expenditures for Legal Counsel Services.

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AGENDA ITEM 6 – Discussion/Action Regarding GWMA's Updated On-Call Consulting Services List

SUMMARY:

Many existing GWMA On-Call Consulting teams have experienced key staff changes. Additionally, there has been interest from consultants who are either not a pre-qualified consultant on the list or are not included in some of the categories of services on GWMA's list. Therefore, on July 26, 2023 a Request for Qualifications was released for General On-Call Professional Technical and/or Engineering Services.

Currently, GWMA's On-call consultants have Professional Services Agreements (PSA) through February 12, 2026. Those consultants were not required to submit a new Statement of Qualifications (SOQ). However, staff recommended consultants to submit a new SOQ for consideration if: (a) firm has changes to key staff member(s) included in the previous SOQ/ PSA; (b) firm wants to be considered for additional scopes of services; or (c) wish to enter into a new 5-year PSA. Regardless of the reason for submission, all SOQs were to be completed per the requirements and presented as a new SOQ to be evaluated and considered. Partial or augmented SOQs from previous submissions were not accepted.

Statement of Qualifications (SOQs) were due on September 8, 2023. GWMA received ten (10) SOQs, which were from the following companies:

- Craftwater Engineering, Inc.
- CWE
- ECorp Consulting, Inc.
- Geosyntec Consultants
- Harris & Associates
- John L. Hunter and Associates, Inc.
- Paradigm Environmental, Inc.
- SA Associates
- Tetra Tech
- West Yost

Staff sent the SOQs to the ad-hoc committee, consisting of Directors Deras, Roldan, and Smith, to review and rank each SOQ. GWMA staff then held a conference call with the ad-hoc committee on October 24th to discuss the individual and averaged rankings and determine a fair selection process to recommend consultants for GWMA's updated list of pre-qualified consultants. The committee selected firms with the top-three highest scores per scope of work category.

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It is important to note that all firms already on the On-Call Consultant list have a general PSA on file through February 2026 which coincides with the pre-approved on-call consultant list for selected categories of services. However, if an existing firm submitted a new SOQ, and ranked as one of the top three scores for any of the scope of services, they would now have a new general PSA through 2028. What could change is whether the firm is still on the On-Call Consultant list for specific categories of services after the original PSA ends. For example, if a firm was not ranked for a specific category of services with one of the top three scores during the current ranking/selection process, but was included during the previous ranking/selection process, then they would only be eligible to propose for that specific category of services until 2026. Thereafter, they would no longer be on the list for that specific category of services, but will still be considered for other specific categories of services where the firm did qualify as a top three firm.

The recommended updated list is attached hereto.

FISCAL IMPACT:

None at this time. Retaining consulting services requires approval of expenditures in accordance with the approved Policy for On-Call Consulting Services for each recommended Scope of Work task.

RECOMMENDATION:

- a. Approve GWMA's Updated On-Call Consulting Services List as presented.
- b. Authorize the Chair to execute On-Call Professional Services Agreements with the newly pre-qualified on-call consultants, contingent upon legal counsels' review of any requested non-material changes on PSAs.

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ON-CALL CONSULTING SERVICES FOR GWMA

November 9, 2023

Scope of Work Category: Feasibility Study and Project and/or Program Report Writing.

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	
Rincon Consultants	Danielle Griffith	dgriffith@rinconconsultants.com	2021-2026	
SA Associates	Shahnawaz Ahmad	sahmad@saassociates.net	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	X
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X
Paradigm Environmental	Steve Carter	steve.carter@paradigmh2o.com		X

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ON-CALL CONSULTING SERVICES FOR GWMA (cont.)

Scope of Work Category: Project Management (including, but not limited to Construction Management and Inspection Services, Plan Checking, Compliance Assurance and Reporting Services Associated with Federal, State and other Grant Funded Projects and Programs).

