

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**February 9, 2021**

Chair Dick called the teleconference meeting to order at 9:30 a.m.

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

Members absent: Vice Chair Quiñonez and Director Kassakhian

Other Directors present: Board Chairwoman Gray, Directors Abdo, Ackerman, Blois, Butkiewicz, Cordero, De Jesus, Faessel, Fellow, Hogan, Jung, Kurtz, Lefevre, Morris, Peterson, Pressman, Quinn, and Ramos.

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 referred the committee to her written report.

**CONSENT CALENDAR ITEMS – ACTION**

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

- A. Approval of the Minutes of the Legal and Claims Committee meeting held November 10, 2020.

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

The vote was:

Ayes: Directors Atwater, Camacho, Dick, Goldberg, Murray, Record, Smith, and Tamaribuchi

Noes: None  
Abstain: None  
Absent: Kassakhian and Quiñonez

The motion for Item 3A passed by a vote of 8 ayes, 0 noes, 0 abstain, and 2 absent.

#### 4. CONSENT CALENDAR ITEMS – ACTION

None

#### END OF CONSENT CALENDAR ITEMS

#### 5. OTHER BOARD ITEMS – ACTION

**8-1**            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 appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, and A161144, 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; and authorize increase in maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the amount of \$300,000 for a total amount not to exceed \$900,000; 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:            In closed session, Assistant General Counsel Heather Beatty gave a report on this item. The vote was taken in open session.

Directors Butkiewicz, Goldberg, Hogan, and Smith, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

Motion                    Authorize an increase in the maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the

*SDCWA v. Metropolitan, et al.* rate litigation in the amount of \$300,000 for a total amount not to exceed \$900,000.

Director Tamaribuchi made a motion, seconded by Director Record to approve item 8-1:

The vote was:

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

The motion passed by a vote of 6 ayes, 0 noes, and 2 absent.

## **6. BOARD INFORMATION ITEMS**

None

## **7. COMMITTEE ITEMS**

None

## **8. FOLLOW-UP ITEMS**

None

## **9. FUTURE AGENDA ITEMS**

None

Next meeting will be held on March 9, 2021.

Meeting adjourned at 10:15 a.m.

Larry Dick  
Chair