

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**July 12, 2022**

Chair Dick called the teleconference meeting to order at 12:00 p.m.

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

Members absent: Directors Fellow and Phan.

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

Committee Staff present: Beatty, Hagekhalil, Miyashiro, 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

Assistant General Counsel Heather Beatty, sitting in for General Counsel Scully, informed the committee she had nothing to add to General Counsel's written report.

**CONSENT CALENDAR ITEMS – ACTION**

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

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held June 14, 2022.

Director Sutley made a motion, seconded by Director Record, to approve the consent calendar consisting of Item 3A:

The vote was:

Ayes: Chair Dick, Directors Camacho, Goldberg, Record, Smith, Sutley, and Tamaribuchi  
Noes: None  
Not Voting: Director Atwater  
Abstain: None  
Absent: Directors Fellow and Phan

The motion for Item 3A passed by a vote of 7 ayes, 0 noes, 1 not voting, 0 abstain, and 2 absent.

#### **4. CONSENT CALENDAR ITEMS – ACTION**

**7-6**            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; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and authorize increase in maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)].

Presented by:            Assistant General Counsel Heather Beatty

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

In closed session, Assistant General Counsel Heather Beatty gave a report on this item. No action was taken in closed session.

Motion: Authorize an increase in the maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the SDCWA v. Metropolitan, et al. rate litigation in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000.

In open session, Director Sutley made a motion, seconded by Director Record, to approve the consent calendar Item 7-6:

The vote was:

Ayes: Chair Dick, Directors Atwater, Camacho, Record, Sutley, and Tamaribuchi  
Noes: None  
Abstain: None  
Absent: Directors Fellow and Phan

The motion for Item 7-6 passed by a vote of 6 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**

None

#### **8. FOLLOW-UP ITEMS**

None

#### **9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on August 16, 2022.

Meeting adjourned at 12:27 p.m.

Larry Dick  
Chair