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Atkins North America	Maria Alvarez	maria.alvarez@atkinsglobal.com	2021-2026	
Cannon	Mike Agbodo	mike.a@cannoncorp.us	2021-2026	
Civiltec Engineering	Greg Ripperger	gripperger@civiltec.com	2021-2026	
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
SA Associates	Shahnawaz Ahmad	sahmad@saassociates.net	2021-2026	X
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	X
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com		X
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com		X
John L. Hunter & Associates	John Hunter	jhunter@jlha.net		X
Paradigm Environmental	Steve Carter	steve.carter@paradigmh2o.com		X

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ON-CALL CONSULTING SERVICES FOR GWMA (cont.)

Scope of Work Category: Coordinate and Manage Watershed Projects.

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	
John L. Hunter & Associates	John Hunter	jhunter@jlha.net	2021-2026	X
Richard Watson & Associates	Richard Watson	rwatson@rwaplanning.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	X
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X

Scope of Work Category: Prepare and/or Manage Preparation of Bid Documents (Plans, Specifications and Estimates).

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Atkins North America	Maria Alvarez	maria.alvarez@atkinsglobal.com	2021-2026	
Cannon	Mike Agbodo	mike.a@cannoncorp.us	2021-2026	
Civiltec Engineering	Greg Ripperger	gripperger@civiltec.com	2021-2026	
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	X
SA Associates	Shahnawaz Ahmad	sahmad@saassociates.net	2021-2026	X
Stetson Engineers	Jeff Helsley	jeffh@stetsonengineers.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	X
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com		X
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X

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ON-CALL CONSULTING SERVICES FOR GWMA (cont.)

Scope of Work Category: Regional Planning Grant and/or Opportunities (including Development of Associated Documents.

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	X
John L. Hunter & Associates	John Hunter	jhunter@jlha.net	2021-2026	X
Richard Watson & Associates	Richard Watson	rwatson@rwaplanning.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X

Scope of Work Category: Grant Writing and/or Grant Implementation Management.

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	X
John L. Hunter & Associates	John Hunter	jhunter@jlha.net	2021-2026	
Richard Watson & Associates	Richard Watson	rwatson@rwaplanning.com	2021-2026	
SA Associates	Shahnawaz Ahmad	sahmad@saassociates.net	2021-2026	X

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ON-CALL CONSULTING SERVICES FOR GWMA (cont.)

Scope of Work Category: Strategic Local and/or Regional Planning Efforts (including Development of Associated Documents).

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	
John L. Hunter & Associates	John Hunter	jhunter@jlha.net	2021-2026	X
Richard Watson & Associates	Richard Watson	rwatson@rwaplanning.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	X
Paradigm Environmental	Steve Carter	steve.carter@paradigmh2o.com		X

Scope of Work Category: GIS Mapping/Management.

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	X
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	X
Ricon Consultants	Danielle Griffith	dgriffith@rinconconsultants.com	2021-2026	X
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com		X
Paradigm Environmental	Steve Carter	steve.carter@paradigmh2o.com		X

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ON-CALL CONSULTING SERVICES FOR GWMA (cont.)

Scope of Work Category: CEQA/NEPA Environmental Proceedings (including but not limited to, Preparation, Review and Management of Technical Reports Associated with Various Projects and/or Programs (Specialty in the area of Water/Watershed/ Stormwater)).

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Atkins North America	Maria Alvarez	maria.alvarez@atkinsglobal.com	2021-2026	
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	
CWE	Vik Bapna	vbapna@cwecorp.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	X
Ricon Consultants	Danielle Griffith	dgriffith@rinconconsultants.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	
ECorp Consulting	Anne Surdzial	asurdzial@ecorpconsulting.com		X

Scope of Work Category: IRWM Related Programs and Activities (including but not limited to, Plan Updates and Project List Updates).

