

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**September 10, 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, Directors Atwater, Dick (entered 9:15 a.m.), Goldberg, Hall, Murray (entered 9:07 a.m.), Paskett (entered 9:53 a.m.), Record, and Smith.

Members absent: None.

Other Directors present: Directors Ackerman, Blois, Butkiewicz, Dake, Faessel, Hogan, Kurtz, Lefevre, Peterson, Pressman, Ramos, and Treviño.

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

**1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION**

None

**2. APPROVAL OF THE MINUTES OF THE ADJOURNED LEGAL AND CLAIMS COMMITTEE MEETING HELD AUGUST 20, 2019**

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

The motion passed by a vote of 8 ayes, 0 no, 0 abstain, and 2 absent.

**3. MANAGEMENT REPORT**

a.	Subject:	General Counsel's report of monthly activities
	Presented by:	General Counsel Marcia Scully

General Counsel Marcia Scully provided updates on the EPA's proposed maximum contaminant levels for perchlorate; pending legislation concerning PFAS chemicals; a recent settlement of attorneys' fees relating to a social media lawsuit; and the settlement of the Clean Water Act lawsuit, *Hawaii Wildlife v. County of Maui*.

Director Murray entered the meeting at 9:07 a.m.

#### **4. CONSENT CALENDAR ITEMS – ACTION**

None

#### **5. OTHER BOARD ITEMS – ACTION**

None

#### **6. BOARD INFORMATION ITEMS**

None

Director Dick entered the meeting at 9:15 a.m.

#### **7. COMMITTEE ITEMS**

a. Subject: General Counsel's Business Plan for Fiscal Year 2019/20

Presenter: General Counsel Marcia Scully

General Counsel Marcia Scully gave a report on this item. No action was taken.

The following Directors provided comments or asked questions:

1. Smith
2. Paskett
3. Dake
4. Quiñonez
5. McKenney

b. Subject: Discussion of Department Head Performance and Goal Setting [Public employees' performance evaluations – General Counsel; to be heard in closed session pursuant to Gov. Code Section 54957]

Presenter: Human Resources Group Manager Diane Pitman

Human Resources Group Manager Diane Pitman introduced this item. No action was taken.

Director Paskett left the meeting at 9:53 a.m.

- c.           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

Directors Butkiewicz, Goldberg, Hogan, and Smith, 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 report on this item. No action was taken.

## 8. FOLLOW-UP ITEMS

None

## 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on October 8, 2019.

Meeting adjourned at 10:02 a.m.

Larry McKenney  
Chair