



Item No.

**ACTION ITEM**  
August 19, 2015

**TO:** Board of Directors  
**FROM:** Robert Hunter, General Manager  
**SUBJECT:** Policy Regarding Name and Address Information Release for PRA Requests

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors that the policy and practice regarding the release of specific name and address information for rebate recipients be one of full disclosure including name, street address and city. If the Board of Directors wishes to engage in a more detailed discussion regarding the legal issues related to the possibility of joining the LADWP lawsuit, staff recommends that the discussion take place with legal counsel in closed session.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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There are multiple Public Record Act (PRA) requests that have been made by different media outlets to the Metropolitan Water District of Southern California (Met) and MWDOC pertaining to specific information for recipients of rebates under the turf removal program. While there are several facts and issues surrounding the multiple PRAs, the policy issues for MWDOC include the following:

- 1) Is it MWDOC policy that the specific name and address information of rebate recipients is protected information and will not be released?
- 2) If it is MWDOC policy that specific name and address information of rebate recipients is not protected and should be released, then how much of the full address is appropriate (i.e., city-only, city & street name, city + street name + street number.

MWDOC currently lists the name and rebate amount for all rebate recipients in our monthly financial report. In addition, Met has already released the rebate address information for the

<b>Budgeted (Y/N):</b>	Budgeted amount:	Core __	Choice __
<b>Action item amount:</b>	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

period from January 2014 through June 16, 2015 for most Met member agencies. There is a pending PRA covering mid-June through early August information. MWDOC currently has a PRA request from a media outlet that includes both the names and addresses for rebate recipients.

## **DETAILED REPORT**

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Specific water use and billing information for most retail customers is protected from public disclosure. The application of this exclusion to rebate information is less clear. The policy in question is the balance between the right of the public to information on distribution of utility funds and the right to privacy of individuals receiving those funds; in this case, rebates for turf removal. MWDOC does have a practice of listing all rebate check amounts and the name of the recipient in our monthly financial reports. However, that report does not include addresses. There is a pending PRA request for specific information, including addresses.

The San Diego Union-Tribune and others have made PRA requests of Met for information related to the Turf Removal Program participants. The City of Los Angeles Department of Water and Power (LADWP) advised Met of its objection to the release of the names and street addresses of program participants in LADWP's service area. This objection was based on the terms of a confidentiality agreement between LADWP, Met and Met's vendor for processing rebates (EGIA). There is no comparable confidentiality agreement between Met and MWDOC. LADWP filed suit on the issue and requested a temporary restraining order (TRO) in Los Angeles County Superior Court to preclude Met from releasing the specific information of program funding recipients in LADWP's service area. Subsequently, West Basin was allowed to intervene in LADWP's lawsuit. A TRO has been granted by the Court for the data of those two agencies. The court hearing on the issue is scheduled for November 5, 2015.

Met had released the information for all other member agency rebate recipients for the period from 2014 through June 16, 2015 but without the specific street number (e.g., 12xx Oak Street). Upon further request Met issued the complete street address. Met is currently preparing a response for the subsequent request for information from mid-June through early August. This week, Upper San Gabriel Water District and Foothill Municipal Water District also filed ex parte applications to intervene in the LADWP suit and prevent the disclosure of information in the subsequent request.

While MWDOC has been listing rebate recipient names and rebate amounts in monthly reports we have not been including address for those recipients or vendors. MWDOC staff has received one verbal request from a Member Agency to not release specific addresses.

The PRA request currently filed with MWDOC includes the names of rebate recipients, their addresses, how much rebate money they received, how many square feet of turf they removed, when they applied for the rebate, when the rebate was granted to them, their water agency and the type of property (e.g., single-family home, golf course, etc.). While the specific address information for most of the MWDOC rebate recipients has already been released by Met, the policy issue before the Board is the specific amount of address information to be included in the PRA response.

Any detailed discussion regarding the legal implications of intervening or not is appropriate for a closed session item.