Firm	Contact	Email	On-Call Agreement Term	Recommended for Approval for 2023-2028
Craftwater Engineering	Oliver Galang	oliver.galang@craftwaterinc.com	2021-2026	
Geosyntec Consultants	Ken Susilo	ksusilo@geosyntec.com	2021-2026	X
Harris & Associates	Christy Cooper	christy.cooper@weareharris.com	2021-2026	
Richard Watson & Associates	Richard Watson	rwatson@rwaplanning.com	2021-2026	
Stetson Engineers	Jeff Helsley	jeffh@stetsonengineers.com	2021-2026	
Tetra Tech	Justin Smith	justin.smith@tetrattech.com	2021-2026	
CWE	Vik Bapna	vbapna@cwecorp.com		X
John L. Hunter & Associates	John Hunter	jhunter@jlha.net		X

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*Los Angeles Gateway Region
Integrated Regional Water Management
Joint Powers Authority*

November 9, 2023

AGENDA ITEM 7 – Discussion/Action Regarding Memorandum of Understanding with Zenith Energy West Coast Terminals, LLC for Lower Los Angeles River Coordinated Integrated Monitoring Plan Cost Sharing

SUMMARY:

Zenith Energy West Coast Terminals, LLC (Zenith Energy WCT) requested from the Lower Los Angeles River (LLAR) Watershed Group to participate in the LLAR coordinated Integrated Monitoring Plan (CIMP) for the (Harbor Toxics) Total Maximum Daily Loads (TMDLs) at monitoring locations for individual permit compliance.

The LLAR Watershed Group is requesting for the GWMA Board of Directors to authorize GWMA to enter into an individual separate agreement with the Zenith Energy WCT as an individual National Pollutant Discharge Elimination System (NPDES) permit holder for CIMP cost sharing purposes only.

DISCUSSION:

In 2018, the GWMA Board authorized staff and legal counsel to work with the various watershed groups for which GWMA facilitates the collection of monitoring data to develop a data sharing process for private NPDES permit holders, similar to the current program for the Lower Harbor Toxics Group.

The agreement was prepared utilizing GWMA's template data sharing agreement with the private NPDES permit holder which includes insurance requirements and requires the private party to indemnify GWMA and the public agency permittees. In addition, the agreement provides that GWMA does not guarantee the accuracy of the monitoring data and that GWMA shall have no liability to the Permit Holder for the acts or omissions of GWMA's consultants. waives GWMA's liability for negligent acts. The agreement also clarifies that the private party is not considered a member of the group, but instead is only entitled to participate in the monitoring program.

Zenith Energy WCT will be invoiced an annual payment amount for the monitoring data collected as part of the CIMP, plus administrative fees on each payment to cover direct and indirect administrative costs.

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FISCAL IMPACT:

GWMA's Direct and Indirect Administrative Costs would be collected annually from the Zenith Energy WCT.

RECOMMENDATION:

- a. Approve the MOU with the Zenith Energy WCT for the Administration and Cost Sharing for the Implementation of a Coordinated Compliance Monitoring and Reporting Plan and authorize the Chair to execute the MOU.

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AGREEMENT
BETWEEN THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL
WATER MANAGEMENT JOINT POWERS AUTHORITY
AND
ZENITH ENERGY WEST COAST TERMINALS, LLC

FOR COST SHARING FOR THE IMPLEMENTATION OF A COORDINATED
COMPLIANCE MONITORING AND REPORTING PLAN AS REQUIRED BY THE
REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

This Agreement is made and entered into as of November 9, 2023, by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority ("GWMA"), a California Joint Powers Authority, and Zenith Energy West Coast Terminals, LLC, a Delaware Limited Liability Company ("Permit Holder").

