



Metropolitan Cases

Brian May v. Metropolitan, et al. (Los Angeles County Superior Court)

As previously reported, Metropolitan employee Brian May filed a complaint for damages and other relief on April 13, 2017, in Los Angeles County Superior Court against Metropolitan. The complaint alleges five causes of action in violation of the Fair Employment and Housing Act: (1) disability discrimination; (2) retaliation; (3) failure to prevent unlawful discrimination; (4) failure to accommodate disability; and, (5) failure to engage in the interactive process. Metropolitan filed its answer denying the allegations on July 21, 2017. Based on plaintiff's current unavailability for deposition, the trial date has been continued as a result of Metropolitan's ex parte motion. The new trial date is February 11, 2019. Atkinson Anderson Loya Ruud & Romo and the Legal Department are representing Metropolitan. (Confidential March 2018 Board Letter 8-3, April 2018 GC Monthly Report.)

Brown Act violations in connection with Metropolitan's consideration and approval of increased funding for California WaterFix on April 10, 2018. The first is an alleged flaw in the agenda, the second is an allegation that Metropolitan directors participated in improper serial meetings.

Metropolitan was required to respond to the Notice within 30 days and provided its response on June 6.

The response sets forth Metropolitan's view that the agenda was compliant with the requirements of the Brown Act, acknowledges that there were some communications among directors outside of the meeting that were generally consistent with prior votes, public statements, and actions by directors' appointing agencies.

The response also stated that Metropolitan will consider the question of its increased funding anew at the July 10 Board meeting and that members of Metropolitan's Board will be advised to refrain from any discussion of the matter prior to the public meeting that could potentially be viewed as violating the Brown Act.

The Notice and Metropolitan's response are posted on Metropolitan's California WaterFix website. <http://www.mwdh2o.com/DocSvesPubs/WaterFix/>

Other Matters

Notice of Brown Act Violation

On May 7, 2018, Metropolitan received a Notice of Brown Act Violation from Food & Water Watch and the First Amendment Coalition (FAC) asserting two

Matters Received by the Legal Department

<u>Category</u>	<u>Received</u>	<u>Description</u>	
Government Code Claims	4	Claims for auto accidents involving MWD vehicles	
Subpoena	1	Subpoena for a matter before the Workers' Compensation Appeals Board	
Requests Pursuant to the Public Records Act	21	<u>Requestor</u>	<u>Documents Requested</u>
		Brymus Capital Inc.	Location of property line for parcel in Lomita
		Center for Contract Compliance	Ron Ubrun Farms contract documents for Irrigation Repairs and Incidental Response at Weymouth



<u>Category</u>	<u>Received</u>	<u>Description</u>
	<u>Requestor</u>	<u>Documents Requested</u>
	CJIS Group	Information on vendor awarded Cisco Nexus N7K Network Switch
	Cordoba Corporation	Substructure maps within project area in Gardena
	CPS HR Consulting	Job descriptions for Administrative Assistant job classification
	Food & Water Watch and First Amendment Coalition	Records relating to the Board's decision on April 10, 2018 to implement the California WaterFix
	HB Staffing	Current pay and bill rates for temporary staffing agency services
	IPC (USA), Inc.	Contract documents and invoices for bulk fuel
	Monte Vista Water District	MWD historical water rates from 1973-2002
	PENCO Engineering	Utilities map for project on Valley Boulevard in Fontana
	Praxair, Inc.	Bid packages for Bulk Liquid Oxygen (LOX) and LOX Maintenance Services
	Private Citizens (4 requests)	(1) List of properties that have missing water meters, (2) information on standby charges for parcel in Los Angeles county, (3) EIR for portion of Second Feeder Project, and (4) location of San Jacinto Tunnel
	Restore the Delta	Documents relating to Federal legislation for funding pertaining to the California WaterFix
	Santa Clara Valley Water District	Education programs for MWD executive staff
	TankVisions, Inc.	Bid for Underground and Above Ground Fuel Storage Tank Testing and Maintenance
	USModular	MWD payment records for payments to the prime general contractor for building MWD employee housing at Iron and Gene pumping stations



