

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

L&C Committee

M. Luna, Chair
J. Garza, Vice Chair
M. Camacho
G. Cordero
L. Dick
C. Douglas
A. Fellow
C. Kurtz
T. McCoy
C. Miller
M. Ramos
K. Seckel

Legal and Claims Committee

Meeting with Board of Directors *

August 19, 2024

1:15 p.m.

**Monday, August 19, 2024
Meeting Schedule**

**09:00 a.m. EOT
11:15 a.m. Break
11:45 a.m. LEG
01:15 p.m. LEGAL
02:15 p.m. OWS**

Agendas, live streaming, meeting schedules, and other board materials are available here:

**<https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. the business days before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here:
<https://mwdh2o.legistar.com/Legislation.aspx>.**

If you have technical difficulties with the live streaming page, a listen-only phone line is available at 1-877-853-5257; enter meeting ID: 862 4397 5848.

Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or to join by computer [click here](#).

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

Teleconference Locations:

525 Via La Selva • Redondo Beach, CA 90277

Cedars-Sinai Imaging Medical Group • 8700 Beverly Boulevard • Los Angeles, CA 90048

Allendale Insurance Agency • 337 W. Foothill Blvd. • Glendora, CA 91740

3008 W. 82nd Place • Inglewood, CA 90305

Long Beach Water Department • 1800 E. Wardlow Road • Long Beach, CA 90807

Lobby Conference Room • San Diego County Water Authority • 4677 Overland Avenue • San Diego, CA 92123

7 Upper Meadow Lane • Oak Bluffs, MA 02568

Conference Room • 1545 Victory Boulevard, 2nd Floor • Glendale, CA 91201

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- A. General Counsel's report of monthly activities

[21-3685](#)

Attachments: [08192024 LEGAL 2A Report](#)

**** CONSENT CALENDAR ITEMS -- ACTION ****

3. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Legal and Claims Committee for July 8, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions)

[21-3686](#)

Attachments: [08192014 LC 3A \(07082024\) Minutes](#)

4. CONSENT CALENDAR ITEMS - ACTION

NONE

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

5. OTHER BOARD ITEMS - ACTION

NONE

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

- a. Report on litigation in 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; the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and the appeals of the 2014, 2016, and 2018 actions, Court of Appeal for the First Appellate District Case No. A170156; including report on discussions regarding potential settlement of the 2014, 2016, and 2018 actions, including the cross-complaints and appeals, San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389 and Court of Appeal for the First Appellate District Case No. A170156; [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] [21-3772](#)

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.



Metropolitan Cases

Darren Reese v. Metropolitan **(Riverside County Superior Court)**

On June 28, 2024, Metropolitan filed a motion for summary judgment or, in the alternative, summary

adjudication, requesting pre-trial dismissal of the case. A hearing on the motion before Judge Bustamante in Riverside County Superior Court is set for September 11, 2024.

Matters Concluded and/or Terminated

AFSCME Local 1902 v. Metropolitan **(Hearing Officer Appeal)**

Local 1902 filed a grievance alleging that an employee was denied cost-of-living adjustments during a long-term temporary promotion. After completing the grievance process, Local 1902 filed for a hearing officer appeal and the matter was set for hearing before a neutral hearing officer on May 15, 2024. Prior to the hearing, the parties engaged in extensive settlement discussions and Metropolitan agreed to pay the employee \$4,006 in cost-of-living adjustment backpay. In exchange, Local 1902 withdrew the request for hearing officer appeal and grievance.

Gustavo Arellano v. Metropolitan **(Riverside County Superior Court)**

On July 8, 2024, plaintiff Gustavo Arellano served Metropolitan with a lawsuit alleging personal injury as a result of a bicycle accident which occurred at the Brubaker Park in the city of Hemet. Metropolitan staff determined that Metropolitan does not have any property interest in the accident location. Metropolitan counsel contacted plaintiff's counsel who agreed to request dismissal of Metropolitan from the lawsuit. On July 12, 2024, the court dismissed Metropolitan from the lawsuit.

