

L&HR Committee

J. Quiñonez, Chair
J. Abdo
S. Ballin
D. De Jesus
J. Edwards
A. Fellow
J. Foley
J. Murray Jr.
J. Parker
J. Rez

REVISED AGENDA

**Legal and Human Resources
Committee**

Meeting with Board of Directors*

December 9, 2008

8:00 a.m. -- Room 2-145

Tuesday, December 9, 2008 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dir. Computer Training
8:00 a.m.	Rm. 2-145	L&HR
10:00 a.m.	Rm. 2-456	C&L
12:00 p.m.	Board Room	Board Meeting

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

* The Metropolitan Water District's Legal and Human Resources 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 Human Resources 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 Human Resources Committee will not vote on matters before the Legal and Human Resources Committee.

1. **Opportunity for members of the public to address the committee on matters within the committee's jurisdiction** (As required by Gov. Code § 54954.3(a).)
2. **Approval of the Minutes of the meeting of the Legal and Human Resources Committee held November 18, 2008**
3. **CONSENT CALENDAR ITEMS — ACTION**
 - 7-7 [Amend Conflict of Interest Code in the Administrative Code for statutory compliance.](#)
Amend the Conflict of Interest Code in Chapter 2 of Division VII of the Metropolitan Water District Administrative Code for statutory compliance. (L&HR)

4. OTHER BOARD ITEMS — ACTION

8-3 Authorize increase in fees for legal representation in *Orange County Water District v. Northrop Corp., et al.*
Report on *Orange County Water District v. Northrop Corp., et al.*, OCSC Case No. 04CC00715; and authorize increase of \$250,000 for a total of \$350,000 in maximum amount payable under contract with Manatt, Phelps & Phillips to defend Metropolitan. (L&HR)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

8-4 Authorize increase in fees for legal and support services in *Alameda County Flood Control & Water Conservation District Zone 7, et al. v. California Department of Water Resources.*
Report on *Alameda County Flood Control & Water Conservation District Zone 7, et al. v. California Department of Water Resources*, Sac. Sup. Ct. Case No. 05AS01775; and authorize increases of (1) \$2.4 million in maximum amount payable under contract with Bingham McCutchen LLP for legal services to represent Metropolitan; and (2) \$200,000 in maximum amount payable under contract with Executive Presentations, Inc. for legal support services to represent Metropolitan. (L&HR)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

8-5 Authorize increase in fees for legal representation in *Solano County Water Agency, et al. v. Department of Water Resources.*
Report on *Solano County Water Agency, et al. v. Department of Water Resources*, Sacramento Superior Court Case No. 34-2008-0001338 CU-BC-GDS; and authorize increase of \$250,000 for a total of \$350,000 in maximum amount payable under contract with Ellison Schneider & Harris to represent Metropolitan and other participating state water contractors, approximately one-half of which will be reimbursed by the other participating contractors. (L&HR)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

Withdrawn 8-6 ~~Approval of Settlement Agreement and Release between Metropolitan and San Manuel Band of Serrano Mission Indians.~~
~~Approval of Settlement Agreement and Release between Metropolitan and the San Manuel Band of Serrano Mission Indians relating to Construction of the Arrowhead Tunnels. (L&HR)~~
~~**[Conference with legal counsel regarding potential litigation relating to San Manuel Band of Mission Indians' request for reimbursement of costs incurred in monitoring construction of the Arrowhead Tunnels; to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]**~~

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

- a. General Counsel's report of monthly activities
- b. Human Resources' report of monthly activities
- c. Report on *Watershed Enforcers a project of California Sportsfishing Protection Alliance v. L. Ryan Broddrick and California Department of Fish and Game; California Department of Water Resources and Lester A. Snow real parties in interest*, Alameda County Superior Court Case No. RG07326290; *Watershed Enforcers v. California Department of Water Resources*, Alameda County Superior Court Case No. RG06292124; *Pacific Coast Federation of Fishermen's Assoc., et al. v. Carlos M. Gutierrez, et al.*, USDC Case No. 1:06-CV-00245 OWW LJO; and *Natural Resources Defense Council v. Kempthorne*, USDC Case No. 1:05-CV-01207 OWW LJO.
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(a) and (c)]
- d. Discussion of incidental take regulation for longfin smelt.
[Conference with legal counsel—initiation of litigation (one potential case); to be heard in closed session pursuant to Gov. Code Section 54956.9(c)]
- Added e. Report on *California Water Impact Network (C-WIN), California Sportfishing Protection Alliance (CSPA), et al. v. California Department of Water Resources, California State Water Resources Control Board, the United States Bureau of Reclamation, et al.*, Sacramento Superior Court Case No. 2008-00027894.
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(a) and (c)]
- f. Report on *Cadiz, Inc., etc. v. Metropolitan*, LASC Case No. BC343232.
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- g. Conference with Labor Negotiators.
[Conference with labor negotiators; to be heard in closed session pursuant to Gov. Code Section 54957.6. Agency representatives: Gilbert Ivey and Karen Tachiki. Employee organizations: The Employees Association of The Metropolitan Water District of Southern California/AFSCME Local 1902; the Management and Professional Employees Association MAPA/AFSCME Chapter 1001, the Association of Confidential Employees, and the Supervisors Association.]

- h. Report on adoption of resolution of necessity directing the General Counsel to condemn an interest in real property required for the Inland Feeder Project in San Bernardino Community, identified as a portion of San Bernardino County Assessor's Parcel Nos. 0270-061-11, -12, Metropolitan's Parcel No. INFED1-31-100TEA2.1, and owner's name, Campus Crusade for Christ, Inc.
- i. Report on recent FPPC changes to reporting of gifts
- j. Oral report on Metropolitan's Apprenticeship Program

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

NOTE: Underscored summary language at the beginning of each action item is provided for ease of reference only. Please refer to the entire description of each agenda item to obtain information on the subject matter under consideration.

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 Board 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.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.