Ethics Committee

Proposed Revisions to Ethics Office Investigation Procedures: Preview of January Proposal and Opportunity for Input

Item 6d

October 12, 2026

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Item 6d

Subject

Review of Ethics Office Investigation Procedures: A Preview of January Item and Opportunity for Input

Purpose

To solicit Committee feedback prior to developing preliminary proposal.

Background

Considerations for Reviewing Investigation Procedures:

- SB 60 – Ethics Office must:
  - ❑ Operate as an independent entity that is not subject to political influence
  - ❑ Investigate ethics complaints involving employees and directors
  - ❑ Adopt procedures for protecting confidentiality of sources, job security of whistleblowers, and due process rights of the accused
  - ❑ Make ethics investigation results public
  - ❑ Adopt a schedule of penalties for ethics violations

Background (Cont.)

- 2021 Overhaul – After multi-year review, new ethics investigation procedures developed in collaboration with outside and internal legal counsel and adopted by the Board
- 2022 State Auditor Report –
  - Noted that the 2021 investigation procedures were an improvement and recommended additional changes.
  - In 2022, the Ethics Office proposed (and Board approved) amendments to address State Auditor's remaining concerns including:
    - Prohibit interference with Ethics Office investigations, require officials provide all documents during investigations, prohibit interested parties from participating in ethics investigations except when necessary, strengthen Ethics Office independence

Basis for Selecting Procedures for Review

Investigation Procedures under review were selected based on:

- ❑ Experience applying the current investigation procedures for five years
- ❑ Director and other stakeholder feedback

Provisions Identified for Review and Potential Amendment

1. Amend language to reflect current practice that written investigation notices inform parties of Metropolitan's prohibition on retaliation and confidentiality.
2. Clarify that if the General Counsel or other office handles an ethics-related complaint involving Ethics Office staff, the same Administrative Code complaint and investigative procedures applicable to ethics matters are required.
3. Clarify the timeframe for completing investigations.
4. Clarify the type of information the Ethics Office provides after an investigation to respondents and those responsible for deciding potential action.

Provisions Identified for Review and Potential Amendment (Cont.)

5. More expressly state that investigation-related information provided to the Executive Committee to resolve director violations must be provided publicly under the Brown Act.
6. Provide clarifying language on the levels of violations.
7. Identify where mandatory public information on ethics investigations is posted.
8. Consider whether substantiated ethics violations involving directors should be referred to the full Board for consideration of further action instead of the Executive Committee. (If responsibility ends with Executive Committee, amend the Administrative Code language to make it more explicit.)

Provisions Identified for Review and Potential Amendment (Cont.)

9. Make explicit that in addition to reviewing and considering directors' substantiated ethics violations, the Executive Committee (or Board, if desired) also decides on further action, if any.
10. Add Administrative Code language specifying that directors may provide comment during the public meeting in which their ethics violation is considered for further action.
11. Continue discussions with Fair Political Practices Commission to assess whether there is any ability to coordinate certain ethics investigations.

Next Steps

Ethics Office will:

- Consider additional procedures for review based on Committee input, if applicable
- Draft preliminary proposal
- Review with outside counsel
- Return to Committee with preliminary proposal early next year for further discussion
- Finalize preliminary proposal
- Send preliminary proposal to Ethics Chair and Vice Chair, department heads and bargaining units
- Return to Committee for action

THE ETHICS OFFICE

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Questions?

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