

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**May 12, 2015**

Chair Quiñonez called the meeting to order at 8:35 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Camacho (entered 10:16 am), Dear, Dick, Murray (entered 8:38 am), Steiner, Tu, and Wunderlich.

Member absent: None.

Other Board members present: Directors Ackerman, Arceneaux, Ballin, Barbre, Beard, Blois, Calkins, Dake, Galleano, Hogan, Kurtz, Lewinger, Morris, Peterson, Ramos, Record, and Touhey.

Staff present: Scully, Beatty, Vanderhorst, Breaux, Chaudhuri, Donovan, Ghaly, Hasencamp, Hughes, Jankovich, Kightlinger, Kuo, Man, Mares, Miyashiro, Nagai, Patterson, Riss, Schlotterbeck, Sims, Stewart, Torres, Jr., Teraoka, 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 APRIL 14, 2015.**

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

The motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 2 absent.



## 6. COMMITTEE ITEMS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully introduced the committee to the newest member of the Legal Department, Karen Donovan. Ms. Scully informed the committee of a lawsuit filed by the Center for Environmental Science Accuracy and Reliability (CESAR) regarding the Delta salt intrusion barrier. She also gave a short update regarding the *Capistrano* case involving rates.

Director Camacho entered the meeting at 10:16 a.m.

## 5. OTHER BOARD ITEMS – ACTION (Continued)

**8-7** Subject: **Report on *Peter E. Von Haam v. Metropolitan Water District of Southern California, et al.*, Los Angeles Superior Court Case No. BC555560; and authorize an increase in the maximum amount payable under contract with Seyfarth Shaw LLP for legal services by \$200,000 to an amount not to exceed \$300,000**

Presented by: Chief Deputy General Counsel Henry Torres, Jr.

Motion: Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to the provisions of CEQA, and

Authorize the General Counsel to amend the agreement with Seyfarth Shaw LLP to increase by \$200,000 to the maximum amount payable under contract not to exceed \$300,000.

In closed session, Chief Deputy General Counsel Henry Torres, Jr. gave a report on this item. In open session, the committee voted on this item.

Moved: Director Atwater                      Seconded: Director Wunderlich

Ayes: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Camacho, Dear, Dick, Murray, Steiner, Tu, and Wunderlich

Noes: None

Abstentions: None

Absent: None

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

## 6. BOARD INFORMATION ITEMS

- b. Subject: 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 CPF-14-514004.

Presented by: Assistant General Counsel Heather Beatty

Directors Hogan, Lewinger, Steiner, and Tu, 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.

- c. Subject: **Home committee discussion of Department Head Performance and Expectations**

Presented by: Chair Jesùs Quiñonez

In closed session, the committee discussed the above item. No action was taken.

## 7. FOLLOW-UP ITEMS

Director Steiner asked for a report on recusal issues.

## 8. FUTURE AGENDA ITEMS

None

Next meeting will be held on June 9, 2015.

Meeting adjourned at 10:32 a.m.

Jesùs Quiñonez  
Chair