



REVISED AGENDA

L&C Committee

- J. Quiñonez, Chair
- L. McKenney, V. Chair
- R. Atwater
- M. Camacho
- G. Cordero
- D. Dear
- L. Dick
- J. Murray, Jr.
- L. Paskett
- F. Steiner
- R. Wunderlich

Legal and Claims Committee

Meeting with Board of Directors*

February 14, 2017

9:00 a.m. -- Room 2-145

Tuesday, February 14, 2017 Meeting Schedule		
9:00 a.m.	Rm. 2-145	L&C
10:00 a.m.	Rm. 2-456	RP&AM
11:00 a.m.	Rm. 2-145	OP&T
12:00 p.m.	Board Room	Board Meeting

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

* The Metropolitan Water District’s Legal and Claims Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Legal and Claims Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to the Legal and Claims Committee will not vote on matters before the Legal and Claims Committee.

- 1. Opportunity for members of the public to address the committee on matters within the committee’s jurisdiction (As required by Gov. Code Section 54954.3(a))**

- 2. Approval of the Minutes of the meeting of the Legal and Claims Committee held January 10, 2017**

- 3. MANAGEMENT REPORTS**
 - a. General Counsel’s report of monthly activities

- 4. CONSENT CALENDAR ITEMS — ACTION**
 - 7-3** Adopt CEQA determination and authorize increase in maximum amount payable under contract with Western Energy & Water for legal services by \$150,000 to an amount not to exceed \$250,000; and report on legal activities related to the future management and operation of Metropolitan’s CRA power and transmission resources. (L&C)

ADDED

Recommendation:

Option #1:

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

Authorize the General Counsel to amend the agreement with Western Energy & Water to increase by \$150,000 the maximum amount payable under the contract to a total of \$250,000 in order to assist Metropolitan with legal services.

5. OTHER BOARD ITEMS — ACTION

- 8-3** Adopt CEQA determination and receive report on *In re Holy Hill Community Church*, U.S. Bankruptcy Court Case No. 2:15-ap-01467-WB (Bankr. C.D. Cal. 2015); authorize increase in the maximum amount payable under contract with Lesnick, Prince & Pappas, LLP for special counsel services by \$200,000 to a maximum amount of \$300,000; and authorize settlement. (L&C)

[Conference with legal counsel – discussion concerning existing litigation; may be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1) and (d)(2)]

Recommendation:

Option #1:

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

Authorize amendment of the contract with Lesnick, Prince & Pappas, LLP for legal services by \$200,000 for a total amount not to exceed \$300,000.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. 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, CPF-12-512466, CPF-14-514004 and CPF-16-515282; and the appeal of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901 and A148266. (L&C)
[Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]
- b. L&C Committee Briefing: *Overview of the State Water Project*
- c. General Counsel Evaluation Progress Check
[Evaluation of the performance of the General Counsel may be heard in closed session pursuant to Gov. Code Section 54957]

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: At the discretion of the committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the committee.

This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.