

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

COMMUNICATIONS AND EDUCATION COMMITTEE

August 16, 2011

Vice Chair Griset called the meeting to order at 10:45 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Vice Chair Griset, Directors Brick, Camacho, Gray, Record, and Wunderlich.

Members absent: Directors Abdo, Bowersox, Lowenthal, Quiñonez, and Sanchez.

Other Board Members present: Directors Ackerman, Ballin, Blake, Brown, Edwards, Evans, Foley, Grandsen, Heidel, Little, J. Murray, Peterson, Steiner, and Wright.

Staff present: Acuña, Bennion, J. Carrillo, L. Carrillo, DeBacker, Escuadro-Dailey, Hasencamp, Hiltcher, Kightlinger, Man, Martinez, Neal, Patterson, Philp, Schlang, Scully, Stites, Upadhyay, Waade, and T. Wong.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

None

2. APPROVAL OF THE MINUTES OF THE MEETING OF THE COMMUNICATIONS AND EDUCATION COMMITTEE HELD JUNE 14, 2011

Approved

Moved: Camacho Seconded: Wunderlich

3. COMMITTEE CHAIR'S REPORT

Vice Chair Griset reported that on July 27-29, he attended the National Water Resource Association's Municipal Caucus Briefing held in Colorado. Brad Hiltcher also attended the meeting. Vice Chair Griset served as the chair of this caucus.

Vice Chair Griset reported that the featured speaker was Donald Metzler who is the Federal Project Director for the Uranium Mill Tailings Remedial Action (UMTRA) Project in Moab, Utah. Mr. Metzler presented the risks associated with the the removal process, where the materials are being placed and by what means this massive project is to be completed in terms of infrastructure, local economic impacts and/or local groundwater quality concerns.

4. CONSENT CALENDAR ITEMS – ACTION

7-5 Subject: Authorize amendments to contract with Fraser Communications to extend the term for one year, modify scope of work and reduce the maximum payable amount

Presented by: Linda Waade, Deputy General Manager, External Affairs

Motion: Adopt the CEQA determination and amend the current contract with Fraser Communications to extend the termination date to September 2012, expand the scope of work to include enhancing Metropolitan’s websites (mwdh2o.com and bewaterwise.com) and stronger use of social media, with the amount payable during the additional year not to exceed \$700,000.

Motion Carried Moved: Record Seconded: Camacho

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

a. Subject: Report on public agencies and ballot measures

Presented by: Setha Schlang, Senior Deputy General Counsel

Ms. Setha Schlang from Metropolitan's Legal Department made a presentation on public agencies and ballot measures. Ms. Schlang reviewed legal rules concerning expenditures of public funds and public resources during an election campaign.

Ms Schlang stated that the basic legal principle is that "a public agency can educate the public on the impacts of a ballot measure, and adopt a formal position on the measure, but cannot use public agency funds or public agency resources to persuade voters to adopt the agency's stance."

Ms. Schlang discussed what can be done and what cannot be done and how to deal with uncertain situations during an election campaign. Ms. Schlang covered the following areas:

- Prohibited actions:
 - Advocating that voters take a position for or against a measure in any forum—publications, website, panels, as speakers.
 - Any use of traditional campaign materials to publicize Metropolitan's position—i.e. banners, bumper stickers, TV or radio ads
 - Using argumentative or inflammatory language to present Metropolitan's position
 - Contributing public funds or resources to election campaigns

- Permissible actions with public resources:
 - Analyze the measure and its impacts
 - Adopt a formal position
 - Publicize Metropolitan's position on the measure in an informational and balanced manner through its usual methods (i.e. press releases, factual articles in regular Metropolitan publications, posting Metropolitan's position on its public website)
 - Pay membership dues to professional associations (Gov. Code § 54964(b)(3))
 - When responding to questions or participating on information panels:
 - Present Metropolitan's position and the facts supporting its position;
 - Not required to present both sides of the issue if the other side is represented; and
 - Cannot advocate that others adopt Metropolitan's position.
 - Provide speakers on the measure that present the facts in a full, fair and impartial manner.
 - Metropolitan's External Affairs group can proactively prepare and distribute full, fair and balanced information about the measure, including pros and cons.
 - Any item distributed must be carefully reviewed as to its timing, tenor and style to ensure that it is not advocating a position, using

inflammatory or argumentative language or suggesting or implying that a particular position be taken on the matter.

- On your own time. Not on Metropolitan's funds or resources:
 - As an individual, you are free to make a campaign contribution and advocate your position on a measure, urging voters to vote for or against a measure.
 - However, you need to clarify that this is strictly your personal opinion and that you are not representing Metropolitan in any manner.
- Resolving uncertain situations:
 - Consult with the General Counsel in case of any doubt as to the propriety of an action.
 - A public official who fails to exercise due care can be held personally responsible for improper expenditures.
 - Unlawful use of public funds for campaign activity can be a misdemeanor or felony (Gov. Code § 8314)

8. MANAGEMENT REPORT

None

9. FUTURE AGENDA ITEMS

None

The next meeting will be held on October 11, 2011.

Meeting adjourned at 11:03 a.m.

Daniel Griset
Vice Chair