

April 14, 1999

To: Legal and Claims Committee--Information
Executive Committee--Information

From: General Manager _____

Submitted by: General Counsel _____

Subject: Report Under Administrative Code Section 6433 for the Quarter Ended
March 31, 1999

RECOMMENDATION(S)

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 Executive 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:

Pacific Construction Consultants, Inc.

Metropolitan retained Pacific Construction Consultants, Inc. to provide forensic accounting, construction audits, analyses of claims made by contractors, and litigation support regarding the construction of the Eastside Reservoir.

Hunton & Williams

Hunton & Williams was retained by Metropolitan to provide legal advice with respect to permitting issues on the Cadiz Groundwater Storage and Dry-Year Supply Program.

Albright, Yee & Schmit

Metropolitan hired this firm to provide legal advice with respect to negotiations and litigation regarding employment discrimination and retaliation allegations made on behalf of a Metropolitan employee.

Heidrick & Struggles

This firm was retained to conduct an executive search for the position of General Manager at Metropolitan.

KPMG Peat Marwick

KPMG Peat Marwick was retained to assist and coordinate reports regarding Metropolitan's potential liability in connection with Metropolitan's use of independent consultants.

Ernst & Young

Metropolitan retained Ernst & Young to assist Metropolitan in developing strategies to store, transfer, and purchase water. The firm will analyze Metropolitan's responsibilities, obligations, levels of risk, cost of financing, and implications on cost per acre-foot to deliver water.

JRP Historical Consulting Services

This firm was retained to provide research into the legislative history of the Boulder Canyon Act of 1928.

B. CLAIMS

1. Between January 1, 1999 and March 31, 1999, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:

- a. Litigated Claims By and Against Third Parties

- Ameron v. Pascal & Ludwig

- After an October 23, 1998 trial verdict in Metropolitan's favor in this \$1 million construction case, judgment was entered on February 17, 1999. On March 4, 1999, Metropolitan agreed to a settlement wherein it would waive its right to costs in exchange for a waiver of Pascal & Ludwig's right to appeal and withdrawal of its motion to tax costs.

- 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.

TD

Attachment 6433A

Attachment 6433B

Attachment 6433C

Attachment 6433A

Claims Against Metropolitan During the Period of
January 1, 1999 - March 31, 1999

Claimant	Control No.	Amount of Settlement	Incident Description	Basis for Resolution
D. Frye	98-1019-0198	\$ 376.34	On 08/26/98, a third party vehicle ran over a District manhole cover which was too far above the roadway damaging the vehicle.	The third party's property damage claim was settled based upon an evaluation of the vehicle damage.
TravCal/L. Perez	98-1001-0165	\$ 973.60	On 10/01/98, a District driver rear-ended the third party vehicle.	The third party insurance carrier's subrogation claim for property damage was settled based upon an evaluation of the property damage and repair documentation.
D. Vasquez	98-1130-0272	\$ 2,418.42	On 11/30/98, 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 vehicle damage.
Auto Club/J. Pompa	97-1216-0271	\$3,644.43	On 12/16/97, a District driver failed to yield and collided with the third party vehicle.	The third party's property damage claim was settled based upon an evaluation of the repair costs.
J. Manriquez	97-0114-0304	\$2,500.00	On 01/14/98, a District driver made an unsafe passing movement and collided with the third party vehicle.	The third party's property damage claim was settled based upon shared liability for the accident.
Beverly Kellum	99-0204-0381	\$529.50	On 02/01/99, a District driver backed into the third party's parked and unoccupied vehicle.	The third party's property damage claim was settled based upon the accident facts, property damage, and repair estimates.
VPSI	98-0929-0156	\$802.63	On 09/29/98, a District driver rear-ended the third party vehicle.	The third party's property damage claim was settled based upon an evaluation of the accident facts, property damage, and repair documentation.

Attachment 6433B

Workers' Compensation Matters Resolved During the Period of
January 1, 1999 - March 31, 1999

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Cook	96-0222-0337	2/21/96	\$3,990.00	Right knee	Stipulated Findings & Award based on Qualified Medical Evaluator's report.
Maintenance Mechanic	94-0802-0049 97-1007-0140	8/1/94 10/7/97	\$3,990.00	Right ankle	Stipulated Findings & Award based on treating physician's report.
Maintenance Mechanic	97-0424-0429	4/24/97	\$8,680.00	Right foot	Stipulated Findings & Award based on treating physician's report.
Maintenance Mechanic	97-1230-0288	12/30/97	\$5,355.00	Right knee	Stipulated Findings & Award based on treating physician's report.
Senior Programmer Analyst	97-0331-0380	11/28/93 - 11/28/96	Take Nothing	Psyche, severe depression	Findings & Award, Opinion on Decision and Minutes of Hearing of Workers' Compensation Judge.

Attachment 6433C

Invoices Written Off as Uncollectible During the Period of
January 1, 1999 - March 31, 1999

Third Party or Cause	Control No.	Damage Amount	Incident Description	Basis for Write-Off
MWD Employee	97-0521-0450	\$3,418.95	On 05/21/97, a District employee driving an MWD vehicle made an unsafe lane-change and collided with a third party vehicle.	The property repair costs were written-off because the damage occurred during the course and scope of employment.
				Basis for Costs Collected
Myisha Monroe	94-0921-0118	\$2,442.24	On 09/21/94, the third party driver made a left-turn on a red signal light and collided with an MWD vehicle.	The third party made payments totaling \$1,300 and subsequently has moved and cannot be located. The balance of \$1,142.24 was written-off because it was no longer cost effective to pursue.
Sunset East Car Wash	96-0103-0264	\$788.74	On 12/26/95, the third party was responsible for damage to a District vehicle.	The repair costs were paid in full by the third party.