



● September 30, 2021 Quarterly Report

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
July 1, 2021 – September 30, 2021.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2021 – September 30, 2021.
- ATTACHMENT C: Costs Collected During the Period
July 1, 2021 – September 30, 2021 NONE.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period
July 1, 2021 – September 30, 2021 - NONE.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period
July 1, 2021 – September 30, 2021.

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:

Aecus Law

Metropolitan retained the legal services of Consultant to investigate and provide analysis and recommendations as directed, on allegations of employee misconduct and EEO-based complaints brought forward by an employee.

Albright, Yee & Schmit. APC – Agreement No. 193471

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

Albright, Yee & Schmit. APC – Agreement No. 200461

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

Albright, Yee & Schmit. APC – Agreement No. 200481

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

Atkinson, Andelson, Loya, Ruud & Romo – Agreement No.185899

Metropolitan retained the services of Special Counsel to provide legal representation in two consolidated cases, *Sierra Club v. California Department of Water Resources* AND *California Department of Water Resources v. All Persons Interested, etc.*, Sacramento County Superior Court Case No. 34-2020-80003517 and other matters and proceedings related to the financing and funding of the Delta Conveyance Project.

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Atkinson, Andelson, Loya, Ruud & Romo – Agreement No. 201882

Metropolitan retained the services of Special Counsel to provide legal advice, representation and consultation regarding the charge of discrimination filed by an employee.

Atkinson, Andelson, Loya, Ruud & Romo – Agreement No. 201883

Metropolitan retained the services of Special Counsel to provide legal advice and representation regarding the hearing officer appeal by AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period).

Atkinson, Andelson, Loya, Ruud & Romo – Agreement No. 201889

Metropolitan retained the services of Special Counsel to provide legal advice, representation and consultation in the matter entitled, *AFSCME Local 1902 v. Metropolitan Water District of Southern California*, Public Employment Relations Board Case No. LA-CE-1438-M (deferred comp).

Geosyntec Consultants, Inc.

Metropolitan retained the services of Consultant to provide environmental site assessment of former shooting range sites and possible development and implementation of site containment and remediation plans.

Library Services

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

Oppenheimer Investigations Group LLP - Agreement No. 201881

Metropolitan retained the legal services of Consultant to investigate facts and provide analysis as directed, on allegations of employee misconduct and EEO-based complaints brought forward by an employee.

Oppenheimer Investigations Group LLP - Agreement No. 201884

Metropolitan retained the legal services of Consultant to investigate facts and provide analysis as directed, on allegations of employee misconduct and EEO-based complaints brought forward by an employee.

Public Interest Investigations, Inc. – Agreement No. 193462

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

Setec Security Technologies, Inc.

Metropolitan retained the services of Consultant to provide technical advice and support, and to serve as an expert in litigation entitled, *Systems Integrated, LLC v. Metropolitan Water District* (Los Angeles Superior Court Case No. 21STCV18292), regarding alleged breach of software license agreement and copyright and trade secret claims.

Susan Woolley – Agreement No. 193459

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

Susan Woolley – Agreement No. 193470

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

Claims and Other Matters

1. Between July 1, 2021 – September 30, 2021, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims and entered into the following separation agreements:

