

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**May 13, 2024**

Chair Luna called the meeting to order at 1:19 p.m.

Director Garza indicated he is participating under AB 2449 “just cause” due to a contagious illness. Director Garza appeared by audio and on camera, and stated he was alone in the room.

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

Members absent: Director Douglas.

Other Directors present: Directors Abdo, Ackerman, Armstrong, Bryant, Dennstedt, Erdman, Faessel, Fellow, Goldberg, Lefevre (teleconference posted location), Morris, Ortega, and Pressman (teleconference posted location).

Committee Staff present: Beatty, Gaxiola, Hagekhalil, 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 reported on continuing cases related to copper pitting, and Metropolitan’s request for the publication of a new related appellant case so it can be cited for any related filings.

Chair Ortega thanked the General Counsel and staff for providing a brief on the California Two-Thirds Legislative Vote and Voter Approval for Fee and Charge Increases Initiative.

Directors Ramos entered the meeting.

**CONSENT CALENDAR ITEMS – ACTION**

**3. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A.** Subject: Approval of the Minutes of the Legal and Claims Committee for April 9, 2024.

**4. CONSENT CALENDAR ITEMS – ACTION**

- 7-6** Subject Authorize contracts for Bond Counsel services with Anzel Galvan LLP, Hawkins Delafield & Wood LLP, Katten Muchin Rosenman LLP, Nixon Peabody LLP, and Norton Rose Fulbright US LLP; Co-Bond Counsel services with Amira Jackmon and Law Offices of Alexis S.M. Chiu; and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C. for the period ending June 30, 2027; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion: Authorize contracts for Bond Counsel services with Anzel Galvan LLP, Hawkins Delafield & Wood LLP, Katten Muchin Rosenman LLP, Nixon Peabody LLP, and Norton Rose Fulbright US LLP; Co-Bond Counsel services with Amira Jackmon and Law Offices of Alexis S.M. Chiu; and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C. for the period ending June 30, 2027

No presentation was given, Director Peterson made a motion, seconded by Director McCoy, to approve items 3A, and 7-6.

The vote was:

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

Noes: None

Abstentions: None

Absent: Directors Camacho and Douglas.

The motion for Items 3A and 7-6 passed by a vote of 10 ayes, 0 noes, 0 abstention, and 2 absent.

Director Garza stated he was alone in the room

**END OF CONSENT CALENDAR ITEMS**

## 5. OTHER BOARD ITEMS – ACTION

Director Dick recused himself on Item 8-5 because he owns stock in Bayer, 3M, and Corteva companies and left the room.

Board Chair Ortega recused himself on Item 8-5 because Honeywell was a source of income and left the room.

Director Pressman recused himself on Item 8-5 because Grant & Eisenhofer is a business client and was placed in zoom waiting room.

Director Faessel stated that although he was not a member of the committee that he owns stock in Corteva and left the room.

Director Miller stated that he no longer owns stock in 3M company and was no longer conflicted on Item 8-5.

Chair Luna called the meeting into closed session.

<b>8-5</b>	Subject	Receive report on litigation in In re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, and settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; 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.: 2:23-cv-03230-RMG; and provide direction on response to proposed settlements in: (1) City of Camden, et al. v. Tyco Fire Products LP, et al., Civil Action No.: 2:24-cv-02321-RMG; and (2) other future cases; and authorize an increase in maximum amount payable under contract for legal services with Marten Law LLP in the amount of \$150,000 for a total amount not to exceed \$550,000; 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:	Jill Teraoka, Senior Deputy General Counsel
	Motion:	Authorize an increase in maximum amount payable under contract for legal services with Marten Law LLP in the amount of \$150,000 for a total amount not to exceed \$550,000

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

In open session, Director Peterson made a motion, seconded by Director Cordero, to approve the contract increase.

The vote in open session was:

Ayes: Directors Cordero, Garza, Luna, McCoy, Miller, Peterson, Ramos, and Seckel

Noes: None

Abstentions: None

Not voting: Director Dick

Absent: Directors Camacho, Douglas, and Kurtz

The motion for Item 8-5 passed by a vote of 8 ayes, 0 noes, 0 abstentions, 1 recusal, and 3 absent.

Director Garza stated he was alone in the room.

## 6. BOARD INFORMATION ITEMS

None

## 7. COMMITTEE ITEMS

- a. 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 6 [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Presented by: Heather Beatty, Assistant General Counsel

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

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

**8. FOLLOW-UP ITEMS**

None

**9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on June 10, 2024.

Meeting adjourned at 2:58 p.m.

Miguel Luna  
Chair