

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

September 10, 2013

Chair Fleming called the meeting to order at 9:05 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

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

Members absent: Directors Dick and Record.

Other Board members present: Directors Babcock, Brown, Evans, Friedman, Hogan, Kurtz, Little, Morris, J. Murray, Peterson, Pringle, and Touhey.

Staff present: Scully, Bennion, Beatty, Breaux, Campbell, Ivey, Johnson, Kightlinger, Man, Miyashiro, Parsons, Riss, Rohen, Upadhyay, 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 AUGUST 20, 2013.

Motion Carried Moved: Director Mudd Seconded: Director Edwards

Votes: Unanimous

3. CONSENT CALENDAR ITEMS – ACTION

None

4. OTHER BOARD ITEMS – ACTION

8-6 Subject: **Report on existing litigation, *Oscar Renda Contracting, Inc. v. MWD*, Superior Court for the County of Riverside, Case No. RIC 1213525; and authorize increase in maximum amount payable under contracts with (1) Criterium Consulting Group for consulting services by \$100,000 for an amount not to exceed \$200,000; and (2) Lachel and Associates, Inc. for consulting services by \$100,000 for an amount not to exceed \$200,000. (Closed session)**

Presented by: Senior Deputy General Counsel Mark Parsons

Closed Session: In closed session, Senior Deputy General Counsel Mark Parsons gave a report on this item.

Motion: Adopt the CEQA determination and authorize amendment of the contract for legal services with (1) Criterium Consulting Group for consulting services by \$100,000 for an amount not to exceed \$200,000; and (2) Lachel and Associates, Inc. for consulting services by \$100,000 for an amount not to exceed \$200,000.

Motion Carried Moved: Director Mudd Seconded: Director Camacho

Votes: Unanimous

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 introduced the newest attorney to the Legal Department staff, Patrick Rohen. Ms. Scully also updated the committee on the *The Navajo Nation v. United States Department of the Interior, et al.* case.

- 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

No report was given on this item.

- 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 Hogan, Mudd, and Steiner, 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

Director Ackerman asked General Counsel to give a brief review on confidentiality of closed session items.

8. FUTURE AGENDA ITEMS

None

Next meeting will be held on October 8, 2013.

Meeting adjourned at 10:03 a.m.

David Fleming
Chair