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March 11, 2021

The Honorable City Council  
c/o Office of the City Clerk  
Room 395, City Hall  
Stop: 160

Attention: Councilmember Mitch O'Farrell  
Chairperson, Energy, Climate Change, Environmental Justice,  
and River Committee

Honorable Members:

Subject: Response to Council Motion on Metropolitan Water District Harassment,  
Discrimination, Retaliation, and Abuse Issues

This letter is in response to the motion made by Councilmember Nury Martinez on February 17, 2021, regarding publicly reported allegations of systematic discrimination, abuse, and harassment of employees at the Metropolitan Water District of Southern California (MWD).

Based on testimony provided at recent MWD Board of Directors meetings and interviews documented in the February 12, 2021, Los Angeles Times article (Times Article), MWD female and non-binary employees, accused MWD's top leadership of tolerating sexual harassment and abuse of women, particularly those in the trades and apprenticeship program. The Times Article documented a pattern of complaints alleging harassment and bullying of women who were enrolled in the apprentice program. The women and non-binary employees said they were consistently ignored or dismissed by MWD officials as they complained and pleaded for help.

This report presents information on the following:

- MWD employees' allegations of harassment, abuse and retaliation, and guns in the workplace.
- Los Angeles MWD Directors leading calls for an independent external investigation.
- Declaration by a union, representing 80 percent of MWD's employees, that it has no confidence in the internal MWD Equal Employment Opportunity (EEO) investigation process.
- In a parallel, but related process, there is a MWD General Manager recruitment process underway and Los Angeles MWD Directors are leading the calls for a fair, inclusive, and transparent selection process.
- The City of Los Angeles (Los Angeles) has adopted a zero-tolerance policy for sexual harassment.

Our responses have been prepared referencing publicly available information and documents, including the Times Article, public testimony at the recent MWD Board meetings, and MWD archives. Responses to requested items in the referenced motion are provided as follows:

## **1. Background of Relationship Between the City and MWD**

In order to understand Los Angeles' relationship with MWD, a brief summary is provided on MWD's history, governance, and management.

Los Angeles was one of the original 13 founding cities when MWD was established in 1928 by the California Legislature. MWD was created to provide additional sources of water for its member agencies. It is a regional water provider that currently delivers water for 26 member public agencies serving 19 million people in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura.

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 MWD's creation, Los Angeles has contributed to the funding of MWD's projects, programs, and operating costs through property taxes and water purchases. To date, it's estimated that LADWP ratepayers have contributed over \$14 billion toward funding MWD's capital infrastructure and operating expenses.

MWD is currently governed by a 38-member board of directors representing 14 cities, 11 municipal water districts, and one county water authority. The number of the directors representing each MWD member public agency and each agency's voting rights, are determined by each agency's proportionate share of MWD's total assessed valuation, with a minimum of one director for each member agency.

Los Angeles has a total of five directors on the MWD Board, represented by Mr. John W. Murray Jr. (December 2005 - Present), Mr. Jesus Quiñonez (December 2005 – March 2021), Ms. Tracy Quinn (September 2019 - Present), and Ms. Heather Repenning (December 2019 - Present); and one vacant seat at the time when testimony of alleged abuse, harassment, and retaliation were made public. Mr. Matt Petersen (October 2020 - Present) joined the MWD Board last October and Mr. Miguel Luna (March 2021 - Present) replaced Mr. Jesus Quiñonez this month.

Appointments to the MWD Board are made by Los Angeles' Mayor, and confirmed by the Los Angeles City Council. Currently, Los Angeles has 20.93 percent of the total MWD Board vote. To pass matters before the Board for action, such as major infrastructure investments and addressing workforce related issues, it is necessary to reach a majority vote.

There are various Board Committees that study, advise and make recommendations on matters to the Board of Directors. Each committee has a Chair, Vice Chair, and members. MWD Executive Management and staff provide support services to all Board Committees. The Organization, Personnel, and Technology (OP&T) Committee has purview over EEO and personnel matters including recruitment processes and is currently chaired by Los Angeles Director Murray. All Los Angeles Directors participate on various committees as members.