Matters Received

<u>Category</u>	<u>Received</u>	<u>Description</u>
Action in which MWD is a party	2	Complaint for Personal Injury and Premises Liability, filed in Riverside County Superior Court, in the case <i>Gustavo Arellano v. City of Hemet, Hemet Unified School District, County of Riverside, Metropolitan Water District, State of California, California Department of Parks and Recreation</i> , Case No. CVSW2406578, relating to Plaintiff incurring injuries from falling when he rode his bicycle over loose dirt and/or an open hole on Mustang Way in the city of Hemet Complaint for Motor Vehicle Property Damage and Personal Injury, filed in Orange County Superior Court, in the case <i>Melanie De Leon v. Metropolitan Water District, a Metropolitan employee, The Employees Association of the Metropolitan Water District of Southern California</i> , Case No. 30-2024-01399190-CU-PA-CJC, relating to a motor vehicle accident involving a Metropolitan vehicle
Government Code Claims	3	Claims relating to: (1) scratches on Claimant's vehicle from someone dragging something over the top of the vehicle; and (2) two accidents involving MWD vehicles
Subpoenas	1	Subpoena for employment, wage, medical and workers compensation claim records relating to a matter before the Workers' Compensation Appeals Board



Requests Pursuant to the Public Records Act	17	<u>Requestor</u>	<u>Documents Requested</u>
		3shades design	Winning bid submitted in response to the Request for Proposal for Multimedia Placement Consulting Services for Water Awareness and Outreach Campaign
		Audacy	Submitted proposals, score sheets, and award notification for Multimedia Placement Consulting Services for Water Awareness and Outreach Campaign
		CCS Global Tech	Number of task orders/purchase orders issued under the contract for On-Call Information Technology Services from April 1, 2024 to June 31, 2024
		Center for Contract Compliance	Bid, contact, and payment documents for Live Oak Landscape and Tree Maintenance Services at Live Oak Reservoir
		CivilGrid	GIS data/map of MWD underground water utilities
		Flatiron Construction Corp.	Preliminary electrical and mechanical reports related to the Lake Mathews Forebay Bypass Project
		Kennedy/Jenks Consultants	Prime contractor proposals submitted for Progressive Design-Build Services for the Sepulveda Feeder Pump Station
		Labor Management Compliance Council	Notice of Completion and certified payroll records for Wadsworth Pumping Plant Eastside Pipeline Intertie
		Langan	As-built drawings for existing 51" water main (Palos Verdes feeder) near project in the city of Torrance
		Lee & Ro	Proposal submitted in response to Request for Proposal for Lake Mathews Pressure Control Structure (PCS) and Electrical Upgrades
		Los Angeles Times	Letters and emails received from June 15, 2024-present regarding Adel Hagekhalil
		Private Citizens (2 requests)	(1) Copies of the Colorado River Watershed Sanitary Survey - 2020 Update and the State Water Project Watershed Sanitary Survey - 2021 Update; and (2) emails sent by Liji Thomas during 2023-2024 containing the words liaison, Ramona, or Brenda



<u>Requestor</u>	<u>Documents Requested</u>
Republic	Bid tabulation, award letter, and winning proposal for Multimedia Placement Consulting Services for Water Awareness and Outreach Campaign
Rheia Consulting	Winning proposals submitted in response to Request for Proposal for Preliminary Design for PCCP Rehabilitation of the Calabasas Feeder, On-Call Engineering Services, and Preliminary Design of Conveyance Reaches 1 and 2 for PWSC
Schonbrun Seplow Harris Hoffman & Zeldes	Documents relating to a complaint made to members of the Board in February 2022 and incidents in March 2024
Sherpa Marketing Solutions	Winning proposal submitted in response to Request for Proposal for Multimedia Placement Consulting Services for Water Awareness and Outreach Campaign



PLEASE NOTE

- ADDITIONS ONLY IN THE FOLLOWING TWO TABLES WILL BE SHOWN IN RED.
- ANY CHANGE TO THE *OUTSIDE COUNSEL AGREEMENTS* TABLE WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).



