

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MINUTES

LEGAL AND CLAIMS COMMITTEE

February 12, 2019

Chair McKenney called the meeting to order at 9:00 a.m. in Committee Room 2-145 at Metropolitan’s Headquarters.

Members present: Chair McKenney, Vice Chair Quiñonez (entered 9:03 a.m.), Directors Atwater, Dick, Murray, Paskett (entered 9:41 a.m.), Record, Smith, and Steiner.

Members absent: None

Other Board members present: Board Chairwoman Gray, Directors Ackerman, Blois, Butkiewicz, Cordero, Dake, Emrani, Faessel, Hall, Hawkins, Hogan, Kurtz, Lefevre, Peterson, Pressman, Ramos, and Treviño.

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 JANUARY 8, 2019.

Motion:	Carried	
Moved:	Director Steiner	Seconded: Director Murray
Ayes:	Chair McKenney, Directors Atwater, Dick, Murray, Record, Smith, and Steiner	
Noes:	None	
Abstentions:	None	
Absent:	Vice Chair Quiñonez and Director Paskett	

The motion passed by a vote of 7 ayes, 0 no, 0 abstain, and 2 absent.

3. MANAGEMENT REPORTS

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

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully referred the committee to her written report.

4. CONSENT CALENDAR ITEMS – ACTION

None

5. OTHER BOARD ITEMS – ACTION

8-7 Subject: Authorize partial settlement in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466; 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; and the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA.

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

Presented by: Assistant General Counsel Heather Beatty

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, Assistant General Counsel Heather Beatty gave a report on this item. The vote was taken in closed session.

Motion: Authorize tendering payment for the trial court's contract damages award for Water Stewardship Rate payments under the Exchange Agreement in 2011-2014, plus statutory interest through February 15, 2019.

Moved: Director Atwater Seconded: Director Murray
Ayes: Chair McKenney, Vice Chair Quiñonez, Directors Atwater, Dick,
Murray, and Record
Noes: None
Abstentions: None
Absent: Director Paskett, Smith, and Steiner

The motion passed by a vote of 6 ayes, and 0 noes, 0 abstain, and 3 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.

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

Presented by: General Counsel Marcia Scully and General Manager Jeff Kightlinger

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 and General Manager Jeff Kightlinger 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 March 12, 2019.

Meeting adjourned at 10:53 a.m.

Larry McKenney
Chair