



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

March 14, 1997

To: Legal and Claims Committee--Information
Organization and Personnel Committee--Information

From: General Manager Edward S. Meas III
General Counsel W. Gregory Taylor

Subject: Report Under Administrative Code Section 6433 for the Quarter Ended
December 31, 1996

RECOMMENDATION

For information only.

EXECUTIVE SUMMARY

Administrative Code Section 6433 requires the General Manager and the General Counsel to make a quarterly report to the Legal and Claims Committee on the exercise of powers delegated to them by Administrative Code Sections 6431, 9200 and 9201. In addition, the General counsel is required to make a quarterly report to the Organization and Personnel Committee on the exercise of any power delegated to him by Section 6431.

DETAILED REPORT

A. CONTRACTS

Within the past quarter, the General Counsel entered into the following contracts pursuant to his authority under Administrative Code Section 6431:

Burton H. Marcus, Inc.

The District retained Burton H. Marcus, Inc. to act as consultant and potential expert witness in Cloyd, et al. v. MWD, an inverse condemnation proceeding brought to recover asserted damages for severance and loss of business goodwill by one of the

businesses which owned land taken for the buffer zone adjacent to the Chlorine Unload Facility in Riverside County.

ForensisGroup

The District retained the ForensisGroup, specifically Albert Hernandez, to act as consultant and expert with regard to the consolidated cases brought against Southern California Edison and Metropolitan arising out of the Winchester Fire of October 1993. Mr. Hernandez is a fire investigator who will testify regarding the fire's causes and origins.

Adam Siegler, Esq.

Metropolitan engaged Adam Siegler to advise, consult and furnish legal opinions, legal strategy, and legal representation regarding Metropolitan's lease of property located in San Dimas, California.

Boutwell, Behrendt & Ennor

This firm was hired by the District to provide legal advise and opinions regarding legal consequences and options or alternatives available to Metropolitan in the administration of its deferred compensation and other employee benefit plans and flexible spending accounts. The firm will also provide legal advice regarding the following: employer reporting and withholding; PERS matters; federal or state legislation which have a bearing on employee benefit matters; documentation and administration of the District's deferred compensation for compliance; and general employee benefit matters.

B. CLAIMS

1. Between October 1, 1996 and December 31, 1996, Metropolitan initiated, compromised, settled or otherwise disposed of the following claims:

a. Litigated Claims By and Against Third Parties

There were no litigated claims by and against third parties within the past quarter.

b. Other Claims By and Against Third Parties

Non-litigated third party claims settled by the General Manager within the past quarter are reported in Attachment A.

c. Workers' Compensation Matters

The workers' compensation claims settled by the General Manager within the past quarter are reported in Attachment B.

d. SB 90 Claims

During the past quarter, Metropolitan did not submit any SB 90 claims for reimbursement for state mandated costs.

2. Claims that were declared uncollectible by the General Manager within the past quarter are reported in Attachment C.

John R. Wodraska

N. Gregory Taylor

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Attachments

ATTACHMENT A

Claims By and Against Metropolitan Settled During the Period of
October 1, 1996 through December 31, 1996

Claimant	Control No.	Amt. of Settlement	Reason for Claim	Basis for Settlement
T. Fuhrman	95-0620-0498	\$100.00	On 06/20/95, the third party claimed a property loss due to the District's purchase of the third party's property for the Eastside Reservoir Project.	The third party's claim was taken to Small Claims Court where the Judge awarded \$100.00 out of the claimed \$4,731.12.
S. Roldan	96-0207-0314	\$10,000.00	On 02/06/96, a District driver struck a pedestrian in a controlled intersection.	The third party's bodily injury claim was settled based upon the severity of impact, treatment duration and costs.
L. Cross	96-0510-0454	\$494.24	On 05/09/96, a third party vehicle was rear-ended by a District vehicle.	The third party's property damage claim was settled based upon an evaluation of the repair costs.
G. Chapluk	96-0809-0057	\$541.31	On 06/05/96, the third party vehicle struck a loose manhole cover on Lambert Road which had been opened by Metropolitan for repairs.	The third party's property damage claim was settled based upon an evaluation of the property damage.
D. Rigoni	96-1028-0160	\$1,545.72	On 10/25/96, a District driver caused a rear-end multiple car chain reaction type accident.	The third party's property damage claim was settled based upon an evaluation of the property damage.
G. Jimenez	96-0905-0091	\$1,879.00	On 09/04/96, a District driver made an unsafe lane-change and collided with the third party vehicle.	The third party's property damage claim was settled based upon an evaluation of the property damage.
Avis	95-0531-0460	\$4,602.14	On 05/27/95, a District driver was involved in an automobile accident with a rental vehicle.	The third party (rental company) property damage claim was settled based upon an evaluation of the damages.
D. Gaither	96-0628-0546	\$497.40	On 06/27/96, a cone allegedly fell from a District vehicle in traffic and struck the third party vehicle.	The third party's property damage claim was settled based upon an evaluation of repair and rental costs.
Pacific Bell	96-1016-0144	\$393.18	On 09/26/96, District digging activities damaged a marked Pacific Bell cable.	The third party's property damage claim was settled based upon an evaluation of the repair costs.