Bay-Delta and SWP Litigation	
Subject	Status
Delta Conveyance Project CEQA Cases <i>City of Stockton v. California Department of Water Resources</i> <i>County of Butte v. California Department of Water Resources</i> <i>County of Sacramento v. California Department of Water Resources</i> <i>County of San Joaquin et al. v. California Department of Water Resources</i> <i>Sacramento Area Sewer District v. California Department of Water Resources</i> <i>San Francisco Baykeeper, et al. v. California Department of Water Resources</i> <i>Sierra Club, et al. v. California Department of Water Resources</i> <i>South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources</i> <i>Tulare Lake Basin Water Storage District v. California Department of Water Resources</i> Sacramento County Superior Ct. (Judge Acquisto)	<ul style="list-style-type: none"> DWR is the only named respondent/defendant All alleged CEQA violations Most allege violations of the Delta Reform Act, Public Trust Doctrine and Delta and Watershed Protection Acts Two allege violations of the fully protected bird statute One alleges violations of Proposition 9 (1982) and the Central Valley Project Act Deadline for DWR to prepare the administrative record extended to Sept. 30, 2024 Next case management conference Oct. 18, 2024 June 20, 2024 trial court issued a preliminary injunction halting pre-construction geotechnical soil testing until DWR certifies that the DCP is consistent with the Delta Plan Aug. 19, 2024 deadline for DWR to appeal the injunction <u>Aug. 23, 2024 hearing on DWR's motion to modify or stay the preliminary injunction</u>
Delta Conveyance Project Water Right Permit Litigation <i>Central Delta Water Agency et al. v. State Water Resources Control Board</i> Fresno County Superior Court (Judge <u>HamiltonBrickey</u>)	<ul style="list-style-type: none"> Complaint filed April 16, 2024, alleges that the State Water Board must rule on DWR's 2009 petition to extend the time to perfect its State Water Project rights before the State Water Board may begin to adjudicate DWR's petition to change its water rights to add new points of diversion for the Delta Conveyance Project <u>Sept. 19</u>July 17, 2024 hearing date for State Water Resources Control Board demurrer (motion to dismiss) and motion to strike <u>and DWR's demurrer (motion to dismiss)</u>



Subject	Status
<p>Consolidated DCP Revenue Bond Validation Action and CEQA Case</p> <p><i>Sierra Club, et al. v. California Department of Water Resources</i> (CEQA, designated as lead case)</p> <p><i>DWR v. All Persons Interested</i> (Validation)</p> <p>Sacramento County Superior Ct. (Judge Kenneth C. Mennemeier)</p> <p>3d District Court of Appeal Case No. C100552</p>	<ul style="list-style-type: none"> • Validation Action • Final Judgment and Final Statement of Decision issued January 16, 2024 ruling the bonds are not valid • DWR, Metropolitan and other supporting public water agencies filed Notices of Appeal on or before the February 16, 2024 deadline • Eight opposing groups filed Notices of Cross Appeals by March 27, 2024 • April 16, 2024 DWR moved to dismiss the cross appeals as untimely • Motion to dismiss cross appeals denied without prejudice to renewing the motion in merits briefing Parties meeting and conferring on briefing schedule
<p>SWP-CVP 2019 BiOp Cases</p> <p><i>Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al.</i> (PCFFA)</p> <p><i>Calif. Natural Resources Agency, et al. v. Raimondo, et al.</i> (CNRA)</p> <p>Federal District Court, Eastern Dist. of California, Fresno Division (Judge Thurston)</p>	<ul style="list-style-type: none"> • SWC intervened in both <i>PCFFA</i> and <i>CNRA</i> cases • Federal defendants reinitiated consultation on Oct 1, 2021 • March 28, 2024 order extending the Interim Operations Plan and the stay of the cases through the issuance of a new Record of Decision or December 20, 2024, whichever is first
<p>CESA Incidental Take Permit Cases</p> <p>Coordinated Case Name CDWR Water Operations Cases, JCCP 5117 (Coordination Trial Judge Gevercer)</p> <p><i>Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA/Breach of Contract)</p> <p><i>State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al.</i> (CESA/CEQA)</p> <p><i>Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources</i> (CEQA)</p> <p><i>San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA/ Breach of Contract/Takings)</p> <p><i>Sierra Club, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p>	<ul style="list-style-type: none"> • Administrative records certified in October 2023 • Order entered Parties are conferring on stipulation to delay setting a merits briefing schedule by 90 days and extending the time to bring the action to trial by six months



