

# 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. McMillan, Vice Chair  
M. Camacho  
J. Crawford  
D. De Jesus  
L. Dick  
C. Douglas  
M. Katz  
C. Kurtz  
C. Miller  
M. Ramos

## **Legal and Claims Committee - Final - Revised 1**

Meeting with Board of Directors \*

**October 14, 2025**

**10:30 a.m.**

## **Tuesday, October 14, 2025 Meeting Schedule**

**08:30 a.m. FAAME  
10:30 a.m. LEGAL  
12:00 p.m. Break  
12:30 p.m. OPE  
02:30 p.m. BOD**

Written public comments received by 3:00 p.m. the business day before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here:  
<https://mwdh2o.legistar.com/Legislation.aspx>.

The listen-only phone line is available at 1-877-853-5257; enter meeting ID: 873 4767 0235.

Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda teleconference and in-person. To provide public comment by teleconference dial 1-833-548-0276 and enter meeting ID: 876 9484 9772 or to join by computer [click here](#).

**Disclaimer: Written and oral public comments are received in compliance with the Ralph M. Brown Act. Please note that Metropolitan does not endorse or ensure the accuracy or reliability of the information provided as public comment or by third parties.**

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

Teleconference Locations:

Conference Room • 1545 Victory Boulevard, 2nd Floor • Glendale, CA 91201

3008 W. 82nd Place • Inglewood, CA 90305

Alandale Insurance Agency • 337 West Foothill Boulevard • Glendora, CA 91740

Peters Ridge • 2136 Spyglass Trail West • Oxnard, CA 93036

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\* 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 [21-5103](#)

**\*\* CONSENT CALENDAR \*\***

3. **COMMITTEE ACTION (ONLY)**

- A. Approval of the Minutes of the Legal and Claims Committee for September 9, 2025 [21-5102](#)

**Attachments:** [10142025 LC 3A \(09092025\) Minutes](#)

4. **COMMITTEE ITEMS (FOR BOARD CONSIDERATION)**

- 7-5 Adopt a resolution authorizing electronic submissions of Government Code claims, any amendment thereto, and applications for leave to present a late claim, pursuant to Government Code section 915(a)(3), and approve amendments and an addition to the Metropolitan Water District Administrative Code to conform to the authority set forth in the resolution; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [REVISED SUBJECT 10/6/2025] [21-5073](#)

**Attachments:** [10142025 LC 7-5 B-L](#)

- 7-6 Authorize and fund additional counsel position in the Office of the General Counsel; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-5074](#)

**Attachments:** [10142025 LC 7-6 B-L](#)

**\*\* END OF CONSENT CALENDAR \*\***

5. **COMMITTEE ITEMS (ACTION FOR BOARD CONSIDERATION)**

- 8-5** Report on Oswalt v. The Metropolitan Water District of Southern California, San Diego County Superior Court Case No. 37-2023-00009934-CU-PO-NC; authorize an increase in maximum amount payable under contract for legal services with Ryan and Associates in the amount of \$100,000 for a total amount not to exceed \$350,000 and consider authorizing settlement; 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)]. [REVISED SUBJECT 10/3/2025] [21-5075](#)
- 8-6** Report on Jones v. The Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV28217 and consider authorizing settlement; 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)] [21-5124](#)

**6. COMMITTEE ITEMS (INFORMATIONAL FOR BOARD CONSIDERATION)**

NONE

**7. COMMITTEE ITEMS (INFORMATIONAL)**

- a.** Report on pending claims related to the groundwater basin lying westerly of Diamond Valley Lake, commonly referred to as the Domenigoni Basin [conference with legal counsel regarding anticipated litigation based on existing facts and circumstances, including allegations of a breach of an agreement, there is significant exposure to litigation against Metropolitan: 1 potential case; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)] [21-5104](#)

**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.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

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**

**September 9, 2025**

Chair Luna called the meeting to order at 10:30 a.m.

Members present: Directors Camacho, De Jesus (teleconference posted location), Dick, Douglas, Katz, Kurtz, Luna, McMillan, and Miller.

