

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**ADJOURNED LEGAL AND CLAIMS COMMITTEE**

**August 16, 2016**

Chair Quiñonez called the meeting to order at 9:02 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez, Directors Atwater, Camacho (entered at 9:04 a.m.), Dear, Dick, Murray, Steiner, and Wunderlich.

Members absent: Vice Chair McKenney and Director Paskett.

Other Board members present: Board Chairman Record, Directors Ackerman, Beard, Blois, Dake, Hogan, Kurtz, Lefevre, Lewinger, Morris, Peterson, and Ramos.

Staff present: Scully, Beatty, Vanderhorst, Bradshaw, Breaux, Donhoff, Ghaly, Horton, Jankovic, Kear, Kightlinger, Kuo, Man, Mares, Miyashiro, Patterson, Philp, Schlang, Shope, Shraibati, Sims, Stites, Tonsick, D. West, 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 JULY 12, 2016**

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

The motion passed by a vote of 6 ayes, 0 no, 1 abstain, and 3 absent.

Chair Quiñonez announced there would be a reordering of the agenda to accommodate the closed session items.

Director Dick withdrew from the meeting at 9:03 a.m.

Director Camacho entered the meeting at 9:04 a.m.

### **3. CONSENT CALENDAR ITEMS – ACTION**

**7-6**      Subject:            Adopt CEQA determination and adopt Resolution and Administrative Code Amendment to Establish a Distribution Policy for tickets received by Metropolitan

Presented by:        Assistant General Manager Dee Zinke and Senior Deputy General Counsel Setha Schlang

Motion:                Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and adopt the Ticket Distribution Policy Resolution set forth in Attachment 1 to the board letter and adopt amendments to the Administrative Code set forth in Attachment 2 reflecting the recommendations in the board letter.

Assistant General Manager Dee Zinke gave an introduction to this item. Senior Deputy General Counsel Setha Schlang then gave an oral report. In open session the committee voted on this item.

Moved:                Director Murray            Seconded: Director Atwater

Ayes:                    Chair Quiñonez, Directors Atwater, Camacho, Dear, Murray, Steiner, and Wunderlich

Noes:                    None

Abstention:          None

Absent:                 Vice Chair McKenney, Directors Dick and Paskett

The motion passed by a vote of 7 ayes, 0 no, 0 abstain, and 3 absent.

### **4. OTHER BOARD ITEMS – ACTION**

None

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

None

## 7. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully reported to the committee on the State Legislature's audit of the California WaterFix and the status of Metropolitan's responses to Public Records Act requests regarding the WaterFix. She informed the committee of the submission of a letter from the Defenders of Wildlife, the Natural Resources Defense Council and the Bay Institute to the State Water Resources Control Board regarding effect of the State Water Project operations on Delta smelt. Finally, Ms. Scully reported on an unpublished Ninth Circuit Court of Appeals decision relating to the environmental review for contract extensions for the Central Valley Project.

Director Dick returned to the meeting at 9:17 a.m.

## 6. COMMITTEE ITEMS

- c. Subject: General Counsel's Business Plan for fiscal year 2016/17

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave a presentation on the Business Plan for fiscal year 2016/17. No action was taken.

- a. Subject: Report on existing litigation challenging the purchase of property from Delta Wetlands Properties in Contra Costa, San Joaquin, and Solano Counties, including *County of San Joaquin, et al. v. Metropolitan Water District of Southern California, et al.*, San Joaquin County Superior Court Case No. SK-CV-UWM-2016-3597 and the appeal of this action, Court of Appeal for the Third Appellate District Case No. C082154; *North Coast Rivers Alliance v. Metropolitan Water District of Southern California, et al.*, Contra Costa County Superior Court Case No. MSN16-0629; and *Central Delta Water Agency, et al. v. Delta Wetlands Properties, et al.*, Contra Costa County Superior Court Case No. MSC16-01022

Presented by: Senior Deputy General Counsel Catherine Stites

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

- 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-10-510380, CPF-12-512466 and CPF-14-514004; and appeal of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901 and A148266; and *San Diego County Water Authority v. Metropolitan Water District of Southern California*, Los Angeles County Superior Court Case No. BS161729

Presented by: General Counsel Marcia Scully

Directors Hogan, Lewinger, and Steiner, 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.

## 8. FOLLOW-UP ITEMS

None

## 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 13, 2016.

Meeting adjourned at 9:58 a.m.

Jesús Quiñonez  
Chair