



• June 30, 2020 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 Administrative Code Section 6431.

Attachments

- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period
April 1, 2020 – June 30, 2020.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period
April 1, 2020 – June 30, 2020.
- ATTACHMENT C: Costs Collected During the Period
April 1, 2020 – June 30, 2020.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period
April 1, 2020 – June 30, 2020 - NONE.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period
April 1, 2020 – June 30, 2020.

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:

Atkinson Adelson, Loya, Rudd & Romo

Metropolitan retained the services of Special Counsel to provide legal representation, advice and consultation in the anticipated appeal litigation entitled, *Metropolitan Water District of Southern California v. R. Douglas Collins*.

Best Best & Krieger LLP

Metropolitan retained the services of Special Counsel to provide advice and assistance on CEQA and environmental issues as requested.

Ronald D. Bremen

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

Michael A. Heider (185889)

Metropolitan retained the services of Consultant to investigate and provide analysis and recommendations as directed, on allegations of employee misconduct brought forward by Metropolitan employees. This agreement was also amended this quarter to reflect an increase in the maximum amount payable.

Board Report (June 30, 2020 Quarterly Report)

Michael A. Heider (185850)

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

Horvitz & Levy LLP

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

Hunt Ortmann Palfy Nieves Darling & Mah, Inc.

Metropolitan retained the services of Special Counsel to provide advice and assistance regarding Metropolitan construction contracts impacted by the COVID-19 emergency.

Internet Law Center

This agreement was amended this quarter to reflect an increase in the maximum amount payable and a modification to the billing rates section.

Olson Remcho LLP (formally known as Olson Hagel & Fishburn LLP)

This agreement was amended this quarter to acknowledge Special Counsel's name change and to transfer all rights, responsibilities, liabilities and interests under the agreement from Olson Hagel & Fishburn LLP to Olson Remcho LLP. This agreement was also amended to modify the explanatory recitals, scope of work, key personnel, billing and payments, equal employment opportunity and affirmative action and notices sections as well as the special counsel guidelines.

Thomas Law Group

Metropolitan retained the services of Special Counsel to provide support of Metropolitan's challenge to the Incidental Take Permit for the continued operation of the State Water Project.

Van Ness Feldman

This agreement was amended this quarter to modify the fee schedule.

Claims and Other Matters

1. Between April 1, 2020 – June 30, 2020, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims and entered into the following separation agreements:

Metropolitan settled a civil lawsuit filed in Riverside County Superior Court, *Fuentes v. Metropolitan Water District of Southern California*, Case No. 1902940. The Plaintiff alleged causes of action against Metropolitan for discrimination and harassment, failure to prevent harassment and retaliation. The Legal Department secured final settlement terms within the limits authorized by Administrative Code section 6433. The lawsuit has been dismissed with prejudice.

- a. Litigated, Compromised and Settled Claims By and Against Third Parties

Metropolitan resolved the following citation within this past quarter:

- i. Cal-OSHA Citation re Robert Skinner Filtration Plant

As a result of two of inspections on 06/25/2019 and 09/10/2019 and related document requests, on 10/24/2019, Cal-OSHA issued a Citation for five alleged "General" violations and one alleged "Notice in Lieu" violation. The total proposed penalty amount for the "General" violations is \$3,420. There was no penalty amount for the "Notice in Lieu" violation. On November 18, 2019, Metropolitan appealed the five "General" violations on the grounds that the safety order was not violated, the classification of the items as

Board Report (June 30, 2020 Quarterly Report)

“General” is incorrect, and the proposed penalties are unreasonable. Metropolitan asserted the following affirmative defenses to all the items: (1) Cal-OSHA failed to consider relevant information; and (2) the Cal-OSHA inspector did not make diligent inquiry into Metropolitan’s records. After Metropolitan participated in an informal conference and had several follow-up discussions, Cal-OSHA agreed to settle the matter by withdrawing three of the items making the penalty \$0 for those items, re-classifying an item from “General” to “Notice in Lieu” and reducing the proposed penalty to \$0, and reducing the proposed penalty for the fifth item from \$940 to \$560. The settlement includes a non-admission clause and a cost waiver. The Administrative Law Judge issued an Order approving the settlement on June 10, 2020.

- 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
April 1, 2020 – June 30, 2020

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
O&M Tech IV	2014-0939-0172	09/29/2014	\$24,500.00	Back	Negotiated Compromise and Release
Pr. Auditor	2018-1002-0148	08/06/2018	\$113,220.00	Circulatory System, Nervous System, and Right Shoulder	Negotiated Stipulation with a Compromise and Release

ATTACHMENT B
 Claims Against Metropolitan Resolved by Risk Management During the Period
April 1, 2020 – June 30, 2020

Claimant	Control No. TPA No.	Amount of Settlement	Incident Description	Basis for Resolution
Amalia and Johnathan Garcia	2019-1025-0227 027-000108	\$257.00	On 10/24/2019, an MWD vehicle struck the rear of a third-party vehicle causing damage	The third-party property claim for rental incurred during the repair period was settled based on an evaluation of the repair duration and rental rate
Viking Client Services	2019-0919-0159 027-000097	\$261.49	On 9/17/2019, an MWD employee was returning a Dollar rental vehicle when the front windshield was struck and damaged by road debris	The third-party, Viking Client Services, the authorized collector, filed the claim on behalf of the rental vehicle company. The claim was settled based upon an evaluation of the accident, damage and repair cost

ATTACHMENT C
 Costs Collected During the Period of
April 1, 2020 – June 30, 2020

Third Party or Cause	Control No. TPA No.	Costs Collected	Incident Description	Basis for Costs Collected
Abdullah Aladwani	2018-0904-0110 026-000144	\$3,311.86	On 8/31/2018, a third-party vehicle was involved in a two-vehicle accident and collided with, and damaged an MWD meter structure, and City of Anaheim property	Because the liability insurance limits of the at-fault vehicle owner were significantly below the aggregate damage amounts of all the effected parties, a pro-rated settlement was completed with the third-party insurance carrier, and Metropolitan recovered a pro-rated amount of \$3,311.86

ATTACHMENT E
 Accounts Receivable Written Off as Uncollectible During the Period
April 1, 2020 – June 30, 2020

Invoice Date	Invoice Number	Customer Name	Amount Written-Off	Brief Description	Basis for Write-Off	Date Written-Off
12/9/2019	501623	STATE WATER RESOURCES CONTROL BOARD	\$0.01	Project 701922 - West Coast Basin Recycled Water	Customer Short paid invoice by one cent on 3/9/2020, check 63-721672	6/11/2020
		Total	\$0.01			