

May 2, 2007

**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 7:02 p.m. on May 2, 2007, in the Cultural Arts Center Garden Room.

2. ROLL CALL

Present: Members Benoit, Furey*, Gallagher, Gottshall-Sayed, Mayeda, Montoya, Payne, Skoll and Chair Hardison.

Absent: Members Adelsman and McCabe.

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

* Member Furey arrived at 7:05 P.M.

3. AFFIDAVIT OF POSTING

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

4. APPROVAL OF MINUTES – APRIL 4, 2007

Chair Hardison pointed out that page 4 should indicate that standards 7 and 8 were to be looked at to make them more distinct from each other.

MOTION: Member Benoit moved to approve the April 4, 2007 minutes as amended. Member Mayeda seconded the motion and a voice vote reflected unanimous approval.

*Member Furey arrived at 7:05 P.M.

Chair Hardison wanted to wait to present her changes to duplicate wording until she could confer with Member Adelsman. She thanked Member Benoit for the rewrite on his scenario and Member Payne for his additional example, and she encouraged anyone who was interested to write more scenarios.

Member Payne suggested creating scenarios to address the public television channel as Assistant City Attorney Pohl had indicated that there were no rules and he felt it was more of an ethical issue as incumbents could have an unfair advantage over someone wanting to run.

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Chair Hardison acknowledged that there was an advantage to an incumbent. She added that each area under discussion had been put on by the Council for examination and possible regulation.

Deputy City Attorney Whitham noted the Committee could suggest a policy requiring equal time for everyone, equal treatment for everyone and no campaigning allowed, and she pointed out that Councilmembers have a chance to express their views every Tuesday night under Orals.

Chair Hardison noted an unwritten rule that the Mayor should not put anything on the air for a few months before the election but she pointed out that the State of the City address ran for months.

Assistant to the City Manager Sunshine clarified that the way current the policies work, an elected official cannot go to cable television and ask to be interviewed.

Vice Chair Gallagher stated that a policy had to exist before examples could be formulated and he suggested that it was a possible policy issue to address.

Member Gottshall-Sayed questioned whether the Mayor had the right to pull access to previous Council meetings and she reported that some Council meetings were not accessible online any more.

Deputy City Attorney Whitham stated that she was not aware of the City Clerk policy but she had never heard of selective placement of Council meetings. She reported an instance where confidential information had accidentally been disclosed at a Council meeting and that meeting might have been removed. She indicated that that staff would relay that question to the City Clerk.

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.

a) Review and Discuss Laws and Regulations Regarding Ethical Conduct

Deputy City Attorney Whitham explained that campaign regulations sought to balance the right of free speech and freedom of expression with the ability to stop corruption and unethical politics.

The group discussed contribution limits and Deputy City Attorney Whitham reported that many municipalities set limits at \$500 or more because limits less than that amount could put the cities at risk of litigation for limiting personal rights.

The Committee considered methods to stop tampering with campaign limits and received clarification that the Fair Political Practices Commission was responsible for enforcement though campaign limits are delineated in a Torrance ordinance. Limits on personal loans that candidates can make to themselves were clarified and Deputy City

Attorney Whitham explained that there were no limits put on independent expenditure because they involve a low risk of corruption but a high limit on freedoms.

Deputy City Attorney Whitham explained the essence of Stanton vs. Mott, sexual harassment laws, the Pregnancy Discrimination Act, the Family Leave Act, the Federal Equal Pay Act, age discrimination, immigration reform, the Meyers-Millias-Brown Act, Government Code 1090, and state codes vs. municipal ordinances.

The Committee discussed Charter Section 604 regarding Council compensation and the work of the Compensation Committee.

Deputy City Attorney Whitham provided information on the Torrance Municipal Code regarding employees and surplus city owned property, California Constitution Article 12, Penal Code 75, AB 1234, Revolving Door and other post employment issues, and Form 700.

The Committee discussed frequent flier miles for business trips, the Brown Act and special meetings, and they agreed to review Form 700.

Deputy City Attorney Whitham indicated that the Planning Commission is one of the few commissions covered by Form 700 and some people have indicated that there should be a warning so applicants understand that they will be required to reveal financial information for themselves and for their spouse.

Deputy City Attorney Whitham suggested that any issues already covered by state law be left alone unless the Committee wants to add more restrictions. She felt that mirroring the law was dangerous as the laws are constantly changing and she suggested if issues covered by the state were addressed that the following language be added: "as they may be amended from time to time." She added that any paper copies provided to people had to be up to date.

Member Montoya received clarification that there was a policy procedure system to ensure that the City is alerted to changes in state laws.

Deputy City Attorney Whitham explained that if the City adopts an ordinance, language must be put in to update it automatically but if the language is not included they have to go back each year and update it.

b) Review and discuss implementation strategies for Ethics and Integrity Standards

c) Develop Implementation Plan

Chair Hardison felt that implementation included education and training.

Vice Chair Gallagher reported that he, Chair Hardison and Assistant to the City Manager Sunshine had attended an Ethics meeting sponsored by the Metropolitan Water District (MWD) where a guest speaker from Santa Clara University gave an informative speech about ethics.

Chair Hardison discussed the meeting and indicated that she would bring samples of the materials she received to the June meeting.

Responding to Member Gottshall-Sayed, Deputy City Attorney Whitham explained that officials were allowed to get together for training, but a quorum could not get together and discuss items.

Member Montoya distributed a list of subjects related to implementation for discussion purposes. He noted that the program would have to be managed and he was not sure whether the Committee should make suggestions as to who would manage the program such as a commission or City staff.

