

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**AMENDED MINUTES**

**ADJOURNED LEGAL AND CLAIMS COMMITTEE**

**November 18, 2014**

Chair Quiñonez called the meeting to order at 8:33 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez, Vice Chair Dick, Directors Atwater, Ballin, Dear, Hawkins, Murray (entered 8:42 a.m.), Steiner, Tu, and Wunderlich.

Members absent: Directors Camacho, Griset, and McKenney.

Other Board members present: Directors Ackerman, Barbre, Beard, Blois, Calkins, Dake, Evans, Gray, Hogan, Kurtz, Lefevre, Lewinger, Morris, Peterson, Record, and Touhey.

Staff present: Scully, Vanderhorst, Arakawa, Breaux, Burman, Cole, Downing, Ghaly, Green, Hutton, Jankovich, Kightlinger, Man, Mares, Miyashiro, Parsons, Patterson, Philp, Riss, Schlotterbeck, Sheehan, Stewart, Upadhyay, 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 OCTOBER 14, 2014.**

Motion: Carried  
Moved: Director Steiner                      Seconded: Director Dear  
Ayes: Chair Quiñonez, Vice Chair Dick, Directors Atwater, Ballin, Dear, Hawkins, Steiner, Tu, and Wunderlich  
Noes: None  
Abstentions: None  
Absent: Directors Camacho, Griset, McKenney, and Murray

The motion passed by a vote of 9 ayes, 0 no, 0 abstain, and 4 absent

### 3. CONSENT CALENDAR ITEMS – ACTION

None

### 4. BOARD INFORMATION ITEMS

None

Chair Quiñonez took the agenda items in the following order:

### 6. COMMITTEE ITEMS

a. Subject: General Counsel's report of monthly activities

Presented by: General Counsel Marcia Scully

General Counsel Scully reported a correction to the General Counsel's October Monthly Activity Report regarding the Environmental Protection Agency's (EPA) final determination to regulate strontium in drinking water, listed under the Cases to Watch section. The final regulation is not expected to be published in 2015; rather, the process will take several years.

Ms. Scully also reported on the Legal Department audit results, its continuing legal education efforts, as well as updates on the *Friant* litigation and the copper pitting cases.

Director Murray entered the meeting at 8:42 a.m.

### 5. OTHER BOARD ITEMS – ACTION

**8-8** Subject: Report on water diversions in the Bay-Delta and request authority to initiate an administrative claim or other appropriate action regarding illegal diversion of stored water

Presented by: Senior Deputy General Counsel Rebecca Sheehan and Senior Engineer Paul Hutton

Motion: Adopt a CEQA determination that the project is not subject to CEQA and authorize the General Counsel to commence proceedings before the SWRCB, or in a court of law, to prohibit unlawful diversions in the Delta.

In closed session, Senior Deputy General Counsel Rebecca Sheehan and Senior Engineer Paul Hutton gave a report on this item.

The motion passed by a vote of 9 ayes, 0 no, 1 abstain and 3 absent.

## 6. COMMITTEE ITEMS (continued)

- b. 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: General Counsel Marcia Scully

In closed session, General Counsel Marcia Scully gave a report on this item. No action was taken.

- 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: General Counsel Marcia Scully

Directors Hogan, Lewinger, Steiner, and ~~Mudd~~ Tu representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

In closed session, General Counsel Marcia Scully gave a report on this item. No action was taken.

## 7. FOLLOW-UP ITEMS

- a. Subject: Discussion of General Counsel's performance goals and objectives.

In closed session, Chair Quiñonez gave a report on this item. No action was taken.

## 8. FUTURE AGENDA ITEMS

None

Next meeting will be held on December 9, 2014.

Meeting adjourned at 10:01 a.m.

Jesùs Quiñonez  
Chair