



IMPERIAL IRRIGATION DISTRICT

invites your interest in the position of

GENERAL COUNSEL

Recruitment Services Provided by **Ralph Andersen & Associates**



An Outstanding Opportunity

The Board of Directors (“Board”) for Imperial Irrigation District (“IID” or “District”) is seeking a new General Counsel due to a pending retirement. This exciting career position is a rare opportunity to join a public agency as the top legal advisor with specialty areas of the law that are both incredibly interesting and complex – water and power. The top candidate for this position will be known as a legal strategist with business expertise and acumen. Prior experience with water and/or power legal issues is ideal but is not required. Experience working directly as in-house counsel or in support of public agencies through a private law firm is required. Additionally, and perhaps equally important, the new General Counsel’s ability to understand the significance and extreme value of Imperial Irrigation District’s water rights’ contributions and overall impact on agriculture and the entire region is paramount. This General Counsel position offers unparalleled legal support on local, regional, statewide, and federal issues, including recent and pending legislation, as well as dealing with state and federal regulators.

Consider being one of a select few that will have achieved such a capstone career in this arena. Why not make this your legacy?

Due to the robust nature of this position and dealing with urgent matters, the Board strongly prefers candidates who are willing to relocate to the Imperial Valley but may consider an option within IID’s energy service area which includes the Southeastern Coachella Valley area with on-site visits to the administration headquarters location, as needed.

Fascinating History of the Imperial Valley

At its core, the founding of IID is a story about triumph over struggle for the public good. It is also about how generations of rugged individuals, beginning more than a century ago, willingly braved the region's harsh conditions to, essentially, gamble at a chance to sustain life in the desert.

Today, IID has a 3.1 million acre-feet ("MAF") annual Colorado River consumptive use limit, with a "present perfected" right to 2.6 MAF of river water annually. Equally important, the water of the Colorado River is used by both the upper basin states (Colorado, New Mexico, Utah, and Wyoming) and the lower basin states (Arizona, California, and Nevada), as well as by Mexico. In accordance with the 1922 Colorado River Compact, the upper and lower basin states are each entitled to the exclusive beneficial consumptive use of 7.5 MAF of Colorado River water each year, in perpetuity.

IID entered the power industry in 1936 and now serves electricity to more than 150,000 customers in Imperial County and parts of Riverside and San Diego counties.

For more information on the fascinating history of the Imperial Valley's early water history, watch past events unfold through this [video](#) of the Early History of Water in the Imperial Valley or review the following links:

[A Century of Service](#)

[The First 40 Years](#)

[Water History](#)

[Energy History](#)



Mission / Vision Statements

IID's Mission Statement

The Imperial Irrigation District is a fiscally responsible public agency whose mission it is to provide reliable, efficient and affordably priced water and energy service to the communities it serves.

IID's Vision Statement

The Imperial Irrigation District will protect the Imperial Valley's water rights and energy balancing authority, deliver the highest level of customer service and maintain system reliability for the sustained benefit of the regional economy, the environment and the communities it serves in a fiscally responsible manner.

Operating Norms

- 1.** Building a culture of transparency depends on establishing a foundation of trust. No employee, section or department is an island at IID.
- 2.** We will only be regarded as credible outside the organization when we are seen as believable within it.
- 3.** We cannot lose as a public agency if we are serving the public good.
- 4.** Information has no value to the organization unless it is accurate and communicated to others (if it isn't shared, it doesn't exist).

Overview of Imperial Irrigation District

Imperial Irrigation District's mission is to protect its water rights and energy balancing authority, deliver the highest level of customer service, and maintain system reliability for the sustained benefit of the regional economy, the environment, and the communities it serves in a fiscally responsible manner.



