

# **THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

## **MINUTES**

### **LEGAL AND CLAIMS COMMITTEE**

**June 8, 2021**

Chair Dick called the teleconference meeting to order at 9:01 a.m.

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

Members absent: Director Kassakhian.

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

Committee Staff present: Kightlinger, Miyashiro, Scully, and Upadhyay.

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

None

#### **2. MANAGEMENT REPORT**

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

General Counsel stated she had nothing to add to her written report.

#### **CONSENT CALENDAR ITEMS – ACTION**

Director Camacho entered the meeting.

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

A. Approval of the Minutes of the Legal and Claims Committee meeting held May 11, 2021.

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

**7-10** Subject Adopt amendment to the Administrative Code establishing Metropolitan-specific parliamentary procedures; the General

Manager has determined that the proposed action is exempt or not subject to CEQA

Presented by: None

Motion: Postpone consideration of Item 7-10 to July.

Director Goldberg made a motion, seconded by Director Murray, to postpone consideration of Item 7-10 to the July Legal and Claims meeting. Chair Dick pulled the item from the consent calendar and called for a vote.

The vote was:

Ayes: Directors Atwater, Camacho, Dick, Fellow, Goldberg, Murray, Phan, Record, Smith, and Tamaribuchi

Noes: None

Abstain: None

Absent: Kassakhian

The motion for Item 7-10 passed by a vote of 10 ayes, 0 noes, 0 abstain, and 1 absent.

**7-11**      Subject      Update on CDWR Water Operations Cases, Sacramento County Super. Ct. Case No. JCCP 5117 and request for authorization to increase maximum amount payable in contract with Andrade Gonzalez LLP by \$150,000 to an amount not to exceed \$250,000; 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 Section 54956.9(d)(1)]**

Presented by: Chief Deputy General Counsel Robert Horton

Motion: Authorize the General Counsel to amend the existing agreement with Andrade Gonzalez LLP to increase the maximum amount payable by Metropolitan by \$150,000 to an amount not to exceed \$250,000

Chief Deputy General Counsel Robert Horton gave a report on this item in closed session.

Action was taken in open session.

Director Phan stated that Agenda Item 7-11 involves the California Department of Fish & Wildlife and the National Fisheries, both of whom are clients of her employer, Rutan & Tucker, therefore she recused herself from Agenda Item 7-11.

Director Tamaribuchi made a motion, seconded by Director Atwater, to approve the consent calendar consisting of items 3A and 7-11:

The vote was:

Ayes:	Directors Atwater, Camacho, Dick, Fellow, Goldberg, Murray, Phan (Item 3A), Record, Smith, and Tamaribuchi
Noes:	None
Recusal:	Phan (Item 7-11)
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 7-11 passed by a vote of 9 ayes, 0 noes, 1 recusal, 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 *Imperial Irrigation District v. The Metropolitan Water District of Southern California, et al.*, Los Angeles Superior Court Case No. 19STCP01376 and pending appeal to California Court of Appeal, Second District; and *Imperial Irrigation District v. The Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. 0STCV46404  
[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 Michael Hughes

Senior Deputy General Counsel Michael Hughes gave a report on this item in closed session.

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:     Assistant General Counsel Heather Beatty

Assistant General Counsel Heather Beatty gave a report on this item in closed session.

No action was taken.

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

None

## **9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on July 13, 2021.

Meeting adjourned at 9:50 a.m.

Larry Dick  
Chair