

# 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**

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

## **Ethics, Organization, and Personnel Committee**

Meeting with Board of Directors \*

**July 9, 2024**

**12:00 p.m.**

## **Tuesday, July 9, 2024 Meeting Schedule**

08:30 a.m. FAM  
10:30 a.m. EIA  
11:30 a.m. Break  
12:00 p.m. EOP  
01:30 p.m. BOD  
02:30 p.m. Sp Exec

**Agendas, live streaming, meeting schedules, and other board materials are available here:**

**<https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. (business days) before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here:  
<https://mwdh2o.legistar.com/Legislation.aspx>.**

**If you have technical difficulties with the live streaming page, 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 on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>**

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

**Teleconference Locations:**

**3008 W. 82nd Place • Inglewood, CA 90305**

**City Hall • 303 W. Commonwealth Avenue • Fullerton, CA 92832**

**Conference Room • 1545 Victory Blvd. 2nd Floor • Glendale, CA 91201**

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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 for June 11, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-3559](#)

**Attachments:** [07092024 EOP 2A \(06112024\) 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. Monthly Ethics Education [21-3560](#)

**Attachments:** [07092024 EOP 6a Presentation](#)  
[07092024 EOP 6a Presentation Attachment](#)

- b. Equal Employment Opportunity Statistical Report [21-3563](#)

**Attachments:** [07092024 EOP 6b Presentation](#)

- c. Ethics Officer's fiscal year 2023/24 Annual Report and fiscal year 2024/25 Business Plan [21-3564](#)

**Attachments:** [07092024 EOP 6c Presentation](#)

- d. Discussion of Department Head Performance and Goal Setting [Public employee performance evaluation – Ethics Officer; to be heard in closed session pursuant to Gov. Code Section 54957] [21-3565](#)

## 7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS

- a. Ethics Officer's report on monthly activities [21-3561](#)

**Attachments:** [07092024 EOP 7a Ethics Office Monthly Activities Report](#)

- b. Equal Employment Opportunity activities [21-3562](#)  
Human Resources activities  
Safety, Security, and Protection activities

**Attachments:** [07092024 EOP 7b Equal Employment Opportunity Report](#)  
[07092024 EOP 7b Human Resources Report](#)  
[07092024 EOP 7b Safety, Security, and Protection Report](#)

## 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

**June 11, 2024**

Chair Pressman called the meeting to order at 11:20 a.m.

Members present: Directors Bryant, Camacho, Cordero (teleconference posted location), Douglas (entered after rollcall), Erdman, Jung (teleconference posted location), McMillan, Phan (teleconference posted location), Ramos (teleconference posted location), Pressman, Ramos (teleconference posted location), and Sutley.

Members absent: Directors Faessel, Fong-Sakai, and Kassakhian.

Other Board Members present: Directors Abdo, Ackerman, Alvarez, Armstrong, De Jesus, Dennstedt, Dick, Fellow, Garza, Goldberg, Gray (teleconference posted location), Kurtz, Lefevre (AB 2449 “just cause”), Garza, Miller, Morris, Ortega, Peterson, Lewitt, Quinn, Smith, and Seckel.

Director Lefevre indicated he is participating under AB 2449 “just cause” due to him being the primary caretaker, which prevents him from attending in person.

Director Lefevre appeared by audio and on camera.

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

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

	<b>Name</b>	<b>Affiliation</b>	<b>Item</b>
1.	Conner Everts	So. Cal So Water Alliance	8-6
2.	Charming Evelyn		8-6
3.	Katie Wagner	Sierra Club California	8-6

#### **CONSENT CALENDAR ITEMS — ACTION**

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

- A. Approval of the Minutes of the Ethics, Organization, and Personnel Committee for May 14, 2024 (copies submitted to each Director, any additions, corrections, or omissions)

#### 3. **CONSENT CALENDAR ITEMS – ACTION**

None

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

The vote was:

Ayes: Directors Bryant, Camacho, Cordero, Erdman, Jung, McMillan, Phan, Pressman, Ramos, and Sutley.  
Noes: None  
Abstentions: None  
Absent: Directors Douglas, Faessel, Fong-Sakai, and Kassakhian.

The motion for item 2A passed by a vote of 10 ayes, 0 noes, and 4 absent.

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

Chair Pressman announced agenda would be reordered. Hearing item 8-6 last.

## **5. BOARD INFORMATION ITEMS**

None

## **6. COMMITTEE ITEMS**

a. Subject: Monthly Ethics Education

Presented by: Peter Von Haam, Assistant Ethics Officer

Mr. Von Haam provided an overview of “pay to play law”. The purpose is to help public officials avoid unintentional violations in the course of campaign fund-raising.

The following Directors provided comments or questions.

1. De Jesus

Staff responded to the Director’s questions and comments.

Director Douglas entered the meeting.

- b. Subject: Update on Department Head evaluation process and comparator agencies

Presented by: Brandon Patrick, Unit Manager Class Comp and Recruitment

Barry Pressman, Chair

Director Pressman gave an update on Comparator Agencies requested feedback and recommendations. Mr. Patrick provided an overview of agencies being used to complete the Department Head 2024 salary survey. With the purpose of overviewing the process and agencies used to compare against, and to seek board guidance.

The following Directors provided comments or questions.

1. Pressman
2. Miller
3. Kurtz
4. Jung
5. Sutley
6. Erdman
7. Ortega

- c. Subject: Discussion of proposed revisions to the investigative procedures for Equal Employment Opportunity and Ethics allegations involving members of the Board of Directors and Direct Reports to the Board.

Presented by: Adan Ortega, Chair of the Board

Jennifer Rosner, Libert Cassidy Whitmore

Chair Ortega and Jennifer Rosner from Libert Cassidy Whitmore gave an overview of the plan to have an outside entity do internal investigations involving department heads and members of the board.

The following Directors provided comments or questions.

1. Pressman
2. Miller
3. Gray
4. Kurtz
5. Jung
6. Ramos
7. Douglas
8. De Jesus

Staff responded to the Directors' questions and comments.

d. Subject: Discussion on conducting a workforce assessment.

Presented by: Adel Hagekhalil, General Manager

Mark Brower, Human Resources Group Manager

Mr. Hagekhalil and Mr. Brower gave an overview of the upcoming workforce assessment, which will include an annual employee survey to capture employee feedback on themes such as strategic goals, employee and team performance, engagement and MWD culture.

## **7. MANAGEMENT ANNOUNCEMENTS AND HIGHLIGHTS**

a. Subject: Ethics Officer's report on monthly activities

Presented by: Abel Salinas, Ethics Officer

Mr. Salinas gave an update on the ethics office, no new investigations. Currently Five open which are expected to be completed within the next three months.

b. Subject: Equal Employment Opportunity Activities

Presented by: Jonaura Wisdom, Chief EEO Officer

Ms. Wisdom gave an update on EEOs annual review of policies. EEO is working with HR regarding recruitment sources to yield diverse pools, recommended to include Careers in Government in job announcements which covers all minority groups. Updating tag line to provide EEO statements in all job announcements and for nondiscrimination programs, they have established positions that are considered underutilized and will be working with HR and the Unions in order to eliminate the underutilizations for those positions.

c. Subject: Human Resources Activities

Presented By: Mark Brower, Human Resources Group Manager

Mr. Brower announced a new way for Directors to recognize retirees, the first retiree is scheduled to be recognized June 25<sup>th</sup> at the Executive committee meeting. A new employee support program will be implemented called, Interim Manager training. This will be a one-day training for Interim managers.

The following director had comments or questions.

1. Bryant

## **8. FOLLOW-UP ITEMS**

None

## **9. FUTURE AGENDA ITEMS**

None

## **4. OTHER BOARD ITEMS – ACTION**

- 8-6                      Discussion of correspondence alleging employment violations and provide direction to staff; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel—anticipated litigation; based on existing facts and circumstances, including receipt of a correspondence containing allegations of serious Equal Employment Opportunity and other violations; there is significant exposure to litigation against Metropolitan; one potential case; to be heard in closed session pursuant to Gov. Code Section 54956.9 (d)(2)]

Presented by:      Adan Ortega, Chair

Item discussed in closed session with no reportable action.

## **10. ADJOURNMENT**

Meeting adjourned at 1:46 p.m.

Barry Pressman  
Chair





Ethics, Organization, & Personnel Committee

# Monthly Ethics Education

Item 6a  
July 9, 2024

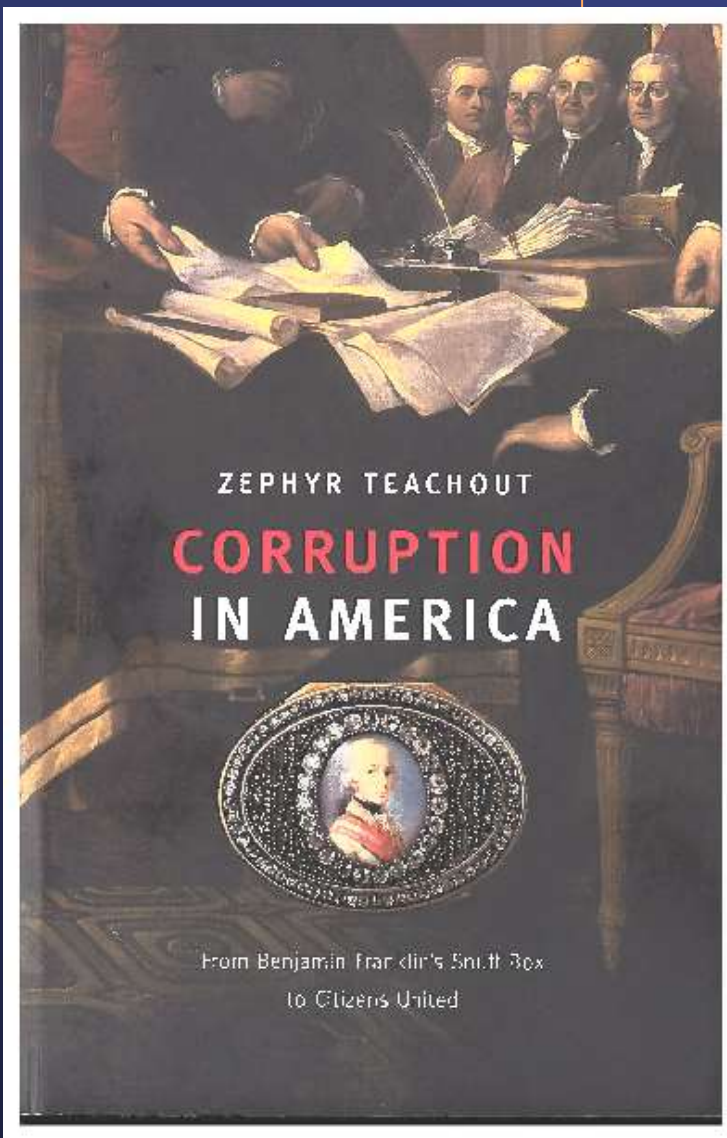
# Item 6a Monthly Ethics Education

## Subject

Public Service

## Purpose

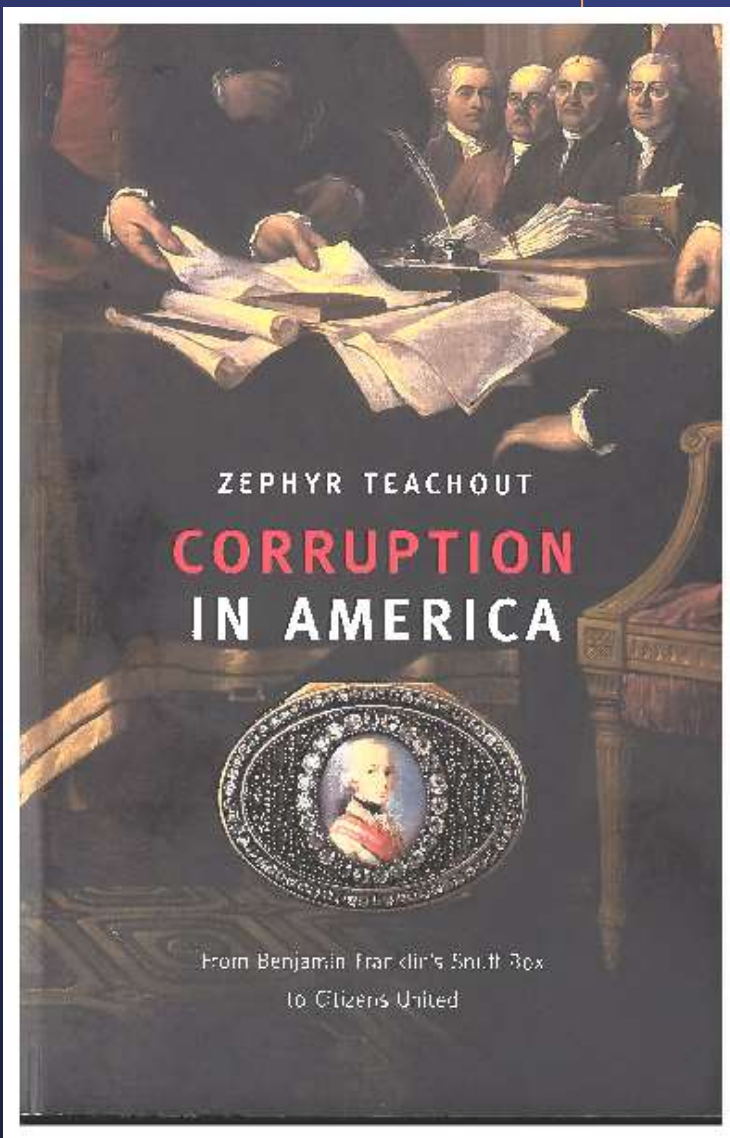
To explore the meaning of *public service* in the context of an enterprise governmental entity



## The Anticorruption Principle

Corruption describes a range of self-serving behaviors. Corruption is “abuse of public power for private benefit” or “those acts whereby private gain is made at public expense,” or when private interest excessively overrides public or group interest in a significant or meaningful exercise of political power.

