

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

ADJOURNED LEGAL AND CLAIMS COMMITTEE

August 15, 2017

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

Members present: Chair Quiñonez, Directors Atwater, Camacho, Cordero, Dear, Dick, Murray, Steiner, and Wunderlich (entered 9:18 a.m.).

Members absent: Vice Chair McKenney, Directors Paskett, and Sinanyan.

Other Board members present: Board Chairman Record, Directors Ackerman, Barbre, Beard, Blois, Dake, Faessel, Gedney, Hogan, Lefevre, Peterson, Ramos, Saxod, and Treviño.

Staff present: Scully, Beatty, Kear, Atkins, M. Boucher, Breaux, Chaudhuri, J. Green, Hudson, Jankovic, Kightlinger, Kuo Brinton, Mares, Miyashiro, Nagai, Osorio, Patterson, Pitman, Quilizapa, Riss, Shraibati, Sims, Skillman, Stites, Teraoka, Upadhyay, 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 11, 2017

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

The motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 4 absent.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully updated the Committee on the California WaterFix litigation, the Biological Opinions lawsuits, the Delta Stewardship cases, and the dental clinic claims. She also reported on the Gold King Mine spill.

Director Steiner inquired when the statute of limitations would run in the Orange County dental clinic lawsuits. Senior Deputy General Counsel Jill Teraoka responded that because minors are involved, they have up to one year from the date of injury to file a claim and an additional six months after that to file a lawsuit. She noted that Metropolitan has not been served in the litigation.

4. CONSENT CALENDAR ITEMS – ACTION

7-5 Subject: Adopt CEQA determination and authorize increase of \$100,000 to an amount not to exceed \$300,000 for contract with GeoPentech, Inc. for consulting services; and report on Nevada Environmental Response Trust Site (former Tronox Site) in Henderson, Nevada.

Presented by: None

Motion: Adopt the CEQA determination that the proposed action is not subject to the provisions of CEQA, and
Authorize amendment of the contract for consulting services with GeoPentech, Inc. for the *In Re Tronox Incorporated, et al.* matter to increase the maximum amount payable by \$100,000 to a maximum amount of \$300,000.

Moved: Director Dick Seconded: Director Camacho

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

Noes: None

Abstentions: None

Absent: Vice Chair McKenney, Directors Paskett, Sinanyan, and Wunderlich

Chair Quiñonez declared the motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 4 absent.

Director Wunderlich entered the meeting at 9:18 a.m.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject: Report on appellate opinions in *Orange County Water District v. Alcoa Global Fasteners, Inc., et al.*, Case No. D070771, and *Orange County Water District v. MAG Aerospace Industries, Inc.*, Case No. D070562, filed in the Court of Appeal, Fourth Appellate District, Division One.

Presented by: Senior Deputy General Counsel Catherine Stites

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

Director Camacho withdrew from the meeting at 10:01 a.m.

- 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, 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; and Los Angeles County Superior Court Case No. BS169881.

Presented by: Assistant General Counsel Heather Beatty

Directors Hogan, Saxod, and Steiner, 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.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 12, 2017.

Meeting adjourned at 10:13 a.m.

Jesus Quiñonez
Chair