IID is one of the largest irrigation districts in the nation, organized under and governed by the Irrigation District Law, California Water Code sections 20500 et seq. It is headquartered in Imperial, California and employs over 1,325 staff to support the core functions of water and energy. The annual budget is more than \$800 million dollars with capital projects ranging from \$150 million – \$180 million annually. The General Counsel would be well served to reside and be located in Imperial County due to the demands of this position. Alternatively, the General Counsel, with approval from the Board, may be authorized to work from a location in the Southeast Coachella Valley. In doing so, frequent on-site visits to IID's headquarters will be required to fully serve the needs of the Board and the organization.



IID holds pre-1914 senior water rights under the Law of the Colorado River, which is a series of federal laws, court decisions and decrees, federal and interstate agreements, federal policies and procedures, as well as other documents governing the water rights and operations of the Colorado River.

Overview of Imperial Irrigation District *continued*



Since 1942, Colorado River water has been diverted at Imperial Dam through the 80-mile-long All-American Canal to deliver water to the Imperial Valley. IID diverts water from the Colorado River, its sole water supply, to approximately 500,000 acres of agriculture land, seven municipalities, one private water company, and two community water systems through a gravity-fed conveyance system consisting of 148 miles of main canals, 1,668 miles of laterals, and 1,457 miles of surface drains in the fertile Imperial Valley.



IID's Colorado River water supplies are put to numerous reasonable and beneficial uses, but largely to grow a safe and reliable food supply that feeds the nation and serves as the backbone of a rural border community and agrarian economy. Agricultural crops are grown year-round in the Imperial Valley, including alfalfa, wheat, sugar beets, broccoli, cauliflower, cantaloupes, honeydews, dry bulb onions, processor onions, carrots, sweet corn, spinach, spring mix and watermelons. Organic farming has become an increasingly important part of farming practices in the Imperial Valley.

Due to IID's water rights, the District plays a key role in federal and state negotiations for the management of the Colorado River. IID is implementing the Quantification Settlement Agreement ("QSA"), a series of agreements, for the nation's largest agriculture-to-urban water transfer to ensure that California's Colorado River water uses do not exceed the state's annual 4.4 MAF entitlement limit. Since 2014, IID's water conservation programs have generated on average more than 500,000 acre-feet per year of conserved water.

The Salton Sea, presently the largest lake in California, is located in the lowest portion of the Imperial and Riverside counties and is one of the most important links on the Pacific Flyway, supporting over 400 species of birds. This endorheic or terminal lake is sustained primarily by agricultural return flow water from Imperial, Coachella, and Mexicali valleys. The existing Salton Sea was formed in 1905 when the Colorado River breached an irrigation inlet and flowed unchecked into the Imperial Valley. Since the implementation of the QSA, the elevation of the Salton Sea has been declining. IID is implementing its QSA mitigation obligations under its Salton Sea Air Quality Mitigation Program. Yet, IID actively continues to work with federal and state agencies to ensure California carries out its restoration obligations for the Sea under the QSA and state legislation.

Overview of Imperial Irrigation District *continued*

IID is also a balancing authority, the 3rd largest public power utility in California and sixth largest electric utility in California, serving more than 150,000 energy customers in Imperial County and parts of Riverside and San Diego Counties. IID uses a diverse mix of resources to maintain grid reliability and reduce costs to serve and provide energy service with an environmentally conscious approach reducing greenhouse gas emissions wherever possible. All of IID's consumed renewable resources are located within the IID service territory allowing IID to not only reduce state emissions, but also directly reduce local emissions.

IID controls more than 1,100 megawatts ("MW") of energy derived from a diverse resource portfolio that includes IID-owned generation and long-term and short-term power purchases. Its electric service territory spans over 6,400 square miles and its transmission system extends to over 1,800 miles of transmission lines which includes 310 miles of partially owned 500kV assets not operated by IID. Its distribution system includes approximately 3,396 miles of overhead and 1,667 miles of underground distribution lines. IID owned generation assets include a varied portfolio of renewable, conventional generation assets, hydro, solar, battery storage, as well as augmenting its generation fleet power purchase agreements.