Subject	Status
<p><i>North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust)</p> <p><i>Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin)</p> <p><i>San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al.</i> (CEQA/CESA)</p>	
<p>CDWR Environmental Impact Cases Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C100302 (20 Coordinated Cases)</p> <p>Validation Action <i>DWR v. All Persons Interested</i></p> <p>CEQA 17 cases</p> <p>CESA/Incidental Take Permit 2 cases</p> <p>(Judge Arguelles)</p>	<ul style="list-style-type: none"> • Cases dismissed after DWR rescinded project approval, bond resolutions, decertified the EIR, and CDFW rescinded the CESA incidental take permit • January 10, 2020 – Nine motions for attorneys’ fees and costs denied in their entirety • May 11, 2022, court of appeal reversed the trial court’s denial of attorney fees and costs • Coordinated cases remitted to trial court for re-hearing of fee motions consistent with the court of appeal’s opinion • Dec. 26, 2023 order denying fee motions • Six notices of appeal filed
<p>COA Addendum/ No-Harm Agreement</p> <p><i>North Coast Rivers Alliance v. DWR</i> Sacramento County Superior Ct. (Judge Rockwell)</p>	<ul style="list-style-type: none"> • Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine • Westlands Water District and North Delta Water Agency granted leave to intervene • Metropolitan & SWC monitoring • Deadline to prepare administrative record last extended to Nov. 18, 2022
<p>Water Management Tools Contract Amendment</p> <p><i>California Water Impact Network et al. v. DWR</i> Sacramento County Superior Ct. (Judge Acquisto)</p> <p><i>North Coast Rivers Alliance, et al. v. DWR</i> Sacramento County Super. Ct. (Judge Acquisto)</p>	<ul style="list-style-type: none"> • Filed September 28, 2020 • CWIN and Aqualliance allege one cause of action for violation of CEQA • NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief • SWC motion to intervene in both cases granted • Dec. 20, 2022 DWR filed notice of certification of the administrative record and filed answers in both cases



<i>San Diego County Water Authority v. Metropolitan, et al.</i>		
Cases	Date	Status
2014, 2016	Sept. 30	Based on the Court of Appeal's Sept. 21 opinion (described above), and the Board's Sept. 28 authorization, Metropolitan paid \$35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest.
2017	July 23, 2020	Dismissal without prejudice entered.
2018	April 11, 2022	Court entered order of voluntary dismissal of parties' WaterFix claims and cross-claims.
2014, 2016, 2018	June 11, 2021	Deposition of non-party witness.
	Aug. 25	Hearing on Metropolitan's motion for further protective order regarding deposition of non-party witness.
	Aug. 25	Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial.
	Aug. 30	Court issued order granting Metropolitan's motion for a further protective order regarding deposition of non-party witness.
	Aug. 31	SDCWA filed consolidated answer to Metropolitan's cross-complaints in the 2014, 2016, and 2018 cases.
	Feb. 22	Metropolitan and SDCWA each filed motions for summary adjudication.
	April 13	Hearing on Metropolitan's and SDCWA's motions for summary adjudication.
	May 4	Court issued order granting Metropolitan's motion for summary adjudication on cross-claim for declaratory relief that the conveyance facility owner, Metropolitan, determines fair compensation, including any offsetting benefits; and denying its motion on certain other cross-claims and an affirmative defense.
	May 11	Court issued order granting SDCWA's motion for summary adjudication on cross-claim for declaratory relief in the 2018 case regarding lawfulness of the Water Stewardship Rate's inclusion in the wheeling rate and transportation rates in 2019-2020; certain cross-claims and affirmative defenses on the ground that Metropolitan has a duty to charge no more than fair compensation, which includes reasonable credit for any offsetting benefits, with the court also stating that whether that duty arose and whether Metropolitan breached that duty are issues to be resolved at trial; affirmative defenses that SDCWA's claims are untimely and SDCWA has not satisfied claims presentation requirements; affirmative defense in the 2018 case that SDCWA has not satisfied contract dispute resolution requirements; claim, cross-claims, and affirmative defenses regarding applicability of



