



- **Board of Directors**
Community and Workplace Culture Committee

11/18/2025 Board Meeting

8-4

Subject

Amend the Administrative Code to grant authority to the Ethics Officer to conduct ethics-related reviews of policies, procedures, and practices for the purpose of making recommendations that help foster an ethical culture and prevent ethics violations in support of SB 60; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

Metropolitan Water District Act (MWD Act) Section 126.7, which codified Senate Bill (SB) 60, and Administrative Code Section 6470 authorize the Ethics Officer to perform various ethics-related functions including educating, training, investigating, and proposing amendments to Metropolitan's ethics rules. In June and September 2022, the Ethics Officer informed the Audit and Ethics Committee of his intention to conduct ethics-related reviews of policies, procedures, and practices arising in the course and scope of the Ethics Office's work that do not merit a formal ethics investigation but warrant review to ensure the concerns are evaluated and addressed where applicable. To date, the Ethics Officer has conducted two such reviews as reported to the ethics committee in his 2024 and 2025 annual business plan presentations.

This letter requests the Board's approval of Administrative Code amendments to add Section 6470(k) to authorize the Ethics Officer to conduct ethics-related reviews; add Section 6470(l) to authorize the Ethics Officer to obtain records and information requested as part of the reviews; and add Section 6470(m) to require the Ethics Officer to report the status of the reviews to the Board. The proposed amendments to the Administrative Code are set forth in **Attachment 1** with overstrikes reflecting deletions and underlining reflecting additions. **Attachment 2** sets forth the sections as they will appear in the Administrative Code if approved.

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Amend the Administrative Code to grant authority to the Ethics Officer to conduct ethics-related reviews of policies, procedures, and practices for the purpose of making recommendations that help foster an ethical culture and prevent ethics violations in support of SB 60.

Fiscal Impact: None.

Business Analysis: The Administrative Code will be amended to authorize the Ethics Officer to conduct reviews of ethics-related concerns, with the purpose of supporting the goals of SB 60.

Option #2

Do not amend the Administrative Code to grant authority to the Ethics Officer to conduct ethics-related reviews for the purpose of making recommendations that help foster an ethical culture and prevent ethics violations in support of SB 60.

Fiscal Impact: None.

Business Analysis: The Administrative Code will not be amended to authorize the Ethics Officer to conduct reviews of ethics-related concerns.

Alternatives Considered

Not applicable

Applicable Policy

Metropolitan Water District Act Section 81: Powers, Duties, and Compensation of Officers and Employees

Metropolitan Water District Act Section 126.7: Establishment of Office of Ethics; Adoption of Rules and Penalties for Violations

Metropolitan Water District Administrative Code Section 6470: Ethics Officer – Powers and Duties

Metropolitan Water District Administrative Code Division VII, Section 7100, et seq.: Governmental Ethics

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Related Board Action(s)/Future Action(s)

Not applicable

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5)).

CEQA determination for Option #2:

None required

Details and Background

Background

MWD Act Section 126.7, which codified SB 60, directed Metropolitan to establish and operate an Ethics Office and adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to Board members, officers, and employees consistent with the intent and spirit of the laws and regulations of the Los Angeles City Ethics Commission, the Fair Political Practices Commission, and the Los Angeles County Metropolitan Transportation Authority. MWD Act Section 126.7/SB 60 mandated that those ethics rules were to address and seek to avoid potential ethical abuses relating to: the business relationships between board members, contractors, and vendors, and between board members and officers or employees of member public agencies; the solicitation of campaign contributions by board members, officers, or employees and the receipt of contributions from bidders, contractors, or subcontractors; and public notice and approval procedures for contracts. MWD Act Section 126.7/SB 60 also mandates that the Ethics Office shall operate as an independent entity that is not subject to political influence.

MWD Act Section 126.7/SB 60 further directed that the Ethics Office was to adopt these rules for the Metropolitan Board's approval; educate the Board, staff, contractors, and subcontractors concerning the rules; investigate complaints concerning violations of the rules; and adopt protective procedures.

Administrative Code Section 6470 sets forth the powers and duties of the Ethics Officer. Metropolitan's ethics rules and other matters relating to the Ethics Office's work are contained in Administrative Code Division VII, Section 7100, et seq.

