

February 25, 1999

**To: LEGAL AND CLAIMS COMMITTEE**

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Langdon W. Owen, Chairman	Lois B. Krieger
Helen Z. Hansen, Vice Chair	Fred Lantz
Wesley M. Bannister	William G. Luddy
Henry S. Barbosa	Wayne T. McMurray
Thom Coughran	Willard H. Murray, Jr.
Christine M. Frahm	Sergio Rascon
S. David Freeman	James M. Rez
Ted Grandsen	Dan Webster
Francesca M. Krauel	

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**From: Executive Secretary**

**Subject: Meeting of Monday, March 8, 1999, at 9:30 a.m.**

Committee Chairman Owen requests you be present at a meeting of the Legal and Claims Committee on **Monday, March 8, at 9:30 a.m.** in Conference Room **1-102 (First Floor)**, in the District's Headquarters Building, 700 North Alameda Street, Los Angeles.

**Dawn Chin**

# AGENDA

## LEGAL AND CLAIMS COMMITTEE MEETING WITH BOARD OF DIRECTORS\*

**March 8, 1999**

**9:30 AM**

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MWD Headquarters Building • Room 1-102, 1st Floor • 700 N. Alameda Street • Los Angeles, CA 90012

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\*The Metropolitan Water District's Legal and Claims Committee meeting 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 the Legal and Claims 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 the Legal and Claims Committee will not vote on matters before the Legal and Claims Committee.

1. **ADDITIONS TO THE AGENDA** (As required by Gov. Code, § 54954.2, subd. b.)
  
2. **OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEES ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION** (As required by Gov. Code, § 54954.3, subd.(a).)
  
3. **APPROVAL OF THE MINUTES OF THE LEGAL AND CLAIMS COMMITTEE MEETING HELD FEBRUARY 8, 1999** (a copy has been mailed to each Director)
  
4. **CONSENT CALENDAR ITEMS - ACTION**
  - 8-6** Authorize Initiation of Litigation to Oppose the United States Fish and Wildlife Service's Decision to List the Sacramento Splittail as a Threatened Species, Either Individually or With Others, and to Take All Actions Necessary to Protect Metropolitan's Interests With Respect to the Listing (L&C—Action)

← To Yellow Sheet

- 8-14 Authorize amendment of agreement with Ellison and Schneider to increase maximum amount payable by \$350,000 for Colorado River and related issues. (L&C, Exec.--Action)

5. OTHER BOARD ITEMS - ACTION

- 9-7 Report on Negotiations for and Status of Permits Necessary for Construction of Metropolitan's Inland Feeder Project and Authority to Amend Contract for Legal Services with Joseph Vanderhorst to Assist With Negotiations [**Conference with Legal Counsel--Anticipated Litigation, Significant Exposure; (one potential case) to be heard in closed session pursuant to Gov.Code, § 54956.9(b)**] (L&C--Action)
- 9-8 Request for Authority for Final Settlement Offer in Eminent Domain Action Entitled The Metropolitan Water District of Southern California v. Ronald E. Fosdick, et al, Riverside Superior Court Case No. 303337 [**Conference with Legal Counsel—Existing Litigation, to be heard in closed session pursuant to Gov.Code, § 54956.9(a)**] (L&C—Action)
- 9-9 Report on Claims of the Joint Venture of Atkinson-Washington-Zachry Arising Out of the Construction of Metropolitan's Eastside Reservoir West Dam, Saddle Dam and Forebay and Amendment to Contract for Legal and Consulting Services to Finance Costs of Special Counsel, Audit and Claims Analysis [**Conference with Legal Counsel--Anticipated Litigation, Significant Exposure; (one potential case) to be heard in closed session pursuant to Gov.Code, § 54956.9(b)**] (L&C—Action)
- 9-10 Report on Status of Negotiations with San Manual Band of Mission Indians and Report on Status of Litigation in Metropolitan Water District of Southern California v. San Bernardino Valley Water Conservation District, Santa Barbara Superior Court Case No. 227537, Authority to Enter into a Contract for Legal Services with McCormick, Kidman & Behrens [**Conference with Legal Counsel—Significant Exposure to and Existing Litigation (one case pending and two potential cases) to be heard in closed session pursuant to Gov.Code, § 54956.9(a) and (b)**] (L&C—Action)

6. BOARD INFORMATION ITEMS

- 10-14 IID/SDCWA Joint Petition for Approval of IID/SDCWA Water Transfer (L&C, Exec.—Info.)

7. COMMITTEE ITEMS

- a. Oral Report on Inland Feeder Property Acquisition and Condemnation Matters, Identified by Owners' Names on Attachment A [**Conference with Legal Counsel--Existing Litigation; to be heard in closed session pursuant to Gov. Code, § 54956.9(a)**]

← To Yellow Sheet

- b. Oral Report on Issues Related to Wheeling Litigation Including Discussion of Various Potential Methodologies for Recovery of Costs of Facilities Used in Wheeling Transactions
- c. Oral Report on Development of Metropolitan Demand Projections
- d. Oral Report on Forecasted State Water Project Demand Schedules
- e. Oral Report Regarding Scope of State Water Contract Provisions Providing for Metropolitan Consent on Usage of State Project Facilities for Delivery into its Service Area (L&C; WP&R)
- f. Report Under Administrative Code Section 6433 for the Quarter Ended December 31, 1998, Relating to Claims (L&C, Exec.)

10-2 Legal Department Report for February 1999

**NOTE:**

At the discretion of the committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the committee.

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 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.

**ATTACHMENT A**

**INLAND FEEDER EMINENT DOMAIN ACTIONS  
(Open Cases)**

	<b>CASE NAME</b>	<b>COUNTY</b>	<b>CASE #</b>
1.	Arrowhead Springs Partners	SBD	37085
2.	Banta	SBD	42671
3.	Blessed Hope	SBD	42457
4.	Campus Crusade for Christ	SBD	35498
5.	Cozzolino	SBD	42816
6.	De Blauw	SBD	44065
7.	DeHaan	RIV	293062
8.	Farquhar, L.	SBD	42815
9.	Farquhar, M.	SBD	44067
10.	Fletes	SBD	44155
11.	Fosdick	RIV	303337
12.	Knudsen	SBD	42499
13.	Machain	SBD	
14.	Poppett	SBD	42669
15.	Ray	RIV	293041
16.	Reineman	SBD	42065
17.	Ryan	SBD	42670
18.	San Bernardino Flood Control	SBD	37086
19.	San Bernardino Valley Water Conservation District	SBD	52048
20.	Shelly Investments	SBD	44875
21.	Shoemaker	RIV	315405
22.	Southern Pacific Railroad	SBD	41579
23.	Stubblefield Construction Co.	SBD	29132
24.	Zuppardo	RIV	302614