RECITALS

WHEREAS, the mission of the GWMA includes the equitable protection and management of water resources within its area; and

WHEREAS, for the purposes of this Agreement, the term "Permittees" shall mean the Cities of Downey, Lakewood, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate, Long Beach, and the Los Angeles County Flood Control District ("LACFCD"); and

WHEREAS, between 2005 and 2016, the United States Environmental Protection Agency approved the Nutrient Total Maximum Daily Load ("TMDL"), Metals TMDL, Los Angeles River Bacteria TMDL, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants (Harbor Toxics) TMDL, Beaches/Estuary TMDL with the intent of protecting and improving water quality in the Lower Los Angeles River and the Greater Los Angeles and Long Beach Harbor Waters ("TMDLs"); and

WHEREAS, the TMDLs regulate certain discharges from National Pollutant Discharge Elimination System ("NPDES") permit holders, requiring organization and cooperation among the Permittees; and

WHEREAS, the Permittees and Permit Holder manage, drain or convey storm water into at least a portion of the Lower Los Angeles River ("LLAR"); and

WHEREAS, the Permittees comply with the monitoring requirements of the TMDLs by implementing a Coordinated Integrated Monitoring and ("CIMP") for the TMDLs to ensure consistency with other regional monitoring programs and usability with other TMDL related studies; and

WHEREAS, the Permittees have authorized GWMA to hire and serve as conduit for paying a qualified consultant team ("Consultant"), approved by the Permittees, to implement and conduct the monitoring set forth in the CIMP; and

WHEREAS, John L. Hunter and Associates has been retained by GWMA as the principal Consultant to implement the CIMP; and

WHEREAS, individual NPDES permit holders that are not Permittees, have indicated a desire to participate in the CIMP for individual permit compliance; and

WHEREAS, the Permittees authorized the GWMA to enter into individual separate agreements with such individual NPDES permit holders (which shall not have voting rights in any group relating to the Permittees or the GWMA) for CIMP cost sharing purposes only; and

WHEREAS, the Permit Holder is such an individual NPDES permit holder and desires to obtain monitoring data collected as part of the CIMP, to have its name included on monitoring reports submitted to the Regional Board in accordance with the CIMP and to share in the costs of the implementation of the CIMP.

WHEREAS, the role of the GWMA is to invoice and collect funds from the Permit Holder to cover a portion of the costs of implementing the CIMP.

WHEREAS, the Permit Holder and the GWMA are collectively referred to as the "Parties."

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties do hereby agree as follows:

Section 1. Recitals. The recitals set forth above are fully incorporated as part of this Agreement.

Section 2. Purpose. The purpose of this Agreement is for the Permit Holder to cost share in the implementation of the CIMP.

Section 3. Cooperation. The Parties shall fully cooperate with one another to achieve the purposes of this Agreement.

Section 4. Voluntary Nature. The Parties voluntarily enter into this Agreement.

Section 5. Binding Effect. This Agreement shall become binding on GWMA and the Permit Holder.

Section 6. Term. This Agreement shall commence on November 9, 2023, and shall expire on June 30, 2026, unless terminated earlier pursuant to this Agreement.

Section 7. Role of the GWMA.

(a) The GWMA shall invoice and collect funds from the Permit Holder to cover a portion of the costs of hiring and paying the Consultant to implement the CIMP.

(b) The GWMA shall administer the Consultant contracts for implementation of the CIMP by contracting with and paying the Consultant.

Section 8. Financial Terms.

(a) The Permit Holder shall pay Fourteen Thousand One Hundred Forty-Five Dollars (\$14,145.00), plus any applicable Consumer Price Index (CPI) adjustment as defined below ("Annual Payment Amount"), annually on a fiscal year (July 1st to June 30th) basis to the GWMA in exchange for the monitoring data collected as part of the CIMP and inclusion of the Permit Holder's name on monitoring reports submitted to the Regional Board in accordance with the CIMP. The Annual Payment Amount will be annually adjusted each year based upon the percentage change in the Bureau of Labor Statistics' CPI, Los Angeles-Long Beach-Anaheim Area, for the twelve-month period ending on March 1st of the preceding fiscal year.

