

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

October 8, 2013

Chair Fleming called the meeting to order at 9:02 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

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

Members absent: Directors Quiñonez and Vasquez.

Other Board members present: Directors Babcock, Barbre, Brown, Dear, Hogan, Kurtz, Lewinger, J. Murray, Peterson, and Pringle.

Staff present: Scully, Bennion, Beatty, Breaux, Burman, Ghaly, Johnson, Kightlinger, Man, Miyashiro, Pellegrini, Riss, Skillman, 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 SEPTEMBER 10, 2013.

Motion Carried Moved: Director Steiner Seconded: Director Edwards

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 reported that Metropolitan would be filing a demurrer in the copper piping case, *Williams v. Irvine Ranch Water District*. The hearing will be on December 6.

She also reported that Metropolitan was continuing to prepare for mediation in the *Oscar Renda v. Metropolitan* case, scheduled for October 23.

Ms. Scully also updated the committee on the litigation challenging the Delta Plan. The court issued an order establishing Sacramento Superior Court as the location for trial.

- b. Subject: **Brown Act report**

Presented by: Assistant General Counsel Sydney Bennion

Assistant General Counsel Sydney Bennion gave a detailed presentation on closed session confidentiality requirements.

- c. 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.

- d. 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, Lewinger, 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

None

8. FUTURE AGENDA ITEMS

None

Next meeting will be held on November 19, 2013.

Meeting adjourned at 9:38 a.m.

David Fleming
Chair