Members absent: Directors Crawford and Ramos.

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

Committee Staff present: Beatty, Boucher, 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 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 July 8, 2025.

Director Katz made a motion, seconded by Director Camacho, to approve item 3A.

The vote was:

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

The motion for Item 3A passed by a vote of 9 ayes, 0 noes, 0 abstentions, and 2 absent.

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

None

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

Agenda was reordered to take Item 7a first.

- 7.a.           Subject:           Recap of Recent Completed Employment Cases  
Presented by:   Marcia Scully, General Counsel

The following Directors provided comments or asked questions:

1.     Kurtz
2.     Douglas
3.     Dick

Staff responded to the Directors' comments and questions.

Chair Luna called the meeting into closed session on Items 8-1 and 8-2.

## 5. OTHER BOARD ITEMS – ACTION

- 8-1**            Subject            Report on litigation in Encarnacion Gutierrez v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV11052; and authorize an increase in the maximum amount payable under contract for legal services with BDG Law Group, APLC, in the amount of \$400,000 for a total amount not to exceed \$900,000; and consider options for settlement; 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:    Tony Zepeda, Sr. Deputy General Counsel
- No motion, contract increase deferred
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- 8-2**            Subject            Report on litigation in Dane Crawford v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2304015, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$300,000 for a total amount not to exceed \$1,200,000; report on litigation in Dannelle-Mimi Phan v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 25STCV13693, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$350,000 for a total amount not to exceed \$700,000; report on litigation in Gina Chavez v. Metropolitan Water District of Southern California, San Bernardino County Superior Court Case No. CIVSB2521200, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$450,000 for a total amount not to exceed \$1,000,000; report on litigation in Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$250,000 for a total amount not to exceed \$1,075,000; and report on litigation in Maria Carmen Zarate v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 23STCV15786; 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)]

Presented by: Marcia Scully, General Counsel

Motion: Authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in Dane Crawford v. Metropolitan Water District of Southern California in the amount of \$300,000 for a total amount not to exceed \$1,200,000; authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in Phan v. Metropolitan in the amount of 350,000 for a total amount not to exceed \$700,000; authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in Chavez v. Metropolitan in the amount of \$450,000 for a total amount not to exceed \$1,000,000; and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in Tiegs v. Metropolitan in the amount of \$250,000 for a total amount not to exceed \$1,075,000

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

In open session, Director Camacho made a motion, seconded by Director Katz to approve the contract increases.

The vote was:

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

The motion for Item 8-2 passed by a vote of 9 ayes, 0 noes, 0 abstentions, and 2 absent.



**6. BOARD INFORMATION ITEMS**

None

**7. COMMITTEE ITEMS**

None

**8. FOLLOW-UP ITEMS**

None

**9. FUTURE AGENDA ITEMS**

None

Meeting adjourned at 12:07 p.m.

Miguel Luna  
Chair



- **Board of Directors**  
***Legal and Claims Committee***

10/14/2025 Board Meeting

7-5

## Subject

Adopt a resolution authorizing electronic submissions of Government Code claims, any amendment thereto, and applications for leave to present a late claim, pursuant to Government Code section 915(a)(3), and approve amendments and an addition to the Metropolitan Water District Administrative Code to conform to the authority set forth in the resolution; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

## Executive Summary

Pursuant to Administrative Code Section 9305 (Claims by Local Public Entities) and Government Code section 915, Metropolitan is authorized only to accept Government Code claims for damages by personal delivery or mail. Government Code section 915, subsection (a)(3) authorizes a public entity to also accept electronic submissions of a Government Code claim, claim amendments, or late claim applications (collectively “Government Code claim materials”), only if the public entity adopts an ordinance or resolution expressly authorizing electronic submissions in the manner specified therein. This action would adopt a resolution authorizing the option of electronic submissions of Government Code claim materials to Metropolitan’s Board Executive Secretary and make corresponding amendments to Administrative Code Sections 9303 and 9305, and add Section 9400, to conform to the authority set forth in the resolution (**Attachment 1**).

