

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**April 8, 2014**

Board Vice Chair John Murray called the meeting to order at 8:34 a.m. in Committee Room 2-456 at Metropolitan's Headquarters.

Members present: Vice Chair Wunderlich (entered 8:43 a.m.), Directors Ackerman, Dear (entered 8:38 a.m.), Dick, Fitzgerald, Griset, Mudd, Quiñonez, Record, Steiner, and Vasquez (entered 9:58 a.m.).

Members absent: Directors Ballin and Camacho.

Other Board members present: Directors Barbre, Blois, Brown, Evans, Grunfeld, Hogan, Kurtz, Lefevre, Lewinger, Morris, J. Murray, Peterson, and Touhey.

Staff present: Scully, Bennion, Beatty, Breaux, Burman, Campbell, Chaudhuri, Clairday, Downing, Green, Ivey, Johnson, Kightlinger, Kuo, W. Lieu, Man, Mares, Masouredis, Miyashiro, Nagai, Otake, Patterson, Riss, Skillman, Stewart, Stites, Teraoka, Upadhyay, Vanderhorst, 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 MARCH 11, 2014.**

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

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

### 3. CONSENT CALENDAR ITEMS – ACTION

None

Director Dear entered the meeting at 8:38 a.m.

Vice Chair Wunderlich entered the meeting at 8:43 a.m. and took the gavel for the remainder of the meeting.

### 4. OTHER BOARD ITEMS – ACTION

**8-3                      Report on *In Re Tronox Incorporated, et al.*, Chapter 11, United States Bankruptcy Court, Southern District of New York, Case No. 09-10156 (ALG); and authorize increase in maximum amount payable under contract with GeoPentech, Inc. for consulting services by \$100,000 to a maximum of \$200,000**

Presented by:        Senior Deputy General Counsel Jill Teraoka

Motion:                Adopt the CEQA determination that the proposed action is not subject to the provisions of CEQA and authorize amendment of the contract for consulting services with GeoPentech, Inc. for the *In Re Tronox Incorporated, et al.* matter to increase the maximum amount payable by \$100,000 to a maximum of \$200,000.

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

The motion passed by a vote of 10 ayes, 0 no, 0 abstain and 3 absent.

### 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 Scully reported on the Holy Hill Community Church litigation, proposed legislation to clarify the definition of "Waters of the United States," and two cases regarding water transfer rules.

- d. Subject: **Report on *Property Reserve, Inc. v. Superior Court of San Joaquin County*, Case Nos. 067758, 067765, 068469, 2014 Cal. App. LEXIS 237 (Cal. Ct. App. March 13, 2014)**

Presented by: Chief Deputy General Counsel Joseph Vanderhorst

Chief Deputy General Counsel Joseph Vanderhorst gave a report on this item. No action was taken.

- e. Subject: **Report on status of seismic assessment of Metropolitan's Headquarters Building at Union Station; discussion of legal strategies and options**

Presented by: Senior Deputy General Counsel Bryan Otake

In closed session, Senior Deputy General Counsel Bryan Otake gave a report on this item. No action was taken.

- f. Subject: **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

In closed session, Chief Deputy General Counsel Linus Masouredis gave a report on this item. No action was taken.

Director Vasquez entered the meeting at 9:58 a.m.

- g. 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.

In open session, the originally scheduled order on the agenda resumed.

- b. Subject: **Review of Administrative Code Section 6433 relating to Claims under Capital Construction Contracts**

This item was deferred due to time constraints. It will be heard in May.

- c. Subject: **General Counsel's Business Plan 2014/15**

This item was deferred due to time constraints. It will be heard in May.

## 7. FOLLOW-UP ITEMS

None

## 8. FUTURE AGENDA ITEMS

None

Next meeting will be held on May 13, 2014.

Meeting adjourned at 10:37 a.m.

Robert Wunderlich  
Vice Chair