



- December 31, 2017 Quarterly Report

Summary

This is the quarterly report to the Legal and Claims Committee on the exercise of powers delegated to the General Manager and the General Counsel by Administrative Code Sections 6433 and 6434. In addition, the General Counsel reports to the Legal and Claims Committee on the exercise of power delegated to her by Section 6431.

Attachments

- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period
October 1, 2017 – December 31, 2017.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period
October 1, 2017 - December 31, 2017.
- ATTACHMENT C: Costs Collected During the Period
October 1, 2017 - December 31, 2017.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period
October 1, 2017 - December 31, 2017. None.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period
October 1, 2017 - December 31, 2017.

Detailed Report

Contracts

Within this past quarter, the General Counsel entered into or amended the following contracts pursuant to her authority under Administrative Code Section 6431:

Animators at Law, Inc. dba A2L Consulting (Agrmt #170701)

Metropolitan retained the services of Consultant to provide litigation consulting services in connection with *Palo Verde Irrigation District v. Metropolitan Water District of Southern California*, Riverside Superior Court Case No. RIC1714672.

Animators at Law, Inc. dba A2L Consulting (Agrmt #158029)

This agreement was amended this quarter to modify the Key Personnel and Notices sections.

Atkinson, Andelson, Loya, Ruud & Romo

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

Best Best & Krieger LLP (Agrmt No. 158043)

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

Best Best & Krieger LLP (Agrmt No. 170697)

Metropolitan and SWC retained the services of special counsel to provide legal counsel for complex litigation matters relating to California WaterFix.

Board Report (December 31, 2017 Quarterly Report)

C.A. Gamble & Associates

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

CA Project Management Consultants, Inc.

Metropolitan retained the services of Consultant to perform Critical Path Method schedule review and analysis for the Palos Verde Reservoir Cover and Liner Replacement Project.

Cislo & Thomas LLP

Metropolitan retained the services of special counsel to provide legal and related services as requested by Metropolitan's General Counsel relating to intellectual property rights concerning Metropolitan.

GeoPentech, Inc.

Metropolitan retained the services of Consultant to assist and provide geologic and hydrogeologic services to evaluate the investigation process and remedial options for the Morris Dam and Reservoir property.

Hanson Bridgett LLP

Metropolitan retained the services of special counsel to provide tax and benefit advice regarding Metropolitan's deferred compensation and other employee benefit plans, PERS participation, and flexible spending accounts, etc.

HKA Global, Inc.

Metropolitan retained the services of Consultant to analyze contractor claims in the matter of *Shimmick Construction Company, Inc./Obayashi Corporation, Joint Venture v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC559603.

Ipro Tech, LLC

Metropolitan retained the services of Consultant to provide technical pre-trial and trial support in the matter of *Shimmick Construction Company, Inc./Obayashi Corporation, Joint Venture v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC559603.

Liebert Cassidy Whitmore

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

Raftelis Financial Consultants, Inc.

Metropolitan retained the services of Consultant to consult on and serve as an expert witness in the matter of *San Diego County Water Authority v. Metropolitan Water District of Southern California*, San Francisco Superior Court Case No. CPF16-515391 (Public Records Act).

Ryan & Associates

Metropolitan retained the services of special counsel to provide legal advice and representation in the termination of the Desert Milling, Inc. agricultural lease in the Palo Verde Valley.

Setec Security Technologies, Inc.

Metropolitan retained the services of Consultant to consult on and serve as an expert witness in the matter of *San Diego County Water Authority v. Metropolitan Water District of Southern California*, San Francisco Superior Court Case No. CPF16-515391 (Public Records Act).

Susan Woolley

Metropolitan retained the services of Consultant to investigate, and to provide analysis and recommendations as directed, on allegations of discrimination lodged by a Metropolitan employee with Metropolitan's Equal Employment Opportunity Unit.

Board Report (December 31, 2017 Quarterly Report)

Claims and Other Matters

1. Between October 1, 2017 – December 31, 2017, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims and entered into the following separation agreements:
 - a. Litigated, Compromised and Settled Claims By and Against Third Parties
Metropolitan did not enter into any settlement agreements within this past quarter.
 - b. Workers' Compensation Matters
Workers' compensation claims settled by the General Manager and the General Counsel within this past quarter are reported in Attachment A.
 - c. Other Claims By and Against Third Parties Resolved by Risk Management
Non-litigated third party claims resolved by Risk Management (under authority delegated by the General Manager) and approved by the General Counsel within this past quarter are reported in Attachment B.
 - d. SB 90 Claims
No SB 90 claims for reimbursement for state-mandated costs collected were reported within this past quarter.
 - e. Separation Agreements
Metropolitan did not enter into any separation agreements within this past quarter.
2. Costs collected for claims within this past quarter are reported in Attachment C.
3. No Property Damage Claims were declared as uncollectible by the General Manager within this past quarter.
4. Accounts Receivables written off as uncollectible by the General Manager within this past quarter are reported in Attachment E.

