

Admin. Code 6433

July 15, 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 June 30, 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:

ECO Geosystems

ECO Geosystems was retained by Metropolitan to provide technical expertise relative to drill and grout claims arising out of the construction of the East Dam of the Eastside Reservoir Project.

Luhdorff & Scalmanini Consulting Engineers

Metropolitan hired this firm to perform an investigation of the subsurface hydrology impacts on certain properties surrounding the Eastside Reservoir Project.

Guy Parnock

This consultant was retained to assist Metropolitan in construction scheduling and claims analysis pertaining to the Mills Filtration Plant.

R. A. Carrington Mediation Services

R. A. Carrington Mediation Services was retained to act as a special master in the eminent domain action entitled The Metropolitan Water District of Southern California v. San Bernardino Valley Water Conservation District.

Barbara Yanow Johnson

Metropolitan retained Barbara Yanow Johnson to conduct investigations regarding discrimination claims.

Law Offices of Roger P. Downes, Esq.

This firm was retained to advise concerning legal issues relating to leases for fiber optic networks in Metropolitan rights-of-way.

B. CLAIMS

1. Between April 1, 1999 and June 30, 1999, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:

- a. Litigated Claims By and Against Third Parties

Moreno v. Vasquez, et al. consolidated with Fleming v. Moreno, et al.

On March 14, 1997, a Metropolitan employee was involved in a vehicle accident during the scope of employment. After dismissal of liability claims for failure to present a claim in accordance with the Government Claims Act, Metropolitan pursued its lien for workers compensation subrogation. This subrogation obligation was settled for \$5,000.

Fairfax v. Hansen, et al.

In December 1998, Metropolitan was brought into this lawsuit regarding liability associated with a traffic accident involving a ride-share van. Metropolitan counter-claimed for workers compensation subrogation and damage to the van. This case recently settled with Metropolitan receiving a portion of the cross-defendant's insurance coverage.

Matter of SPI Communications

In April 1999, SPI Communication presented a claim for damages arising out of non-award of a contract for radio equipment. Metropolitan settled this claim for \$2,240.

Essex Crane Rental v. Metropolitan

This is a stop notice enforcement action under Civil Code section 3184. On March 10, 1999, Metropolitan accepted a dismissal of this action in exchange for a waiver of costs.

DeVuyst v. Metropolitan

The Complaint, filed August 24, 1998, asserted that the Plaintiffs were tenant farmers on land taken by Metropolitan for temporary construction purposes for Inland Feeder Construction. Plaintiffs had an alfalfa crop on the temporary easement parcel which was removed by Metropolitan's contractor in preparation for pipeline construction. This matter was settled for \$6,500.

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 A

Attachment B

Attachment C

ATTACHMENT A
 Claims Against Metropolitan During the Period of
April 1, 1999 - June 30, 1999

Claimant	Control No.	Amount of Settlement	Incident Description	Basis for Resolution
Retail Services Group	99-0112-0337	\$ 318.28	On 12/18/98, a District driver backed into the third party vehicle.	The third party's property damage claim was settled based upon an evaluation of the vehicle damage.
Daniel Yeh	99-0322-0459	\$ 730.38	On 03/21/99, a District driver pulled out of a parking spot and was hit by the third party vehicle.	The third party's claim for property damage was settled based upon 50% of the appraised damage as the liability was shared between the third party and the District driver.
Frances Calderon	98-0827-0098	\$10,250	On 08/27/98, a District driver exited a parking lot and collided with an oncoming third party vehicle.	The third party's bodily injury claim of \$10,000 was settled based upon an evaluation of the impact, injury, treatment, and recovery duration. The \$250 was paid for the claimant's automobile coverage deductible.

ATTACHMENT B
 Workers' Compensation Matters Resolved During the Period of
April 1, 1999 - June 30, 1999

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Maintenance Worker	96-0725-0034	6/21/96	\$9,160.00	Left upper extremity	Stipulated Findings & Award based on Agreed Medical Evaluator's report.
Maintenance Worker	96-0410-0394 97-0429-0435 96-1210-0223 93-1020-0192	4/4/96 10/15/93 CT 4/8/96 CT 10/15/93	\$25,000.00	Head, neck, shoulders, back, hips, legs, arms, chest, heart, lungs, internal, psyche, elbows, knees, vascular system, and all parts mentioned in medical reports.	Compromise and Release negotiated settlement based on consulting orthopedist's report.
Maintenance Worker	96-1209-0216	12/4/96 CT	\$25,000.00	Entire spine, hips, and all other body parts mentioned in the medical reports.	Compromise and Release negotiated settlement based on Qualified Medical Evaluator's report.
Powerline Mechanic	98-0921-0142	3/31/98 CT	\$17,807.50	Left and right knees	Stipulated Findings & Award based on Qualified Medical Evaluator's report.

ATTACHMENT C
 Invoices Written Off as Uncollectible During the Period of
April 1, 1999 - June 30, 1999

Third Party or Cause	Control No.	Damage Amount	Incident Description	Basis for Write-Off
Act of Nature	96-1217-0237	\$ 415.68	On 12/15/96, high winds blew a tool bin onto a parked and unoccupied District truck.	The property repair costs were written-off because the damage was caused by an act of nature.
MWD Employee	96-1218-0241	\$ 996.20	On 12/12/96, a District employee driving an MWD vehicle collided with a post.	The property repair costs were written-off because the damage occurred during the course and scope of employment.
MWD Employee	97-0122-0292	\$ 1,869.15	On 01/06/97, a District employee driving an MWD vehicle rear-ended the third party automobile.	The property repair costs were written-off because the damage occurred during the course and scope of employment.
				Basis for Costs Collected
Roesch Lines	99-0324-0465	21,000	On 03/23/99, the third party vehicle rear-ended a District truck in freeway traffic.	The third party insurance carrier paid the full negotiated total loss value of the District truck.
J. Brugnano	99-0413-0485	\$547.90	On 04/06/99, the third party vehicle backed into a District auto.	The repair costs were paid in full by the third party insurance carrier.