

July 11, 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 7:00 p.m. on July 11, 2007, in the Third Floor Conference Room at City Hall.

2. ROLL CALL

Present: Members Adelsman, Furey, Gallagher, Gottshall-Sayed, Montoya, Payne and Chair Hardison

Absent: Members Benoit, Mayeda, McCabe and Skoll

Also Present: Assistant City Attorney Pohl, Management Associate Fulton, and Assistant City Manager Sunshine

3. AFFIDAVIT OF POSTING

Management Associate Fulton indicated that the affidavit had been posted.

4. APPROVAL OF MINUTES – JUNE 6, 2007

Chair Hardison reported that Member Mayeda would be absent for the August meeting and that Member Benoit would be unable to continue his service to the Committee as he was moving to New Mexico.

Regarding the minutes of June 6, 2007, Member Payne noted that on page 3 in the second paragraph the word “they” referred to the Committee and should be changed to “we”, and the second use of “they” in the sentence should be eliminated. He added that on page 5, the second paragraph should read: “Member Gottshall-Sayed indicated that might become more clear when the Committee knows how far it is going to go and she suggested they wait to determine that piece.”

The Committee discussed the Oral Communications section and revised it to read: “Member McCabe indicated that he would have to miss the July meeting and Member Mayeda indicated that he would not be present for the August meeting. Chair Hardison noted that Member Skoll would also be absent for the July meeting but had agreed to provide input on the draft report.”

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MOTION: Member Montoya moved to approve the revised minutes for June 6, 2007. Member Gottshall-Sayed seconded the motion and a voice vote reflected unanimous approval (absent Members Benoit, Mayeda, McCabe and Skoll).

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.**

Chair Hardison thanked those who were present at the Council meeting and she noted that the Council was anxious to see the code.

a) Review Preamble Bullets

The Committee discussed discipline and agreed that laws should be alluded to without sounding threatening. It was agreed that following the law was not an ethical issue and the code went beyond what the law required.

Vice Chair Gallagher stated that if the committee were going to involve discipline there had to be an identified standard as discipline involves a violation of City policy or the law.

Member Payne commented that laws established the boundaries of behavior and he felt that ethics guided behavior within the law.

The Committee agreed that Vice Chair Gallagher and Member Payne would serve on a subcommittee to develop a preamble for the code.

Chair Hardison provided a timetable for upcoming accomplishments:

- August: Preamble adopted
Finish implementation
Suggest new laws or changes to existing laws
- September: Examine preamble, values and standards and focus on implementation
Finalize any wording for changes to laws
- October: Adopt overall program and discuss taking it to Council
- November: Possible meeting to agree upon the Council item.

Chair Hardison acknowledged that the employee piece would not be done but she felt that elected officials and commissioners needed to embrace the

code and show by example before the employee piece was done. She noted the Committee would need to consider whether there was a reasonable time frame between adoption of the first piece and working on the employee piece.

Member Furey noted that the original resolution gave a report date of October 31, 2007 and he questioned whether an extension would be necessary.

Chair Hardison stated that the Committee would have to consider and agree upon a time frame. She suggested various options and pointed out that after the start of 2008, the focus would be on the upcoming election.

Assistant City Manager Sunshine asked that the preamble be submitted by August 1 but he noted if that was not possible he would email it out to Committee members at a later date.

Vice Chair Gallagher wanted to make sure the Committee agreed upon what should be incorporated into the preamble.

Chair Hardison felt integrity had to be in the preamble and that the idea of going beyond the law was important.

Vice Chair Gallagher pointed out that the Committee had discussed ethics but not compliance which he felt should be addressed with a reference to the law or judgment alluded to if one doesn't comply.

Member Gottshall-Sayed suggested opening the code with the quote read by the Mayor which defined integrity as something to the effect of doing more than the law but less than the law requires. She felt it was an aspirational quote and the code was meant to encourage people to act honorably rather than just walking the line.

Management Associate Fulton investigated the origin of the quote and found that it came from Michael Josephson.

Chair Hardison felt it was important to indicate who the code was applicable to.

Member Montoya wanted the first bullet and a description of what integrity means included.

Member Furey wanted to see the bullet he wrote about public trust included.

Member Gottshall-Sayed wanted to include the core value about selfless public service, the intent that the code was to be an ongoing source of guidance and the statement: "The core values become the fabric of one's character."

Member Payne wanted to include these statements: "City of Torrance residents' right to expect ethical behavior of City Government" and "City Council commits to compliance and enforcement of ethical behavior." He reiterated the sentiments of Dawn Anfuso indicating that the actions of those in charge governed the way everyone else acted.

