

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave an update on the Environmental Protection Agency's new definition of Waters of the United States.

General Manager Jeff Kightlinger described the impact on Metropolitan of the definition.

General Counsel also informed the committee on the upcoming retirements, departures and promotions within the Legal Department.

4. CONSENT CALENDAR ITEMS – ACTION

7-3 Subject: Approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices and regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: General Counsel Marcia Scully

General Counsel introduced the item. She noted that Metropolitan received a letter from San Diego County Water Authority. The letter was received on December 10, 2018 at 4:43 p.m. No presentation was given.

Motion: Approve amendments to the Administrative Code set forth in Attachment 2 to Board Letter Item 7-3 to reflect all changes recommended by the letter.

Moved: Director Atwater Seconded: Director Dick

Ayes: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Cordero, Dick, and Hawkins

Noes: Directors Smith and Steiner

Abstentions: None

Absent: Directors Camacho, Murray, Paskett, and Sinanyan

The motion passed by a vote of 6 ayes, and 2 noes, 0 abstain, and 4 absent.

5. OTHER BOARD ITEMS – ACTION

8-12 Subject: Authorize increase of \$100,000, to an amount not-to-exceed \$200,000, for existing General Counsel contract with Olson Hagel & Fishburn LLP to make recommendations to modify the Ethics Office policies, procedures, guidelines and applicable provisions of Metropolitan's Administrative Code; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by: No presentation was given.

Motion: 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 not-to-exceed \$200,000

Moved: Director Steiner Seconded: Director Atwater

Ayes: Chair Quiñonez, Vice Chair McKenney, Directors Atwater, Cordero, Dick, Hawkins, Smith, and Steiner

Noes: Directors

Abstentions: None

Absent: Directors Camacho, Murray, Paskett, and Sinanyan

The motion passed by a vote of 8 ayes, and 0 noes, 0 abstain, and 4 absent.

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

a. Subject: Review Settlement Proposal received from SDCWA and 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, CGC-17-563350, and CPF-18-516389; 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 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; and the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025.

Presented by: General Counsel Marcia Scully

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

In closed session, General Counsel Marcia Scully 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 January 8, 2019.

Meeting adjourned at 10:15 a.m.

Jesús Quiñonez
Chair