(b) Included within the Annual Payment Amount is a charge for the Permit Holder's share of the GWMA's staff time for hiring the Consultant and invoicing the Permit Holder, audit expenses and other overhead costs, including reasonable legal fees incurred by the GWMA in the performance of its duties under this Agreement ("Administrative Costs"). The GWMA annually establishes the fee rate for recovering its Administrative Costs. The fee rate charged to the Permit Holder is the rate applied to Non-GWMA Members.

(c) Permit Holder's first payment is due upon execution of this Agreement and shall cover the current fiscal year. For each successive year, commencing with the 2024-2025 fiscal year, the GWMA shall submit annual invoices to the Permit Holder no later than the April 15th prior to the new fiscal year.

(d) Upon receiving an invoice from the GWMA, the Permit Holder shall pay the invoiced amount to the GWMA within thirty (30) days of the invoice's date.

(e) The Permit Holder will be delinquent if its invoiced payment is not received by the GWMA within forty-five (45) days after the invoice's date. If the Permit Holder is delinquent, the GWMA will: 1) verbally contact the representative of the Permit Holder; and 2) submit a formal letter from the GWMA Executive Officer to the Permit Holder at the address listed in Section 12 of this Agreement. If payment is not received within sixty (60) days of the invoice date, the GWMA may terminate this Agreement. However, no such termination may be ordered unless the GWMA first provides the Permit Holder with thirty (30) days written notice of its intent to terminate the Agreement. The terminated Permit Holder shall remain obligated to GWMA for its delinquent payments and any other obligations incurred prior to the date of termination. If the GWMA terminates this Agreement because the Permit Holder is delinquent in its payment, Permit Holder shall no longer be entitled to the monitoring data collected as part of the CIMP, and Permit Holder's name shall not be included in monitoring reports submitted in accordance with the CIMP.

(f) Any delinquent payments by the Permit Holder shall accrue compound interest at the average rate of interest paid by the Local Agency Investment Fund during the time that the payment is delinquent.

Section 9. Independent Contractor.

(a) The GWMA is, and shall at all times remain, a wholly independent contractor for performance of the obligations described in this Agreement. The GWMA's officers, officials, employees and agents shall at all times during the term of this Agreement be under the exclusive control of the GWMA. The Permit Holder cannot control the conduct of the GWMA or any of its officers, officials, employees or agents. The GWMA and its officers, officials, employees, and agents shall not be deemed to be employees of the Permit Holder.

(b) The GWMA is solely responsible for the payment of salaries, wages, other compensation, employment taxes, workers' compensation, or similar taxes for its employees and consultants performing services hereunder.

Section 10. Indemnification and Insurance.

(a) The Permit Holder shall defend, indemnify and hold harmless the GWMA and the Permittees and their officers, employees, and other representatives and agents from and against any and all liabilities, actions, suits proceedings, claims, demands, losses, costs, and expenses, including legal costs and attorney's fees, for injury to or death of person(s), for damage to property (including property owned by the GWMA and any Permittee) for negligent or intentional acts, errors and omissions committed by the Permit Holder or its officers, employees, and agents, arising out of or related to that Permit Holder's performance under this Agreement, except for such loss as may be caused by GWMA's own negligence or that of its officers, employees, or other representatives and agents, excluding any consultants retained to implement the CIMP.

(b) GWMA makes no guarantee or warranty that the reports prepared by GWMA and its Consultant shall be approved by the relevant governmental authorities. GWMA shall have no liability to the Permit Holder for the acts or omissions of consultants retained to implement the CIMP. The Permit Holder's sole recourse for any act or omission of the Consultant shall be against the Consultant and their insurance.

Section 11. Termination.

