

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

N. Sutley, Chair
J. Garza, Vice Chair
M. Camacho
G. Cordero
L. D. Dick
C. Kurtz
T. McCoy
C. Miller
G. Peterson
M. Ramos
H. Repenning
K. Seckel

Legal and Claims Committee - Final - Revised 1

Meeting with Board of Directors *

May 9, 2023

10:30 a.m.

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen only phone line is available at 1-877-853-5257; enter meeting ID: 862 4397 5848. Members of the public may present their comments to the Board or a Committee on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276?pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>

**Tuesday, May 9, 2023
Meeting Schedule**

**08:30 a.m. FAIRP
10:30 a.m. LC
12:00 p.m. Break
12:30 p.m. BOD
02:30 p.m. EOP**

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

Teleconference Locations:

3008 W. 82nd Place • Inglewood, CA 90305

Casa Munras Garden Hotel & Spa • 700 Munras Avenue, Monterey • Marbella Room, CA 93940

8700 Beverly Boulevard • Suite M313 • Los Angeles, CA 90048

* 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 REPORTS

A. General Counsel's report of monthly activities

[21-2159](#)

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

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Legal and Claims Committee for March 13, 2023 and Legal and Claims Committee Workshop for March 28, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-2160](#)

Attachments: [05092023 LC 3A1 \(LC 03132023\) minutes](#)
[05092023 LC 3A2 \(LC 03282023\) minutes](#)

4. CONSENT CALENDAR ITEMS - ACTION

- 7-6 Authorize an increase in the maximum amount payable under contract with Thompson Coburn LLP for legal advice on state and federal energy regulatory and contractual matters by \$200,000 to a maximum amount payable of \$300,000; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA [21-2234](#)

Attachments: [05092023 LC 7-6 B-L](#)
[05092023 LC 7-6 Presentation](#)

- 7-7 Approve changes in the Administrative Code to clarify provisions relating to Board committees and the role of the Vice Chairs of the Board, to delete references to certain Ad Hoc Committees, and to correct the pay grade for Board Executive Secretary due to elimination of the job title of Board Administrator; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA [21-2233](#)

Attachments: [05092023 LC 7-7 B-L](#)
[05092023 LC 7-7 Presentation](#)

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

5. OTHER BOARD ITEMS - ACTION

- 8-7 Report on litigation in Joshua Rivers v. Metropolitan Water District, Los Angeles County Superior Court Case No. 22STCV09741; and authorize increase in maximum amount payable under contract for legal services with Sheppard, Mullin Richter & Hampton 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)] [21-2235](#)

- 8-8** Authorize filing a cross-complaint in Oswalt v. The Metropolitan Water District of Southern California, San Diego County Superior Court Case No. 37-2023-00009934-CU-PO-CTL; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation and initiating litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1) and 54956.9(d)(4)]. [ADDED ITEM 5/2/23] **21-2269**

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

NONE

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.