

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

**CALL TO ORDER**

The Torrance Ethics and Integrity Committee convened in a regular session at 6:30 p.m. on Wednesday, December 16, 2009, in the Human Resources Training Room, 3231 Torrance Boulevard.

**ROLL CALL**

Present: Committee Members Gallagher, Matsuda, Montoya, and Chairman Payne.

Absent: Gotshall (Excused).

Also Present: Staff Liaison to the Committee Lohnes, Deputy City Attorney Strader and Management Aide Elmore.

**FLAG SALUTE**

Chairman Payne led the Pledge of Allegiance.

**ORAL COMMUNICATIONS #1**

None.

1. **Report of Staff on Posting of the Agenda**

Staff Liaison to the Committee Lohnes verified that the meeting agenda was posted on December 11, 2009.

2. **Approval of Minutes, November 18, 2009**

**MOTION:** Member Matsuda moved for the approval of the Ethics and Integrity Committee minutes of November 18, 2009 as written. The motion was seconded by Member Montoya and passed by unanimous roll call vote as shown on the following page:

Ayes: Gallagher, Matsuda, Montoya, and Chairman Payne.

Noes: None.

Abstain: Gotshall (Excused).

Absent: None.

3. **EXCUSED ABSENCE: LINDA GOTSHALL**

Chairman Payne announced that Member Gotshall is recovering from surgery and was granted an excused absence from this meeting.

4. **DISCUSSION OF REPORT ON THE ASSESSMENT OF ETHICS PROGRAMS IN OTHER CITIES**

Staff Liaison to the Committee Lohnes noted that the "Municipal Ethics Programs Comparative Assessment" (Assessment) is a work in progress and that updated information will be provided to the Committee as it becomes available. She presented an overview on the development of the Assessment and the information included therein. In response to inquiries from the Committee, Ms. Lohnes affirmed that staff will verify if the City of Santa Clara's Ethics Committee was established by ordinance.

Chairman Payne related his appreciation of the material provided in the Assessment, particularly the introductory section. He suggested that a matrix listing the Assessment elements in which the Committee is interested be compiled as the City's Ethics and Integrity Program develops. Chairman Payne related his agreement with the idea of placing information about ethics in the City's newsletter (as suggested by staff at a previous meeting) and with mailing information about ethics along with utility bills.

Member Gallagher related his appreciation of the information provided and he pointed out that it could be used as a frame work for the City's Ethics and Integrity Program. He commented on the City of Santa Clara's excellent ethics program, which has evolved over much time through a collaborative effort between the City Council, City employees and the University of Santa Clara, and explained his opinion that the Ethics and Integrity Committee should have an objective of integrating the concept of ethics throughout all aspects of City life and City government.

Chairman Payne called attention to the importance of an inspirational ethics program, such as those in the Cities of Anaheim and Santa Clara. He said that these types of programs should apply to candidates for election and that candidate forums involving ethical behavior are very valuable.

Deputy City Attorney Strader related her understanding that an ethics program for candidates for election must be voluntary; but, she will further verify and report back to the Committee.

Agreeing with the comments made by Member Gallagher and Chairman Payne, Member Matsuda entertained the idea of compiling a list of the Committee members' top ten ideas, and possibly the first five objectives, for the City's Ethics and Integrity Program.

In an effort to assist the Committee in being more productive, Member Gallagher suggested that Mr. Wood provide an interim report on his findings.

Staff Liaison Lohnes advised that Mr. Wood has almost completed the interviews; that Mr. Wood is researching the feasibility of interviewing some of the Council members; and that Mr. Wood asked to be included on the next Ethics and Integrity Committee's meeting agenda. She confirmed that copies of the Blue Ribbon Committee's final report will be provided to those Commissioners desiring one.

Staff Liaison Lohnes and Deputy City Attorney Strader asked if the Committee would like to place the Assessment on a future meeting agenda to have an opportunity to discuss elements therein which they consider to be priorities after Mr. Wood's report.

Member Matsuda related her impression that the Committee might be surprised at the number of things that can be accomplished regardless of what Mr. Wood is doing.

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Member Montoya agreed with the idea of the Committee members developing a list of their top ten priorities of elements of other ethics and integrity programs prior to the next meeting so staff can provide a summary of the priorities at the next meeting. He related his appreciation of staff's efforts in developing the Assessment

Deputy City Attorney Strader advised that, in order to comply with the Brown Act, the Committee members should submit their priorities to Staff Liaison Lohnes without discussing them with the other Committee members.

Staff Liaison Lohnes suggested that the Committee members each provide only five priorities.

Commissioner Montoya related his feeling that the number of priorities provided by the Committee members should be more extensive than five.

Member Gallagher commented that the number of priorities provided by the Committee members should be unlimited.

