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.

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<u>L&C Committee</u> M. Luna, Chair J. Garza, Vice Chair	Legal and Claims Committee - Final - Revised 1	Monday, September 9, 2024 Meeting Schedule	
M. Camacho G. Cordero	Meeting with Board of Directors *	09:00 a.m. EOT 11:15 a.m. Break	
L. Dick C. Douglas	September 9, 2024	11:45 a.m. LEG 01:15 p.m. LEGAL 02:15 p.m. OWS	
A. Fellow C. Kurtz T. McCov	1:15 p.m.	υ <u>2</u> . 15 μ.π. Ο W 3	
T. McCoy C. Miller M. Ramos K. Seckel	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 <u>click here.</u>

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012 Teleconference Locations: 525 Via La Selva • Redondo Beach, CA 90277 Alandale Insurance Agency • 337 W. Foothill Blvd. • Glendora, CA 91741 Marriott Desert Springs Villa II • 1091 Pinehurst Lane • Palm Desert, CA 92260 Western Municipal Water District • 14205 Meridian Parkway • Riverside, CA 92518 Cedars Sinai Medical Center • 8700 Beverly Boulevard, Room M 313 • Los Angeles, CA 90048 Douglas/Hicks Law • 5120 W. Goldleaf Circle, #425 • Los Angeles, CA 90056 Conference Room • 1545 Victory Boulevard, 2nd Floor • Glendale, CA 91201 5481 Lago Vista Lane • Frisco, TX 75034

* 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.

21-3782

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

Attachments: 09092024 LC 2A Report

** CONSENT CALENDAR ITEMS -- ACTION **

3. CONSENT CALENDAR OTHER ITEMS - ACTION

A. Approval of the Minutes of the Legal and Claims Committee for August 19, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions)

Attachments: 09092024 LC 3A (08192024) Minutes

4. CONSENT CALENDAR ITEMS - ACTION

NONE

** END OF CONSENT CALENDAR ITEMS **

5. OTHER BOARD ITEMS - ACTION

8-3 ITEM 8-3 MOVED FROM ACTION ITEM TO COMMITTEE ITEM 21-3787 7b.

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

 Report on litigation and settlement agreement in 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. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] Page 3

- Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; Dane Crawford v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2304015; and Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- Report on litigation in San Diego County Water Authority v. C. 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)]

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

Legal and Claims Committee

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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)

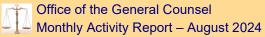
On September 3, 2024, the parties filed with the Riverside County Superior Court a Joint Stipulation

Regarding Settlement, notifying the court that the parties have agreed to settle this case and requesting that the court cancel the scheduled October 2024 trial and pre-trial hearings. The parties are currently completing the settlement.

Matters Received

<u>Category</u>	Received	Description			
Action in which MWD is a party	2	Complaint for Subrogation Recovery, filed in Orange County Superior Court, in the case <i>State Farm Mutual Automobile Insurance</i> <i>Company v. MWD</i> , Case No. 30-2024-01416289-CL-IC-CJC, relating to an accident involving an MWD vehicle and a State Farm insured			
		Complaint for Motor Vehicle Property Damage and Personal Injury, filed in Orange County Superior Court, in the case <i>Homer Paul</i> <i>Castille v. MWD</i> , Case No. 30-2024-01412241-CU-PA-CJC, relating to a motor vehicle accident involving an MWD vehicle			
Government Code Claims	1	Claim relating to an accident involving an MWD vehicle			
Requests Pursuant to the Public Records Act	14	<u>Requestor</u>	Documents Requested		
		BuzzClan	Winning bid submitted in response to the Request for Proposal for Enterprise Data Analytics Consulting and Implementation Services		
		Center for Contract Compliance	Subcontractor list, bid advertisement, and DIR project ID for the Diamond Valley Lake Floating Wave Attenuator Replacement		
		Correia-Xavier	Information on whether MWD delivers water to certain properties in Riverside County		
		Deltek	List of vendors who responded to the Request for information for Website Development Services for Metropolitan's Intranet		

<u>Requestor</u>	Documents Requested
Flatiron Construction Corp.	Example of a progressive design build contract
GHD Advisory	Documents relating to any environmental issues, release notifications, notices of violations, enforcement actions, citations, permits, inspection records impacting the property occupied by Limerick Elementary School in the city of Winnetka
Los Angeles County Metropolitan Transportation Authority	Right-of-way agreements for the Orange County Feeder and Yorba Linda Pipeline
Los Angeles Times	Water quality data that Cadiz provided to MWD in May 2023 and correspondence between MWD and Cadiz during 2023 and 2024
MWD Supervisors Association	Transcript of the public comments portion of the MWD Board Meeting held on August 20, 2024
Partner Engineering and Science	Maps of MWD pipeline near project in the city of Fontana
Private Citizens (2 requests)	 (1) Emails between Chair Ortega and Adel Hagekhalil since 2021; and (2) Shaw Law Group investigation documents and documents relating to the email communication from a former MWD employee sent to the State Auditor around December 28, 2022
SmartProcure	Purchase order data including purchase order number, purchase order date, line item details, line item quantity, line item price, vendor information from May 14, 2024 to current



