



**L&C Committee**

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

**REVISED AGENDA**

**Legal and Claims Committee**

Meeting with Board of Directors\*

**May 13, 2014**

**10:00 a.m. -- Room 2-145**

**Note change in time of meeting**

Tuesday, May 13, 2014 Meeting Schedule		
7:00-8:00 a.m.	Rm. 2-413	Dirs. Computer Training
10:00 a.m.	Rm. 2-145	L&C
12:00 p.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 8, 2014**
  
3. **CONSENT CALENDAR ITEMS — ACTION**  
  
None
  
4. **OTHER BOARD ITEMS — ACTION**  
  
**8-3** Authorize increase of maximum amount payable under contract with Duncan, Weinberg, Genzer & Pembroke, P.C. for legal services related to Federal Energy Regulatory Commission by \$150,000 to an amount not to exceed \$3,175,000. (L&C)

**Recommendation:**

**Option #1:**

**Adopt the CEQA determination that the proposed action is not subject to CEQA and authorize the General Counsel to amend the agreement with Duncan, Weinberg, Genzer & Pembroke, P.C. to increase by \$150,000 the maximum amount payable under the contract to a total of \$3.175 million in order to assist Metropolitan with legal services.**

**5. BOARD INFORMATION ITEMS**

None

**6. COMMITTEE ITEMS**

- a. General Counsel's report of monthly activities
- b. Review of Administrative Code Section 6433 relating to Claims under Capital Construction Contracts
- c. General Counsel's Business Plan 2014/15
- d. 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)]**

Revised

- e. Report on *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466, and report on anticipated litigation based on the San Diego County Water Authority Board of Directors' authorization to file litigation challenging Metropolitan's 2015 and 2016 rates and its General Manager's letter asserting a breach of contract claim.  
**[Conference with legal counsel—existing litigation and anticipated litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1) and (d)(2)]**

**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.