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

1. Foothill Feeder Power Plant Notice of Violation

On April 16, 2021, Metropolitan received a Notice of Violation (“NOV”) and a settlement offer from the Los Angeles Regional Water Quality Control Board (“Regional Board”) related to Metropolitan’s Foothill Feeder Power Plant (“FFPP”), located near Castaic Lake. The NOV alleged three violations of Metropolitan’s National Pollutant Discharge Elimination System (“NPDES”) permit for discharges exceeding permit limits in 2020: (1) Sulfate exceeded the monthly effluent limit of 400 mg/L by 50%; (2) Indeno (1,2,3-cd) Pyrene exceeded the monthly effluent limit of 0.0088 µg/L by 25%; and (3) pH exceeded the instantaneous maximum of 8.5 by 1%. The effluent limit exceedances for Sulfate and Indeno (1,2,3-cd) Pyrene occurred during the February 4, 2020 monthly and quarterly sampling, which took place when the FFPP was shut down. Based on the nature of the discharges, the Sulfate and Indeno (1,2,3-cd) Pyrene violations were classified as “serious,” and the pH violation was classified as “chronic” pursuant to California Water Code section 13385. Each of the “serious” discharge violations is subject to a minimum mandatory penalty (“MMP”) of \$3,000. In addition, the State Water Resources Control Board or the Regional Board may impose discretionary administrative civil liability of up to \$10,000 for each day in which a violation occurs. On May 11, 2021, Metropolitan accepted the Regional Board’s settlement offer which imposed a total penalty of \$6,000 for the three discharge exceedances: (1) \$3,000 for the Sulfate discharge violation of the daily maximum, (2) \$3,000 for the Indeno (1,2,3-cd) Pyrene discharge violation of the daily maximum; and (3) \$0 for the pH discharge violation of the instantaneous maximum. The Regional Board did not receive any comments on the settlement offer during the 30-day public comment period and signed the Acceptance and Waiver as a Stipulated Order on June 28, 2021. Metropolitan sent its \$6,000 payment to the State Water Resources Control Board on July 23, 2021.

2. *Staar v. Metropolitan Water District of Southern California* (Los Angeles Superior Court Case No. 19STCV41726)

In January 2020, a former probationary employee sued Metropolitan alleging whistleblower retaliation. Staar claimed he made disclosures to Metropolitan concerning potential legal risks and that those disclosures were contributing factors to Metropolitan’s decision to release him from probationary employment. In July 2021, Staar and Metropolitan entered into a settlement. Pursuant to the settlement, Metropolitan paid Staar \$120,000, and in exchange, Staar dismissed his lawsuit with prejudice and signed a comprehensive release of claims.

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.

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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. No costs were collected for claims within this past quarter.
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
July 1, 2021 – September 30, 2021

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
O&M Tech IV	2019-1030-0238	10/29/19	\$0	Right Knee	Stipulation with Request for Award
Assoc. Engineer	2019-0807-0068	8/6/19	\$0	Left Knee	Stipulation with Request for Award

ATTACHMENT B
Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2021 – September 30, 2021

Claimant	Control No. TPA No.	Amount of Settlement	Incident Description	Basis for Resolution
Calvin Tran	2020-1104-0202 027-000133	\$1,000.00	On 10/29/2020, a tree on MWD property fell and damaged a neighboring fence and shed	The third-party claim was settled based upon an evaluation of the damage and repair cost

ATTACHMENT E
Accounts Receivable Written Off as Uncollectible During the Period
July 1, 2021 – September 30, 2021

Invoice Date	Invoice Number	Customer Name	Amount Written-Off	Brief Description	Basis for Write-Off	Date Written-Off
04/05/2021	47348	LOS ANGELES SMSA LTD / VERIZON INC.	\$0.10	LEASE OF DISTRICT PROPERTY AS DESCRIBED IN RL3144 FOR THE MONTH OF MAY 2021	Write off Immaterial Difference	07/30/2021
05/03/2021	47403	LOS ANGELES SMSA LTD / VERIZON INC.	\$0.10	LEASE OF DISTRICT PROPERTY AS DESCRIBED IN RL3144 FOR THE MONTH OF JUNE 2021	Write off Immaterial Difference	07/30/2021
04/05/2021	47354	NEW CINGULAR WIRELESS PCS, LLC	\$0.03	LEASE OF DISTRICT PROPERTY AS DESCRIBED IN RL3409 FOR THE MONTH OF MAY 2021	Write off immaterial difference	07/30/2021
05/03/2021	47409	NEW CINGULAR WIRELESS PCS, LLC	\$0.03	LEASE OF DISTRICT PROPERTY AS DESCRIBED IN RL3409 FOR THE MONTH OF JUNE 2021	Write off Immaterial Difference	07/30/2021
06/03/2021	47465	LOS ANGELES SMSA LTD / VERIZON INC.	\$0.10	LEASE OF DISTRICT PROPERTY AS DESCRIBED IN RL3144 FOR THE MONTH OF JULY 2021	Write off Immaterial Difference	07/30/2021