

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

September 14, 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: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Butkiewicz, Cordero, De Jesus, Dennstedt, Erdman, Faessel, Hogan, Jung, Kurtz, Lefevre, Luna, McCoy, Morris, Ortega, Ramos, and Repenning.

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 REPORT

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

General Counsel referred the committee to her monthly report.

CONSENT CALENDAR OTHER ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Approval of the Minutes of the Adjourned Meeting of the Legal and Claims Committee meeting held August 17, 2021.

4. CONSENT CALENDAR ITEMS – ACTION

7-7 Subject Authorize an increase in the maximum amount payable under contract with Ryan & Associates for legal services related to general real estate and leasing law issues by \$100,000 to a maximum amount payable of \$200,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: No presentation was given

The following Directors provided comments or asked questions:

1. Ortega

Chair Dick announced a reordering of the agenda items. The closed session items would be taken together, 7-8, 7-9 and 7a.

7-8 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 Oringer PC for legal services by \$200,000 to an amount not to exceed \$1,100,000 (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

Senior Deputy General Counsel Mark Parsons gave a report on this item. The vote was taken in open session.

After completion of the presentations, Director Record made a motion, seconded by Director Atwater, to approve the consent calendar consisting of Items 3A, 7-7 and 7-8:

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 Items 3A, 7-7 and 7-8 passed by a vote of 10 ayes, 0 noes, 0 abstain, and 1 absent.

- 7-9** Subject Update and authorize the settlement of: (1) Imperial Irrigation District v. The Metropolitan Water District of Southern California, et al., Los Angeles Superior Court Case No. 19STCP01376 and California Court of Appeal Case No. B311674; and (2) Imperial Irrigation District v. The Metropolitan Water District of Southern California, Los Angeles Superior Court Case No. 0STCV46404; the General Manager has determined 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 Michael Hughes

In closed session, Senior Deputy General Counsel Michael Hughes gave a report on this item. The vote was taken in closed session.

Chair Dick reported that the Committee voted to recommend approval of the proposed settlement.

END OF CONSENT CALENDAR ITEMS

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: Assistant General Counsel Heather Beatty

Directors Butkiewicz, Goldberg, Hogan, 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.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on October 12, 2021.

Meeting adjourned at 10:48 a.m.

Larry Dick
Chair