

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 *

October 7, 2024

12:45 p.m.

**Monday, October 7, 2024
Meeting Schedule**

**09:00 a.m. EOT
11:15 a.m. Break
11:45 a.m. LEG
12:45 p.m. LEGAL
01:45 p.m. EIA
03:30 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:

Marriott Center City • 124 St. Charles Avenue • New Orleans, LA 70130

525 Via La Selva • Redondo Beach, CA 90277

5120 West Goldleaf Circle, Ste. 425 • Los Angeles, CA 90056

Sheraton New Orleans Hotel • 500 Canal Street • New Orleans LA 70130

1545 Victory Boulevard 2nd Floor • Glendale CA 91201

Boulevard Green • 1412 Lower Green Circle • Columbus OH 43212

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

* 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 [21-3852](#)

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

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

A. Approval of the Minutes of the Legal and Claims Committee for September 9, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-3891](#)

Attachments: [09092024 LC 3A \(08192024\) 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)] [21-3892](#)

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.

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

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

- a. Subject 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)]

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