

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

May 9, 2023

Chair Sutley called the meeting to order at 10:32 a.m.

Members present: Chair Sutley, Vice Chair Garza, Directors Cordero (teleconference posted location), Dick, Kurtz, McCoy, Miller, and Peterson (teleconference posted location).

Members absent: Directors Camacho, Ramos, Repenning, and Seckel.

Other Directors present: Chairman Ortega, Directors Abdo, Armstrong, Chacon, Dennstedt, Erdman, Faessel, Goldberg, Lefevre, Morris, Pressman (teleconference posted location), and Smith.

Committee Staff present: Beatty, Miyashiro, Scully, and Upadhyay.

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

None

2. MANAGEMENT REPORTS

- a. Subject: General Counsel's report of monthly activities
- General Counsel Scully had nothing to add to her written report.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Subject: Approval of the Minutes of the Legal and Claims Committee for March 13, 2023 and Legal and Claims Committee Workshop for March 28, 2023

4. CONSENT CALENDAR ITEMS – ACTION

7-6 Subject: Authorize an increase in the maximum amount payable under contract with Thompson Coburn LLP for legal advice on state and federal energy regulatory and contractual matters by \$200,000 to a maximum amount payable of \$300,000; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA

Presented by: No presentation was given.

Motion: Authorize an increase in the maximum amount payable under contract with Thompson Coburn LLP for legal advice on state and federal energy regulatory and contractual matters by \$200,000 to a maximum amount payable of \$300,000.

7-7 Subject: Approve changes in the Administrative Code to clarify provisions relating to Board committees and the role of the Vice Chairs of the Board, to delete references to certain Ad Hoc Committees, and to correct the pay grade for Board Executive Secretary due to elimination of the job title of Board Administrator; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA

Presented by: General Counsel Marcia Scully

Motion: Approve changes in the Administrative Code to clarify provisions relating to Board committees and the role of the Vice Chairs of the Board, to delete references to certain Ad Hoc Committees, and to correct the pay grade for Board Executive Secretary due to elimination of the job title of Board Administrator.

The following Directors provided comments or asked questions:

1. Miller
2. Dick
3. Armstrong
4. Sutley
5. Ortega
6. Faessel
7. Peterson
8. Garza

Staff responded to Directors' questions and comments.

Director Miller made a motion, seconded by Director Kurtz, to approve the consent calendar consisting of items 3A, 7-6, and 7-7.

The vote was:

Ayes: Directors Cordero, Dick, Garza, Kurtz, McCoy, Miller, Peterson, and Sutley

Noes: None

Abstentions: Sutley (item 3A)

Absent: Directors Camacho, Ramos, Repenning, and Seckel

The motion for Item 3A passed by a vote of 7 ayes, 0 noes, 1 abstention, and 4 absent

The motion for Items 7-6 and 7-7 passed by a vote of 8 ayes, 0 noes, 0 abstention, and 4 absent

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

- 8-7** Subject: Report on litigation in Joshua Rivers v. Metropolitan Water District, Los Angeles County Superior Court Case No. 22STCV09741; and authorize increase in maximum amount payable under contract for legal services with Sheppard, Mullin, Richter & Hampton LLP in the amount of \$150,000 for a total amount not to exceed \$250,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel–existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- Presented by: Senior Deputy General Counsel Tony Zepeda
- Motion: Authorize the General Counsel to increase the maximum amount payable under a contract with Sheppard Mullin Richter & Hampton LLP for legal services by \$150,000, to an amount not to exceed \$250,000

In closed session the committee heard a report on this item. In open session, the committee voted on this item.

Director Dick made a motion, seconded by Director Miller, to approve Item 8-7:

The vote was:

Ayes: Directors Cordero, Dick, Garza, Kurtz, McCoy, Miller, Peterson, and Sutley

Noes: None

Abstentions: None

Absent: Directors Camacho, Ramos, Repenning, and Seckel

Item 8-7 passed by a vote of 8 ayes, 0 noes, 0 abstention, and 4 absent.

8-8 Subject: Authorize filing a cross-complaint in Oswalt v. The Metropolitan Water District of Southern California, San Diego County Superior Court Case No. 37-2023-00009934-CU-PO-CTL; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation and initiating litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1) and 54956.9(d)(4)]

Presented by: Senior Deputy General Counsel Betty Kuo Brinton

Motion: Authorize filing a cross-complaint in Oswalt v. The Metropolitan Water District of Southern California, San Diego County Superior Court Case No. 37-2023-00009934-CU-PO-CTL

In closed session the committee heard a report on this item and action was taken to authorize filing a cross-complaint in Oswalt v. Metropolitan.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

None

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on July 10, 2023.

Meeting adjourned at 11:46 a.m.

Nancy Sutley
Chair