Administrative Code Section 7101 (Purposes, Policy, and Values) establishes the foundational goals for implementing Metropolitan's ethics rules. It states:

The policy of Metropolitan is to maintain the highest standards of ethics from Metropolitan officials. Metropolitan is a public agency that shall conduct its business with integrity in an honest and ethical manner. The proper operation of Metropolitan requires decisions and policy to be made in the proper channels of governmental structure, that public office not be used for unauthorized personal gain, and that all individuals associated with Metropolitan remain impartial and responsible towards the public. Accordingly, it is the policy of Metropolitan that Metropolitan officials shall strive to maintain the highest standard of personal honesty and fairness in carrying out their duties. Metropolitan officials shall conduct Metropolitan's business in compliance with the law, this Chapter, and other Metropolitan policies, and shall exercise good judgment based on Metropolitan's values and goals. In carrying out their duties, Metropolitan officials should exercise fairness, impartiality, and avoid behavior that is likely to create an appearance of impropriety. This policy sets forth the minimal ethical standards to be followed by Metropolitan officials. Strict compliance with this Chapter is not necessarily sufficient, and any attempt to evade or circumvent any requirements of the Chapter is improper.

In order to meet the goals of MWD Act Section 126.7/SB 60 and Administrative Code Section 7101, the core functions of the Ethics Office include providing ethics advice, training, and compliance assistance to Metropolitan officials and conducting fair and independent investigations of potential violations of Metropolitan's ethics rules. These functions support the Ethics Office's mission to promote the highest standards of government integrity to support Metropolitan's mission through an independent and comprehensive program that enhances trust, transparency, and accountability for the benefit of the workforce and the public it serves.

In the course of carrying out these core functions and in support of the Ethics Office's mission, the Ethics Office on occasion becomes aware of concerns arising from complaints, investigations, or advice requests that raise policy, process, or other ethics-related issues that do not merit a formal ethics investigation but merit review. In addition, while formal investigations hold individuals accountable for their conduct, they do not address any underlying policy, procedure, or practice that may have enabled the conduct or created ethics risks. Addressing these concerns through reviews provides a valuable tool in helping to improve the organizational culture and bolster public trust by showing that concerns are being heard and assessed at the highest levels. Reviews also serve as a tool to assess ethics concerns for the purpose of determining whether there is a need for supplemental ethics training or revisions to existing ethics rules.

Reviews are not investigations. Instead, based on the information gathered and analysis, reviews conclude in recommendations to senior management and/or the Board of Directors regarding policies, procedures, or practices if warranted. Reviews are advisory. A management response may be submitted to the Ethics Officer prior to finalizing the review but is not required. The Ethics Officer will provide advance notice of review topics and completion status of reviews to the CWC Committee. Recommendations are intended to provide actionable feedback, prevent ethics violations, and promote an ethical organizational work culture.

Over the past two fiscal years, the Ethics Office has conducted two reviews to assess specific ethics concerns, determine whether there is a factual basis for the concern, memorialize the data and analysis in a written report, and provide recommendations to senior management. The first review assessed practices for protecting the confidentiality of sensitive personnel matters, and the second review centered on hiring practices for non-competitive recruitments.

Requested Authority

This proposal requests the Board's approval of Administrative Code amendments to authorize the Ethics Officer to conduct ethics-related reviews of policies, procedures, and practices; to obtain records and information as part of the reviews; and to report the status of the reviews to the Board. While the proposed reviews are beyond the scope of MWD Act Section 126.7/SB 60 and the current Administrative Code provisions, these changes support their objectives by seeking to prevent ethics violations and foster an ethical work culture.

Under MWD Act Section 81, the Board may establish and reestablish the powers and duties of Metropolitan officers and employees. Accordingly, the Board may expand the scope of the Ethics Officer's powers and duties, as requested here. The proposed Administrative Code amendments would authorize the ethics-related reviews, along with providing for the Ethics Officer's authority to request information and secure cooperation in furtherance of reviews (in the same way that is currently authorized for investigations), and status reports to the Board about reviews.

Proposed Administrative Code Amendments:

To implement the requested authority, the following changes to the Administrative Code are proposed:

1. Amend Section 6470 (Powers and Duties) to add Section 6470(k) to authorize the Ethics Officer to conduct ethics-related reviews of policies, procedures, and practices.
2. Further amend Section 6470 to add Section 6470(l) to clarify that the Ethics Officer shall have unrestricted access to all information and materials requested as part of an Ethics Office review.
3. Further amend Section 6470 to add Section 6470(m) to require the Ethics Officer to report the status of reviews to the Board.

