



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*

September 14, 2010

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

Tuesday, September 14, 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
1:00 p.m.	Board Room	IRP Workshop

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 August 17, 2010**

3. CONSENT CALENDAR ITEMS — ACTION

None

4. OTHER BOARD ITEMS — ACTION

- 8-4 Report on *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, Los Angeles County Superior Court Case No. BS126888; and authorize increase of \$300,000 for a total of \$400,000 in maximum amount payable under contract with Bingham McCutchen LLP to represent Metropolitan in that litigation. (L&C)
[Conference with legal counsel—existing litigation; may be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

- Revised**
- 8-5 Report on the status of litigation; authorize an increase in maximum amount payable under contracts with Theodora Oringher Miller & Richman PC for legal services in *Foxfire Constructors, Inc. v. W. A. Rasic Construction Company, et al.*, Superior Court of Orange County Case No. 30-2009-00118788 by \$500,000 to a maximum of \$900,000; and for legal services in *Village Retail Center, LLC, et al. v. The Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC439334, by \$500,000 to a maximum of \$600,000; and authorize a settlement offer in the *Foxfire Constructors v. W. A. Rasic* matter. (L&C) [Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- 8-6 Authorize increase in maximum amount payable under contract with Richard B. Deriso for expert consultant services and litigation support by \$200,000 to a maximum of \$500,000; and 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)]
- 8-7 Authorize execution of settlement agreement with RNL Design and Simon Wong & Associates regarding claims arising out of the Diemer Plant Maintenance Facility and Vehicle Maintenance Center projects. (L&C) [Conference with legal counsel—proposed settlement of threatened litigation (one matter); to be heard in closed session pursuant to Gov. Code Section 54956.9(c)]

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

- a. General Counsel's report of monthly activities

- b. Discussion of Central Valley Regional Water Quality Control Board Tentative Discharge Permit for the Sacramento Regional County Sanitation District's Wastewater Treatment Plant
[Conference with legal counsel—significant exposure to litigation (one or more matters); 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.