ATTACHMENT A

Claims By and Against Metropolitan Settled During the Period of
October 1, 1996 through December 31, 1996

Claimant	Control No.	Amt. of Settlement	Reason for Claim	Basis for Settlement
MWD against York, Int.	96-0507-0447	\$840.73	On 05/06/96, a District and third party vehicle collided while both made right turns from adjacent lanes.	Since liability was disputed and the damage costs did not warrant litigation, the District accepted 50% of the original claim amount of \$1,681.43 and wrote off the unpaid balance.

ATTACHMENT B

Workers' Compensation matters Resolved During the Period of
October 1, 1996 through December 31, 1996

Claimant	Control No.	Against	Amount of Settlement	Nature of Injury	Basis For Settlement
Maintenance Worker Operations	91-1118-0162	MWD	\$8,435.00	Lower Back	Stipulated findings and award based upon agreed medical evaluator's report.
Maintenance Mechanic Operations	93-0330-0505	MWD	\$1,365.00	Back	Stipulated findings and award based upon treating physician's report.

ATTACHMENT C
Invoices Written Off as Uncollectible During the Period of
October 1, 1996 through December 31, 1996

Name	Control No.	Amount Written Off	Reason for Billing	Basis for Write-Off
Unknown	95-0608-0474	\$1,232.73	On 06/07/95, a parked and unoccupied District vehicle was hit by an unidentified driver in a stolen car.	The repair costs were written off because the third party was unidentifiable.
Unknown	96-0214-0325	\$441.80	On 02/12/96, an unidentified third party damaged a District vehicle while trying to steal it.	The repair costs were written off because the third party was unidentifiable.
Unknown	94-0728-0042	\$1,161.10	On 07/27/94, hazardous materials were found to have been dumped on District property.	The clean-up costs were written off because the third party was unidentifiable.
Unknown	95-0213-0325	\$619.63	On 02/08/95, an unnamed juvenile driving a stolen car collided with a District air vent structure.	The costs were written off because it was not cost effective to pursue.
Unknown	95-0302-0355	\$1,275.13	On 03/01/95, an unidentified third party vehicle collided with a District flow meter.	The property damage costs were written off because the third party was unidentifiable.
Employee Damage	96-1008-0132	\$741.80	On 09/18/96, an agency temporary employee driving a District vehicle collided with a post.	The property damage costs were written off because an employee was responsible for the damage.
Unknown	95-0619-0490	\$7,232.09	On 06/15/95, a laptop computer was stolen by an unidentified third party.	The property value was written off because the asset was not recoverable.
Employee Damage	95-0206-0319	\$689.69	On 02/06/95, a District driver rear-ended the third party vehicle.	The property damage costs were written off because a Metropolitan employee was responsible for the damage.
Unknown	95-0719-0023	\$3,021.68	On 07/19/95, a District van was stolen from the street in front of an employee's residence.	The property damage repair costs of the recovered vehicle were written off because the third party was unidentifiable.
Employee Damage	94-0824-0084	\$764.32	On 08/24/94, a District driver backed a District vehicle into a loader.	The property damage repair costs were written off because an employee was responsible for the damage.

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Invoices Written Off as Uncollectible During the Period of
October 1, 1996 through December 31, 1996

Name	Control No.	Amount Written Off	Reason for Billing	Basis for Write-Off
Employee Damage	96-0403-0386	\$1,252.06	On 03/08/96, a District driver side-swiped a pole damaging the District vehicle.	The property damage costs were written off because an employee was responsible for the damage.
Employee Damage	96-0424-0425	\$2,579.41	On 04/15/96, a District driver rear-ended a third party vehicle.	The property damage costs were written off because an employee was responsible for the damage.
Employee Damage	96-0409-0391	\$1,440.40	On 04/08/96, a District driver rear-ended a third party vehicle.	The property damage costs were written off because an employee was responsible for the damage.
Employee Damage	95-0523-0456	\$2,235.24	On 05/22/95, a District driver collided with a post.	The property damage costs were written off because an employee was responsible for the damage.