



REVISED AGENDA

L&C Committee

- J. Quiñonez, Chair
- L. Dick, V. Chair
- J. Abdo
- L. Ackerman
- Y. Arceneaux
- S. Ballin
- D. De Jesus
- J. Edwards
- J. Foley
- J. Murray Jr.
- F. Steiner

Legal and Claims Committee

Meeting with Board of Directors*

May 11, 2010

8:30 a.m. -- Room 2-145

Tuesday, May 11, 2010 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dir. Computer Training
8:30 a.m.	Rm. 2-145	L&C
10:00 a.m.	Rm. 2-456	C&L
12:00 p.m.	Board Room	Board Meeting
1:30 p.m.	Rm. 2-145	IRP

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

* 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. **Opportunity for members of the public to address the committee on matters within the committee’s jurisdiction** (As required by Gov. Code Section 54954.3(a))
2. **Approval of the Minutes of the meeting of the Legal and Claims Committee held April 13, 2010**
3. **CONSENT CALENDAR ITEMS — ACTION**

None
4. **OTHER BOARD ITEMS — ACTION**

8-10 Report on *Foxfire Constructors, Inc. v. W. A. Rasic Construction Company*, Case No. 30-2009-00118788, Superior Court of Orange County, California; and authorize (1) a contract with Construction Management Services in the amount of \$230,000; (2) increase of \$300,000 for a total of \$400,000 in maximum amount payable under contract with Theodora Oringer Miller & Richman PC; and (3) increase of \$50,000 for a total of \$150,000 in maximum amount payable under contract with Subterra, Inc. (L&C) [Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

- 8-11 Report on status of FERC relicensing of the Oroville Facilities and associated litigation; and authorize increase of \$100,000 for a total of \$500,000 in maximum amount payable under contract with Davis Wright Tremaine LLP for legal services. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

- a. General Counsel's report of monthly activities
- b. Report on *San Luis & Delta-Mendota Water Authority, et al. v. Salazar, et al.*, USDC Case No. 1:09-CV-407 OWW GSA, and consolidated cases; *San Luis & Delta-Mendota Authority, et al. v. Locke, et al.*, USDC Case No. 1:09-CV-1053 OWW DLB, and consolidated cases; *Watershed Enforcers v. California Dept. of Water Resources, et al.*, Alameda County Superior Court No. RG06292124; *State Water Contractors v. California Dept. of Fish & Game, et al.*, Sacramento County Superior Court Case No. 34-2009-80000203; *Central Delta Water Agency v. California Dept. of Water Resources, et al.*, Sacramento County Superior Court Case No. 34-2009-80000269. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

- Added** c. Discussion of SDCWA letter dated May 3, 2010, objecting to Metropolitan's rates and charges and request to negotiate Price Dispute in lieu of possible resort to legal and equitable remedies under 2003 Exchange Agreement. (L&C)
[Conference with legal counsel—significant exposure to litigation (one matter); to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

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 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.