## Proposed Action(s)/Recommendation(s) and Options

### Staff Recommendation: Option #1

#### Option #1

Adopt a resolution authorizing electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, pursuant to Government Code section 915(a)(3), and approve amendments and an addition to the Metropolitan Water District Administrative Code to conform to the authority set forth in the resolution.

**Fiscal Impact:** None

**Business Analysis:** Authorizing the option of electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, would streamline Government Code claims processing and handling for Metropolitan staff and would align Metropolitan’s practices with those of most other local public entities, which accept electronic submissions of Government Code claims, while also increasing transparency and public access to the Government Code claim submission process.

#### Option #2

Do not adopt a resolution authorizing electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, and do not amend or add to the Metropolitan Water District Administrative Code.

**Fiscal Impact:** None

**Business Analysis:** No resolution will be adopted, and the Administrative Code will not be amended to authorize electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim.

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**Alternatives Considered**

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Not applicable

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**Applicable Policy**

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Metropolitan Water District Administrative Code Section 9303: Notice of Insufficiency of Claim

Metropolitan Water District Administrative Code Section 9305: Presentation of Claim to District

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

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**Related Board Action(s)/Future Action(s)**

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Not applicable

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**California Environmental Quality Act (CEQA)**

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**CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5)).

**CEQA determination for Option #2:**

None required

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**Details and Background**

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**Background**

The California Government Claims Act (Govt. Code, §§ 810, et seq.) generally requires a claim for damages against a public entity in California to be presented to that public entity in accordance with the specific procedures.

While the Government Claims Act excepts local public entities from the general claim presentation requirement (Govt. Code, § 905(i)), it authorizes public entities (e.g., Metropolitan) to prescribe its own procedures to govern claims against it by other local public entities, including a requirement that a claim be presented and acted upon as a prerequisite to suit thereon. (Govt. Code, §935.) Pursuant to this authority, Metropolitan has adopted Administrative Code Sections 9300–9310, Claims by Local Public Entities, which set forth the procedures by which local public entities may bring claims against Metropolitan and require that such claims are presented to Metropolitan and acted upon as a prerequisite to suit thereon. Meanwhile, the Government Claims Act governs all claims against Metropolitan by persons or entities other than local public entities.

Currently, pursuant to Government Code section 915 and Administrative Code Section 9305, Metropolitan is only authorized to accept Government Code claims for damages that are presented to Metropolitan by personal delivery or mail. For a public entity to accept Government Code claims electronically, Government Code section 915, subsection (a)(3) requires that the public entity expressly authorize by ordinance or resolution electronic submissions of a claim, any amendment thereto, and any application for leave to present a late claim, in the manner specified in the ordinance or resolution.

Authorizing the option of electronic submission of Government Code claims by local public entities and persons or entities other than local public entities would streamline claims processing for Metropolitan staff. Furthermore, authorizing electronic submission of Government Code claims would align Metropolitan with the practices of most local public entities, including cities, counties, and other water agencies, which now accept electronic submissions of Government Code claims.

The proposed resolution would authorize electronic submissions of Government Code claims, any amendments thereto, and any application for leave to present a late claim, by email to Metropolitan's Board Executive Secretary's email address: [BoardExecutiveSecretary@mw20.com](mailto:BoardExecutiveSecretary@mw20.com), or by any other means as deemed appropriate by the General Manager and General Counsel. If in the future the General Manager and General Counsel determine that another means of electronic submission is appropriate, staff can recommend that the Board approve an update to the Administrative Code. The resolution would also direct the Board Executive Secretary to promptly forward any claims received to the Risk Manager for processing.

Furthermore, Administrative Code Sections 9303 and 9305 would be amended to reflect the authorization of electronic submissions of Government Code claim materials by local public entities, while a new Section 9400 would be added to expressly authorize electronic submissions of Government Code claim materials by persons or entities other than local public entities. The Government Code would continue to govern all other aspects of claims submission by persons or entities other than local public entities.

The proposed resolution and Administrative Code amendments would fulfill internal organizational needs because it is anticipated that many claimants would opt for electronic submission, while also increasing transparency and public access to the claim submission process.

