

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

April 8, 2025

Chair Luna called the meeting to order at 10:16 a.m.

Members present: Directors Camacho, Crawford, De Jesus, Dick, Douglas, Katz, Kurtz, Luna, McMillan, and Miller.

Members absent: Director Ramos

Other Board Members present: Directors Ackerman, Alvarez, Armstrong, Bryant, Cordero, Dennstedt, Erdman, Fellow, Fong-Sakai (teleconference posted location), Garza, Goldberg, Gray (teleconference posted location), Lefevre (teleconference posted location), Lewitt, McCoy, Ortega, Pressman, Seckel, Shepherd Romey, and Sutley.

Committee Staff present: Beatty, Boucher, Rubin, Scully, and Upadhyay.

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 reported that settlement negotiations in San Diego County Water Authority v. Metropolitan are ongoing and there will be no closed session 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 11, 2025.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-8** Subject Approve amendments to the Metropolitan Water District Administrative Code to conform oversight of the General Auditor and Audit Department duties and responsibilities to the current committee structure, to streamline reporting on professional services agreements, and make a minor non-substantive change; 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 conform oversight of the General Auditor and Audit Department duties and responsibilities to the current committee structure, streamline reporting on professional services agreement, and make a minor non-substantive change
- 7-18** Subject Authorize increase in the maximum amount payable under contract with outside counsel, Liebert Cassidy Whitmore, in the amount of \$200,000 for a total amount not to exceed \$450,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion Authorize the General Counsel to increase the amount payable under contract with outside counsel, Liebert Cassidy Whitmore, in the amount of \$200,000 for a total amount not to exceed \$450,000

The following Directors provided comments or asked questions:

1. Miller

Staff responded to the Directors questions and comments.

No presentations were given, Director Camacho made a motion, seconded by Director Douglas, to approve item 3A, 7-8, and 7-18.

The vote was:

Ayes: Directors Camacho, Crawford, De Jesus, Dick, Douglas, Katz, Kurtz, Luna, McMillan, and Miller
Noes: None
Abstentions: None
Absent: Directors Ramos

The motion for Item 3A, 7-8 and 7-18 passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 1 absent.

END OF CONSENT CALENDAR ITEMS

Chair Luna called the meeting into closed session.

5. OTHER BOARD ITEMS – ACTION

8-2 Subject Report on litigation in Maria Carmen Zarate v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV15786; and authorize an increase in the maximum amount payable under contract for legal services with Seyfarth Shaw LLP, in the amount of \$250,000 for a total amount not to exceed \$750,000; 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: Henry Torres, Assistant General Counsel

Motion: Authorize an increase in the maximum amount payable under contract for legal services with Seyfarth Shaw LLP, in the amount of \$250,000 for a total amount not to exceed \$750,000

Chair Luna reported there was no action taken in closed session.

In open session, Director Camacho made a motion, seconded by Director De Jesus to approve the contract increase.

The vote was:

Ayes: Directors Camacho, Crawford, De Jesus, Dick, Douglas, Katz, Kurtz, Luna, McMillan, and Miller
Noes: None
Abstentions: None
Absent: Directors Ramos

The motion for Item 8-2 passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 1 absent.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject: Report on litigation in 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; including report on discussions regarding potential settlement of 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 [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

Item deferred.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

Director McMillan asked whether the question regarding setting agenda items-having one agenda, which was raised at the March meeting, had been looked into. Chair Luna suggested that there should be a presentation at an upcoming meeting. Chair Ortega stated that it is a subject appropriate to the Executive Committee and should be considered there.

Next meeting will be held on June 10, 2025.

Meeting adjourned at 11:00 a.m.

Miguel Luna
Chair