

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**January 12, 2016**

Chair Quiñonez called the meeting to order at 9:01 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

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

Members absent: None.

Other Board members present: Board Chairman Record, Directors Barbre, Beard, Blois, Dake, Faessel, Hogan, Kurtz, Lewinger, Morris, Paskett, Peterson, and Touhey.

Staff present: Scully, Beatty, Vanderhorst, Breaux, Ghaly, Green, Horton, Kightlinger, Man, Mares, Miyashiro, Patterson, Philp, Riss, Sims, H. Torres, Yenke, 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 DECEMBER 8, 2015**

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

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

### 3. CONSENT CALENDAR ITEMS – ACTION

None

Chair Quiñonez announced there would be a reordering of the meeting agenda. Item 6a would be heard first, then item 6b, which would not be held in closed session, followed by item 8-4.

### 6. COMMITTEE ITEMS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave an update on the Delta Stewardship Council litigation and a summary of the amicus briefs Metropolitan has participated in over the past few months. In response to an inquiry by Vice Chair McKenney, Ms. Scully confirmed that she will confer with the Committee Chair in connection with decisions to proceed as an amicus. Ms. Scully also stated she would be bringing to the committee a short version of an updated Legal Department primer. General Counsel then gave the committee a summary of the wide variety of legal issues the Legal Department handles throughout the year.

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: General Counsel Marcia Scully

There was no closed session on this item. During her report of monthly activities, General Counsel Marcia Scully referred the committee to her January 4, 2016 memorandum she had sent to the Board updating them on this matter. No action was taken.

### 4. OTHER BOARD ITEMS – ACTION

8-4 Subject: **Report on *Bradley Wayne Nutt v. Metropolitan Water District of Southern California*, LASC Case No. BC550863; and authorize an increase in the maximum amount payable under contract with Atkinson, Andelson, Loya, Ruud & Romo for legal services by \$200,000 to an amount not to exceed \$550,000**

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 Atkinson, Andelson, Loya, Ruud & Romo to increase by \$200,000 the maximum amount payable under the contract to a total of \$550,000.

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

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

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

#### **5. BOARD INFORMATION ITEMS**

None

#### **7. FOLLOW-UP ITEMS**

None

#### **8. FUTURE AGENDA ITEMS**

None

Next meeting will be held on February 9, 2016.

Meeting adjourned at 9:46 a.m.

Jesùs Quiñonez  
Chair