ATTACHMENT A
 Workers' Compensation Matters Resolved During the Period
October 1, 2017 – December 31, 2017

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Maintenance Mechanic I/ O&M Technician IV	2007-0228-0463 2017-0810-0075	2/28/07 12/22/14 CT	\$30,000.00	Both elbows, both shoulders, both clavicles, neck, chest/sternum, GERD, hypertension, sleep disorder, psyche, lower back and knees	Compromise and Release, negotiated settlement
O&M Technician IV	2016-0222-0330	1/29/16	\$18,995.00	Cervical spine, right shoulder	Stipulated settlement based on Agreed Medical Evaluator's report
O&M Technician IV	2015-0911-0131	9/10/15	\$44,080.00	Right knee	Stipulated settlement based on treating physician's report

ATTACHMENT B
 Claims Against Metropolitan Resolved by Risk Management During the Period
October 1, 2017 – December 31, 2017

Claimant	Control No. TPA No.	Amount of Settlement	Incident Description	Basis for Resolution
River View Golf Course	2017-0626-0609 027-000010	\$2,494.40	On 6/19/17, MWD release water from a structure in preparation for a shutdown and the water caused flooding and erosion to the golf course.	The third party claim was settled based upon the cost restore the course.
County of Los Angeles	2016-0915-0138 MEWD-1625A2	\$2,998.26	On 9/13/16, MWD service connection was open and caused flood damage to third party's electrical structure.	Third party claim was settled based on the cost of repair.
Allstate Insurance A/S/O Paul Acevedo	2016-1114-0235 MEWD-1634A2	\$3,412.64	On 11/11/16, MWD vehicle struck and damaged a third party vehicle.	Third party property damage claim was settled based on the cost of repair.
Paul Acevedo	2016-1114-0235 MEWD-1634A2	\$444.36	On 11/11/16, MWD vehicle struck and damaged a third party vehicle.	Third party claim for rental reimbursement was \$656.04 and MWD negotiated a settlement reduction, for \$444.36, because the rental period extended beyond the time the vehicle was in for repair.

ATTACHMENT C
Costs Collected During the Period
October 1, 2017 – December 31, 2017

Third Party or Cause	Control No. TPA No.	Damage Amount	Incident Description	Basis for Costs Collected
Angela Green	2017-0417-0487 026-000002	\$998.00	On 4/16/17, a third party driver struck and damaged an MWD fence.	The property damage claim was paid in full by the third party insurance carrier.
M & L Transportation	2017-0913-0138 026-000055	\$16,165.48	On 9/13/17, a third party driver struck and damaged the rear of the MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.
Martin A. Davich	2017-0914-0142 026-000057	\$514.19	On 9/14/17, a third party driver struck and damaged the rear of the MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.
Ji Gan	2017-0208-0368 026-000001	\$9,043.38	On 2/8/17, a third party driver struck and damaged the rear of the MWD vehicle.	MWD negotiated with the third party and recovered \$8,862.97, and wrote off the uncollected balance of \$180.41.
Augie Estrada	2017-0615-0586 026-000035	\$12,415.44	On 6/12/17, a third party driver struck and damaged an MWD vehicle a multi-vehicle damage.	The property damage claim was paid in full by the third party insurance carrier.
Maria Estrella	2017-0724-0038 026-000046	\$2,457.56	On 7/24/17, a third party driver struck and damaged the rear of the MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.
Aaron M. Hunt	2014-1205-0278 METP-4537	\$17,925.00	On 12/5/14, a third party driver struck and damaged the security barriers.	The property damage claim was paid in full by the third party insurance carrier.

ATTACHMENT E
Accounts Receivables Written Off as Uncollectible During the Period
October 1, 2017 – December 31, 2017

Invoice Date	Invoice Number	Customer Name	Amount Written off	Brief Description	Basis for Write-Off	Date Written Off
N/A	N/A	Coastal Municipal Water District	1,187.97	Project 701358 – Service Connection CM-4	Time for any claim has passed the statute of limitation of one year on an oral contract and four years on a written contract. Agency since dissolved.	10/31/17
N/A	N/A	N/A	15,021.14	Project 701557 – Installation of CA-ISO Certified Energy Meters at Hinds, Gene, & Intake	No reimbursement agreement or contractual obligation to reimburse. Unbilled charges of MWD's labor and additive costs are past the four year statute of limitation based on written contract.	10/31/17
N/A	N/A	N/A	1,217.78	Project 700033 – Service Connection OC-14T	No reimbursement agreement or contractual obligation to reimburse. Time for any claim has passed the statute of limitation of one year on an oral contract and four years on a written contract.	10/31/17
N/A	N/A	N/A	31,629.35	Project 701138 – Service Connection LA-36	No reimbursement agreement or contractual obligation to reimburse. Time for any claim has passed the statute of limitation of one year on an oral contract and four years on a written contract.	10/31/17
N/A	N/A	N/A	61,485.82	750036 - SB-90 Underground Tanks, Closure and Removal	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
N/A	N/A	N/A	48,854.80	750037 - SB-90 Underground Tanks, Permit Application and Information	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
N/A	N/A	N/A	3,889.23	750038 - SB-90 Underground Tanks, Annual Reports to Regulatory Agency	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17

ATTACHMENT E (continued)
 Accounts Receivables Written Off as Uncollectible During the Period
October 1, 2017 – December 31, 2017

Invoice Date	Invoice Number	Customer Name	Amount Written off	Brief Description	Basis for Write-Off	Date Written Off
N/A	N/A	N/A	189.46	750039 - SB-90 Underground Tanks, Training Costs	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
N/A	N/A	N/A	56,781.92	750033 - SB-90 Underground Tanks, Installation	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
N/A	N/A	N/A	6,144.75	750034 - SB-90 Underground Tanks, Monitoring	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
N/A	N/A	N/A	4,463.16	750035 - SB-90 Underground Tanks, Reporting Leaks	Relates to work done in and about 1986; no claim ever filed. Claims must be filed within three years. No valid claim remains in the last 20 years.	10/31/17
		Total	\$230,865.38			