# The Metropolitan Water District of Southern California



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. McCov
- C. Miller
- M. Ramos
- K. Seckel

# Legal and Claims Committee - Final -Revised 1

Meeting with Board of Directors \*

February 11, 2025

8:30 a.m.

Tuesday, February 11, 2025 **Meeting Schedule** 

> 08:30 a.m. LEGAL 09:30 a.m. FAM 12:30 p.m. Break 01:00 p.m. BOD

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 3024 Fairview Drive • Vista, CA 92084 3008 W. 82nd Place • Inglewood, CA 90305 Cedars Sinai Medical Center • 8700 Beverly Blvd • Los Angeles, CA 90048

<sup>\*</sup> 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

21-4228

Attachments: 02112025 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 January 14, 2025 (Copies have been submitted to each Director, any additions, corrections, or omissions)

21-4229

Attachments: 02112025 LC 3A (01142025) Minutes

4. CONSENT CALENDAR ITEMS - ACTION

NONE

# \*\* END OF CONSENT CALENDAR ITEMS \*\*

# 5. OTHER BOARD ITEMS - ACTION

8-3 Report on litigation in Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$300,000 for a total amount not to exceed \$825,000; 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)]. [REVISED SUBJECT 2/6/2025]

21-4275

# 6. BOARD INFORMATION ITEMS

NONE

#### 7. COMMITTEE ITEMS

21-4230

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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 Francisco County Superior appeals. San Court 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; may be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

#### •

NONE

8.

#### 9. FUTURE AGENDA ITEMS

**FOLLOW-UP 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.



# Office of the General Counsel Monthly Activity Report – January 2025





# **Metropolitan Cases**

Dane Crawford v. Metropolitan (Riverside County Superior Court) October 10, 2025, and (2) trial for October 13, 2025.

On January 22, 2025, the Riverside County Superior Court set: (1) a pre-trial conference for

# **Matters Received**

| <u>Category</u>                                   | Received | <u>Description</u>  |  |  |  |
|---|----------|---|--|--|--|
| Government Code<br>Claims                         | 5        | Claims relating to: (1) two motor vehicle accidents involving MWD vehicles; (2) Claimant's vehicle damaged from driving over an uncovered manhole; (3) Claimant's vehicle hit an MWD sign that was on the side of the street; and (4) employment-related claim by an MWD employee |  |  |  |
| Subpoenas   | 1        |   | ubpoena for personnel and payroll records ractor for a matter unrelated to MWD   |  |  |
| Requests Pursuant to<br>the Public Records<br>Act | 14       | Requestor   | Documents Requested  |  |  |
|   |          | Associated Press  | All communications between MWD officials and LADWP officials from January 1, 2025 to January 15, 2025  |  |  |
|   |          | CCS Global Tech   | Name of awarded vendor for each task<br>order/purchase order, negotiated hourly<br>rate, purchase order number, and<br>number of hours expended for On-Call<br>Information Technology Services |  |  |
|   |          | Collins Kim LLP   | Documents provided by the Board Ad Hoc Committee to Adel Hagekhalil regarding the outcome of the investigation of an employee's EEO complaints and a copy of the investigation report          |  |  |
|   |          | Friends of the River  | Financial reports and analyses related to project costs of Sites Reservoir water   |  |  |
|   |          | GrayMar Environmental<br>Services   | Contract for Solids Removal and<br>Disposal Services at Jensen Water<br>Treatment Plant  |  |  |
|   |          | Huitt-Zollars   | Plans of MWD facilities near project to expand Warren Road in the city of Hemet  |  |  |

Requestor Documents Requested

Infojini Consulting Technical and cost proposals, bid

tabulation, yearly spend, total budget, expiration date of the contract for On-Call Information Technology Services

LAist/Southern California

Public Radio

Records regarding misconduct and/or harassment claims and investigations pertaining to General Manager Adel

Hagekhalil

Lewis Brisbois Bisgaard

& Smith

Documents dated 1950-2010 relating to urban water management plan, sewer system management plan, water system master plan, water system design

criteria, wastewater facilities master plan,

master water agreement, installation/repair/modification of asbestos cement pipe from/to certain pipelines, assessments of minerals in the

water system

Los Angeles Times Investigative reports and summaries of

findings regarding allegations concerning

General Manager Adel Hagekhalil

Mott MacDonald Proposals for: (1) Western Region

Projects, Construction Management and Inspection Services; (2) Pre-Stressed Concrete Cylinder Pipe Program and Pipeline Rehabilitation Projects