The foregoing proposed amendments to Administrative Code Section 6470 are found in **Attachment 1** (with changes marked) and in **Attachment 2** (clean copy).


Abel Salinas
Ethics Officer

10/22/2025

Date

Attachment 1 – Proposed Administrative Code Language (Redlined)

Attachment 2 – Proposed Administrative Code Language (Clean)

Ref# e12703475

Division VI**Article 5****ETHICS OFFICER**

Sec.

6470. Powers and Duties

6471. Authority to Obtain Professional Services

6472. Reports to Community and Workplace Culture Committee

6473. Principal Assistant Ethics Officer

§6470. Powers and Duties.

The powers and duties of the Ethics Officer shall be as follows:

(a) The Ethics Officer shall report to the Board, through the CWC Committee.

(b) The Ethics Officer shall oversee an Ethics Office staffed with professional, qualified persons.

(c) The Ethics Officer shall be free from political interference in fulfilling the responsibilities detailed in this article and in Division VII.

(d) The Ethics Officer shall have sole authority to interpret Metropolitan's ethics rules.

(e) The Ethics Officer shall propose amendments to the Administrative Code to the CWC Committee for approval and adoption by the Board, relating to:

- (1) Regulation of lobbying activities;
- (2) Conflicts of interest and financial disclosure;
- (3) Public notice and approval procedures for contracts of \$50,000 or more;
- (4) Disclosure of campaign contributions related to potential conflicts of interest;
- (5) Such other ethics rules for application to board members, officers, employees, lobbyists, lobbying firms, and contractors as deemed appropriate.

(f) The Ethics Officer shall educate, train, provide advice and seek compliance from board members, officers, applicable employees, lobbyist, lobbying firms, and Metropolitan contractors and subcontractors concerning:

- (1) The rules prescribed in Division VII;
- (2) The Political Reform Act of 1974, as amended and applicable regulations;
- (3) The conflict of interest rules of Government Code section 1090.

(g) The Ethics Officer shall investigate potential violations of ethics rules in Division VII by board members, officers, applicable staff, lobbyists, lobbying firms, and contractors consistent with the rules specified in Division VII. The Ethics Officer shall prepare status reports of pending investigations on a bi-monthly basis. The reports shall include the general nature and status of the investigation, how long the investigation has been pending, when the investigation is expected to be completed and, when completed, the resolution of the investigation.

(h) The Ethics Officer shall be the filing officer on behalf of the District to receive and file Statements of Economic Interest pursuant to the California Government Code and Section 7501 of this Administrative Code.

(i) The Ethics Officer shall have the authority to confer with the Chair of the Board and the Chair and Vice Chair of the CWC Committee for the purpose of seeking advice and feedback on any policy and operational matters, or feedback on investigative matters, subject to the confidentiality requirements in section 7412 of the Administrative Code.

(j) The Ethics Officer shall have the authority to obtain, and have unrestricted access to all functions, documents, records, property, personnel and other information requested as part of an Ethics Office complaint or investigation without waiving any privileges that may apply.

(k) The Ethics Officer shall have the authority and sole discretion to conduct independent ethics-related reviews. Reviews assess policies, procedures, practices, or other aspects of Metropolitan operations for the purpose of making recommendations to Metropolitan officials, identifying opportunities for supplemental ethics education, proposing ethics rules or procedures, and preventing future ethics violations. Reviews are advisory. A management response may be submitted to the Ethics Officer prior to finalizing the review but is not required.

(l) The Ethics Officer shall have the authority to obtain, and have unrestricted access to all functions, documents, records, property, personnel, and other information requested as part of an Ethics Office review without waiving any privileges that may apply. The provisions of Administrative Code Section 7413(a) and (b) apply to reviews in the same manner as to complaints and investigations.

(m) The Ethics Officer shall provide advance notice of review topics and review completion status to the Board through the CWC Committee.

M. I. 45285 - April 8, 2003; paragraph (e) deleted by M. I. 46338 - August 16, 2005; paragraph (e) added by M.I. 49648 - January 14, 2014; amended paragraphs (a), (b), (c) and (d), added paragraphs (e), (f) and (g), and renumbered former paragraph (e) to paragraph (h) and amended same by M.I. 51391 - November 6, 2018; amended paragraphs (e), (f), (g), and (h), and added new paragraph (i) by M.I. 52574 - November 9, 2021; amended paragraphs (c), (d), (g), and (i), and added new paragraph (j) by M.I. 52941 - August 16, 2022; amended paragraphs (a), (c), (e) and (i) by M.I. 53064 - December 13, 2022; amended paragraphs (a), (e), and (i) by M.I. 53408 - March 11, 2025.

