

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

December 9, 2024

Chair Luna called the meeting to order at 11:01 a.m.

Members present: Directors Camacho, Dick, Douglas, Fellow, Garza (entered after roll call), Kurtz, Luna, McCoy, Miller, Ramos (entered after roll call), and Seckel.

Members absent: Director Cordero

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

Committee Staff present: Beatty, Gaxiola, Scully, Upadhyay, and Wheeler.

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.

Director Ramos entered the meeting.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Subject: Approval of the Minutes of the Special Legal and Claims Committee for November 18, 2024.

No comments were made.

Director Garza entered the meeting.

4. CONSENT CALENDAR ITEMS – ACTION

7-3 Subject Authorize an increase of \$250,000, to a maximum amount not to exceed \$500,000, for workers' compensation legal services contract with the law firm Hanna, Brophy, MacLean, McAleer & Jensen, LLP; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: Tony Zepeda, Senior Deputy General Counsel

The following Directors provided comments or asked questions:

1. Miller
2. Douglas
3. Fong-Sakai

Staff responded to the Directors' comments and questions.

Director Fellow made a motion, seconded by Director Miller, to approve items 3A and 7-3.

The vote was:

Ayes: Directors Camacho, Dick, Douglas, Fellow, Garza, Kurtz, Luna, McCoy, Miller, Ramos, and Seckel

Noes: None

Abstentions: None

Absent: Cordero

The motion for Items 3A and 7-3 passed by a vote of 11 ayes, 0 noes, 0 abstentions, and 1 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

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)]

Presented by: Marcia Scully, General Counsel

Directors Goldberg, Fong-Sakai, Smith, and Miller, representing the San Diego County Water Authority, withdrew from the meeting for the report on item 7a.

Chair Luna reported that the committee discussed and conferred with legal counsel regarding Item 7a. No action was taken in closed session.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on January 14, 2025.

Meeting adjourned at 12:52 pm

Miguel Luna
Chair