

August 8, 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 7:01 p.m. on August 8, 2007, in the Cultural Arts Center Garden Room.

**2. ROLL CALL**

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

Absent: Member Benoit.

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

**3. AFFIDAVIT OF POSTING**

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

**4. APPROVAL OF MINUTES – JULY 11, 2007**

Committee Members made the following corrections to the minutes of July 11, 2007:

On page one, the last paragraph should read "The Committee" not "The Council". Also on page one, in the last line, the first word should be July, not August. The third paragraph should be struck on page two under Review Preamble Bullets which reads: "Member Gottshall-Sayed reported that Mayor Scotto had indicated that integrity was doing less than what the law allowed." The end of the first sentence on page three, should read "employee piece", not "employee code". The eighth paragraph on page three should be changed to read "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." On page four, in the last sentence of the second paragraph the name should be spelled Dawn Anfuso. Member Montoya spoke rather than Member Mayeda in the third paragraph on page five

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under b) Discuss process for developing rules and procedures for those who do business with the City of Torrance. Under each of the Action Items on page six, the words "Previously considered" should be inserted.

**MOTION:** Member Furey moved to approve the minutes for July 11, 2007 as corrected. Member Gottshall-Sayed seconded the motion and a voice vote reflected unanimous approval (absent Member Benoit).

**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 asked for additional notes about the sustainability piece.

**a) Continued Discussion of Implementation Plan**

Members were not ready to discuss the Implementation Plan so the item was put on hold.

**b) Review Proposed Preamble**

The Committee discussed the third sentence in the first paragraph which indicated that the code was built around values that had served Torrance so well in the past and corrections to grammar were made.

Member Gallagher pointed out that there would be one code with two pieces and he felt it had to be written with both employees and elected/appointed officials in mind.

Chair Hardison felt the preamble was concise and to the point and she questioned whether it should begin with the Michael Josephson quote.

The Committee discussed the quote and Member Gallagher expressed concern that there were two ways to interpret what was said. Chair Hardison felt that beginning the preamble with a quote would set the tone and she acknowledged that there were many quotes that could be effective.

Moved by Member Gottshall-Sayed and seconded by Member Furey to adopt the draft of the Proposed Preamble as amended provided that they revisit the incorporation of a quote as discussed. Hearing no objection, Chair Hardison so ordered.

**c) Review Summary of Cities and Their Ethics Program(s)**

Chair Hardison noted that the review had been done and the item was complete.

**d) Discuss Possible Changes to Laws and Regulations Regarding Ethical Conduct**

Chair Hardison indicated that the following issues had been suggested for discussion: employee unions and organizations not endorsing local candidates, door hangars and a revolving door issue where former elected officials and the City Manager can not come back and lobby for the City for a year after completing their term which she felt could be expanded to other management employees.

Member Skoll observed that current policies on ethical conduct in Torrance were scattered all over the place and he wanted to see them centralized so they would be easy to find. He also felt it important to include items identified by the Institute of Local Government as elements of a good ethics program.

Member Gallagher pointed out that there were different elements in the City who had their own ethics code and he suggested that this could act as an overlay as it goes beyond the laws and regulations. He agreed that ethics information should be centralized but felt it was not a task for the Committee but rather for the person who oversees the ethics program.

Chair Hardison commented that from the beginning the Committee chose to approach the concept of an ethical code from a values perspective. She felt the Committee's biggest role was to come up with an ethics and integrity code for the City and part of that task is recommending any laws or regulations that the Committee feels should be adopted or changed. She acknowledged that their task was made more difficult because City ethics policies were not organized but she did not feel it was their role to organize that material and she suggested that as the Committee moved forward staff might feel it important to organize it all in one place.

Assistant City Attorney Pohl reviewed information submitted by Committee members noting that many First Amendment and Constitutional Amendment restrictions were involved with making changes to laws and regulations. He summarized bullet points reflecting opportunities for increased regulation or enhanced ethical conduct and he indicated that staff could probably provide drafts of ordinances for the next meeting at the Committee's request.

The Committee discussed the campaign ordinance regulating how much people can contribute and it was noted that an available legal option is to change the definition of what a person is. Definitions in the original campaign finance

ordinance were taken from the state's political reform act, allowing a considerable amount of freedom to adopt more restrictive measures.

Assistant City Attorney Pohl explained current restrictions on renting City facilities noting that might need to be expanded into an ordinance. He added that a City facility was not only a physical building, but that it could be a City asset. He reported that the District Attorney was not interested in municipal elections and would not enforce the ordinance so he suggested that other enforcement measures be considered.

City Attorney Fellows commented that City employees were not going to be the primary alleged violators of campaign finance but if they used the meeting room for free or at a reduced rate and were to endorse a candidate or hold a fundraiser the line would be crossed. He added that if candidates were subsidized with reduced rates while using facilities for a fundraiser there would be an issue of misuse of public funds.

