

OFFICE OF THE CITY CLERK

June 26, 2006

TO: CITY COUNCIL

FROM: CITY CLERK

**SUBJECT: LEGISLATIVE POLICY COMMITTEE ACTIONS REGARDING
FINAL RECOMMENDATIONS OF THE
TASK FORCE ON GOOD GOVERNMENT**

The Legislative Policy Committee had two special meetings on May 9, 2006 and June 7, 2006, to review the final recommendations of the Task Force on Good Government. Both of these meetings were attended by Task Force Chair John Van de Kamp and Task Force consultant Robert Stern.

At a special meeting held on June 7, 2006, the Legislative Policy Committee took straw poll votes on the recommendations of the Task Force, as follows:

The Committee recommends support of all of the Task Force recommendations. The Committee's straw poll votes were unanimous on Task Force Recommendations (2) Contracts with the City; (4) Ballot Measure Committees; (5) Outside Election Races, (6) Enforcement; (7) Subpoena Power; (8) Agencies Outside the City; (9) Thresholds; (10) Disclosure Implementation; (11) Cumulation; and (12) Franchises.

There was majority consensus of the Committee to recommend support of Task Force Recommendations (1) Non-Profits and (3) Contribution Limits, with Councilmember Holden objecting.

The following are actions of the Committee pertaining to the issues referenced in the City Attorney's June 7, 2006 memorandum entitled "Proposed General Changes to TPA" (Attachment A of this cover memorandum):

Pre-Contract Black Out Period – There was unanimous consensus of the Committee to not delete the words “person or” (as recommended by the City Attorney) in proposed Charter language for Section 1704 (c), with the first sentence to remain as proposed by the Task Force, as follows: *“No person or entity who bids on a contract with the City, or enters”* There was also unanimous consensus of the Committee to replace the City Attorney’s proposed new second sentence for said section (*“Excluded from this prohibition are all employees or individual members of the entity.”*) with the following replacement sentence: *“The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof.”*

Application of the TPA to Non-Incumbent Candidates – There was unanimous consensus of the Committee to have no recommendation on applying the TPA to non-incumbents, and allow the full Council to address the issue.

Restrictions on Employees – There was unanimous consensus of the Committee to recommend that Section 1704 of the TPA be amended, with the amendment to apply to employees only (and not elected officials or appointed officials serving on advisory bodies), to keep the current one-year restriction after the official’s departure from office, but change the current five-year restriction to two years from the date the official (employee) approves the public benefit.

Replacing Ban With a Contribution Cap – There was majority consensus of the Committee (Chair Bogaard and Councilmember Tyler) to recommend that there be no change to the current total ban on campaign contributions that may be given by public benefit recipients. (Councilmember Holden objected, and voiced support for a \$250 campaign contribution cap.)

The following are actions of the Committee pertaining to issues referenced in the City Attorney’s June 7, 2006 memorandum entitled “Proposed Changes to TPA As Applied to Land Use Matters” (Attachment B of this cover memorandum) and City Attorney’s February 23, 2006 memorandum entitled “Task Force on Good Government’s Final Recommendations” (attached to Task Force’s final report):

Administrative Burden of TPA as Applied to Land Use Matters – There was unanimous consensus of the Committee to recommend that the extent of the TPA’s application to land use decisions be addressed through administrative guidelines.

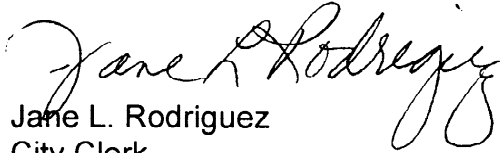
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Authority to Issue Guidelines and Interpretations – There was unanimous consensus of the Committee to recommend approval of the City Attorney's recommendation (see City Attorney's memorandum dated February 23, 2006, attached to the Task Force's final report) to amend Section 1707 (e) with specific Charter language to grant authority to the City to adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702 of the TPA.

Task Force Recommendation to Place Recommendations on the Next Available City-wide Election – The Committee acknowledged that should the City Council reach a conclusion on these approaches by the end of July 2006, these recommendations could be placed on the November 7, 2006 ballot for consideration by the voters.

Attachment C is a copy of the Legislative Policy Committee's draft June 7, 2006 minutes for purposes of reference to the above actions.

