

# 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.

## **EO&P Committee**

M. Ramos, Chair  
T. Phan, Vice Chair  
M. Camacho  
G. Cordero  
D. Erdman  
S. Faessel  
L. Fong-Sakai  
F. Jung  
A. Kassakhian  
J. McMillan  
N. Sutley

## **Ethics, Organization, and Personnel Committee - Final - Revised 1**

Meeting with Board of Directors \*

**May 9, 2023**

**2:30 p.m.**

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. Members of the public may present their comments to the Board or a Committee on matters within their 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 or click <https://us06web.zoom.us/j/81520664276?pwd=a1RTQWh6V3h3ckFhNmduUWpKR1c2Zz09>

## **Tuesday, May 9, 2023 Meeting Schedule**

**08:30 a.m. FAIRP  
10:30 a.m. LC  
12:00 p.m. Break  
12:30 p.m. BOD  
02:30 p.m. EOP**

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MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

Teleconference Locations:

2680 W. Segerstrom Avenue Unit I, • Santa Ana CA 92704

Casa Munras Garden Hotel & Spa • 700 Munras Avenue, Monterey • Marbella Room, CA 93940

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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 Ethics, Organization, and Personnel Committee Meeting for April 11, 2023 (Copies have been submitted to each Director, Any additions, corrections, or omissions) [21-2127](#)

**Attachments:** [05092023 EOP 2A \(04112023\) Minutes](#)

**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. Contractors Code of Conduct. [ITEM DEFERRED 5/2/23] [21-2251](#)
- b. Workshop on framework for ethical decision making [21-2252](#)

**Attachments:** [05092023 EOP 6b Presentation](#)

**7. MANAGEMENT REPORTS**

- a. Ethics Officer's Report [21-2128](#)
- b. Human Resources Manager's Report [21-2129](#)
- c. Equal Employment Opportunity Officer's Report [21-2130](#)

**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. Committee agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.**

**Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.**

**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**

**ETHICS, ORGANIZATION AND PERSONNEL COMMITTEE**

**April 11, 2023**

Chair Ramos called the teleconference meeting to order at 2:21 p.m.

Members present: Directors Camacho, Erdman (AB 2449), Faessel, Jung, Kassakhian, McMillan, Phan (teleconference posted location), and Ramos.

Members absent: Directors Cordero, Fong-Sakai, and Sutley.

Other Board Members present: Directors Abdo, Ackerman, Alvarez, Armstrong, Atwater (teleconference posted location), Chacon, De Jesus, Dennstedt, Dick, Fellow, Garza, Goldberg, Gray (teleconference posted location), Kurtz, Lefevre, Luna, McCoy, Miller (teleconference posted location), Morris, Ortega, Petersen (teleconference posted location), Peterson, Pressman (teleconference posted location), Quinn, Repenning, Seckel, and Smith.

Director Erdman indicated he is participating under AB 2449 “just cause” due to illness. Director Erdman appeared by audio and on camera.

Committee Staff present: Hagekhalil, Kasaine, H. Rodriguez, Salinas, H. Torres, and Wisdom.

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

None

Director Camacho left the meeting.

**CONSENT CALENDAR ITEMS — ACTION**

**2. CONSENT CALENDAR OTHER ITEMS – ACTION**

- A. Approval of the Minutes of the Ethics, Organization, and Personnel Committee for March 13, 2023 (copies have been submitted to each Director, Any additions, corrections, or omissions)

Director Jung made a motion, seconded by Director Faessel to approve the consent calendar consisting of item 2A.

The vote was:

Ayes: Directors Erdman, Faessel, Jung, Kassakhian, McMillan, Phan, and Ramos

Noes: None

Abstentions: None

Absent: Directors Camacho, Cordero, Fong-Sakai, and Sutley.

The motion passed by a vote of 7 ayes, 0 noes, 0 abstention, and 4 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: Equal Employment Opportunity Statistical Report

Presented by: Jonaura Wisdom, Chief EEO Officer

Ms. Wisdom presented the committee with EEO statistical reports for January 2023 through March 31, 2023. The reports included the number of complaints received, types of protected categories each complaint fell under, and number of complaints that were closed and open.

The following Directors provided comments or asked questions

1. Faessel

Staff responded to the Directors questions and comments.

- b. Subject: Department Head evaluations process  
Presented by: Katano Kasaine, Assistant General Manager/CFO

Ms. Kasaine provided an overview of the Department Head Evaluation process.

The following Directors provided comments or asked questions

1. Faessel
2. Jung
3. Dennstedt
4. Erdman
5. Armstrong
6. Fellow
7. Phan
8. Ortega
9. Abdo
10. Ramos
11. McMillan
12. Garza

Staff responded to the Directors questions and comments.

## 7. MANAGEMENT REPORT

- a. Ethics Officer's Report

Mr. Salinas reported that since December, the Ethics Office has initiated nine new investigations. One involves allegations of retaliation for reporting potential workplace misconduct which the Ethics Officer anticipates completing the investigation within the next eight weeks. The other eight matters include one involving matters of retaliation, one involving alleged misuse of authority and the other six involve alleged unauthorized release of confidential records. The Ethics Officer anticipates completing these investigations within the next six months. The Ethics Office also has three ongoing investigations which the Ethics Officer anticipates completing within the next 30 days. Mr. Salinas also provided a report on Ethics Office consulting contracts.

