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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

9-13

July 27, 1992

To: Board of Directors (Legal and Claims Comm.--Info.)
(Organization and Personnel Comm.--Info.)
From: General Counsel
Subject: Procedure for Selection of General Counsel

Report

Upon the General Counsel's announcement of his retirement, the Legal and Claims Committee requested that the General Counsel report on the method by which a General Counsel and General Manager may be selected.

1. Administrative Code

Administrative Code Section 6401(a) provides that the executive officers of the District, including the General Counsel, shall be appointed by, and shall hold office at the pleasure of, the Board of Directors.

Authority for studying, advising and making recommendations to the Board regarding appointment of the General Counsel has been delegated to the Legal and Claims Committee and the Organization and Personnel Committee. Administrative Code Section 2461(e) provides that the Legal and Claims Committee shall study, advise and make recommendations with regard to the selection of the General Counsel, and Administrative Code Section 2471(h) provides that the Organization and Personnel Committee shall study, advise and make recommendations with regard to individuals to serve in positions requiring Board approval.

While the Administrative Code identifies the committees responsible for selection of the General Counsel, the Administrative Code does not provide any method or procedure for such selection. Accordingly, the manner in which the next General Counsel is selected is left to the discretion of the Board, the Legal and Claims Committee and the Organization and Personnel Committee.

2. Past Practice of Selection of General Counsel

Board and Committee minutes, Board letters and various other documentation were reviewed in order to ascertain any past practice used by the Board in selecting a General Manager or General Counsel.

It appears that the appointment of a new General Counsel in 1980 was made upon the recommendation of the retiring General Counsel, Robert P. Will. Mr. Will recommended the appointment of Assistant General Counsel Carl Boronkay. The Legal and Claims Committee and the Organization and Personnel Committee then recommended Mr. Boronkay's appointment to the Board. It does not appear that applications were solicited or accepted for the position.

Likewise, it appears that the appointment of a new General Counsel in 1984 was made without the solicitation of applications for the position. Mr. Boronkay was appointed to the position of General Manager in March 1984, thereby vacating the General Counsel position. Warren Abbott was elevated from Assistant General Counsel to General Counsel the following month. Again, Mr. Abbott was appointed by the Board upon the recommendation of the Legal and Claims Committee and the Organization and Personnel Committee.

When the Board sought a new General Counsel in 1988, an advertisement for the position was published in ACWA and other publications and was disseminated within the Legal Department. Applications were received from individuals within and outside of the District.

The Legal and Claims Committee and the Organization and Personnel Committee formed an Ad Hoc Interview Committee to interview the applicants. The interview panel was provided with a list of questions regarding the applicants' experience and qualifications and a rating scale (outstanding, well qualified, qualified and unqualified) for each area of inquiry. Each applicant was interviewed and rated by members of the Ad Hoc Interview Committee. The Ad Hoc Interview Committee then made recommendations to the Legal and Claims Committee and the Organization and Personnel Committee. It appears that the Legal and Claims Committee then interviewed two of the candidates. Ultimately, the Legal and Claims Committee and the Organization and Personnel Committee made a recommendation to the Board as to the appointment of the new General Counsel.

3. Past Practice of Selection of General Manager

There is little documentation regarding the appointment of a General Manager in 1977. Upon announcement of the retirement of the General Manager, the Organization and Personnel Committee recommended to the Board that Assistant General Manager Evan Griffith be elevated to the office of General Manager. It is the recollection of staff, that prior to that recommendation, at least one other member of the staff was interviewed.

On the other hand, applications were solicited for the position of General Manager in 1984. Advertisements for the position were placed in several publications. A subcommittee was formed to review those applications. That subcommittee consisted of several members of the Organization and Personnel Committee. It is the recollection of staff that interviews were conducted although it is unclear if such interviews were before the subcommittee or the Organization and Personnel Committee. The Organization and Personnel Committee then made a recommendation to the Board.

Board Committee Assignments

This letter is referred for information to:

The Legal and Claims Committee because of that Committee's duty to study, advise and make recommendations with regard to the selection of the District's General Counsel, pursuant to Administrative Code Section 2461(e); and

The Organization and Personnel Committee because of that Committee's duty to study, advise and make recommendations with regard to the appointment of individuals to serve in positions requiring Board approval, pursuant to Administrative Code Section 2471(h).

Recommendation

For information only.


Fred Vendig

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