

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

ADJOURNED LEGAL AND CLAIMS COMMITTEE

August 18, 2020

Chair McKenney called the teleconference meeting to order at 9:34 a.m.

Members present: Chair McKenney, Vice Chair Quiñonez, Directors Atwater, Camacho, Dick, Murray, and Record.

Members absent: Goldberg, Kassakhian, and Smith.

Other Directors present: Board Chairwoman Gray, Directors Abdo, Ackerman, Ballin, Blois, Butkiewicz, Cordero, De Jesus, Faessel, Hogan, Kurtz, Lefevre, McCoy, Morris, Ortega, Peterson, Ramos, Tamaribuchi, and Treviño.

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

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

None

Chair McKenney announced a reordering of the agenda. Vote on Item 3A would be first.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Approval of the minutes of the Legal and Claims Committee meeting held June 9, 2020.

Director Atwater made a motion, seconded by Director Dick to approve the consent calendar Item 3A.

The vote was:

Ayes:	Directors Atwater, Camacho, Dick, McKenney, Murray, Quiñonez, and Record
Noes:	None
Not Voting:	None
Absent:	Directors Goldberg, Kassakhian, and Smith

The motion passed by a vote of 7 ayes, 0 noes, and 3 absent.

2. MANAGEMENT REPORT

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

Presented by: General Counsel Marcia Scully

General Counsel Scully reported on the conclusion of the Delta Stewardship cases and also updated the committee on the fluoridation litigation brought against the EPA.

7. COMMITTEE ITEMS

a. Subject: General Counsel's Business Plan for Fiscal Year 2020/2021

Presented by: General Counsel Marcia Scully

General Counsel Scully presented her Business Plan.

The following Directors provided comments or asked questions:

1. Chair McKenney
2. Peterson
3. Ortega
4. Treviño
5. Vice Chair Quiñonez

4. CONSENT CALENDAR ITEMS – ACTION

7-8 Subject: Update on Oroville Dam Litigation and authorize Metropolitan to intervene in Coordinated Proceeding JCCP No. 4974 in the County of Sacramento Superior Court. [**Conference with Legal Counsel to be heard in closed session pursuant to Government Code Section 54956.9 (d)(4)**]

Presented by: In closed session, Senior Deputy General Counsel Stef Morris gave a report on this item. The vote was taken in closed session.

Motion: Authorize intervention in an action.

Moved: Director Dick Seconded: Director Murray

Ayes: Directors Atwater, Camacho, Dick, McKenney, Murray, Quiñonez, and Record

Noes: None

Not Voting: None

Absent: Directors Goldberg, Kassakhian, and Smith

The motion passed by a vote of 7 ayes, 0 noes, and 3 absent.

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS (cont.)

- b. 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, 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: Assistant General Counsel Heather Beatty

Directors Butkiewicz and Hogan, 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. No action was taken.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on September 15, 2020.

Meeting adjourned at 10:58 a.m.

Larry McKenney
Chair