

Council Meeting of
September 28, 2010

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

Members of the Council:

SUBJECT: City Manager – Adopt an Ordinance adding a new Section 12.1.7 to Article 1, Chapter 2, Division 1 of the Torrance Municipal Code rendering City employees ineligible for appointive Office

RECOMMENDATION:

Recommendation of the City Manager that the City Council adopt an ORDINANCE adding a new section to Article 1, Chapter 2, Division 1 of the Torrance Municipal Code rendering City employees ineligible for appointive office.

FUNDING:

Not applicable

BACKGROUND AND ANALYSIS:

At the City Council meeting held on December 15, 2009, the City Council requested that the Ethics and Integrity Committee provide guidelines for the Council when considering the appointment of City employees to Commissions in order to avoid the appearance of a conflict of interest. The Deputy City Attorney supporting the Committee produced a legal analysis and staff conducted research on the practices of other local municipalities. The issue was considered at the Ethics and Integrity Committee meeting held on April 28, 2010.

On the City Council Meeting held on June 22, 2010, the Ethics and Integrity Committee presented their response to the Mayor's oral and recommended that the City Council consider a prohibition of employees serving on commissions and/or advisory boards unless specifically required by the Torrance Municipal Code (TMC). The Committee also suggested that the prohibition should not impact the two city employees currently serving on commissions.

The City Council considered this recommendation and determined that, unless required by TMC, City of Torrance employees shall be prohibited from

serving on commissions and/or advisory boards with the following exception: the prohibition would not affect the two employees currently serving on commissions, nor would it affect their eligibility to be re-appointed to a second term after their first term expires. Staff was directed to bring back an ordinance that would update the Torrance Municipal code.

Since that meeting, staff has learned that the City employee serving on the Library Commission will be resigning at the end of 2010 and the City employee serving on the Water Commission is in his second term and would not be eligible for reappointment after his term expires in January of 2012. As a result, the ordinance drafted for the consideration of your honorable body does not include language preserving currently serving employees' eligibility to be reappointed to a second term.

Respectfully submitted



Laura Lohnes
Staff Liaison to the Ethics and
Integrity Committee

Concur:



for LeRoy Jackson
City Manager

Attachment A: Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TORRANCE ADDING A
NEW SECTION 12.1.7 TO ARTICLE 1,
CHAPTER 2, DIVISION 1 CONCERNING
EMPLOYEE INELIGIBILITY FOR APPOINTIVE OFFICE**

The City Council of the City of Torrance ordains as follows:

SECTION 1

A new Section 12.1.7 is added to Article 1, Chapter 2, Division 1 of the Torrance Municipal Code to read in its entirety as follows:

“SECTION 12.1.7 EMPLOYEES INELIGIBLE FOR APPOINTIVE OFFICE

Except as specifically provided in this Code, no persons employed by the City shall be eligible for appointive office to become a member of a Commission, Committee or Board. Employees holding appointive office on September 28, 2010 may serve the balance of their term.”

SECTION 2

Any inconsistent provisions of the Torrance Municipal Code or its appendices or any inconsistent ordinances of the City are repealed, to the extent of the inconsistencies.

SECTION 3

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect that validity of the remaining portion of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be 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.

INTRODUCED AND APPROVED the ___ day of _____, 2010.

ADOPTED AND PASSED this ___ day of _____, 2010.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Patrick Q. Sullivan, Assistant City Attorney