Council Meeting of
November 6, 2007

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager – Blue Ribbon Committee on Ethics and Integrity (Committee) report and recommendations to the City Council on specific Committee actions.

RECOMMENDATION

The City Manager recommends that City Council review and give direction to City staff regarding specific recommendations by the Blue Ribbon Committee on Ethics and Integrity on the scheduling and review of draft ordinances.

FUNDING

Funding is not required for this item.

BACKGROUND/ ANALYSIS

The Committee has been meeting for several months to develop a recommended plan for an Ethics and Integrity program for the City of Torrance. The Committee has developed draft ordinances that are being recommended for implementation so that they will affect the upcoming election cycle.

At this time the Committee is requesting that Your Honorable Body review the recommended ordinances and give staff direction on whether to schedule the ordinances for a future City Council meeting for action.

Respectfully submitted,

LeROY J. JACKSON
City Manager

By: Brian K. Sunshine
Assistant to the City Manager

CONCUR:

LeRoy J. Jackson
City Manager

Attachment: Blue Ribbon Committee to study Ethics and Integrity in City Government report and recommendations to the City Council on specific actions

12B

CITY OF TORRANCE BLUE RIBBON COMMITTEE ON
ETHICS AND INTEGRITY

REPORT AND RECOMMENDATIONS TO THE CITY COUNCIL ON SPECIFIC
COMMITTEE ACTIONS

The committee has met for several months and thanks to the City Council extension will finish our Phase I work by January 31, 2008. In the interim and to expedite certain recommended changes prior to the next City election cycle, the Committee at the October 3, 2007 meeting voted to send a group of ordinances or revisions to ordinances to the City Council for recommended adoption.

As was stated in our last update, the Committee is working towards an aspirational plan that will work as a model to elected, appointed and city employees as a guide to ethical behavior. As the Committee has discussed an aspirational plan needs guidelines. The ordinances and their revisions as proposed by the Committee will assist in keeping those involved working within that aspirational framework by providing legislation that sets specifics for conduct during an election cycle.

The Committee recommends that upon evaluation, the City Council direct staff to bring back the ordinances to be reviewed, further discussed and adopted by Your Honorable Body.

The following is a brief discussion of the six ordinances recommended for adoption and attached with this report:

Draft Ordinance 1
The proposed ordinance would modify the existing campaign contribution limit to allow only natural persons to make campaign contributions. The current ordinance also allows for entities to make contributions. The change that is proposed will allow only individuals to make donations.

The Committee debated this topic and recommends this change so as to require a full disclosure of those who make contributions to campaigns and to disallow corporations, development companies, unions and PACs from making contributions to campaigns.

Draft Ordinance 2
The proposed ordinance adds a new section to our campaign contribution ordinance, which limits cash contributions to candidates and their controlled committees to $20. This does not disallow other contributions but tightens the accounting requirements of campaigns by making anything over the $20 limit more traceable through checks and credit cards.

Draft Ordinance 3
The third ordinance adds a new section to our campaign contribution ordinance, which regulates the disclosure of late campaign contributions. It requires any contributions in excess of $100 received after the closing of the date of the last pre-election campaign statement, but before the election, to be reported within 24 hours.

Currently there is a lag on reporting of these contributions resulting in disclosure after the campaign. This proposed change would require these contributions to be disclosed prior to the election. The purpose of this recommended change is to disclose the identity of those making last minute contributions.

Draft Ordinance 4
The proposed ordinance adds a new section to our campaign contribution ordinance, which extends the sender identification requirements set forth in the state mass mailer laws to other forms of campaign communications. It regulates four main categories of information: (1) 200 substantially similar pieces of mail that support or oppose a candidate; (2) 200 or more substantially similar transmissions of electronic mail that support or oppose a candidate; (3) 200 or more substantially similar pieces of written material in the form of door hangers or other printed material left on private property, that support or oppose a candidate; and (4) 200 or more substantially similar telephone calls that support or oppose a candidate.

