



**REVISED AGENDA**

**L&C Committee**

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

**Legal and Claims Committee**

Meeting with Board of Directors\*

**May 14, 2013**

**8:30 a.m. -- Room 2-145**

Tuesday, May 14, 2013 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dir's. Computer Training
8:30 a.m.	Rm. 2-145	L&C
10:00 a.m.	Rm. 2-456	C&L
11:30 a.m.	Board Room	Board Meeting

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**MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012**

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\* 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 9, 2013**
  
- 3. CONSENT CALENDAR ITEMS — ACTION**

None

#### 4. OTHER BOARD ITEMS — ACTION

- 8-8 Report on existing and potential litigation alleging Metropolitan is legally responsible for plumbing leaks allegedly caused by copper corrosion: (1) *Lennar Homes of California, Inc. v. MWD, et al.*, Case No. 30-2012-00543908; (2) *Briosa Owners Association v. Moulton Niguel Water District, et al.*, Case No. 30-2012-00586258; (3) *Cantora Community Association v. MWD, et al.*, Case No. 30-2012-00619294; (4) *Cypress Point Condominium Association v. MWD, et al.*, Case No. 30-2012-00619476; (5) *Lisa Williams and Shawn Williams v. Irvine Ranch Water District, et al.*, Case No. 30-2012-00616648; (6) *Shapell v. Moulton Niguel Water District, et al.*, Case No. 30-2011-00519887; and one Government Claim; and authorize increase in the maximum amount payable under contract with Caufield & James, LLP for special counsel services by \$400,000 to a maximum amount of \$500,000. (L&C)  
**[Conference with legal counsel—discussion concerning existing and anticipated litigation; may be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1) and (d)(2)]**

#### 5. BOARD INFORMATION ITEMS

None

#### 6. COMMITTEE ITEMS

- a. General Counsel's report of monthly activities
- b. Report on *In Re Tronox Incorporated, et al.*, Chapter 11, Case No. 09-10156 (ALG)
- c. 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.  
**[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]**
- d. Report on status of seismic assessment of Metropolitan's Headquarters Building at Union Station; discussion of legal strategies and options for possible reimbursement of repair costs.  
**[Conference with legal counsel—initiation of litigation (one potential case); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(4)]**

- Citation corrected** e. Report on existing litigation *Orange County Water District v. Northrop Corporation*, Orange County Superior Court Case No. 04CC00715.  
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- Citation corrected** f. Report on existing litigation *The Navajo Nation v. United States Department of the Interior, et al.*, United States District Court for the District of Arizona, Case No. CV 03-507 PCT PGR.  
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- g. 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.  
[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

## 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.