Construction Management; (3) On-Call Agreements with MARRS Services, Butier Engineering, and Berg &

Associates and (4) 2014 proposals from the eight pre-qualified firms for On-Call Services, On-Site Inspection and Construction Contract Administration

Services

MWD Supervisors Association Transcripts of MWD Special Board Meetings held on January 21 and 23,

2025

Private Citizen Proposal and contract documents,

emails, presentations, and vendor's work production relating to the contract for Multimedia Placement Consulting Services for Water Awareness and

Outreach Campaign

Requestor

**Documents Requested** 

Univar Solutions USA

Bid results for the request for small purchase quotation for hydrogen peroxide

# 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**

Tulare Lake Basin Water Storage District v.

California Department of Water Resources (case name for the consolidated cases)

City of Stockton v. California Department of Water Resources

County of Butte v. California Department of Water Resources

County of Sacramento v. California Department of Water Resources

County of San Joaquin et al. v. California Department of Water Resources

Sacramento Area Sewer District v. California Department of Water Resources

San Francisco Baykeeper, et al. v. California Department of Water Resources

Sierra Club, et al. v. California Department of Water Resources

South Delta Water Agency and Rudy Mussi Investment L.P. v. California Department of Water Resources

Sacramento County Superior Ct. (Judge Acquisto)

3d District Court of Appeal Case No. C101878

- 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 Jan. 31, 2025
- 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 DWR appealed the injunction
- Aug. 23, 2024 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
- Oct. 18, 2024 stay petition denied.
- Oct. 24, 2024 cases ordered consolidated for all purposes under Tulare Lake Basin Water Storage District v. California Department of Water Resources
- April 4, 2025 next case management conference
- Jan. 21,2025 DWR's opening brief in preliminary injunction appeal due (DWR is using a rule of court extension, so filing date TBD)

| Subject  | Status  |
|--|---|
| 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)  | <ul> <li>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</li> <li>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) taken off calendar by court-entered stipulation of the parties after DWR withdrew the 2009 petition to extend its SWP water rights</li> <li>Jan 14, 2025 Case Status Conference</li> <li>March 11, 2025 Trial Setting Conference</li> </ul>  |
| 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 | <ul> <li>Validation Action</li> <li>Final Judgment and Final Statement of Decision issued January 16, 2024 ruling the bonds are not valid</li> <li>DWR, Metropolitan and other supporting public water agencies filed Notices of Appeal on or before the February 16, 2024 deadline</li> <li>Eight opposing groups filed Notices of Cross Appeals by March 27, 2024</li> <li>April 16, 2024 DWR moved to dismiss the cross appeals as untimely</li> <li>October 4, 2024 DWR's and Supporting SWP Contractors' Joint Opening Brief and Appellants' Appendix filed</li> <li>October 15, 2024 DWR's and Supporting SWP Contractors' joint motion for calendar preference was granted; the appeal will be accorded priority pursuant to statutory provisions, which should accelerate oral argument and the court's decision once briefing is completed in about March 2025</li> <li>Respondents' and Cross-Appellants' briefs due filed Dec. 31, 2024 and Jan. 2, 2025</li> <li>DWR's and Supporting SWP Contractors' Opposition Briefs due Feb. 11, 12, 2025</li> </ul> |

