



● Ethics Officer's August Monthly Report

Summary

This report provides a general update on the progress and activities for the Ethics Office for August 2013.

Attachments

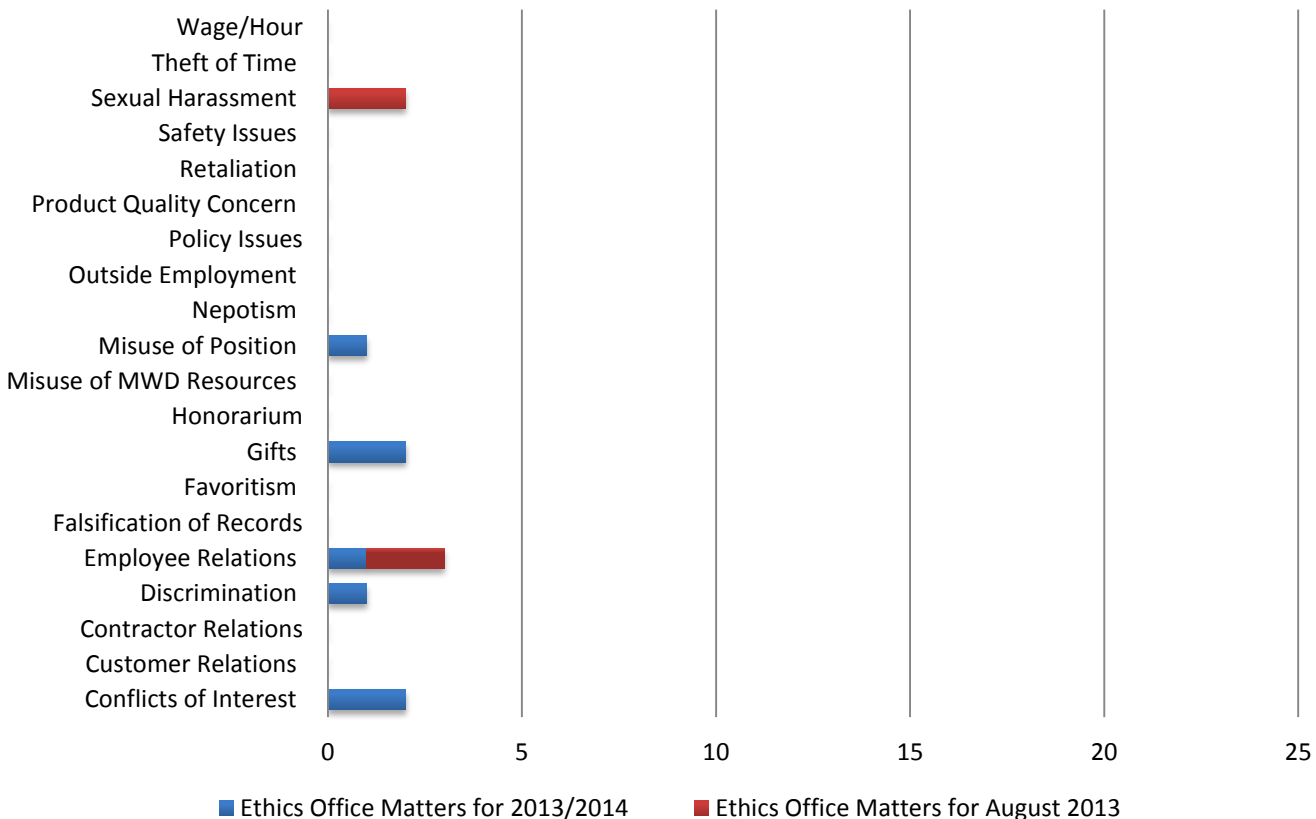
None

Detailed Report

Activities

1. The Ethics Officer gave a presentation regarding proposed policy principles, investigation guidelines, and budgetary needs at the Audit and Ethics Committee meeting on August 19, 2013. At its August 20, 2013 meeting the Board voted to adopt Ethics Office policy principles and investigation procedures and authorized a fiscal year 2013/14 budget increase of \$245,000 for staffing and professional services.
2. The Ethics Educator conducted New Employee Orientation for 22 employees.
3. The Ethics Office website logged 977 visitors from August 1-31, 2013.