IID meets its customers' energy requirements with its own generating facilities as well as with purchases of capacity and energy from other sources. IID's historical peak demand during the summer months exceeds 1,000 MW. IID's load for 2018 was 3,763,277 MW hours. The District's annual peak demands are driven primarily by customers' energy requirements for air conditioning.



Overview of Imperial Irrigation District *continued*



IID meets its customers' energy requirements with its own generating facilities as well as with purchases of capacity and energy from other sources. Power purchased by IID is delivered through the Imperial Valley Substation and is transmitted into the IID's Electric System through interconnection facilities.

Importantly, IID serves as a balancing authority under the Western Electricity Coordinating Council ([WECC](#)) independent of the California Independent System Operator ([CAISO](#)), playing an increasingly important role in grid reliability throughout the region. IID also participates in the wholesale energy markets to displace existing power purchase agreements and internal generation to meet the District's native load consistent with WECC, North American Electric Reliability Corporation ([NERC](#)) and Federal Energy Regulatory Commission ([FERC](#)) requirements as a balancing authority. The District's reliability mandate, combined with its renewable resource development initiatives, have positioned IID as a leading voice in renewable energy development and transmission policy throughout the region and the nation.

IID is uniquely positioned to play a key role in helping California meet its renewable energy goals. Imperial Valley has been recognized for its vast potential for future solar, wind, and geothermal renewable energy development (the Salton Sea resource area is one of the largest known geothermal resources in North America). IID has taken a leading role in renewable energy development and is committed to working closely with private sector development of lithium and other mineral recovery from the Salton Sea resource area. Not only has IID met and exceeded its renewable energy goals, but it has done so with local resources from within its service territory, while minimizing rate impacts to its retail customers.



Governing Structure

As a public agency, the District is governed by a five-member Board of Directors duly elected by voters in Imperial County. IID is a member of the California Colorado River Board, the Salton Sea Authority (SSA), the Association of California Water Agencies (ACWA), and the Quantification Settlement Agreement Joint Powers Authority (QSA JPA). IID is also a member of the Large Public Power Council ([LPPC](#)), the American Public Power Association ([APPA](#)), California Municipal Utility Association ([CMUA](#)), and the Southern California Public Power Association ([SCPPA](#)). IID is a key party to numerous matters involving the Department of Interior and the Bureau of Reclamation, United States Army Corps of Engineers, United States Fish and Wildlife Services, California Natural Resources Agency, California State Water Resources Control Board, California Department of Fish and Wildlife, Colorado River Basin States, and other California water agencies. The District works in concert with other electric industry oversight groups such as the California ISO, Western Electricity Coordinating Council, North American Reliability Energy Council, and the Federal Energy Regulatory Commission.

Important Citizen Advisory Committees

Water Conservation Advisory Board – The Water Conservation Advisory Board (WCAB) was first established by the IID Board of Directors in July 1979. The WCAB was created to provide information, input and recommendations related to water conservation, for both system and on-farm water conservation, to the IID Board of Directors and the public. The WCAB provides advice and recommendations on fiscal, strategic planning, and Board policy matters that affect the Water Department. The WCAB consists of a total of 15 members who reside and farm within the water service area, three from each division, who are appointed by the five IID Directors. This critically important Board meets monthly throughout the year.



Important Citizen Advisory Committees continued

Energy Consumers Advisory Committee - IID's Energy Consumers Advisory Committee (ECAC) provides advice and recommendations on fiscal, strategic planning, and Board policy matters that affect the Energy Department. The Committee is comprised of 20 representatives with diverse backgrounds and expertise. In the Imperial Valley, each Director is responsible for the selection of two appointees for his or her division, totaling 10 representatives. The Coachella Valley is also represented by 10 members; however, they are nominated by the cities and the county of Riverside. Indio, Coachella, and La Quinta are allowed two nominations each, while Palm Desert and Rancho Mirage share a delegate. The unincorporated areas are served by three representatives nominated by Riverside County. After nomination, each representative is then ratified by the IID Board of Directors. The ECAC provides critical advice to the Board regarding all aspects of the Energy Department and its operations.