| Subject   | Status  |
|---|---|
| 2025 Delta Conveyance Program Revenue Bond Validation  Department of Water Resources v. All Persons Interested, etc.  Sacramento County Superior Court (Judge TBD)  | <ul> <li>Jan. 6, 2025, the Department of Water Resources (DWR) adopted a new bond resolution</li> <li>Jan. 7, DWR filed a complaint seeking a judgment validating its authority to issue the bonds under the CVP Act</li> <li>Jan. 27, 2025 summons issued</li> <li>Feb. 27, 2025 Case Management Conference</li> </ul>   |
| 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)   | <ul> <li>SWC intervened in both <i>PCFFA</i> and <i>CNRA</i> cases</li> <li>Federal defendants reinitiated consultation on Oct 1, 2021</li> <li>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</li> </ul>   |
| 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)  San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA/ Breach of Contract/Takings) Sierra Club, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust) | <ul> <li>Administrative records certified in October 2023</li> <li>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</li> <li>Deadline to bring all the coordinated cases to trial is now December 5, 2025</li> <li>December 2024 three petitioner groups filed requests for dismissal without prejudice</li> <li>January 2025 rRemaining petitioner groups will meet and confer meeting and conferring in light of the new, 2024 CESA Incidental Take Permit</li> <li>March 7, 2025 Case Management Conference</li> </ul> |
| San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA)  |   |

|   | Subject   |   | Status  |
|---|---|---|---|
| San France of Water F Trust Doct Sacramen (Judge Arg California (CEQA, C Doctrine) Sacrame 24WM000 Tehama- Departme 24WM000 Central E Water Ag Resourc Protection | to County Superior Ct. Case No. 24WM000185 guelles)  a Sportfishing Protection Alliance, et al. v. a Department of Water Resources, et al. CESA, Delta Reform Act, Public Trust |   | Cases challenge DWR's Final EIR and the California Department of Fish and Wildlife's California Endangered Species Act Incidental Take Permit for the updated Long Term Operations plan for the State Water Project   |
| Sacrame 3d DCA ( (20 Coor  Validation DWR v. A  CEQA 17 cases   | All Persons Interested  | • | 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  Appellants' opening briefs and appendices filed Oct. 29 and Oct. 31  Jan. 31, 2025 deadline for DWR's opposition brief (DWR is using a rule of court extension, so filing date TBD) |

so filing date TBD)

| 1 | 5 | Office of the General Counsel          |
|---|---|--|
|   |   | Monthly Activity Report – January 2025 |

| Subject   | Status  |  |  |
|---|---|--|--|
| North Coast Rivers Alliance v. DWR Sacramento County Superior Ct. (Judge Rockwell)        | Case dismissed Dec. 12, 2024  |  |  |
| Water Management Tools Contract Amendment   | Filed September 28, 2020  |  |  |
| California Water Impact Network et al. v. DWR<br>Sacramento County Superior Ct.           | <ul> <li>CWIN and Aqualliance allege one cause of action for violation of CEQA</li> </ul>   |  |  |
| (Judge Acquisto)  North Coast Rivers Alliance, et al. v. DWR Sacramento County Super. Ct. | <ul> <li>NCRA et al. allege four causes of action for<br/>violations of CEQA, the Delta Reform Act,<br/>Public Trust Doctrine and seeking declaratory<br/>relief</li> </ul> |  |  |
| (Judge Acquisto)  | SWC motion to intervene in both cases granted   |  |  |
|   | <ul> <li>Dec. 20, 2022 DWR filed notice of certification<br/>of the administrative record and filed answers<br/>in both cases</li> </ul>                                    |  |  |

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|                     | 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 in the parties' earlier 2010/2012 cases, 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,<br>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,<br>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<br>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,<br>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,<br>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.  |
|                             | Aug. 15       | Court issued ruling that Metropolitan is the prevailing party and is entitled to SDCWA's payment of its litigation costs and fees under the Exchange Agreement   |
|                             | Sept. 25      | Court issued order extending time for Metropolitan to file its memorandum of costs and motion for attorneys' fees  |
|                             | Sept. 27      | Metropolitan filed its memorandum of costs in the amount of \$372,788.64   |

