

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE BLUE RIBBON
COMMITTEE ON ETHICS AND INTEGRITY**

1. CALL TO ORDER

The Torrance Blue Ribbon Committee on Ethics and Integrity convened in a regular meeting at 7:05 p.m. on October 3, 2007, in the Garden Room, City Hall.

2. ROLL CALL

Present: Members Adelsman, Furey, Gallagher, Gottshall-Sayed, Mayeda, McCabe, Montoya, Skoll, and Chair Hardison.

Absent: Member Payne.

Also Present: City Attorney Fellows, Assistant City Attorney Pohl, Management Associate Fulton, Deputy City Attorney Whitham, and Assistant City Manager Sunshine.

3. AFFIDAVIT OF POSTING

Assistant City Manager Sunshine indicated that the affidavit had been posted.

4. APPROVAL OF MINUTES

4a. MINUTES OF AUGUST 8, 2007

MOTION: Member Gottshall-Sayed moved for the approved of the August 8, 2007 meeting minutes as submitted. Member Gallagher seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

4b. MINUTES OF SEPTEMBER 5, 2007

Member Skoll offered the following correction: Page 5, paragraph 4, line 1: "Assistant City attorney Pohl presented and explained the sixth draft ordinance..."

MOTION: Member Adelsman moved to approve the minutes for September 5, 2007 as corrected. Member Gallagher seconded the motion and a voice vote reflected unanimous approval (absent Member Payne).

5. Discussion items which may involve review of such issues as gifts and gratuities, campaign finances, conflicts of interest, statements of economic interest, misuse of public funds; revolving door issues (post employment lobbying), meals, and staging photos for elections involving City vehicles and uniformed employees.

5a. REVIEW FINAL DRAFTS

5a)i STANDARDS

Member Adelsman offered a minor correction to #18 for grammatical consistency.

MOTION: Member Gottshall-Sayed moved to adopt the Standards as amended. Member Gallagher seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

5b) REVIEW PROPOSED ORDINANCES FOR CHANGES TO CITY ETHICS/CAMPAIGN LAWS

Member McCabe initiated a brief discussion on the purpose of the first proposed ordinance (Attachment 1) that would modify the existing campaign contribution limit to allow only natural persons to make campaign contributions. He expressed concern that the ordinance would push the problem to another area and stated that he would like more information from an expert.

Deputy City Attorney Whitham explained that the proposed ordinance would prevent corporations, partnerships, labor unions, PACs, and other legal entities from making campaign contributions and Chair Hardison added that a purpose of the ordinance was to prevent conflicts of interest.

Referring to the second ordinance contained in Attachment 2, Chair Hardison received clarification that contributions under \$100 needed to be recorded but not reported.

Chair Hardison suggested that Members review and vote on each proposed ordinance separately. She reminded Members that the proposed ordinances were only recommendations to City Council, adding that they would probably be adopted in pieces.

Referring to a suggestion made at the September 5, 2007 meeting, it was noted that professional City Management staff would be added to the fifth proposed ordinance (Attachment 5).

In response to Member Gottshall-Sayed's inquiry, City Attorney Fellows stated that there was a cumulative annual cap of \$390 for gifts from a single contributor.

MOTION: Member Adelsman moved to recommend to City Council modifications to Section 17.1.4. Limitations on Campaign Contributions as presented in Attachment 1. Member Gallagher seconded the motion; a voice vote reflected unanimous approval (absent Member Payne and with Member McCabe abstaining).

MOTION: Member Gottshall-Sayed moved to recommend the second proposed ordinance (Attachment 2) that limits cash contributions to candidates and their controlled committees to \$20. Member Adelsman seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

MOTION: Member Skoll moved to recommend the third (Attachment 3) proposed ordinance that regulates disclosure of late campaign contributions. Member Gallagher seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

MOTION: Member Furey moved to recommend the fourth ordinance (Attachment 4) that extends the sender identification requirements set forth in mass mailer laws to other forms of campaign communications. Member Gottshall-Sayed seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

MOTION: Member Adelsman moved to recommend the fifth ordinance as amended to City Council (Attachment 5). This ordinance would add a new section to the municipal code, setting certain post-employment restrictions on department heads, assistants, professional City Manager staff, and deputies. Member Gallagher seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

Chair Hardison initiated discussion regarding the sixth proposed ordinance and it was decided to add "Rental of City rooms or facilities to accept or solicit contributions" to Section 18.1.3 and to move it to the first on the list of prohibited forms of fundraising.

MOTION: Member Montoya, with a second by Member Mayeda, moved to recommend the sixth proposed ordinance (Attachment 6) as amended prohibiting the use of City buildings and equipment for political fundraising; a voice vote reflected unanimous approval (absent Member Payne).

5c) REVIEW COUNCIL ITEM REQUESTING EXTENSION OF COMMITTEE BEYOND OCTOBER 31, 2007

Assistant City Manager Sunshine presented a draft City Council agenda item recommending that City Council consider extending the Committee on Ethics and Integrity to January 31, 2008. He indicated that the item would go to City Council on October 9, 2007.