*Page 276 [internal citations omitted]*



## The Anticorruption Principle

*Some self-interest may be present, and few throughout history would deny the benefits of pride, power, ambition, attention, love, and adulation that can come with public office. But the anticorruption principle depends on the fact that despite these other concerns, it is valuable and possible to aspire to a society where those in government are concerned on a daily basis with the well-being of the public.*

*Page 277*



# Districtwide Ethics Training Slides

## *Integrity of Public Office*

- Integrity of Public Office
- Executing official authority for the benefit of the public, not private self-interests
- Oath of Office



# Districtwide Ethics Training Slides

**Am I a public official at MWD?**

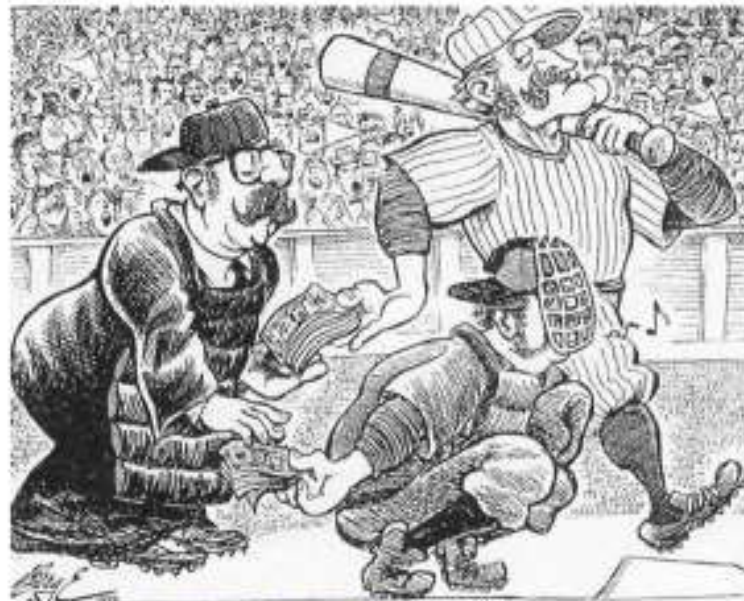


**Company?**

**Quasi-Governmental?**

**.com?**

# Districtwide Ethics Training Slides



Cartoon by Paul Borge [www.pencities.com/pborge](http://www.pencities.com/pborge)

**"Calling the  
Game"**

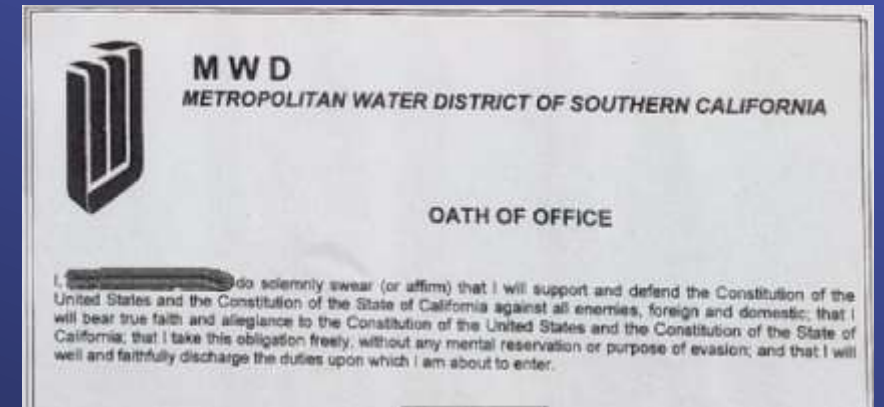
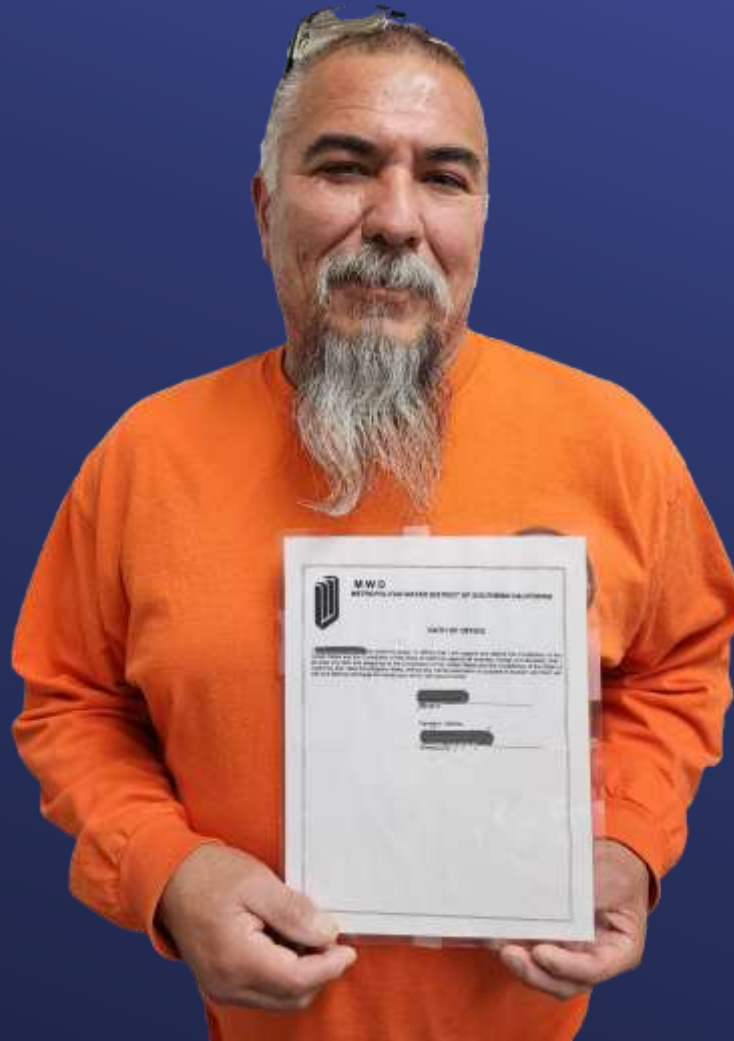
# Districtwide Ethics Training Slides

## *Water Development History*





# Public Service



# Online Identity



# Ceremonial Oaths of Office



— Federal Bureau of Investigation trainees take their oath to become Special Agents during a graduation ceremony at the FBI Academy in Quantico, Virginia, on Oct. 30, 2008. Saul Loeb / AFP - Getty Images File

## Final Thoughts

# Embracing the natural tensions between transparency and self-protection

- Organizational independence
- Separation of functions
  - Limiting liability
  - Public disclosure

## Final Thoughts

# Entrusting and empowering the Ethics Office

- Professionalism
- Impartiality
- Consistency “without fear or favor”

# Final Thoughts







JACKSON, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

No. 23–108

JAMES E. SNYDER, PETITIONER *v.* UNITED STATESON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

[June 26, 2024]

JUSTICE JACKSON, with whom JUSTICE SOTOMAYOR and JUSTICE KAGAN join, dissenting.

Officials who use their public positions for private gain threaten the integrity of our most important institutions. Greed makes governments—at every level—less responsive, less efficient, and less trustworthy from the perspective of the communities they serve. Perhaps realizing this, Congress used “expansive, unqualified language” in 18 U. S. C. §666 to criminalize graft involving state, local, and tribal entities, as well as other organizations receiving federal funds. *Salinas v. United States*, 522 U. S. 52, 56 (1997). Section 666 imposes federal criminal penalties on agents of those entities who “corruptly” solicit, accept, or agree to accept payments “intending to be influenced or rewarded.” §666(a)(1)(B).

Today’s case involves one such person. James Snyder, a former Indiana mayor, was convicted by a jury of violating §666 after he steered more than \$1 million in city contracts to a local truck dealership, which turned around and cut him a \$13,000 check. He asks us to decide whether the language of §666 criminalizes both bribes and gratuities, or just bribes. And he says the answer matters because bribes require an upfront *agreement* to take official actions for payment, and he never agreed beforehand to be paid the \$13,000 from the dealership.

Snyder’s absurd and atextual reading of the statute is one



JACKSON, J., dissenting

only today’s Court could love. Ignoring the plain text of §666—which, again, expressly targets officials who “corruptly” solicit, accept, or agree to accept payments “intending to be influenced *or rewarded*”—the Court concludes that the statute does not criminalize gratuities at all. This is so, apparently, because “[s]tate and local governments often regulate the gifts that state and local officials may accept,” *ante*, at 1, which, according to the majority, means that §666 cannot.

The Court’s reasoning elevates nonexistent federalism concerns over the plain text of this statute and is a quintessential example of the tail wagging the dog. Section 666’s regulation of state, local, and tribal governments reflects Congress’s express choice to reach those and other entities receiving federal funds. And Congress not only had good reasons for doing so, it also had the authority to take such legislative action, as this Court has already recognized. See *Sabri v. United States*, 541 U. S. 600, 605, 608 (2004). We have long held that when Congress has appropriated federal money, it “does not have to sit by and accept the risk of operations thwarted by local and state improbity.” *Id.*, at 605.

Both the majority and Snyder suggest that interpreting §666 to cover gratuities is problematic because it gives “federal prosecutors unwarranted power to allege crimes that *should* be handled at the State level.” App. 14–15 (emphasis added); see also *ante*, at 10–11. But woulds, coulds, and shoulds of this nature must be addressed across the street with Congress, not in the pages of the U. S. Reports. We have previously and wisely declined “to express [a] view as to [§666’s] soundness as a policy matter.” *Sabri*, 541 U. S., at 608, n. But, today, the Court can stay silent no longer. Its decision overrides the intent of Congress—and the policy preferences of the constituents that body represents—as unequivocally expressed by the plain text of the statute. Respectfully, I dissent.

JACKSON, J., dissenting

## I

Section 666 is a relatively recent solution to an old problem. It seeks to ensure that “taxpayer dollars . . . are in fact spent for the general welfare, and not frittered away in graft.” *Id.*, at 605. Accordingly, the statute applies to certain entities that receive a threshold amount of federal funds. It covers any “agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof.” §666(a)(1). The entity must “receiv[e], in any one year period, benefits in excess of \$10,000 under a Federal program involving a . . . form of Federal assistance.” §666(b).

If an entity meets that description, the statute imposes federal criminal penalties on any agent who

“corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more.” §666(a)(1)(B).

In short, §666(a)(1)(B) makes it a federal crime for state, local, or tribal officials to corruptly solicit, accept, or agree to accept certain payments in connection with business worth \$5,000 or more. A neighboring provision similarly imposes penalties on the giver—*i.e.*, anyone who “corruptly gives, offers, or agrees to give” payments “with intent to influence or reward” these officials. §666(a)(2). For offenders of either provision, the penalty is a fine, a maximum of 10 years in prison, or both. §666(a).

There is no dispute that §666 criminalizes bribes. See *ante*, at 1. This Court has also been clear about what a bribe requires: “a *quid pro quo*.” *United States v. Sun-Diamond Growers of Cal.*, 526 U. S. 398, 404 (1999). A *quid pro quo* means “a specific intent to give or receive something of value *in exchange* for an official act.” *Id.*, at 404–405. So,

JACKSON, J., dissenting

for a payment to constitute a bribe, there must be an up-front agreement to exchange the payment for taking an official action. See *ibid.*

Legislatures have also considered it similarly wrongful for government officials to accept gratuities under certain circumstances, but unlike bribes, gratuities do not have a *quid pro quo* requirement. Generally speaking, rather than an actual agreement to take payment as the impetus for engaging in an official act (a *quid pro quo* exchange), gratuities “may constitute merely a reward for some future act that the public official will take (and may already have determined to take), or for a past act that he has already taken.” *Id.*, at 405.

We took this case to resolve “[w]hether section 666 criminalizes gratuities, *i.e.*, payments in recognition of actions the official has already taken or committed to take, without any quid pro quo agreement to take those actions.” Pet. for Cert. I. The majority today answers no, when the answer to that question should be an unequivocal yes.

## II A

To reach the right conclusion we need not march through various auxiliary analyses: We can begin—and end—with only the text. See *National Assn. of Mfrs. v. Department of Defense*, 583 U. S. 109, 127 (2018). We “understan[d] that Congress says in a statute what it means and means in a statute what it says there.” *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.*, 530 U. S. 1, 6 (2000) (internal quotation marks omitted).