| Cases                       | Date           | Status   |
|-----------------------------|----------------|--|
| 2014, 2016,<br>2018 (cont.) | Oct. 18        | Parties filed a joint application to extend the briefing schedule in the Court of Appeal   |
|                             | Oct. 21        | Court of Appeal granted parties' joint briefing schedule; briefing begins April 11, 2025 and ends October 10, 2025   |
|                             | Oct. 29        | SDCWA filed its motion to tax (reduce) Metropolitan's costs  |
|                             | Nov. 26        | SDCWA withdrew its motion to tax (reduce) Metropolitan's costs and requested that the court cancel the Dec. 11 motion hearing  |
|                             | Dec. 17        | The court entered the parties' stipulated order that Metropolitan's recoverable attorneys' fees are \$3,402,408.71 and its recoverable costs are \$372,788.64; unless the Court of Appeal reverses the order that Metropolitan is the prevailing party, SDCWA is to pay Metropolitan these amounts, plus interest; and briefing on Metropolitan's motion for attorneys' fees is vacated. |
|                             | Dec. 17        | The court issued an order reassigning the cases from the Honorable Anne-Christine Massullo to the Honorable Ethan P. Schulman.   |
|                             | Jan. 28, 2025  | Court of Appeal granted parties' modified joint briefing schedule; briefing begins July 11, 2025 and ends January 9, 2026.   |
| 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<br>No. | Effective<br>Date | Contract<br>Maximum |  |  |
| Albright, Yee & Schmit, APC           | Employment Matter  | 220423           | 10/24             | \$100,000           |  |  |
|                                       | Employment Matter  | 222524           | 11/24             | \$50,000            |  |  |
|                                       | Employment Matter  | 222429<br>222529 | 12/24             | \$50,000            |  |  |
| Andrade Gonzalez<br>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  | 220411           | 07/24             | N/A                 |  |  |
| Atkinson Andelson<br>Loya Ruud & Romo | Employee Relations   | 59302            | 04/04             | \$1,316,937         |  |  |
| Loya Rudu & Rollio                    | Delta Conveyance Project Bond<br>Validation-CEQA Litigation                          | 185899           | 09/21             | \$250,000           |  |  |
|                                       | MWD Drone and Airspace Issues  | 193452           | 08/20             | \$50,000            |  |  |
|                                       | AFSCME Local 1902 in Grievance<br>No. 1906G020 (CSU Meal Period)                     | 201883           | 07/12/21          | \$30,000            |  |  |
|                                       | AFSCME Local 1902 v. MWD,<br>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,<br>APLC                | Gutierrez v. MWD   | 216054           | 03/24             | \$250,000           |  |  |
| 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             | \$250,000           |  |  |
|                                       | Progressive Design Build   | 216053           | 04/24             | \$250,000           |  |  |

| Firm Name   | Matter Name   | Agreement<br>No. | Effective<br>Date | Contract<br>Maximum |
|---|---|------------------|-------------------|---------------------|
| Blooston, Mordkofsky,<br>Dickens, Duffy &<br>Prendergast, LLP | FCC and Communications Matters                                      | 110227           | 11/10             | \$100,000           |
| Brown White & Osborn LLP                                      | Employment Matter   | 222523           | 10/24             | \$50,000            |
| LLr   | Employment Matter   | 222525           | 11/24             | \$50,000            |
| Buchalter, a<br>Professional Corp.                            | Union Pacific Industry Track<br>Agreement                           | 193464           | 12/07/20          | \$50,000            |
| Burke, Williams &<br>Sorensen, LLP                            | Real Property – General   | 180192           | 01/19             | \$100,000           |
| Solelisell, LLP   | Labor and Employment Matters  | 180207           | 04/19             | \$75,000            |
|   | General Real Estate Matters   | 180209           | 08/19             | \$200,000           |
|   | Rancho Cucamonga Condemnation<br>Actions (Grade Separation Project) | 207970           | 05/22             | \$100,000           |
| Law Office of Alexis<br>S.M. Chiu*                            | Bond Counsel  | 200468           | 07/21             | N/A                 |
| S.IVI. CITIU  | Bond Counsel  | 220409           | 07/24             | N/A                 |
| Castañeda +<br>Heidelman LLP                                  | Employment Matter   | 216055           | 04/24             | \$100,000           |
|   | Employment Matter   | 222530           | 11/24             | \$100,000           |
| Cislo & Thomas LLP  | Intellectual Property   | 170703           | 08/17             | \$100,000           |
| Curls Bartling P.C.*  | Bond Counsel  | 200470           | 07/21             | N/A                 |
| Davis Wright<br>Tremaine, LLP                                 | Advice and Representation re<br>Potential Litigation                | 220424           | 10/24             | \$250,000           |
| Duane Morris LLP  | SWRCB Curtailment Process   | 138005           | 09/14             | \$615,422           |
| Duncan, Weinberg,<br>Genzer & Pembroke                        | Power Issues  | 6255             | 09/95             | \$3,175,000         |
| Ellison, Schneider,<br>Harris & Donlan                        | Colorado River Issues   | 69374            | 09/05             | \$175,000           |
| Hairis & Dolliali   | Issues re SWRCB   | 84457            | 06/07             | \$200,000           |