§6471. Authority to Obtain Professional Services.

(a) The Ethics Officer is authorized to contract for independent legal counsel as they deem necessary in fulfilling duties and responsibilities of the Ethics Office. The Ethics Officer may contract with one or more attorneys or law firms depending on the areas of expertise needed. The amount to be expended in fees, costs and expenses under any one contract in any one-year period shall not exceed \$100,000. The General Counsel shall review such contracts solely for consistency with Metropolitan's contract requirements. The General Counsel shall not have the authority to deny the Ethics Officer's ability to contract with any given party.

(b) The Ethics Officer is authorized to contract for professional services of outside investigators and investigation firms to conduct investigations under the Ethics Officer's purview. The amount to be expended in fees, costs, and expenses under any one contract in any one-year period shall not exceed \$250,000.

(c) The Ethics Officer is authorized to employ the services of other professional or technical consultants for advice and assistance in performing the duties assigned as may be required or as deemed necessary, provided that the amount to be expended in fees, costs and expenses under any one contract in any one year shall not exceed \$50,000.

(d) The Ethics Officer shall inform the CWC Committee whenever the authority granted under this section is exercised, and shall further report quarterly on activities concerning any agreements entered into under

this section. Any such contracts shall be consistent with Metropolitan contract requirements and shall be reviewed by the General Counsel.

M. I. 45285 - April 8, 2003; amended by M. I. 46064 – January 11, 2005; amended by M.I. 46983 - February 13, 2007; amended by M. I. 47636 - September 9, 2008; renumbered from Section 6472 to 6471 and amended same by M.I. 51391 - November 6, 2018; added paragraph numbering to Section, added new paragraph (a) by M.I. 52941- August 16, 2022; amended paragraph (a) by M.I. 53014 – October 11, 2022; amended paragraphs (a) and (c) by M.I. 53064 – December 13, 2022; added new paragraph (b), and renumbered paragraphs (c) – (d) by M.I. 53185 - March 14, 2023; amended paragraph (b) by M.I. 53351 – August 15, 2023; amended paragraph (d) by M.I. 53408 - March 11, 2025.

§6472. Reports to Community and Workplace Culture Committee.

(a) The Ethics Officer shall annually, in advance of the July Board meetings, submit to the Community and Workplace Culture (CWC) Committee a business plan for the Ethics Office containing key priorities for the coming year for review and approval.

(b) The Ethics Officer shall prepare quarterly reports to the CWC Committee on activities concerning agreements executed pursuant to the authority given to the Ethics Officer in Section 6471, and bi-monthly reports related to pending investigations as specified in Section 6470.

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§6473. Principal Assistant Ethics Officer.

(a) The Ethics Officer may designate a Principal Assistant Ethics Officer who shall perform such duties and render such services to the District as may be prescribed and assigned by the Ethics Officer personally.

(b) During the Ethics Officer's absence, recusal, or inability to act in the event of vacancy due to death, resignation, or removal, the Principal Assistant shall perform all duties and exercise all powers of the Ethics Officer until a successor is appointed and qualified.

(c) The Principal Assistant Ethics Officer may act in the name of the Ethics Officer or in their own name, as directed, and such acts shall be equally valid and effective. In the event of a permanent vacancy, the Principal Assistant shall act in their own name.

*M.I. ____ (*M.I. to be Determined) - July 8, 2025

[Former Section 6471 (Authority to Investigate) repealed by M.I. 51391 - November 6, 2018]

[Section 6474 (Ethics Training Required by Government Code) repealed by M.I. 51391 - November 6, 2018]

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(d) The Ethics Officer shall inform the CWC Committee whenever the authority granted under this section is exercised, and shall further report quarterly on activities concerning any agreements entered into under this section. Any such contracts shall be consistent with Metropolitan contract requirements and shall be reviewed by the General Counsel.

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(c) The Principal Assistant Ethics Officer may act in the name of the Ethics Officer or in their own name, as directed, and such acts shall be equally valid and effective. In the event of a permanent vacancy, the Principal Assistant shall act in their own name.

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