### 1

By its plain terms, §666 imposes criminal penalties on state, local, and tribal officials who “corruptly” solicit, accept, or agree to accept “anything of value from any person, intending to be influenced or rewarded.” §666(a)(1)(B). Use

JACKSON, J., dissenting

of the term “influenced” captures *quid pro quo* bargains struck before an official act is taken—and therefore bribes—as everyone agrees. Brief for Petitioner 17; Brief for United States 21; cf. *Sun-Diamond*, 526 U. S., at 404–405. The term “rewarded” easily covers the concept of gratuities paid to corrupt officials after the fact—no upfront agreement necessary.

As a general matter (and setting aside for the moment that §666 covers only officials who act “corruptly”), everyone knows what a reward is. It is a \$20 bill pulled from a lost wallet at the time of its return to its grateful owner. A surprise ice cream outing after a report card with straight As. The bar tab picked up by a supervisor celebrating a job well done by her team. A reward often says “thank you” or “good job,” rather than “please.”

Dictionary definitions confirm what common sense tells us about what it means to be rewarded. A “reward” is “[t]hat which is given in return for good or evil done or received,” including “that which is offered or given for some service or attainment.” Webster’s New International Dictionary 2136 (2d ed. 1957). The verb form of the word is no different. To “reward” means “to . . . recompense.” *Ibid.* (defining “to reward” as “[t]o make a return, or give a reward, to (a person) or for (a service, etc.); to requite; recompense; repay”). Both definitions thus encompass payment in recognition of an action that an official has already taken or committed to taking. And neither requires there to be some beforehand agreement about that exchange, *i.e.*, a *quid pro quo*.

Snyder concedes that the term “rewarded” can encompass the concept of gratuities. See Tr. of Oral Arg. 5; see also Reply Brief 3 (quoting *Sun-Diamond*, 526 U. S., at 405). The majority—which doesn’t bother to interpret “rewarded” until the end of its opinion—eventually admits the same. See *ante*, at 15 (“[T]he word ‘rewarded’ could be part of a gratuities statute”). By that point in its analysis, however,

JACKSON, J., dissenting

the majority has already characterized §666 as a bribery statute. And then, because we typically seek to give effect to each word of a statute, see *TRW Inc. v. Andrews*, 534 U. S. 19, 31 (2001), the majority must strain to make the word “rewarded” as it appears in §666 relevant, rather than meaningless. It offers rank speculation as to why “rewarded” in §666 might mean something other than what it ordinarily does, ultimately assigning the word some busy work relating to potential defenses to bribery charges. See *ante*, at 15. But whatever the merits of the majority’s assertions involving waterfronts, belts, and suspenders, its interpretation of §666 finds little grounding in the actual text of the statute. See *Luna Perez v. Sturgis Public Schools*, 598 U. S. 142, 150 (2023) (“[W]e cannot replace the actual text with speculation as to Congress’ intent”).

2

Speaking of text: The language of other statutes demonstrates that Congress uses the word “reward” when it wants to criminalize gratuities. For example, in 18 U. S. C. §1912, Congress imposed criminal penalties on any federal officer “engaged in inspection of vessels” who “receives any fee or *reward* for his services, except what is allowed to him by law.” (Emphasis added.) And in 22 U. S. C. §4202, Congress provided for the sanctioning of “any consular officer . . . who demands or receives for any official services . . . any fee or *reward* other than the fee provided by law for such service.” (Emphasis added.) Snyder admits that these statutes target gratuities by virtue of Congress’s use of the term “reward.” Brief for Petitioner 31.

But rather than simply calling a statute that penalizes accepting a “reward” for public business what it is—a wrongful or illegal gratuities statute—the majority insists that, sometimes, when Congress uses “reward,” it is still just criminalizing *quid pro quo* bribery, mustering up examples to show that “bribery statutes sometimes use the

JACKSON, J., dissenting

term ‘reward.’” *Ante*, at 15. However, none of the majority’s examples use the term “reward” in a way that is relevantly similar to §666. For one thing, the majority’s examples do not use the phrase “influenced or rewarded” to delineate between bribes and gratuities, while covering both, as §666 does. In addition, each of the statutes the majority points to explicitly links the forbidden “reward” to an agreement to take some specific action; in other words, the majority’s examples specify, by their plain text, a *quid pro quo*. For example, 18 U. S. C. §600 imposes federal criminal penalties on anyone who “promises,” *inter alia*, jobs or benefits “provided for or made possible in whole or in part by any Act of Congress” to another person “as consideration, favor, or reward for” certain political activity. That statute identifies both a forbidden *quid* (a future job) and *quo* (political activity).<sup>1</sup>

In contrast with those statutes, when §666 uses “rewarded,” it never connects that term to some upfront exchange. What the majority’s examples actually show, then, is that when Congress wants to use the term “reward” to encompass only bribes, it knows just how to do so. See *Henson v. Santander Consumer USA Inc.*, 582 U. S. 79, 86 (2017) (“[W]e presume differences in language like this convey differences in meaning”).

## B

In an attempt to shore up its unnatural reading of §666, the majority turns to statutory and legislative history. *Ante*, at 5, 8–9. Where appropriate, I, too, find statutory and legislative history to be useful tools that this Court can and should consult. See, e.g., *Delaware v. Pennsylvania*,

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<sup>1</sup>See also 33 U. S. C. §447 (imposing penalties on “[e]very person who . . . gives any sum of money or other bribe, present, or reward . . . to any . . . employee of the office of any supervisor of a harbor with intent to influence such . . . employee to permit or overlook any violation of the provisions of this subchapter”).

JACKSON, J., dissenting

598 U. S. 115, 138–139 (2023). But resort to these tools is questionable under certain circumstances. See *Milner v. Department of Navy*, 562 U. S. 562, 574 (2011) (“When presented, on the one hand, with clear statutory language and, on the other, with dueling committee reports, we must choose the language”). In any event, here, the statutory and legislative history only make matters worse for the majority’s analysis.

Section 666 traces its lineage to 18 U. S. C. §201, though the kinship is more attenuated than the majority lets on. Section 201 indeed “contains comprehensive prohibitions on bribes and gratuities to federal officials.” *Ante*, at 4 (discussing §§201(b)–(c)). But initially, it was not entirely clear *which* officials that federal statute covered. By its terms, §201 applies broadly to “public officials,” see §201(a), and confusion arose among some lower courts as to “whether state and local employees could be considered ‘public officials’” under the statute. *Salinas*, 522 U. S., at 58. Without awaiting our resolution of the issue, Congress enacted §666 in 1984. *Ibid.*; see also 98 Stat. 2143.

In §666, Congress expressly sought to reach state and local officials “to protect the integrity of the vast sums of money distributed through Federal programs.” S. Rep. No. 98–225, p. 370 (1983). As originally enacted, §666 barred those officials from soliciting, accepting, or agreeing to accept “anything of value . . . for or because of the recipient’s conduct,” §666(b) (1982 ed., Supp. II), using language similar to that in §201(c), the federal-official gratuities provision. Crucially, no one disputes that when it was initially enacted, §666 prohibited *both bribes and gratuities*. *Ante*, at 4. Similarly significant (though unmentioned by the majority), Congress imposed the same 10-year maximum term of imprisonment for a violation then as it does now. See §666(b) (1982 ed., Supp. II); cf. *ante*, at 14 (describing it as “unfathomable that Congress would authorize a 10-year

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criminal sentence for gifts to 19 million state and local officials” without federal guidance).

Starting with this historical disadvantage regarding the scope of the statute, the majority must show that Congress made major changes to §666 that might account for the sans-gratuity interpretation the majority adopts today. But several features of the statutory and legislative history convince me of the opposite.

For one, Congress said that it was *not* making major changes to the statute. The 1986 revisions to §666 were part of a package of changes that Congress specifically deemed “technical and minor.” H. R. Rep. No. 99–797, p. 16 (1986); see also Criminal Law and Procedure Technical Amendments Act of 1986, 100 Stat. 3592. And the revisions themselves are largely in keeping with this characterization. Relevant here, Congress teased out a “corruptly” *mens rea* requirement and swapped the previous “for or because of” language for the current “intending to be influenced or rewarded” phrasing. *Id.*, at 3613. None of this, on its face, evinces clear congressional intent to extract an entire category of previously covered illicit payments from §666.

Undeterred, the majority says that when Congress amended §666, it was attempting to fashion that provision after §201(b)—the bribery statute that covers federal officials. See *ante*, at 8–9.<sup>2</sup> Again, the statutory and legislative record suggests otherwise: In fact, history establishes that Congress had a different model statute in mind.

Congress had used a phrase identical to §666’s “intending to be influenced or rewarded” language just a few months before when it amended 18 U. S. C. §215, an anticorruption statute that applies to bank employees. See 100 Stat. 779.

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<sup>2</sup>Section 201(b)(2)(A) imposes federal criminal penalties on “[w]hoever . . . being a public official . . . corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value . . . in return for . . . being influenced in the performance of any official act.”



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That provision imposes criminal penalties on any bank employee who “corruptly solicits or demands . . . or corruptly accepts or agrees to accept, anything of value from any person, *intending to be influenced or rewarded* in connection with any business or transaction.” *Ibid.* (emphasis added); see also §215(a)(2). And this similarity was no coincidence. The House Report the majority quotes as explicating §666 confirms that §666 *was meant to track §215*—not §201(b), as the majority claims. See H. R. Rep. No. 99–797, at 30, n. 9.

This means, of course, that if §215 criminalizes gratuities, it is likely §666 does as well. But the majority labels §215 “a null data point,” evidently because this Court has never interpreted that statute. *Ante*, at 9, n. 4. Section 215’s relevance to §666 does not come from any interpretation, however—it is plain on the face of that statute, which uses the exact same “influenced or rewarded” phrase. And the history of that model provision indicates that Congress meant for §215 to reach gratuities, too. For example, a House Report directly speaks of §215 as a statute criminalizing gratuities: It says that, before 1986, §215 made “it criminal for a bank official to accept any *gratuity*, no matter how trivial, after that official ha[d] taken official action on bank business.” H. R. Rep. No. 99–335, p. 6, n. 25 (1985) (emphasis added). Congress amended §215 in 1986 to “narro[w]” the statute, but not by carving out gratuities altogether. *Ibid.* Rather it narrowed the “law by requiring that the acceptance of the *gratuity* be done *corruptly*.” *Ibid.* (emphasis added).<sup>3</sup> Astute readers will recall that Congress made exactly this same narrowing edit to §666. See *supra*,

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<sup>3</sup> Piling on, I note that the 1986 amendments to §215 also required federal agencies with responsibility for regulating a financial institution to “establish . . . guidelines” to help bank employees comply with the statute. See 18 U. S. C. §215(d) (1982 ed., Supp. IV). When those agencies followed through, they too expressly assumed that §215 covered gratuities. See, e.g., 52 Fed. Reg. 46046 (1987); *id.*, at 43940.

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at 9.

In short, Congress tailored §215 in an effort to stem “corruption in the bank industry,” and it seemed to think that *both* bribes *and* gratuities contributed to that problem. H. R. Rep. No. 99–335, at 5. So, too, with §666 and public corruption.

## III

To recap what we know thus far: The question in this case is whether §666 criminalizes gratuities in addition to bribes. The text and purpose of §666 alone provide an easy answer. The word “rewarded” means to have been given a reward for some action taken. So gratuities are plainly covered. To be sure, if the Court had given that straightforward answer, we might eventually have confronted a followup question: Are *all* gratuities covered? Said differently: Even if gratuities generally are criminalized by §666, are there circumstances in which certain gratuities are *not* criminalized?

The case in front of us does not require us to reach that question. We have not been asked to settle, once and for all, which gratuities are corrupt and which are quotidian. Snyder did not argue that his \$13,000 check was part of some subset of noncriminalized gratuities. Rather (and this is important to note), Snyder has taken an all-or-nothing approach to the argument he makes in this case. He insists that *all* gratuities—every type in the entire class—are excluded from §666. Because the statute’s plain text says otherwise, that should have been the end of this case, even if a future petitioner might have asked us to do a more nuanced analysis.

But, no matter—the majority today skips ahead, complaining that the Government has “not identif[ied] any remotely clear lines separating an innocuous or obviously benign gratuity from a criminal gratuity.” *Ante*, at 12. This omission is a huge problem, the majority says, because

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without those lines, “19 million state and local officials” could be imprisoned “for accepting even commonplace gratuities.” *Ante*, at 1.

The majority’s fretting falls flat, especially in the context of *this* case. There is no question that state, local, and tribal officials deserve “clear lines,” but we were not asked to provide all of them at this moment.<sup>4</sup> And, perhaps even more important, nothing about the facts of this case even remotely implicates a reasonable concern about the criminalization of innocuous conduct on the part of an unwary official. Furthermore, most of the clear lines the majority seeks already exist—they come from the text of the statute. Limits within the text of §666 provide “fair notice” that commonplace gratuities are typically not within the statute’s reach, contra, *ante*, at 11, and they suffice to prevent prosecution of the gift cards, burrito bowls, and steak dinners that derail today’s decision.<sup>5</sup>

A

If one simply accepts what the statute says it covers—local officials who corruptly solicit, accept, or agree to accept rewards in connection with official business worth over a certain amount—Snyder’s case is an easy one. Perhaps that is why the majority spends so little time describing it.

Snyder took office as mayor of the city of Portage, Indiana, in January 2012. As mayor, Snyder and his appointees

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<sup>4</sup> Given the question presented, the majority’s demand for a comprehensive interpretation of §666, for all purposes, is both striking and inconsistent with our usual incremental approach. See *St. Amant v. Thompson*, 390 U. S. 727, 730–731 (1968) (observing that the “outer limits” of “many legal standards”—whether they be “provided by the Constitution, statutes, or case law”—are “marked out through case-by-case adjudication”).