#### **Proposed Administrative Code Amendments:**

The proposed changes to the Administrative Code include updating portions of Title IX, Chapter 3, of the Administrative Code, entitled Claims by Local Public Entities, and adding Title IX, Chapter 4, entitled "Claims by Persons or Entities Other Than Local Public Entities", to provide for the option of electronic submission of Government Code claim materials by all parties. Specifically, the following changes to the Administrative Code are recommended:

1. Amend Section 9303 (Notice of Insufficiency of Claim), subsection (b) to add that if a claim by a local public entity was submitted electronically, a notice of insufficiency of claim may be given by emailing it to the email address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative email address.
2. Amend Section 9305 (Presentation of Claim to District) to add that a claim by a local public entity may be presented electronically to the District by emailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mw20.com](mailto:BoardExecutiveSecretary@mw20.com), or by any other means as deemed appropriate by the General Manager and General Counsel, and consistent with state law, clarifying that even if a claim is not emailed as provided herein it is deemed to have been presented correctly if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.
3. Add Title IX, Chapter 4 and its Section 9400 (Electronic Submission of Claims) to provide that in addition to presenting claim materials in the manner authorized under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present claim materials to the District by emailing the claim materials to the Board Executive Secretary at [BoardExecutiveSecretary@mw20.com](mailto:BoardExecutiveSecretary@mw20.com), or by any other means as deemed appropriate by the General Manager and General Counsel.

The foregoing proposed amendments to Administrative Code Sections 9303 and 9305, and addition of Section 9400, are found in **Attachment 2** (with changes marked) and in **Attachment 3** (clean copy).

All amendments and changes are effective upon Board approval unless specified otherwise.

  
\_\_\_\_\_  
Marcia Scully  
General Counsel

10/8/2025  
\_\_\_\_\_  
Date

**Attachment 1 – Proposed Resolution**

**Attachment 2 - The Administrative Code of The Metropolitan Water District of Southern California (with changes marked)**

**Attachment 3 - The Administrative Code of The Metropolitan Water District of Southern California (clean copy)**

Ref# I12706798

**Resolution \_\_\_\_\_****RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AUTHORIZING ELECTRONIC SUBMISSIONS OF GOVERNMENT CODE CLAIMS, ANY AMENDMENT THERETO, AND APPLICATIONS FOR LEAVE TO PRESENT A LATE CLAIM PURSUANT TO GOVERNMENT CODE SECTION 915(a)(3)**

WHEREAS, claims for damages against public entities in California must be presented to the public entity in accordance with the specific procedures set forth in the California Government Code; and

WHEREAS, Government Code section 915, subsection (a)(3) provides that “a claim, any amendment thereto, or an application to the public entity for leave to present a late claim shall be presented to a local public entity by any of the following means: . . . If expressly authorized by an ordinance or resolution of the public entity, submitting it electronically to the public entity in the manner specified in the ordinance or resolution”; and

WHEREAS, pursuant to Government Code section 915, subsection (a)(3), the Board of Directors must adopt this resolution to authorize The Metropolitan Water District of Southern California to accept electronic submissions of Government Code claims, any amendment thereto, and applications for leave to present a late claim, as prescribed herein.

NOW, THEREFORE, the Board of Directors of The Metropolitan Water District of Southern California does hereby resolve, determine, and order as follows:

**Section 1. Recitals.** The recitals set forth above are true and correct and are incorporated into this Resolution by this reference and are made a part of the official findings of the Board of Directors.

**Section 2. Electronic Submissions of Government Code Claims, Amendments Thereto, and Applications for Leave to Present a Late Claim.** Pursuant to Government Code section 915, subsection (a)(3), The Metropolitan Water District of Southern California (“District”) is hereby authorized to accept Government Code claims for damages, any amendment thereto, and applications for leave to present a late claim. Electronic submission of Government Code claims, any amendment thereto, and applications for leave to present a late claim, shall be made by e-mail to the District’s Board Executive Secretary’s e-mail address, [BoardExecutiveSecretary@mwdh2o.com](mailto:BoardExecutiveSecretary@mwdh2o.com), or by any other electronic means as deemed appropriate by the General Manager and General Counsel.

