

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**MINUTES**

**LEGAL AND CLAIMS COMMITTEE**

**March 9, 2021**

Chair Dick called the teleconference meeting to order at 9:01 a.m.

Members present: Chair Dick, Directors Atwater, Camacho (entered after roll call), Fellow, Goldberg, Murray, Phan, Record, Smith, and Tamaribuchi.

Members absent: Director Kassakhian.

Other Directors present: Board Chairwoman Gray, Directors Abdo, Blois, Butkiewicz, Cordero, De Jesus, Erdman, Faessel, Galleano, Hogan, Jung, Kurtz, Lefevre, Luna, Morris, Peterson, Pressman, 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 February 9, 2021.

**4. CONSENT CALENDAR ITEMS – ACTION**

- 7-2**            Subject            Authorize an increase of \$100,000, to an amount not-to-exceed \$400,000 for a contract for legal services with Hanson Bridgett LLP to provide legal advice on deferred compensation plans, other employee benefits, taxes, and CalPERS matters; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Presented by:        None
- Motion:              Authorize the General Counsel to increase the amount payable under its contract with Hanson Bridgett LLP by \$100,000 to an amount not-to-exceed \$400,000

Director Record made a motion, seconded by Director Fellow to approve the consent calendar consisting of items 3A and 7-2:

The vote was:

- Ayes:                    Directors Atwater, Dick, Fellow, Goldberg, Murray, Phan, Record, Smith, and Tamaribuchi
- Noes:                    None
- Abstain:                None
- Absent:                 Camacho and Kassakhian

The motion for Item 3A and 7-2 passed by a vote of 9 ayes, 0 noes, 0 abstain, and 2 absent.

**END OF CONSENT CALENDAR ITEMS**

Director Camacho entered the meeting.

## 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 filing cross-complaints in San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. **[Conference with legal counsel – existing litigation and initiating litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1) and 54956.9(d)(4)]**
- Presented by:            In closed session, Assistant General Counsel Heather Beatty and Senior Deputy General Counsel Patty Quilizapa gave a report on this item. The vote was taken in closed 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 filing cross-complaints in the *SDCWA v. Metropolitan, et al.* litigation, in San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389.

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

The vote was:

- Ayes:                    Directors Atwater, Camacho, Dick, Fellow, Murray, Phan, Record, and Tamaribuchi
- Noes:                    None
- Abstain:                None
- Not Voting:            Directors Goldberg and Smith
- Absent:                 Director Kassakhian

In closed session, the motion passed by a vote of 8 ayes, 0 noes, 2 not voting, and 1 absent.

## **6. BOARD INFORMATION ITEMS**

None

## **7. COMMITTEE ITEMS**

- a.**            Subject            Discussion of Board Procedures
- Presented by:    General Counsel Marcia Scully

General Counsel gave a presentation on the above item.

The following Directors provided comments or asked questions:

1. Peterson
2. Hogan
3. Murray
4. Smith
5. Pressman
6. Ramos
7. Fellow

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

None

## **9. FUTURE AGENDA ITEMS**

Develop options regarding Board procedures.

Next meeting will be held on April 13, 2021.

Meeting adjourned at 10:15 a.m.

Larry Dick  
Chair