- b. Human Resources Manager's Report

None

- c. Equal Employment Opportunity Officer's Report

None

## 8. FOLLOW-UP ITEMS

None

**9. FUTURE AGENDA ITEMS**

None

**11. ADJOURNMENT**

Next meeting will be held on May 9, 2023

Meeting adjourned at 3:04 p.m.

Marsha Ramos  
Chair



**Markkula Center**  
for Applied Ethics  
*at Santa Clara University*

# A Framework for Ethical Decision Making

Brian Patrick Green, Ph.D.  
Director of Technology Ethics  
Markkula Center for Applied Ethics  
Santa Clara University  
May 9, 2023





## **The Markkula Center for Applied Ethics**

**Founded in 1986. Now 21 Staff and 75 faculty affiliates. The most comprehensive university-based applied ethics center in the world.**

**Bioethics, Business Ethics, Campus Ethics, Environmental Ethics, Government Ethics, Internet Ethics, Journalism & Media Ethics, Leadership Ethics, Social Sector Ethics, Technology Ethics**

**Work with: tech companies of all sizes, consultant firms, the World Economic Forum, the Partnership on AI, the Vatican, governments, etc.**



# Why Ethics?

**Ethics is about seeking the good together, not just avoiding bad**

**Ethics is not just rules, not just compliance, not just laws, not just culture, not just opinion**

**Ethics is about how to make good choices, become better decision-makers, and create better organizations**

**Ethics is a way to talk about moral values and communicate on issues of moral significance**

**Good ethical process will help eliminate blind spots, facilitate communication, and lead to better solutions**

**Ethics helps us to understand each other and balance and protect what is important to all of us**



### RECOGNIZE AN ETHICAL ISSUE



- Could this decision or situation be damaging to someone or to some group, or unevenly beneficial to people?
- Does this decision involve a choice between a good and bad alternative, or perhaps between two “goods” or between two “bads”?
- Is this issue about more than solely what is legal or what is most efficient? If so, how?



### GET THE FACTS



- What are the relevant facts of the case? What facts are not known? Can I learn more about the situation? Do I know enough to make a decision?
- What individuals and groups have an important stake in the outcome? Are some concerns of some of those individuals or groups more important? Why?
- What are the options for acting? Have all the relevant persons and groups been consulted? Have I identified creative options?



### EVALUATE THROUGH ETHICAL LENSES



- **Rights:** Which option best respects the rights of all who have a stake?
- **Justice:** Which option treats people fairly, giving them each what they are due?
- **Utilitarian:** Which option will produce the most good and the least harm for as many stakeholders as possible?
- **Common Good:** Which option best serves the community as a whole, not just some members?
- **Virtue:** Which option leads me to act as the sort of person I want to be?
- **Care Ethics:** Which option appropriately takes into account the relationships, concerns, and feelings of all stakeholders?



### MAKE A DECISION AND TEST IT



- After an evaluation using all of these lenses, which option best addresses the situation?
- If I told someone I respect (or a public audience) which option I have chosen, what would they say?
- How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?



### ACT & REFLECT ON THE OUTCOME



- How did my decision turn out, and what have I learned from this specific situation?
- What, if any, follow-up actions should I take?



REPEAT



## Identify the Ethical Issue

**Could this decision or situation be damaging to someone or to some group, or unevenly beneficial to people?**

**Does this decision involve a choice between a good and bad alternative, or perhaps between two “goods” or between two “bads?”**

**Is this issue about more than solely what is legal or what is most efficient? If so, how?**



## Get the Facts

**What are the relevant facts of the case? What facts are not known? Can I learn more about the situation? Do I know enough to make a decision?**

**What individuals and groups have an important stake in the outcome? Are the concerns of some of those individuals or groups more important? Why?**

**What are the options for acting? Have all the relevant persons and groups been consulted? Have I identified creative options?**



# Evaluate Alternative Actions

**Which option best respects the rights of all who have a stake?**

**Which option treats people fairly, giving them each what they are due?**

**Which option will produce the most good and the least harm for as many stakeholders as possible?**

**Which option best serves the community as a whole, not just some members?**

**Which option leads me to act as the sort of person I want to be?**

**Which option appropriately takes into account the relationships, concerns, and feelings of all stakeholders?**



## Choose an Option and Test It



**After an evaluation using all of these lenses, which option best addresses the situation?**



**If I told someone I respect (or a public audience) which option I have chosen, what would they say?**



**How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?**



## **Implement Your Decision and Reflect on the Outcome**

**How did my decision turn out, and what have I learned from this specific situation?**

**What, if any, follow-up actions should I take?**





## The Rights Lens

Some suggest that the ethical action is the one that best protects and respects the moral rights of those affected. This approach starts from the belief that humans have a dignity based on their human nature per se or on their ability to choose freely what they do with their lives. On the basis of such dignity, they have a right to be treated as ends in themselves and not merely as means to other ends. The list of moral rights – including the rights to make one's own choices about what kind of life to lead, to be told the truth, not to be injured, to a degree of privacy, and so on – is widely debated; some argue that non-humans have rights, too. Rights are also often understood as implying duties – in particular, the duty to respect others' rights and dignity.





