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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

December 10, 1993

(Engineering and Operations Committee)
(Legal and Claims Committee)

To: Board of Directors (Executive Committee)

From: General Counsel

Subject: Memorandum Concerning Closed Session Relating to Potential and Pending Litigation (Closed Session Pursuant to Gov. Code, § 54956.9, subd. (a)).

Under specified conditions, Directors of the District may meet in closed session to confer with or receive advice from the General Counsel regarding litigation which has been formally initiated, where there is a significant exposure to litigation against the District, or when the Board is deciding whether to initiate litigation.

Government Code section 54956.9 requires that this memorandum be furnished to you whenever the District's legal counsel recommends such a closed session and its purpose is to confer with, or receive advice from counsel regarding litigation which has been formally initiated, decide whether to initiate litigation, or consider a matter where there is a significant exposure to litigation. This memorandum must be furnished to you no later than one week after the closed session is held.

A closed session is anticipated to be held at the meetings of the Engineering and Operations and Legal and Claims Committees on December 13, 1993, and, as necessary, at the meeting of the Board of Directors on December 14, 1993 to present, discuss and consider one or more of the following matters:

1. Board **Item 6H**, issues arising out of the pending action entitled Metropolitan v. Beitler & Assocs. (Closed session pursuant to Gov. Code, § 54956.9.) (L&C-Item 7b; Exec.-Item 5H); and

2. Board **Item 9-9**, issues arising out of settlement of claims for extra contract work and associated delays at the Jensen Filtration Plant, Expansion No. 1. (Closed session pursuant to Gov. Code, § 54956.9(a).) (E&O, L&C).


N. Gregory Taylor