Cases	Date	Status
2014, 2016, 2018 (cont.)		Proposition 26, finding that Proposition 26 applies to Metropolitan's rates and charges, with the court also stating that whether Metropolitan violated Proposition 26 is a separate issue; and cross-claims and affirmative defenses regarding applicability of Government Code section 54999.7, finding that section 54999.7 applies to Metropolitan's rates. Court denied SDCWA's motion on certain other cross-claims and affirmative defenses.
	May 16-27	Trial occurred but did not conclude.
	June 3, June 24, July 1	Trial continued, concluding on July 1.
	June 24	SDCWA filed motion for partial judgment.
	July 15	Metropolitan filed opposition to motion for partial judgment.
	Aug. 19	Post-trial briefs filed.
	Sept. 14	Court issued order granting in part and denying in part SDCWA's motion for partial judgment (granting motion as to Metropolitan's dispute resolution, waiver, and consent defenses; denying motion as to Metropolitan's reformation cross-claims and mistake of fact and law defenses; and deferring ruling on Metropolitan's cost causation cross-claim).
	Sept. 21	Metropolitan filed response to order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	Sept. 22	SDCWA filed objection to Metropolitan's response to order granting in part and denying in part SDCWA's motion for partial judgment.
	Sept. 27	Post-trial closing arguments.
	Oct. 20	Court issued order that it will rule on SDCWA's motion for partial judgment as to Metropolitan's cost causation cross-claim simultaneously with the trial statement of decision.
	Dec. 16	Parties filed proposed trial statements of decision.
	Dec. 21	SDCWA filed the parties' stipulation and proposed order for judgment on Water Stewardship Rate claims for 2015-2020.
	Dec. 27	Court entered order for judgment on Water Stewardship Rate claims for 2015-2020 as proposed by the parties.
	March 14, 2023	Court issued tentative statement of decision (tentatively ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)



Cases	Date	Status
2014, 2016, 2018 (cont.)	March 14	Court issued amended order granting in part and denying in part SDCWA's motion for partial judgment (ruling that Metropolitan's claims for declaratory relief regarding cost causation are not subject to court review).
	March 29	SDCWA filed objections to tentative statement of decision
	April 3	Metropolitan filed response to amended order granting in part and denying in part SDCWA's motion for partial judgment (requesting deletion of Background section portion relying on pleading allegations).
	April 25	Court issued statement of decision (ruling in Metropolitan's favor on all claims litigated at trial, except for those ruled to be moot based on the rulings in Metropolitan's favor)
	Jan. 10, 2024	Parties filed joint status report and stipulated proposal on form of judgment
	Jan. 17	Court issued order approving stipulated proposal on form of judgment (setting briefing and hearing)
	April 3	Court entered final judgment
	April 3	Court issued writ of mandate regarding demand management costs
	April 3	SDCWA filed notice of appeal
	April 17	Metropolitan filed notice of cross-appeal
	May 3	Participating member agencies filed notice of appeal
	May 31	Parties filed opening briefs on prevailing party
	June 28	Parties filed response briefs on prevailing party
	<u>July 17</u>	<u>Court issued tentative ruling that there is no prevailing party due to mixed results</u>
	July 18	Hearing on prevailing party; <u>court took matter under submission, stating it expects to rule in mid-Aug.</u>
All Cases	April 15, 2021	Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022.
	April 27	SDCWA served notice of deposition of non-party witness.
	May 13-14	Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness.
	June 4	Ruling on motions to quash and for protective order.