The Committee discussed the definition of a lobbyist, how lobbyists could be regulated, whether regulating lobbyists was necessary, and restrictions on former employees, vendors, and developers who have appeared before the City.

Chair Hardison observed that if they suggested more restrictive measures a formal lobbyist type agreement would not be necessary and she pointed out that Ad Hoc Committee members were not included in the list.

Member Payne suggested that City employees could be resistant to ethics training but training would help define ethical behavior, make it clear what employees can and can't do, and after that it is up to them.

Assistant City Manager Sunshine suggested that Council appointed committee members, commissioners and board members, elected officials, and those running for office should be in the first group that would cover anyone acting under the authority of the Council.

Deputy City Attorney Whitham stated that it was not necessary to list everyone. She felt that elected and appointed officials would cover it and candidates for elective office would be a separate category. She added that terms could be defined on a separate page.

Member Gottshall-Sayed suggested using the verbiage "includes but is not limited to" in order to cover future changes and avoid frequent amendments.

Responding to Chair Hardison, Deputy City Attorney Whitham explained that there are different requirements for different categories and in order to apply to be appointed to a commission, people have to go through an ethics certification program that is more of an introduction to the City.

Member Mayeda suggested requiring training for all those seeking elected or appointed offices.

Member Skoll stated if a person's conduct is governed by the Agency's code that individual should receive training.

Member Gottshall-Sayed felt that once a person is elected, becoming familiar with the code before they are in the seat should be part of the process.

Member Furey questioned whether that could be included on the definitions page.

Member Montoya wanted to see the code before he decided.

Chair Hardison proposed that ethics be part of AB1234 training and she noted that covering key positions was most important. She added that while there could be value to requiring training of potential candidates for appointed positions, it was important to be mindful of not spreading the City's resources any thinner than is reasonable. She asked for additional information.

Vice Chair Gallagher commented that training for appointment candidates would expand the pool substantially.

Member Montoya discussed personal commitment to the program or the code and suggested asking candidates to sign a statement or a letter.

Member Payne suggested that participants sign a statement at the end of the ethics program indicating that they completed the program and agree to comply with the rules. He felt that would cause people to think twice about deviating.

Chair Hardison suggested a yearly re-signing process for elected officials and commissioners.

Member Montoya commented that he had focused more on employees in his document and Chair Hardison suggested that the Committee review Member Montoya's document and give their own thoughts to it.

Member Payne felt that awards were a good idea noting that people can nominate others for their actions.

Chair Hardison summarized items for the next agenda which included the second quarter update and looking at 4-5 standards which will be re-worded. She noted that the bulk of the meeting would be spent on implementation.

The Committee discussed implementation noting that the Council would make a decision as to whether to implement the code and would make whatever changes they wanted to see. If accepted, the code would be endorsed by the Council who would set whatever steps necessary to implement it.

The Committee discussed whether to recommend more restrictive laws and regulations to the Council or whether to point out things that are not legal that are not currently on the books.

Chair Hardison cautioned the Committee to be careful that suggestions were helping the ethics of the action.

Assistant to the City Manager Sunshine related that the 1992 committee submitted a report that was written and signed by the Committee. He added that there was no staff recommendation because there was no staff committee.

Member Skoll presented an April 24, 2007 article that appeared in the Daily Breeze by Dawn Anuso which indicated that satisfied workers made ethical decisions and dissatisfied workers did not. Assistant to the City Manager Sunshine agreed to make copies and distribute the article to Committee members.

d) Discuss information to be included in Second Quarter Update to City Council

The Committee discussed scheduling and content of the Second Quarter update to the City Council and agreed that the presentation would be made at the June 26 City Council meeting by Chair Hardison. A draft report will be considered by the Committee at the June 6 meeting with comments and concerns agreed upon and incorporated. The report will include agreed upon identified goals, what has been accomplished so far and a list of work still needing to be accomplished.

Chair Hardison asked that Member Skoll submit in his comments to staff as he will be absent from the June meeting.

e) Calendar for July and August 2007

The Committee discussed scheduling and agreed to change the regularly scheduled meeting on July 4 to July 11 because of the July 4 holiday. It was also agreed that the August meeting would be held on August 8 to accommodate Member schedules. Member Skoll indicated that he would be absent for the June and July meetings.

f) Instructions to Staff

Assistant to the City Manager Sunshine agreed to email Members a copy of Member Montoya's document; Member Payne's document; Form 700 and a list of positions that need to respond; a copy of the 1992 Charter Report and a copy of the April 24, 2007 Daily Breeze article cited by Member Skoll. He added that he would investigate locations for the July and August meetings and he asked that any information be submitted to him by May 23, 2007. Staff was also instructed to return with information on who had the authority to pull Council meetings off the Internet.

6. ACTION ITEMS

- a. Approve implementation strategies**
- b. Approve implementation plan**
- c.**
- d. Select date for Second Quarter Update to City Council**
 - i. Approve information for report**

e. **Selection of date for July 2007 meeting and confirmation of date for August 2007 meeting**

f. **Instructions to staff**

7. ORAL COMMUNICATIONS

Don Clouch, 1822 W. 238th Street, reported attending an ethics seminar that was half ethical and half motivational. He shared a statement from the seminar which summed up ethics for him: "If you don't want your mother or wife to know about it or read about it in the newspaper it is probably something you don't want to do."

Member Furey announced that on May 18 at 10:30 A.M. Los Angeles Biomedical would be dedicating the new Hanley Hardison Building.

8. ADJOURNMENT

At 9:17 p.m., the meeting was adjourned to Wednesday, June 6, 2007 at 7:00 p.m., in the Cultural Arts Center Garden Room.

Approved as Submitted June 6, 2007 s/ Sue Herbers, City Clerk