**Section 3. Forwarding Electronic Submissions to the Risk Manager.** Once the District’s Board Executive Secretary receives an e-mail submission of a Government Code claim, any amendment thereto, or an application for leave to present a late claim, the Board Executive Secretary shall promptly forward that e-mail submission to the District’s Risk Manager.

**Section 4. Other Methods of Presenting a Claim.** This Resolution shall in no way eliminate or otherwise affect any other lawfully authorized means or requirement of presenting a Government Code claim, any amendment thereto, or an application for leave to present a late claim, to the District, as set forth in the Government Code and the District's Administrative Code.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on October \_\_\_\_, 2025.

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Secretary of the Board of Directors  
of The Metropolitan Water District  
of Southern California

### **Chapter 3**

#### **CLAIMS BY LOCAL PUBLIC ENTITIES**

Sec.	
9300.	Definition
9301.	Necessity of Claim
9302.	Contents of Claim
9303.	Notice of Insufficiency of Claim
9304.	Waiver of Defects in Claim
9305.	Presentation of Claim to District
9306.	Time for Presentation of Claims
9307.	Grant or Denial of Application by Board
9308.	Notice of Claim
9309.	Contract Procedure for Presenting Claims
9310.	Application of Chapter

#### **§ 9300. Definition.**

As used in this chapter, "local public entity" includes any county or city and any district, local authority or other political subdivision of the State but does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof, claims against which are paid by warrants drawn by the Controller of the State of California. "Local public entity" shall include any chartered county, chartered city and county, and chartered city.

#### **§ 9301. Necessity of Claim.**

No suit for money or damages shall be brought against the District by or on behalf of any local public entity on a cause of action until a written claim therefor has been presented in conformity with the provisions of this chapter.

#### **§ 9302. Contents of Claim.**

A claim shall be presented by the local public entity and shall show:

- (a) The name and post office address of the local public entity;
- (b) The post office address to which the local public entity presenting the claim desires notices to sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;



(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof. The claim shall be signed by a duly authorized officer on behalf of the local public entity. A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

### **§ 9303. Notice of Insufficiency of Claim.**

(a) If in the opinion of the Board a claim as presented fails to comply substantially with the requirements of Section 9302 the Board may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

(b) Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the local public entity presenting the claim desires notices to be sent. If no such address is stated in the claim the notice may be mailed to the address, if any, of the local public entity as stated in the claim. If the claim was submitted electronically, such notice may be given by e-mailing it to the e-mail address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative e-mail address.

(c) The Board will not take action on the claim for a period of 20 days after such notice is given. A failure or refusal to amend the claim shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Section 9302.

### **§ 9304. Waiver of Defects in Claim.**

Any defense based upon a defect or omission in a claim as presented is waived by failure of the Board to mail notice of insufficiency with respect to such defect or omission as provided in Section 9303.

### **§ 9305. Presentation of Claim to District.**

A claim may be presented to the District (1) by delivering the claim to the Secretary of the Board or the Board Executive Secretary within the time prescribed by Section 9306, ~~or~~ (2) by mailing the claim to such Secretary or Board Executive Secretary or to the Board at its principal office not later than the last day of such period, or (3) by e-mailing the claim to the Board Executive Secretary at BoardExecutiveSecretary@mwdh2o.com, or by any other electronic means as deemed appropriate by the General Manager and General Counsel. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered, ~~or~~ mailed, or e-mailed as provided herein if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.

**§ 9306. Time for Presentation of Claims.**

(a) A claim relating to a cause of action for death or for physical injury to the person or to personal property or growing crops shall be presented as provided in Section 9305 not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Section 9305 not later than one year after the accrual of the cause of action.

(b) For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

**§ 9307. Grant or Denial of Application by Board.**

(a) The Board shall grant or deny the application within 45 days after it is presented to the Board. If the Board does not act upon the application within 45 days after the application is presented, the application shall be deemed to have been denied on the 45th day.