Upcoming Topics, Issues, Programs, and Projects

- ◆ Protection of water rights and negotiation of both state and federal level agreements relating to the operations of the Colorado River and water use within California
- ◆ Alternative energy sources including solar and wind generation projects
- ◆ Construction, rebuilding, and upgrades of existing transmission system and other related infrastructure and capital projects sponsored directly by IID
- ◆ Cyber security (internal and external to IID and related to other associated third parties)
- ◆ Energy storage solutions
- ◆ Geothermal opportunities
- ◆ Third party funded projects for design, engineering, procurement, and construction done in partnership with IID
- ◆ Pending and proposed legislation changes at both state and federal level
- ◆ Power purchases including the rapidly evolving, regulatory, and market changes related to energy
- ◆ Salton Sea – Environmental issues created by the receding sea as well as opportunities presented for geothermal and mineral extraction

Overview of Responsibilities

Under direction of the IID Board of Directors and General Manager, the General Counsel plans, organizes, coordinates, and controls the operations, activities, and functions of the Legal Department. The General Counsel also develops and administers a comprehensive legal services program for the District and acts as the top legal advisor to the organization. The General Counsel oversees legal staff and will administer the annual department budget for the Legal Office as well as oversee the selection and approval of outside attorneys including decisions and strategies on all litigation matters.

The General Counsel will handle sensitive information in a confidential manner and is required to attend all Board meetings. Support to the Board will also involve advising on legal matters that relate to other governmental agencies and regulatory agencies.

The General Counsel will need to be available to serve the legal urgencies of the District. Accordingly, the General Counsel will be well served to be a resident of the Imperial Valley or the Board may be amenable to relocation to the energy service area which includes the Southeast Coachella Valley with periodic on-site meetings throughout the month.

Key responsibilities include:

- ◆ Manage the day-to-day operations of the in-house Legal Department including supervising assigned personnel.
- ◆ Provide technical legal advice to the board, attends Board meetings providing counsel as to the Ralph M. Brown Open Meetings Act and parliamentary procedure, and provide legal opinions regarding district operations and programs, civil actions and claims against the District, and current or pending legal actions.
- ◆ Provide technical expertise, legal advice, and professional legal services to the Board and management staff, including researching legal issues, preparing legal opinions, recommending legal strategy, and drafting contracts, resolutions, and other legal instruments.
- ◆ Prepare and deliver oral and written opinions, reports, defenses, and related documents; make presentations to the Board, committees, and other administrative bodies.
- ◆ Coordinate with department managers to ensure appropriate legal representation regarding water, energy, human resources, financial, regulatory, real estate, and environmental issues.
- ◆ Review claims, issues, and legal actions filed against the District and recommend and/or take appropriate course of action, including assigning it the appropriate outside counsel for handling and developing and maintaining panel(s) of approved counsel for common legal issues or for more specialized needs.
- ◆ Represent the interests of the District in administrative hearings, regulatory law hearings, and judicial proceedings.
- ◆ Develop and negotiate standardized service agreements for the retention of outside counsel and other legal services as needed.
- ◆ Participation and administration of the legal budget including coordinate the review of legal bills to ensure accurate billing and timely payment.

Key responsibilities continued

- ◆ Create and maintain a comprehensive filing system for all legal matters involving the district.
- ◆ Serve as counsel for board of employment review hearings.

The Ideal Candidate

The ideal candidate will be an experienced legal professional with public agency experience gained directly from working with a public agency as in-house counsel or through a private firm providing similar services. Experience will encompass legal advice, support, and counsel to the organization including the Board of Directors, the General Manager, business, and operating staff on an array of activities and policy initiatives. The top legal advisor may have experience in the water utility arena, water rights, **or** public power and alternative energy sources **or** may be a well-versed generalist eager to embrace these exciting, fast-moving, and complex areas of the law. Importantly, the General Counsel must be able to work well in this robust and dynamic environment and bring a collaborative, can-do approach to a full array of issues supporting day-to-day operations to complex agreements, to legislative and regulatory mandates. A keen appreciation for the value of agriculture and its economic impact to the region are also critically important in this position.

