

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

February 13, 2024

Chair Luna called the meeting to order at 8:31 a.m.

Members present: Directors Camacho (entered after roll call), Cordero (entered after roll call, teleconference posted location), Dick, Douglas, Garza (entered after roll call), Kurtz (entered after roll call), Luna, Miller (entered after roll call), Peterson, and Seckel.

Members absent: Directors McCoy and Ramos.

Other Directors present: Directors Ackerman, Armstrong, Bryant, Dennstedt, Erdman, Fong-Sakai, Goldberg, Gray (teleconference posted location), Kassakhian, Lefevre, McMillan, Morris, Ortega, and Smith.

Committee Staff present: Beatty, Gaxiola, Hagekhalil, and Scully.

**1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE
ON MATTERS WITHIN THE COMMITTEE’S JURISDICTION**

None

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

a. Subject: General Counsel’s report of monthly activities

General Counsel Scully had nothing to add to her written report.

Directors Camacho entered the meeting.

Chair Luna re-ordered the agenda to hear the closed session Item 7c first.

Directors Kurtz and Miller entered the meeting.

7. COMMITTEE ITEMS

- c. Subject Report on Sierra Club et al. v. California Department of Water Resources, Sacramento County Superior Court Case No. 34-2020-80003517 (consolidated with California Department of Water Resources v. All Persons Interested in the Matter, etc., Sacramento County Superior Court Case No. 34-2020-00283112) [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Presented by: Robert Horton, Chief Deputy General Counsel

In closed session, the committee discussed the item. No action was taken.

Director Cordero entered the meeting.

Announcement was made that teleconference location 34819 Calle Del Sol • Capistrano Beach CA 92624 was not available as previously noted on agenda.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Subject: Approval of the Minutes of the Legal and Claims Committee for November 14, 2023.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-10** Subject Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of various committees; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion: Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of various committees.

- 7-11** Subject Approve: (1) changes to the Metropolitan Water District 457(b) and 401(k) deferred compensation plans to establish an investment committee and adopt investment committee bylaws; and (2) amendments necessary to conform the plans and the Metropolitan Administrative Code to the proposed changes, current law, practices, and regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion: Approve: (1) changes to the Metropolitan Water District 457(b) and 401(k) deferred compensation plans to establish an investment committee and adopt investment committee bylaws; and (2) amendments necessary to conform the plans and the Metropolitan Administrative Code to the proposed changes, current law, practices, and regulations.

No presentations were given. Director Peterson made a motion, seconded by Director Camacho, to approve items 3A, 7-10, and 7-11.

The vote was:

Ayes: Directors Camacho, Cordero, Dick, Douglas, Kurtz, Luna, Miller, Peterson, and Seckel

Noes: None

Abstentions: None

Absent: Directors Garza, McCoy, and Ramos

The motion for Items 3A, 7-10 and 7-11 passed by a vote of 9 ayes, 0 noes, 0 recusals, 0 abstention, and 3 absent.

END OF CONSENT CALENDAR ITEMS

Director Garza entered the meeting.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Quarterly Report on General Auditor Professional Services Contracts executed between September 1, 2023 and December 31, 2023, as required by Administrative Code Section 6453
- Presented by: General Auditor Scott Suzuki
- b. Subject Update on litigation challenging the California Department of Water Resources' compliance with the California Environmental Quality Act and other environmental laws regarding its certification of a Final Environmental Impact Report for and approval of the Delta Conveyance Project in the following nine cases: City of Stockton v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000009; County of Butte v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000011; County of Sacramento v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000014; County of San Joaquin et al. v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000010; Sacramento Area Sewer District v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000012; San Francisco Baykeeper, et al. v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000017; Sierra Club, et al. v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000008; South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources, San Joaquin County Superior Court Case No. STK-CV-UCP-2024-0000816; Tulare Lake Basin Water Storage District v. California Department of Water Resources, Sacramento County Superior Court Case No. 24WM000006

Presented by: Chief Deputy General Counsel Robert Horton

The following Directors provided comments or asked questions:

1. Luna
2. Peterson
3. Ortega
4. Garza

Staff responded to the Directors' questions and comments.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on March 12, 2024.

Meeting adjourned at 9:22 a.m.

Miguel Luna
Chair