

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**November 10, 2020**

Chair McKenney called the teleconference meeting to order at 9:33 a.m.

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

Members absent: None

Other Directors present: Board Chairwoman Gray, Directors Abdo, Ackerman, Ballin, Blois, Cordero, De Jesus, Faessel, Galleano, Hogan, Kurtz, Lefevre, Morris, Peterson, Pressman, Ramos, 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

**2. MANAGEMENT REPORT**

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

General Counsel Scully gave an update on the Department of Water Resources' validation action and a related CEQA action that has been filed, and the *Orange County Water District v. Northrop* litigation. Ms. Scully also updated the committee on Board procedural issues being scheduled for discussion at Executive Committee.

The following Directors provided comments or asked questions:

1. Chair McKenney

**CONSENT CALENDAR ITEMS – ACTION**

**3. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A. Approval of the Minutes of the Legal and Claims Committee meeting held October 13, 2020.

#### 4. CONSENT CALENDAR ITEMS – ACTION

None

Director Atwater made a motion, seconded by Director Dick to approve the consent calendar consisting of item 3A:

The vote was:

Ayes: Directors Atwater, Camacho, Dick, Goldberg, Kassakhian, McKenney, Murray, Quiñonez, Record, Smith, and Tamaribuchi  
Noes: None  
Abstain: None  
Absent: None

The motion for Item 3A passed unanimously by a vote of 11 ayes, 0 noes, 0 abstain, and 0 absent.

#### END OF CONSENT CALENDAR ITEMS

#### 5. OTHER BOARD ITEMS – ACTION

**8-1**      Subject      Approve Resolution to hire retired Annuitant and waive 180-day waiting period; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Presented by:      Deputy General Counsel Patrick Rohen

Motion      Approve Resolution to hire retired Annuitant and waive 180-day waiting period

Director Atwater made a motion, seconded by Director Dick to approve Item 8-1:

The vote was:

Ayes: Directors Atwater, Camacho, Dick, Goldberg, Kassakhian, McKenney, Murray, Quiñonez, Record, Smith, and Tamaribuchi  
Noes: None  
Abstain: None  
Absent: None

The motion for Item 8-1 passed unanimously by a vote of 11 ayes, 0 noes, 0 abstain, and 0 absent.

## 6. BOARD INFORMATION ITEMS

None

## 7. COMMITTEE ITEMS

- a. Subject: Oral report on American Federation of State, County & Municipal Employees Local 1902 v. Metropolitan Water District of Southern California, Public Employment Relations Board Case No. LA-CE-1435-M; 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 Henry Torres

In closed session, Assistant General Counsel Henry Torres gave a report on this item. No action was taken.

- 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]**

Presented by: Human Resources Group Manager Diane Pitman

In closed session, Human Resources Group Manager Diane Pitman introduced this item. No action was taken.

## 8. FOLLOW-UP ITEMS

None

## 9. FUTURE AGENDA ITEMS

None

Next meeting will be held on January 12, 2021.

Meeting adjourned at 10:31 a.m.

Larry McKenney  
Chair