

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

January 11, 2022

Chair Dick called the teleconference meeting to order at 8:30 a.m.

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

Members absent: Director Kassakhian.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Cordero, De Jesus, Dennstedt, Erdman, Faessel, Fong-Sakai, Jung, Kurtz, Lefevre, McCoy, Miller, Morris, Ortega, Peterson, Pressman, Quinn, Ramos, 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 reported on the court ruling in the Delta Conveyance Project Bond Validation litigation and the consolidated CEQA case. She also reported on the appellate court ruling in the Monterey Plus cases. Ms. Scully also reported on final resolution of the Monterey Plus cases the court hearing on the state water contract extension.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee meeting held December 14, 2021.

No comments on the minutes.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-10** Subject Approve amendments to the Administrative Code to establish changes in the committee structure of the Board; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Presented by: Chairwoman Gray
- Motion: Approve the recommendations for changes in the Metropolitan Administrative Code to modify the Board Committee structure as set forth in **Attachment 1** to Board Letter 7-10 to reflect the new committee structure and duties with the following modifications:
- Include the changes recommended by Director Quinn’s written revisions distributed to the Board with changes to the first paragraph to:
 - change the word “authority” to the word “oversight”; and
 - change “demand management or supply projects” to “demand management or local and regional supply projects“
 - Change 3b of the Board Letter to:
 - Delete “reclamation and their development” and in its place add “recycling and reuse”

The following Directors provided comments or asked questions:

1. Chairwoman Gray
2. Quinn
3. Ortega
4. Lefevre
5. Abdo
6. Sutley
7. Blois
8. Goldberg
9. Kurtz
10. De Jesus
11. Atwater
12. Tamaribuchi
13. Camacho
14. Ackerman
15. Chair Dick
16. Peterson

General Manager Hagekhalil and General Counsel Scully responded to questions.

Director Camacho made a motion, seconded by Director Sutley, to approve the consent calendar consisting of Items 3A and 7-10:

The vote was:

Ayes:	Directors Atwater, Camacho, Dick, Fellow, Goldberg, Phan, Record, Smith, Sutley, and Tamaribuchi
Noes:	Chair Dick item 7-10 only
Recusal:	None
Abstain:	None
Absent:	Kassakhian

The motion for Item 3A passed by a vote of 10 ayes, 0 noes, 0 abstain, and 1 absent.
The motion for Item 7-10 passed by a vote of 9 ayes, 1 no, 0 abstain, and 1 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- | | | |
|----|---------|--|
| a. | Subject | Report on litigation, including discussions regarding potential settlement, 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; and the Metropolitan Water District of Southern California v. San Diego County Water Authority |
|----|---------|--|

cross-complaints in the 2014, 2016, and 2018 actions. [**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, Goldberg, 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.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on February 8, 2022.

Meeting adjourned at 10:51 a.m.

Larry Dick
Chair