THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Board Action

- **Board of Directors**
  Ethics Committee

9/15/2026 Board Meeting

8-6

Subject

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025 for the limited purpose of disclosing pertinent ethics investigation information and materials (1) in a board letter and its attachments for the Executive Committee's consideration of action pursuant to Administrative Code Sections 7416(d) and 7432(b)(1); (2) during the September 2026 Executive Committee meeting to discuss and consider taking action on the item pursuant to Administrative Code Section 7432(b)(1); and (3) in connection with a mandatory referral to the California Fair Political Practices Commission (FPPC) pursuant to Administrative Code Sections 7416(d) and 7433 and as also may be requested by the FPPC in addressing the matter, with the understanding that Metropolitan directors and staff may disclose information from the closed session to the FPPC and the FPPC may use and disclose information and materials publicly in accordance with its procedures; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

The Ethics Officer oversaw an investigation involving a potential ethics violation that occurred during the October 14, 2025, closed session of the Organization, Personnel, and Effectiveness (OPE) Committee which concerned a labor negotiations agenda item under Government Code § 54957.6. Under the Ralph M. Brown Act ("Brown Act"), a person may not disclose to a person not entitled to receive it closed session confidential information that is specifically related to the lawfully agendized basis for the closed session, unless the legislative body authorizes disclosure of that confidential information. On January 13, 2026, the Board authorized a limited waiver of the closed session privilege regarding the October 14, 2025, closed session to facilitate an investigation of a potential ethics violation and to authorize the staff and directors to disclose relevant information from that closed session to the investigator. The investigation is now complete, and the Ethics Officer made a finding of an ethics rule violation. The Administrative Code requires the Ethics Officer to refer his finding to the Executive Committee for consideration of action and to the FPPC. Accordingly, this item requests board approval of a limited waiver of the Brown Act closed session privilege to enable disclosure of relevant investigation information and materials for the purpose of referrals to the Executive Committee and the FPPC.

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025 for the limited purpose of disclosing pertinent ethics investigation information and materials (1) in a board letter and its attachments for the Executive Committee's consideration of action pursuant to Administrative Code Sections 7416(d) and 7432(b)(1); (2) during the September 2026 Executive Committee meeting to discuss and consider taking action on the item pursuant to Administrative Code section 7432(b)(1); and (3) in connection with a mandatory referral to the California Fair Political Practices Commission (FPPC) pursuant to Administrative

Code Sections 7416(d) and 7433 and as also may be requested by the FPPC in addressing the matter, with the understanding that Metropolitan directors and staff may disclose information from the closed session to the FPPC and the FPPC may use and disclose information and materials publicly in accordance with its procedures

Fiscal Impact: No direct impact for authorizing a limited waiver of the closed session privilege.
Business Analysis: The Executive Committee will receive relevant information and materials in considering further action for an ethics violation, and mandatory referral to the FPPC will include relevant investigation information and materials, pursuant to the Administrative Code.

Option #2

Do not authorize a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025 for the limited purpose of disclosing pertinent ethics investigation information and materials (1) in a board letter and its attachments for the Executive Committee's consideration of action pursuant to Administrative Code Sections 7416(d) and 7432(b)(1); (2) during the September 2026 Executive Committee meeting to discuss and consider taking action on the item pursuant to Administrative Code section 7432(b)(1); and (3) in connection with a mandatory referral to the California Fair Political Practices Commission (FPPC) pursuant to Administrative Code Sections 7416(d) and 7433 and as also may be requested by the FPPC in addressing the matter, with the understanding that Metropolitan directors and staff may disclose information from the closed session to the FPPC and the FPPC may use and disclose information and materials publicly in accordance with its procedures.

Fiscal Impact: No direct impact for not authorizing a limited waiver of the closed session privilege.
Business Analysis: The Executive Committee will have limited information in considering further action for an ethics violation, and mandatory referral to the FPPC will not include relevant investigation information and materials, inconsistent with the Administrative Code.

Alternatives Considered

None

Applicable Policy

Metropolitan Administrative Code § 7416(d): Ethics Officer Report [referral]

Metropolitan Administrative Code § 7432(b)(1): Penalties for Violations [violations by directors]

Metropolitan Administrative Code § 7433: Serious Violations of the Political Reform Act or Government Code Section 1090

Metropolitan Administrative Code § 11104: Delegation of Responsibilities

Related Board Action(s)/Future Action(s)

By Minute Item 54372, dated January 13, 2026, the Board approved a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025 for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorized Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5).)

CEQA determination for Option #2:

None required

Details and Background

The Ethics Officer retained an outside law firm to investigate a potential ethics violation by a director that occurred during the October 14, 2025, closed session of the OPE Committee. The law firm conducted the investigation after the Board authorized a limited waiver of the closed session privilege for purposes of facilitating the ethics investigation by allowing staff and directors present during the closed session to share relevant information with the investigator. The law firm completed the investigation. The Ethics Officer made a final determination that an ethics violation occurred after consulting with independent outside ethics counsel.

Under the Administrative Code, the Ethics Officer is required to refer the Ethics Officer's report of findings in this matter to the Executive Committee "for review and consideration of further action if appropriate under the circumstances…." The Ethics Officer is also required to refer the ethics violation in this matter to the FPPC. The referrals to the Executive Committee and FPPC must include the Ethics Officer's report (defined to include a summary of the evidence considered, any exculpatory evidence, a legal analysis if necessary, and a determination as to whether a violation has occurred), relevant documents as determined by the Ethics Officer, and any response to the Ethics Officer's report submitted by the director who is the subject of the investigation. These materials include limited relevant information from the October 14, 2025, closed session.

Under the Brown Act (Government Code § 54963), disclosure to a person not entitled to receive closed session confidential information that is specifically related to the lawfully agendized basis for the closed session is prohibited unless the legislative body authorizes disclosure of that confidential information. The proposed authorization is referred to in this letter as a "waiver of the Brown Act closed session privilege."

The Ethics Officer is requesting that the Board approve a second limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the OPE Committee on October 14, 2025, for the limited purpose of disclosing pertinent ethics investigation information and materials for the purpose of making mandatory referrals to the Executive Committee and FPPC. Referral to the Executive Committee includes: providing the Committee with the Ethics Officer's report, relevant documents as determined by the Ethics Officer, and any response to the Ethics Officer's report submitted by the director; discussing the information and materials in the applicable board letter; authorizing the use of the information and materials in the Executive Committee's discussion and consideration of further action; and posting the information and materials in the corresponding public agenda materials as required by the Brown Act. Referral to the FPPC includes: providing the FPPC with the Ethics Officer's report, relevant documents as determined by the Ethics Officer, and any response to the Ethics Officer's report submitted, and any other pertinent information and materials, including as may be requested by the FPPC in addressing the matter, with the understanding that Metropolitan directors and staff may disclose information from the closed session to the FPPC and the FPPC may use and disclose information and materials publicly in accordance with its procedures.

The limited waiver would not waive confidentiality for any portion of the closed session unrelated to the investigation. Any discussion within the agendized closed session basis and not related to the investigation remains confidential pursuant to the Brown Act closed session privilege. For purposes of considering this waiver, directors should refrain from making statements in open session about what occurred at that closed session.

9/8/2026

Abel Salinas *Date*
Ethics Officer

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