



- March 31, 2019 Quarterly Report

## Summary

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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 Administrative Code Section 6431 and as authorized by the Board under Administrative Code Section 6430(d).

## Attachments

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- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period  
January 1, 2019 – March 31, 2019.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period  
January 1, 2019 – March 31, 2019.
- ATTACHMENT C: Costs Collected During the Period  
January 1, 2019 – March 31, 2019.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period  
January 1, 2019 – March 31, 2019 - None.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period  
January 1, 2019 – March 31, 2019.

## Detailed Report

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### Contracts

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

#### **Best Best & Krieger LLP**

Metropolitan retained the services of Special Counsel to provide representation and counsel in consultation with in-house counsel to acquire real property, including through exercise of eminent domain power.

#### **Burke, Williams & Sorensen LLP**

Metropolitan retained the services of Special Counsel to provide legal advice, assistance and representation in real estate matters including encroachments and trespassing on Metropolitan right-of-way and issues related to employee housing.

#### **Burke, Williams & Sorensen LLP**

Metropolitan retained the services of Special Counsel to provide legal representation in *California Department of Water Resources v. All Persons Interested, et al.*, Sacramento Superior Court Case No. 34-2017-00215965, and other matters and proceedings related to the financing and funding of California WaterFix.

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### **The Fromholz Firm**

Metropolitan retained the services of Consultant to investigate and provide recommendations on allegations of discrimination lodged anonymously with Metropolitan's Ethics Committee concerning a Metropolitan Unit Manager.

### **Haden Law Office**

Metropolitan retained the services of Special Counsel to provide on-call real estate legal services including real property transactions, agricultural leasing, agricultural workforce housing and unlawful detainer actions.

### **Hanson Bridgett LLP**

Metropolitan retained the services of Special Counsel to provide (1) legal representation in connection with the State Water Project Contract Extension validation action filed by DWR, Sacramento Superior Court Case No. 34-2018-00246183 and related actions filed by other entities; and (2) general legal advice and counseling on issues related to California WaterFix and State Water Project Contract Extension.

### **Hanson Bridgett LLP**

This agreement was amended this quarter to reflect a change in fee schedule.

### **Internet Law Center**

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

### **Liebert Cassidy Whitmore**

Metropolitan retained the services of Special Counsel to engage in investigating and providing analysis and recommendations as directed, on allegations of discrimination raised by Metropolitan employees at Metropolitan's Desert facilities.

### **Liebert Cassidy Whitmore**

Metropolitan retained the services of Special Counsel to assist with evaluating Metropolitan's compliance with the Fair Labor Standards Act (FLSA) requirements relating to the regular rate of pay including calculation of the regular rate of pay and disbursement of FLSA-mandated overtime pay.

### **Public Interest Investigations, Inc.**

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

### **Remy, Moose, Manley LLP**

This agreement was amended this quarter to reflect a change in fee schedule.

### **Van Ness Feldman LLP**

Metropolitan retained the services of Special Counsel to provide advice and legal assistance relating to implementation of the Colorado River MSHCP and related matters.

## **Claims and Other Matters**

1. Between January 1, 2019 – March 31, 2019, 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 resolved the following citation within this past quarter:

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- i. On March 12, 2019, the Pasadena Fire Department issued a Notice of Violation to Metropolitan's Eagle Rock System Control Center for failure to annually service a fire extinguisher. The violation was corrected on March 22, 2019, when the fire extinguisher was serviced.
  - 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 were 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  
January 1, 2019 –March 31, 2019

<b>Classification</b>	<b>Control No.</b>	<b>Date of Injury</b>	<b>Amount of Settlement</b>	<b>Nature of Injury</b>	<b>Basis for Settlement</b>
O&M Tech IV	2016-1031-0212 20160064MWD	8/31/16	\$4,350.00	Dorsal Spine	Stipulated settlement based on Qualified Specialist's Report

**ATTACHMENT B**  
 Claims Against Metropolitan Resolved by Risk Management During the Period  
January 1, 2019 –March 31, 2019

