

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

May 8, 2018

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

Members present: Directors Atwater, Cordero, Dick, Murray, and Steiner.

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

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

Staff present: Scully, Beatty, Kear, Kightlinger, Miyashiro, and Upadhyay.

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 APRIL 10, 2018

Chairman Record deferred Item 2 to the June 2018 Legal and Claims meeting due to lack of quorum.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully reminded the Directors to respond to two Public Records Act requests.

4. CONSENT CALENDAR ITEMS – ACTION

None

5. OTHER BOARD ITEMS – ACTION

- 8-9** Subject 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

Presented by: Senior Deputy General Counsel Carissa Hirsch

Senior Deputy General Counsel Carissa Hirsch gave a presentation on item 8-9.

Due to having less than a quorum, no formal action was taken at committee. There were no objections from the committee members present.

- 8-11** Subject 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)

Presented by: Chief Deputy General Counsel Robert Horton

In closed session, Chief Deputy General Counsel Robert Horton gave a presentation on item 8-11.

Due to having less than a quorum, no formal action was taken at committee. There were no objections from the committee members present.

- 8-12** Subject 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)

Presented by: Chief Deputy General Counsel Robert Horton

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, Chief Deputy General Counsel Robert Horton gave a presentation on item 8-12.

Due to having less than a quorum, no formal action was taken at committee. There were no objections from the committee members present.

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

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on June 12, 2018.

Meeting adjourned at 9:55 a.m.

Randy Record
Chairman of the Board