



**L&C Committee**

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

**REVISED AGENDA**

**Legal and Claims Committee**

Meeting with Board of Directors\*

**May 8, 2018**

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

May 8, 2018 Meeting Schedule		
9:00 a.m.	Rm. 2-145	L&C
10:00 a.m.	Rm. 2-456	C&LR
11:00 a.m.	Rm. 2-145	OP&T
12:00 p.m.	Boardroom	Board Meeting

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

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\* 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 Legal and Claims Committee meeting held April 10, 2018**
  
- 3. MANAGEMENT REPORT**
  - a. General Counsel’s report of monthly activities
  
- 4. CONSENT CALENDAR ITEMS — ACTION**

None

## 5. OTHER BOARD ITEMS — ACTION

- Revised**            **8-9**        Adopt CEQA determination and authorize contracts for bond counsel services with Hawkins Delafield & Wood LLP, Nixon Peabody LLP and Stradling Yocca Carlson & Rauth, P.C. and co-bond counsel services with Law Offices of Alexis S.M. Chiu and Curls Bartling P.C. for the period ending June 30, 2021 with costs paid from bond proceeds or from Metropolitan funds
- Added**            **Recommendation:**
- Option #1:**
- Adopt the CEQA determination that the proposed action is not defined as a project under CEQA and is not subject to CEQA, and**
- a. **Authorize the General Counsel to retain the firms listed in this board letter as bond counsel and co-bond counsel through June 30, 2021; and**
- b. **Determine that bond counsel and co-bond counsel fees may be approved by the General Counsel in amounts sufficient to procure bond counsel and co-bond counsel services for bond issues and for legal advice, as described in this board letter.**
- Revised**            **8-11**        Report on existing litigation, adopt CEQA determination and authorize increase in maximum amount payable by Metropolitan under contract with Best Best & Krieger LLP by \$400,000 for a maximum payable amount of \$500,000 for legal services related to California WaterFix environmental litigation: CDWR Environmental Impact Cases, Sacramento County Superior Ct. Case No. JCCP 4942 (20 coordinated cases)  
[Conference with legal counsel—existing litigation and potential litigation (unknown number); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1), (d)(2), and (d)(4)]
- Added**            **Recommendation:**
- Option #1:**
- Adopt 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 existing agreement with Best Best & Krieger LLP to increase the maximum amount payable by Metropolitan by \$400,000 to an amount not to exceed \$500,000.**

**Revised**            **8-12**    Report on existing and anticipated litigation, adopt CEQA determination and authorize increase in maximum amount payable by Metropolitan under contract with Hunton Andrews Kurth LLP (formerly Hunton & Williams LLP) by \$350,000 to an amount not to exceed \$450,000 for legal services related to California WaterFix litigation: Bay.org, et al. v. Zinke, et al., Case No. 17-cv-01176 (E.D. Cal., filed June 29, 2017); Golden Gate Salmon Assn. v. Ross, et al., Case No. 17-cv-01172 (E.D. Cal., filed June 29, 2017); CDWR Environmental Impact Cases, Sacramento County Superior Ct. Case No. JCCP 4942 (20 coordinated cases, including CDWR v. All Persons Interested, validation action)  
**[Conference with legal counsel—existing litigation and potential litigation (unknown number); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1), (d)(2), and (d)(4)]**

**Added**            **Recommendation:**  
**Option #1:**  
**Adopt 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 existing agreement with Hunton Andrews Kurth LLP to increase the maximum amount payable by Metropolitan by \$350,000 to an amount not to exceed 450,000.**

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

**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.