

- September 30, 2008 Quarterly Report

Summary

This is the quarterly report to the Legal & Human Resources Committee on the exercise of powers delegated to the General Manager and the General Counsel by Administrative Code Sections 6431, 6433 and 6434. In addition, the General Counsel reports to the Executive Committee on the exercise of power delegated to her by Section 6431.

Attachments

ATTACHMENT A - Workers' Compensation Matters Resolved During the Period of July 1, 2008 - September 30, 2008

ATTACHMENT B - Claims Against Metropolitan During the Period of July 1, 2008 - September 30, 2008

ATTACHMENT C - Costs Collected During the Period of July 1, 2008 - September 30, 2008

ATTACHMENT D - Property Damage Written Off as Uncollectible During the Period of July 1, 2008 - September 30, 2008

ATTACHMENT E - None

Detailed Report

Contracts

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

Bingham McCutchen, LLP.

This consultant was retained to provide legal advice and representation in connection with Metropolitan's Supply Allocation Plan and related litigation including *Central Basin Municipal Water District v. Metropolitan Water District of Southern California*.

Burke, Williams & Sorensen, LLP.

Metropolitan retained this consultant to provide legal services reviewing model ordinances and applicable state laws; drafting model ordinance for conservation, recycling and landscaping; and participating in stakeholder meetings to gather input and information.

The Law Offices of Charles S. LiMandri

This consultant was retained to provide analysis and representation in Metropolitan's insurance coverage issues and cases.

Ellison, Schneider & Harris, LLP.

Metropolitan retained this consultant to provide legal advice and representation in connection with the "area of origin" challenge to the State Water Project water in *Solano County Water Agency, et al. v. Department of Water Resources*.

Eric C. Hansen

This consultant was retained to provide data compilation and environmental biologist services addressing the relationship between rice agriculture and the state and federal threatened giant garter snake.

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Geoscience Support Services, Inc.

Metropolitan retained this consultant to provide technical groundwater expertise and advice in connection with Metropolitan's Diamond Valley Lake Project and related matters.

HDR Engineering, Inc.

This consultant was retained to provide expert opinion, testimony and litigation support in connection with the eminent domain case *Metropolitan Water District of Southern California v. Campus Crusade for Christ*.

Horvitz & Levy LLP

Metropolitan retained this consultant to provide legal services in connection with the preservation and prosecution of any potential writ, appeal and/or cross-appeal related to the litigation of *Cadiz v. Metropolitan Water District of Southern California*.

Larry W. Heglar & Associates

This consultant was retained to provide expert opinion, testimony and litigation support in connection with *Metropolitan Water District of Southern California v. Campus Crusade for Christ*.

The Law Offices of Michael L. Zigler

Metropolitan retained this consultant to provide legal services concerning issues and disputes related to DWR's administration of the SWP long-term water supply contracts, in general, and allocation of SWP power costs and revenues, in particular.

Muys & Associates, P.C.

This consultant was retained to provide legal advice and research on the Colorado River Compact, Inter-Basin Apportionment, and other Law of the River issues. This agreement was amended during this quarter.

Navigant Consulting, Inc.

Metropolitan retained this consultant to provide expertise in claims analysis and related services relating to claims and potential litigation arising out of the construction of Metropolitan's Perris Valley Pipeline Project.

Nossaman, LLP.

This consultant was retained to provide legal services in connection with investigation and possible prosecution of civil litigation with respect to alleged Clean Water Act and/or Endangered Species Act violations by third parties in the Sacramento-San Joaquin Delta. This agreement is jointly funded with other interested parties.

Claims

1. Between July 1, 2008 and September 30, 2008, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
During the past quarter, Metropolitan did not initiate, compromise, settle, or otherwise dispose of any litigated claims by and against third parties.
 - b. Workers' Compensation Matters
The workers' compensation claims settled by the General Manager and the General Counsel within the past quarter are reported in Attachment A.
 - c. Other Claims By and Against Third Parties
Non-litigated third party claims settled by the General Manager and the General Counsel within the past quarter are reported in Attachment B.

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d. SB 90 Claims

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

e. Separation Agreements

A separation agreement was executed with an Executive Strategist. The agreement provides that its terms are confidential but no cash settlement was provided for.

2. Costs collected for claims during the past quarter are reported in Attachment C.
3. Property Damage Claims declared uncollectible by the General Manager within the past quarter are reported in Attachment D.
4. During this quarter, no Accounts Receivable were written off as uncollectible.

BLA # 6350

ATTACHMENT A
 Workers' Compensation Matters Resolved During the Period of
July 1, 2008 – September 30, 2008

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Maintenance Mechanic	2007-0125-0393	1/22/07	\$6,957.50	Right knee, cervical spine	Stipulated settlement based on treating physician's report.
Plant Operator	2007-0518-0673	5/17/07	\$2,070.00	Right knee	Stipulated settlement based on treating physician's report.