<u>Requestor</u>	Documents Requested
Wendelstein Law Group	Records relating to ownership, installation, maintenance, repair, inspection, and transfer of ownership, of the vault, vault cover, water meter, backflow device, valves, and related facilities adjacent to the real property at or near 23242 Valencia Boulevard in the city of Santa Clarita



- 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 CasesCity of Stockton v. California Department of Water ResourcesCounty of Butte v. California Department of Water ResourcesCounty of Sacramento v. California Department of Water ResourcesCounty of San Joaquin et al. v. California Department of Water ResourcesSacramento Area Sewer District v. California Department of Water ResourcesSan Francisco Baykeeper, et al. v. California Department of Water ResourcesSierra Club, et al. v. California Department of Water ResourcesSouth Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water ResourcesTulare Lake Basin Water Storage District v. California Department of Water ResourcesSacramento County Superior Ct. (Judge Acquisto)	 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 <u>DWR appealed the injunction</u> Aug. 23, 2024 hearing on trial court denied DWR's motion to modify or stay the preliminary injunction Aug. 29, 2024 DWR filed a petition in the court of appeal seeking to stay the preliminary injunction pending a ruling on the merits of its appeal Sept. 13, 2024 deadline to file oppositions to DWR's stay petition 			
Delta Conveyance Project Water Right Permit Litigation Central Delta Water Agency et al. v. State Water Resources Control Board Fresno County Superior Court (Judge Hamilton)	 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 Sept. 19 hearing date for State Water Resources Control Board demurrer (motion to dismiss) and motion to strike and DWR's demurrer (motion to dismiss) 			





Subject	Status
Consolidated DCP Revenue Bond Validation Action and CEQA Case Sierra Club, et al. v. California Department of Water Resources (CEQA, designated as lead case) DWR v. All Persons Interested (Validation) Sacramento County Superior Ct. (Judge Kenneth C. Mennemeier) 3d District Court of Appeal Case No. C100552	 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 Oct. 25, 2024 deadline for DWR's and Supporting Public Water Agencies' Opening Brief and Appellants' AppendixMotion to dismiss cross appeals denied without prejudice to renewing the motion in merits briefing Parties meeting and conferring on briefing schedule
SWP-CVP 2019 BiOp Cases Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al. (PCFFA) Calif. Natural Resources Agency, et al. v. Raimondo, et al. (CNRA) Federal District Court, Eastern Dist. of California, Fresno Division (Judge Thurston)	 SWC intervened in both <i>PCFFA and 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
CESA Incidental Take Permit Cases Coordinated Case Name CDWR Water Operations Cases, JCCP 5117 (Coordination Trial Judge Gevercer) Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al. (CESA/CEQA/Breach of Contract) State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al. (CESA/CEQA) Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources (CEQA) San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA/ Breach of Contract/Takings)	 Administrative records certified in October 2023 Order entered to delay setting a merits briefing schedule by 90 days and extending the time to bring the action to trial by six months Deadline to bring all the coordinated cases to trial is now December 5, 2025

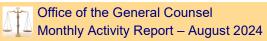




Subject	Status
Sierra Club, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust) North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust) Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin) San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA) CDWR Environmental Impact Cases Sacramento Superior Ct. Case No. JCCP 4942, 3d DCA Case No. C100302 (20 Coordinated Cases) Validation Action DWR v. All Persons Interested CEQA 17 cases CESA/Incidental Take Permit 2 cases (Judge Arguelles)	 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 Oct. 9, 2024 deadline for appellants' opening briefs and appendices
COA Addendum/ No-Harm Agreement North Coast Rivers Alliance v. DWR Sacramento County Superior Ct. (Judge Rockwell)	 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
Water Management Tools Contract AmendmentCalifornia Water Impact Network et al. v. DWRSacramento County Superior Ct.(Judge Acquisto)North Coast Rivers Alliance, et al. v. DWRSacramento County Super. Ct.(Judge Acquisto)	 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



