

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

March 13, 2012

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
Directors Ackerman, Ballin, Dick, Edwards, Fleming, Griset, Hawkins,
Heidel and Record

Members absent: Vice Chair Quiñonez and Directors Camacho and Steiner

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

Staff present: Scully, Bennion, Beatty, Bennett, Breaux, Gagar-Downing, Ivey, G. Johnson,
Kightlinger, Man, Mares, Miyashiro, Nagai, Riss, Stites, Upadhyay, von Haam,
Waade and Zinke

**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
MEETING HELD ON FEBRUARY 14, 2012**

Approved

Motion: Fleming

Seconded: Ballin

Chair Wunderlich reminded the Committee that the March Board meeting will go into closed session to interview three candidates for the General Counsel position. He thanked Interim General Counsel Marcia Scully for her professionalism during the process.

3. CONSENT CALENDAR ITEMS -- ACTION

None

4. OTHER BOARD ITEMS -- ACTION

8-12 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*; and authorize an increase in the maximum amount payable under contract with Bingham McCutchen for legal services by \$2,600,000 to an amount not to exceed \$4,000,000. (Closed Session)**

Presented by: Senior Deputy General Counsel Heather Beatty

Closed Session: Directors Heidel, Lewinger and Wilson, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

In closed session the Committee heard a report on Item 8-12. In open session, the Committee voted to adopt the CEQA determination and authorize the General Counsel to amend the contract for legal services with Bingham McCutchen LLP to increase the maximum amount payable by \$2,600,000 to an amount not to exceed \$4,000,000.

Motion Carried: Moved: Fleming Seconded: Record
Abstained: Chair Wunderlich and Director Heidel

8-13 Subject: **Report on existing litigation; and authorize an increase in (1) maximum amount payable under contract with Manatt, Phelps & Phillips, LLP for legal services by \$2 million to an amount not to exceed \$4,090,000; (2) maximum amount payable to Meyers, Nave, Riback, Silver & Wilson, PC by \$1.5 million to an amount not to exceed \$2.3 million; (3) maximum amount payable under contract with Shaw Environmental for expert services by \$300,000 to an amount not to exceed \$700,000; and (4) maximum amount payable under contract with Jacimaria R. Batista, Ph.D., P.E. by \$200,000 to an amount not to exceed \$300,000 for representation of Metropolitan in *Orange County Water District v. Northrop Corporation, Orange County Superior Court Case No. 04CC00715*. (Closed session)**

Presented by: Senior Deputy General Counsel Catherine Stites

Closed Session: In closed session the Committee heard a report on Item 8-13. In open session the Committee voted to adopt the CEQA

determination and authorize maximum amounts payable under contracts with (1) Manatt, Phelps & Phillips, LLP by \$2 million to an amount not to exceed \$4,090,000; (2) Meyers, Nave, Riback, Silver & Wilson, PC by \$1.5 million to an amount not to exceed \$2.3 million; (3) Shaw Environmental by \$300,000 to an amount not to exceed \$700,000; and (4) Jacimaria R. Batista, Ph.D., P.E. by \$200,000 to an amount not to exceed \$300,000.

Motion Carried: Moved: Ackerman Seconded: Griset
 Abstained: Chair Wunderlich

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 Committee members to her written monthly report.

d. 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)**

Closed Session: No report was given.

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

None

Next regular meeting will be held on April 10, 2012.

Meeting adjourned at 9:41 a.m.

Robert Wunderlich
Chair