



# San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

September 14, 2017

## VIA U.S. Mail and Email

### MEMBER AGENCIES

Carlsbad  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Helix Water District

Lakeside Water District

Olivenhain  
Municipal Water District

Otay Water District

Padre Dam  
Municipal Water District

Camp Pendleton  
Marine Corps Base

Rainbow  
Municipal Water District

Ramona  
Municipal Water District

Rincon del Diabolo  
Municipal Water District

San Dieguito Water District

Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuima  
Municipal Water District

### OTHER REPRESENTATIVE

County of San Diego

**Jeffrey Kightlinger, General Manager**  
**Marcia Scully, General Counsel**  
**Metropolitan Water District of Southern California**  
**P.O. Box 54153**  
**Los Angeles, CA 90054**

Re: Ethics Office Issues

Mr. Kightlinger and Ms. Scully:

At the MWD Board meeting on Tuesday, September 12, 2017, during a number of breaks of closed session meetings, various board actions were announced including: 1) acceptance of a resignation by Ethics Officer Deena Ghaly; 2) putting Ms. Ghaly on administrative leave, effective immediately; and 3) appointment of an interim Ethics Officer. Somewhere during this process, it is our understanding that MWD auditor Gerald Riss was appointed as interim Ethics Officer, effective immediately. All of these actions came after a period of apparent disputes between MWD management and the General Counsel, on the one hand, and the Ethics Office on the other hand, and involving various investigations by the Ethics Office.

The Water Authority does not know the details of what has happened, but it has significant concern that the integrity of the Ethics Office be maintained, and that legal violations not occur. As you are well aware, the Legislature enacted the Ethics Office, via SB 60 (Hayden, 1999), to keep watch over MWD in the context of improper activities by MWD designed to thwart the Imperial Irrigation District-Water Authority water conservation and transfer agreement. It appears that MWD management may now be attempting to interfere with the role of the Ethics Office by eliminating the Office's current staff and replacing them with individuals who will not be independent, but rather be direct representatives of, and conduits to, management. This would compromise and effectively eliminate protections that are afforded to complainants, some of whom, presumably, have lodged complaints against management, the General Counsel, or the Auditor. This would be completely unacceptable, and would destroy confidence among MWD staff and the public that MWD's Ethics Office is a neutral, unbiased and

*A public agency providing a safe and reliable water supply to the San Diego region*

independent entity within MWD. It is of vital public interest that MWD's Ethics Office be independent, above reproach, and not be subject to dictates from MWD management – the very management it is statutorily charged to watch over.

Therefore, as a member agency of MWD, the Water Authority hereby makes demand on MWD as follows:

1. That MWD management, the Auditor, the General Counsel's office, or any special counsel (collectively, "MWD management") retained by them, not be granted access to the files of the Ethics Office, which should remain under the control and view of the Ethics Office alone.
2. That confidential investigatory information held by the Ethics Office not be shared with MWD management except as expressly allowed by statute.
3. That a completely independent Ethics Office be maintained in all respects, and that MWD management not interfere with the Ethics Office operations.
4. That MWD's General Counsel not involve its office in any manner in trying to represent both the Ethics Office and management in areas of conflict, which risks violating ethics rules of professional responsibility for attorneys.
5. That MWD immediately hire independent special counsel to represent the Ethics Office *only*, and not MWD or management, during this transition period, so as to assure that numbers 1 through 4 listed above are performed. MWD management should not have access to the confidential communications or work product of this independent special counsel, who should only report to the Ethics Officer.
6. Any interim Ethics Officer must be publicly informed in writing of the above items 1 through 5 so that he/she knows their duties.

The Water Authority has no interest in any further disputes with MWD. However, the Water Authority believes it is critical that the above steps be taken immediately so that the public's trust in the MWD Ethics Office can be maintained. We urge you to act as requested for the benefit of MWD, all its member agencies and the public.

Sincerely,

*/s/ Mark J. Hattam*

Mark J. Hattam  
General Counsel

Cc: Water Authority Board of Directors  
MWD Board of Directors  
Ms. Maureen Stapleton