The purpose of this proposed ordinance is to fully disclose the funding source and responsible party for these types of transmittals.

Draft Ordinance 5
State law does not allow City Managers and Councilmembers to lobby in their City post employment or post office for one-year. The proposed ordinance extends that prohibition to City Manager's professional staff, Department Heads, Division Heads, Assistants and Deputies. The extension of these post elected office and post employment restrictions will diminish the ability of those listed from financial gain using internal knowledge for a period of one-year. The idea behind the one-year restriction is that it mirrors current law and that the Committee feels that a twelve month restriction will diminish the influence of the individual on the organization. This ordinance is modeled after the state law which applies to state employees.

Draft Ordinance 6

The proposed ordinance adds a new section to the municipal code prohibiting the use of City buildings and equipment for political fundraising. This ordinance ensures that taxpayer supported facilities (other than First Amendment protected forums such as parks and sidewalks) and equipment do not become a factor in political campaigns.

The ordinances being proposed will assist both the current elected officials as well as future officials in opening the election process for review by the citizens of Torrance. Further, the proposed post-elective and post employment restrictions will reduce the ability of former officials and employees to influence the process of government with inside knowledge and influence.

The Committee urges the City Council to direct staff to agendize these ordinances for review and action.

Respectfully submitted

Dee Hardison

Dee Hardison, Chair

Attachments: Draft Ordinances

Draft Ordinance 1
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ARTICLE 1 - GENERAL PROVISIONS

SECTION 17.1.1. PURPOSE.

This chapter imposes a maximum limitation on the amount of campaign contributions that may be solicited and received by a candidate from a single source with respect to any single election campaign.

SECTION 17.1.2. RELATION TO POLITICAL REFORM ACT OF 1974.

This chapter is intended to be a supplement to and in no way to conflict with the Political Reform Act of 1974, which is codified in Title 9 of the California Government Code and its implementing regulations. Unless otherwise defined in this chapter, words and phrases have the same meanings here as those given to them by Title 9 of the California Government Code and its implementing regulations, and with the interpretations of these provisions by the California Fair Political Practices Commission.

SECTION 17.1.3. DEFINITIONS.

a) "City of Torrance Elective Office" means the offices of Mayor, Councilmember, City Clerk and City Treasurer.

b) "Family Contributions." Contributions by a husband and wife will be treated as contributions by separate persons and will not be aggregated. Contributions by children under eighteen years of age will be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

SECTION 17.1.4. LIMITATIONS ON CAMPAIGN CONTRIBUTIONS.

a) "Declaration of Candidacy." No person may make, and no candidate for City of Torrance elective office and the controlled committee of that candidate may solicit or accept, any campaign contribution until such time as the candidate has filed a statement of intention to be a candidate.

b) "Contribution Limits." [illegible] ampaign contribution to a candidate for City of Torrance elective office, or to the controlled committee of that candidate, [illegible] cause the total amount contributed by that person to the candidate to exceed $1,000.00 during an election cycle. Notwithstanding the foregoing, a candidate may make campaign contributions in any amount to the candidate's own controlled committee.

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c) "Solicitation and Acceptance of Campaign Contributions." No candidate for City of Torrance elective office and no controlled committee of that candidate may solicit or accept any campaign contribution that will cause the total amount contributed by any one person to the candidate to exceed One Thousand Dollars ($1,000.00) during an election cycle.

d) "Return of Contributions." A contribution will not be considered to be received or accepted if it is not negotiated or deposited, and in addition it is returned to the donor within fourteen (14) days of receipt.

e) "Post-Election Fundraising." A contribution for an election may be accepted by a candidate for City of Torrance elective office through the last day of the seventeenth (17th) month following the month in which the election occurred, only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election. For elections occurring prior to November 1, 2002, contributions may be accepted through September 30, 2003, subject to the restrictions set forth above.

SECTION 17.1.5. LIMITATION ON LOANS.

