

3. CONSENT CALENDAR ITEMS – ACTION

None

Director Camacho entered the meeting at 9:06 a.m.

4. OTHER BOARD ITEMS – ACTION

None

Director Wunderlich entered the meeting at 9:07 a.m.

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

- a. Subject: General Counsel Evaluation Progress Check
- Presented by: Diane Pitman, Group Manager, Human Resources

This item was discussed in open session. Ms. Pitman gave an overview of the process for the Direct Reports Evaluation Progress Check. General Counsel Marcia Scully presented a short summary of the progress made to date in implementing the priorities set by the Board and responded to questions from the committee.

No action was taken.

7. MANAGEMENT REPORTS

- a. Subject: General Counsel's report of monthly activities
- Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully gave an update on the litigation brought by Los Angeles Department of Water and Power (LADWP) regarding Public Records Act disclosures related to the turf removal program. The court had previously issued temporary restraining orders (TROs) prohibiting Metropolitan from releasing the names and street addresses of rebate recipients within the service area of LADWP and the other member agencies that had joined in the litigation. She reported that the court issued its decision consistent with Metropolitan's position that the public interest in the expenditure of public funds outweighs the privacy concerns of rebate recipients

and that the names and addresses of rebate recipients are subject to disclosure when the TROs are lifted which will not be prior to the next hearing on February 25, 2016.

The General Counsel also reported that as a result of data searches due to requests from judicial officers to have their addresses protected for security concerns, Metropolitan discovered that it is in possession of additional data that was not provided with the initial response to public records requests. When Metropolitan discovered the data, Metropolitan sent an e-mail to each requester advising them that there is additional information and the information will be provided to them unless they affirmatively request that it not be provided.

The General Counsel and Ethics Officer submitted a joint request to the Fair Political Practices Commission seeking guidance on the conflict of interest rules that may apply to Metropolitan's budget process. No response has yet been received.

A question had been raised about the procedure Metropolitan has historically followed for counting votes when a board member from a multi-director agency is recused. Senator Hertzberg agreed to request an opinion by the Attorney General's office on this question. The request has been assigned to an attorney who has contacted the Legal Department for information.

The Legal Department attorneys conferred with counsel for plaintiffs in the *Coziahr* case, which challenges the water rates charged by their retail service agencies, the San Diego County Water Authority, and Metropolitan. The consultation is a required step prior to proceeding with a demurrer (motion to dismiss the complaint). As a result of the meet and confer, plaintiffs are considering dismissing Metropolitan.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on March 8, 2016.

Meeting adjourned at 9:29 a.m.

Jesùs Quiñonez
Chair