MWD's day-to-day management is under the direction of its General Manager (GM). That position and the General Counsel, General Auditor, and Ethics Officer directly report to the Board of Directors. All other executive officers include the Chief Operating Officer, Chief Financial Officer, Chief Administrative Officer, and Chief External Affairs Officer report directly to MWD's GM.

In early 2020, the current GM announced his plans to step down upon the Board hiring a successor. A recruitment process is currently underway for the selection of the new GM and is anticipated to conclude over the next several months. The MWD Board will interview candidates and select the new GM based on the affirmative vote from a majority of the Board.

## **2. Los Angeles Representatives Learn of Abuse Allegations Toward MWD Employees - Public Comments and Testimony of the Abuse of Employees**

Union representation reported retaliation against employees at MWD's June 2020 OP&T meeting, followed by MWD employees' public testimony with details of abuse, sexual harassment, retaliation, discrimination, and other EEO complaints at MWD's July 2020 OP&T meeting. During the meeting and directly following the public comments, Director Murray highlighted the urgency and importance of all issues brought to light and directed MWD Executive Management that a detailed background investigation of the abuse, sexual harassment, retaliation, discrimination and all other EEO claims to be brought back to OP&T Committee in an expeditious manner.

On June 23, 2020, at OP&T Committee meeting, Mr. Alan Shanahan, President of the American Federation of State, County and Municipal Employees (AFSCME) Local 1902, provided public comments, and stated:

“Employees do have fears about speaking up and retaliation. Our local represents over 80 percent of the workforce. And I'll be frank with you, we do not recommend any employees utilize the internal EEO process. I have seen egregious acts in relation to disparities between management and employees when employees report things. Over just the last 12 months, I have seen three cases where clear discrimination have [*sic*] been brought forth and then counter retaliations are brought forth during those investigations. And yet, the employees' original cases that are brought forth are dismissed while retaliatory ones are held to a higher standard, or accepted, even when they are more hearsay.”

On July 13, 2020, at OP&T Committee meeting, MWD employee and Chair of ASFCME's Women's Caucus, Ms. Ellen Mackey, introduced The Women's Caucus, a subcommittee of AFSCME Local 1902. As detailed in written comments submitted to the OP&T Committee, the Women's Caucus was formed in April 2020 because they found that incidences of harassment and sexual harassment, once reported at MWD, are “either dismissed or investigated with such limited scope as to be useless.” This subcommittee is said to serve as an action committee for employees to come forward with their own first-hand testimony, and seeks to work towards making measurable, outcome-driven changes.

At MWD Board and Committee meetings between July 2020 to December 2020, several employees reported a series of incidents alleging abuse, harassment, and retaliation in great detail. The following are a sample of some of the public statements extracted from letters submitted to MWD Board, some of which were also provided as public comments during OP&T Committee meetings:

- **Harassment Over Pregnancy**

“As my pregnancy progressed so did the harassment over my pregnancy. This same manager haunts my career til [sic] this day. I spoke up about the many examples of mistreatment but HR made me feel like I did something wrong. Victim shaming throughout the entire investigation. As result of me speaking my truth I have been sent to one of the most remote locations to work. And I’ve tried for years to get back to Gene [*Gene Pumping Plant is a MWD facility, near Lake Havasu*] so I can be with my family...I feel like I’m being made an example to other female workers that if you speak up, if you don’t play our game, we will make sure your career is hindered and hellish...And I don’t even have enough time to talk about how horrible housing is.”

- **Sexually Assaulted by Employee, Denied Transfer, and Lack of Management Response**

“...within a month of my start date I was sexually assaulted by a fellow employee... I reported this incident to EEO who eventually found in my favor. HR asked me (underlined) to keep the investigation confidential. That request isolated me – I was intimidated into silence. I requested a transfer due to the situation when I met with apprenticeship management at our introductory class and was denied. I was forced to remain on the same location as my assaulter for 3 years. I finally escaped to a different location by pursuing a different career with less income and guaranteed training – I left the apprenticeship program and reduced my potential lifetime earnings and opportunities for advancement. For six years I avoided my assaulter at a new location. Then last year he just showed up in the lobby prior to my employee evaluation... I did inform management of the problems created by his presence, however, no attempt was made to separate us... I crossed paths with this individual alone and I immediately informed my unit and team supervisor’s, asking them for help but received NO response.”