A candidate for any City of Torrance Elective Office may not personally loan to his or her campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds thirty thousand dollars ($30,000.) A candidate may not charge interest on any loan he or she made to his or her campaign.

Draft Ordinance 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SUBSECTION b OF SECTION 4 OF ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING CAMPAIGN CONTRIBUTION LIMITS.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That Subsection b of Section 4 of Article 1 of Chapter 7 of Division 1, entitled 'Contribution Limits,' is repealed.

SECTION 2

That a new Subsection b is added to Section 4 of Article 1 of Chapter 7 of Division 1, entitled "Contribution Limits." This section reads in its entirety as follows:

b) "Contribution Limits." Only a natural person may make a campaign contribution to a candidate for City of Torrance elective office, or to the controlled committee of that candidate. Campaign contributions to a candidate for City of Torrance elective office, or to the controlled committee of that candidate, may not cause the total amount contributed by that person to the candidate to exceed $1,000 during an election cycle. Notwithstanding the foregoing, a candidate may make campaign contributions in any amount to the candidate's own controlled committee."

SECTION 3

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 4

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 5

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the __ day of ____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

_____
Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

Draft Ordinance 2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 6 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING CASH CAMPAIGN CONTRIBUTIONS.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 6 is added to Article 1 of Chapter 7 of Division 1, entitled "CASH CONTRIBUTIONS." This section reads in its entirety as follows:

"**SECTION 17.1.6. CASH CONTRIBUTIONS.**
No person may make, and no candidate for City of Torrance elective office, or controlled committee of that candidate, may solicit or accept, any cash contribution in excess of $20."

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

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ADOPTED AND PASSED this ___ day of _____, 2007.

_____
Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

Draft Ordinance 3

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 7 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING THE DISCLOSURE OF LATE CAMPAIGN CONTRIBUTIONS.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 7 is added to Article 1 of Chapter 7 of Division 1, entitled "LATE CONTRIBUTIONS." This section reads in its entirety as follows:

"**SECTION 17.1.7. LATE CONTRIBUTIONS**

a) Each candidate or committee that receives a contribution that in the aggregate totals more than $100 from a single source that is received before the date of the election at which the candidate is to be voted on but after the closing date of the last pre-election campaign statement, must report that contribution to each office with which the candidate or committee is required to file its next campaign statement and in compliance with this section.

b) The recipient of the late contribution must report his or her full name and street address, the date and amount of the contribution, and whether the contribution was made in the form of a loan. The recipient must also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.

c) A late contribution must be reported by electronic transmission, facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is received. A late contribution must be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

d) A late contribution need not be reported nor will it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor within 24 hours of its receipt."

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

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INTRODUCED AND APPROVED the __ day of ____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

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Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

Draft Ordinance 4

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 8 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE REGULATING THE IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Section 8 is added to Article 1 of Chapter 7 of Division 1, entitled "IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION." This section reads in its entirety as follows:

"**SECTION 17.1.8. IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION.**

a) U.S. Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar pieces of mail that support or oppose a candidate, unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail and on at least one of the inserts included within each piece of mail in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the sender of the mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.

b) Electronic Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar transmissions of electronic mail that support or oppose a candidate, unless the name, electronic mail address, street address, and city of the candidate or committee are shown on the electronic mail in no less than 12 point type in a color or print that contrasts with the background so as to be easily legible. If the sender of the electronic mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.

c) Door Hangers and Printed Materials. No candidate for City of Torrance elective office or committee may distribute more than 200 substantially similar pieces of written material in the form of door hangers or other printed material, that support or oppose a candidate, left on private property, unless the name, street address, and city of the candidate or committee are displayed in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the distributor of

the door hanger or printed material is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State. A copy of the door hanger or other printed material must be delivered to the City Clerk within forty-eight hours of distribution of the first piece. This section does not apply to printed material delivered directly to a person.

d) Telephone Calls. No candidate for City of Torrance elective office or committee may make or pay for 200 or more substantially similar telephone calls, which support or oppose a candidate, made by an individual or by electronic means, that advocate support of, or opposition to, a candidate, unless during the course of the call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under the Political Reform Act, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under the Political Reform Act or is the name by which the organization or individual is commonly known, the candidate, controlled committee, or slate mailer organization that paid for the call must be disclosed. This section does not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers. A candidate, controlled committee, or slate mailer organization that pays for telephone calls as described by this section must maintain a record of the script of the call for a period of one year. If any of the calls qualifying under this section were recorded messages, a copy of the recording must be maintained for one year."