Staff and the Committee discussed the ability to regulate anonymous contributions and Assistant City Manager Sunshine pointed out that while the group name is noted when a City facility is rented, the City does not ask what their agenda is. Also discussed was paid release time for certain union members to attend City Council meetings and address the Council and City Attorney Fellows indicated that while people needed to be able to speak their mind, it could be limited to matters germane to City business.

Assistant City Attorney Pohl indicated there was a possibility of adopting a lobbyist or revolving door ordinance.

Assistant City Manager Sunshine reported working on contract language to address conflicts of interest noting that state law did not allow former elected officials and City Managers to engage in certain employment for a specific amount of time. He noted that the language could be extended to department heads and mid-managers.

City Attorney Fellows pointed out that revolving door ordinances were a way to stop former City employees from lobbying their former colleagues and he reported that as of January 1, 2007 former elected officials and City Managers are barred for one year from representation or lobbying activities. He added that the City was currently using state standards for the reporting of expenditures but reports could be required in both electronic and paper form with arrangements made to have the City Clerk post those on the City's website. He commented that the whole idea of the political reform act was disclosure and while it is difficult to regulate what is spent, disclosure can be required.

Chair Hardison questioned whether reporting requirements had been changed. City Attorney Fellows observed that changing the election date could

have affected scheduling and he offered to provide more information if the Committee requested it.

The Committee discussed different types of elections and issues associated with them; contribution limits per candidate, per election and per election cycle; independent expenditure committees; enforcement mechanisms; prosecutors; Private Right of Action; extending the mass mailing rule to email; identification requirements for mass phone messaging and door hangars; fictitious groups; and opt out procedures for telephone and email;

Member Gallagher expressed concern with having unenforceable regulations or laws and City Attorney Fellows observed that sometimes there was an advantage to having an ordinance indicating what proper behavior is even it is not enforceable.

The Committee agreed that they wanted staff to further investigate modification to the definition of “persons” allowed to contribute to campaigns; prohibiting the use of any City facility (room, email, phone, equipment, etc.) for campaign activity; prohibiting political activity by any City employees while on paid City time; adoption of a lobbyist and/or revolving door ordinance looking at low-level department heads; requiring quicker reporting (electronic) of contributions and expenditures for campaigns; enhancing the definition of “mass mailers” to include email, telephone calls, and door hangars; requiring meaningful source identification on all such communications and development of an “opt-out” procedure for telephone calls and emails.

The Committee discussed whether the donation amounts individuals can make to a political campaign should be revised and City Attorney Fellows agreed to investigate looking at a different per person contribution cap for independent expenditure committees.

Chair Hardison questioned whether they were ready to ask about appropriate enforcement mechanisms and City Attorney Fellows suggested that the Committee review a copy of the Los Angeles ordinance.

Member Montoya expressed concern about prohibiting the use of City facilities for campaign activities noting that he did not have a problem with the City renting out the facility at the full rate and making money. City Attorney Fellows clarified that the concern was if the City was subsidizing but if everyone pays the same fair market rate it is allowable.

Assistant City Attorney Pohl pointed out that there could be a problem if there are attempts to disguise events.

Chair Hardison indicated that the League of Women voters would still be allowed to use the facilities.

Management Associate Fulton read the quote from Michael Josephson: "An ethical person ought to do more than he is required to and less than he is allowed to do."

Chair Hardison requested a copy of the preamble with the changes incorporated and that quote at the top. She asked subcommittees to be prepared to present at the next meeting.

**e) Review Potential Language for Inclusion in City Contracts as they Relate to Doing Business with the City; Conflicts, Gratuities, etc.**

The Committee deferred the item to the next meeting.

**6. ACTION ITEMS**

**a. Adopt Segments of Implementation Plan**

The Committee deferred the item to the next meeting.

**b. Adopt Preamble**

Covered previously in the meeting.

**c. Give Staff Further Direction Concerning Laws and Regulations Regarding Ethical Conduct**

Covered previously in the meeting.

**d. Recommend Certain Language Changes; Language to Include in City Contracts**

The Committee deferred the item to the next meeting.

**7. ORAL COMMUNICATIONS**

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

Assistant City Attorney Pohl thanked Deputy City Attorney Whitham and City Attorney Fellows for their assistance at the meeting.

Member Payne announced that he would be absent from the October meeting. He reported that the strategic plan was being updated and he felt it would be a good opportunity to coordinate as it has an ethics portion.

Assistant City Manager Sunshine reported that the committee had not been selected yet.

City Attorney Fellows reported a request for a presentation on ethics from the League of California Cities at their annual meeting but he did not think the Committee was at that stage of finality.

**8. ADJOURNMENT**

At 9:19 p.m., the meeting was adjourned to Wednesday, September 5, 2007 at 7:00 p.m., in the Cultural Arts Center Garden Room.

Approved as Submitted October 3, 2007 s/ Sue Herbers, City Clerk
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