

Agenda Report

TO: CITY COUNCIL

DATE: October 3, 2005

FROM: CITY CLERK

RE: BUDGET, STAFFING AND CHARGE FOR THE TASK FORCE ON
GOOD GOVERNMENT

RECOMMENDATION:

It is recommended that the City Council approve the proposed budget, staffing and charge for the Task Force, and approve a journal voucher appropriating \$80,000 from the Unappropriated General Fund balance to the FY 2006 City Clerk's Office Budget.

BACKGROUND:

In March of 2001, Pasadena voters approved a Charter amendment entitled The Taxpayer Protection Amendment ("TPA"), also known as the "Oaks Initiative" or "Measure B". The TPA prohibits City public officials from receiving a "personal or campaign advantage" after exercising discretion to approve or vote to approve a "public benefit". The intent of the Initiative is to prohibit elected and appointed public officials from receiving a personal or campaign advantage (such as a gift or honorarium, future offer of employment, or campaign contribution) from a person or entity if the public official previously approved or voted to approve a public benefit for that person or entity.

At the time the Charter amendment was adopted in March 2001, the City did not certify the TPA on the grounds that, among others, it violated the First Amendment to the United States Constitution. Litigation was brought against the City in which the Superior Court ordered the City to certify the TPA, but also found the TPA unconstitutional. On procedural grounds, the Court of Appeal reversed the Superior Court's ruling, and the California Supreme Court denied review. As of the Court's ruling on May 12, 2005, the City is required to implement the TPA.

On August 1, 2005, the City Council adopted Resolution 8500 establishing guidelines for implementation of the Taxpayer Protection Amendment. The guidelines were adopted in an attempt to resolve ambiguities, assist staff with setting a process for tracking actions subject to the TPA, and to clarify applicability of the TPA in certain instances.

At the August 1, 2005 Council meeting, concerns were expressed that the TPA is flawed legislation because of possible Constitutional issues, and that it is overly broad, vague, and extremely cumbersome to implement. During Council discussion, it was suggested that consideration be given to placing a measure on the June 2006 ballot to address flaws in

the legislation, while maintaining the spirit of the voter approved initiative. It was further suggested that Council agendaize a discussion of creating a Task Force, and the importance for community involvement in the process was stressed.

On September 19, 2005, the City Council further discussed the establishment of a Task Force, reviewed a proposed timeline by the City Clerk, and a memorandum prepared by the City Manager to facilitate Council's discussion. Council took action to create a seven-member Task Force, with staffing to be at the level of the prior Charter Reform Task Force, and the Council to select the Chair of the Task Force and make appointments in early October. As detailed in the City Manager's memorandum, five of the seats will be community representatives, ideally with experience in Pasadena civic involvement, municipal law, ethics, financial auditing or other related backgrounds. The two remaining seats may be filled by either current or former Pasadena Council members. At the September 19th meeting, the Mayor noted two Councilmembers were absent and there might be additional suggestions regarding the Task Force size as appointments are considered.

Staffing for the Task Force

A consultant will be hired to participate in Task Force meetings, provide expertise in campaign financing and/or ethics, follow-up on research needed as a result of Task Force deliberations, compile data and information from various sources, analyze information gathered and provide brief summaries/reports to the Task Force, assist with preparing media/public relations materials, and assist the Task Force in writing its report to the City Council.

The City Clerk will attend meetings and provide staff support in the role of coordinating meetings, prepare agenda packets and minutes, coordinate public outreach with the Public Information Officer, and provide expertise regarding election administration and the City Clerk's role as the filing officer for campaign statements for local office. A representative of the City Attorney's Office will also attend Task Force meetings and provide legal guidance to the Task Force, with specialized outside legal counsel utilized when determined necessary by the City Attorney.

Task Force Budget

Attachment A is a proposed budget for the Task Force prepared by the City Clerk. The budget is based on staffing similar to that provided to prior task forces, as well as some funds for outside legal counsel should such become necessary as determined by the City Attorney. The budget is based on having one televised community forum meeting, with the remainder of the meetings audio taped and open to the public. If the Council directs that all the meetings be videotaped for delayed broadcast on KPAS, the budget will need to be increased by \$18,000. To videotape meetings would cost approximately \$1,500 per meeting, depending on the facility, and would entail use of a van, additional equipment and staff. The options for possible meeting sites for regular meetings would be narrowed considerably to facilities that could accommodate the van and feed lines, generators, audio setup, etc.

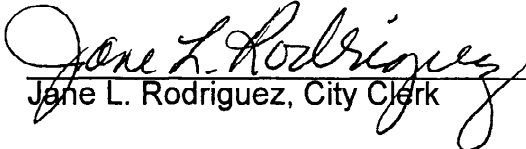
Task Force Charge

At the September 19th meeting, the City Council discussed the establishment of a Task Force, size of the Task Force and criteria for the Task Force membership, and appointment process. Two Councilmembers were absent from this meeting, and a formal charge for the Task Force was not addressed at this meeting. A draft charge statement is in the process of being prepared, and will be distributed to Council at the meeting. The Council will have an opportunity to review, edit, and formally approve the charge for the Task Force.

FISCAL IMPACT

The proposed budget for the Task Force is \$80,000 to be allocated from the Unappropriated General Fund balance. Should the City Council decide that all Task Force meetings be televised, an additional \$18,000 would need to be added from the Unappropriated General Fund balance.

Respectfully submitted,


Jane L. Rodriguez, City Clerk

Attachment A

PROPOSED TASK FORCE BUDGET

Staff consultant (4 months)	\$ 48,000
Outside legal counsel	10,000
Clerical overtime	2,000
Guest Speakers/Honoraria	1,000
Materials & Supplies	3,000
Photocopier & Print Shop (agenda packets, flyers, notices)	4,000
Postage	2,000
Newspaper Display Ads	2,000
Telephone	1,000
Televised community forum (one forum – facility/ custodian, video production, sound system, electrical/generator, table skirts, refreshments, etc.)	4,000
Translator Services	<u>3,000</u>
TOTAL	80,000

Prepared by: Jane Rodriguez, City Clerk

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