

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**March 13, 2023**

Vice Chair Garza called the hybrid teleconference and in-person meeting to order at 12:21 p.m.

Members present: Directors Camacho, Dick, Garza, Kurtz, Miller, Peterson, Ramos, and Seckel

Members absent: Directors Cordero, McCoy, Repenning, and Sutley

Other Directors present: Chairman Ortega, Directors Abdo, Ackerman, Armstrong, Dennstedt, Erdman, Faessel, Fellow, Fong-Sakai, Goldberg, Morris, and Smith

Committee Staff present: Beatty, Hagekhalil, Miyashiro, Scully, Torres, and Upadhyay

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

None

**2. OPPORTUNITY FOR DIRECTORS WHO ARE NOT MEMBERS OF THE COMMITTEE TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION**

Vice Chair Garza announced this item will be removed from the agendas moving forward and that during discussion of each agenda item, he will call on committee members first before recognizing non-committee members.

**3. 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**

**4. CONSENT CALENDAR OTHER ITEMS – ACTION**

A. Subject: Approval of the Minutes of the Legal and Claims Committee for February 13, 2023

**5. CONSENT CALENDAR ITEMS – ACTION**

**7-13**      Subject:            Authorize an increase in the maximum amount payable under contract with Burke, Williams & Sorensen, LLP for legal services related to general real estate and leasing law issues by \$100,000 to a maximum amount payable of \$200,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

                 Motion:            Authorize an increase in the maximum amount payable under contract with Burke, Williams & Sorensen, LLP for general real estate legal services by \$100,000 to a maximum amount payable of \$200,000

**7-14**      Subject:            Authorize increase of \$100,000, to a maximum amount payable of \$400,000, for existing General Counsel contract with Olson Remcho LLP to provide general government law advice related to the Political Reform Act, the Fair Political Practices Commission regulations, conflict of interest law and other legislative and ethics matters; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA

                 Motion:            Authorize the General Counsel to increase the amount payable under its agreement with Olson Remcho LLP by \$100,000 to a maximum amount payable of \$400,000

**7-15**      Subject:            Approve amendments to the Metropolitan Water District Administrative Code to provide for the implementation of new legislation authorizing the use of alternative project delivery methods; adopt an organizational conflict-of-interest policy governing the solicitation of a design-build or progressive design-build project; and authorize an increase in the maximum amount payable under contract with Hanson Bridgett LLP, for legal services related to implementation of new legislation, by \$150,000 for an amount not-to-exceed \$250,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA

                 Motion:            a. Approve amendments to the Metropolitan Water District Administrative Code, as shown in **Attachment 2** of the board letter, to provide for the implementation of new legislation authorizing the use of alternative project delivery methods;  
                                 b. Adopt an organizational conflict-of-interest policy, as shown in **Attachment 3** of the board letter, governing the

solicitation of a design-build or progressive design-build project; and

- c. Authorize an increase in the maximum amount payable under contract with Hanson Bridgett LLP for legal services related to implementation of new legislation by \$150,000 to an amount not to exceed \$250,000

- 7-16**      **Subject:**      Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; and authorize increase in maximum amount payable under contract for legal services with Seyfarth Shaw LLP in the amount of \$300,000 for a total amount not to exceed \$400,000; 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:**      General Counsel Marcia Scully and Jeffrey Wortman of Seyfarth, Shaw LLP
- Motion:**              Authorize increase in maximum amount payable under contract for legal services with Seyfarth Shaw LLP in the *Reese v. Metropolitan* lawsuit in the amount of \$300,000 for a total amount not to exceed \$400,000

In closed session the committee heard a report on this item. In open session, the committee voted with the rest of the consent calendar.

In open session, Director Camacho made a motion, seconded by Director Kurtz, to approve the consent calendar consisting of items 4A, 7-13, 7-14, 7-15 and 7-16:

The vote was:

- Ayes:**                      Directors Camacho, Dick, Garza, Kurtz, Miller, Peterson, Ramos, and Seckel
- Noes:**                      None
- Abstentions:**          None
- Absent:**                    Directors Cordero, McCoy, Repenning, and Sutley

The motion for items 4A, 7-13, 7-14, 7-15, and 7-16 passed by a vote of 8 ayes, 0 noes, 0 recusals, 0 abstention, and 4 absent.

**END OF CONSENT CALENDAR ITEMS**

**6. OTHER BOARD ITEMS – ACTION**

None

**7. BOARD INFORMATION ITEMS**

None

**8. COMMITTEE ITEMS**

None

**9. FOLLOW-UP ITEMS**

None

**10. FUTURE AGENDA ITEMS**

None

Next meeting will be held on April 11, 2023.

Meeting adjourned at 1:48 p.m.

Juan Garza  
Vice Chair