| Firm Name   | Matter Name                                   | Agreement<br>No. | Effective<br>Date | Contract<br>Maximum    |
|---|---|------------------|-------------------|------------------------|
| Erin Joyce Law, PC                                  | Employment Matter                             | 216039           | 11/23             | \$100,000              |
|   | Ethics Advice                                 | 216058           | 05/24             | \$100,000              |
| Glaser Weil Fink<br>Howard Jordan &<br>Shapiro      | Employment Matter                             | 220395           | 7/24              | \$150,000              |
| Greines, Martin, Stein<br>& Richland LLP            | SDCWA v. MWD                                  | 207958           | 10/22             | \$100,000              |
| & Nicharia EEF                                      | Colorado River Matters                        | 207965           | 11/22             | \$100,000              |
| Hackler Flynn &<br>Associates                       | Government Code Claim Advice                  | 216059           | 5/24              | \$150,000              |
| Haden Law Office                                    | Real Property Matters re<br>Agricultural Land | 180194           | 01/19             | \$50,000               |
| Hanna, Brophy,<br>MacLean, McAleer &<br>Jensen, LLP | Workers' Compensation                         | 211926           | 06/23             | \$250,000<br>\$500,000 |
| Hanson Bridgett LLP                                 | 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              |
|   | Villavicencio v. MWD                          | 220426           | 10/24             | \$100,000              |
|   | Jensen Operator Standby Removal               | 222522           | 10/24             | \$100,000              |
| Hawkins Delafield & Wood LLP*                       | Bond Counsel                                  | 193469           | 07/21             | N/A                    |
| VVOOU LLF   | Bond Counsel                                  | 220405           | 07/24             | N/A                    |
| Hemming Morse, LLP                                  | Baker Electric v. MWD                         | 211933           | 08/23             | \$175,000              |

| Firm Name                                     | Matter Name  | Agreement<br>No. | Effective<br>Date | Contract<br>Maximum |
|---|--|------------------|-------------------|---------------------|
| 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<br>Appeal                       | 216047           | 03/24             | \$25,000            |
|   | PFAS Multi-District Litigation – Appeal                          | 216050           | 03/24             | \$200,000           |
| Innovative Legal<br>Services, P.C.            | Employment Matter  | 211915           | 01/19/23          | \$175,000           |
| 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,<br>Attorney at Law*            | Bond Counsel   | 200464           | 07/21             | N/A                 |
| Jackson Lewis P.C.                            | Employment: Department of Labor<br>Office of Contract Compliance | 137992           | 02/14             | \$45,000            |
| Jones Hall, A<br>Professional Law<br>Corp*    | Bond Counsel   | 200465           | 07/21             | N/A                 |
| Katten Muchin<br>Rosenman LLP                 | Bond Counsel   | 220412           | 07/24             | N/A                 |
| Kronenberger<br>Rosenfeld, LLP                | Systems Integrated, LLC v. MWD                                   | 211920           | 04/23             | \$250,000           |
| Kutak Rock LLP                                | Delta Islands Land Management                                    | 207959           | 10/22             | \$60,000            |
| Liebert Cassidy<br>Whitmore                   | Labor and Employment   | 158032           | 02/17             | \$240,821           |
| whithore                                      | FLSA Audit   | 180199           | 02/19             | \$50,000            |
|   | EEO Advice   | 216041           | 12/23             | \$200,000           |
| Lieff Cabraser<br>Heimann & Bernstein,<br>LLP | PFAS Multi-District Litigation                                   | 216048           | 03/24             | \$200,000           |