Outside Counsel Agreements				
Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Albright, Yee & Schmit, APC	Employment Matter	211923	05/23	\$60,000
	Employment Matter	216064	06/24	\$100,000
Andrade Gonzalez LLP	MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation	185894	07/20	\$250,000
Aleshire & Wynder	Oil, Mineral and Gas Leasing	174613	08/18	\$50,000
Atkinson Andelson Loya Ruud & Romo	Employee Relations	59302	04/04	\$1,316,937
	Delta Conveyance Project Bond Validation-CEQA Litigation	185899	09/21	\$250,000
	MWD Drone and Airspace Issues	193452	08/20	\$50,000
	AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period)	201883	07/12/21	\$30,000
	AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M	201889	09/15/21	\$20,000
	MWD MOU Negotiations**	201893	10/05/21	\$100,000
BDG Law Group, APLC	Gutierrez v. MWD	216054	03/24	\$100,000
Best, Best & Krieger	Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs)	170697	08/17	\$500,000
	Environmental Compliance Issues	185888	05/20	\$100,000
	Grant Compliance Issues	211921	05/23	\$150,000 \$75,000
	Pure Water Southern California	207966	11/22	\$100,000
	Progressive Design Build	216053	04/24	\$250,000
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP	FCC and Communications Matters	110227	11/10	\$100,000
Buchalter, a Professional Corp.	Union Pacific Industry Track Agreement	193464	12/07/20	\$50,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Burke, Williams & Sorensen, LLP	Real Property – General	180192	01/19	\$100,000
	Labor and Employment Matters	180207	04/19	\$75,000
	General Real Estate Matters	180209	08/19	\$200,000
	Rancho Cucamonga Condemnation Actions (Grade Separation Project)	207970	05/22	\$100,000
Law Office of Alexis S.M. Chiu*	Bond Counsel	200468	07/21	N/A
	<u>Bond Counsel</u>	<u>220409</u>	<u>07/24</u>	<u>N/A</u>
Castañeda + Heidelman LLP	Employment Matter	216055	04/24	\$100,000
Cislo & Thomas LLP	Intellectual Property	170703	08/17	\$100,000
Curls Bartling P.C.*	Bond Counsel	200470	07/21	N/A
Duane Morris LLP	SWRCB Curtailment Process	138005	09/14	\$615,422
Duncan, Weinberg, Genzer & Pembroke	Power Issues	6255	09/95	\$3,175,000
Ellison, Schneider, Harris & Donlan	Colorado River Issues	69374	09/05	\$175,000
	Issues re SWRCB	84457	06/07	\$200,000
Erin Joyce Law, PC	Employment Matter	216039	11/23	\$100,000
<u>Glaser Weil Fink Howard Jordan & Shapiro</u>	<u>Employment Matter</u>	<u>220395</u>	<u>7/24</u>	<u>\$150,000</u>
Greines, Martin, Stein & Richland LLP	SDCWA v. MWD	207958	10/22	\$100,000
	Colorado River Matters	207965	11/22	\$100,000
<u>Hackler Flynn & Associates</u>	<u>Government Code Claim Advice</u>	<u>216059</u>	<u>5/24</u>	<u>\$150,000</u>
Haden Law Office	Real Property Matters re Agricultural Land	180194	01/19	\$50,000
Hanna, Brophy, MacLean, McAleer & Jensen, LLP	Workers' Compensation	211926	06/23	\$200,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Hanson Bridgett LLP	SDCWA v. MWD	124103	03/12	\$1,100,000
	Finance Advice	158024	12/16	\$100,000
	Deferred Compensation/HR	170706	10/17	\$500,000
	Tax Issues	180200	04/19	\$50,000
	Alternative Project Delivery (ADP)	207961	10/22	\$250,000
	Ad Valorem Property Taxes	216042	11/23	\$100,000
<u>Harris & Associates</u>	<u>Employment Matter</u>	<u>220397</u>	<u>7/24</u>	<u>\$100,000</u>
Hausman & Sosa, LLP	Jones v. MWD	216056	05/24	\$100,000
Hawkins Delafield & Wood LLP*	Bond Counsel	193469	07/21	N/A
Hemming Morse, LLP	Baker Electric v. MWD	211933	08/23	\$100,000
<u>Hogan Lovells US LLP</u>	<u>Employment Matter</u>	<u>220400</u>	<u>07/24</u>	<u>\$100,000</u>
Horvitz & Levy	SDCWA v. MWD	124100	02/12	\$1,250,000
	General Appellate Advice	146616	12/15	\$200,000
	Colorado River	203464	04/22	\$100,000
	Delta Conveyance Bond Validation Appeal	216047	03/24	\$25,000
	PFAS Multi-District Litigation – Appeal	216050	03/24	\$200,000
Innovative Legal Services, P.C.	Employment Matter	211915	01/19/23	\$125,000
Internet Law Center	Cybersecurity and Privacy Advice and Representation	200478	04/13/21	\$100,000
	Systems Integrated, LLC v. MWD	201875	05/17/21	\$100,000
Amira Jackmon, Attorney at Law*	Bond Counsel	200464	07/21	N/A
Jackson Lewis P.C.	Employment: Department of Labor Office of Contract Compliance	137992	02/14	\$45,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
Jones Hall, A Professional Law Corp*	Bond Counsel	200465	07/21	N/A
Kronenberger Rosenfeld, LLP	Systems Integrated, LLC v. MWD	211920	04/23	\$250,000
Kutak Rock LLP	Delta Islands Land Management	207959	10/22	\$10,000
Liebert Cassidy Whitmore	Labor and Employment	158032	02/17	\$240,821
	FLSA Audit	180199	02/19	\$50,000
	EEO Advice	216041	12/23	\$100,000
Lieff Cabraser Heimann & Bernstein, LLP	PFAS Multi-District Litigation	216048	03/24	\$200,000
Manatt, Phelps & Phillips	SDCWA v. MWD rate litigation	146627	06/16	\$4,400,000
	Raftelis-Subcontractor of Manatt, Agr. #146627: Per 5/2/22 Engagement Letter between Manatt and Raftelis, MWD paid Raftelis Financial Consultants, Inc.	Invoice No. 23949		\$56,376.64 for expert services & reimbursable expenses in SDCWA v. MWD
Marten Law LLP	PFAS Multi-District Litigation	216034	09/23	\$550,000
Meyers Nave Riback Silver & Wilson	Pure Water Southern California	207967	11/22	\$100,000
Miller Barondess, LLP	SDCWA v. MWD	138006	12/14	\$600,000
Morgan, Lewis & Bockius	SDCWA v. MWD	110226	07/10	\$8,750,000
	Project Labor Agreements	200476	04/21	\$100,000
Musick, Peeler & Garrett LLP	Colorado River Aqueduct Electric Cables Repair/Contractor Claims	193461	11/20	\$3,250,000 \$2,500,000
	Arvin-Edison v. Dow Chemical	203452	01/22	\$100,000
	Semitropic TCP Litigation	207954	09/22	\$75,000
	Employment Matter	216063	06/24	\$100,000
Nixon Peabody LLP*	Bond Counsel [re-opened]	193473	07/21	N/A

