

• Ethics Officer's August Monthly Report

Summary

This report provides a general update on the progress and activities for the Office of Ethics.

Attachments

None

Detailed Report

Activities

1. The ethics educator position has been redesigned and approved. Staffing requisition has been reviewed and approved. The job will be advertised through the month of September. Interviews will be conducted Monday, October 25, 2004. The ethics educator is expected to begin in early December 2004.
2. Two new CDs in the Ethics Matters series and Interactive Questions will be produced through a contractor. The Contractor is expected to begin by the middle of September 2004.
3. The revised Ethics Policy was approved by the CEO with Ethics Officer concurrence on August 18, 2004. It has been announced to employees through broadcast voice mail and Intranet and has been posted on the Ethics Office Web site.
4. A revised contractor conflict of interest form is now in place. Potential professional and personal conflicts with staff and directors will be reviewed before contracts are awarded.
5. An Intake Committee for Director Concerns has been created and had its initial meeting on August 17, 2004. The Chairman has appointed Directors Foley, Hansen and Rez to the Committee. As with the primary Intake Committee, the role of the Intake Committee for Director Concerns is to review relevant matters with the Ethics Officer and to advise the Ethics Officer on the determination of whether expressions of concern are best viewed as allegations of non-compliance, and thus should be forwarded to the Inquiry & Review Committee for formal investigation or whether the matters could be better handled elsewhere.
6. The Ethics Subcommittee reviewed proposed policy recommendations from the Ethics Officer regarding Contractor-MWD Relationships, Administrative Code § 7310 regarding Director/Staff solicitation of campaign contributions, and proposed language regarding a schedule of penalties for ethics violations, as mandated by SB 60. All are in revision and will be reconsidered at the September Subcommittee meeting.
7. The Ethics Office, in cooperation with the General Counsel, is performing the state-mandated required review of Metropolitan's Conflict of Interest Code. Comments regarding designated positions, including contractors, have been requested from Executive Managers and Group Managers. Notice of anticipated change must be filed by October 1, 2004.
8. Discussed fraud issues relevant to Metropolitan with KPMG external auditor.

Ethics Education

1. The Ethics Officer met with the CFO Group to discuss the Ethics Office and policies.
2. Audio stream of Ethics Matters is now available on the Ethics Office Web site; anonymous posting of comments is now possible for the Interactive Question on the Ethics Office Web site.

Matters of Concern

1. Matters carried over that were brought to the attention of the Ethics Office prior to July 28, 2004:
 - a. June 23, 2004 -- Issue: Director-Staff Relations.
A concern was received from a director regarding incomplete staff communication to directors. Intake Committee for Director Concerns Review August 18, 2004. Committee determined matter was better handled through Executive Committee performance review.
Disposition: Referred. Matter now under appeal. Intake Committee for Directors' Concerns reconsideration September 14, 2004. (54)
 - b. July 2, 2004 -- Issue: Misuse of Position – Director.
A director has alleged that another director has misused his Metropolitan position for personal benefit. Intake Committee for Director Concerns Review August 18, 2004. Committee determined some issues had already been addressed, others were matters for member agency review and concerns regarding staff would be better handled through Executive Committee performance review.
Disposition: Referred. (55)
2. Matters brought to the attention of the Ethics Office July 28-August 31, 2004:
 - a. August 1, 2004 Issue: Conflict of Interest.
A journalist alleged that an Executive Team Member was in conflict due to a relative's relationship with a Metropolitan contractor. Matter reviewed by General Counsel and Ethics Office with memo to Board of Directors August 2, 2004. Intake Committee Review August 24, 2004.
Disposition: Judged without Merit.
 - b. August 4, 2004 Issue: Employee Relations.
An employee alleges that an individual is not being treated fairly in job interviews. Intake Committee Review August 24, 2004.
Disposition: Refer to Appropriate Department.
 - c. August 13, 2004 Issue: Employee Relations.
An employee alleges that another employee is not qualified for his position. Intake Committee Review August 24, 2004. Matter has already been reviewed.
Disposition: Judged without Merit.
 - d. August 16, 2004 Issue: Director's Misuse of Position.
An employee alleges that a Director has claimed that "MWD directors and executives have dealt with matters in the legislature to protect salaries without board authorization or in a manner seen as otherwise improper." Referred to Intake Committee for Directors' Concerns. Reviewed by Committee August 17, 2004. Directors have a right to free expression.
Disposition: Judged without merit.