



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
- Z. Sinanyan
- F. Steiner

Legal and Claims Committee

Meeting with Board of Directors*

November 14, 2017

8:30 a.m. -- Room 2-145

November 14, 2017 Meeting Schedule		
8:30 a.m.	Rm. 2-145	L&C
9:30 a.m.	Rm. 2-456	C&LR
11:00 a.m.	Rm. 2-145	RP&AM
12:00 p.m.	Boardroom	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 meetings of the Legal and Claims Committee held October 10, 2017**

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

- 4. CONSENT CALENDAR ITEMS — ACTION**

None

5. OTHER BOARD ITEMS — ACTION

- 8-4** Adopt CEQA determination and report on existing litigation: Shimmick Construction Company, Inc./Obayashi Corporation, a Joint Venture v. The Metropolitan Water District of Southern California, LASC Case No. BC559603; and authorize increase of maximum amount payable under contract with Hunt Ortmann Palffy Darling & Mah, Inc. for legal services by \$1.1 million to an amount not to exceed \$2.1 million (Approp. 15389). (L&C)

[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Added

Recommendation:

Option #1:

Adopt CEQA determination that the proposed action is not defined as a project; and

Authorize amendment of the contract for legal services with Hunt Ortmann Palffy Darling & Mah, Inc. for legal services by \$1,100,000 for an amount not to exceed \$2,100,000.

- 8-5** Adopt CEQA determination and report on existing litigation challenging the purchase of property from Delta Wetlands Properties in Contra Costa and San Joaquin Counties, including County of San Joaquin v. Metropolitan Water District of Southern California, et al., San Joaquin County Superior Court Case No. STK-CV-UWM-2016-3597; and Central Delta Water Agency, et al. v. Delta Wetlands Properties, et al., Contra Costa County Superior Court Case No. C16-01022; and authorize an increase in the maximum amount payable under contract with Best, Best & Krieger LLP for legal services by \$400,000 to a maximum amount payable of \$800,000. (L&C)

[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Added

Recommendation:

Option #1:

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

Authorize an increase in the maximum amount payable under contract with Best, Best & Krieger LLP for legal services by \$400,000 to a maximum amount payable of \$800,000.

Revised **8-6** Adopt CEQA determination and report on existing litigation: 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; the appeal of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901 and A148266 and California Supreme Court Case No. S243500; and Los Angeles County Superior Court Case No. BS169881; and authorize an increase in maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP in the amount of \$2,500,000 for a total amount not to exceed \$2,900,000. (L&C)

[Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

Added **Recommendation:**

Option #1:

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

Authorize an increase in the maximum amount payable under the contract for legal services with Manatt, Phelps & Phillips, LLP in the SDCWA v. Metropolitan, et al. litigation in the amount of \$2,500,000 for a total amount not to exceed \$2,900,000.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Discussion of Department Head Performance and Goal Setting
[Public employees' performance evaluations - General Counsel; to be heard in closed session pursuant to Gov. Code Section 54957(b)]

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.