

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

May 11, 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, Ackerman, Blois, Cordero, De Jesus, Erdman, Faessel, 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 reported on the *Williams v. Metropolitan* litigation.

The following Directors provided comments or asked questions:

1. Smith

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Approval of the Minutes of the Legal and Claims Committee meeting held April 13, 2021.

4. CONSENT CALENDAR ITEMS – ACTION

- 7-12** Subject Authorize contracts for Bond Counsel services with Hawkins Delafield Wood LLP, Jones Hall, A Professional Law Corporation, Nixon Peabody LLP, and Norton Rose Fulbright US LLP, Co-Bond Counsel services with Amira Jackson, Law Offices of Alexis S.M. Chiu, and Curls Bartling P.C., and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C. for the period ending June 30, 2024; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- Presented by: None
- Motion: a. Authorize the General Counsel to retain the firms listed in the board letter as Bond Counsel, Co-Bond Counsel, and Disclosure Counsel through June 30, 2024; and
b. Determine that Bond Counsel, Co-Bond Counsel, and Disclosure Counsel fees may be approved by the General Counsel in amounts sufficient to procure Bond Counsel, Co-Bond Counsel, or Disclosure Counsel services for bond issues and for legal advice, as described in the board letter.

Director Camacho entered the meeting.

- 7-13** Subject Report on *Imperial Irrigation District v. Metropolitan Water District of Southern California, et al.*, Los Angeles Superior Court Case No. 19STCP01376; and request to authorize an increase in the maximum amount payable under contract with Meyers Nave for legal services by \$210,000 to an amount not to exceed \$410,000; the General Manager has determined 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: Senior Deputy General Counsel Patrick Rohen
- Motion: Authorize an increase in the maximum amount payable under contract with Meyers Nave for legal services by \$210,000 to an amount not-to-exceed \$410,000.

Senior Deputy General Counsel Patrick Rohen gave a report on this item in closed session. Action was taken in open session.

Director Camacho made a motion, seconded by Director Fellow to approve the consent calendar consisting of items 3A, 7-12, and 7-13:

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, 7-12, and 7-13 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 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)]

Presented by: Senior Deputy General Counsel Rebecca Sheehan

Senior Deputy General Counsel Rebecca Sheehan gave a report on this item in closed session.

No action was taken.

- 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 appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, 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; 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 the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014 action and the first 2016 action.
[Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

Presented by: Assistant General Counsel Heather Beatty

Assistant General Counsel Heather Beatty gave a report on this item in closed session.

No action was taken.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on June 8, 2021.

Meeting adjourned at 10:08 a.m.

Larry Dick
Chair