



REVISED AGENDA

L&C Committee

- R. Wunderlich, Chair
- J. Quiñonez, V. Chair
- L. Ackerman
- S. Ballin
- M. Camacho
- L. Dick
- J. Edwards
- D. Fleming
- D. Griset
- P. Hawkins
- L. Heidel
- R. Record
- F. Steiner

Legal and Claims Committee

Meeting with Board of Directors*

May 10, 2011

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

Tuesday, May 10, 2011 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. Computer Training
8:00 a.m.	Rm. 2-145	L&C
9:30 a.m.	Rm. 2-456	Legislation
10:30 a.m.	Rm. 2-145	C&E
12:30 p.m.	Board Room	Board Meeting

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 12, 2011**

3. CONSENT CALENDAR ITEMS — ACTION

None

4. OTHER BOARD ITEMS — ACTION

- 8-7 Report on *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, San Francisco County Superior Court Case No. CPF-10-510830; and authorize increase of \$300,000 for a total of \$800,000 in maximum amount payable under contract with Bingham McCutchen LLP to represent Metropolitan in that litigation. (L&C) **[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]**

- 8-8 Review Rate Structure Integrity provisions of conservation and Local Resources Program funding agreements with San Diego County Water Authority; and consider termination of agreements. (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)]
- 8-15 Report on existing litigation and authorize an increase in maximum amount payable under contract with Meserve, Mumper & Hughes LLP for legal services by \$600,000 to an amount not to exceed \$950,000 for representation of Metropolitan in *Jena Minor v. Metropolitan Water District of Southern California*, LASC Case No. BC434669. (L&C)
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]
- Added** 8-16 Report on existing litigation and authorize an increase in maximum amount payable under contract with Manatt, Phelps & Phillips, LLP for legal services by \$750,000 to an amount not to exceed \$1,340,000 for representation of Metropolitan in *Orange County Water District vs. Northrop Corporation*, Orange County Superior Court Case No. 04CC00715. (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

- 9-3 Report on Imperial Irrigation District's (IID) transfer of unused Colorado River water to the Salton Sea. (L&C)
[Conference with legal counsel—potential litigation (one case); to be heard in closed session pursuant to Gov. Code Section 54956.9(b)]

6. COMMITTEE ITEMS

- a. Interim 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
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(a)]

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.