(b) If the Board acts on a claim, it will do so in one of the following ways:

(1) If the Board finds that the claim is not a proper charge against the District, it shall reject the claim;

(2) If the Board finds the claim is a proper charge against the District and is for an amount justly due, it shall allow the claim;

(3) If the Board finds the claim is a proper charge against the District but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the Board allows the claim in part and rejects it in part it may require the local public entity if it accepts the amount allowed, to accept it in settlement of the entire claim.

**§ 9308. Notice of Claim.**

Written notice of the action taken under Section 9307(b) or the inaction which is deemed rejection under Section 9307(a) shall be given in writing by the General Manager or General Counsel to the local public entity which presented the claim.

**§ 9309. Contract Procedure for Presenting Claims.**

The Board may include in any written agreement to which the District and other local public entities are parties provisions governing the presentation, by or on behalf of such local public entities, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference the claim provisions set forth in this chapter. A claims proceeding established by an agreement

made pursuant to the section exclusively governs the claims to which it relates. This chapter does not apply to any agreement to which the District is a party, which was executed or which became effective prior to September 20, 1962.

**§ 9310. Application of Chapter.**

This Chapter 3 applies only to claims relating to causes of action which have accrued subsequent to September 20, 1962.

**Chapter 4****CLAIMS BY PERSONS OR ENTITIES OTHER THAN LOCAL PUBLIC ENTITIES****§ 9400. Electronic Submission of Claims.**

In addition to presenting a claim, any amendment thereto, or an application for leave to present a late claim to the District in the manner required under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present a claim to the District by e-mailing the claim to the Board Executive Secretary at BoardExecutiveSecretary@mw dh2o.com, or by any other means as deemed appropriate by the General Manager and General Counsel.

### **Chapter 3**

#### **CLAIMS BY LOCAL PUBLIC ENTITIES**

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9300.	Definition
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9304.	Waiver of Defects in Claim
9305.	Presentation of Claim to District
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#### **§ 9300. Definition.**

As used in this chapter, "local public entity" includes any county or city and any district, local authority or other political subdivision of the State but does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof, claims against which are paid by warrants drawn by the Controller of the State of California. "Local public entity" shall include any chartered county, chartered city and county, and chartered city.

#### **§ 9301. Necessity of Claim.**

No suit for money or damages shall be brought against the District by or on behalf of any local public entity on a cause of action until a written claim therefor has been presented in conformity with the provisions of this chapter.

#### **§ 9302. Contents of Claim.**

A claim shall be presented by the local public entity and shall show:

- (a) The name and post office address of the local public entity;
- (b) The post office address to which the local public entity presenting the claim desires notices to sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof. The claim shall be signed by a duly authorized officer on behalf of the local public entity. A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

**§ 9303. Notice of Insufficiency of Claim.**

(a) If in the opinion of the Board a claim as presented fails to comply substantially with the requirements of Section 9302 the Board may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

(b) Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the local public entity presenting the claim desires notices to be sent. If no such address is stated in the claim the notice may be mailed to the address, if any, of the local public entity as stated in the claim. If the claim was submitted electronically, such notice may be given by e-mailing it to the e-mail address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative e-mail address.

(c) The Board will not take action on the claim for a period of 20 days after such notice is given. A failure or refusal to amend the claim shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Section 9302.

**§ 9304. Waiver of Defects in Claim.**

Any defense based upon a defect or omission in a claim as presented is waived by failure of the Board to mail notice of insufficiency with respect to such defect or omission as provided in Section 9303.

**§ 9305. Presentation of Claim to District.**

A claim may be presented to the District (1) by delivering the claim to the Secretary of the Board or the Board Executive Secretary within the time prescribed by Section 9306, (2) by mailing the claim to such Secretary or Board Executive Secretary or to the Board at its principal office not later than the last day of such period, or (3) by e-mailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mwdh2o.com](mailto:BoardExecutiveSecretary@mwdh2o.com), or by any other electronic means as deemed appropriate by the General Manager and General Counsel. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered, mailed, or e-mailed as provided herein if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.