<sup>5</sup> Notably, I am not the only Justice who has viewed §666 in this way. See *Sorich v. United States*, 555 U. S. 1204, 1207 (2009) (Scalia, J., dissenting from denial of certiorari) (describing §666(a) as providing a “clear rul[e]” prohibiting “bribes and gratuities to public officials”).

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sat on the Portage Board of Works and Public Safety, the entity that managed public bidding on city contracts. Snyder put one of his friends, Randy Reeder, in charge of the bidding process, despite Reeder's lack of experience in administering public bids. Evidence presented at Snyder's trial showed that Reeder tailored bid specifications for two different city contracts to favor Great Lakes Peterbilt, a truck dealership owned by brothers Robert Buha and Stephen Buha. Evidence also showed that during the bidding process, Snyder was in contact with the Buha brothers, but no other bidders.

Snyder had campaigned on a platform that included automating trash collection, and by December 2012, the city was looking to buy three garbage trucks. It issued an invitation to bid on the contract, listing specific requirements for the trucks. Reeder testified that he crafted some specifications, including delivery within 150 days, knowing they would favor Great Lakes Peterbilt. The board of works voted to award Great Lakes Peterbilt the contract. Evidence at trial showed that the city could have saved about \$60,000 had it not prioritized expedited delivery.

In January 2013, the manager of Great Lakes Peterbilt asked Reeder whether the city might want to buy another truck—an unused, 2012 model that had been sitting outside on the dealership's lot over two winters. Snyder first tried to buy the truck outright, but Portage's city attorney informed him he had to go through the public bidding process. So the board of works issued another invitation to bid in November 2013. This invitation sought two more garbage trucks. Reeder again tweaked certain specifications to favor Great Lakes Peterbilt—this time to help it move the older truck sitting on its lot. The board of works voted to award Great Lakes Peterbilt this contract too. Together, the two contracts that Great Lakes Peterbilt “won” totaled some \$1.125 million.

Shortly after the second contract was awarded, Snyder

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paid the Buha brothers a visit at their dealership. “I need money,” he said. App. 72. He asked for \$15,000; the dealership gave him \$13,000. When federal investigators heard about the payment and came calling, Snyder told them the check was for information technology and health insurance consulting services that he had provided to the dealership. He gave different explanations for the money to Reeder and a different city employee.

Employees at Great Lakes Peterbilt testified that Snyder never performed any consulting work for the dealership. And during the federal investigation, no written agreements, work product, evidence of meetings, invoices, or other documentation was ever produced relating to any consulting work performed by Snyder. All of this confirmed testimony from the dealership’s controller, who had cut the check to Snyder: Snyder had instead been paid for an “inside track.” App. to Pet. for Cert. 60a–61a.

A federal grand jury charged Snyder with violating 18 U. S. C. §666(a)(1)(B). App. 2–3. The indictment alleged that Snyder “did corruptly solicit, demand, accept, and agree to accept a bank check in the amount of \$13,000, intending to be influenced and rewarded.” *Id.*, at 3. A jury found him guilty of violating §666 in connection with the garbage truck contracts. It is not difficult to see why the jury reached that conclusion, having been instructed that the Government needed to prove that Snyder “acted corruptly, with the intent to be influenced or rewarded.” *Id.*, at 27.<sup>6</sup>

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<sup>6</sup> Even after its decision to construe §666 as a bribery-only statute, the Court’s decision to reverse Snyder’s conviction, rather than vacate and remand, is perplexing. The District Court specifically found that, “even if” §666 were construed to penalize bribes alone, “there was ample evidence permitting a rational jury to find, from the circumstantial evidence, that there was an up-front agreement to reward Snyder for making sure [Great Lakes Peterbilt] won the contract award(s).” App. to Pet. for Cert. 63a. Thus, the Seventh Circuit should have been permitted to

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## B

One thing is clear from the Court’s opinion in this case—the majority isn’t much worried about what happens to Snyder under §666. It pivots to the other 18,999,999 state, local, and tribal officials at work throughout the country and laments that there are “no clear federal rules” for them. *Ante*, at 12. But §666 was not designed to apply to teachers accepting fruit baskets, soccer coaches getting gift cards, or newspaper delivery guys who get a tip at Christmas. See *ibid.* (reciting similar examples). We know this because, beyond requiring acceptance of a reward, §666 weaves together multiple other elements (that the Government must prove beyond a reasonable doubt), which collectively do the nuanced work of sifting illegal gratuities from inoffensive ones.

Those limits are clear on the face of the statute; when construed as a whole, the text of §666 provides more than adequate notice to those this statute covers. Now, for a list of my own: *First*, §666 applies only when a state, local, tribal, or private entity “receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving” some “form of Federal assistance.” §666(b). *Second*, the statute requires that the criminalized payment be “in connection with any business, transaction, or series of transactions” of the covered entity. §§666(a)(1)(B), (a)(2). *Third*, that “business, transaction, or series of transactions” must involve “[some]thing of value of \$5,000 or more.” *Ibid.* *Fourth*, §666 expressly “does not apply to bona fide salary, wages, fees, or other compensation paid . . . in the usual course of business.” §666(c). Nor does it apply to “expenses paid or reimbursed . . . in the usual course of business.”

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assess in the first instance whether any instructional error was prejudicial. Under our current precedent, Snyder is not entitled to automatic relief due to a mere instructional error. See, e.g., *Greer v. United States*, 593 U. S. 503, 507, 513 (2021).

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*Ibid.* Last, and perhaps most important, the statute specifically requires that the official who solicits, accepts, or agrees to accept the payment do so “corruptly” (the *mens rea*). §666(a)(1)(B). This series of carefully delineated circumstances—all of which appear in the text of §666—means that payments or gifts to officials will not always be captured by §666 under any and all circumstances, but only if the violator acts in the ways described and with the required intent.

Notably, the majority takes the last statutory check I describe—the “corruptly” *mens rea* requirement—and transforms it into a reason to read the statute to cover only bribes. See *ante*, at 7–8, 15. The majority maintains that “corruptly” signals that §666 is a bribery statute because §201(b), the federal-official bribery statute, uses that term. *Ibid.* But, as I have already explained, the bribery statute for federal officials is not the blueprint the majority makes it out to be. See Part II–B, *supra*. And while the majority suggests that “corruptly” just means *quid pro quo*, see *ante*, at 8, it can give no reason why that must be so in *this* statute.

Instead, the majority gives a practical justification for its preferred interpretation. It suggests that if §666 is read generally to apply to gratuities, and “corruptly” is read as a narrowing *mens rea* element, then the statute *still* might sweep in all sorts of innocuous gifts. See *ante*, at 12–13. Maybe. Maybe not. Again, the precise meaning of the term “corruptly” is not the question before us today. Nor does it really matter here because, whatever “corruptly” means, Snyder’s behavior clearly fits the bill, making this case a poor one to explore the contours of that term. See Part III–A, *supra*.

In any event, any uncertainty we might have about “corruptly” seems unwarranted considering the Court’s previous definitions of that word. In *Arthur Andersen LLP v. United States*, 544 U. S. 696 (2005), we wrote that the term

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“‘corruptly’” is “normally associated with wrongful, immoral, depraved, or evil” conduct. *Id.*, at 705. We therefore related the term with “consciousness of wrongdoing.” *Id.*, at 706. Applying that standard definition to §666’s *mens rea* requirement appears to heave an imposing burden onto the Government. Prosecutors must prove not only that a state, local, or tribal official did, in fact, act wrongfully when accepting the gift or payment, but also that she *knew* that accepting the gift or payment was wrongful.<sup>7</sup> The majority worries that it may be unclear to an official whether accepting a gift is, in fact, “wrongful.” See *ante*, at 12. But if “corruptly” is read to require knowledge of wrongfulness, any lack of clarity benefits the official. In such circumstances, a prosecutor is almost certain to be unable to meet her burden of proof—as the Government acknowledges. See, e.g., Tr. of Oral Arg. 59–60, 107.<sup>8</sup>

The bottom line is that §666 is not unique or special. Like other criminal statutes—and especially other anti-public-corruption statutes—§666 has various elements, some of which may benefit from further clarification. Down the road, this Court could have had that opportunity with respect to §666 *if* it had chosen to engage in our usual method of parsing statutes. See, e.g., *Fischer v. United States*, 529 U. S. 667, 677, 681 (2000) (clarifying the meaning of federal “benefits” under §666); *Sun-Diamond*, 526 U. S., at 414 (holding that to establish a violation of §201(c), “the Government must prove a link between a thing of value conferred upon a public official and a *specific* ‘official act’ for or

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<sup>7</sup>At oral argument, the Government acknowledged that “consciousness of wrongdoing” roughly translates to knowledge of unlawfulness. Tr. of Oral Arg. 74–76.

<sup>8</sup>Thus, defining “corruptly” in the same way we have in the past would not rely on a prosecutor’s discretion to limit the scope of the statute. See *ante*, at 13; cf. *Marinello v. United States*, 584 U. S. 1, 11 (2018). Indeed, though the Government *could* attempt to launch unwarranted prosecutions under §666, that is as true for §666 as it is for any other federal criminal statute.



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because of which it was given” (emphasis added)); *McDonnell v. United States*, 579 U. S. 550, 571–572 (2016) (clarifying the “official act” requirement in §201(a)(3)). Instead, the majority washes its hands of this anticorruption provision, announcing that certain wrongful conduct the statute plainly covers just cannot be included. The majority throws in the towel too soon.

### C

As I said earlier, §666 already provides meaningful guardrails that protect against the “overbreadth” that the majority decries. *Ante*, at 12. But you don’t have to take my word for that. Other prosecutions of gratuities that the Government has brought under §666—successfully or unsuccessfully—do not remotely resemble the holiday tips, gift baskets, and sweatshirts around which the majority crafts its decision.<sup>9</sup> That is, even as the Government has consistently maintained that §666 covers gratuities, its actual prior prosecutions under §666 were not the dragnet for public school teachers, soccer coaches, or trash collectors that the majority conjures. Rather, the real cases in which the Government has invoked this law involve *exactly* the

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<sup>9</sup>See, e.g., *Scarantino v. Public School Employees’ Retirement Bd.*, 68 A. 3d 375, 376–377 (Pa. Commw. 2013) (describing a defendant prosecuted under §666 for receiving a \$5,000 cash gratuity in connection with school district contracts); *United States v. Musto*, 2012 WL 5879609, \*2, n. 2 (MD Pa., Nov. 21, 2012) (defendant prosecuted under §666 for accepting \$1,000 in connection with a municipality’s multimillion dollar loan application to a state agency and prior official advocacy); *United States v. Bahel*, 662 F. 3d 610, 620–621, 638 (CA2 2011) (defendant prosecuted under §666 after receiving financial benefits including years of near-monthly cash payments of thousands of dollars, a laptop, first-class plane tickets to India, seats to the U. S. Open tennis tournament, a reduced-rent apartment, and the eventual purchase of that apartment for below-market value in connection with United Nations contracts); *United States v. Zimmermann*, 509 F. 3d 920, 926–927 (CA8 2007) (defendant prosecuted for accepting gratuities of \$5,000, \$1,200, and \$1,000 in connection with real-estate development projects).

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type of palm greasing that the statute plainly covers and that one might reasonably expect Congress to care about when targeting graft in state, local, and tribal governments. After today, however, the ability of the Federal Government to prosecute such obviously wrongful conduct is left in doubt.

It is also noteworthy that the prosecutions that Snyder describes as proof of the Government’s “not reassuring” track record, Reply Brief 18–19, look nothing like the acts of gratitude that worry the majority. The “city building inspector [who] solicit[ed] donations for his favorite youth sports league”? *Id.*, at 18. Well, he admitted to receiving illegal gratuities from an engineer who worked with clients seeking building permits in San Francisco. The engineer knew that the inspector was a volunteer coach and supporter of “a San Francisco non-profit adult and youth athletic organization,” and the engineer arranged for his clients to donate to that organization in connection with inspections of their properties. Press Release, U. S. Attorney’s Office, ND Cal., San Francisco Senior Building Inspector Pleads Guilty to Accepting Illegal Gratuities (Dec. 9, 2022). “[I]n several instances, the engineer advised [the inspector] of a client’s donation while asking for a final permit or inspection on the client’s property.” *Ibid.* That same inspector also accepted \$30,000 in debt forgiveness from a longtime San Francisco real-estate developer and friend. *Ibid.*

And the “county contractor [who] donat[ed] \$2,000 for plaques and food at a luncheon honoring female judges”? Reply Brief 18. He was the owner of a debt collection company that had a nonexclusive contract with Cook County, Illinois, to perform debt collection work. A significant part of the contract was the chance to collect fines owed on unpaid traffic tickets. An official in the Circuit Court of Cook County Clerk’s Office—the entity responsible for doling out the traffic debt work—gave his firm half of those collections.

