

# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 30, 2007

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 2.165.030 AND SECTION 2.175.030 OF THE PASADENA MUNICIPAL CODE PERTAINING TO THE MEMBERSHIP, APPOINTMENT AND TERMS OF THE PASADENA CENTER OPERATING COMPANY BOARD AND THE ROSE BOWL OPERATING COMPANY

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 2.165.030 AND SECTION 2.175.030 OF THE PASADENA MUNICIPAL CODE PERTAINING TO THE MEMBERSHIP, APPOINTMENT AND TERMS OF THE PASADENA CENTER OPERATING COMPANY BOARD AND THE ROSE BOWL OPERATING COMPANY.

BACKGROUND:

The City Council directed preparation of this ordinance at its regular meeting of July 23, 2007 based upon the following:

At this point in time, the Rose Bowl Operating Company bears a significant responsibility to formulate a strategic plan for the long term vitality, security and condition of the Rose Bowl, and it seems appropriate to call upon a sitting Councilmember to participate in the RBOC's work in the same manner as a sitting Councilmember sits on the PCOC Board.

There has been a series of new appointments to the Board of persons who seem highly capable of contributing to the Board's work. The proposed addition of a City Councilmember would add to this momentum and would also indicate to the entire community that the Council views the effort to develop a Rose Bowl Strategic Plan to be a high priority.

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MEETING OF 07/30/2007  
AGENDA ITEM NO. 9.A.2.

At the same time, it seems appropriate that term limits not be applied to certain members of the Board who are designated by the Tournament of Roses, UCLA, by the City Manager and by the City Council as the City Councilmember representative. The City Manager's representative is not subject to term limits in the PCOC Ordinance, and the RBOC Ordinance should be amended to reflect this also.

Both the PCOC and RBOC ordinances should be amended to make clear that the City Council should not be constrained in making appointments of individuals from one representative capacity to another representative capacity because of term limits which are otherwise desirable to insure board rotation. For example, an individual who has served as the representative of a particular district should be immediately eligible for appointment as an at-large representative if the City Council wishes. This will allow the Council to provide some continuity where special circumstances merit, while insuring that the overall rotation created by term limits continues as the general policy. Finally to the extent of common law doctrine of "incompatible offices" applies to limit the appointment of a city council member to the PCOC Board, a provision abrogating that doctrine should be added to the PCOC ordinance as it exists in the RBOC ordinance.

PURPOSE OF ORDINANCE:

The purpose of the ordinance is to accomplish the following:

- (1) With respect to the Rose Bowl Operating Company: (A) to create a new position on the Board of Directors of the Rose Bowl Operating Company to be filled by a Councilmember; (B) to eliminate term limits for members of the RBOC Board designated by the Tournament of Roses, UCLA, the City Manager and by the City Council as the Councilmember representative, and (C) to clarify that reappointment to the Board in a different representative capacity is not subject to the stated term limits.
  
- (2) With respect to the Pasadena Center Operating Company: (A) to eliminate term limits for the member of the Pasadena Center Operating Company Board designated by the City Council; (B) to clarify that reappointment to the Board in a different representative capacity is not subject to the stated term limits and (C) to affirm that the

common law rule on incompatible offices is abrogated to permit voting members of the City Council to serve on the board of the PCOC.

Respectfully submitted,

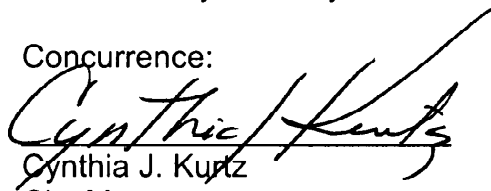
  
Michele Beal Bagneris  
City Attorney

Prepared by:

7/25/07

  
Nicholas George Rodriguez  
Assistant City Attorney

Concurrence:

  
Cynthia J. Kurtz  
City Manager

Introduced by

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PASADENA AMENDING  
SECTION 2.165.030 AND SECTION 2.175.030 OF THE PASADENA  
MUNICIPAL CODE PERTAINING TO THE MEMBERSHIP, APPOINTMENT  
AND TERMS OF THE PASADENA CENTER OPERATING COMPANY  
BOARD AND THE ROSE BOWL OPERATING COMPANY

The People of the City of Pasadena ordain as follows:

SECTION 1. Paragraph B of Section 2.165.030, Membership--  
Appointment and Terms of Pasadena Center Operating  
Company, is amended to read:

B. Members shall be appointed for a term of 3 years, and city members, except for the city manager or his/her appointed representative **and except for any member of the city council**, shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No city member, except for the city manager or his/her appointed representative **and except for any member of the city council**, who has served 2 consecutive terms shall be eligible for reappointment to the board prior to the passage of a 2-year interval. **Appointment of a member to a different representative capacity shall not be considered a reappointment requiring an interval without serving.**

SECTION 2. A new Paragraph E is added to Section 2.165.030,  
Membership--Appointment and Terms of Pasadena  
Center Operating Company, and shall read:

**E. The common law rule on incompatible offices is specifically abrogated to permit voting members of the city council to serve on the board of the Pasadena Center Operating Company if nominated and appointed as provided in this section.**

SECTION 3. Section 2.175.030, Membership--Appointment and Terms of the Rose Bowl Operating Company, is amended to read:

- A. The board shall consist of **13** members, who shall be appointed as follows:
1. Each council member and the mayor shall nominate 1 member for a total of 8 members.
  2. The mayor shall nominate 1 member from persons recommended by the 7 council members **and 1 member who is a voting member of the city council.**
  3. The Tournament of Roses Association shall nominate 1 member.
  4. The city manager, or his/her authorized representative at the election of the city manager by written notice to the city clerk, shall be appointed.
  5. The chancellor of the University of California, Los Angeles shall nominate 1 member.
  6. All nominations, except the city manager, or his or her authorized representative, are subject to ratification by the city council.
- B. The initial board members may serve up to three terms of four years each if approved by the council. At the start of the third four-year term, members may draw lots to establish staggered terms if necessary. Members other than the initial members shall serve no more than two consecutive four-year terms. Terms shall be four years long. Terms shall expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. **The following members shall not be subject to a limitation on terms: The member who is a voting member of the city council, the city manager or representative, and the nominees of the Tournament of Roses Association and of the University of California, Los Angeles.** Other than the initial members who serve three four-year terms, no member who has served two consecutive four-year terms shall be eligible for reappointment to the board prior to the passage of a two-year interval. **Appointment of a member to a different representative capacity shall not be considered a reappointment requiring an interval without serving.**
- C. If a member ceases to meet the qualifications and requirements set forth herein, prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.
- D. Any member of the board may be removed by the city council at its pleasure.
- E. Members shall serve without compensation but shall be reimbursed for the actual and necessary expenses incurred in the discharge of their duties.
- F. The provisions of Title 2 of the Pasadena Municipal Code shall apply to the

board only to the extent that specific sections are explicitly incorporated into this chapter.

G. Section 2.45.050 of the Pasadena Municipal Code, and any successor provision allowing the vacating of district appointments by newly elected council **members**, shall apply to the board of directors of the Rose Bowl Operating Company.

H. The common law rule on incompatible offices is specifically abrogated to permit **voting** members of the city council to serve on the board of the Rose Bowl Operating Company if nominated and appointed as provided in this section.

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 5. This ordinance shall take effect upon its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the  
City Council of the City of Pasadena of the City of Pasadena at its regular  
meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by the following  
vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

Date Published:

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Jane L. Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:

 7/25/07

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Nicholas George Rodriguez  
Assistant City Attorney