

- **Board of Directors**

November 9, 2004 Board Meeting

8-6

Subject

Amend § 7315 of the Metropolitan Water District Administrative Code regarding Violation of Ethics Policy

Description

The Ethics Subcommittee recommended at its meeting on October 26, 2004, that the Board adopt a schedule of penalties for violation of ethics rules and policies, as required by SB 60 (MWD Act Section 126.7). The language recommended by the Subcommittee was developed through discussion at a series of Subcommittee meetings and reflects comments from Subcommittee and other Board members. Also on October 26, 2004, the Executive Committee agreed that the proposed language should be submitted directly to the Board for consideration.

The penalty language is proposed for adoption through amendment to § 7315 of Metropolitan's Administrative Code, set forth in [Attachment 1](#), with strikeouts reflecting deletions from the existing text and underlining reflecting additions.

Policy

Metropolitan Water District Act Section 126.7(e)

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.]

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and approve the amendment to Administrative Code § 7315 set forth in [Attachment 1](#)

Fiscal Impact: None

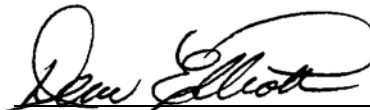
Option #2

Do not amend Administrative Code § 7315.

Fiscal Impact: None


Staff Recommendation

Option #1



Deni Elliott
Ethics Officer

10/27/2004
Date


for Jeffrey Kightlinger
General Counsel

10/27/2004
Date

Attachment 1 – Metropolitan Water District of Southern California Administrative Code § 7315

BLA #3301

Metropolitan Water District of Southern California Administrative Code Section 7315**§ 7315. Violation of Ethics Policy.**

A. When the Ethics Officer concludes, after investigation by the Inquiry and Review Committee, with the advice of General Counsel, that substantial evidence exists that indicates that a member of the Board is in non-compliance with state law, the matter will be referred to the Fair Political Practices Commission, Attorney General, or District Attorney, as applicable, with notice of the referral provided to the Board, Board member and the appointing member agency at the time of the referral. When the Ethics Officer concludes, after investigation by the Inquiry and Review Committee, with the advice of General Counsel, that substantial evidence exists that indicates that a member of the Board is in non-compliance with the Ethics Policy or Administrative Code, the matter will be referred to the Executive Committee, with prompt notice to the Board member, with a recommendation for appropriate action, which can include, but is not limited to: (1) notification of finding of non-compliance; (2) letter of reprimand; (3) letter of reprimand with copy to the appointing agency; (4) request to the appointing agency for replacement of the Board member.

B. A Director who is subject to a finding of non-compliance with the Ethics Policy by the Ethics Officer shall, at the time the matter is referred to the Executive Committee, be provided a copy of all the material upon which the determination was based, and have the opportunity to present any relevant information, data, or facts in his or her own defense prior to the Executive Committee determination.

C. Any Director who is dissatisfied with a determination by the Ethics Officer, after investigation by the Inquiry and Review Committee, that no violation or non-compliance occurred may appeal the determination to the Executive Committee for review.

D. ~~If a director is reported to have violated Metropolitan's ethic standards, the matter shall be referred to the Executive Committee for investigation and consideration of any appropriate action warranted.~~ Violations of the ~~E~~ethics ~~P~~policy ethics policy by officers or employees will be handled through existing disciplinary procedures.