- **Denied Lodging on MWD Property Due to Gender**

“On the last day of my shift I was informed that I would not be allowed to continue to stay at my co-worker’s houses. ...because I was a woman staying in a man’s house it was too scandalous and the last thing they needed from their female apprentice was a scandal. I pushed back with the union asking why all the other ‘male’ apprentices were being allowed to stay with their journeymen and their families, some of who were wives and daughters, in district housing but I a female apprentice could not stay in an empty house. Again, I was given the answer that because I was a female they could not allow it and was warned by the union and HR that if I continued to push the issue I would surely be let go because I had not met my 6 month probation. I made one last requested [sic] to drive a fleet car from Gene to Iron [*Iron Pumping Plant is a MWD facility about 70 miles from Gene Pumping Plant*] and was denied that as well... I requested multiple times for a grievance to get my mileage for the three months I was

denied lodging on MWD property due to my gender, but I always came back denied.”

- **Victim of Unit Manager**

“Since coming to work in the office in 2014, I have witnessed firsthand, the rapid deterioration of our Unit manager and the cover up by the people around him. A man with a well-known reputation for being uncouth and sexist... I have witnessed... his inappropriate touching of his then girlfriend in the Gene office kitchen. Once, when I wanted to talk to him about an issue I had with my then manager... I was told to ‘Go ahead and file a grievance. No matter what I will back her and you better be prepared for that.’ ... he was not someone I feel safe being alone in a room with and have personally been a victim of him rubbing his shoulder against mine when making references to alcohol and partying or placing his hand over me on the wall and leaning down right in my face to talk. I have moved far away from him, made an excuse to leave the room, and ignored him fearing to confront him full on with how uncomfortable he made me because of his tendency to blow up and make a scene or make fun of how others feel.”

- **Sexual Harassment Comments from Managers**

“On top of the Unit Manager inappropriate actions, I have had to deal with multiple managers now that have made comments about how pretty I would be and how much easier things would be for me in the office as woman if I would just ‘look more normal’, wore dressy clothes, did not cut my hair or have tattoo and piercings, been accused of being a Satanist by my manager, and told that I was going to make other people think I’m a Satanist.”

- **Derogatory Comments from Manager**

“During my last evaluation it was expressed to me by my then intern [sic] manager... when I questioned why I was given two low marks that I felt were unjustified since I was giving no verbal warning or made aware that there were any issues, that ‘Nothing I say, do, think, or feel matters’ and that she ‘was going to be here for a long time so I better get used to it.’ This came from a white woman who had been working for the company for less than two years at the time and had been my intern [sic] manager for 4 months.”

- **Favoritism and Unequal Treatment Based on Racial Discrimination**

“A few years later, November 2007, another female came to work at the Iron Mountain Pump Plant... She was originally a recurrent worker, and she was there as new janitorial position that had been created, Operations & Maintenance Assistant. During her time there she was given special dispensations that made me very uncomfortable...I come from a long line of Latin and Native American ancestry yet I have worked hard to try and never use my race to my advantage, and I was by now used to being put down, teased and underestimated because I

was a female in a field of nothing but males, but now here was another woman being treated with exceptional favoritism and the only difference was the color of our skin and who our friends were. This was an issue that I could not help but to see discrimination in and brought up the issue with both my manager and the union, each time receiving no more than a brush off from either entity.”

- **Sexually Degrading Comments**

“Let me tell you about the incident that accompanied that last comment... my journeyman, in the middle of a safety meeting in the supervisor’s office, in front of the entire Iron Mountain Pump Plant staff, to turn to me and announce ‘I am sorry... but I have to say that women have no business in the work place. I mean no offence [sic], it’s just that you should be at home, taking care of your husband and having babies. Not be here taking a job from a man, a job that should go to a man so that he could provide for his family. I’m sorry no offence [sic] you’re a woman and you don’t belong here. You’re wrong.’... I should have continued to report every time I was asked suggestive questions, rubbed up on, had a derogatory comment about my gender pushed at me, had a tool thrown at me, or told I couldn’t do something because I was a woman.”

