



Los Angeles City Ethics Commission

April 3, 2013

The Honorable City Council  
c/o June Lagmay, City Clerk  
200 North Spring Street  
City Hall – 3rd Floor  
Los Angeles CA 90012

**Re: Council File Number 13-0266  
David Fleming Reappointment  
Metropolitan Water District of Southern California**

***FOR COUNCIL CONSIDERATION***

Dear Councilmembers:

On March 5, 2013, the Mayor transmitted to the City Clerk a letter indicating his reappointment of David Fleming to the Metropolitan Water District of Southern California (MWD). The Ethics Commission received Mr. Fleming's pre-confirmation statement of economic interests (SEI) on March 19, 2013 and an amendment to that statement on March 29, 2013. This letter is provided for your consideration as part of the confirmation process. A copy of this letter is also being provided to Mr. Fleming to help him avoid potential conflicts of interests that may arise in the course of his tenure as a member of MWD.

Mr. Fleming reports on his SEI an ownership interest in the David & Jean Fleming 1994 Trust, which holds interests in real property. He also reports income from Latham & Watkins for his position as counsel. If a matter involving any of these interests comes before MWD, Mr. Fleming should, before acting, seek the advice of the attorney who advises MWD regarding whether he should disqualify himself. We are unable to assess if or how frequently Mr. Fleming would be in a position of having to recuse himself.

Interests disclosed on an SEI are not the only interests that can give rise to a conflict of interests. For example, state law may require recusal by a board or commission member due to certain business activities of the clients of that member's employer. If a matter raises potential conflict of interests issues, we encourage Mr. Fleming to seek the advice of the attorney who advises MWD before acting.

If you have questions, please feel free to contact Ethics Program Manager Shannon Prior at (213) 978-1960.

Sincerely,

Heather Holt  
Executive Director

cc: Mayor Antonio Villaraigosa  
David Fleming