



OFFICE OF THE CITY CLERK

APRIL 10, 2006

TO: CITY COUNCIL
FROM: CITY CLERK
SUBJECT: FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT

On February 27, 2006, the Task Force on Good Government presented its final recommendations to the City Council. After some discussion, there was a general consensus of the City Council to calendar the item for further Council discussion in the near future. An excerpt of the February 27th Council minutes is attached pertaining to the subject item.

In the event Council determines to place a measure on a future ballot, the following information is provided pertaining to election options, costs and timing.

Stand-alone special municipal election

Section 1206 of the City Charter provides that the City Council may call a special municipal election by ordinance or resolution. Election Code Section 9255(a)(2) also provides that the legislative body may propose a Charter amendment on its own motion. Council may determine the special election date, provided the election is held on a Tuesday and the election is not held on the day before, the day of, or the day after a state holiday. Formal resolutions calling such an election would need to be adopted at least 88 days prior to the election date.

As a good rule of thumb, staff should be directed at least four months in advance of the targeted election date to prepare the formal resolutions calling the election, which would include the proposed ballot language and text of the measure. This would allow time for City Council to review and make changes to the proposed ballot language or Charter amendment text prior to the 88-day legal deadline to adopt formal resolutions. The option of calling a stand-alone special municipal election is the most expensive option, and would cost in the low \$200,000's to conduct such an election. This option would have a significant workload impact for City Clerk staff, and department projects would be delayed for about a 4-5 month period as the department prepares to administer the election.

Consolidated special municipal election

A second option would allow the City Council to call a special municipal election and consolidate said election with the State general election to be held on Tuesday, November 7, 2006. Formal resolutions calling the election would need to be adopted and filed with the Registrar-Recorder/County Clerk and the Executive Officer for the Los Angeles County Board of Supervisors at least 88 days in advance of the election (August 11, 2006). The County Clerk's Office recommends cities file such election resolutions 120 days in advance (July 10th) in order to allow the County sufficient time for election preparation functions, but the legal deadline is 88 days.

In order to meet the County's recommended deadline, should the Council wish to place a measure on the November 7th ballot, it is suggested City staff be directed in early June to prepare the formal resolutions, which would allow time for City Council to review and make any modifications, if necessary, to the ballot language or text of the Charter amendment. Because the cost for a consolidated election would be shared between the County and the City, this option would cost approximately \$122,000 based on a recent cost estimate from the County Registrar's Office. There is a minimal workload impact to City Clerk staff in processing the measure, as this election is administered by the County Clerk.

Regular municipal election

The third option would be to place a measure on the next regular municipal ballot (March 6, 2007 primary municipal election). Again, the legal deadline to place a measure on the ballot is 88 days (Friday, December 8, 2006) prior to the election. However, as mentioned above, additional time (at least one month) should be figured in to allow staff to prepare formal resolutions and for City Council to review and make changes to any proposed ballot language or text, and adopt the formal resolutions prior to the 88-day deadline. Since the City is already conducting a regular election (and sharing costs with the PUSD for its Board of Education races), it would cost approximately \$10,000 to add a measure to this ballot for costs associated with the additional pages in the sample ballot pamphlet and translations pertaining to the measure. There is a minimal workload impact as City Clerk's staff administers this election, regardless of whether there are measures on the ballot.


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include the potential for parking school and ARTS buses underneath the power lines.

Councilmember Holden raised concerns regarding the utilization of both Madison and Willard Elementary Schools as public park sites because each site creates a perceived accessibility issue for the public due to the fencing needed to protect children during school hours.

Councilmember Tyler suggested that further cooperative efforts for emergency planning with PUSD be explored.

The following persons spoke in support of the City Manager's recommendation, and some speakers noted this is a good first step:

Mr. Rob Filback, representing Invest in Kids - One LA
Ms. Oralia Garza de Cortes, Pasadena resident and representing Invest in Kids - One LA
Mr. Peter Dreier, Pasadena resident
Mr. Greg Spiegel, representing All Saints Church, One LA and partner organizations
Ms. Anita Fromholtz, Pasadena resident
Mr. Mark Persico, Pasadena resident
Mr. George Brunder, Pasadena resident
Mr. Mike Babcock, member of the Pasadena Board of Education
Mr. Ed Honowitz, President, Pasadena Board of Education

Councilmember Haderlein suggested that consideration be given to expanding the Student Bus Pass Program to include not only all PUSD students, but also Pasadena residents. He also requested that staff utilize the Parks Master Plan during the implementation of the initiatives in order to understand the City's needs and identify the best uses for the additional recreation facilities.