- **Denied Transfer Request Despite Male Coworker Allowed Accommodation Due to Disability**

“I have a congenital birth defected Genu Varum, knocked knees, coupled with no cartilage in one knee and 50 % cartilage in the other due to this condition... One day I came in with a limp... I was offered two choices, take one of two positions offered or go on “extended medical leave”, which meant no pay for me since I lost most of my time on my last maternity leave. I questioned how that was fair since one of my white male coworkers who had had both knees replaced and was on very similar restrictions as I was had not been told his restrictions warranted his removal from the plant; he was allowed to continue at the plant until he retired a few years later. I was met with the broken record answer of ‘it’s the districts prerogative to decide.’ Frustrated, I suggested being transferred to Hinds Pump Plant [*Hinds Pumping Plant is a MWD facility, over 100 miles from Gene Pumping Plant and over 50 miles from Iron Mountain Pumping Plant*] since it has an elevator and I was told no because my then father-in-law was Supervisor. I asked for an exception and to be put under a different supervisor but work for Hinds, an exception that had been made in the past for others... I was still denied.”

- **Favoritism and Discrimination from Unit Manager**

“For the past three years I have been trying, along with my coworkers to resolve a serious problem in our Unit - the Operations Planning Unit. Our Unit manager’s ongoing demonstration of favoritism towards one subordinate, while discriminating and retaliating against those of us who speak out against the favoritism continues to destroy our Unit and disrupt the lives of its members.

Since this has been occurring, within our Unit of typically 10 members, SIX coworkers have left, and THREE of us who remain are on the transfer list and have been seeking resolution through internal reporting systems. Meanwhile, these abuses go enabled and seemingly unchecked by the WSO Group Manager and by executive management.”

### **Firearms in the Workplace**

One notable incident brought to light by the Times Article is the report of an employee suicide in July 2019 at an MWD facility. As reported in the Times Article:

“District manager Jolene Fuentes filed a civil lawsuit in May 2019 alleging that Nash subjected her to “unwanted sexual slurs, epithets and commenting on her Victoria Secret perfume,” and texted her repeatedly to have drinks with him... She took a stress leave of absence and sought medical treatment as a result, she wrote. As part of its legal settlement, the district agreed to provide her back pay to cover the difference in compensation, according to a copy of the settlement agreement obtained by The Times. Reached by The Times, Fuentes declined to comment, citing a nondisparagement clause in the settlement agreement. The district launched an investigation of misconduct allegations against Nash and notified him in May 2019 that he would be fired. In July, Nash, 52, shot and killed himself in the camp near Lake Havasu.”  
(Times Article, 2021)

### **3. Actions Taken in Response to the Employees’ Reports**

As Chair of OP&T, Director Murray has been instrumental in facilitating open and transparent discussions on improvements needed in the existing processes and supported recommendations for an independent investigation and protection against retaliation. Los Angeles Directors Quiñonez, Quinn, and Repenning fully supported Director Murray’s efforts as OP&T Chair.

Since testimony with details of abuse, sexual harassment, retaliation, discrimination, and other EEO complaints were first made public at the July 2020 OP&T committee and in subsequent meetings, Director Murray continued to request follow-up discussions of MWD Executive Management to address public concerns and requested a list of independent third-party investigation firms for transparency and confidentiality to protect employee privacy.

In September 2020 and following months, former Director Quiñonez spoke out on the necessity of ensuring transparency, inclusion, protection for employees to speak honestly and unthreatened, and actions to strengthen relationships with employees and labor groups. Specifically, Director Quiñonez brought up issues regarding the



lack of equitable programs and opportunities for employees and sought an independent investigation for EEO matters.

Director Quiñonez also asked for the independent investigation to look into the existence of non-disclosure agreements and supported more diversity in the GM recruitment language. Director Quiñonez questioned whether MWD Executive Management was involved in retaliation cases and if there was anything done to discipline substantiated cases. He also called out the lack of public trust in the Diversity Equity, and Inclusion (DEI) Council due to groups opting out. The DEI Council was established in July 2020 by MWD Executive Management and is comprised of the leadership from employee resource groups and employee bargaining units, as well as MWD Executive Management, those who report directly to the MWD Board, DEI Consultants, and administrative support staff. With the exception of the MWD Board Chairperson, no other MWD Director participates in the DEI Council.

