Ethics Committee

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 to facilitate mandatory referrals of an ethics violation.

Item 8-6

September 15, 2026

Presented by: Ethics Officer Abel Salinas

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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.

Purpose

To provide relevant information to the Executive Committee and Fair Political Practices Commission with the referrals required by the Administrative Code.

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Recommendation and Fiscal Impact

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.

Fiscal Impact – No direct impact for authorizing the limited waiver of the closed session privilege.

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Background

- **October 2025** – Allegation of potential ethics violation by a director during closed session portion of October 14, 2025 OPE Committee meeting.
- **January 2026** – CWC Committee recommended, and Board approved, a limited waiver of the Brown Act closed session privilege to enable ethics investigation involving a director.
- **Subsequently** – Ethics Office completed the investigation through an outside firm pursuant to Administrative Code.
  - Ethics Officer determined an ethics violation occurred.
  - Ethics Officer consulted with outside counsel.

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Issue to Resolve and Request

Issues to Resolve

- Administrative Code requires referral of ethics violations to Executive Committee and FPPC for consideration of further action.
- Because the conduct underlying the violation occurred in closed session, adequate referrals would require disclosure of relevant closed session information. Information provided to Executive Committee for their consideration would also need to be publicly disclosed.

Request

- Limited waiver to facilitate mandatory referrals to Executive Committee and FPPC

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Scope of Limited Waiver

For referral to Executive Committee, limited waiver would allow:

1) Providing the following relevant information and materials to Executive Committee, and the public (as required by the Brown Act): the Ethics Officer Report of Findings, any documents the Ethics Officer deems relevant, and director's response to the findings.
2) Discussing the information and materials cited above at the Executive Committee meeting.
3) Director to make a statement relevant to the matter at Executive Committee if the Director chooses.

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Scope of Limited Waiver

For referral to FPPC, limited Waiver would allow:

1) Providing the following relevant information and materials to FPPC: the Ethics Officer Report of Findings, any documents Ethics Officer deems relevant, and director's response to the findings

2) Providing any other pertinent information and materials, including those that might be requested by the FPPC if they were to conduct an investigation, 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

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Brown Act/Limited Waiver Request

- **Brown Act** – A person may not disclose, to a person not entitled to receive it, closed session confidential information specifically related to the lawfully agendized basis for the closed session, unless the legislative body authorizes disclosure of that confidential information.
- **Limited Waiver Request** - Limited waiver is requested to enable referral and public presentation of the Ethics Officer findings to the Executive Committee for consideration of further action, and mandatory referral to the FPPC.
  - Limited waiver does not waive confidentiality for any portion of the closed session unrelated to the investigation.
  - Any discussion within the lawfully agendized closed session basis and not related to the investigation remains confidential pursuant to the Brown Act.

Options

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

Options

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

Staff Recommendation

Option #1

THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
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