

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**October 12, 2021**

Chair Dick called the teleconference meeting to order at 9:00 a.m.

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

Members absent: Directors Kassakhian and Murray.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, Cordero, De Jesus, Dennstedt, Erdman, Jung, Kurtz, Lefevre, McCoy, Morris, Ortega, Peterson, 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

**2. MANAGEMENT REPORT**

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

General Counsel referenced the additional attachments to her monthly report. At the request of Director Ortega, summaries of the Legal Department's expenditures by funding source and outside counsel contract amendments were provided as part of the monthly report.

**CONSENT CALENDAR OTHER ITEMS – ACTION**

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

- A. Approval of the Minutes of the Legal and Claims Committee meeting held September 14, 2021.

Director Atwater made a motion, seconded by Director Fellow, to approve the Minutes:

The vote was:

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

The motion for Item 3A passed by a vote of 9 ayes, 0 noes, 0 abstain, and 2 absent.

#### 4. CONSENT CALENDAR ITEMS – ACTION

**7-12**      Subject      Authorize settlement of *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)]

Presented by: Senior Deputy General Counsel Mark Parsons

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

In open session, Chair Dick reported that the Committee voted to recommend approval of the proposed settlement.

#### 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:     Assistant General Counsel Heather Beatty

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

## 8. FOLLOW-UP ITEMS

None

## 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on November 9, 2021.

Meeting adjourned at 9:36 a.m.

Larry Dick  
Chair