

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

**ADJOURNED LEGAL AND CLAIMS COMMITTEE**

**August 17, 2021**

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

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

Members absent: Director Kassakhian.

Other Directors present: Directors Abdo, Ackerman, Blois, De Jesus, Dennstedt, Erdman, Faessel, Hogan, Jung, Kurtz, Lefevre, Morris, Ortega, Peterson, Pressman, and Ramos.

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

Chair Dick reported that Chairwoman Gray requested Item 7-8 be deferred to September when she could be included on the discussion.

**2. MANAGEMENT REPORT**

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

General Counsel reported on item 7-9 regarding the status of the OHL mediation.  
(Reported on when Item 7a was called)

**CONSENT CALENDAR ITEMS – ACTION**

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

- A. Approval of the Minutes of the Legal and Claims Committee meeting held July 13, 2021.

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

The vote was:

Ayes: Directors Atwater, Camacho, Dick, Fellow, Goldberg, Murray, Phan,  
Record, Smith, and Tamaribuchi  
Noes: None  
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.

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

**7-8**            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 September.

**7-9**            Subject            Report on existing litigation OHL USA, Inc. v. The Metropolitan  
Water District of Southern California, Los Angeles Superior Court  
Case No. 19STCV27689; 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)]**

This item was deleted.

#### **END OF CONSENT CALENDAR ITEMS**

#### **5. OTHER BOARD ITEMS – ACTION**

None

#### **6. BOARD INFORMATION ITEMS**

None

## 7. COMMITTEE ITEMS

- a.           Subject           Report on the Legal Department's Role in EEO Investigations

Presented by:   Assistant General Counsel Henry Torres

Assistant General Counsel Henry Torres gave a report on this item.

- b.           Subject           General Counsel's Business Plan for Fiscal Year 2021/22

Presented by:   General Counsel Marcia Scully

General Counsel Marcia Scully gave a report on this item.

- c.           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)]**

This item was deferred to September.

## 8. FOLLOW-UP ITEMS

None

## 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 14, 2021.

Meeting adjourned at 10:36 a.m.

Larry Dick  
Chair