

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

October 10, 2017

Chair Quiñonez called the meeting to order at 9:01 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez, Vice Chair McKenney, Directors Atwater (entered 9:08), Camacho (entered 9:21), Cordero, Dear, Murray, Sinanyan (entered 9:15), and Steiner.

Members absent: Directors Dick, Paskett, and Wunderlich.

Other Board members present: Board Chairman Record, Directors Ackerman, Beard, Dake, De Jesus, Faessel, Hogan, Kurtz, Lefevre, Lewinger, Morris, Peterson, and Saxod.

Staff present: Scully, Beatty, I. Aldrete, Breaux, Craig, Donhoff, Donovan, Horton, Hudson, Jankovic, Kightlinger, Kuo Brinton, Mares, Miyashiro, Patterson, Schlang, Shraibati, Sims, Skillman, H. Torres, Upadhyay, Von Haam, and Zinke.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

No members responded.

Director Atwater entered the meeting at 9:08 a.m.

2. APPROVAL OF THE MINUTES OF THE LEGAL AND CLAIMS COMMITTEE MEETING HELD SEPTEMBER 12, 2017

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

The motion passed by a vote of 7 ayes, 0 no, 0 abstain, and 5 absent.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully introduced the Legal Department's newest paralegal, Michele Craig.

Ms. Scully reported that the Legal Department is working with the Real Property Department regarding the lease termination of tenant Desert Millings and Mr. Benson for failure to make rental payments.

She also gave an update on the current WaterFix litigation, the BiOp cases and the Waters of the United States litigation.

4. CONSENT CALENDAR ITEMS – ACTION

7-5 Subject Adopt CEQA determination and approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices and regulations.

Presented by: No presentation was given.

Motion: Adopt the CEQA determination that the proposed action is not defined as a project under CEQA, and
Approve amendments to the Administrative Code set forth in Attachment 2 to reflect the changes recommended by the letter.

Moved: Director Murray Seconded: Director Atwater

Ayes: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Cordero, Dear, Murray, and Steiner

Noes: None

Abstentions: None

Absent: Directors Camacho, Dick, Paskett, and Sinanyan, and Wunderlich

Chair Quiñonez declared the motion passed by a vote of 7 ayes, 0 noes, 0 abstain, and 5 absent.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject: Report on *Palo Verde Irrigation District v. Metropolitan Water District*, Riverside County Superior Court, Case No. RIC1714672

Presented by: Senior Deputy General Counsel Karen Donovan

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

Director Sinayan entered the meeting at 9:15 a.m.

Director Camacho entered the meeting at 9:21 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; 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

Presented by: Assistant General Counsel Heather Beatty

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, Assistant General Counsel Heather Beatty gave a report on this item. No action was taken.

- c. Subject: Discussion of Department Head Performance and Goal Setting

This item was deferred.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on November 14, 2017.

Meeting adjourned at 9:51 a.m.

Jesus Quiñonez
Chair