## The Justice Lens

Justice is the idea that each person should be given their due, and what people are due is often interpreted as fair or equal treatment. Equal treatment implies that people should be treated as equals according to some defensible standard such as merit or need, but not necessarily that everyone should be treated in the exact same way in every respect. There are different types of justice that address what people are due in various contexts. These include social justice (structuring the basic institutions of society), distributive justice (distributing benefits and burdens); corrective justice (repairing past injustices), retributive justice (determining how wrongdoers should be treated), and restorative or transformational justice (restoring relationships or transforming social structures as an alternative to criminal punishment).





## **The Utilitarian Lens**

Some ethicists begin by asking, “How will this action impact everyone affected?” – emphasizing the consequences of our actions. Utilitarianism, a results-based approach, says that the ethical action is the one that produces the greatest balance of good over harm for as many stakeholders as possible. It requires an accurate determination of the likelihood of a particular result and its impact. For example, the ethical corporate action, then, is the one that produces the greatest good and does the least harm for all who are affected – customers, employees, shareholders, the community, and the environment. Individual cost/benefit analysis is another consequentialist approach.





## The Common Good Lens

According to the Common Good approach, life in community is a good in itself and our actions should contribute to that life. This approach suggests that the interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others – especially the vulnerable – are requirements of such reasoning. This approach also calls attention to the common conditions that are important to the welfare of everyone – such as clean air and water, a system of laws, effective police and fire departments, health care, a public educational system, or even public recreational areas. Unlike the utilitarian lens, which sums up and aggregates goods for every individual, the common good lens highlights mutual concern for the shared interests of all members of a community.





## The Virtue Lens

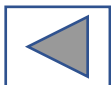
An ancient approach to ethics argues that ethical actions ought to be consistent with certain ideal virtues that provide for the full development of our humanity. These virtues are dispositions and habits that enable us to act according to the highest potential of our character and on behalf of values like truth and beauty. Honesty, courage, compassion, generosity, tolerance, love, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues. Virtue ethics asks of any action, “What kind of person will I become if I do this?” or “Is this action consistent with my acting at my best?”





## The Care Ethics Lens

Care Ethics is rooted in relationships and in the need to listen and respond to individuals in their specific circumstances, rather than merely following rules or calculating utility. It privileges the flourishing of embodied individuals in their relationships and values interdependence, not just independence. It relies on empathy to gain a deep appreciation of the interest, feelings, and viewpoints of each stakeholder, employing care, kindness, compassion, generosity, and a concern for others to resolve ethical conflicts. Care ethics holds that options for resolution must account for the feelings, concerns, and relationships of all stakeholders. Focusing on connecting intimate interpersonal duties to societal duties, an ethics of care would counsel, for example, an expansion of public health policy to include food security, transportation access, fair wages, housing support, and environmental protection alongside physical health.





**RECOGNIZE AN ETHICAL ISSUE**



- Could this decision or situation be damaging to someone or to some group, or unevenly beneficial to people?
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**GET THE FACTS**



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**EVALUATE THROUGH ETHICAL LENSES**



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**ACT & REFLECT ON THE OUTCOME**



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**REPEAT**



# The Ethics Toolkit

## EXPANDING THE ETHICAL CIRCLE

Ensuring that the legitimate moral interests of all stakeholders have been taken into account, and that impacted communities have been consulted.

## ETHICAL PRE-MORTEM

Exercising the skill of identifying how ethical failure of a project might happen and understanding the preventable causes so they can be mitigated.

## CASE-BASED ANALYSIS

Reviewing existing use cases with similar ethical dilemmas, to transfer knowledge and skill across ethical situations.

## REMEMBERING ETHICAL BENEFITS

Keeping the ethical benefits at the center of the project, framing clearly its positive outcomes.

## THINKING ABOUT THE TERRIBLE PEOPLE

Identifying those groups or individuals who may abuse or misuse the technology and setting mitigation plans.

## ETHICAL RISK SWEEPING

Ethical risks are choices that may cause harm to persons or other entities with moral status or spark acute moral controversy. Failing to anticipate such risks can constitute ethical negligence. Ethical risk sweeping is an essential tool for good design and engineering practice.

## CLOSING THE LOOP

Creating channels to invite ethically salient feedback, integrating with post-project data gathering and user support, and developing procedures for ethical iteration.

## ETHICAL POST-MORTEM

Ensuring that the legitimate moral interests of all stakeholders have been taken into account, and that impacted communities have been consulted.





## These Resources Are All Free on Our Website

The Framework for Ethical Decision Making: <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/a-framework-for-ethical-decision-making/>

Ethics Toolkit (part of the Ethics in Technology Practice resources):  
<https://www.scu.edu/ethics-in-technology-practice/ethical-toolkit/>



**Thank you!**

**Questions?**