

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

February 12, 2013

Chair Fleming called the meeting to order at 9:31 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Fleming, Vice Chair Wunderlich, Directors Ackerman, Camacho, Edwards, Griset, Mudd, Quiñonez, Record and Steiner.

Members absent: Directors Ballin and Dick.

Other Board members present: Directors Babcock, Barbre, Brown, Evans, Little, Morris, J. Murray, Peterson, Pringle, Touhey, Wilson, and Wright.

Staff present: Scully, Bennion, Beatty, Breaux, Ghaly, Hasencamp, Ivey, Kightlinger, Man, Mares, Miyashiro, Patterson, Riss, Upadhyay, Waade, Yenko, and Zinke.

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

No members responded.

2. APPROVAL OF THE MINUTES OF THE LEGAL AND CLAIMS COMMITTEE MEETING HELD JANUARY 8, 2013.

Motion Carried Moved: Director Edwards Seconded: Director Mudd

Votes: Unanimous

3. CONSENT CALENDAR ITEMS – ACTION

None

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 gave a brief update on the federal and state QSA litigation.

She also updated the committee on the Tronox bankruptcy with respect to the development of a remediation plan for the Henderson site. Metropolitan expects to monitor and comment on the clean-up plan. Ms. Scully will be providing more detailed reports in the coming months.

She also apprised the committee that a letter from Michelle Staples, an attorney representing the Domenigoni family who own property near Diamond Valley Lake, would be distributed at the Board meeting. Negotiations with the Domenigonis are ongoing.

b. Subject: Report on *Consolidated Delta Smelt Cases*, USDC Case No. 1:09-CV-407 LJO-DLB; and *Consolidated Salmonid Cases*, USDV Case No. 1:09-CV-1053 LJO-DLB

Presented by: General Counsel Marcia Scully

In closed session, General Counsel Marcia Scully gave a report on this item. 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 and No. CPF-12-512466

Presented by: Assistant General Counsel Heather Beatty

Directors Mudd, Steiner, and Wilson, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

In closed session, Assistant General Counsel Heather Beatty gave a report on this item. No action was taken.

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

None

Next meeting will be held on March 12, 2013.

Meeting adjourned at 10:12 a.m.

David Fleming
Chair