

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

September 12, 2023

Chair Sutley called the teleconference meeting to order at 8:33 a.m.

Members present: Chair Sutley, Vice Chair Garza (entered after roll call), Directors Camacho (entered after roll call), Cordero (entered after roll call), Dick, (entered after roll call), Kurtz, McCoy (entered after roll call), Miller, Peterson, and Seckel.

Members absent: Director Ramos.

Other Directors present: Chairman Ortega, Directors Abdo (teleconference posted location), Ackerman, Armstrong, Bryant, Dennstedt, Erdman, Faessel, Fong-Sakai, Gray (teleconference posted location) Luna, McMillan, Ortega, and Smith.

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

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 introduced three new attorneys in the Legal Department, Alondra Espinosa, Elliot Min, and Sarah Foley.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Subject: Approval of the Minutes of the Legal and Claims Committee for July 10, 2023.

4. CONSENT CALENDAR ITEMS – ACTION

None

Directors Camacho and Garza entered the meeting.

Director Miller made a motion, seconded by Director Seckel, to approve item 3A. The vote was:

Ayes: Directors Camacho, Garza, Kurtz, Miller, Peterson, Seckel, and Sutley.

Noes: None

Abstentions: None

Absent: Directors Cordero, Dick, McCoy, and Ramos.

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

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

8-5 Subject: 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 filing cross-complaints; authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$800,000 to an amount not to exceed \$2,500,000; authorize an increase in the maximum amount payable under contract with Exponent, Inc., for consulting services by \$200,000 to an amount not to exceed \$600,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation and initiation litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1) and 54956.9(d)(4)]

Presented by: Outside counsel Jack Fleming of Musick, Peeler & Garrett LLP presented the item in closed session.

Directors Cordero, Dick and McCoy entered the meeting.

The action taken for Item 8-5 was bifurcated.

Chair Sutley reported that in closed session, the committee voted to authorize the filing of cross-complaints.

In open session, Vice Chair Garza made a motion, seconded by Director Peterson, to approve the contract increases (authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$800,000 to an amount not to exceed \$2,500,000; authorize an increase in the maximum amount payable under contract with Exponent, Inc., for consulting services by \$200,000 to an amount not to exceed \$600,000).

The vote in open session was:

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

Noes: None

Abstentions: None

Absent: Director Ramos

The motion for Item 8-5 passed by a vote of 10 ayes, 0 noes, 0 recusals, 0 abstention, and
1 absent

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. 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.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

Directors requested a legal strategy on the Delta.

Next meeting will be held on October 10, 2023.

Meeting adjourned at 10:17 a.m.

Nancy Sutley
Chair