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

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ADOPTED AND PASSED this ___ day of _____, 2007.

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Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

Draft Ordinance 5

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 14.4.4 TO THE TORRANCE MUNICIPAL CODE, RELATING TO POST EMPLOYMENT RESTRICTIONS ON DEPARTMENT HEADS AND OTHER DESIGNATED EMPLOYEES.

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That Section 14.4.4 of the Torrance Municipal Code shall be added to read in its entirety as follows:

"No Head of any City Department, Assistant or Deputy Department Head, Division head or professional City Manager Staff shall for compensation, act as an agent or attorney for any party before a City Agency, Department , Commission, or the City Council for a period of one year after leaving employment with the City."

SECTION 2

Any provision of the Torrance Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4

This ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the __ day of ____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

_____
Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:
John L. Fellows III
City Attorney

By: _____
Ronald T. Pohl,
Assistant City Attorney

Draft Ordinance 6

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING CHAPTER 8 TO DIVISION 1 OF THE TORRANCE MUNICIPAL CODE PROHIBITING THE USE OF CITY BUILDINGS AND EQUIPMENT FOR POLITICAL FUNDRAISING

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That a new Chapter 8 be added to Division 1 of the Torrance Municipal Code to read in its entirety as follows:

"CHAPTER 8 – USE OF CITY BUILDINGS AND EQUIPMENT

ARTICLE 1 – GENERAL PROVISIONS

Section 18.1.1 PURPOSE

This Chapter prohibits the use of City Buildings and equipment for political fundraising.

Section 18.1.2 DEFINITIONS

a) Candidate – Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.

b) City – This municipality and any officer, department, board, commission, or agency thereof

c) City official, employee and appointee – Any person holding elective municipal office or holding an appointed position in the City, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated: and any employee of the City or in any agency, commission, board, or office thereof, whether the position is full time or part time.

d) Contribution – Includes all loans and transfers of money or other thing of value to or by any candidate, elected official or political organization and all pledges or other commitments or assumptions of liability to make any such transfer. Contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

e) "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

f) Property of the City – Buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies and other real or personal property owned, leased or controlled by the municipality, except for public roads, sidewalks, and open park land.

g) Solicit – To seek by oral or written communication a Contribution.

SECTION 18.1.3 PROHIBITIONS

A. No person or political organization shall make a contribution to a candidate and no candidate, or political organization shall solicit or accept a contribution or engage in prohibited fundraising while on or in the Property of the City. Prohibited forms of fundraising include but are not limited to:

(1) Rental of City rooms or facilities to solicit or accept contributions.

(2) Soliciting or accepting contributions using publicly-owned telephones, fax machines or computers.

(3) Soliciting or accepting contributions using personal telephones while on the Property of the City.

(4) Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the City.

(5) Using City letterhead to solicit or accept contributions.

(6) Sending written correspondence from Property of the City or by the use of City services, equipment or postage.

(7) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the City.

(8) Use of automobiles owned or leased by the City to solicit or accept contributions.

B. Reporting requirements. It shall be the responsibility of every City official, employee, or appointee who observes any prohibited form of fund-raising to promptly report such conduct to their supervisor, City Manager, City Attorney or a law enforcement agency.

C. Whistleblower provision. It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with these reporting requirements mandated by this chapter.

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If this section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

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INTRODUCED AND APPROVED the __ day of ____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

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Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:
John L. Fellows III
City Attorney

By: _____
Ronald T. Pohl,
Assistant City Attorney