It was Chairman Payne's viewpoint that the number of priorities provided by the Committee members should be limited to five. He offered the following motion:

**MOTION:** Chairman Payne moved for the Committee members to submit a list to staff by no later than January 19, 2010 of their top five priorities of elements in other ethics and integrity programs that should apply to the City of Torrance. The motion was seconded by Member Matsuda and passed by a 4-0 unanimous roll call vote as shown below, with Commissioner Gotshall absent (Excused).

Ayes:	Gallagher, Matsuda, Montoya and Chairman Payne.
Noes:	None.
Abstain:	None.
Absent:	Gotshall.

Staff Liaison Lohnes verified that the Committee's agreement for the members to provide their lists of priorities of elements in other ethics and integrity programs to staff by January 19, 2010 will be communicated to Member Gotshall, who was absent from this meeting.

Chairman Payne suggested that the members also make a list of other important priorities, even if only for discussion.

Discussion continued with Member Gallagher emphasizing that the components of a Code of Conduct, standards and values are foundational to a successful ethics and integrity program. He recalled the Blue Ribbon Committee's agreement that there should be one Code of Conduct throughout the City of Torrance and asked if the City has a Code of Conduct, standards or values applicable to City employees and if copies of documents such as these can be placed at various locations throughout City Hall.

Staff Liaison Lohnes provided input on the history of the City's Code of Conduct, which was adopted by resolution in April 2008 and is maintained in the City Clerk's office.

Member Gallagher stated his understanding that the City's Code of Conduct applies only to elected and appointed officials, but it might have been expanded to include department heads.

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Chairman Payne suggested that the minutes of the City Council meeting in April 2008, during which the Code of Conduct was adopted, be reviewed in an effort to obtain clarity.

Member Montoya agreed that it is important to understand the discussion at the Council meeting during which the Code of Conduct as adopted.

Deputy City Attorney Strader related her understanding that the City's Code of Conduct does not apply to all City employees, but she will further research this and report back to the Committee. She verified that copies of the CORE values are posted throughout City Hall, but additional material can be posted.

Staff Liaison Lohnes explained that the majority of other municipalities' ethics and integrity programs have no enforcement for all employees; that, generally speaking, collective bargaining agreements are tightly constructed on the conditions of employment and there is a set of rules that govern conduct and ethical behavior; and that employee conduct can be enforced by management via memoranda of understanding with the bargaining groups. She affirmed that ethical standards are posted throughout Santa Clara's and Los Angeles' City Hall.

## **ORAL COMMUNICATIONS #2**

a. Staff Liaison to the Committee Lohnes reported on the City Council's recent discussion of two items requiring the Ethics and Integrity Committee's consideration: (1) the development of guidelines for the Council to use when considering the appointment of City staff to City commissions and (2) a gift and gratuity policy covering all City commissioners (written material entitled "Acceptance of Gifts by Public officials, dated December 10, 2009 addressed to the Members of the Ethics and Integrity Committee from Deputy City Attorney Strader distributed at the meeting). She recommended that these items be placed for discussion on a future Ethics and Integrity Committee meeting agenda.

Deputy City Attorney Strader advised that copies of the City's updated Conflict of Interest Code will be distributed at the next meeting. Responding to questions from the Committee, she verified that a recommendation on guidelines for the appointment of City staff to City commissions could include the Committee's opinion on whether or not it is appropriate for City employees to serve on City commissions.

In answer to questions from Member Matsuda, Deputy City Attorney Strader indicated that staff will examine if former City employees must wait a specific amount of time before applying to serve on City commissions; that the Committee can make recommendations as to whom the City's gift and gratuity policy should apply; and that the Committee was created after the most recent update to the City's Conflict of Interest Code and staff will look into whether or not the Conflict of Interest Code should apply to the Committee.

b. At the Committee's request, Staff Liaison Lohnes provided updated information on the status of Mr. Wood's work. She explained that Mr. Wood is considering the idea of interviewing additional members of the City Council.

Chairman Payne and Member Montoya noted the importance of Mr. Wood obtaining views from other Council members, in addition to the Mayor.

Member Matsuda shared information regarding Council members' thoughts on the ordinance establishing the Committee which she obtained while applying for her position on the Committee.

c. Member Montoya expressed his approval of the information welcoming members of the public to speak, which was added to the Ethics and Integrity Committee meeting agenda per discussion at a previous meeting.

Chairman Payne related his concern that the information could discourage members of the public from addressing the Committee and he indicated his desire to read aloud revised wording he recommended instead of the current wording.

Deputy City Attorney Strader suggested that this topic be included for discussion on a future meeting agenda, in that Oral Communications #2 should be announcements, not discussion.

d. Deputy City Attorney Strader and Member Matsuda assured Member Gallagher that the term "secret shopper" was correctly included in the Ethics and Integrity Committee minutes of November 18, 2009.

**ADJOURNMENT**

At 7:50 p.m., the meeting was adjourned to Wednesday, January 27, 2010, 6:30 p.m.

Approved as Submitted January 27, 2010 s/ Sue Herbers, City Clerk
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