



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Counsel

Via E-mail and U.S. Mail

March 30, 2020

Mark J. Hattam, General Counsel
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

**Re: April 14, 2020 Board and Legal and Claims Committee Meeting Agendas
Item 8-4**

Dear Mr. Hattam,

At the Tuesday, April 14, 2020 meetings of Metropolitan's Legal and Claims Committee and Board of Directors, Metropolitan will consider and take action on Item 8-4:

“Report on existing litigation Food and Water Watch and Center for Food Safety v. Metropolitan Water District of Southern California, et al., Los Angeles Superior Court Case No. BC720692; Court of Appeal for the Second District Case No. B297553; and authorize increase of maximum amount payable under contract with Hanson Bridgett LLP for legal services by \$100,000 to an amount not to exceed \$200,000.”

A confidential board letter will be prepared for this item and there may be discussion of the matter in closed session. Based on SDCWA's statements in pleadings filed in the Food and Water Watch (F&WW) case that: “[Article XIII C] is a matter of ongoing controversy between MWD and the Water Authority,” and “The Water Authority has been challenging MWD's rates under Proposition 26 (among other grounds) for the past seven and a half years . . . ,” Metropolitan has determined that Metropolitan and SDCWA are not aligned in the F&WW litigation. Therefore, SDCWA directors cannot receive the confidential board letter for Item 8-4, nor be included in any closed session discussion or vote on the item.

We provide this letter now to ensure SDCWA directors are informed of this in advance of the meetings and to simplify the process at the meetings.

Mark J. Hattam, General Counsel

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Should you have any questions, please feel free to contact me at (213) 217-6115.

Very truly yours,

A handwritten signature in blue ink that reads "mscully". The signature is written in a cursive, flowing style.

Marcia Scully
General Counsel

cc: Larry McKenney
Jesús E. Quiñonez
Jerry Butkiewicz
S. Gail Goldberg
Michael T. Hogan
Tim M. Smith