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The owner then underwrote nearly \$2,000 in expenses for the court’s Women’s History Month Celebration. Why did he cover these expenses? “We gotta stay ahead of [the competition],” the owner told his staff. *United States v. Donagher*, No. 1:19-cr-00240 (ND Ill.), ECF Doc. 98, pp. 2–5.<sup>10</sup>

None of this means that courts should trust the Government when it says that it does and will continue to enforce a statute with care. That is not how we do statutory interpretation, and for good reason. See *Marinello v. United States*, 584 U. S. 1, 11 (2018). But what these examples do show is that §666’s built-in bulwarks seem to be working. Thus, there is simply no reason to think that decades after

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<sup>10</sup>Snyder’s invocation of *United States v. Hamilton*, 46 F. 4th 389 (CA5 2022), is neither persuasive nor relevant here. Snyder says *Hamilton* shows that the Government “has prosecuted campaign contributions.” Reply Brief 19. The defendant in *Hamilton* was a Dallas real-estate developer who “supported” local politicians. 46 F. 4th, at 391. He gave money to a nonprofit owned and operated by the campaign manager of one such politician, a Dallas City Council member. “Some of those donations were used for [the nonprofit’s] legitimate purposes; others were purportedly given to [the nonprofit], cashed by [the campaign manager], then given to [the politician] personally.” *Ibid.* Around an election cycle, “[the developer] was trying to secure some low-income-housing tax credits for one of his real-estate ventures, the Royal Crest project,” and that City Council member “lobbied to have the Royal Crest project included.” *Ibid.* “A few years later, [the developer] needed to get a paid-sick-leave ordinance on the ballot in the upcoming election.” *Ibid.* So he wrote a \$7,000 check to a different member of the Dallas City Council, who made clear that the check “was not a loan” and “had nothing to do with the campaign.” *Id.*, at 392. A jury convicted the developer on two §666 counts, but the Fifth Circuit later vacated the convictions because, in its view, §666 did not criminalize gratuities. *Id.*, at 393, 399.

On these facts, it is far from clear that *Hamilton* involved legitimate campaign contributions. But it is abundantly clear that Snyder’s case does not. If a §666 conviction involving *real* campaign contributions had reached us, it might have been appropriate to read a *quid pro quo* requirement into the statute for that particular context. See *McCormick v. United States*, 500 U. S. 257, 273–274 (1991).

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the courts of appeals first interpreted §666 to cover gratuities, reading the statute to do so now will “suddenly subject 19 million state and local officials to a new and different regulatory regime.” *Ante*, at 11.

## IV

Ultimately, it appears that the real bone the majority has to pick with §666 is its concern about overregulation—a concern born of the relationship between federal and state governance. The majority’s pages of citations to state and local gratuities laws, *ante*, at 2–3, thus belie its ranking so-called “federalism” interests merely “[f]ifth” on its list of reasons for construing §666 as a bribery-only statute, *ante*, at 10 (emphasis deleted). More than anything, it seems that the majority itself harbors the belief it repeatedly ascribes to Congress: that regulation of gratuities is better left to state, local, and tribal governments, rather than the Federal Government. See, *e.g.*, *ante*, at 11, 16. (No word on why the same could not be said for bribes.)

If Congress shared those policy concerns, however, it chose not to act upon them in this statute. Instead, Congress reached out to regulate state, local, and tribal entities as well as other organizations that receive federal funds, despite the fact that those governments do have their own ethics regulations, as the majority is quick to point out. And, of course, if the majority is correct about Congress’s commitment to federalism principles in this area, one wonders why Congress didn’t just leave state, local, and tribal entities alone.

Quite to the contrary, Congress chose to enact §666 “to ensure the integrity of organizations participating in federal assistance programs.” *Fischer*, 529 U. S., at 678. And that choice was intentional—Congress acted to “addres[s] a legitimate federal concern by licensing federal prosecution in an area historically of state concern.” *Sabri*, 541 U. S., at 608, n. Snyder apparently objects to this policy choice,

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and further complained below that “Congress ha[d] yet to take up” any invitation “to consider rewriting the provision.” App. 15. Fortunately for him, today’s decision by this Court accomplishes exactly that result.

\* \* \*

State, local, and tribal governments have an important role to play in combating public corruption, and, of course, their regulations should reflect the values of the communities they serve. I wholeheartedly agree with the majority’s suggestion that, because employees of those governments are our neighbors, friends, and hometown heroes, federal law ought not be read to subject them to prosecution when grateful members of the community show their thanks. See *ante*, at 1.

But nothing about the facts of this case implicates any of that kind of conduct. And the text of §666 clearly covers the kind of corrupt (albeit perhaps non-*quid pro quo*) payment Snyder solicited after steering the city contracts to the dealership. Because reading §666 to prohibit gratuities—just as it always has—poses no genuine threat to common gift giving, but does honor Congress’s intent to punish rewards corruptly accepted by government officials in ways that are functionally indistinguishable from taking a bribe, I respectfully dissent.



## Ethics, Organization, and Personnel Committee Workshop

# EEO Statistical Report

Item 6b  
July 9, 2024

# Item # 6b

## EEO Statistical Report

### Subject

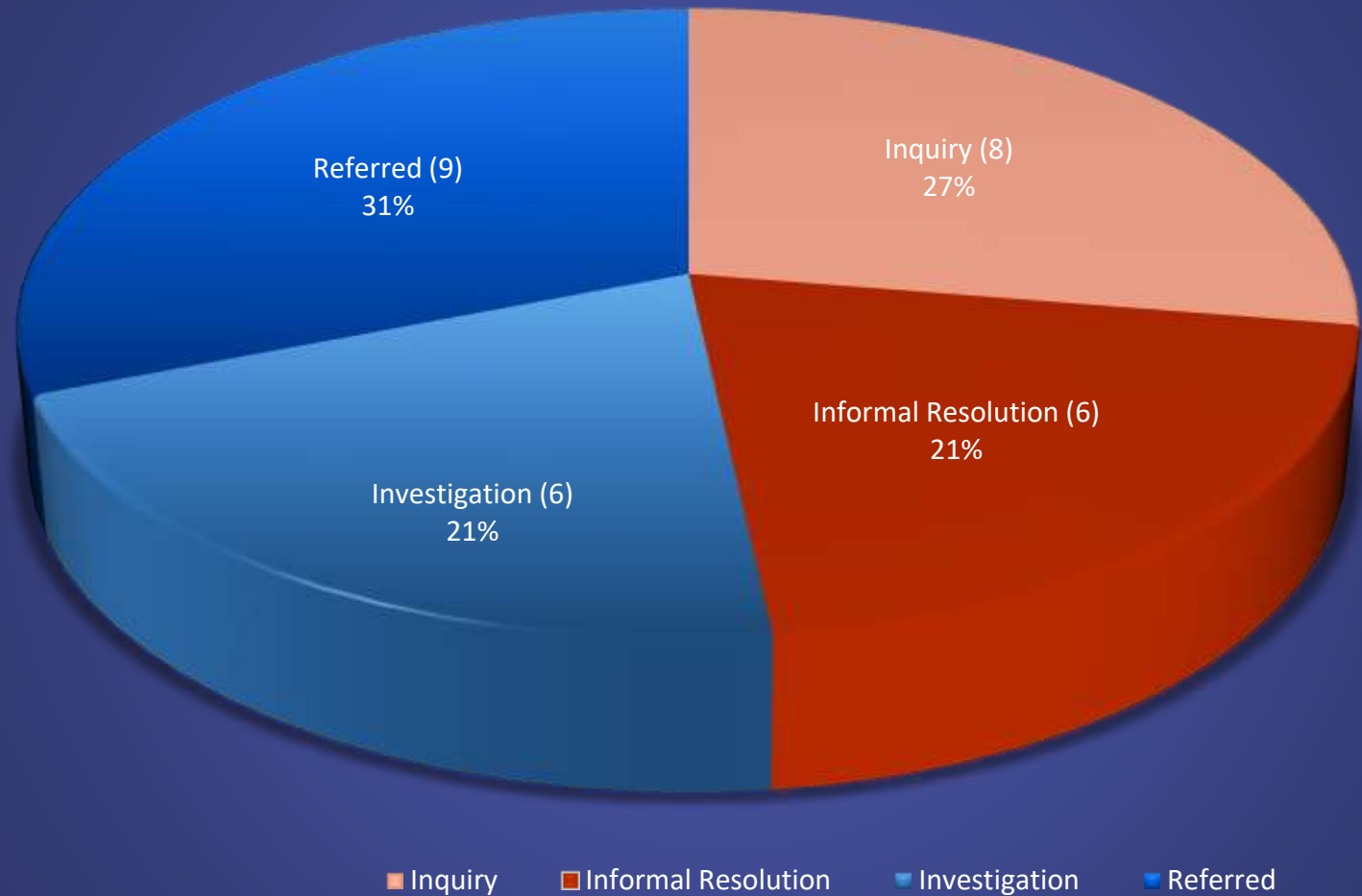
Inform Board of quarterly statistics regarding EEO complaints.

### Purpose

Informational update.

April - June 2024

## Total Complaints Received



**Total = 29**

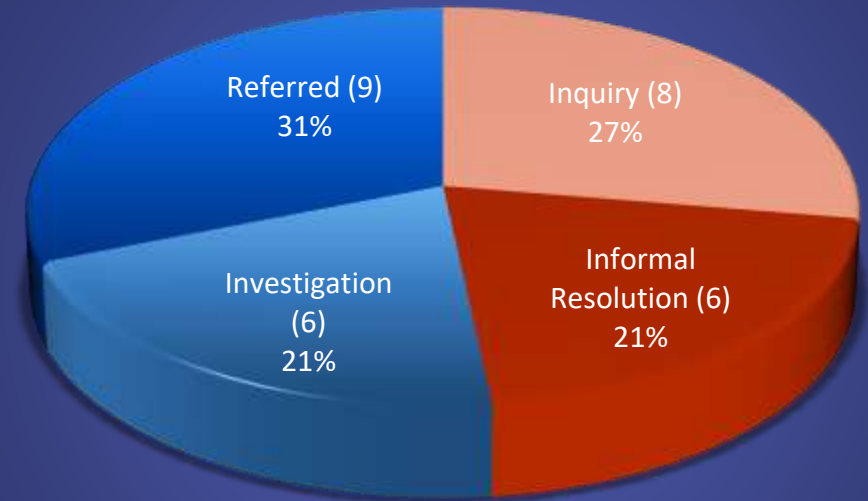
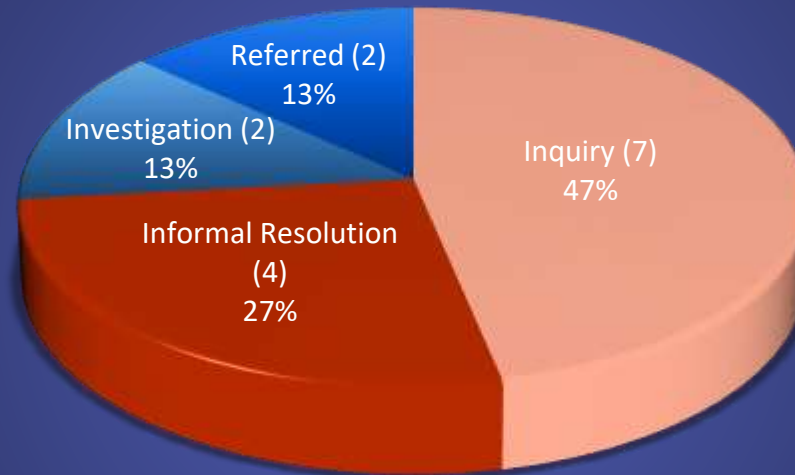