Matters Brought to the Attention of the Ethics Office



Type	March 2013	April 2013	May 2013	F/Y 2012/13	August 2013	F/Y 2013/14
Ethics Complaints						
<i>Customer Relations</i>				5		
<i>Favoritism</i>				7		
<i>Nepotism</i>				4		
<i>Falsification of Records</i>		1P				
<i>Employee Relations</i>		1P		7	2	3
<i>Sexual Harassment</i>				2	2	2
<i>Conflict of Interest</i>	1p			2		
<i>Discrimination</i>				2		1
<i>Theft of Time</i>				4		
<i>Misuse of MWD Resources</i>		1P		3	1	
<i>Misuse of Position</i>				1		1
<i>Policy Issues</i>				2		
<i>Product Quality Concerns</i>				1		
<i>Wage/Hour</i>				1		
<i>Retaliation</i>			1P	3		
<i>Safety</i>				1		
<i>Total</i>				43	5	7
<i>P = Pending</i>	1P	3P	1P	5P		
Ethics Advice						
<i>Conflicts of Interest</i>	1P			18		2
<i>Gifts</i>				14		2
<i>Outside Employment</i>				3		
<i>Policy Issues</i>				3		
<i>Theft of Time</i>				1		
<i>Customer Relations</i>				1	1	2
<i>Employee Relations</i>				4		
<i>Misuse of MWD Funds</i>				1		
<i>Misuse of MWD Resources</i>				3	1	
<i>Contractor Relations</i>				1		
<i>Nepotism</i>				1		
<i>Honorarium</i>				1		
<i>Total</i>				46	2	6
<i>P = Pending</i>	1P			1P		

Summaries of Queries and Ethics Office Responses

1. March 14, 2013 – Issue: Potential Conflict of Interest

A query was received regarding whether a Metropolitan Director can vote on Metropolitan affiliated projects where the Director has disclosed a conflict of interest.

Disposition: Pending

2. **March 27, 2013 – Issue: Potential Conflict of Interest**

A query was received regarding whether there is a conflict of interest for the spouse of a Metropolitan employee to enter into a contract with Metropolitan.

Disposition: Pending

3. **April 12, 2013 – Issue: Policy Issues**

A query was received regarding whether a conflict of interest statement for RFPs/RFQs should be modified. Currently, Metropolitan's standard RFP and RFQ forms note that Metropolitan will reject bids from responders who fail to properly disclose potential conflicts. The question presented to the Ethics Office was whether the language could or should be changed to state that Metropolitan may reject bids if conflicts are not fully disclosed. Though not necessarily required by internal regulations, accurate and complete disclosure of all relationships potentially giving rise to conflicts of interest can be helpful in identifying contractors which, because of existing conflicts, are not qualified to enter into contracts with Metropolitan. While ultimately a policy question for individual departments to consider, any change to disclosure requirements should be made with consideration to the objective of identifying potential conflicts as early in the procurement process as possible.

Disposition: Closed

4. **August 8, 2013 – Issue: Misuse of MWD Resources**

A query was received regarding whether Metropolitan could assist with fundraising activities for a nonprofit organization. Administrative Code section 7103 provides that Metropolitan personnel may not grant any special treatment to any person or group "beyond that which is available to every other person or group in the same circumstances." If the nonprofit organization's requests are unique and unlike what would be granted to other similarly situated charities, granting them would violate Administrative Code section 7103.

Administrative Code section 7102 requires Metropolitan personnel to act within the bounds of all applicable laws. As it is not clear how the organization's work relates to Metropolitan's mandate, there is a question about whether Metropolitan's participation in the organization's activities constitutes an impermissible gift of public funds. The matter was also referred to Legal as the analysis involves researching questions of state law and the state constitution.

Disposition: Closed

5. **August 22, 2013 – Issue: Customer Relations**

A query was received regarding whether Metropolitan would be interested in a water saving system. The matter was referred to Metropolitan's Engineering section.

Disposition: Closed