

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 11, 2021

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No.: 21-0002-S60
Assignment No.: 21-03-0197

SUBJECT: Resolution (Koretz - Martinez - O'Farrell) relative to the Senate and Assembly Joint Legislative Audit Committee and the Metropolitan Water District of Southern California

CLA RECOMMENDATION: Adopt Resolution (Koretz - Martinez - O'Farrell) to include in the City's 2021-2022 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation or related effort by the Senate and Assembly Joint Legislative Audit Committee to conduct a comprehensive investigation and audit of the personnel policies and practices of the Metropolitan Water District of Southern California (MWD) to increase transparency and provide oversight of workplace health and safety; and the prevention of workplace discrimination, harassment, bullying and retaliation in light of recent reports concerning the treatment of women at the MWD.

SUMMARY:

Resolution (Koretz - Martinez – O'Farrell), introduced on March 3, 2021, states that the MWD is a public corporation created for the purpose of developing, storing, and distributing water throughout the Southern California region. The Resolution indicates that recent disturbing reports state that a number of current and former MWD employees have come forward exposing a pattern of sexual harassment, bullying and retaliation of women who participated in an apprentice program at the MWD.

The women who participated in the apprentice program state that their complaints of harassment were ignored by MWD officials and some women were pressured to continue working around their abusers. In one case, a woman was transferred to work at a facility more than 100 miles from her home and family.

The Resolution states that on October 27, 2020 an independent investigation was initiated by the MWD to review this situation. However, the Resolution maintains that there is concern that the investigation will be rushed and inadequate in addressing the problem.

The Resolution further states that in order to create the institutional change necessary to ensure the MWD's workplace is free from harassment, discrimination, bullying and retaliation, the State needs to conduct a comprehensive investigation into the alleged abuses, and the related human resources practices. Therefore, the Resolution requests that the City support and/or sponsor legislation by the Senate and Assembly Joint Legislative Audit Committee to conduct a comprehensive investigation and audit of the matter.

BACKGROUND:

The MWD was established in 1928 by the State Legislature. The City was one of 13 original founding member cities/agencies. The MWD is a regional water provider that currently delivers water to 26-member public agencies serving 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. The MWD's primary purpose is to provide supplemental water supplies to its member public agencies, which includes maintenance and operation of various facilities that it owns including the Colorado River Aqueduct.

Since the beginning of the MWD's creation, the City has contributed to the funding of MWD's projects, programs, and operating costs through property taxes and water purchases. To date, it is estimated that Department of Water and Power (DWP) ratepayers have contributed over \$12 billion to MWD's capital infrastructure, with over half paid from property taxes.

The MWD is currently governed by a 38-member Board of Directors representing 14 cities, 11 municipal water districts and one county water authority. The allocation of the directors and voting rights are determined by each member public agency's proportionate share of MWD's total assessed valuation, with a minimum of one director for each member agency. Currently, the City has a total of five director seats on the MWD Board. The City's director seats are appointed by the Mayor and confirmed by the Council.

In order for the Board of Directors to implement major infrastructure investments and address workforce related issues at the MWD, a majority vote is required.

Los Angeles Times Article

On February 12, 2021, the Los Angeles Times provided an extensive article which recounted the mistreatment of women in the MWD's trades apprenticeship program, which gives workers an entree into careers typically dominated by men. The article identified the women trainees' allegations of unwanted touching, inappropriate and offensive comments and the apparent lack of action by the MWD.

Council Motion

On February 17, 2021, a Motion (Martinez – O'Farrell; CF# 21-0203) was introduced in Council in response to the article. The Motion stated that the City has zero tolerance for abuse and harassment against women and that the City must re-evaluate its relationship with the MWD if the matter is not addressed. The Motion specifically requested the DWP and the Chief Legislative Analyst report on the following:

- If the City or its ratepayers are paying the MWD's liabilities through rates;
- If the DWP or the City was ever made aware of abuse at the MWD and if so, why action was not taken to address it;
- What policies the MWD has with regard to harassment including if they have a transparent and impartial process for investigating allegations and if their policies are in line with those of the City;
- How the City and the DWP can sever its relationship with the MWD if these allegations are not addressed.

The Motion is currently referred to the Council's Energy, Climate Change, Environmental Justice, and River Committee. The DWP is in the process of preparing a report in response to the matter.

