

**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 September 5, 2007, in the Garden Room, Cultural Arts Center

**2. ROLL CALL**

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

Absent: None.

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

**3. AFFIDAVIT OF POSTING**

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

**4. APPROVAL OF MINUTES – AUGUST 8, 2007**

Minutes were not available.

**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 PREAMBLE**

A brief discussion centered on the clarity and intent of Michael Josephson's quote at the beginning of the Preamble for Ethics Code. It was determined by consensus to keep the quote in the Preamble but to further identify the source of the quote by adding that Michael Josephson is the founder of Josephson Institute of Ethics.

**MOTION:** Member Gottshall-Sayed moved to adopt the Preamble as amended. Member Mayeda seconded the motion; a voice vote reflected unanimous approval.

#### **5a)ii VALUES**

**MOTION:** Member Montoya moved to adopt the five values as written. Member Gallagher seconded the motion; a voice vote reflected unanimous approval.

#### **5a)iii STANDARDS**

Members offered grammatical corrections for consistency as well as suggesting the rewording of several sentences in the draft Standards. Corrections included 1. Honesty - was changed to read: "I am committed to doing the right thing" and changing the word "residents" to "community."

Member Adelman noted that corrections would also need to be made in the Scenarios to keep the language consistent.

Suggested changes were noted and Assistant City Manager Sunshine offered to e-mail edited draft Standards to members for their review before the next meeting.

#### **5a)iv. SCENARIOS**

Member Adelman offered grammatical suggestions and stated that some of the scenarios were good examples but not for the point they were trying to make.

Chair Hardison noted that the scenario prepared by Member Payne was not included in the draft. She recommended that the section be titled "suggested scenarios that could be used for training purposes." She further suggested that the Committee defer discussion of Scenarios to a future Committee meeting, noting that preparing the scenarios was a good exercise and that some could be used for a training packet. She relayed a conversation that she had with Mayor Scotto regarding a timetable for Phase 1, implementation, a training program, and an employee piece. She stated that Mayor Scotto was interested in keeping the Committee together through June 2008 while staff assumes the lead. She stated that she relayed the importance of submitting Phase 1 by the end of year for adoption, due to the recommended campaign financing ordinances.

Member Adelman stated that she would like to appear before City Council in November 2007 with Phase 1 and with a recommendation for its implementation. She further suggested that there be an ethics commission composed of a few leading community members.

Member Gottshall-Sayed concurred, noting that she viewed implementation as a proposal to the City.

Member Skoll read the Resolution adopted by City Council to make sure that the Committee has met its three objectives.

Chair Hardison noted that the Committee has not yet prepared an employee piece due to "meet and confer" issues.

Assistant City Attorney Pohl stated that there was nothing in the Preamble, Values, Standards, or Scenarios regarding employees that he viewed as objectionable;

however, there were legitimate issues about the implementation process that might necessitate “meet and confer.”

Member Furey discussed the purpose behind the formation of the Ethics and Integrity Committee.

Chair Hardison noted the general consensus that the Committee did not want to write the training program and employee piece. She recommended deferring further discussion on this item to the next Committee meeting.

## **5.b FOCUS ON IMPLEMENTATION STRATEGY FOR ETHICS PROGRAM**

Chair Hardison distributed Implementation Plan recommendations prepared by subcommittee members Gallagher, Montoya, Gottshall-Sayed, and Chair Hardison as well as Sustainment recommendations prepared by subcommittee members Adelsman, Furey, and Payne. She noted that there would be some overlap and requested input from Committee members.

Referring to Implementation Plan recommendations, Member Gottshall-Sayed offered suggestions to expand sections B and C. She suggested the possibility that an oversight committee of Department heads, City Council members and Commissioners be created on an ad hoc basis as needed.

Member Gallagher recommended the use of broad-based bullets to make a recommendation to implement the training, noting that they did not know what resources would be available.

Chair Hardison reminded Committee members that they still needed to discuss accountability and make recommendations to City Council. She requested that members think about what happens if an elected or appointed official does an act that is not ethical and who would look at these cases.

Member Adelsman suggested that the committee consist of three upstanding residents who are considered above reproach.

Member Gallagher concurred but cautioned that the oversight committee would have to be objective and not involved in politics, with occasional reporting responsibility to City Council. He noted that most cities that the Committee has examined are self-policing and it was pointed out that larger cities have ethics commissions.

Assistant City Attorney Pohl led a brief discussion on discipline issues, ethics violations, and Torrance Municipal code violations.

Chair Hardison shared information about her attendance at a Center for Applied Ethics workshop with Metropolitan Water District near Santa Clara. She stated that it would be valuable for City Council or staff members to participate in such a workshop.

