

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

April 13, 2021

Chair Dick called the teleconference meeting to order at 9:00 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, Ackerman, Blois, Butkiewicz, Cordero, De Jesus, Erdman, Faessel, Galleano, Hogan, Jung, Kurtz, Lefevre, Morris, Ortega, 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 reported that she received a written communication from Director Hogan minutes before the start of Legal and Claims and that it was forwarded to the Board. In response to the communication, she reported that there had been no formal complaints received by Metropolitan regarding the Microsite or any of the employee-related items that were posted on the Microsite. General Counsel stated some items in Director Hogan's communication would be addressed in Item 7a and others would be more appropriately addressed by the Board.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the Legal and Claims Committee meeting held March 9, 2021.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-10** Subject Approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices, and regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Presented by: None
- Motion: Approve amendments to the Administrative Code set forth in Attachment 2 to reflect all changes recommended in Board Letter 7-10.

Director Fellow made a motion, seconded by Director Camacho to approve the consent calendar consisting of items 3A and 7-10:

The vote was:

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

The motion for Items 3A and 7-10 passed by a vote of 10 ayes, 0 noes, 0 abstain, and 1 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

- a. Subject Report on Metropolitan Microsite and Public Employee First Amendment Rights
[Conference with legal counsel - anticipated litigation; significant exposure (unknown number of potential cases); to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)]

Presented by: Senior Deputy General Counsel Tony Zepeda

Senior Deputy General Counsel Tony Zepeda gave a report on this item in both open and closed sessions.

No action was taken.

The following Directors provided comments or asked questions:

1. Smith

- b. Subject Report on CDWR Water Operations Cases, Sacramento County Superior Court, Case No. JCCP 5117, which includes the following eight cases: The Metropolitan Water Dist. of S. Cal., et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG01347; State Water Contractors, et al. v. Calif. Dept. of Fish & Wildlife, et al., Fresno County Superior Ct. Case No. 20CECG1302; San Bernardino Valley Municipal Water Dist. v. Calif. Dept. of Water Resources, et al., Fresno County Superior Ct. Case No. 20CECG01556; Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources, Fresno County Superior Ct. Case No. 20CECG01303; Sierra Club, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517120; North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources, San Francisco County Superior Ct. Case No. CPF-20-517078; Central Delta Water Agency, et al. v. Calif. Dept. of Water Resources, Sacramento County Superior Ct. Case No. 34-2020-80003368; and San Francisco Baykeeper et al. v. Calif. Dept. of Water Resources, et al., Alameda County Superior Ct. Case No. RG20063682; and report on Pacific Coast Federation of Fishermen's Assns., et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00431-DAD-SAB and Calif. Natural Resources Agency, et al. v. Ross, et al., Federal District Court for the Eastern District of California, Case No. 1:20-CV-00426-DAD-SKO
[Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

This item was deferred to May.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on May 11, 2021.

Meeting adjourned at 10:42 a.m.

Larry Dick
Chair