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CITY ATTORNEY

REPORT NO. R 1 5 - 0 0 8 3

MAR 2 3 2015

**REQUEST FOR CLOSED SESSION PURSUANT TO
GOVERNMENT CODE SECTION 5496.9(d) (1)**

REPORT RE:

STATUS OF LITIGATION

SAN DIEGO COUNTY WATER AUTHORITY v.
METROPOLITAN WATER DISTRICT, ET AL.
Superior Court of the State of California, San Francisco County
Case Nos. CFP-10-510830; CFP-12-512466

The Honorable City Council
City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

(No Claim)

Honorable Members:


This office recommends that discussions with, and advice from, legal counsel regarding the recommendation for City Council action in this pending litigation be scheduled and held in closed session pursuant to California Government Code Section 54956.9(d)(1). Government Code Section 54956.9(d)(1) requires you to state publicly prior to the closed session, what subdivision of this section authorizes the closed meeting, and that the closed session is being held to confer or discuss with, or receive advice from, legal counsel regarding pending litigation.

This matter arises from litigation filed by the San Diego County Water Authority (SDCWA) against the region's supplemental water supplier, the Metropolitan Water District of Southern California (MWD). SDCWA alleges the water rates adopted in 2010, 2012, and 2014 are invalid. SDCWA and the City of Los Angeles (City) are both member agencies of the MWD, along with 24 other public agencies. MWD provides water to its member agencies through the State Water Project and the Colorado River Aqueduct. It also operates regionwide water conservation programs. At issue in this litigation is whether certain elements of MWD's water rates are appropriately charged to its member agencies. The City, through the Los Angeles Department of Water and Power (LADWP), has participated in the litigation and defended MWD's rates as valid.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



GARY G. GEUSS
Chief Assistant City Attorney

GGG/JCR:lmc