

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

July 13, 2021

Director Tamaribuchi called the teleconference meeting to order at 9:01 a.m.

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

Members absent: Directors Goldberg and Kassakhian.

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

Committee Staff present: 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 reported Stef Morris, Senior Deputy General Counsel, resigned from Metropolitan to take a position with the Truckee Meadows Water Authority.

She also announced the reordering of the agenda to take Item 7-10 first, move into closed session for presentations on Items 7-11, 7-12, and 7a, then with time allowing, Item 7-9.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Legal and Claims Committee meeting held June 8, 2021.

4. CONSENT CALENDAR ITEMS – ACTION

7-10 Subject Authorize increase of \$100,000, to a maximum amount payable of \$300,000, for existing General Counsel contract with Olson Remcho LLP to provide general government law advice related to the Political Reform Act, the Fair Political Practices Commission regulations, conflict of interest law and other legislative and ethics matters; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA

Presented by: None

Motion: Authorize the General Counsel to increase the amount payable under its agreement with Olson Remcho LLP by \$100,000 to a maximum amount payable of \$300,000.

7-11 Subject Report on existing litigation OHL USA, Inc. v. The Metropolitan Water District of Southern California, Los Angeles Superior Court Case No. 19STCV27689; and authorize increase of maximum amount payable under contract with Theodora Oringher PC for legal services by \$200,000 to an amount not to exceed \$900,000 (Approp. 154170); 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: Senior Deputy General Counsel Mark Parsons

Motion: Authorize the General Counsel to increase the amount payable by amendment of the contract with Theodora Oringher PC for legal services by \$200,000 for an amount not to exceed \$900,000

Senior Deputy General Counsel Mark Parsons gave a report on this item in closed session.

Action was taken in open session.

7-12 Subject Report on Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al., (Los Angeles Superior Court Case No. 21STCV15612) regarding Metropolitan's CRA 6.9 kV Power Cables Replacement Project, Contract No. 1915; authorize filing cross-complaints; and authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$200,000 to an amount not-to-exceed \$300,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA.

[Conference with legal counsel - existing litigation and initiating litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1) and 54956.9(d)(4)] [Revised closed session language 7/8/2021]

Presented by: Senior Deputy General Counsel Patrick Rohen

Motion: Authorize filing cross-complaint in *Baker Electric, Inc. v. Metropolitan Water District of Southern California, et al.*, (Los Angeles Superior Court Case No. 21STCV15612); and Authorize an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$200,000 to an amount not-to-exceed \$300,000

Senior Deputy General Counsel Patrick Rohen gave a report on this item in closed session.

Action was taken in open session.

Director Fellow made a motion, seconded by Director Atwater, to approve the consent calendar consisting of items 3A, 7-10, 7-11, and 7-12:

The vote was:

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

Noes: None

Recusal: None

Abstain: None

Absent: Goldberg and Kassakhian

The motion for items 3A, 7-10, 7-11, and 7-12 passed by a vote of 9 ayes, 0 noes, 0 abstain, and 2 absent.

7-9 Subject Adopt amendment to the Administrative Code establishing Metropolitan-specific parliamentary procedures; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA

This item was deferred to August.

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: No presentation was given.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on August 17, 2021.

Meeting adjourned at 10:18 a.m.

Satoru Tamaribuchi
Chair Pro Tem