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		<table border="1"> <thead> <tr> <th><u>Requestor</u></th> <th><u>Documents Requested</u></th> </tr> </thead> <tbody> <tr> <td>Voice of San Diego</td> <td>Correspondence regarding an incident involving a Metropolitan employee</td> </tr> <tr> <td>zlien</td> <td>CSI Electrical Contractors bond information for Colorado River Aqueduct Pumping Plant UPS Replacement Project</td> </tr> </tbody> </table>	<u>Requestor</u>	<u>Documents Requested</u>	Voice of San Diego	Correspondence regarding an incident involving a Metropolitan employee	zlien	CSI Electrical Contractors bond information for Colorado River Aqueduct Pumping Plant UPS Replacement Project
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Other Matters	2	(1) Letter from Food & Water Watch and First Amendment Coalition to MWD including a Notice asserting a Brown Act Violation relating to the Board's decision on April 10, 2018 to implement the California WaterFix; and (2) County of Los Angeles Treasurer and Tax Collector Letter regarding 2018B Online Auction for parcels that might be suitable for a public purpose						



CDWR Environmental Impact Cases
JCCP 4942

California WaterFix Litigation	
Subject	Status
<p>Validation <i>DWR v. All Persons Interested</i> Sacramento County Superior Ct.</p>	<ul style="list-style-type: none"> Case management hearing on scope and sequencing of Validation in the coordinated cases held May 24, 2018 Order on sequencing anticipated soon Administrative record certified
<p>CEQA Sacramento County Superior Ct. 17 cases originally filed in four counties</p>	<ul style="list-style-type: none"> Metropolitan and State Water Contractors preparing motion to intervene in CEQA and CESA cases Draft index of administrative record anticipated by middle of June
<p>CESA/Incidental Take Permit <i>Bay.org v. DFW</i> <i>North Delta Water Agency v. DFW</i> Sacramento County Superior Ct.</p>	<ul style="list-style-type: none"> Answers/Motions to Dismiss due 30 days after administrative record is lodged Administrative record anticipated in late 2018/early 2019
<p>ESA/BiOps <i>Golden Gate Salmon Ass'n v. Ross (NMFS)</i> <i>Bay.org v. Zinke (USFWS)</i> Eastern District of California (O'Neill)</p>	<ul style="list-style-type: none"> <i>GGSA v. Ross (NMFS)</i> – NMFS lodged the administrative record. Plaintiffs' motion for summary judgment (MSJ) due July 27, 2018; Defendants' opposition/cross-motion for MSJ due August 29, 2018; replies due September 19, 2018 and October 10, 2018 <i>Bay.org v. Zinke (FWS)</i> – FWS administrative record due June 20, 2018. Plaintiffs' MSJ due October 10, 2018; Defendants' opposition/cross-motion for MSJ due November 9, 2018; replies due November 30, 2018 and December 21, 2018
<p>Breach of Contract <i>City of Antioch v. DWR</i> Sacramento County Superior Ct.</p>	<ul style="list-style-type: none"> DWR's motion to dismiss First Amended Complaint overruled DWR's answer filed April 20, 2018
<p>Delta Plan Amendments and Program EIR Sacramento County Superior Ct.</p> <p><i>North Coast Rivers Alliance, et al. v. Delta Stewardship Council</i></p> <p><i>Central Delta Water Agency, et al. v. Delta Stewardship Council</i></p> <p><i>Friends of the River, et al. v. Delta Stewardship Council</i></p> <p><i>California Water Impact Network, et al. v. Delta Stewardship Council</i></p>	<ul style="list-style-type: none"> Four petitions/complaints filed the week of May 21, 2018 alleging the Delta Stewardship Council violated CEQA, the Delta Reform Act, as well as certain water right and public trust doctrines by adopting amendments that allegedly "pave the way" for California WaterFix while allegedly failing to analyze alternatives to or mitigation for California WaterFix and placing limits on SWP/CVP diversions from the Delta