

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**February 11, 2014**

Vice Chair Wunderlich called the meeting to order at 9:00 a.m. in Committee Room 2-456 at Metropolitan's Headquarters.

Members present: Vice Chair Wunderlich, Directors Ackerman, Ballin, Camacho, Dear, Dick (entered 9:09 a.m.), Edwards, Griset (entered 9:02 a.m.), Mudd, Record (entered 9:02 a.m.), and Steiner.

Members absent: Directors Quiñonez and Vasquez.

Other Board members present: Directors Babcock, Barbre, Brown, Evans, Hogan, Kurtz, Lefevre, Lewinger, Morris, J. Murray, K. Murray, Peterson, and Pringle.

Staff present: Scully, Bennion, Beatty, Breaux, Campbell, Carlson, Downing, Green, Ivey, Johnson, Kightlinger, Man, Mares, Masouredis, Miyashiro, Parsons, Patterson, Riss, Stites, Upadhyay, West, 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 14, 2014.**

Motion: Carried  
Moved: Director Dear                      Seconded: Director Edwards  
Ayes: Directors Wunderlich, Ackerman, Ballin, Camacho, Dear, Edwards, Mudd, and Steiner  
Noes: None  
Abstentions: None  
Absent: Directors Dick, Griset, Quiñonez, Record, and Vasquez

The motion passed by a vote of 8 ayes, 0 no, 0 abstain and 5 absent.

Directors Griset and Record entered the meeting at 9:02 a.m.

### 3. CONSENT CALENDAR ITEMS – ACTION

None

### 6. COMMITTEE ITEMS

a. Subject: **General Counsel’s report of monthly activities**

Presented by: General Counsel Marcia Scully

General Counsel Scully reported on a new PERB charge and settlement of the longfin smelt action.

Director Dick entered the meeting at 9:09 a.m.

### 4. OTHER BOARD ITEMS – ACTION

8-4 Subject: **Authorize increase in maximum amount payable under contract with Morrison & Foerster LLP for legal services by \$500,000 to a maximum of \$7,425,000; and 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**

Presented by: Chief Deputy General Counsel Linus Masouredis

Motion: Adopt the CEQA determination that the project is not subject to CEQA and approve amendment of the contract for legal services with Morrison & Foerster LLP to increase the maximum amount payable from \$6,925,000 to \$7,425,000.

Moved: Director Edwards                      Seconded: Director Ackerman

Ayes: Directors Ackerman, Ballin, Camacho, Dear, Dick, Edwards, Griset, Mudd, Record, and Steiner

Noes: None

Abstentions: Director Wunderlich

Absent: Directors Quiñonez and Vasquez

The motion passed by a vote of 10 ayes, 0 no, 1 abstain and 2 absent.

**8-5** Subject: **Report on existing litigation, Oscar Renda Contracting, Inc. v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. RIC 1213525; and authorize increase in maximum amount payable under contract with Atkinson, Andelson, Loya, Ruud & Romo PC for legal services by \$500,000 to an amount not to exceed \$600,000**

Presented by: Senior Deputy General Counsel Mark Parsons

Motion: Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA and authorize amendment of the contract for legal services with Atkinson, Andelson, Loya, Ruud & Romo PC for legal services, increasing the contract amount by \$500,000 for an amount not to exceed \$600,000.

Moved: Director Steiner Seconded: Director Dear

Ayes: Directors Ackerman, Ballin, Camacho, Dear, Dick, Edwards, Grisct, Mudd, Record, and Steiner

Noes: None

Abstentions: None

Absent: Directors Quiñonez and Vasquez

The motion passed by a vote of 10 ayes, 0 no, 0 abstain and 2 absent.

**8-6** Subject: **Authorize the General Manager to accept the city of Monterey Park's proposed terms for removal of operational restrictions on the Garvey Reservoir as set forth in an existing settlement agreement and to enter into an amendment to the settlement agreement to incorporate the new terms**

Presented by: Senior Deputy General Counsel Catherine Stites

Motion: Approve accepting the City of Monterey Park's proposed terms and amending the settlement agreement.

Motion Carried

Closed Session The item was heard and voted on in closed session.

**6. COMMITTEE ITEMS (continued)**

- b. 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.

**5. BOARD INFORMATION ITEMS**

None

**7. FOLLOW-UP ITEMS**

None

**8. FUTURE AGENDA ITEMS**

None

Next meeting will be held on March 11, 2014.

Meeting adjourned at 10:16 a.m.

Robert Wunderlich  
Vice Chair