Additionally, this legal strategist will have a track record of success in managing a small legal office and thrive in a high-performance organization. The General Counsel will have an outgoing, engaging, and collaborative style that supports transparency, innovation, and timely response. This top candidate will demonstrate the ability to craft solutions that allow the IID Board to move forward on complex purchase agreements and supporting initiatives. Incorporating best practices and innovative approaches is strongly desired in this position.

The General Counsel will also be an inclusive and thoughtful legal advisor who listens first, seeks input, and then consistently presents legal options in a concise fashion for consideration, allowing for a thorough analysis of all aspects of an issue. With broad legal experience, the ideal candidate will be able to evaluate highly technical proposals with potentially high dollar values.

Personal traits and characteristics:

- ◆ Proactively address legal needs in a **strategic and collaborative fashion to support the Board of Directors and the General Manager** in providing proactive and strategic legal advice and counsel.
- ◆ **Business acumen** combined with sound judgment and **business-oriented solutions** on legal matters.
- ◆ Confident and engaging professional with **outstanding communication, interpersonal, and leadership skills**.





Qualifying Education, Experience, and License

Education: Doctor of Jurisprudence from a recognized educational institution **and**

Experience: Ten years of increasingly responsible legal experience in the practice of civil law and civil litigation defense, including five years of supervision or management of litigation functions in a private or public agency setting. A working familiarity with water, labor, energy, and/or natural resource law, preferably in a public agency setting or in advising public agencies is strongly desired.

This position requires knowledge of and will have significant emphasis on civil and administrative law as it relates to municipal governments and state subdivisions; pleadings and effective practices and techniques in the presentation of civil cases; principles, methods and techniques of legal research and investigation; Administrative Agency Law, Employment Law and Contract Law; Conflict of Interest, the Ralph M. Brown Act, Fair Political Practices Act and other state laws and court cases applicable to municipalities and public bodies; and safe work practices.

License: Requires current and active membership in the State Bar of California, in good standing, at time of application. Out-of-State candidates who have previously practiced law in California with an inactive license must be able to be re-instated at time of employment date.

All highly qualified candidates are strongly encouraged to apply for this outstanding opportunity.

Compensation and Benefits

The annual salary range for the General Counsel position will be \$260,000 to \$298,000 and will be dependent on qualifications (DOQ). The Board fully expects to negotiate a mutually agreed upon salary with the top selected candidate. Direct experience in the areas of water and/or power will be considered in the compensation offered for top qualified candidates. A multi-year employment agreement including severance will be offered to the selected candidate including an allowance for reimbursement of moving and relocation expenses combined with a standard employee benefit plan. Important to note, IID is a non-CalPERS organization and as a result, this position will have the ability to have a generous benefit that offers contributions that may be directed to a combination of 401(a), 401(k), and 457 Plans.



To Be Considered

Candidates are required to submit a comprehensive résumé and a compelling cover letter no later than **Thursday, July 15, 2021** for optimal consideration. Screening interviews will be done with highly qualified candidates upon receipt of submitted applications. Electronic submittals may be sent to: apply@ralphandersen.com. Confidential inquiries should be directed to Ms. Heather Renschler or Mr. John Slaughter, Ralph Andersen & Associates at (916) 630-4900 or request an appointment to discuss further by contacting scheduling@ralphandersen.com.

Candidates should be aware that no references will be contacted until mutual interest is established. The First Round of Board Interviews will be done via Video Technology during late July. Top candidates will also be introduced to the General Manager (one-on-one video interview or in-person) and other members of the Executive Management Team. Interviews for Round #2 are anticipated to follow in early August. A mutually agreed upon start date will be determined. Candidates should be aware that every effort will be made to allow for a smooth transition with the outgoing General Counsel (Frank Oswald).

Imperial Irrigation District values diversity, equity, and inclusion in the workplace.

www.iid.com