MOTION: Member Mayeda moved to recommend that City Council consider extending the Blue Ribbon Committee on Ethics and Integrity to amend Resolution 2006-75 to extend the Committee from October 31, 2007 through January 31, 2008. Member Skoll seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

5d) REPORT FOR THE ETHICS COMMITTEE FROM THE SUB-COMMITTEE REGARDING ETHICS AND INTEGRITY IMPLEMENTATION PLAN

Chair Hardison presented a draft Implementation Program and thanked subcommittee Members Montoya and Payne for their efforts. She requested that Members review the draft and provide input.

Member Skoll stated that he would prefer to have five members on the Ethics Oversight Committee.

Following a brief discussion, it was determined that the recommendation would read three to five members.

There was a brief discussion centered on how Oversight Committee members would be selected. Wording was also changed to reflect that the appointed staff administrator would act as a liaison to the Oversight Committee.

Member Adelsman initiated discussion about retaining an outside consultant to serve as administrator, such as the City of Santa Clara model.

City Attorney Fellows shared information about the Santa Clara program and the role of their consultant, Dr. Thomas Shanks. He stated that the Santa Clara program is clearly run out of the City Manager's office and that Dr. Shanks is still active in meeting with candidates, citizens groups, and others who are concerned with ethics. He noted that the aspirational ethics approach permeates everything that the City of Santa Clara does and briefly discussed two major models for ensuring accountability with ethics codes and principles: 1) a regulatory body with enforcement powers and 2) an advisory body that sets aspirational standards for the city community to follow.

Assistant City Manager Sunshine added that Dr. Shanks serves as a "political warm line" who people call when there is an ethical dilemma.

Member Furey suggested adding "including the retention of a consultant" under the second bullet point of C. Implement Ethics Program.

Chair Hardison distributed copies of the draft Report for the Ethics Committee From the Sub-Committee Regarding Accountability Mechanisms. She noted that implementation of employees was not included in the draft.

Assistant City Attorney Pohl provided a comparison of the two models for ensuring accountability, a regulatory body with enforcement powers and an advisory body that sets aspirational standards. He noted that there could be a hybrid between the two models.

Member Adelsman pointed out that the Committee has not written a regulatory kind of document and that an aspirational group could still have a mechanism for censuring.

Chair Hardison stated that the Committee might want to consider suggesting the three models to City Council. She recommended that Members review the handouts and come back in November with suggested changes.

Member McCabe stated that it would be helpful to research if there has been a comparative study on aspirational vs. regulatory models and Assistant City Manager Sunshine offered to discuss the matter with Dr. Shanks.

5e) REVIEW OF THE CITY OF SANTA CLARA ETHICS PROGRAM DOCUMENTS

Members briefly reviewed “Translating Ethics Into Everyday Actions” and “Behavioral Standards for Commissioners, Board Members, and Other Appointed Officials” from the City of Santa Clara.

Chair Hardison asked Members to think about what to present to City Council for a progress report.

Member Gottshall-Sayed suggested presenting the proposed ordinances to City Council as soon as possible. There was a general consensus that the ordinances should be kept separate from the ethics code and that they should be presented as soon as possible due to the upcoming election.

It was pointed out that the proposed draft ordinances were already public record.

Following a brief discussion, it was decided that an item for the regulatory changes be placed on the November 6, 2007 City Council meeting agenda. Assistant City Manager Sunshine offered to craft the item to bring the ordinances back for consideration for adoption.

MOTION: Member Adelsman moved to direct Chair Hardison to write an explanation and to send the six proposed ordinances to City Council with the understanding that this was a part of main program. Member Gottshall-Sayed seconded the motion; a voice vote reflected unanimous approval (absent Member Payne).

5f) FOCUS ON IMPLEMENTATION STRATEGY FOR ETHICS PROGRAM

Previously discussed.

5g) DISCUSS FINAL REPORT TO CITY COUNCIL

Deferred to the November 7, 2007 Committee meeting.

6. ACTION ITEMS

6a) ADOPT FINAL VERSIONS OF STANDARDS - Adopted

6b) ADOPT FOR RECOMMENDATION TO COUNCIL: PROPOSED ORDINANCES FOR CHANGES TO CITY ETHICS/CAMPAIGN LAWS - Adopted

6c) APPROVE CITY COUNCIL ITEM REQUESTING EXTENSION OF COMMITTEE BEYOND OCTOBER 31, 2007 – Approved

6d) ADOPT IMPLEMENTATION STRATEGY – Previously considered.

6e) ADOPT FINAL REPORT AND RECOMMENDATIONS TO CITY COUNCIL – Previously considered.

7. **ORAL COMMUNICATIONS**

Member Montoya requested an excused absence for the November 7, 2007 meeting.

8. **ADJOURNMENT**

At 9:28 p.m., Chair Hardison adjourned the meeting to November 7, 2007 in the Cultural Arts Center Garden Room at 7:00 p.m.

Approved as Amended November 7, 2007 s/ Sue Herbers, City Clerk
