

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**October 11, 2011**

Chair Wunderlich called the meeting to order at 8:31 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Wunderlich, Vice Chair Quiñonez  
Directors Ackerman, Ballin, Camacho, Dick, Edwards, Fleming, Griset,  
Heidel, Record and Steiner

Member absent: Director Hawkins

Other Board Members present: Directors Barbre, Blake, Brick, Brown, Evans, Foley, Grandsen,  
Lewinger, Little, Morris, J. Murray, Peterson and Wright

Staff present: Scully, Bennion, Bednarski, Breaux, Burman, Campbell, Clairday, Donhoff,  
Gagar-Downing, Green, Ivey, Kightlinger, Man, Mares, Miyashiro, Neal,  
Parsons, Patterson, Riss, Roberts, Schlang, Schlotterbeck, Upadhyay and Waade

**1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION**

None

**2. APPROVAL OF THE MINUTES OF THE LEGAL AND CLAIMS COMMITTEE MEETINGS HELD ON SEPTEMBER 13 AND 27, 2011**

Approved

Motion: Edwards

Seconded: Ballin

**3. CONSENT CALENDAR ITEMS -- ACTION**

**7-4** Subject: **Amend the Conflict of Interest Code in Chapter 2 of Division VII of the Metropolitan Water District Administrative Code for statutory compliance and approval of the Fair Political Practices Commission**

Presented by: No presentation was given.

Motion Carried: Moved: Dick Seconded: Steiner

- 7-5      Subject:            **Authorize increase of \$100,000 in the maximum amount payable under professional services contract with Duncan, Weinberg, Genzer & Pembroke, P.C. for electric utility legal services**
- Presented by:        No presentation was given.
- Motion Carried:     Moved: Dick            Seconded: Steiner

#### 4.      **OTHER BOARD ITEMS -- ACTION**

- 8-9      Subject:            **Authorize the Interim General Counsel to initiate litigation, one matter, regarding the defective design of a Metropolitan facility. (Closed session)**
- Presented by:        Interim General Counsel Marcia Scully
- Closed Session:     In closed session the Committee heard a report on Item 8-9 and voted to authorize the Interim General Counsel to initiate litigation to protect Metropolitan's position.

#### 5.      **BOARD INFORMATION ITEMS**

None

#### 6.      **COMMITTEE ITEMS**

- a.       Subject:            **Interim General Counsel's report of monthly activities**
- Presented by:        Interim General Counsel Marcia Scully
- Interim General Counsel Marcia Scully referred the Committee to her written report.

- b.** Subject: **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. (Closed Session)**

Presented by: Interim General Counsel Marcia Scully

Closed Session: In closed session the Committee heard a report on Item 6b. No action was taken.

- c.** Subject: **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. (Closed Session)**

Presented by: No presentation was given.

In open session, Interim General Counsel Marcia Scully stated that there was nothing to discuss in closed session in this matter. The next hearing is scheduled for October 27 at which time the court will take up the proposed amendments to the complaint. No action was taken.

- d.** Subject: **Process for Selection of the General Counsel**

Presented by: Chair Wunderlich

In open session, Chair Wunderlich stated he had asked L&C Committee Members Ackerman, Ballin, Edwards, Griset and Vice Chair Quiñonez to assist with the hiring of an executive search firm and interview process.

- e. Subject: **Report on status of seismic safety repairs at Perris Dam; discussion of legal strategies and options for challenging Department of Water Resources' allocation of repair costs. (Closed session)**

Presented by: Senior Deputy General Counsel John Schlotterbeck

Closed Session In closed session, the Committee heard a report on Item 6e.  
No action was taken.

## 7. FOLLOW-UP ITEMS

None

## 8. FUTURE AGENDA ITEMS

Chair Wunderlich noted that discussion of allowances for global warming gases under the California Air Resource Board's proposed "cap and trade" regulations will be coming back to this committee as well as other committees.

Next regular meeting will be held on November 8, 2011.

Meeting adjourned at 9:56 a.m.

Robert Wunderlich  
Chair