

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

February 13, 2018

Chair Quiñonez called the meeting to order at 9:03 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Camacho, Cordero, Dick, Murray, and Steiner.

Members absent: Directors Dear, Paskett, and Sinanyan.

Other Board members present: Board Chairman Record, Directors Ackerman, Beard, Blois, Dake, Faessel, Gedney, Hogan, Kurtz, Lefevre, Lewinger, Morris, Peterson, Pressman, and Ramos.

Staff present: Scully, Beatty, M. Boucher, Breaux, R. Castro, Horton, Hudson, Jankovic, G. Johnson, Kightlinger, Kuo Brinton, Mares, Miyashiro, Patterson, Quilizapa, Riss, Sims, 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 JANUARY 9, 2018

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

The motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 3 absent.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully informed the committee that the Legal Department received communication and presentation training from an outside firm. Staff from Human Resources, External Affairs, and Real Property also attended.

Ms. Scully also informed the committee that with heightened security concerns, in cooperation with Operations and the Information Technology groups, the General Counsel is coordinating a critical facilities tour with local law enforcement agencies, the U.S. Attorney's Office, and attorneys from Southern California Edison's Cybersecurity, Compliance & Intellectual Property Department.

Director Lewinger requested an update on the Oroville Dam lawsuits; General Counsel responded that it will be brought to the committee in March.

Director Peterson requested an update on the Shimmick litigation. Ms. Scully gave a short update on the recent settlement of the matter.

Director Gedney withdrew from the meeting at 9:18 a.m.

4. CONSENT CALENDAR ITEMS – ACTION

7-8 Subject Adopt CEQA determination, report on the Omega Chemical Corporation Superfund Site, and request authority to enter into a settlement agreement in *United States of America v. Abex Aerospace, et al.*, Case No. 2:16-cv-02696

Presented by: Deputy General Counsel Betty Kuo Brinton

In open session, Deputy General Counsel Betty Kuo Brinton gave a presentation on the history and background of this item.

In closed session, Ms. Kuo Brinton continued the presentation regarding the details of the settlement offer. A vote was conducted in closed session, and the final approval of the agreement rests with the other parties in the litigation.

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

The motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 3 absent.

Director Gedney returned to the meeting at 9:31 a.m.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. 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-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391 and CGC-17-563350; and 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

Presented by: General Counsel Marcia Scully and Assistant General Counsel Heather Beatty

Directors Hogan, Lewinger, and Steiner, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

In closed session, General Counsel and Assistant General Counsel gave presentations on this item. No action was taken.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on March 13, 2018.

Meeting adjourned at 10:15 a.m.

Jesús Quiñonez
Chair