

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

L. Dick, Chair
Vacant, Vice Chair
R. Atwater
M. Camacho
A. Fellow
S. Goldberg
T. Phan
R. Record
T. Smith
N. Sutley
S. Tamaribuchi

Adjourned Legal and Claims Committee - Final - Revised 1

Meeting with Board of Directors *

August 16, 2022

1:00 p.m.

Teleconference meetings will continue until further notice. Live streaming is available for all board and committee meetings on mwdh2o.com ([Click Here](#))

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (833) 548-0276 and enter meeting ID: 815 2066 4276.

**Tuesday, August 16, 2022
Meeting Schedule**

**08:30 a.m. Adj. A&E
10:30 a.m. Adj. OP&T
11:30 a.m. Adj. RPA&M
01:00 p.m. Adj. L&C
01:30 p.m. Adj. BOD**

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

* 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 REPORTS

A. General Counsel's report of monthly activities

[21-1414](#)

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

3. CONSENT CALENDAR OTHER ITEMS - ACTION

A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held July 12, 2022

[21-1413](#)

Attachments: [08162022 LC 3A Minutes](#)

4. CONSENT CALENDAR ITEMS - ACTION

7-16 Report on legal claims alleging equal employment opportunity violations; and authorize an increase in the maximum amount payable under four contracts with Seyfarth Shaw LLP, for legal services as follows: Agreement No. 201897 by \$100,000 to an amount not to exceed \$200,000; Agreement No. 203436 by \$250,000 to an amount not to exceed \$350,000; Agreement No. 203454 by \$60,000 to an amount not to exceed \$160,000; and Agreement No. 203455 by \$75,000 to an amount not to exceed \$175,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – anticipated litigation; based on existing facts and circumstances of receipt of four legal claims threatening litigation, there is significant exposure to litigation against Metropolitan: four potential cases; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)]. [REVISED SUBJECT]

[21-1423](#)

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

5. OTHER BOARD ITEMS - ACTION

NONE

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

NONE

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. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. 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 <http://www.mwdh2o.com>.

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

July 12, 2022

Chair Dick called the teleconference meeting to order at 12:00 p.m.

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

Members absent: Directors Fellow and Phan.

Other Directors present: Chairwoman Gray, Directors Abdo, Blois, Cordero, De Jesus, Dennstedt, Erdman, Faessel, Fong-Sakai, Jung, Kurtz, Lefevre, McCoy, Miller, Morris, Ortega, Peterson, Pressman, Quinn, Ramos, Repenning, and Williams.

Committee Staff present: Beatty, Hagekhalil, Miyashiro, Torres, and Upadhyay.

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

None

2. MANAGEMENT REPORTS

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

Assistant General Counsel Heather Beatty, sitting in for General Counsel Scully, informed the committee she had nothing to add to General Counsel's written report.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held June 14, 2022.

Director Sutley made a motion, seconded by Director Record, to approve the consent calendar consisting of Item 3A:

The vote was:

Ayes: Chair Dick, Directors Camacho, Goldberg, Record, Smith, Sutley, and Tamaribuchi
Noes: None
Not Voting: Director Atwater
Abstain: None
Absent: Directors Fellow and Phan

The motion for Item 3A passed by a vote of 7 ayes, 0 noes, 1 not voting, 0 abstain, and 2 absent.

4. CONSENT CALENDAR ITEMS – ACTION

7-6 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; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and authorize increase in maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000; 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 Sections 54956.9(d)(1)].

Presented by: Assistant General Counsel Heather Beatty

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

In closed session, Assistant General Counsel Heather Beatty gave a report on this item. No action was taken in closed session.

Motion: Authorize an increase in the maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the SDCWA v. Metropolitan, et al. rate litigation in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000.

In open session, Director Sutley made a motion, seconded by Director Record, to approve the consent calendar Item 7-6:

The vote was:

Ayes: Chair Dick, Directors Atwater, Camacho, Record, Sutley, and Tamaribuchi
Noes: None
Abstain: None
Absent: Directors Fellow and Phan

The motion for Item 7-6 passed by a vote of 6 ayes, 0 noes, 0 abstain, and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

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 August 16, 2022.

Meeting adjourned at 12:27 p.m.

Larry Dick
Chair