**§ 9306. Time for Presentation of Claims.**

(a) A claim relating to a cause of action for death or for physical injury to the person or to personal property or growing crops shall be presented as provided in Section 9305 not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Section 9305 not later than one year after the accrual of the cause of action.

(b) For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

**§ 9307. Grant or Denial of Application by Board.**

(a) The Board shall grant or deny the application within 45 days after it is presented to the Board. If the Board does not act upon the application within 45 days after the application is presented, the application shall be deemed to have been denied on the 45th day.

(b) If the Board acts on a claim, it will do so in one of the following ways:

(1) If the Board finds that the claim is not a proper charge against the District, it shall reject the claim;

(2) If the Board finds the claim is a proper charge against the District and is for an amount justly due, it shall allow the claim;

(3) If the Board finds the claim is a proper charge against the District but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the Board allows the claim in part and rejects it in part it may require the local public entity if it accepts the amount allowed, to accept it in settlement of the entire claim.

**§ 9308. Notice of Claim.**

Written notice of the action taken under Section 9307(b) or the inaction which is deemed rejection under Section 9307(a) shall be given in writing by the General Manager or General Counsel to the local public entity which presented the claim.

**§ 9309. Contract Procedure for Presenting Claims.**

The Board may include in any written agreement to which the District and other local public entities are parties provisions governing the presentation, by or on behalf of such local public entities, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference the claim provisions set forth in this chapter. A claims proceeding established by an agreement

made pursuant to the section exclusively governs the claims to which it relates. This chapter does not apply to any agreement to which the District is a party, which was executed or which became effective prior to September 20, 1962.

**§ 9310. Application of Chapter.**

This Chapter 3 applies only to claims relating to causes of action which have accrued subsequent to September 20, 1962.



## **Chapter 4**

### **CLAIMS BY PERSONS OR ENTITIES OTHER THAN LOCAL PUBLIC ENTITIES**

#### **§ 9400. Electronic Submission of Claims.**

In addition to presenting a claim, any amendment thereto, or an application for leave to present a late claim to the District in the manner required under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present a claim to the District by e-mailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mw2o.com](mailto:BoardExecutiveSecretary@mw2o.com), or by any other means as deemed appropriate by the General Manager and General Counsel.



- **Board of Directors**  
***Legal and Claims Committee***

10/14/2025 Board Meeting

7-6

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## Subject

Authorize and fund additional counsel position in the Office of the General Counsel; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

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## Executive Summary

The General Counsel seeks the Board's authorization for the creation of an additional counsel position in the Office of the General Counsel and the funding for the position, due to an increased workload in the office, particularly employment litigation. The requested position would be a Senior Deputy General Counsel or Deputy General Counsel, with an annual salary range of \$186,077 to \$278,387 based on level of experience, and an annual burdened rate range (salary plus the cost to Metropolitan for benefits) of \$330,844.55 to \$494,972.44. The salary and benefits would be subject to increases comparable to other Metropolitan counsel, and the General Counsel would include the position in future budget requests.

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## Proposed Action(s)/Recommendation(s) and Options

### Staff Recommendation: Option #1

#### Option #1

Authorize and fund additional counsel position in the Office of the General Counsel

**Fiscal Impact:** An initial annual burdened rate range (salary and cost of benefits) of \$330,844.55 to \$494,972.44, with future increases comparable to other Metropolitan counsel

**Business Analysis:** Authorization and funding for the new position would help the Office of the General Counsel meet its obligation to provide legal counsel and representation to Metropolitan given the office's increased workload, particularly in employment litigation.

#### Option #2

Do not authorize and fund additional counsel position in the Office of the General Counsel

**Fiscal Impact:** Unknown impact from increased outside counsel costs, but potentially higher than the cost of the requested new position

**Business Analysis:** If the new position is not authorized and funded, existing staff would continue to provide legal services to Metropolitan and likely rely on outside counsel to a greater extent. This may impact the time existing staff can devote to certain matters and/or increase overall costs for Metropolitan through increased use of outside counsel.

