

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**ADJOURNED LEGAL AND CLAIMS COMMITTEE**

**August 21, 2012**

Chair Wunderlich called the meeting to order at 9:01 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Wunderlich and Vice Chair Quiñonez  
Directors Camacho, Edwards, Fleming, Griset, Hawkins, Heidel and Record

Members absent: Directors Ackerman, Ballin, Dick and Steiner

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

Staff present: Scully, Bennion, Beatty, Breaux, Burman, Cable, Diaz, Downing, Green, Ivey, Kightlinger, Man, Mares, Miyashiro, Patterson, Riss, Stewart, Upadhyay, 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 JULY 10, 2012**

Approved

Motion Carried      Moved: Director Fleming      Seconded: Director Edwards

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

**7-8**      Subject:      Authorize the amendment of contract with Ellison Schneider & Harris to increase the maximum payable from \$100,000 to \$200,000 for preliminary analysis of the permits for the State Water Project and Central Valley Project

This item was withdrawn.

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

None

**5. BOARD INFORMATION ITEMS**

None

**6. COMMITTEE ITEMS**

- a.** Subject: **General Counsel's report of monthly activities**  
Presented by: General Counsel Marcia Scully  
General Counsel Marcia Scully referred the committee to her written report.
- b.** Subject: **Report on Consolidated Delta Smelt Cases, USDC Case No. 1:09-CV-407 LJO-DLB; and Consolidated Salmonid Cases USDC Case No. 1:09-CV-1053 LJO-DLB. (Closed Session)**  
Presented by: 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: Assistant General Counsel Heather Beatty  
Closed Session: Directors Heidel 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 6c. No action was taken.

**d.** Subject: Report on existing litigation: *Lennar Homes of California v. Metropolitan Water District of Southern California*; Orange County Superior Court Case No. 30-2012-00543908. *Shapell Industries, Inc. v. Moulton Niguel Water District*, Orange County Superior Court Case No. 30-2011-00519887. (Closed Session)

Presented by: Senior Deputy General Counsel Heriberto Diaz

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

**7. FOLLOW-UP ITEMS**

None

**8. FUTURE AGENDA ITEMS**

None

Next regular meeting will be held on September 11, 2012.

Meeting adjourned at 10:17 a.m.

Robert Wunderlich  
Chair