<b>Claimant</b>	<b>Control No. TPA No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Adrian Felan	2018-0918-0135 027-000059	\$1,264.00	On 9/18/18, an MWD vehicle rear-ended a third party vehicle causing damage.	The third party property claim was settled based upon an evaluation of the accident and resulting out of pocket costs (insurance deductible and a portion of the rental) presented by the claimant. A subrogation claim for vehicle repair costs was submitted separately by the claimant’s carrier.
State Farm	2018-0918-0135 027-000059	\$1,402.48	On 9/18/18, an MWD vehicle rear-ended a third party vehicle causing damage.	The third party property claim was settled based upon an evaluation of the accident and vehicle damage. MWD previously settled the claim that was submitted by their insured (Adrian Felan) for his deductible and rental vehicle charges.
State Farm	2018-0302-0462 027-000031	\$2,917.70	On 3/2/18, an MWD vehicle backed into a parked and unattended third party vehicle causing damage.	The third party property claim was settled based upon an evaluation of the accident and vehicle damage. MWD previously settled the claim that was submitted by their insured (Mathew Hosier noted on the December 2018 report) for his deductible and rental vehicle charges.
Cecelia Barba	2018-0628-0690 027-000051	\$2,625.60	On 6/28/18, an MWD vehicle backed into a parked and unattended third party vehicle causing damage.	The third party property claim was settled based upon an evaluation of the accident and vehicle damage. The Claimant’s vehicle is considered a total loss. MWD settled the claim for the actual cash value of the vehicle because the repair cost exceeded that amount.

**ATTACHMENT B**  
 Claims Against Metropolitan Resolved by Risk Management During the Period  
January 1, 2019 –March 31, 2019

<b>Claimant</b>	<b>Control No. TPA No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Zoila Ramirez	2018-1128-0239 027-000063	\$5,240.84	On 11/28/18, an MWD vehicle rear-ended a third party vehicle.	The third property claim was settled based upon an evaluation of the accident and vehicle damage. The Claimant’s vehicle is considered a total loss. MWD settled the claim for the actual cash value of the vehicle because the repair costs exceeded that amount.
Jeffery Turner	2018-1221-0278 027-000066	\$5,695.64	On 12/6/18, an MWD vehicle backed into a parked and unattended third party vehicle causing damage.	The third property claim was settled based upon an evaluation of the accident and vehicle damage. The Claimant’s vehicle is considered a total loss. MWD settled the claim for the actual cash value of the vehicle because the repair costs exceeded that amount.

**ATTACHMENT C**  
 Costs Collected During the Period  
January 1, 2019 –March 31, 2019

<b>Third Party or Cause</b>	<b>Control No. TPA No.</b>	<b>Damage Amount</b>	<b>Incident Description</b>	<b>Basis for Costs Collected</b>
County of Los Angeles Sheriff's Department	2018-0830-0105 026-000142	\$1,339.32	On 8/29/18, third party vehicle rear-ended and damaged an MWD vehicle.	The property damage claim was paid in full by the third party.
Oscar Mauricio Hernandez	2018-1022-0179 026-000155	\$825.00	On 10/21/2018, a third party vehicle struck and damaged an MWD fence.	The property damage claim was paid in full by the third party insurance carrier.
Thomas Walsh	2018-0809-0069	\$3,447.88	On 8/8/2018, third party vehicle rear-ended and damaged an MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.

**ATTACHMENT E**  
 Accounts Receivable Written Off as Uncollectible During the Period  
January 1, 2019 –March 31, 2019

<b>Invoice Date</b>	<b>Invoice Number</b>	<b>Customer Name</b>	<b>Amount Written-Off</b>	<b>Brief Description</b>	<b>Basis for Write-Off</b>	<b>Date Written-Off</b>
N/A	N/A	County of Los Angeles	\$1,454.99	Project 701382 - LA Co Dept. of Public Works, Repair 84-in Hollow Jet Valve	No evidence of additional costs was ever billed. Statutory period to recover costs has since expired.	02/28/19
N/A	N/A	Unknown Member Agencies	\$16,222.42	Project 701689 - Long Term Commercial-Industrial-Institutional (CII) Program, Region-wide Rebate Program, Reimbursable	No evidence of Honeywell invoices were ever billed to certain member agencies. Statutory period to recover costs has since expired.	03/31/19
		Total	\$17,677.41			