

• Ethics Officer's February 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 hiring of the Ethics Educator is complete. Jeffrey Cable will begin March 7, 2005.
2. The hiring of the Secretary to the Ethics Officer is complete. Edith Yamasaki has begun in that full time position.
3. The renovation of the Ethics Office reception area is underway. It is expected that all Ethics Office staff will be working out of the 11th Floor location by March 7, 2005 and that renovations will be complete by the end of April.
4. Amendments to the Administrative Code recommended by the State Auditors have been approved and forwarded to the Fair Political Practices Commission. The HR Ethics Policy for Employees (H03) is currently in revision.
5. The Ethics Interchange Program will be presented to the Member Agencies' General Managers at their meeting March 11, 2005. The Interchange Program will include a web-based set of resources for program development and education, a web-based discussion board and a semi-annual dinner-discussion for those charged with ethics-related-tasks at Member Agencies.
6. The Ethics Officer worked with HR, Contracts, and the General Counsel's Office to answer questions relating to nepotism, contract awards, and low bids for public works.

Ethics Education

1. Copies of A Local Official's Reference on Ethics Laws, published by the Institute for Local Self Government, have been ordered for Directors and Executive Management;
2. An Ethics Workshop on "Adaptive Leadership" by Mary Linsky, President of Cambridge Leadership Associates, for enhancing Director and Executive Management leadership in ethics has been rescheduled for Tuesday, July 26, 2005.
3. An Ethics Matters CD based on the May 2004 Directors' Workshop is currently being vetted. The third Ethics Matters CD, *Ethics and MWD Mission* will be vetted in early March.
4. A new Interactive Question has been posted to the Ethics Office Web site.
5. A series of six posters, intended to remind employees of their power and responsibility in promoting ethical conduct, will be distributed throughout the District with monthly change out beginning in March 2005.
6. The Ethics Officer will attend a sponsoring partners' meeting of the Ethics Officer Association in Atlanta in April 2005.
7. Ethics Manuals for Directors, Employees and Contractors are in development.

Matters of Concern

No New Matters of Concern were filed in February 2005.

Formal Complaints

October 13, 2004 - Issue: Theft of Goods/Services

A matter, raised initially in August 2004, was referred to Inquiry and Review because attempts to resolve the concern informally were not successful. An employee has alleged that the contract awarded to Securitas, the contractor that provides security for Metropolitan facilities, was improperly awarded and is being improperly administered. The complaint was reviewed by the Inquiry and Review Committee at its meeting of December 14, 2004. The Committee elected Director Edwards to chair the investigation; as this is a matter with staff as respondent, Director Farrar was excused from the process consistent with Ethics Office procedures, leaving three employees and two directors on the committee. At the recommendation of the Committee, an external investigator was retained, with Internal Audit conducting some aspects of the investigation. Reports from internal audit and external investigator were reviewed at the February 8, 2005 meeting.

The Committee found no evidence to support concerns that Securitas was given unfair advantage in the award of the contract nor does it find any evidence to support concerns that Securitas is making inappropriate use of District facilities or property. Specifically, the external auditor found that “due to the nature of the specific services and a ‘standard industry practice,’ there is a very high probability that all proposers equally understood that various types of assets of the District would be made available for the performance of the services under the contract without charge to the service provider.” However, the Committee found that Requests for Proposals/Qualifications (RFP/Q) and resulting Agreements should be written to specify equipment and facilities provided by the District. In addition, the Committee finds that all relevant paperwork regarding the award of contracts should be retained by the District to be available for audits or reviews.

The Ethics Officer concurred with those findings and has requested that the Interim Chief Executive Officer (CEO) put requirements in place regarding specifications in RFP/Qs and Agreements and in the retention of paperwork. The CEO has been requested to respond back to the Ethics Office and Audit Office regarding those requirements within 30 days.