It was moved by Councilmember Little, seconded by Vice Mayor Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT

Recommendation of Task Force on Good Government: It is recommended that the City Council:

(A) Concur with the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Act, as set forth in the "redline" text shown on Exhibit 1 of the agenda report to accomplish the following:

(1) **Non-profits** - The ban on receiving personal or campaign advantages should not apply to officers and directors

from 501 (c)(3), (4), and (6) organizations (other than officers and directors of political action committees or who control political action committees controlled by such organizations), except that disclosure of such persons would continue to be required. Section 1703 (b)(2).

(2) **Contracts with the City** - The TPA should be amended so that its provisions also cover persons who are bidding on or negotiating for contracts that are worth over \$25,000 except those who are bidding on or receiving low bid contracts. Section 1704 (c).

(3) **Contribution Limitations** - The TPA should be amended to apply contribution limits to Pasadena races: \$1,000 per election for City Council and \$2,000 per election for Mayor, adjusted for cost of living increases every two years, rounded off to the nearest \$100. Section 1706.5.

(4) **Ballot Measure Committees** - The TPA should also cover Pasadena public officials who raise money for local ballot measure committees that the official controls. Section 1703 (c) (3).

(5) **Outside Election Races** - The TPA should only apply to officials and candidates in city races and not elections outside of Pasadena. Section 1703 (c)(3).

(6) **Enforcement** - The City should authorize the City Attorney to bring criminal actions except in cases involving elected City officials in which case the City Attorney should refer the complaint to the L.A. County District Attorney's office. The current law that allows citizens to bring private civil actions should not be changed. Section 1707 (a) and (c).

(7) **Subpoena Power** - The TPA should give subpoena authority to the City Attorney and where referrals are made to it, the L.A. County District Attorney. Section 1707 (d).

(8) **Agencies Outside the City** - The TPA should only apply to Councilmembers or other City officials serving on outside boards as City representatives (e.g., the Burbank Airport Authority), if these other agencies have reporting requirements allowing compliance with the TPA. Section 1704 (b).

(9) **Thresholds** - The thresholds for determining which decisions should be affected by the TPA should be the same (over \$25,000) in most instances. The only exceptions would be the grant of a tax abatement, exception or benefit, which should remain at over \$5,000 in a twelve-month period and awarding of franchises worth over \$50,000 in gross receipts. The thresholds should be adjusted for cost of living increases every five years and rounded off to the nearest \$1,000. Section 1703 (a) (7) and (9).

(10) **Disclosure Implementation** - The files of the City listing those persons who would be prohibited from providing personal advantages to City officials who have made a decision benefiting them should be posted on the internet so that the records are available to the public in an easy-to-use and timely manner. Section 1705 (c).

(11) **Cumulation** - The TPA should eliminate the need

to cumulate public benefits in amounts under \$5,000 unless it is clear that the amounts will meet or exceed the thresholds. Section 1703 (a) (8).

(12) **Franchises** - The TPA should be clarified to require that the franchise has to be awarded by the City. Section 1703 (a) (4).

(B) It is further recommended that the City Council cause to be placed on the ballot at the next available city-wide election the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Amendment.

John Van de Kamp, Chair of the Task Force on Good Government, and consultant Steve Levin, Center for Governmental Studies, introduced the item, summarized the final report, provided an overview of the recommendations to City Council and responded to questions.

The Chair commended the City Attorney, City Clerk, and Consultant staff that was assigned to support and assist the Task Force in reviewing the Taxpayer Protection Amendment.

Responding to Councilmember Streator's request for reasons the Task Force was recommending campaign contribution limitations, the Chair stated that implementation of such a provision would limit the appearance of corruption and strengthen the public's confidence in the political process in Pasadena.

Consultant Levin provided information regarding the State's disclosure process and the method in determining if a Councilmember were in control of a ballot measure committee.

