

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

October 11, 2022

Chair Dick called the teleconference meeting to order at 8:32 a.m.

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

Members absent: Vice Chair Dennstedt and Director Goldberg.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, De Jesus, Faessel, Fong-Sakai, Kurtz, Lefevre, Miller, Morris, Peterson, and Pressman.

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 Scully acknowledged Legal staff members Mark Parsons and Patrick Rohen for their work on the project labor agreements and Catherine Stites for her work on the Navajo Nation litigation. She also acknowledged Margie Wheeler from the General Manager's office for her work on the California State Audit recommendations to the Administrative Code.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Meeting of the Adjourned Legal and Claims Committee held September 13, 2022.

No comments on the minutes.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-10** Subject: Authorize a \$300,000 settlement for claims against the federal government for the recovery of costs resulting from damages to Metropolitan infrastructure due to the crash of a military helicopter; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel potential litigation (1 case); may be heard in closed session pursuant to Gov. Code Section 54956.9(d)(4)]
- Motion: Authorize a \$300,000 settlement of Metropolitan claims against the federal government for the recovery of costs resulting from damages to Metropolitan infrastructure due to the crash of a military helicopter.
- 7-12** Subject: Approve amendments to the Administrative Code to comply with recommendations of the California State Auditor regarding reporting requirements to the Board of Directors on personnel-related settlements and the contracting authority of the Ethics Officer; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA.
- Motion: Approve recommended amendments to the Administrative Code.

The following Directors provided comments or asked questions:

1. Sutley

No presentations were given, Director Fellow made a motion, seconded by Director Tamaribuchi, to approve the consent calendar consisting of items 3A, 7-10, and 7-12:

The vote was:

- Ayes: Chair Dick, Directors Atwater, Camacho, Fellow, Phan, Record, Smith, Sutley, and Tamaribuchi
- Noes: None
- Abstentions: None
- Absent: Vice Chair Dennstedt and Director Goldberg

The motion for Items 3A, 7-10, and 7-12 passed by a vote of 9 ayes, 0 noes, 0 abstentions, and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

7a 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. [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, 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 because of a financial conflict of interest in that the City of Torrance is a client of her employer Rutan and Tucker.

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

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on November 8, 2022.

Meeting adjourned at 9:03 a.m.

Larry Dick
Chair