

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

A&E Committee

M. Ramos, Chair
T. McCoy, Vice Chair
L. Ackerman
S. Blois
B. Dennstedt
P. Hawkins
F. Jung
C. Kurtz
R. Record
T. Smith

Audit and Ethics Committee

Meeting with Board of Directors *

October 25, 2022

9:00 a.m.

**Tuesday, October 25, 2022
Meeting Schedule**

**08:30 a.m. Sp. BOD
09:00 a.m. A&E
10:30 a.m. DE&I
12:00 p.m. Exec.
01:00 p.m. UC
02:00 p.m. OW**

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A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Committee on matters within the committee's jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276.

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* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee will not vote on matters before this Committee.

1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))

**** CONSENT CALENDAR ITEMS -- ACTION ****

2. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Audit and Ethics Committee Meeting for September 27, 2022 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-1615](#)

Attachments: [10252022 AE 2A Minutes](#)

3. CONSENT CALENDAR ITEMS - ACTION

NONE

Zoom Online and Boardroom

**** END OF CONSENT CALENDAR ITEMS ****

4. OTHER BOARD ITEMS - ACTION

NONE

5. BOARD INFORMATION ITEMS

NONE

6. COMMITTEE ITEMS

- a. Discussion on revising process for EEO investigations of Directors and Department Heads [21-1684](#)

Attachments: [10252022 AE 6a Presentation](#)

- b. General Auditor Recruitment Update. [Evaluation of the performance of the candidates for the position of General Auditor may be heard in closed session pursuant to Gov. Code § 54957 (b) (1)] [21-1617](#)

7. MANAGEMENT REPORTS

- a. Interim General Auditor's Report [21-1618](#)
- b. Ethics Officer's Report [21-1619](#)

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

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Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

AUDIT AND ETHICS COMMITTEE

September 27, 2022

Chair Ramos called the teleconference meeting to order at 9:35 a.m.

Members present: Chair Ramos, Directors Ackerman, Blois, Dennstedt, Hawkins, Jung, Kurtz, Record and Smith.

Members absent: Vice Chair McCoy

Other Board Members present: Directors Abdo, Atwater, De Jesus, Erdman, Faessel, Fellow, Fong-Sakai, Goldberg, Gray, Lefevre Miller, Morris, Ortega, Peterson and Tamaribuchi.

Committee Staff present: Hagekhalil, Rodriguez, Salinas, Scully, Shope, Tonsick, Torres and Von Haam.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE’S JURISDICTION

None

CONSENT CALENDAR ITEMS — ACTION

2. CONSENT CALENDAR OTHER ITEMS – ACTION

- A. Approval of the Minutes of the meeting of the Audit and Ethics Committee held August 16, 2022.

Director Record made a motion, seconded by Director Ackerman to approve the consent calendar item 2A.

The vote was:

Ayes: Directors Ackerman, Blois, Dennstedt, Hawkins, Jung, Kurtz, Ramos, Record, and Smith

Noes: None

Abstentions: None

Absent: McCoy

The motion for item 2A passed by a vote of 9 ayes, 0 noes, 0 abstain, and 1 absent.

3. CONSENT CALENDAR ITEMS – ACTION

None

END OF CONSENT CALENDAR ITEMS

4. OTHER BOARD ITEMS – ACTION

None

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

a. Subject: Discussion of Ethics office oversight responsibilities

Presented by: Abel Salinas, Ethics Officer

Mr. Salinas presented an overview of the Ethics Office present and future oversight responsibilities, priorities and initiatives.

The following Directors asked questions or provided comments:

1. Smith
2. DeJesus
3. Record
4. Dennsteadt
5. Blois
6. Kurtz
7. Goldberg
8. Morris
9. Ortega
10. Erdman

Staff responded to Directors' comments or questions.

7. MANAGEMENT REPORTS

- a. Subject: Interim General Auditor's report

Presented by: John Tonsick, Interim General Auditor

Mr. Tonsick had nothing to add to his report.

- b. Subject: Ethics Officer's report

Presented by: Abel Salinas, Ethics Officer

Mr. Salinas reported that since August, the Ethics Office has not initiated any new investigations. The Ethics Office currently has one pending investigation, expected to be completed within the next month. Mr. Salinas reported that he is working with Chief EEO Officer Jonaura Wisdom to develop changes to the existing ad hoc subcommittee process for handling EEO investigations involving directors or department heads. In October or November, Mr. Salinas and Ms. Wisdom will be presenting a revised process and will then bring back proposed amendments to the Administrative Code for action thereafter.

The following Directors asked questions or provided comments:

1. Ortega
2. Kurtz

Staff responded to Directors' comments or questions.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

Director Smith requested a future agenda item for further discussion about the Ethics Office's oversight roles.

10. ADJOURNMENT

Meeting adjourned at 11:04 a.m.

Marsha Ramos
Chair

Audit & Ethics Committee



Discussion on revising process for EEO investigations of directors and department heads

Item 6a

October 25, 2022

Background

Ethics Office's role in EEO issues

- 2009: *Admin Code change*
- 2018-2019: *Ethics Code Revisions*
- 2020-2021: *Shaw Law Group Projects*
- 2022: *Ad Hoc Subcommittees*

Ad Hoc Subcommittee Process (2022)

EEO for
Directors
and Dept
Heads

- ✓ Multiple subcommittees
- ✓ Operational duties
- ✓ Unspecified procedures

EEO for Directors and Dept Heads

Proposal

- ✓ One subcommittee
- ✓ Separate operational duties
 - EEO Officer
 - Subcommittee
- ✓ Procedures (TBD)

Distinctions

Employees, Dept Heads, Directors

- *Job rights*
- *Public information*

Ethics/EEO Rules

- *Abuse of authority*
- *Harassment*

Steps



Investigations

Fair Process

1. Prompt
2. Impartial and objective
3. Consistently applied
4. Adequate notice
5. Opportunity to be heard

Examples

- *Notice of allegations*
- *Prompt investigation*
- *Fact-finding/policy finding*
- *Access to information*

Examples

Notice of allegations

1. Why is it important?
2. How is it addressed?

Ethics: 30 days with notice of specific allegations

EEO: Promptly, but not to exceed 5 business days of EEO's acceptance

Examples

Prompt investigation

1. Why is it important?
2. How is it addressed?

Ethics: 180 days with exceptions

EEO: 90 business days barring extenuating circumstances

Fact-finding / policy finding

Examples



Ethics: Separate fact-finding from policy-finding

EEO: Investigator follows facts and determines findings based on facts, reviewed by EEO Officer and outside counsel

Examples

Access to information

1. When is it important?
2. How is it addressed?

Ethics: Before final decision, respondent gets access to evidence and analysis

EEO: Prior to imposition of discipline, respondent receives report that contributed to discipline.