| Firm Name                             | Matter Name   | Agreement<br>No.     | Effective<br>Date | Contract<br>Maximum   |
|---------------------------------------|---|----------------------|-------------------|---|
| Manatt, Phelps & Phillips             | SDCWA v. MWD rate litigation  | 146627               | 06/16             | \$4,400,000   |
|                                       | Raftelis-Subcontractor of Manatt,<br>Agr. #146627: Per 5/2/22<br>Engagement Letter between Manatt<br>and Raftelis, MWD paid Raftelis<br>Financial Consultants, Inc. | Invoice No.<br>23949 |                   | \$56,376.64<br>for expert<br>services &<br>reimbursable<br>expenses in<br>SDCWA v.<br>MWD |
| Marten Law LLP                        | PFAS Multi-District Litigation  | 216034               | 09/23             | \$550,000   |
|                                       | PFAS-Related Issues (PWSC)  | 220414               | 08/24             | \$100,000   |
|                                       | Perris Valley Pipeline Project  | 220415               | 07/24             | \$100,000   |
|                                       | PFAS-Related Issues (General)   | 220413               | 10/24             | \$50,000  |
| Meyers Nave Riback<br>Silver & Wilson | Pure Water Southern California  | 207967               | 11/22             | \$100,000   |
| Miller Barondess, LLP                 | SDCWA v. MWD  | 138006               | 12/14             | \$600,000   |
| Morgan, Lewis &<br>Bockius            | SDCWA v. MWD  | 110226               | 07/10             | \$8,750,000   |
| BOCKIUS                               | Project Labor Agreements  | 200476               | 04/21             | \$100,000   |
| Musick, Peeler &<br>Garrett LLP       | Colorado River Aqueduct Electric<br>Cables Repair/Contractor Claims   | 193461               | 11/20             | \$3,250,000   |
|                                       | Arvin-Edison v. Dow Chemical  | 203452               | 01/22             | \$150,000   |
|                                       | Semitropic TCP Litigation   | 207954               | 09/22             | \$75,000  |
|                                       | Employment Matter   | 216063               | 06/24             | \$100,000   |
|                                       | Employment Matter   | 220417               | 08/24             | \$100,000   |
| Nixon Peabody LLP*                    | Bond Counsel [re-opened]  | 193473               | 07/21             | N/A   |
|                                       | Special Finance Project   | 207960               | 10/22             | \$50,000  |
|                                       | Bond Counsel  | 220404               | 07/24             | N/A   |
| Norton Rose Fulbright US LLP*         | Bond Counsel  | 200466               | 07/21             | N/A   |
| US LLF                                | Bond Counsel  | 220407               | 7/24              | N/A   |

| Firm Name                                | Matter Name  | Agreement<br>No. | Effective<br>Date | Contract<br>Maximum |
|--|--|------------------|-------------------|---------------------|
| Olson Remcho LLP                         | Government Law   | 131968           | 07/14             | \$400,000           |
|  | Executive Committee/Ad Hoc<br>Committees Advice        | 207947           | 08/22             | \$60,000            |
|  | Advice/Assistance re Proposition 26/Election Issues    | 211922           | 05/23             | \$100,000           |
| Robert P. Ottilie                        | Employment Matter                                      | 220403           | 09/24             | \$100,000           |
| Pearlman, Brown & Wax, L.L.P.            | Workers' Compensation                                  | 216037           | 10/23             | \$100,000           |
| Procopio, Cory,<br>Hargreaves & Savitch, | CityWatch Los Angeles Public<br>Records Act Request    | 216046           | 02/24             | \$75,000            |
| LLP                                      | Public Records Act Requests                            | 220399           | 7/24              | \$75,000            |
| Renne Public Law<br>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            |
|  | ACE v. MWD (PERB Case No.<br>LA-CE-1729-M)             | 220421           | 09/24             | \$35,000            |
|  | AFSCME v. MWD (PERB Case No. LA-CE-1733-M)             | 220422           | 09/24             | \$35,000            |
|  | AFSCME v. MWD (PERB Case No. LA-CE-1738-M)             | 220425           | 10/24             | \$35,000            |
| Ryan & Associates                        | Leasing Issues   | 43714            | 06/01             | \$200,000           |
|  | Oswalt v. MWD  | 211925           | 05/23             | \$100,000           |
|  | Unlawful Encroachment on<br>Metropolitan Rights-of-Way | 216065           | 06/24             | \$100,000           |

