

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

L&C Committee

M. Luna, Chair
J. Garza, Vice Chair
M. Camacho
G. Cordero
L. Dick
C. Douglas
C. Kurtz
T. McCoy
C. Miller
M. Ramos
K. Seckel

Legal and Claims Committee

Meeting with Board of Directors *

July 8, 2024

1:30 p.m.

**Monday, July 8, 2024
Meeting Schedule**

**09:00 a.m. EOT
11:30 a.m. Break
12:00 p.m. LEG
01:30 p.m. Legal
03:30 p.m. OWS**

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<https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. (business days) before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here:

<https://mwdh2o.legistar.com/Legislation.aspx>.

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Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276?pwd=a1RTQWh6V3h3ckFhNmduUWpKR1c2Zz09>

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

- 1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))**
- 2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS**

- A. General Counsel's report of monthly activities [21-3566](#)

**** CONSENT CALENDAR ITEMS -- ACTION ****

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Legal and Claims Committee for June 10, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-3567](#)

Attachments: [07082024 LC 3A \(06102024\) Minutes](#)

4. CONSENT CALENDAR ITEMS - ACTION

NONE

**** END OF CONSENT CALENDAR ITEMS ****

5. OTHER BOARD ITEMS - ACTION

- 8-3 Report on Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al., (Los Angeles Superior Court Case No. 21STCV15612) regarding Metropolitan’s CRA 6.9 kV Power Cables Replacement Project, Contract No. 1915; authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$750,000 to an amount not-to-exceed \$3,250,000; and authorize an increase in the maximum amount payable under contract with Exponent, Inc. for consulting services by \$120,000 to an amount not-to-exceed \$720,000; the General Manager has determined that the proposed actions are 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)]. [SUBJECT REVISED 6/28/24] [21-3537](#)

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

- a. General Counsel Business Plan for fiscal year 2024-2025 [21-3589](#)
- b. Discussion of Department Head Performance and Goal Setting [Public employee performance evaluation – General Counsel; to be heard in closed session pursuant to Gov. Code Section 54957] [21-3568](#)

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

June 10, 2024

Vice Chair Garza called the meeting to order at 11:35 am

Chair Luna indicated he is participating under AB 2449 “just cause” due to legislative business. Chair Luna appeared by audio and on camera. He stated he was alone in the room and no one over the age of 18 was with him.

Members present: Directors Camacho (entered after roll call), Cordero, Dick, Douglas (entered after roll call, teleconference posted location), Garza, Kurtz, Luna (AB 2449 “just cause”), McCoy, Miller, Ramos (entered after roll call, teleconference posted location), and Seckel.

Members absent: None

Other Directors present: Directors Abdo, Ackerman, Alvarez, Armstrong, Bryant, De Jesus (teleconference posted location), Dennstedt, Erdman, Faessel, Fong-Sakai, Goldberg, Gray (teleconference posted location), Lefevre, McMillan, Morris, Ortega, Pressman (teleconference posted location), and Sutley.

Committee Staff present: Gaxiola, Hagekhalil, Mortada, Scully, and Torres.

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.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A.** Subject: Approval of the Minutes of the Legal and Claims Committee for May 13, 2024.

4. CONSENT CALENDAR ITEMS – ACTION

None

Director Dick made a motion, seconded by Director Seckel, to approve item 3A.

The vote was:

Ayes: Directors, Cordero, Dick, Garza, Kurtz, Luna, McCoy, Miller, and Seckel.
Noes: None
Abstentions: None
Absent: Camacho, Douglas, and Ramos

The motion for Item 3A passed by a vote of 8 ayes, 0 noes, 0 abstentions, and 3 absent.

END OF CONSENT CALENDAR ITEMS

Agenda was reordered to take Item 7a. first.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Update on the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary: Phase 1, State Water Board Cases, Sacramento County Superior Court Case No. JCCP 5113, and Phase 2
Presented by: Rebecca Sheehan, Sr. Deputy General Counsel

Ms. Sheehan gave a presentation on this item.

Director Camacho entered the meeting.

Director Douglas entered the meeting.

Director Miller recused himself on Item 8-4 because he is the director on San Diego County Water Authority.

Director Ramos entered the meeting.

Vice Chair Garza called the meeting into closed session.

7. COMMITTEE ITEMS

- b. Subject Update on environmental litigation challenging the Department of Water Resources Delta Conveyance Project approval, certification of the Final Environmental Impact Report and other actions taken under the California Environmental Quality Act, currently ten related cases pending in Sacramento County Superior Court: Tulare Lake Basin Water Storage District v. California Department of Water Resources, Case No. 24WM000006, Sierra Club, et al. v. California Department of Water Resources, Case No. 24WM000008, City of Stockton v. California Department of Water Resources, Case No. 24WM000009, County of San Joaquin et al. v. California Department of Water Resources, Case No. 24WM000010, County of Butte v. California Department of Water Resources, Case No. 24WM000011, Sacramento Area Sewer District v. California Department of Water Resources, Case No. 24WM000012, County of Sacramento, et al. v. California Department of Water Resources, Case No. 24WM000014, San Francisco Baykeeper, et al. v. California Department of Water Resources, Case No. 24WM000017, South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources, Case No. 24WM000062 and North Delta Water Agency v. Cal. Dept. of Water Resources, Case No. 24WM000076.
[Conference with legal counsel – anticipated litigation (ten or more cases); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(4)]

Presented by: Robert Horton, Principal Deputy General Counsel

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

5. OTHER BOARD ITEMS – ACTION

8-4 Subject Report on San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391 , CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and the appeals of the 2014, 2016, and 2018 actions, Court of Appeal for the First Appellate District Case No. A170156; authorize initiation of settlement negotiations with SDCWA and provide direction to staff regarding the 2014, 2016, and 2018 actions, including the cross-complaints and appeals, San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389 and Court of Appeal for the First Appellate District Case No. A170156; 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: Marcia Scully, General Counsel

Directors Fong-Sakai, Goldberg, and Miller, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

Vice Chair Garza reported there were no reportable actions taken in closed session on Item 8-4.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on July 8, 2024.

Meeting adjourned at 12:58 pm

Juan Garza
Vice Chair