In October 2020, Director Murray supported and urged other MWD Directors to support the many requests made by then Upper San Gabriel Valley Municipal Water District Director, Charles Treviño, City of Fullerton Director, Adán Ortega, and City of San Fernando Director, Sylvia Ballin, on the hiring of an external investigator for allegations, and creating a safe work environment free from discrimination, sexual harassment, and retaliation. Other related matters included the need for increasing diversity in the GM recruitment candidates, and ensuring transparency and diversity in the committee overseeing the GM recruitment process.

In October 2020 and over the following months, Los Angeles Directors Quinn and Repenning spoke out on the need for ensuring transparency and inclusion and also supported improvements to programs for women, specifically the apprenticeship program.

In response to the calls from Los Angeles Directors and other MWD Directors, on October 1, 2020, the MWD General Counsel's Office entered into an agreement with Van Dermynen Maddux Law Corporation to conduct and administer a climate review to address allegations of EEO-based systemic discrimination, harassment, and retaliation.

However, at the October 2020 OP&T Committee Meeting, public commenters continued to express a need for more transparency, holding MWD management accountable, and provided direct accounts of harassment and retaliation that had not been addressed. MWD Directors Treviño and Ortega advocated for an external independent investigation reporting directly to the Ethics Officer and the OP&T Committee, rather than MWD Executive Management or MWD General Counsel. A letter was also submitted by MWD Directors Ballin, Ortega, and Treviño with the recommendation. All Los Angeles Directors supported the independent review.

In addition, results of an employee survey that was conducted were shown at the OP&T meeting, which indicated that less than one-half of all surveyed MWD employees believed they could report a violation of any law, rule, or regulation without fear of reprisal. Recognizing the urgency for transparency and protection of employee's rights, confidentiality, and protection against retaliation, Los Angeles Directors Murray, Quinn, Repenning and Quiñonez all supported this call for an independent review. The Board approved this item at its November 10, 2020 Meeting, and the Ethics Officer announced at the December 7, 2020 OP&T Committee Meeting that the Shaw Law Group had been selected to conduct this independent review, which is now ongoing.

**4. Are Los Angeles' Ratepayers Paying the Liabilities of MWD through LADWP's Rates**

Yes, Los Angeles ratepayers pay a proportionate share of all of MWD's expenses. On average, Los Angeles' purchase of water from MWD, including various fixed charges and property taxes, make up about 15 percent of MWD's total annual revenues. These purchased water costs are recovered from the Los Angeles' ratepayers through the Water Supply Cost Adjustment Factor as described in the Los Angeles' Water Rates Ordinance. Revenues collected by MWD from its member public agencies, including Los Angeles, are used to pay for all MWD expenditures, including MWD's liabilities.

**5. MWD Policies on Harassment and Process for Handling investigations of Allegations - Are these Policies in line with Los Angeles' Policies**

A comparison of MWD's EEO policies with those of Los Angeles and LADWP's policies determined that they are substantially similar. The core message of each agency is that the employer prohibits harassment, discrimination, and retaliation in the workplace on the basis of legally protected categories; that such complaints are investigated/addressed timely; and that appropriate action is taken against individuals found to have engaged in such discrimination or harassment.

Los Angeles and LADWP have adopted a Zero-Tolerance Policy against any activity that may constitute discrimination in the workplace such as hazing, harassment, retaliation, workplace violence and has created workplace policies to assist and support employee-victims of domestic violence.

Based on the organizational chart located on MWD's website, it appears that MWD's EEO Office is a sub-division of the Human Resources Group's Employee Relations, Inclusion, and Analytics Section. The Human Resources Group Manager reports to the Chief Administrative Officer.

Per MWD's Operating Policies H-07, it is the Employee Relations Section Manager's responsibility to supervise the activities of the EEO Investigations Staff. Allegations regarding officer or employee conduct are to be reported to EEO Investigations Staff, with the exception of allegations regarding Director conduct are to be reported to the Ethics Officer or Board Chair.

