

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

Meeting with Board of Directors *

April 8, 2025

10:15 a.m.

**Tuesday, April 8, 2025
Meeting Schedule**

**08:30 a.m. FAAME
10:15 a.m. LEGAL
11:30 a.m. Break
12:00 p.m. BOD
01:30 p.m. CWC**

Agendas, live streaming, meeting schedules, and other board materials are available here:

<https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. the business days before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here:

<https://mwdh2o.legistar.com/Legislation.aspx>.

If you have technical difficulties with the live streaming page, a 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 via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 876 9484 9772 or to join by computer [click here](#).

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

* 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 [21-4430](#)

**** CONSENT CALENDAR ITEMS -- ACTION ****

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Legal and Claims Committee for March 11, 2025 [21-4431](#)

Attachments: [04082025 LC 3A \(03112025\) Minutes](#)

4. CONSENT CALENDAR ITEMS - ACTION

- 7-8** 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 [21-4429](#)

- 7-18** 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 [21-4457](#)

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

5. OTHER BOARD ITEMS - ACTION

- 8-2** 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)] [21-4428](#)

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

- a. 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)] [21-4427](#)

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

March 11, 2025

Chair Luna called the meeting to order at 10:15 a.m.

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

Members absent: Director Cordero

Other Board Members present: Directors Ackerman, Alvarez, Armstrong, Bryant, De Jesus, Dennstedt, Erdman, Faessel, Fong-Sakai, Garza, Goldberg, Gray (teleconference posted location), Katz, Lefevre, Lewitt, Morris, Ortega, and Pressman (teleconference posted location).

Committee Staff present: Beatty, Boucher, Gaxiola, 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 addressed changes to the agenda regarding Items 7-10 deferred, 8-3 withdrawn, and 7a deferred; provided an update on the Tieg v. Metropolitan litigation and an update on the settlement negotiations in San Diego County Water Authority v. Metropolitan; and reported on federal regulations affecting NEPA.

The following Directors provided comments or asked questions:

1. Dick
2. Morris
3. De Jesus
4. Garza

Chair Luna announced no closed session for Item 7a.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Subject: Approval of the Minutes of the Legal and Claims Committee for February 11, 2025.

No comments on the minutes.

4. CONSENT CALENDAR ITEMS – ACTION

7-11 Subject Authorize an increase of \$100,000, to an amount not-to-exceed \$600,000, for a contract for legal services with Hanson Bridgett LLP to provide legal advice on deferred compensation plans, other employee benefits, taxes, and CalPERS matters; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

No presentation was given.

Motion Authorize the General Counsel to increase the amount payable under its contract with Hanson Bridgett LLP by \$100,000 to an amount not to exceed \$600,000

7-12 Subject Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of various committees and the roles of specified board and committee officers; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

No presentation was given.

Motion Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of various committees and the roles of specified board and committee officers

The following Directors provided comments or asked questions:

1. Ortega
2. Douglas

Director Fellow made a motion, seconded by Director Camacho, to approve item 3A, 7-11 and 7-12.

The vote was:

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

The motion for Item 3A, 7-11 and 7-12 passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

8-3 Subject Report on litigation in Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176; 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)]

Item withdrawn.

6. BOARD INFORMATION ITEMS

None

Vice Chair McMillan called the meeting into closed session.

7. COMMITTEE ITEMS

- a. Subject: Report on litigation in San Diego County Water Authority v. 21-4230 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.

Director Ramos entered the meeting.

Director Pressman entered the meeting.

- b. Subject: Report on Katano Kasaine v. Metropolitan Water District of Southern California et al., Los Angeles County Superior Court Case No. 25STCV05250 [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

- c. Subject: Conference with legal counsel regarding anticipated litigation based on existing facts and circumstances, including receipt of two separate government claims threatening litigation, there is significant exposure to litigation against Metropolitan: two potential cases; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)

Presented by: Tony Zepeda, Sr. Deputy General Counsel

Chair Ortega, Committee Chair Luna, and Director Kurtz withdrew from the meeting for the report on item 7c.

Vice-Chair McMillan chaired that portion of the closed session meeting.

Chair Ortega, Committee Chair Luna, and Director Kurtz re-entered the meeting.

Chair Luna reported the committee discussed and conferred with legal counsel regarding Items 7b and 7c. No action was taken in closed session.

8. FOLLOW-UP ITEMS

Director Dick requested staff to research agendaizing meetings earlier so the next meeting can begin upon the completion of the prior meeting.

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on April 8, 2025.

Meeting adjourned at 11:47 a.m.

Miguel Luna
Chair