Date of Report: August 5, 2024



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	Special Finance Project	207960	10/22	\$50,000
Norton Rose Fulbright US LLP*	Bond Counsel	200466	07/21	N/A
	<u>Bond Counsel</u>	<u>220407</u>	<u>7/24</u>	<u>N/A</u>
Olson Remcho LLP	Government Law	131968	07/14	\$400,000
	Executive Committee/Ad Hoc Committees Advice	207947	08/22	\$60,000
	Advice/Assistance re Proposition 26/Election Issues	211922	05/23	\$100,000
Pearlman, Brown & Wax, L.L.P.	Workers' Compensation	216037	10/23	\$100,000
Procopio, Cory, Hargreaves & Savitch, LLP	CityWatch Los Angeles Public Records Act Request	216046	02/24	\$75,000
	<u>Public Records Act Requests</u>	<u>220399</u>	<u>7/24</u>	<u>\$75,000</u>
Rains Lucia Stern St. Phalle & Silver, PC	Employment Matter	211919	4/23	\$60,000
Renne Public Law Group, LLP	ACE v. MWD (PERB Case No. LA-CE-1574-M)	203466	05/22	\$100,000
	ACE v. MWD (PERB Case No. LA-CE-1611-M)	207962	10/22	\$50,000
	Employee Relations and Personnel Matters	216045	01/24	\$50,000
Ryan & Associates	Leasing Issues	43714	06/01	\$200,000
	Oswalt v. MWD	211925	05/23	\$100,000
<u>Sanders Roberts LLP</u>	<u>Employment Matter</u>	<u>220401</u>	<u>7/24</u>	<u>\$100,000</u>
Seyfarth Shaw LLP	Claim (Contract #201897)	201897	11/04/21	\$350,000
	Claim (Contract #203436)	203436	11/15/21	\$350,000
	Claim (Contract #203454)	203454	01/22	\$210,000
	Reese v. MWD	207952	11/22	\$750,000



