

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

October 11, 2016

Vice Chair McKenney called the meeting to order at 9:05 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez (entered 9:07 a.m.), Vice Chair McKenney, Directors Atwater, Dear, Dick, Murray (entered 9:07 a.m.), Paskett (entered 9:23 a.m.), Steiner, and Wunderlich.

Members absent: Directors Camacho and Cordero.

Other Board members present: Board Chairman Record, Directors Ackerman, Beard, Blois, Dake, Lefevre, Lewinger, Morris, Peterson, Saxod, Touhey, and Vasquez.

Staff present: Scully, Beatty, Vanderhorst, Breaux, Donhoff, Downing, Ghaly, Green, Jankovic, Johnson, Kear, Kightlinger, Kuo Brinton, Man, Mares, Miyashiro, Patterson, Philp, Quilizapa, Riss, Shraibati, Sims, Stites, Upadhyay, J. Wallace, 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 SEPTEMBER 13, 2016

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

The motion passed by a vote of 6 ayes, 0 no, 0 abstain, and 5 absent.

3. CONSENT CALENDAR ITEMS – ACTION

None

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

Chair Quiñonez entered the meeting at 9:07 a.m.

Director Murray entered the meeting at 9:07 a.m.

6. MANAGEMENT REPORTS

- a. Subject: General Counsel’s report of monthly activities
- Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave the committee updates on the Navajo Nation litigation, the San Diego County Water Authority public records act litigation, the lawsuit filed against the Bureau of Reclamation by several Central Valley Water Agencies and the Clean Water Rule litigation.

Director Paskett entered the meeting at 9:23 a.m.

4. OTHER BOARD ITEMS – ACTION

- 8-4** Subject: Adopt the CEQA determination and appropriate \$2.5 million; and authorize: (1) agreements with the city of Monterey Park and private property owners for drainage and erosion control improvements offsite of Garvey Reservoir; and (2) construction of similar improvements onsite at Garvey Reservoir (Approp. 15480)
- Presented by: Senior Deputy General Counsel Catherine Stites and Engineering Services Group Unit Manager John Wallace
- Motion: Adopt the CEQA determination that the proposed action is categorically exempt, and

Appropriate \$2.5 million; authorize agreements with the city of Monterey Park and private property owners for permanent drainage and erosion control improvements offsite of Garvey Reservoir; and authorize construction of permanent drainage and erosion control improvements at Garvey Reservoir

In closed session, Senior Deputy General Counsel Catherine Stites and Engineering Services Group Unit Manager John Wallace reported on item 8-4.

In open session, the committee voted.

Moved: Director Dear Seconded: Director Atwater

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

Noes: None

Abstentions: None

Absent: Directors Camacho and Cordero

The motion passed by a vote of 9 ayes, 0 noes, 0 abstain, and 2 absent.

5. BOARD INFORMATION ITEMS

None

9. COMMITTEE ITEMS

- a. 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; the 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, Saxod 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.

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

Vice Chair McKenney inquired about any upcoming educational items. The General Counsel responded that there are a few in the works.

Next meeting will be held on November 8, 2016.

Meeting adjourned at 9:41 a.m.

Jesús Quiñonez
Chair