

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MINUTES

LEGAL AND CLAIMS COMMITTEE

December 14, 2021

Chair Dick called the teleconference meeting to order at 10:02 a.m.

Members present: Chair Dick, Directors Atwater, Camacho (entered after roll call), Fellow, Phan, Record, Smith, Sutley, and Tamaribuchi.

Members absent: Directors Goldberg and Kassakhian.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Cordero, De Jesus, Dennstedt, Fong-Sakai, Jung, Kurtz, Lefevre, Luna, Miller, Ortega, Pressman, Quinn, Ramos, Repenning, and Williams.

Committee Staff present: Beatty, Hagekhalil, Miyashiro, 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 stated she had nothing to add to her written report.

CONSENT CALENDAR OTHER ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held November 9, 2021.

No comments on the minutes.

4. CONSENT CALENDAR ITEMS – ACTION

The following directors made remarks: Miller and Fong-Sakai

- 7-9** Subject Adopt amendment to the Administrative Code establishing Metropolitan-specific parliamentary procedures; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Motion: Retain Metropolitan’s current procedural rules with amendments to Administrative Code Sections 2205 and 2401 to provide that a parliamentary ruling by the Chair of a committee or the Board may be overruled by a majority vote of the applicable committee or Board
- Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave a report on this item.

The following Directors provided comments or asked questions:

1. Chairwoman Gray
2. Ortega
3. Smith
4. Repenning
5. Sutley
6. Fong-Sakai
7. Chair Dick

Director Tamaribuchi made a motion, seconded by Director Fellow, to approve the consent calendar consisting of Items 3A and 7-9:

The vote was:

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

The motion for Items 3A and 7-15 passed by a vote of 6 ayes, 2 noes, 0 abstain, and 3 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

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; 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

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

Director Phan recused herself for the report on this item.

In closed session, General Manager Adel Hagekhalil gave a report on this item with input from General Counsel Marcia Scully.

- b. Subject Discussion of Department Head Performance and Goal Setting
[Public employees' performance evaluations – General Counsel; to be heard in closed session pursuant to Gov. Code Section 54957]

This item was deferred. There was no discussion on this item.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on January 11, 2022.

Meeting adjourned at 11:34 a.m.

Larry Dick
Chair