# Complaints Comparison by Quarter

Jan. – Mar. 2024 Total = 15

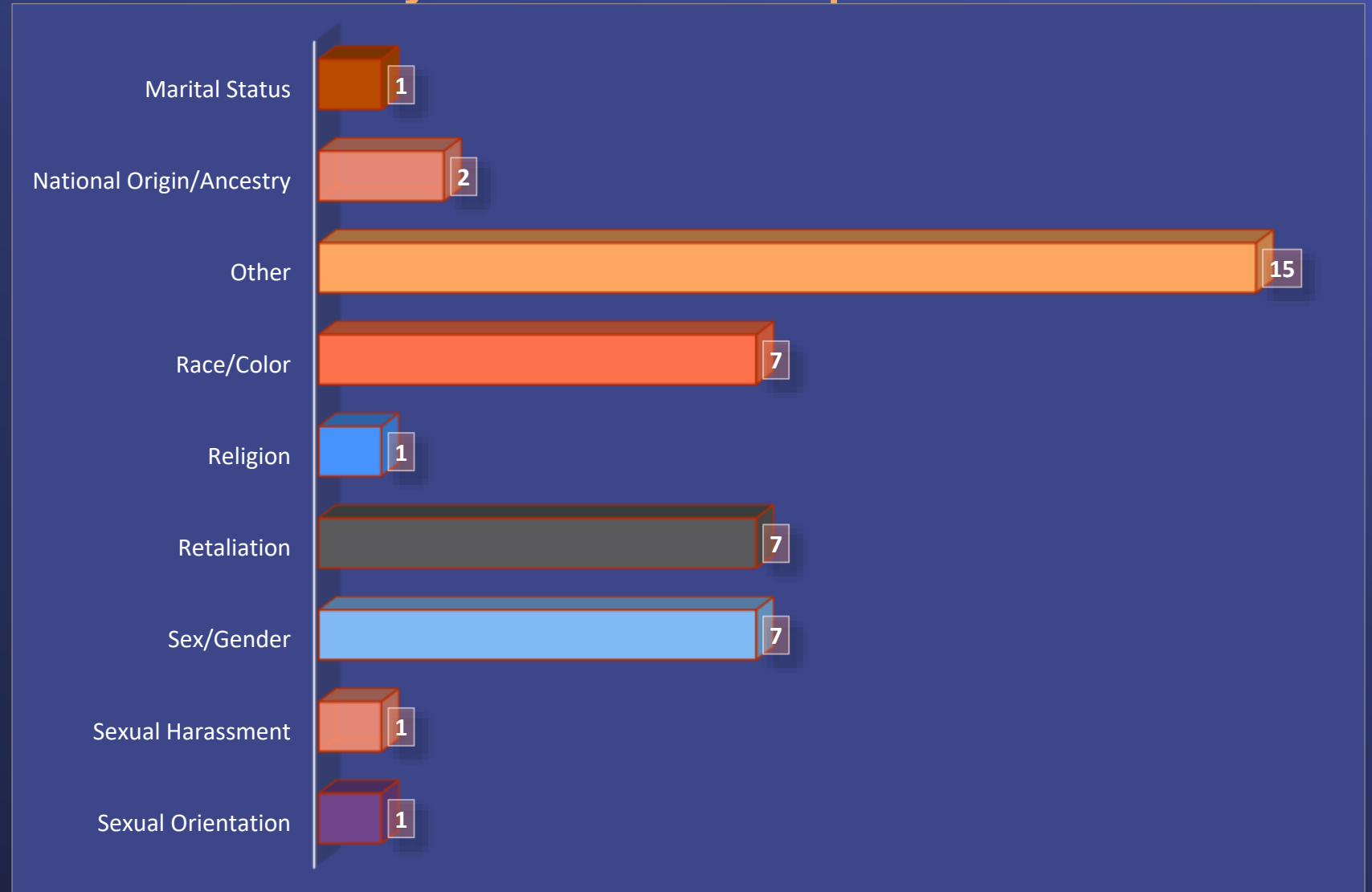
April – June 2024 Total= 29

April – June 2024



# Quarterly Basis of Complaints

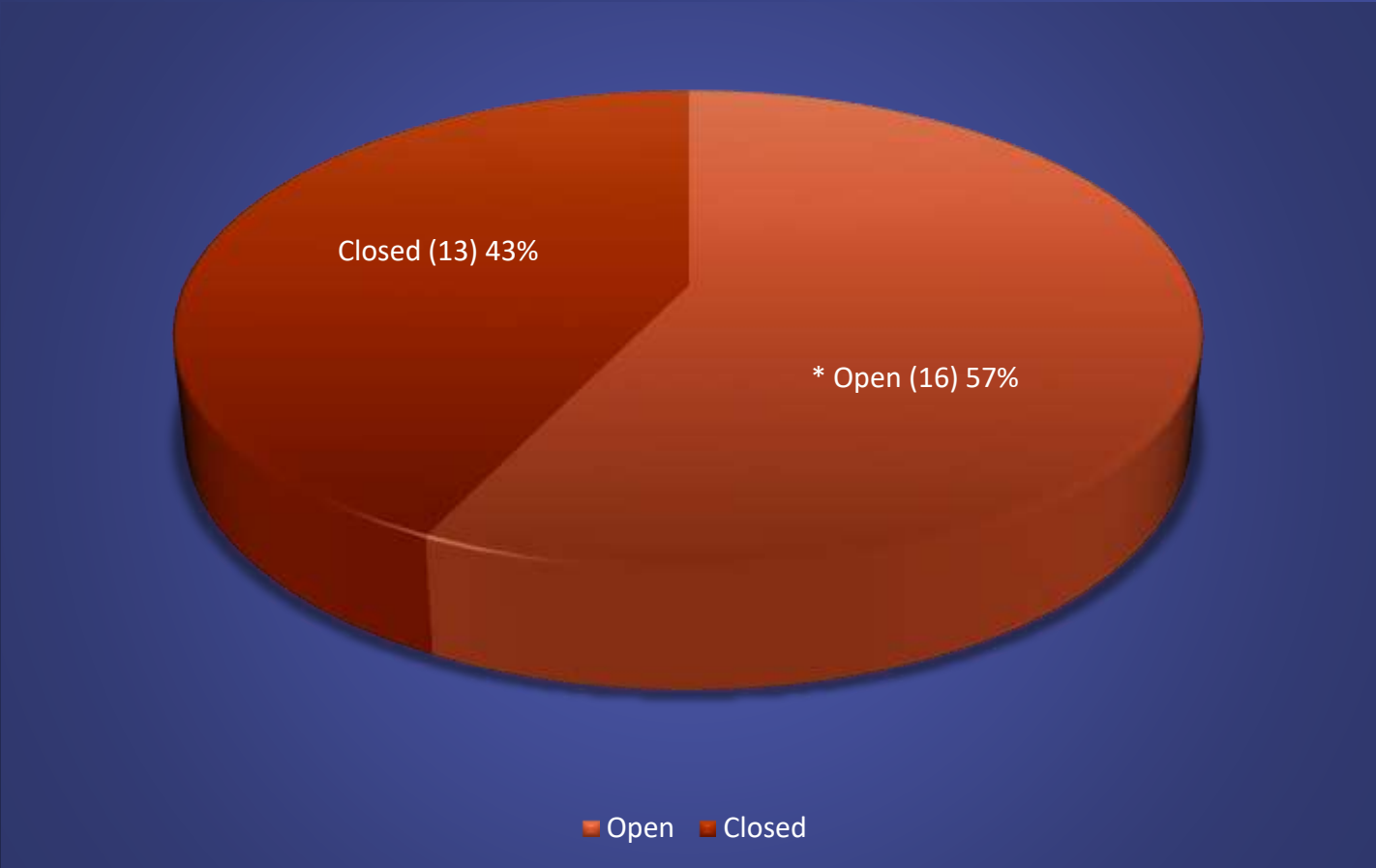
April – June 2024



**Total = 42**

# Complaints Open and Closed

April – June 2024



Case Closure Rate:  
105 business days

**\* 8 Complaints under assessment; 8 Complaints under Investigation/Informal Resolution**

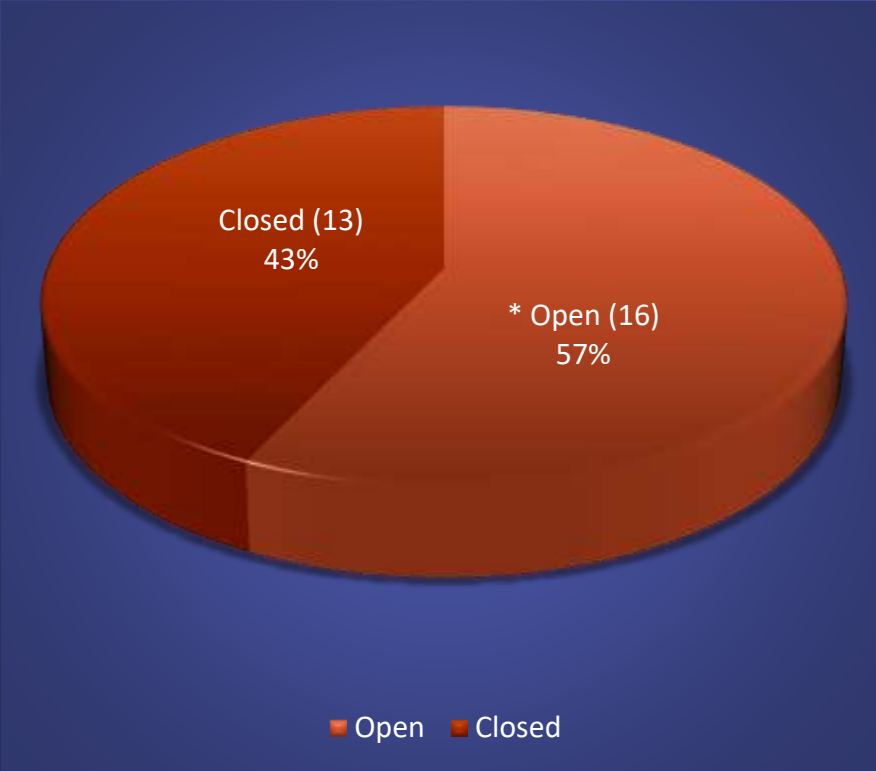
# Complaints Comparison & Closure Rate by Quarter

April – June 2024



Case Closure Rate:  
199 business days

January - March 2024



Case Closure Rate:  
105 business days

April - June 2024

April – June 2024

Questions?







Ethics, Organization, and Personnel Committee

# Ethics Office FY 2023/24 Annual Report and FY 2024/25 Business Plan

Item 6c

July 9, 2024

## Item 6a

### Subject

Ethics Office FY 2023/24 Annual Report and  
FY 2024/25 Business Plan

### Purpose

To review FY 2023/24 and share the Ethics  
Officer's plan for the upcoming FY 2024/25



# Core Programs – Education

## Performance Highlights



Treatment Plants:

- Jensen
- Mills
- Skinner
- Weymouth

Pumping Plants:

- Eagle Mountain
- Gene/Whitsett Intake
- Iron Mountain
- Julian Hinds

Other:

- Union Station
- La Verne Water Quality Lab
- Lake Matthews
- Soto Street Facility

## Performance Highlights

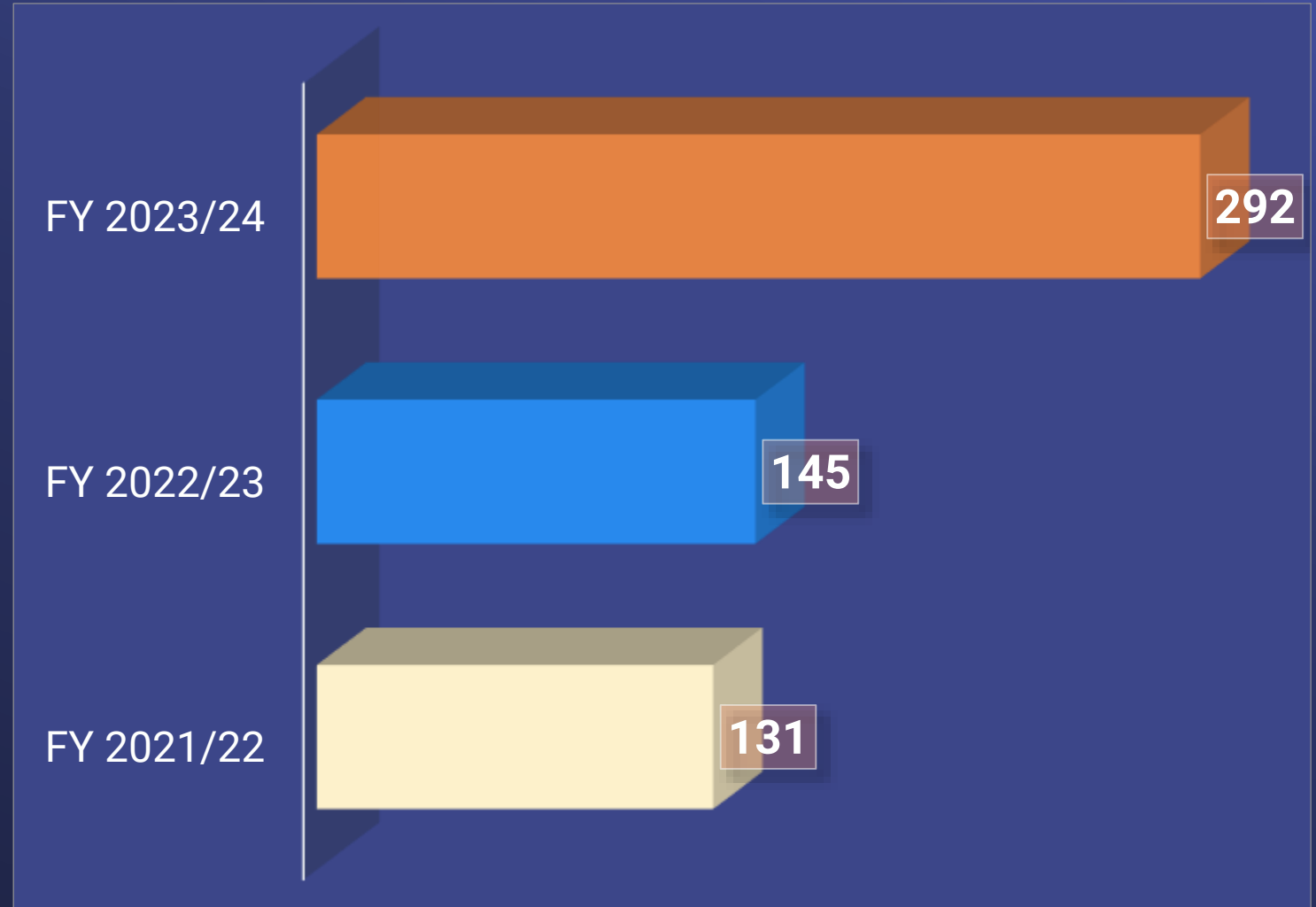
# Core Programs – Education

### Director Education at EOP Committee:

- Prohibited Director Communications
- Use of Confidential Information
- Statements of Economic Interests (2 sessions)
- Conflicts of Interest - Contracts With Member Agencies
- Gift Limits and Reporting Requirements
- Screening for Conflicts of Interest – Conflicts Bulletin
- Contractor Code of Conduct
- Pay-to-Play Law (Levine Act)