| Firm Name                                   | Matter Name   | Agreement<br>No. | Effective<br>Date | Contract<br>Maximum    |
|---|---|------------------|-------------------|------------------------|
| 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              | \$250,000              |
|   | Civil Rights Department Complaint                             | 211931           | 07/23             | \$100,000              |
|   | Crawford v. MWD   | 216035           | 09/23             | \$250,000<br>\$525,000 |
|   | Tiegs v. MWD  | 216043           | 12/23             | \$250,000<br>\$525,000 |
|   | Zarate v. MWD   | 216044           | 01/24             | \$250,000              |
| Shaw Law Group, PC                          | Administrative Investigation                                  | 222531           | 12/24             | \$30,000               |
| Sheppard Mullin<br>Richter & Hampton<br>LLP | Lorentzen v. MWD  | 216036           | 09/23             | \$250,000              |
| Stradling Yocca<br>Carlson & Rauth*         | Bond Counsel  | 200471           | 07/21             | N/A                    |
| Callsoff & Rautif                           | Bond Counsel  | 220408           | 7/24              | N/A                    |
| The Myers Law Group,<br>APC                 | Employment Matter   | 220420           | 11/24             | \$100,000              |
| Theodora Oringher PC                        | Construction Contracts - General Conditions Update            | 185896           | 07/20             | \$100,000              |
| Thompson Coburn<br>LLP                      | NERC Energy Reliability Standards                             | 193451           | 08/20             | \$300,000              |
| Van Ness Feldman,                           | General Litigation  | 170704           | 07/18             | \$50,000               |
| LLP   | Colorado River MSHCP  | 180191           | 01/19             | \$50,000               |
|   | Bay-Delta and State Water Project<br>Environmental Compliance | 193457           | 10/15/20          | \$50,000               |
|   | Colorado River Issues   | 211924           | 05/23             | \$250,000              |

<sup>\*</sup>Expenditures paid by Bond Proceeds/Finance \*\*Expenditures paid by another group

#### THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

#### **MINUTES**

#### LEGAL AND CLAIMS COMMITTEE

# **January 14, 2025**

Chair Luna called the meeting to order at 8:31 a.m.

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

Members absent: Director Douglas

Other Directors present: Directors Ackerman, Alvarez, Armstrong, Bryant, De Jesus, Dennstedt, Erdman, Fong-Sakai, Goldberg, Gray, Katz, Lefevre, McMillan, Morris, Ortega, Pressman, and Sutley.

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

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

None

Director Camacho entered the meeting.

#### 2. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

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

General Counsel Scully reported on current actions the California Department of Water Resources (DWR) is taking in response to the court decision last year finding that the original bond resolution adopted by DWR to authorize issuance of bonds to fund the Delta Conveyance Project (DCP) exceeded its authority. DWR has both appealed last year's ruling and recently adopted a new bond resolution tailored to conform to the provisions of last year's court decision. Staff will continue to update the Board on this matter.

#### **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

December 9, 2024.

No comments on the minutes.

# 4. CONSENT CALENDAR ITEMS – ACTION

7-5 Subject Authorize an increase of \$150,000 to an amount not to exceed

\$450,000 for an existing contract with GeoPentech Inc. for consulting services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: Jill Teraoka, Senior Deputy General Counsel

Motion Authorize an increase of \$150,000 to an amount not to exceed

\$450,000 for an existing contract with GeoPentech Inc. for

consulting services

**7-6** Subject Report on litigation in Darren A. Reese v. Metropolitan Water

District of Southern California, Riverside County Superior Court Case No. CVPS2204312, and authorize increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the amount of \$150,000 for a total amount not to exceed \$900,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

No presentation was given.

Motion Authorize increase in the maximum amount payable under a

contract for legal services with Seyfarth Shaw LLP for Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312, in the amount of \$150,000 for a total amount not to exceed \$900,000

7-7 Subject Authorize increase of \$200,000, to a maximum amount payable of

\$600,000, for existing General Counsel contract with Olson

Remcho LLP to provide general government law advice related to the Political Reform Act, the Fair Political Practices Commission regulations, conflict of interest law and other legislative and ethics matters; the General Manager has determined the proposed action

is exempt or otherwise not subject to CEQA

No presentation was given.