Board of Supervisors

On March 9, 2021, in response to the matter concerning the MWD, the Los Angeles County Board of Supervisors directed their Chief Executive Officer to send a letter to the Senate and Assembly Joint Legislative Audit Committee requesting a comprehensive investigation into the allegations and concerns regarding the workplace culture at the MWD.

DEPARTMENTS NOTIFIED:

Department of Water and Power



Rafael E. Prieto
Analyst

Attachment(s): Resolution (Koretz - Martinez - O'Farrell)
 Motion (Martinez - O'Farrell)

RESOLUTION

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Metropolitan Water District (MWD) is a public corporation created for the purpose of developing, storing, and distributing water throughout the Southern California region; and

WHEREAS, the MWD consists of 26 member agencies and provides drinking water to nearly 18 million people in its service area; and

WHEREAS, recent disturbing reports state that a number of current and former MWD employees have come forward exposing a pattern of sexual harassment, bullying and retaliation of women who participated in an apprentice program at the MWD; and

WHEREAS, the women who participated in the apprentice program stated that their complaints of harassment were ignored by MWD officials and some women were pressured to continue working around their abusers; one woman was transferred to work at a facility more than 100 miles from her home and family; and

WHEREAS, on October 27, 2020 an independent investigation was initiated by the MWD to review this matter, but there is concern that the investigation will be rushed and inadequate in addressing the problem; and

WHEREAS, in order to create the institutional change necessary to ensure the MWD's workplace is free from harassment, discrimination, bullying and retaliation, the State needs to conduct a comprehensive investigation into the alleged abuses, and the related human resources practices; and

WHEREAS, by conducting these activities a measure of workplace safety and justice may be ensured for the women and LGBTQ+ community working at the MWD;

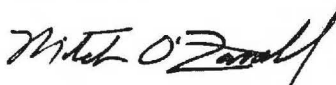
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles includes in its 2021-2022 State Legislative Program, sponsorship and support of any legislative effort by the Senate and Assembly Joint Legislative Audit Committee to conduct a comprehensive investigation and audit of the personnel policies and practices of the Metropolitan Water District of Southern California (MWD) to increase transparency and provide oversight of workplace health and safety; and the prevention of workplace discrimination, harassment, bullying and retaliation in light of recent reports concerning the treatment of women at the MWD.

PRESENTED BY:


PAUL KORETZ
Councilmember, 5th District


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:


MITCH O'FARRELL
Councilmember, 13th District


MAR 03 2021

Motion

Recent evidence has shown a pattern of systematic discrimination, abuse and harassment against women at the Metropolitan Water District (MWD). The agency operates a trades apprenticeship program that offers a pathway to lucrative careers at the agency. However, of the 218 apprentices hired between 2003 and 2019, only 9 were women. Four of these women have filed equal opportunity employment complaints against the agency. Women have reported being forced to work around men they have accused of abusive behavior. Pregnant women have been moved to lower paid positions. Women have been retaliated against by being moved to positions in remote desert locations where there are not even schools for their children. These complaints have largely been dismissed and ignored by the leadership at MWD. Two directors who called for independent investigations of these claims were recently ousted from the agency's board.

The MWD is one of the largest suppliers of water to the six county, Los Angeles metropolitan area. The city works closely with the agency both by having representatives on the board and through collaboration with the Department of Water and Power (DWP). The City of Los Angeles has zero tolerance for abuse and harassment against women. The city must reevaluate its relationship with MWD if these charges are not fully addressed by the agency.

I THEREFORE MOVE that the Department of Water and Power and the Chief Legislative Analyst report back in 10 days on the city's relationship with MWD. This report should include:

- If the City or our ratepayers are paying the liabilities of MWD through our rates.
- If DWP or the City was ever made aware of abuse at MWD and if so, why action was not taken to address it.
- What policies MWD has around harassment including if they have a transparent and impartial process for investigating allegations and if their policies are in line with those of the City of Los Angeles.

I FURTHER MOVE that the Chief Legislative Analyst in consultation with the City Attorney report back on how the City and DWP can sever its relationship with MWD if these allegations are not addressed.

PRESENTED BY 
NURY MARTINEZ
Councilwoman, 6th District

FEB 17 2021

SECONDED BY: Mr. O'Connell