(a) The Permit Holder may terminate this Agreement for any reason, or no reason, by giving the GWMA prior written notice thereof, but the Permit Holder shall remain responsible for its entire Annual Payment Amount through the end of the current fiscal year during which Permit Holder terminates the Agreement and shall not be entitled any refund of any portion of said Annual Payment Amount. Moreover, unless the Permit Holder provides written notice of termination to the GWMA by the March 30th immediately prior to the new fiscal year, the Permit Holder shall also be responsible for its Annual Payment Amount through the end of the new fiscal year (e.g., If the Permit Holder terminates on April 1, 2024, Permit Holder is responsible for the Annual Payment

Amounts for both FY 2023-2024 and FY 2024-2025. If the Permit Holder terminates on March 25, 2024, the Permit Holder is responsible for its Annual Payment Amount only for FY 2023-2024, not for FY 2024-2025). If the Permit Holder terminates the Agreement, the Permit Holder shall remain liable for any loss, debt, or liability otherwise incurred through the end of the new fiscal year.

(b) The GWMA may, with a majority vote of the full GWMA Policy Board, terminate this Agreement upon not less than thirty (30) days written notice to the Permit Holder. Any remaining funds not due and payable or otherwise legally committed to the Consultant shall be returned to the Permit Holder.

Section 12. Miscellaneous.

(a) Permit Holder has been accepted as a participant in the CIMP and shall not be entitled to appoint a representative or to vote or participate in any way in decisions assigned to Permittees or the GWMA. Participant status entitles Permit Holder only to the monitoring data collected as part of the CIMP and to have its name included on all reports submitted in accordance with the CIMP for any fiscal year in which the participant has paid its Annual Payment Amount. By entering into this Agreement, neither the GWMA nor its member agencies represent that they condone or support the Permit Holder's business activities or the cause of its discharge.

(b) Notices. All Notices which the Parties require or desire to give hereunder shall be in writing and shall be deemed given when delivered personally or three (3) days after mailing by registered or certified mail (return receipt requested) to the following address or as such other addresses as the Parties may from time to time designate by written notice in the aforesaid manner:

To GWMA:

Ms. Grace Kast
GWMA Executive Officer
Gateway Water Management Authority
16401 Paramount Boulevard
Paramount, CA 90723

To the Permit Holder:

Zenith Energy West Coast Terminals LLC
Attn: CM Cunningham, P.E., HSER Manager
18000 Studebaker Road Suite 960 Cerritos, CA 90703
Phone: 562-263-3929
Email: Connie.Cunningham@ZenithTerminals.com

(c) Amendment. The terms and provisions of this Agreement may not be amended, modified or waived, except by a written instrument signed by all Parties.

(d) Waiver. Waiver by either the GWMA or the Permit Holder of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver, by the GWMA or the Permit Holder, to any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach of any provision of this Agreement.

(e) Law to Govern: Venue. This Agreement shall be interpreted, construed, and governed according to the laws of the State of California. In the event of litigation between the Parties, venue shall lie exclusively in the County of Los Angeles.

(f) No Presumption in Drafting. The Parties to this Agreement agree that the general rule that an agreement is to be interpreted against the Party drafting it, or causing it to be prepared, shall not apply.

(g) Severability. If any term, provision, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and this Agreement shall be read and construed without the invalid, void, or unenforceable provisions(s).

(h) Entire Agreement. This Agreement constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.

(i) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this Agreement.

(j) Legal Representation. All Parties have been represented by counsel in the preparation and negotiation of this Agreement. Accordingly, this Agreement shall be construed according to its fair language.

(k) Authority to Execute this Agreement. The person or persons executing this Agreement on behalf of Permit Holder warrants and represents that he or she has the authority to execute this Agreement on behalf of the Permit Holder and has the authority to bind Permit Holder.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on their behalf, respectively, as follows:

DATE: _____

LOS ANGELES GATEWAY REGION
INTEGRATED REGIONAL WATER
MANAGEMENT JOINT POWERS
AUTHORITY

Adriana Figueroa
GWMA Chair

Nicholas R. Ghirelli
GWMA General Counsel

DATE: _____

Zenith Energy West Coast Terminals LLC

Signature

Print Name & Title

Signature

Print Name & Title

[Signatures of Two Corporate Officers Required]