Firm Name	Matter Name	Agreement No.	Effective Date	Contract Maximum
	General Labor/Employment Advice	211917	3/23	\$100,000
	Civil Rights Department Complaint	211931	07/23	\$100,000
	Crawford v. MWD	216035	09/23	\$100,000
	Tiegs v. MWD	216043	12/23	\$250,000
	Zarate v. MWD	216044	01/24	\$250,000
	Lorentzen v. MWD	216036	09/23	\$100,000
Stradling Yocca Carlson & Rauth*	Bond Counsel	200471	07/21	N/A
	<u>Bond Counsel</u>	<u>220408</u>	<u>7/24</u>	<u>N/A</u>
Theodora Oringher PC	Construction Contracts - General Conditions Update	185896	07/20	\$100,000
Thompson Coburn LLP	NERC Energy Reliability Standards	193451	08/20	\$300,000
Van Ness Feldman, LLP	General Litigation	170704	07/18	\$50,000
	Colorado River MSHCP	180191	01/19	\$50,000
	Bay-Delta and State Water Project Environmental Compliance	193457	10/15/20	\$50,000
	Colorado River Issues	211924	05/23	\$100,000

*Expenditures paid by Bond Proceeds/Finance

**Expenditures paid by another group

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

July 8, 2024

Chair Luna called the meeting to order at 1:36 pm.

Members present: Directors Cordero, Dick (entered after roll call), Kurtz, Luna, McCoy, Miller, and Seckel.

Members absent: Directors Camacho, Douglas, Garza, and Ramos.

Other Directors present: Directors Abdo, Alvarez, Armstrong, Bryant, De Jesus (teleconference posted location), Dennstedt, Erdman, Faessel, Fellow, Goldberg, Lefevre, Lewitt, McMillan, Morris, Ortega, Pressman (teleconference posted location), and Quinn.

Committee Staff present: Beatty, Chapman, Gaxiola, and Scully.

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

	Name	Affiliation
1.	Ellen Mackey	MWD employee

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

A. Subject: General Counsel’s report of monthly activities

General Counsel Scully reported on the Chevron Doctrine decision.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Subject: Approval of the Minutes of the Legal and Claims Committee for June 10, 2024.

4. CONSENT CALENDAR ITEMS – ACTION

None

Director Miller made a motion, seconded by Director Seckel, to approve consent calendar consisting of item 3A.

The vote was:

Ayes: Directors Cordero, Kurtz, Luna, McCoy, Miller, and Seckel.
Noes: None
Abstentions: None
Absent: Directors Camacho, Dick, Douglas, Garza, and Ramos

The motion for Item 3A passed by a vote of 6 ayes, 0 noes, 0 abstentions, and 5 absent.

END OF CONSENT CALENDAR ITEMS

Directors Dick entered the meeting.

Chair Luna called the meeting into closed session.

5. OTHER BOARD ITEMS – ACTION

- 8-3** 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 an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$750,000 to an amount not-to-exceed \$3,250,000; and authorize an increase in the maximum amount payable under contract with Exponent, Inc. for consulting services by \$120,000 to an amount not-to-exceed \$720,000; the General Manager has determined that the proposed actions are 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: Patrick Rohen, Sr. Deputy General Counsel

Chair Luna reported the committee discussed and conferred with legal counsel regarding Item 8-3. No action was taken in closed session.

In open session, Director Seckel made a motion, seconded by Director Cordero, to authorize the contract increases.

The vote in open session was:

Ayes: Directors Cordero, Dick, Kurtz, Luna, McCoy, Miller, and Seckel

Noes: None

Abstentions: None

Absent: Directors Camacho, Douglas, Garza, and Ramos

The motion for Item 8-3 passed by a vote of 7 ayes, 0 noes, 0 abstentions, and 4 absent.

7. COMMITTEE ITEMS

- a. Subject General Counsel Business Plan for fiscal year 2024-2025

No presentation was given.

- b. Subject Discussion of Department Head Performance and Goal Setting
[Public employee performance evaluation – General Counsel; to be
heard in closed session pursuant to Gov. Code Section 54957]

Presented by: Eleanor Allen, Catapult for Change

In closed session, the committee discussed the item with the General Counsel. No action was taken.

6. BOARD INFORMATION ITEMS

None

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on August 19, 2024.

Meeting adjourned at 3:25 pm

Miguel Luna
Chair