

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

June 10, 2024

Vice Chair Garza called the meeting to order at 11:35 am

Chair Luna indicated he is participating under AB 2449 “just cause” due to legislative business. Chair Luna appeared by audio and on camera. He stated he was alone in the room and no one over the age of 18 was with him.

Members present: Directors Camacho (entered after roll call), Cordero, Dick, Douglas (entered after roll call, teleconference posted location), Garza, Kurtz, Luna (AB 2449 “just cause”), McCoy, Miller, Ramos (entered after roll call, teleconference posted location), and Seckel.

Members absent: None

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

Committee Staff present: Gaxiola, Hagekhalil, Mortada, Scully, and Torres.

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 May 13, 2024.

4. CONSENT CALENDAR ITEMS – ACTION

None

Director Dick made a motion, seconded by Director Seckel, to approve item 3A.

The vote was:

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

The motion for Item 3A passed by a vote of 8 ayes, 0 noes, 0 abstentions, and 3 absent.

END OF CONSENT CALENDAR ITEMS

Agenda was reordered to take Item 7a. first.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Update on the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary: Phase 1, State Water Board Cases, Sacramento County Superior Court Case No. JCCP 5113, and Phase 2
Presented by: Rebecca Sheehan, Sr. Deputy General Counsel

Ms. Sheehan gave a presentation on this item.

Director Camacho entered the meeting.

Director Douglas entered the meeting.

Director Miller recused himself on Item 8-4 because he is the director on San Diego County Water Authority.

Director Ramos entered the meeting.

Vice Chair Garza called the meeting into closed session.

7. COMMITTEE ITEMS

- b. Subject Update on environmental litigation challenging the Department of Water Resources Delta Conveyance Project approval, certification of the Final Environmental Impact Report and other actions taken under the California Environmental Quality Act, currently ten related cases pending in Sacramento County Superior Court: Tulare Lake Basin Water Storage District v. California Department of Water Resources, Case No. 24WM000006, Sierra Club, et al. v. California Department of Water Resources, Case No. 24WM000008, City of Stockton v. California Department of Water Resources, Case No. 24WM000009, County of San Joaquin et al. v. California Department of Water Resources, Case No. 24WM000010, County of Butte v. California Department of Water Resources, Case No. 24WM000011, Sacramento Area Sewer District v. California Department of Water Resources, Case No. 24WM000012, County of Sacramento, et al. v. California Department of Water Resources, Case No. 24WM000014, San Francisco Baykeeper, et al. v. California Department of Water Resources, Case No. 24WM000017, South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources, Case No. 24WM000062 and North Delta Water Agency v. Cal. Dept. of Water Resources, Case No. 24WM000076.
[Conference with legal counsel – anticipated litigation (ten or more cases); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(4)]

Presented by: Robert Horton, Principal Deputy General Counsel

In closed session, the committee heard the item. No action was taken.

5. OTHER BOARD ITEMS – ACTION

8-4 Subject Report on 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; authorize initiation of settlement negotiations with SDCWA and provide direction to staff regarding 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; 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: Marcia Scully, General Counsel

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

Vice Chair Garza reported there were no reportable actions taken in closed session on Item 8-4.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on July 8, 2024.

Meeting adjourned at 12:58 pm

Juan Garza
Vice Chair