

# **THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

## **MINUTES**

### **LEGAL AND CLAIMS COMMITTEE**

**November 14, 2023**

Chair Luna called the in-person and teleconference meeting to order at 8:30 a.m.

Director Peterson indicated he is participating under AB 2449 “emergency circumstances.”  
Director Peterson appeared by audio and on camera.

Director Seckel made a motion, seconded by Director Kurtz, to approve AB 2449 emergency circumstances for Director Peterson. The vote was:

Ayes:	Directors Camacho, Dick, Kurtz, Luna, Miller, and Seckel
Noes:	None
Abstentions:	None
Absent:	Directors Cordero, Douglas, Garza, McCoy, and Ramos

The motion for AB 2449 emergency circumstances for Director Peterson passed by a vote of 6 ayes, 0 noes, 0 recusals, 0 abstention, and 5 absent.

Members present: Directors Camacho, Cordero (entered after roll call), Dick, Garza (entered after roll call), Kurtz, Luna, McCoy (entered after roll call), Miller, Peterson (AB 2449 emergency circumstance), Ramos (entered after roll call), and Seckel.

Member absent: Director Douglas.

Other Directors present: Directors Ackerman, Armstrong, Bryant, Dennstedt, Erdman, Fong-Sakai, Goldberg, Gray (teleconference posted location), Morris, Ortega, Pressman (teleconference posted location), 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 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 October 10, 2023.

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

- 7-11**            Subject            Approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices, and regulations; 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 to current law, practices, and regulations.
- 7-12**            Subject            Approve amendments to Metropolitan Water District Administrative Code sections 6431 and 6453 to increase the authority of the General Counsel to obtain legal and related services to an amount not to exceed \$250,000 and the General Auditor to obtain professional services to an amount not to exceed \$100,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion:            Approve amendments to Metropolitan Water District Administrative Code sections 6431 and 6453 to increase the authority of the General Counsel to obtain legal and related services to an amount not to exceed \$250,000 and the General Auditor to obtain professional services to an amount not to exceed \$100,000.

No presentations were given, Director Camacho made a motion, seconded by Director Dick, to approve items 3A, 7-11, and 7-12. The vote was:

Ayes:            Directors Camacho, Dick, Kurtz, Luna, Miller, Peterson, and Seckel  
Noes:            None  
Abstentions:    None  
Absent:           Directors Cordero, Douglas, Garza, McCoy, and Ramos  
The motion for Items 3A, 7-11 and 7-12 passed by a vote of 7 ayes, 0 noes, 0 recusals, 0 abstention, and 5 absent.

Director Peterson announced during roll call that no one was in the room with him 18 years of age or older.

**END OF CONSENT CALENDAR ITEMS**

## 5. OTHER BOARD ITEMS – ACTION

Director Dick recused himself on Item 8-4 because he owns stock in Bayer, 3M, and Cordova companies.

Director Erdman recused himself on Item 8-4 because he owns stock in Raytheon and 3M companies.

Director Miller recused himself on Item 8-4 because he owns stock in 3M company.

Board Chair Ortega recused himself on Item 8-4 because Honeywell is a source of income.

- 8-4**            Subject:            Receive report on litigation in In re: Aqueous Film Forming Foams Products Liability Litigation, Master Docket No.: 2:18mn2873RMG, consider options, and provide direction on action in response to proposed settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23cv03147RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23cv03230RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)]
- Presented by:        Senior Deputy General Counsel Jill Teraoka and outside counsel, Jeff Kray of Marten Law, presented the item in both open and closed sessions.

Director McCoy entered the meeting.

Director Cordero entered the meeting.

Director Ramos entered the meeting.

Vice Chair Garza entered the meeting.

Chair Luna reported there were no reportable actions taken in closed session.

- 8-5**            Subject:            Report on litigation in Systems Integrated, LLC v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 21STCV18292; authorize an increase in maximum amount payable under contract for legal services with Internet Law Center, Ltd. in the amount of \$150,000 for a total amount not to exceed \$250,000; and authorize an increase in maximum amount payable under contract for legal services with Kronenberger Rosenfeld, LLP in the amount of \$150,000 for a total amount not to exceed \$250,000; 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:        Senior Deputy General Counsel Anthony Zepeda presented the item in closed session.
- Motion:              Authorize an increase in maximum amount payable under contract for legal services with Internet Law Center, Ltd. in the amount of \$150,000 for a total amount not to exceed \$250,000; and authorize an increase in maximum amount payable under contract for legal services with Kronenberger Rosenfeld, LLP in the amount of \$100,000 for a total amount not to exceed \$250,000

Director Ramos left the meeting.

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

Director Peterson announced during roll call that no one was in the room with him 18 years of age or older.

The vote in open session was:

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

Noes:                None

Abstentions:        None

Absent:              Directors Douglas and Ramos

The motion for Item 8-5 passed by a vote of 10 ayes, 0 noes, 0 recusals, 0 abstentions, and 2 absent.

**6. BOARD INFORMATION ITEMS**

None

**7. COMMITTEE ITEMS**

None

**8. FOLLOW-UP ITEMS**

None

**9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on January 9, 2024.

Meeting adjourned at 10:01 a.m.

Miguel Luna  
Chair