

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

September 9, 2024

Chair Luna called the meeting to order at 1:15 pm.

Members present: Directors Camacho, Douglas (teleconference posted location), Fellow, Garza, Kurtz, Luna, McCoy, Miller, Ramos (teleconference posted location), and Seckel.

Members absent: Directors Cordero and Dick.

Other Directors present: Directors Ackerman (AB2449 “Just Cause”), Alvarez, Armstrong, Bryant, De Jesus (teleconference posted location), Dennstedt (teleconference posted location), Erdman, Faessel, Fong-Sakai, Goldberg, Gray (teleconference posted location), Lefevre (teleconference posted location), Lewitt, McMillan, Morris, Ortega, Pressman (teleconference posted location), Quinn, and Smith (AB2449 “Just Cause”).

Director Ackerman indicated that she is participating under AB2449 “just cause” due to a back disability. Director Ackerman appeared by audio and on camera. She stated she was alone in the room and no one over the age of 18 was with her.

Director Smith indicated that he is participating under AB2449 “just cause” due to a contagious illness. Director Smith 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.

Committee Staff present: Beatty, Gaxiola, 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 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 August 19, 2024.

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

The vote was:

Ayes: Directors Camacho, Douglas, Fellow, Garza, Kurtz, Luna, McCoy, Miller, Ramos, and Seckel.

Noes: None

Abstentions: None

Absent: Cordero and Dick

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

4. CONSENT CALENDAR ITEMS – ACTION

None

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

Chair Luna called the meeting into closed session.

7. COMMITTEE ITEMS

- a. Subject: Report on litigation and settlement agreement in Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al., (Los Angeles Superior Court Case No. 21STCV15612) regarding Metropolitan's CRA 6.9 kV Power Cables Replacement Project, Contract No. 1915. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- Presented by: Patrick Rohen, Senior Deputy General Counsel
- b. Subject: Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; Dane Crawford v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2304015; and Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176. [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
- c. Subject: 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; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Presented by: Marcia Scully, General Counsel

Directors Goldberg, Fong-Sakai, Miller, and Smith, representing the San Diego County Water Authority, withdrew from the meeting for the report on item 7c.

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

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on October 7, 2024.

Meeting adjourned at 2:45 pm

Miguel Luna
Chair