Vice Chair Gallagher indicated that he was comfortable with the direction and he emphasized the importance of compliance and of expectations

Member Montoya expressed concern that it could be difficult to write the preamble without knowing what the entire document looked like.

Chair Hardison acknowledged that the implementation and accountability pieces could dictate changes or comments to the preamble.

Vice Chair Gallagher pointed out that many cities did not include enforcement in their codes.

Item c was discussed out of order at this time.

c) Review summary of Cities and their Ethics program(s)

The Committee discussed various ways other cities addressed the repercussions of not working within their codes. Chair Hardison pointed out that most cities indicated self-enforcement but did not go into detail and she suggested the Committee could look for something for the accountability piece.

Member Payne proposed a summary overview with values and standards and then a handbook.

Vice Chair Gallagher suggested considering who the task of creating the handbook could be allocated to. He felt that the Committee should set the foundation for a program, provide input as to implementation and suggest an interface with the City who would ultimately either coordinate the program or hand it off to someone.

Chair Hardison questioned whether the City Manager's Office would appoint a point person or whether the Council would appoint a small committee or commission. She commented that the Council would want a recommendation from the committee on how to proceed.

Vice Chair Gallagher pointed out the need to consider costs involved as the programs are not simple to implement and he suggested using a handbook similar to the one in the provided materials. He felt it was not necessary to re-

create items that have already been formulated but he noted the importance of asking permission to use them first.

Member Gottshall-Sayed asked that when working on the Torrance preamble, Members Payne and Gallagher examine Poway's preamble as she felt it was short and effective.

Chair Hardison liked the Pismo Beach preamble as it clarified what was expected and who it pertained to.

b) Discuss process for developing rules and procedures for those who do business with the City of Torrance

Vice Chair Gallagher suggested that different vendors whom the City contracts with for services could be required to sign something when they are hired. He felt that would be an extension of communicating that the City is ethical and expects those doing business with them to be so as well.

Member Payne felt that if the Council endorsed the code they would expect others to follow it as well and he suggested that the code of ethics be posted on the wall to remind people that there are standards.

Member Montoya questioned what other cities did as he felt it was odd to impose the city's code on someone else.

Member Adelsman supported the requirement.

Vice Chair Gallagher stated that signing an ethics statement is standard practice in the business world if an ethics statement exists.

Assistant City Attorney Pohl reported that standard contracts had provisions indicating that contractors would comply with state and federal laws, anti-discrimination laws, etc., and it would be simple to add new provisions in.

Assistant City Manager Sunshine indicated that he could come up with standard language for contracts beyond what exists now.

Item e was considered out of order.

e) Discuss "Letters to the Editor" Daily Breeze July 3, 2007

Chair Hardison read comments submitted by Member Skoll expressing concern about the letter to the editor in the Daily Breeze and the appointment of Mr. Barnett to the City Council.

The Committee discussed the matter and agreed there was nothing to be gained by responding to the letter.

c) Review summary of Cities and their Ethics program(s)

This item was previously considered.

d) Discuss Implementation Plan

Chair Hardison asked that Members send their thoughts on any parts of laws that need to be changed or parts of campaign finances that are ethical issues to Assistant City Manager Sunshine to compile.

Member Furey received clarification that laws could be changed to be more restrictive, but not less restrictive.

Chair Hardison requested that Assistant City Attorney Pohl examine the ideas put forth to make sure that conflicts with other laws were not created.

Assistant City Manager Sunshine asked that all materials be submitted to him by Monday, July 30.

From 8:45 p.m. to 9:07 p.m. the Committee divided into groups to work on details for the implementation plan. Members Adelsman, Furey and Payne considered sustainability. Chair Hardison, Vice Chair Gallagher, Members Montoya and Gottshall-Sayed considered implementation.

e) Discuss "Letters to the Editor" Daily Breeze July 3, 2007

This item was previously considered.

6. ACTION ITEMS

a. *Previously Considered:* Appoint Subcommittee to Develop Preamble

b. *Previously Considered:* Approve process for developing procedure for doing business with City of Torrance

c. *Previously Considered:* Approve Segments of Implementation Plan as Appropriate

d. *Previously Considered:* Develop potential response to "Letters to the Editor" Daily Breeze July 3, 2007

7. ORAL COMMUNICATIONS

Chair Hardison asked for Oral Communications from the audience but there were none.

8. ADJOURNMENT

At 9:08 p.m., the meeting was adjourned to Wednesday, August 8, 2007 at 7:00 p.m., in the Cultural Arts Center Garden Room.

Approved as Amended August 8, 2007 s/ Sue Herbers, City Clerk