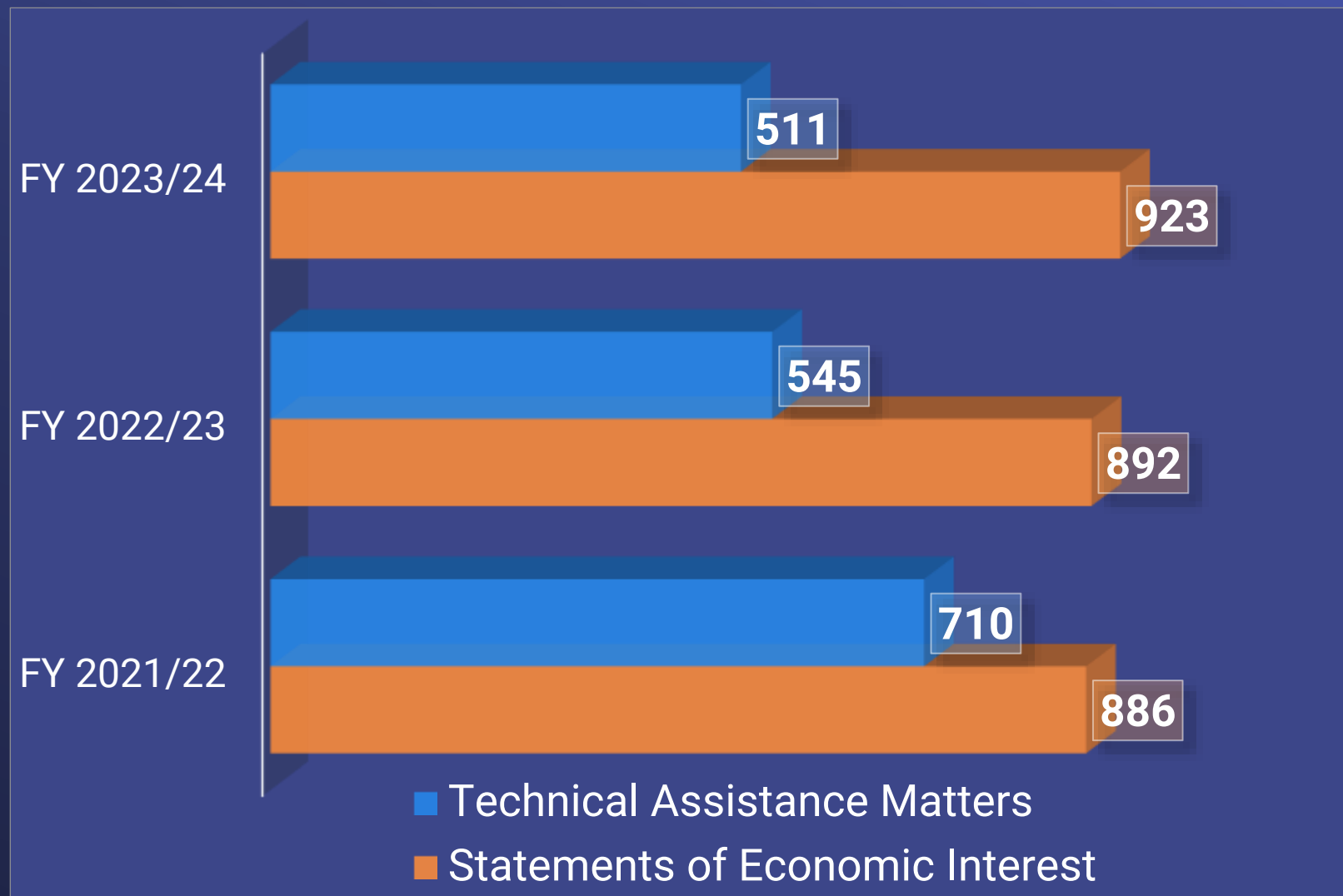
# Performance Highlights

## Core Programs – Advice



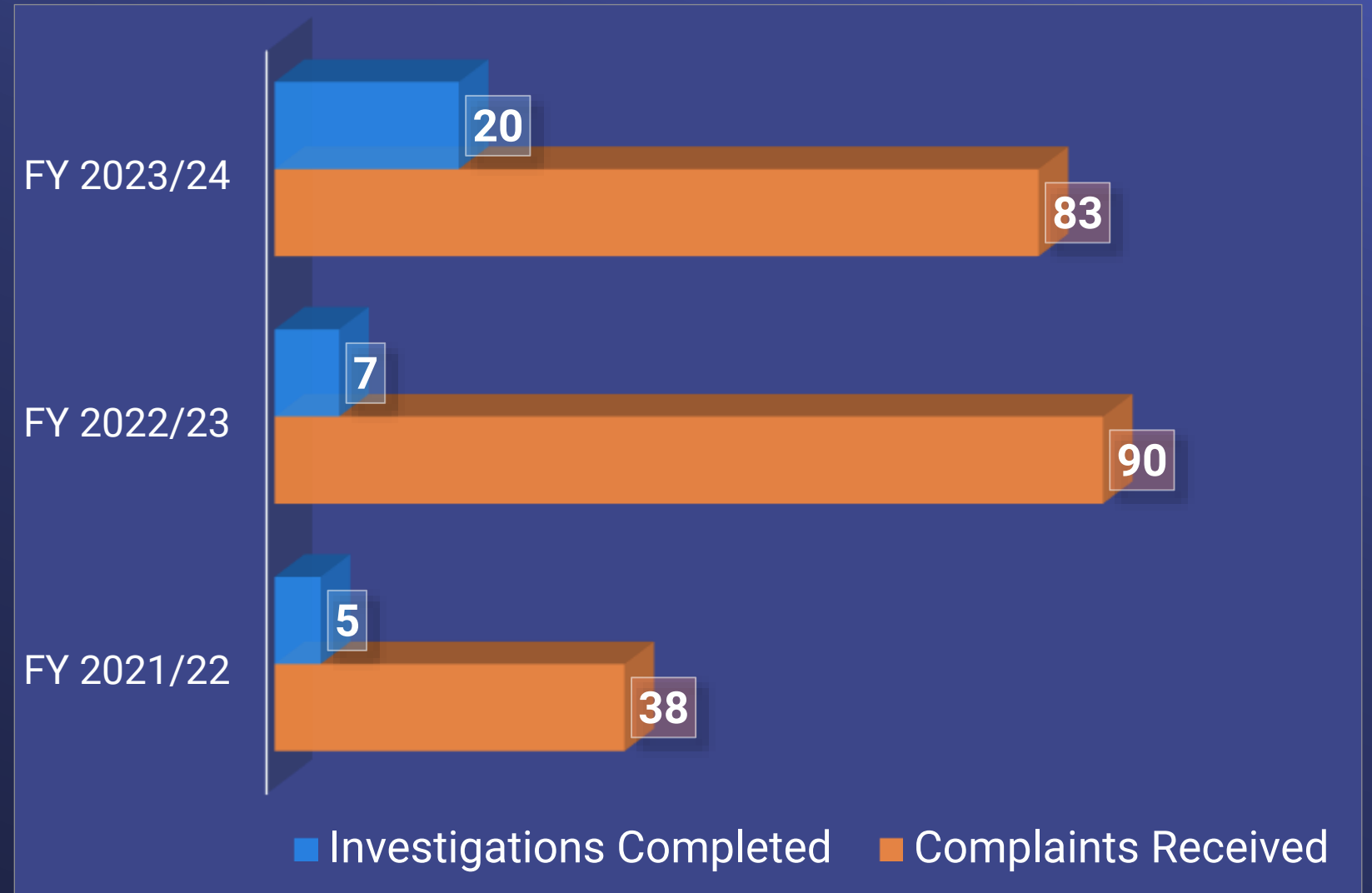
## Performance Highlights

### Core Programs - Compliance



# Core Programs – Ethics Investigations

## Performance Highlights



# Southern California Ethics Symposium

## Leadership Roundtable

19 Organizations  
66 Participants



# Special Projects

## Performance Highlights

- Review of protections for confidential investigation information
- Contractor Code of Conduct
- EEO investigations

# Ethics Officer's Business Plan

Fiscal Year  
2024/25

- Strategic Priorities
- Core Programs



# Strategic Priorities

Fiscal Year  
2024/25

- Employee survey
- Reviews - processes and risks
- Collaborate with leadership on risk assessments
- Employee engagement – quarterly ethics newsletter and update website/intramet

Fiscal Year  
2024/25

# Core Programs

- Education
- Advice
- Compliance
- Policy development
- Investigations





# Ethics Office Monthly Report

**JUNE 2024**

## **EDUCATION**

Provided ethics education to employees at the Lake Mathews. Since initiating new live ethics education last December, the Ethics Office has trained 1371 employees.

At the Ethics, Organization, and Personnel Committee, staff provided a focused presentation to directors about the state's pay to play law (the Levine Act).

Staff presented an Ethics Office overview for ten new hires at new employee orientations hosted by Human Resources.

## **COMPLIANCE**

Assisted directors and employees with their Annual, Assuming Office, and Leaving Office Form 700 filings. Assistance included filing for multiple positions, troubleshooting the electronic filing system, and notifications of deadlines.

Finalized compliance efforts for the 2023 Annual Form 700 filings and achieved 100 percent compliance from all designated employees.

## **ADVICE**

Addressed 18 advice matters related to the following: conflicts of interest, financial disclosure, post-employment lobbying, and other ethics-related topics.

## **INVESTIGATIONS**

Received 14 complaints involving the following allegations:

- Mistreatment of staff and inappropriate race-based comments by a manager.
- Favoritism in a recruitment process by a manager.
- Mistreatment of staff, retaliation, and harassment based on gender by a manager.
- Discrimination based on gender and favoritism in a recruitment process by a manager.
- Harassment based on gender by a manager.
- Inappropriate race-based comments by a Metropolitan official.
- Retaliation by a Metropolitan official.
- Harassment of a Metropolitan official based on gender.
- Mishandling of a safety incident by management.
- Retaliation against an employee by a manager.
- Unauthorized release of confidential information.
- Retaliation against an employee by a coworker for protected EEO

## **COMPLAINTS MAY BE FILED AT:**

**ANONYMOUS ETHICS HOTLINE** (Convercent)  
(800) 461-9330  
<http://www.mwdethicshotline.net/>

**ETHICS OFFICE**  
(213) 217-5832  
[ethicsoffice@mw dh2o.com](mailto:ethicsoffice@mw dh2o.com)

activity.

- Favoritism in a recruitment process and unprofessional behavior by a manager.
- Unauthorized release of confidential information.

Referred six EEO-related matters to the EEO Office.

### **ETHICS OFFICER FINDINGS**

The Ethics Officer determined that a manager did not retaliate against an employee for reporting potential workplace violations.

The Ethics Officer determined that three managers did not retaliate against an employee for reporting potential workplace violations.

### **ADVICE AND INVESTIGATIVE DATA**

Advice Matters	18
Compliance Assistance	37
Complaints Received	14
Investigations Opened	0
Pending Investigations	3



## Equal Employment Opportunity

### • Equal Employment Opportunity June 2024 Monthly Activity

#### Summary

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This report provides a summary of Equal Employment Opportunity June 2024 Monthly Activities.

#### Purpose

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Informational

#### Attachments

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None

#### Detailed Report

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#### Activity Report

To increase awareness of Metropolitan's Equal Employment Opportunity (EEO) policies and programs across Metropolitan facilities, and to help safeguard the right to a discrimination-free, harassment-free, and retaliation-free workplace for all employees, EEO conducted two trainings in June at Weymouth Water Treatment Plant and Lake Mathews. The training included an overview of the following:

- EEO Office and its mission and guiding principles
- EEO-protected categories and prohibited conduct
- The complaint intake process
- Investigative guidelines for conducting EEO investigations



## Human Resources

### • June 2024 Human Resources Activities Report

#### Summary

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This report provides a summary of the Human Resources activities for June 2024.

#### Purpose

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Informational

#### Detailed Report

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### HR Priorities

**Partner with Metropolitan leadership to support learning, development, and adaptive workforce planning initiatives.**

In June, 468 employees completed in-person and virtual trainings covering topics like Interviewing Skills, Personal Security Awareness, Assertive Communication, Principles of Business Writing, Effective Non-Verbal Communication, Resume Writing, Communication Styles, and Efficient Emails. LinkedIn Learning's online training platform was accessed for trainings on Enhancing your Productivity, Influence Skills for Leaders, Management Foundations, Performance Management, Project Management, and Tips for Better Business Writing.

The Organizational Development & Training Unit facilitated session 2 of its 14<sup>th</sup> cohort of Metropolitan Management University for 14 new managers. The topics of the day were performance evaluations, strategic communication (active listening, asking effective questions), trust building, and the foundations of employee engagement.

OD&T launched the first Interim Manager Training, a one-day, intensive class focused on communication, coaching, delegation, and common Employee Relations-related duties and challenges.

The Unit piloted a class for Engineering on "Storytelling with Data" (developing powerful visual aids, presenting with influence, etc.).

OD&T also attended the Safety Fair at Diemer to represent Human Resources Group, discuss career path options, and provide information on upcoming summer trainings.