Subject	Status
	 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



San Diego County Water Authority v. Metropolitan, et al.		
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	
	July 17	Court issued tentative ruling that there is no prevailing party due to mixed results	
	July 18	Hearing on prevailing party; court took matter under submission, stating it expects to rule in mid-Aug.	
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
Anzel Galvan LLP	Bond Issues	<u>220411</u>	<u>07/24</u>	<u>N/A</u>
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	<u>\$250,000</u> \$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
	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 &	Real Property – General	180192	01/19	\$100,000
Sorensen, LLP	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
S.M. Chiù	Bond Counsel	220409	07/24	N/A
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
Drooz Legal, LLP	Employment Matter	<u>220402</u>	<u>08/24</u>	<u>\$100,000</u>
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
Glaser Weil Fink Howard Jordan & Shapiro	Employment Matter	220395	7/24	\$150,000
Greines, Martin, Stein	SDCWA v. MWD	207958	10/22	\$100,000
& Richland LLP	Colorado River Matters	207965	11/22	\$100,000
Hackler Flynn & Associates	Government Code Claim Advice	216059	5/24	\$150,000
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
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
Harris & Associates	Employment Matter	220397	7/24	\$100,000
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	<u>\$175,000</u> \$100,000
Hogan Lovells US LLP	Employment Matter	220400	07/24	\$100,000
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



Office of the General Counsel

14	Monthly	Activity	Report -	August 2024
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Jackson Lewis P.C.	Employment: Department of Labor137992Office of Contract Compliance137992		02/14	\$45,000
Jones Hall, A Professional Law Corp*	Bond Counsel 200465 07/2		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
whithore	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 &	SDCWA v. MWD rate litigation	146627	06/16	\$4,400,000
Phillips	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 &	SDCWA v. MWD	110226	07/10	\$8,750,000
Bockius	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
	Arvin-Edison v. Dow Chemical	203452	01/22	<u>\$150,000</u> \$100,000
	Semitropic TCP Litigation	207954	09/22	\$75,000
	Employment Matter	216063	06/24	\$100,000
	Employment Matter	<u>220417</u>	<u>08/24</u>	<u>\$100,000</u>



Nixon Peabody LLP*	Bond Counsel [re-opened]	193473	07/21	N/A
	Special Finance Project	207960	10/22	\$50,000
	Bond Counsel	<u>220404</u>	<u>07/24</u>	<u>N/A</u>
Norton Rose Fulbright	Bond Counsel	200466	07/21	N/A
US LLP*	Bond Counsel	220407	7/24	N/A
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
LLP	Public Records Act Requests	220399	7/24	\$75,000
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
	Unlawful Encroachment on Metropolitan Rights-of-Way	<u>216065</u>	<u>06/24</u>	<u>\$100,000</u>
Sanders Roberts LLP	Employment Matter	220401	7/24	\$100,000
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
	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
Carlson & Rauth"	Bond Counsel	220408	7/24	N/A
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

August 19, 2024

Chair Luna called the meeting to order at 1:34 pm.

Members present: Directors Camacho, Cordero (teleconference posted location), Dick, Douglas (teleconference posted location), Fellow, Garza, Kurtz, Luna, Miller, and Seckel.

Members absent: Directors McCoy and Ramos.

Other Directors present: Directors Ackerman, Alvarez, Armstrong, Bryant, De Jesus (teleconference posted location), Dennstedt, Faessel, Goldberg, Lewitt, McMillan, Morris, Ortega, Smith, and Sutley.

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

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

None

2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

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

General Counsel Scully reported on the Brown Act webinar update, sponsored by one of Metropolitan's outside counsel.

CONSENT CALENDAR ITEMS – ACTION

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3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Subject: Approval of the Minutes of the Legal and Claims Committee for July 8, 2024.

Director Miller made a motion, seconded by Director Camacho, to approve item 3A.

The vote was:

Ayes:	Directors Camacho, Cordero, Dick, Douglas, Fellow, Garza, Kurtz, Luna,	
	Miller, and Seckel.	
Noes:	None	
Abstentions:	None	
Absent:	McCoy and Ramos	
The motion for Item 3A passed by a vote of 10 ayes, 0 noes, 0 abstentions, and 2 absent.		

4. CONSENT CALENDAR ITEMS - ACTION

None

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

Director Miller recused himself on Item 7a because he is a director on the San Diego County Water Authority Board and left the room.

Director Goldberg made a disclosure, but it was inapplicable to this meeting.

The SDCWA directors left the room.

Chair Luna called the meeting into closed session.

7. COMMITTEE ITEMS

Subject Report on litigation in San Diego County Water Authority v. a. 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)]

Presented by: Heather Beatty, Assistant General Counsel

Chair Luna reported the committee discussed and conferred with legal counsel regarding Item 7a. No action was taken in closed session.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 9, 2024.

Meeting adjourned at 2:45 pm

Miguel Luna Chair