

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

ADJOURNED LEGAL AND CLAIMS COMMITTEE

August 21, 2018

Chair Quiñonez called the meeting to order at 9:02 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

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

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

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

Staff present: Scully, Beatty, 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 JULY 10, 2018.

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

The motion passed by a vote of 7 ayes, 0 no, 0 abstain, and 4 absent.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully explained why the Ethics Office agenda item was taken off the agenda. She addressed several items related to the Brown Act including: 1) the deadline to challenge the July Board action is October 8; 2) September Brown Act training; and 3) an inquiry the Ethics Office is reviewing.

Ms. Scully also reported on the Monsanto litigation involving the herbicide Roundup and provided the committee with an update on the Waters of the United States or WOTUS rule and related litigation.

The following Directors provided comments or asked questions:

1. Steiner
2. Murray

4. CONSENT CALENDAR ITEMS – ACTION

7-4 Subject: Adopt CEQA determination and authorize increase of \$100,000, to a maximum amount payable of \$200,000, for existing General Counsel contract with Olson Hagel Fishburn LLP to provide general government law advice related to the Political Reform Act (PRA), the Fair Political Practices Commission (FPPC) regulations, conflict of interest law, and other legislative and ethics matters

Presented by: General Counsel Marcia Scully

Motion: Adopt the CEQA determination that the proposed action is not defined as a project under CEQA and is not subject to CEQA, and
Authorize the General Counsel to increase the amount payable under its agreement with Olson Hagel & Fishburn LLP by \$100,000 to a maximum amount payable of \$200,000.

Moved: Director Steiner Seconded: Director Atwater

Ayes: Chair Quiñonez, Directors Atwater, Cordero, Dick, Hawkins, Murray, and Steiner

Noes: None

Abstentions: None

8-8 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; 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; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325; and Los Angeles County Superior Court Case No. BS173868; and adopt CEQA determination and authorize increase in maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the amount of \$150,000 for a total amount not to exceed \$450,000.

Presented by: Assistant General Counsel Heather Beatty

Motion: Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and
 Authorize an increase in the maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the *SDCWA v. Metropolitan, et al.* rate litigation in the amount of \$150,000 for a total amount not to exceed \$450,000.

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

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

The motion passed by a vote of 6 ayes, 0 noes, 0 abstain, and 5 absent.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

None

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 11, 2018.

Meeting adjourned at 9:57 a.m.

Jesús Quiñonez
Chair