



*THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA*

Date: March 17, 2021
To: Board of Directors
From: Jeffrey Kightlinger, General Manager
Subject: Desert Employee Personnel Matter

Metropolitan understands that the Los Angeles Times (L.A. Times) intends to publish an article this week focusing on the tragic suicide of Don Nash on July 15, 2019. Mr. Nash was an employee of Metropolitan for 28 years at the time of his death and was the Conveyance and Distribution Unit Manager for the Desert Region, overseeing operations and maintenance for the Colorado River Aqueduct (CRA).

Staff has provided disclosable records to the L.A. Times pursuant to a Public Records Act request and responded to a number of questions. A briefing on the Don Nash matter has been requested for the April 15, 2021 Organization, Personnel and Technology Committee meeting. This is not a topic that may be discussed in closed session. Staff did inform select Board members at the time of the event but did not brief the full Board in open session on this matter out of concern for Mr. Nash's family.

Due to reports regarding specific instances of misconduct by Mr. Nash, Metropolitan initiated an administrative investigation (AI) on September 26, 2018 and shortly thereafter Mr. Nash was placed on administrative leave on October 1, 2018. After completion of the investigation a Notice of Intent to Discharge (NOID) was issued to Mr. Nash on May 16, 2019, in which the following misconduct was identified:

- Consuming alcohol during work hours, allowing other employees to consume alcohol during work hours without authorization from the General Manager's Office, and driving a District vehicle after consuming alcohol
- Bringing a firearm to work, purchasing a firearm during work hours, transporting a firearm in a District vehicle, and having live ammunition in his office
- Belittling and verbally abusing employees, and engaging in unprofessional and inappropriate behavior which included yelling at employees and intimidation
- Damaging District equipment and failing to report it
- Driving District and personal vehicles in an unsafe manner inside and outside of Gene Camp
- Performing maintenance work on his personal aircraft during working hours
- Misusing District funds to purchase a 3D printer

Mr. Nash resided in District housing and had tenant rights under California law. At the same time that Mr. Nash was provided his NOID, he was also provided a 60-day notice to vacate his residence. Over the next several weeks, Mr. Nash and his bargaining unit worked closely with Metropolitan in order to coordinate Mr. Nash's separation from employment. The parties had reached a tentative agreement and Legal provided a draft separation agreement to the attorney representing the bargaining unit shortly before the July 4th holiday.

The key terms of the agreement called for Mr. Nash to vacate his District residence according to the 60-day notice to vacate (July 16) with relocation assistance from the District and to terminate his employment on that same date, although Mr. Nash would retain the option to extend his termination date by using his available leave balances. The parties were in the process of finalizing these details when Mr. Nash committed suicide at his District residence at Intake Pumping Plant on July 15, 2019. This house is one of five at this location, with two occupied at the time. This house is not in the Gene Camp Village where several employees live. Mr. Nash's body was discovered by a fellow employee who was checking in on him the same day. Local law enforcement and Metropolitan security staff were immediately notified, and both responded to the scene.

During the administrative investigation and before Metropolitan issued the NOID, a threat assessment was made by trained outside experts, Prince Phelps Consulting. Prince Phelps Consultants has provided consultation to government agencies, educational institutions and private employers on over 2500 cases of workplace violence and/or threatening situations. Our primary contact was Patrick Prince, M.A., who is currently the Chief Threat Assessment Officer at USC and who has more than 30 years of experience in threat assessment and violence prevention. (<https://www.patrickprinceconsulting.com/>.) Prince Phelps Consulting agreed with all of the security measures Metropolitan adopted. One of the factors considered is that during the AI Mr. Nash did not engage in any conduct that presented a specific threat towards Metropolitan personnel or property. Mr. Nash had bargaining unit representation throughout the AI and he conducted himself professionally in his dealings with Metropolitan.

When an employee is being discharged, Metropolitan proactively manages security risk and uses best practices to ensure a rapid and timely response with the appropriate resources, if there is an increased risk. These best practices include professional assessment of potential threat, removal of the employee from the workplace (administrative leave), restriction of employee access to District facilities, regular monitoring of the situation, and early involvement of local law enforcement resources to ensure a rapid and effective response, if needed. Local law enforcement was also notified as a precaution. In addition, as some employees expressed concern about Mr. Nash's conduct and behavior, in an abundance of caution, an armed guard was stationed at Gene Camp 24x7 to help reassure employees and to assist law enforcement if needed.

Mr. Nash was in regular contact with management throughout the AI and following the issuance of the NOID. Employees with close personal ties to Mr. Nash also were in contact with him during this period. In addition to his work situation, Mr. Nash was experiencing issues in his personal life. However, there were no clear indicators at any time that Mr. Nash was

contemplating committing suicide. The subject of providing Mr. Nash with care and support through Metropolitan's Employee Assistance Program during the administrative investigation and subsequent disciplinary action was properly raised and addressed.

Brent Yamasaki took over as Interim Group Manager for WSO on March 3, 2019, and was later appointed to the position on November 3, 2019, following the retirement of Group Manager, Jim Green, on March 29, 2019. Mr. Nash's suicide occurred within the first five months of Mr. Yamasaki's interim assignment. Mr. Yamasaki flew to Gene Camp the following day and addressed Desert staff at an all employee meeting. Grief counselors were immediately made available to employees.

In the last two years, nine of the fifteen managers responsible for operating and maintaining the Colorado River Aqueduct (CRA) are new to their current management positions in the Desert. Gene Patricio has been overseeing the operations and maintenance for the CRA since March 10, 2019 and is the Conveyance and Distribution Section Manager for the Desert Region. Due to the diligent investment in training for WSO employees, Mr. Yamasaki and Mr. Patricio have been able to continue to reliably operate and maintain the CRA throughout this change in management.

Metropolitan has supported Mr. Nash's daughter as she worked through administering his estate. This took time and there were delays in the courts due to COVID. Metropolitan assisted Mr. Nash's daughter in removing Mr. Nash's personal property from the location at Intake Pump Plant in August 2020. The District's actions included maintaining security at the house at Intake to ensure that Mr. Nash's personal property were safeguarded until removal by authorized family members, and assisting with moving the personal property, including several vehicles, boats and other personal items.

Metropolitan will be providing more information at the April Organization, Personnel and Technology Committee meeting and will be prepared to answer questions. Staff felt it was important to provide this information for context in advance of both the upcoming article and committee meeting.