ATTACHMENT B
Claims Against Metropolitan During the Period of
July 1, 2008 – September 30, 2008

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Majorie Nash	2008-0220-0526 CW 1471683	\$915.86	On 2/16/08, a District driver rear-ended a third party vehicle.	The third party property damage claim was settled based on evaluation of damages and the repair estimate.
Zia Atabay	2007-0323-0533 CW 1448994	\$10,000.00	On 3/23/07, a District driver rear-ended a third party vehicle.	The third party bodily injury claim was settled based on evaluation of the cause, impact, damages, and treatment.
Attoulah Orooji-Heravi	2007-0323-0533 CW 1448994	\$10,000.00	On 3/23/07, a District driver rear-ended a third party vehicle.	The third party bodily injury claim was settled based on evaluation of the cause, impact, damages, and treatment.
Robert Shiflet	2008-0325-0611 CW 1473440	\$475.00	On 1/29/08, a third party vehicle was damaged by a sink hole near construction site.	The third party property damage claim was settled based on evaluation of damages and the repair estimate.
William Miranda	2008-0710-0035 CW 1479886	\$1,223.89	On 7/10/08, a District driver backed into a third party vehicle.	The third party property damage claim was settled based on evaluation of damages and the repair estimate.

ATTACHMENT C
Costs Collected During the Period of
July 1, 2008 – September 30, 2008

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Jeff Wiese	2008-0122-0456 CW 1470147	\$2,443.00	On 1/22/08, a third party rear-ended District vehicle.	Metropolitan's property damage costs were paid in full by the third party's insurance carrier.
Gal Lahat	2008-0519-0778 CW 1476804	\$967.59	On 5/19/08, a third party rear-ended District vehicle.	Metropolitan's property damage costs were paid in full by the third party's insurance carrier.
Barbara Brown	2008-0102-0409 CW 1470146	\$628.35	On 1/2/08, a third party driver struck and damaged the side mirror of District vehicle.	Metropolitan's property damage was paid in full by the third party in the amount of \$564.07 and loss of use in the amount of \$64.28.
Patricia Cruz	2008-0552-0787 CW 1476847	\$5,100.55	On 5/22/08, a third party driver lost control of vehicle, in the rain, struck and damaged a District vehicle.	Metropolitan's property damage costs were paid in full by the third party's insurance carrier.

ATTACHMENT D
Invoices Written Off as Uncollectible During the Period of
July 1, 2008 – September 30, 2008

Third Party or Cause	Control No. "CW No.	Project No.	Damage Amount	Incident Description	Basis for Write-Off	Date Written Off
Damage During Use	2008-0623-0853 CW1478809	761515	\$994.85	On 6/20/08, District driver backed into a post and damaged the rear of District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/5/08
Wear & Tear	2008-0407-0645 CW 1475511	761486	\$828.23	On 4/3/08, a tire blew out on a District vehicle that caused the trailer hitch to break.	The property damage costs were written off because the damage occurred due to wear and tear of equipment.	8/5/08
Damage During Use	2008-0311-0577 CW 1475512	761466	\$575.92	On 3/8/08, District driver struck equipment and caused damage to vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	8/5/08
Act of Nature	2008-0118-0455 CW 1471916	761430	\$1,331.52	On 1/17/08, strong wind blew a pipe and it struck and damaged the District vehicle.	The property damage costs were written off because the damage occurred due to an act of nature.	8/5/08
Damage During Use	2008-0305-0560 CW 1473218	761461	\$1,256.50	On 3/5/08, District driver struck a post and damaged District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	9/25/08
Unidentified Third Party	2008-0605-0814 CW 1477598	761506	\$525.00	On 6/4/08, unidentified third party damaged District fence.	The property damage costs were written off because the third party could not be identified.	9/25/08

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Third Party or Cause	Control No. "CW No.	Project No.	Damage Amount	Incident Description	Basis for Write-Off	Date Written Off
Damage During Use	2008-0407-0644 CW 1474078	761485	\$361.19	On 4/2/08, District driver struck debris causing damage to District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	9/25/08
Unidentified Third Party	2007-1126-0334 1469116	761404	\$1,291.52	On 11/26/07, unidentified third party damaged District vent stack.	The property damage costs were written off because the third party could not be identified.	9/25/08
Damage During Use	2008-0305-0558 CW 1472214	761460	\$1,144.00	On 3/4/08, District driver struck a rail guard and damaged District vehicle.	The property damage costs were written off because the damage occurred during the course and scope of employment.	9/25/08
Unidentified Third Party	2005-0208-0362 CW 1478493	761456	\$1,720.00	On 2/5/06, unidentified third party damaged District fence.	The property damage costs were written off because the third party could not be identified.	9/25/08
Damage During Use	2008-0701-0006 CW 1479414	761524	\$459.68	On 7/1/08, District driver backed into District equipment.	The property damage costs were written off because the damage occurred during the course and scope of employment.	9/25/08
Unidentified Third Party	2008-0701-0004 CW 1479439	761518	\$823.61	On 6/30/08, unidentified third party damaged District vehicle.	The property damage costs were written off because the third party could not be identified.	9/25/08

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Invoices Written Off as Uncollectible During the Period of
July 1, 2008 – September 30, 2008

Third Party or Cause	Control No. "CW No.	Project No.	Damage Amount	Incident Description	Basis for Write-Off	Date Written Off
Act of Nature	2007-1022-0266 CW 1465334	761389	\$713.16	On 10/22/07, strong wind knocked over shelving and damaged District vehicle.	The property damage costs were written off because the incident was due to an act of nature.	9/25/08
Unidentified Third Party	2008-0612-0834 CW 1478713	761508	\$1,949.99	On 6/11/08, unidentified third party damaged District window.	The property damage costs were written off because the third party could not be identified.	9/25/08