Motion Authorize the General Counsel to increase the amount payable

under its agreement with Olson Remcho LLP by \$200,000 to a

maximum amount payable of \$600,000

The following Director provided comments or asked questions:

#### 1. Miller

Staff responded to the Directors' comments and questions.

Director Seckel made a motion, seconded by Director Fellow, to approve items 3A, 7-5, 7-6, and 7--7.

The vote was:

Ayes: Directors Camacho, Cordero, Dick, Fellow, Garza, Kurtz, Luna, McCoy,

Miller, Ramos, and Seckel

Noes: None Abstentions: None Absent: Douglas

The motion for items 3A, 7-5, 7-6, and 7-7 passed by a vote of 11 ayes, 0 noes, 0 abstentions, and 1 absent.

#### END OF CONSENT CALENDAR ITEMS

Chair Luna called the meeting into closed session.

#### 5. OTHER BOARD ITEMS – ACTION

8-2 Subject Report on litigation in Maria Carmen Zarate v. Metropolitan Water

District of Southern California, Los Angeles County Superior Court

Case No. 23STCV15786; and authorize an increase in the

maximum amount payable under contract for legal services with Seyfarth Shaw LLP, in the amount of \$250,000 for a total amount not to exceed \$500,000; 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: Tony Zepeda, Sr. Deputy General Counsel in closed session

Motion Authorize an increase in the maximum amount payable under

contract for legal services with Seyfarth Shaw LLP, in the amount

of \$250,000 for a total amount not to exceed \$500,000

Chair Luna reported there was no action taken in closed session.

In open session, Director Kurtz made a motion, seconded by Director Seckel to approve the contract increase.

The vote in open session was:

Ayes: Directors Camacho, Cordero, Dick, Fellow, Garza, Kurtz, Luna, McCoy,

Miller, Ramos, and Seckel

Noes: None Abstentions: None Absent: Douglas

The motion for item 8-2 passed by a vote of 11 ayes, 0 noes, 0 abstentions, and 1 absent.

8-3 Subject Report on litigation in Encarnacion Gutierrez v. Metropolitan

Water District of Southern California, Los Angeles County

Superior Court Case No. 23STCV11052; and authorize an increase in the maximum amount payable under contract for legal services with BDG Law Group, APLC, in the amount of \$250,000 for a total amount not to exceed \$500,000; 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: Tony Zepeda, Sr. Deputy General Counsel in closed session

Motion Authorize an increase in the maximum amount payable under

contract for legal services with BDG Law Group, APLC, in the amount of \$250,000 for a total amount not to exceed \$500,000

Chair Luna reported there was no action taken in closed session.

In open session, Director Fellow made a motion, seconded by Director Seckel to approve the contract increase.

The vote in open session was:

Ayes: Directors Camacho, Cordero, Dick, Fellow, Garza, Kurtz, Luna, McCoy,

Miller, Ramos, and Seckel

Noes: None Abstentions: None Absent: Douglas

The motion for item 8-3 passed by a vote of 11 ayes, 0 noes, 0 abstentions, and 1 absent.

Chair Luna re-ordered the agenda to hear item 8-5 first.

Resume closed session.

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8-5 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; and provide direction to staff on 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; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEOA [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

Presented by: Marcia Scully, General Counsel

Directors Goldberg, Fong-Sakai, Katz, and Miller, representing the San Diego County Water Authority, withdrew from the meeting for the report on item 8-5.

8-4 Subject Conference with legal counsel regarding anticipated litigation

based on existing facts and circumstances, including receipt of a government claim threatening litigation, there is significant exposure to litigation against Metropolitan: one potential case; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2); the General Manager has determined that the

proposed action is exempt or otherwise not subject to CEQA

Presented by: Tony Zepeda, Sr. Deputy General Counsel

Chair Ortega, General Counsel, and Committee Chair Luna withdrew from the meeting for the report on item 8-4.

Vice-Chair Garza reported the committee discussed and conferred with legal counsel regarding items 8-4 and 8-5. There are no reportable actions.

# 6. BOARD INFORMATION ITEMS

None

# 7. COMMITTEE ITEMS

None

# 8. FOLLOW-UP ITEMS

None

# 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on February 11, 2025.

Meeting adjourned at 12:12 pm

Miguel Luna Chair