

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MINUTES

LEGAL AND CLAIMS COMMITTEE

November 9, 2021

Chair Dick called the teleconference meeting to order at 9:00 a.m.

Members present: Chair Dick, Directors Atwater, Camacho, Fellow, Goldberg, Record, Smith, and Tamaribuchi.

Members absent: Directors Kassakhian and Phan.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Butkiewicz, Cordero, De Jesus, Dennstedt, Erdman, Faessel, Jung, Kurtz, Lefevre, McCoy, Morris, Ortega, Peterson, Pressman, and Ramos.

Committee Staff present: Beatty, Gaxiola, Hagekhalil, Scully, Torres, and Upadhyay.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

None

2. MANAGEMENT REPORTS

- a. Subject: General Counsel's report of monthly activities

General Counsel reported that the State Board issued a notice of preparation of environmental documents regarding MCLs for hexavalent chromium. She also reported on CEQA litigation filed against the Department of Water Resources by the Sierra Club and multiple other NGOs regarding the Delta conveyance project.

The following Directors provided comments or asked questions:

1. Smith

CONSENT CALENDAR OTHER ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Legal and Claims Committee meeting held October 12, 2021.

4. CONSENT CALENDAR ITEMS – ACTION

7-15 Subject Authorize an increase of \$150,000, to a maximum amount not to exceed \$250,000 for the workers' compensation legal services contract with the law firm Kegel, Tobin & Truce A.P.C.; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully introduced this item.

The following Directors provided comments or asked questions:

1. Ortega

Staff responded to the Directors questions and comments.

Director Fellow made a motion, seconded by Director Camacho, to approve the consent calendar consisting of Items 3A and 7-15:

The vote was:

Ayes:	Directors Atwater, Camacho, Dick, Fellow, Goldberg, Record, Smith, and Tamaribuchi
Noes:	None
Recusal:	None
Abstain:	None
Absent:	Kassakhian and Phan

The motion for Items 3A and 7-15 passed by a vote of 8 ayes, 0 noes, 0 abstain, and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Report on Pacific Coast Federation of Fishermen's Assns., et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00431-DAD-SAB and Calif. Natural Resources Agency, et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00426-DAD-SKO [**Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)**]

Presented by: Senior Deputy General Counsel Rebecca Sheehan

In closed session, Senior Deputy General Counsel Rebecca Sheehan gave a report on this item. No action was taken.

- b. 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; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014 action and the first 2016 action. [**Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)**]

Presented by: General Manager Adel Hagekhalil and General Counsel Marcia Scully

General Manager Adel Hagekhalil gave a report on this item in closed session. General Counsel Marcia Scully assisted and answered questions.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on December 14, 2021.

Meeting adjourned at 10:32 a.m.

Larry Dick
Chair