Member Gottshall-Sayed stated that it would be worthwhile to make suggestions, such as attending a workshop, to City Council in a preamble. She noted that her idea for an enforcement committee would be elected, appointed, or paid citizens who meet on a rotating basis.

Member Montoya stated that, if the program is designed and well written, it would not matter who the three people are.

Chair Hardison stated that she hoped that the Ethics Committee would take the first step in making recommendations regarding accountability.

Member Furey concurred that there needed to be an accountability element and recommendations.

Member Payne stated that an open process was the key to making it honest and that he was pleased that award and recognition for ethical behavior was included.

Chair Hardison volunteered to try to put together and bring back an accountability section in bullet format for further review at the next meeting.

Following discussion, it was decided to have a three-member subcommittee to prepare drafts as follows: Member Payne--Sustainment, Member Montoya--Implementation Plan, and Chair Hardison--Accountability. The drafts would be sent to Assistant City Manager Sunshine who would forward to members before the next meeting.

#### **5.c REVIEW PROPOSED ORDINANCES FOR CHANGES TO CITY ETHICS/CAMPAIGN LAWS**

The City Attorney's Office presented six draft ordinances that propose changes to the City's ethics/campaign laws, noting that the first was the only existing ordinance.

Deputy City Attorney Whitham presented the first draft ordinance, Section 17.1.4 Limitations on Campaign Contributions, that modifies the existing campaign contribution limit to allow only natural persons to make campaign contributions. She noted that the change could harm candidates in that they would not be able to receive contributions from any entities other than individuals.

In response to Chair Hardison's inquiry, she advised that you cannot regulate contributions to independent expenditure committees due to freedom of speech and that this ordinance would limit the contributions that a candidate can receive.

Member McCabe disclosed that he is a member of a political action committee that operates in the City. In response to his inquiry, Assistant City Manager Sunshine provided clarification that there would be three opportunities for public input before an ordinance is adopted. The Committee decided to accept the first ordinance as submitted.

Deputy City Attorney Whitham presented the second draft ordinance that limits cash contributions to candidates and their controlled committees to \$20; there was general consensus to leave the ordinance as submitted.

Deputy City Attorney Whitham presented and reviewed the third draft ordinance that would regulate the disclosure of late campaign contributions; there was general consensus to leave the ordinance as written.

She presented the fourth draft ordinance that extends the sender identification requirements set forth in mass mailer laws to other forms of campaign communications. She noted that it was already illegal to leave items on doorsteps except for religious or political materials. There was general consensus to accept the ordinance as submitted.

Assistant City Attorney Pohl presented and explained the fifth draft ordinance that adds a new section to the municipal code, setting certain post-employment restrictions on department heads, assistants, and deputies. He noted that this ordinance would apply to 50 to 60 individuals in the City and was patterned after the State's "revolving door" statute.

Assistant City Manager Sunshine suggested adding the City Manager professional staff under Section 1.

Assistant City Attorney Pohl presented and explained the sixth draft ordinance that prohibits the use of City buildings and equipment for political fundraising. He provided clarification that the City could not prohibit a firefighter or policeman to wear a uniform in a photograph with a candidate and that this ordinance did not attempt to regulate that.

Member McCabe expressed concern that more time at this meeting was spent on the Preamble than on the ordinance revisions. It was decided to bring the ordinances back to the next Committee meeting for further discussion before adoption.

Assistant City Manager Sunshine recommended that the Committee ask for an extension of time as their resolution ends October 31, 2007.

Fliers for the Employee Variety Show on September 15, 2007 were distributed.

**5.d DEVELOP/DISCUSS STRATEGY FOR FINAL REPORT TO CITY COUNCIL**

Previously discussed at this meeting.

**6. ACTION ITEMS**

**6.a ADOPT FINAL VERSIONS OF**

- i. **PREAMBLE** - Adopted
- ii. **VALUES** - Adopted
- iii. **STANDARDS** – Previously considered.
- iv. **SCENARIOS** – Previously considered.

**6.b ADOPT IMPLEMENTATION STRATEGY – Previously considered.**

**6.c ADOPT FOR RECOMMENDATION TO COUNCIL: PROPOSED ORDINANCES FOR CHANGES TO CITY ETHICS/CAMPAIGN LAWS – Previously considered.**

**6.d ADOPT FINAL REPORT AND RECOMMENDATIONS TO CITY COUNCIL – Previously considered.**

7. **ORAL COMMUNICATIONS**

None.

8. **ADJOURNMENT**

**MOTION:** Member Adelsman moved to adjourn the meeting to October 3, 2007 in the Cultural Arts Center Garden Room at 7:00 p.m. Member Payne seconded the motion; a voice vote reflected unanimous approval.

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