Councilmember Little suggested that language be crafted that would have the TPA apply evenly to all candidates by prohibiting companies or persons receiving a public benefit from contributing to any Councilmember or Mayoral campaign.

Vice Mayor Madison stated his concerns that the TPA is fundamentally flawed due to the constitutional legal issues surrounding the measure and that the City Council may have given the Task Force an impossible assignment.

Councilmember Haderlein
was excused at 9:40 p.m.

Councilmember Gordo stated that the public is interested in full disclosure of political contributions made during elections and raised concerns that by implementing campaign contribution limits, political action committees may utilize independent expenditures as a means of bypassing the disclosure process and therefore, deny the transparency that the public desires. The Chair stated that the limits recommended by the Task Force are purposely set at a high level in order to encourage political participation through contributions while limiting the influence of money on the political process.

Councilmember Gordo also expressed concern that those individuals with abundant financial resources could independently fund a political campaign and, based on contribution limits, have an advantage over those candidates who required financial support through political contributions.

Councilmember Little was excused at 10:19 p.m.

Councilmember Holden raised the issue that the Task Force did not adhere to the charge given to it by the City Council, which related to the constitutional issues of the TPA, and by addressing campaign contribution limits, the Task Force was acting outside its purview. He stated his concerns that campaign contribution limits would further act as a deterrent to those with limited resources to seek public office in Pasadena. He stated for the record that examining the issue of campaign contribution limitations was a stretch of the Task Force's charge.

Carmen Balber, representing the Foundation for Taxpayer and Consumer Rights, spoke in favor of the recommendations presented to the City Council and commended the effort of the Task Force on Good Government.

In response to a question, Task Force Chair John Van de Kamp clarified that the proposed contribution limits would apply separately to the primary election and to the general election.

Councilmember Haderlein returned at 10:36 p.m.

Vice Mayor Madison suggested that the recommendations from the Task Force be agendaized for further discussion at the March 6, 2006 City Council meeting. The City Attorney stated that the City Council would need to adopt the election resolutions at the March 6, 2006 meeting in order to meet the deadlines for the June 2006 ballot, and suggested that if the item were agendaized for the March 6, 2006 meeting, then the City Council should direct the City Attorney to draft proposed language for the election resolutions.

Councilmember Little returned at 10:38 p.m.

Councilmember Streater stated her concerns regarding the lack of time needed to discuss the issues properly and, given that the TPA is currently being implemented by the City, she suggested that the City Council utilize additional time as an opportunity to review the recommendations of the Task Force, discuss the proposed changes, present new changes, and draft new language accordingly.

The City Council agreed by consensus to direct staff to calendar this item for further Council discussion in the near future.

The Mayor and City Council expressed their gratitude to the Task Force members, the staff of the Center for Governmental Studies, and City staff for the hard work and dedication required to provide the recommendations to the Council.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**REPORTS FROM
REPRESENTATIVES**

**ORAL STATUS REPORT FROM CITY'S APPOINTEE ON
THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
GOVERNING BOARD (Councilmember Tyler)**

Councilmember Tyler provided a status report regarding recent legal issues surrounding the San Gabriel Valley Council of Governments (COG).

Following concerns stated by Vice Mayor Madison, Councilmember Streator requested that the City Attorney's Office examine the COG's financial issues and the potential legal and liabilities issues that may pertain to the City, if any.

Councilmember Little expressed his concerns regarding the COG's handling of the situation and the need for future potential changes to the relationship that the City of Pasadena has with the organization. He requested that the City Council continue to be apprised of the situation in order to determine if future changes are needed.

It was noted that an update report will be provided to the Council within approximately one month.

Councilmember Streator reported, pursuant to the requirements of AB 1234, that she attended on behalf of the City a joint sponsored seminar of the Independent Cities Association and the Los Angeles County Police Chiefs Association on February 17-19, 2006 to discuss issues in working together during emergencies.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**SUPPORT FOR AN INITIATIVE TO CLOSE THE
PROPOSITION 42 "LOOPHOLE" THEREBY SECURING
LOCAL TRANSPORTATION FUNDS**

Recommendation of City Manager:

- (1) Adopt a resolution to support a measure to secure local transportation funding; and
- (2) Authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena's position. (Resolution No. 8566)

The City Manager summarized the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)