In November 2020, the MWD Board of Directors authorized and directed the Ethics Officer to engage an outside counsel (Shaw Law Group) to perform an independent review of systemic allegations. Under the initial Board authorization, the scope of work for the Shaw Law Group includes, but is not limited to, the following areas:

- A. Based on the organizational chart located on MWD's website, it appears that MWD's EEO Office is a sub-division of the Human Resources Group's Employee Relations, Inclusion, and Analytics Section. The Human Resources Group Manager reports to the Chief Administrative Officer.
- B. Per MWD's Operating Policies H-07, it is the Employee Relations Section Manager's responsibility to supervise the activities of the EEO Investigations Staff. Allegations regarding officer or employee conduct are to be reported to EEO Investigations Staff, with the exception of allegations regarding Director conduct are to be reported to the Ethics Officer or Board Chair.
- C. In November 2020, the MWD Board of Directors authorized and directed the Ethics Officer to engage an outside counsel (Shaw Law Group) to perform an independent review of systemic allegations. Under the initial Board authorization, the scope of work for the Shaw Law Group includes, but is not limited to, the following areas:
  - D. How EEO-related discrimination, harassment, and retaliation claims are handled by senior management, human resources staff, legal department, and other levels of management, including examination of processes utilized in cases reported by claimants during Metropolitan Board and Committee meetings throughout 2020.
  - E. Effectiveness of processes related to the Diversity, Equity, and Inclusion (DE&I) Council, including confidential interviews of participants.
  - F. Conducting climate assessments on issues including but not limited to the degree of employees' fear of reprisal for reporting violations.
  - G. Compliance with best practices in these and related areas.

H. Level of Board of Directors oversight of issues and concerns related to:

- Diversity, equity, and inclusion.
- Handling of EEO-related complaints.
- Fairness and favoritism in employment practices.
- Management accountability.
- Fostering a safe working environment for LGBTQ employees.

I. The experience of women in the trades and apprenticeship program.

J. Metropolitan's use of settlement agreements with non-disclosure provisions.

In August and September 2020, OP&T Committee Meetings, Jeff Cable, a former MWD Ethics Office employee and current AFSCME Local 1902 officer, commented on MWD's process for EEO investigations and described the use of nondisclosure clauses in legal settlement agreements. He also opined on the lack of safeguards against retaliation towards employees during MWD internal EEO investigations, claiming protecting MWD, rather than the employee, as a priority. Below is an excerpt of his public comments:

“... there is a widely held belief among rank-and-file employees that anyone signing a settlement agreement with Metropolitan must also sign a nondisclosure agreement regardless of their employment status. This has a chilling effect on employees making them afraid to come forward with testimonial harassment, retaliation, or discrimination. To be clear, we are talking about employees who filed complaints with the District who were found credible and offered a settlement...”

## **6. Can the Los Angeles/LADWP Sever its Relationship with MWD**

LADWP and the Chief Legislative Analyst respectfully request additional time needed to research and investigate information responsive to the question on “severing” its relationship with MWD in the event that MWD does not fully address allegations of abuse and harassment. There are many aspects, including legal, resource, and operational that need to be carefully considered in response to the Council Committee request.

In the meantime, there are near and mid-term actions that Los Angeles may immediately consider to restore employee and public trust in MWD, including the following:

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- Support the Los Angeles MWD Directors' efforts to ensure that the current independent outside investigation is not obstructed in any way and gets completed, with findings and recommendations transmitted directly to the MWD Board to be taken up for immediate action and implementation. The MWD Board of Directors shall promptly review and take immediate actions in all areas to protect employees from harassment, abuse, discrimination, and retaliation.
- New GM Recruitment: Support a fair process to hire a successful candidate who brings experience to facilitate inclusive transparent leadership, to execute real changes that improve the protection, enforcement, implementation, and expansion of MWD's EEO policies.

If you have any questions or require further information, please contact me at (213) 367-1338, or have a member of your staff contact Ms. Winifred J. Yancy, Director of Legislative and Intergovernmental Affairs, at (213) 367-0025.

Sincerely,



Martin L. Adams  
General Manager

DDK:cyr

c: Councilmember Mark Ridley-Thomas, Vice-Chair, Energy, Climate Change,  
Environmental Justice and River Committee  
Councilmember Paul Koretz  
Councilmember Kevin de Leon  
Councilmember Paul Krekorian  
Councilmember, Nury Martinez  
Mr. Eric Villanueva, Legislative Assistant  
Ms. Winifred J. Yancy