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## Alternatives Considered

Not applicable

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**Applicable Policy**

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Metropolitan Water District Administrative Code Section 6430: Powers and Duties (General Counsel)

Metropolitan Water District Administrative Code Section 6438: Assistant General Counsel and Deputies General Counsel

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

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**Related Board Action(s)/Future Action(s)**

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Not applicable

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**California Environmental Quality Act (CEQA)**

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**CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5)).

**CEQA determination for Option #2:**

None required

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**Details and Background**

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**Background**

The General Counsel is the attorney for Metropolitan and is responsible for representing Metropolitan, its Board of Directors, and its officers in legal proceedings and serving as the legal advisor to the Board and officers (Admin. Code Sec. 6430(a) and (b)). The General Counsel may, when authorized to do so by the Board, employ attorneys and others to assist in the performance of these duties (Admin. Code Sec. 6430(d)). This includes Deputy General Counsels (Admin. Code Sec. 6438).

The Office of the General Counsel currently includes 21 attorneys along with other staff. In addition to the General Counsel, the attorney positions are (from higher to lower level) Assistant General Counsel, Principal Deputy General Counsel, Senior Deputy General Counsel, and Deputy General Counsel. The office's one Deputy General Counsel is currently on a maternity leave of absence.

The office handles legal advice and representation in litigation and other legal proceedings in numerous specialized areas of law, including contracts, construction, environmental, finance, real estate, legislative, governance, torts, and labor and employment. The office's attorneys handle this work in part in-house and in part in conjunction with outside counsel. When outside counsel is engaged on a given matter, the office's attorneys still expend time and resources in managing the outside counsel and serving in a co-counsel capacity.

The Office of the General Counsel has experienced an increased workload. The General Counsel reported to the Legal and Claims Committee in September 2025 that Metropolitan has experienced an increase in employment litigation and is currently defending 11 such cases, which is the highest number in Metropolitan's history to the current staff's knowledge. She reported that there are also three open pre-litigation claims and 12 open Hearing Officer appeals. The General Counsel advised the committee that in October 2025, she would be requesting authorization to create a new counsel position to assist with the office's workload, in particular employment litigation.

Three of the office's attorneys spend a significant amount of their time handling employment law work including defending litigation, independently and in conjunction with outside counsel. Two other office attorneys also handle some of this work. Each of these attorneys has other work assignments, including both Assistant General Counsels who assist in managing the office and addressing governance issues. There is insufficient bandwidth among the existing office counsel to handle the current level of employment litigation.

**Requested Action**

The General Counsel requests that the Board authorize the creation of an additional counsel position in the Office of the General Counsel and the funding for the position, due to the increased workload. The new counsel would be assigned to primarily handle employment litigation, along with other assignments to meet the needs of the office in providing legal services to Metropolitan, the Board, and officers. The attorney's work assignments could vary in the future based on changing needs. The General Counsel would endeavor to complete the competitive recruitment for the position in 2025 or early 2026, with the new counsel ideally starting by early 2026.

The requested position would be a Senior Deputy General Counsel or a Deputy General Counsel, based on the level of experience of the best-qualified candidate selected from the competitive recruitment. The current annual salary range for a Senior Deputy General Counsel is \$212,534 to \$278,387, and the annual burdened rate range (salary plus the cost to Metropolitan for benefits) is \$377,866.16 to \$494,972.44. The current annual salary range for a Deputy General Counsel is \$186,077 to \$242,882, and the annual burdened rate range (salary plus the cost to Metropolitan for benefits) is \$330,844.55 to \$431,843.48.

Therefore, the overall initial annual burdened rate range (salary and cost of benefits) for the requested position would range from \$330,844.55 to \$494,972.44, depending on the level of the selected candidate.

The salary and benefits would be subject to future increases comparable to other Metropolitan counsel, including cost-of-living increases and merit increases as applicable. The General Counsel would include the position in future budget requests for the Office of the General Counsel, beginning with the budget for fiscal years 2026/27 and 2027/28 which the Board will consider and adopt in April 2026.

***Project Milestone***

Not applicable

  
\_\_\_\_\_  
Marcia Scully  
General Counsel

10/6/2025  
\_\_\_\_\_  
Date

Ref# I12711780