Recruitment filled 12 positions in the month of June. Eight additional new hires are scheduled to start in the next upcoming pay period. Forty recruitments are in the final stages, which includes reference checks, conditional offers, background checks, and offers. One new staffing requisition was received, resulting in 193 positions being recruited for. Staff has been working with All-Star Talent in an outreach campaign targeted towards hard-to-fill positions in the Desert, Environmental Planning, and Information Technology. This effort is aimed at making qualified candidates aware of the exciting opportunities available at Metropolitan. In addition, staff continues to make site visits which have included Jensen, Diamond Valley Lake, and Carson Reuse Facility.

### HR Core Business: Provide Excellent Human Resources Services

Date of Report: [Type Date Here]

## Board Report June 2024 Human Resources Activities Report

**Objective #1: Administer all HR services with efficiency and a focus on customer service excellence, consistency, and flexibility.**

The Business Support Team planned, organized, and coordinated a “Sun Safety” wellness webinar. The live webcast, hosted by Kaiser Permanente, was held on June 26, 2024. The webinar invited employees to learn about ultraviolet rays and how they can prevent sun damage. The webinar identified the signs of heat-related illnesses and ways to cool down. Employees were invited to create a realistic action plan to help them take positive steps towards avoiding heat-related illnesses.

HR Metrics	June 2023	June 2024	Prior Month May 2024
<b>Headcount</b>			
Regular Employees	1,779	1,810	1,814
Temporary Employees	25	52	53
Interns	0	2	2
Recurrents	18	17	17
Annuitants	24	23	23

	June 2024	May 2024
<b>Number of Recruitments in Progress</b> (Includes Temps and Intern positions)	193	204
<b>Number of New Staffing Requisitions</b>	1	11
	June 2024	May 2024
<b>Number of Job Audit Requests in Progress</b>	8	11
<b>Number of Completed/Closed Job Audits</b>	3	1
<b>Number of New Job Audit Requests</b>	0	1

Transactions Current Month and Fiscal YTD (includes current month)			
<u>External Hires</u>	<u>FY 22/23 Totals</u>	<u>June 2024</u>	<u>FISCAL YTD</u>
Regular Employees	116	5	105
Temporary Employees	36	3	61
Interns	0	0	3
<b>Internal Promotions</b>	72	4	80
<b>Management Requested Promotions</b>	149	10	172



## Board Report June 2024 Human Resources Activities Report

<b>Retirements/Separations (regular employees)</b>	<b>98</b>	<b>8</b>	<b>71</b>
<b>Employee-Requested Transfers</b>	<b>19</b>	<b>1</b>	<b>14</b>

### Departures

Last	First Name	Classification	Eff Date	Reason	Group
Burnell Jr.	Robert	Sr Training Specialist (C)	4/13/2024	Retirement - Service	OFF OF SAFETY,SECURITY&PROTECT
Biel	Maria	Assoc Resource Specialist	4/26/2024	Retirement - Service	WATER RESOURCE MANAGEMENT GRP
DeWint	Raymond	Sr Technical Writer	5/10/2024	Retirement - Service	ADMINISTRATION GROUP
Reukema	David	Sr Resource Specialist	5/2/2024	Retirement - Service	WATER RESOURCE MANAGEMENT GRP
Sweat	Jacquelyn	Accounting Tech II	5/10/2024	Retirement - Service	FINANCE GROUP
Kennedy	John	IT Support Analyst III	5/17/2024	Retirement - Service	INFORMATION TECHNOLOGY GROUP
Zajac	Lori	Assoc Chemist	4/4/2024	Deceased	TREATMENT&WATER QUALITY GROUP
Anderson	Meena	Special Projects Manager	4/20/2024	Resign-Accepted Other Employ	OFFICE OF THE GENERAL MANAGER



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

# Board Report

## Safety, Security, and Protection

### • Safety, Security, and Protection Monthly Activities for June 2024

#### Summary

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This monthly report for the Safety, Security, and Protection Group provides a summary of activities for June 2024 in the following key areas:

- Security and Emergency Management
  - Security and Emergency Response
  - Emergency Management Program Update
- Safety, Regulatory, and Training (SRT)
  - Health and Safety Programs
  - Environmental Programs
  - Apprenticeship Programs
  - Safety and Technical Training Programs

#### Purpose

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Informational

#### Attachments

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Attachment 1: Detailed Report—Safety, Security, and Protection Monthly Activities for June 2024

# Office of Safety, Security & Protection

## Key Activities Report for June 2024

### Project Highlights

#### Security and Emergency Management

#### Security and Emergency Response

##### Your Safety and Security: Meet Your Security Team - June Safety Month Webinar

The entire Security Team presented a live Lunch and Learn webinar for employees as a kickoff activity for Metropolitan's June Safety Month. The webinar provided employees a unique opportunity to understand what security specialists do daily to successfully protect the nation's largest drinking water supplier.

Topics included:

- Security's Mission, Guiding Principles, and Organization
- History of Metropolitan's Special Agents
- Bios and live video introductions of every current Security Staff member
- Current and upcoming enterprise-wide workforce training provided by the Security Team
- Update on current Security Capital Projects throughout Metropolitan
- Core protective functions with actual incident examples
- Contact phone numbers and information on how to report security incidents

A 10-minute Q&A session was provided at the end to give employees an opportunity to ask specific questions about issues at their particular work site and how to get to know the individual security specialist assigned to their location. The webinar was attended by over 100 individuals from across Metropolitan and excellently received.

**VIRTUAL LUNCH & LEARN**  
**Your Safety and Security:  
Get to Know Your Security  
Team**

**JUNE 12, 2024**  
**11:00-11:45AM**



Click [Here](#) for ZOOM or Scan QR Code

Ever wondered about the people who work tirelessly behind the scenes to ensure your safety and security? Now's your chance to find out! Join us for an exclusive webinar where you'll get to meet and learn more about our dedicated security team.

3-Mile Methodology: Summary  
Metropolitan Water District

**CRIMECAST**  
premium

**San Diego 2018 National  
CAP Index Score**  
**863**

**Union Station Headquarters**  
700 North Alameda Street, Los Angeles, CA 90012  
Union Station is a major transit hub and a high-profile location. It is a key target for terrorism and other threats. The area around Union Station is densely populated and has a high volume of foot traffic. The area is also a major center for commerce and industry. The area is a key target for terrorism and other threats. The area is a key target for terrorism and other threats.

**CONNECT City Map**

**CONNECT County Map**

**San Diego 2018 National  
CAP Index Score**  
**863**

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**PRESENTED BY**  
**Office of Safety,  
Security, and  
Protection**



**Topics**  
**Meet the Security  
Team**  
**Security Team  
Members  
Background**  
**Updates on  
Physical Upgrades  
Around  
Metropolitan**

Security Team conducted a live webinar on how they protect the nation's largest drinking water supplier

# Office of Safety, Security & Protection

## **Workplace Violence Prevention Plan**

We are proud to announce that our team has successfully completed and implemented the comprehensive Workplace Violence Prevention Plan (WVPP) in full compliance with California Senate Bill 553 (SB 553) ahead of schedule. Achieving this has been a marathon distance at a sprint pace, demonstrating our unwavering commitment to the safety and well-being of our employees.

The new WVPP not only meets but exceeds the stringent requirements set forth by SB 553, encompassing meticulous planning, extensive training, thorough reporting, and robust hazard mitigation. Our proactive approach and dedication have positioned us as a leader in workplace safety, setting a benchmark for others to follow and ensuring a secure environment for all our staff members.

## **Emergency Management Program Update**

Emergency Management staff continued to lead emergency exercises throughout the district.

- To date, Metropolitan has run over 40 exercises.
- In May and June, staff held exercises for our Emergency Operations Center (EOC) team to review new protocols for remotely activating the EOC during a regional emergency.
- Multiple exercises held this month trained staff on newly approved Dam Emergency Action Plans.

Staff is preparing for the upcoming fire season by reaching out to various local fire departments and working on Fire Management Plans.

Finally, staff has prepared multiple mobile Incident Command Posts (ICPs) that can be deployed to first-responder command posts during wildfires or other incidents that may threaten Metropolitan employees and operations.

# Office of Safety, Security & Protection

## Project Highlights

### Safety, Regulatory, and Training

#### SRT Health and Safety Programs

##### National Safety Month Events

This year's National Safety Month theme was "See Something, Say Something" to heighten safety and security awareness at both office and field environments. Celebration events included employee participation to identify workplace security hazards by using a workplace violence hazard identification checklist. Safety hosted three lunch and learn webinars: (1) an overview of Metropolitan's Training database, (2) a review of mitigations used to protect Metropolitan infrastructure, assets, and employees' physical safety, and (3) preventing crime through environmental design. Each of the webinars was open to all employees.

**VIRTUAL LUNCH & LEARN**  
**Overview of MyLearning and Employee Required Training**  
JUNE 5, 2024  
11:00-11:45AM  
Scan Me for ZOOM

Need help navigating and understanding how to use MyLearning? Join us for an engaging webinar that includes step-by-step tutorials with a Q&A session. This webinar will help you maximize the capability of the system to enhance your learning potential and elevate your MyLearning experience.

Your learning journey starts here

**VIRTUAL LUNCH & LEARN**  
**Your Safety and Security: Get to Know Your Security Team**  
JUNE 12, 2024  
11:00-11:45AM  
Click here for ZOOM

Ever wondered about the people who work tirelessly behind the scenes to ensure your safety and security? Now's your chance to find out! Join us for an exclusive webinar where you'll get to meet and learn more about our dedicated security team.

3-Mile Methodology: Summary

863

**VIRTUAL LUNCH & LEARN**  
**Crime Prevention through Environmental Design (C.P.T.E.D.)**  
JUNE 26, 2024  
11:00-11:45AM  
Scan Me for ZOOM

We all have to deal with the possibility of crimes taking place within our work environment and community. Please join us to learn more about C.P.T.E.D., how Metropolitan employs these principles to protect our critical infrastructure and employees, and how you can apply the same principles to enhance security within your home environment.

Lunch and Learn webinars presented for June Safety Month.

##### Safety Communications

Safety hosted the Safety Committee Forum Meeting where facility safety committee chairs and co-chairs collaborated and shared safety related suggestions and successes. Additionally, Safety staff reviewed performance metrics, relevant Safety Talks for recent incidents, procedural changes, and lessons learned.

Safety investigated a potential asbestos exposure while employees were performing routine duties in support of the California Speedway project by a non-Metropolitan contractor. The contractor removed unidentified underground pipe composed of asbestos-containing material. Safety reviewed the abatement documents submitted by the contractors to the South Coast Air Quality Management District (SCAQMD) and obtained the clearance letter prepared by the Certified Asbestos Consultant. There were no deficiencies with the procedures used by the contractor, and Safety gave approval for Metropolitan staff to return to their normal duties related to the project.

# Office of Safety, Security & Protection

## SRT Environmental Programs

### Abandoned Waste

Environmental responded to an illegal dumping found on a Metropolitan access road near Lake Mathews. The waste consisted of motor oil cartons, contaminated dirt from spilled oil, and other miscellaneous trash/debris.



**Abandoned waste found at access road**

### Mills Sulfuric Acid Tank Cleanout

Environmental cleaned out the Mills Water Treatment Plant Sulfuric Acid tank. This project consisted of a job walk, multiple planning meetings, proper locking and tagging out of the tank, review of vendor safety plans and documentation, tank cleanout, and disposal of sulfuric acid, sludge, and rinse water.



**Sulfuric Acid tank and inside tank clean-out**



# Office of Safety, Security & Protection

## Zero Emission Vehicles - Field Demonstration

At the Lake Mathews Safety Day celebration, a variety of all electric vehicles were exhibited, including a Class 8 Volvo Tractor, a Class 5 Rizon stake bed, a cargo van, a Ford Lightning truck, and a Volvo mobile power unit for mobile battery charging. Having the different zero emission vehicle (ZEVs) classes all together at the event provided staff with the opportunity to learn firsthand about the new technology and help promote Metropolitan's fleet transition to ZEV.



**Electric Volvo class 8 tractor parked to the left of Metropolitan fleet vehicles**

## **SRT Apprenticeship Programs**

The SRT Apprenticeship Programs prepare apprentices to become qualified mechanics and electricians responsible for maintaining Metropolitan's water treatment and distribution systems. This month, the Class of 2027 electrical apprentices completed written and practical final exams. The written exam assessed the ability to perform direct current circuit analysis and apply rules for calculating resistances. The exam also covered factors affecting conductor amperage and voltage ratings, wiring systems, and calculating line voltage drops and power losses. The practical portion tested apprentices' understanding of series and parallel circuit theory of operation, troubleshooting skills, the ability to correctly wire a circuit, and safely taking voltage and current measurements.



**Electrical Apprentice completing the practical portion of the final exam**

# Office of Safety, Security & Protection

## **SRT Safety and Technical Training Programs**

Safety and Technical Training began a series of training plan review meetings. Maintaining training plans ensures that employees have the appropriate procedures and knowledge to perform their work safely. In addition, these training plans are used to anticipate training demands so that it can be provided in a timely manner.

The meeting included a review of each employee's job duties to identify required regulatory training. Staff also answered questions regarding the MyLearning training database and clarified training requirements to help managers develop an accurate training plan for the work their employees are expected to perform. This effort is being conducted with all managers enterprise-wide and is estimated to conclude at this time next year.