Respectfully submitted,


Jane L. Rodriguez
City Clerk

CITY OF PASADENA

MEMORANDUM

To: Legislative Committee of the City Council

From: Michele Beal Bagneris, City Attorney *MBB*
Theresa E. Fuentes, Deputy City Attorney *TS*

Date: June 7, 2006

Re: Proposed General Changes to TPA

The Legislative Committee discussed a number of changes to the Taxpayer Protection Amendment (“TPA”) at its last meeting. For ease of reference, the City Attorney’s Office has set forth those items, and proposals for their implementation, below. These issues are in addition to the constitutional issues raised in our February 9, 2006 and February 23, 2006 memos.

1. Pre-Contract Blackout Period

The Task Force for Good Government (“Task Force”) proposed that the TPA apply to persons who are bidding on or negotiating contracts with the City worth over \$25,000 (see Task Force report, item #2, pp. 7-8). The City Attorney’s Office expressed concern that such an application of the TPA would unconstitutionally restrict the First Amendment rights of employees of a company negotiating a contract with the City. Accordingly, if the Task Force recommendation is adopted, this office suggests the modification to the Task Force’s recommendation as set forth in italics below:

(c) No ~~person or~~ entity who bids on a contract with the City, or enters into a lease agreement or land sales agreement with the City, with a value in excess of \$25,000, which requires approval by the City Council, shall make any campaign contribution to any member of or candidate for the City Council, or committee controlled by the member or candidate, from the time the Request for Proposal or other bid process has been issued or from the time negotiations commence, whichever is earlier, until the negotiations have terminated. Excluded from this prohibition are all employees or individual members of the entity. When negotiations have terminated, this Article continues to apply to the public benefit recipient, if any. This section does not apply to low bid contracts as defined by Section 1002 of the City Charter.

2. Application of TPA to Non-Incumbent Candidates

The TPA bans sitting Council members from receiving campaign contributions from public benefit recipients. The inequity of this ban on incumbents was discussed at length at the Task Force, and at the Legislative Committee’s last meeting. One idea that arose out of the Legislative Committee was adoption of a parallel restriction on non-incumbents; a non-incumbent would be asked or required to refrain from accepting campaign contributions from the persons on the TPA tracking list. A ban on a non-incumbent’s receipt of campaign contributions

from those on the TPA list may run into constitutional questions since there is no legal “rational basis” for the restriction.

3. Restrictions on Employees

The City Attorney’s Office voiced its concern that the TPA overly restricts future employment options for City employees, and suggests adding the following to Section 1704 of the TPA:

(c) When the public official acts in his or her capacity as an employee of the City, the time restrictions in this section shall, in all cases, apply only for one year from the date on which the official approves the public benefit.

4. Replacing Ban With a Contribution Cap

The Legislative Committee discussed how to address the position of the City Attorney’s Office that a ban on campaign contributions is constitutionally suspect. One idea that arose was to impose a cap on campaign contributions that may be given by public benefit recipients. The City Attorney’s Office believes this idea may reduce the chance that a court would find the TPA unconstitutional.

CITY OF PASADENA

MEMORANDUM

To: Legislative Committee of the City Council

From: Michele Beal Bagneris, City Attorney *MBB*
Theresa E. Fuentes, Deputy City Attorney *TF*

Date: June 7, 2006

Re: Proposed Changes to TPA As Applied To Land Use Matters

The City Attorney's Office was asked to comment on potential changes to the Taxpayer Protection Amendment ("TPA") which may ease the administrative burden of its implementation. In addition to the matters addressed in other memos of the same date, this office is of the opinion that the Planning Department is heavily burdened by the TPA. The TPA section which triggers land use applications is as follows:

Section 1703. DEFINITIONS.

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

....

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000,

....

The Legislative Committee has two options if it wishes to address the extent of the TPA's application to land use decisions: (1) adopt a more narrow reading of Section 1703(a)(5) as it is currently written, or (2) propose to the voters that Section 1703(a)(5) be revised to more precisely reflect the intention to capture only exceptions to generally applicable land use regulations.

In conservatively adopting a broad reading of the voter intent set forth in Section 1702 of the TPA, the above section of the TPA was applied to nearly every discretionary land use application issued by the Planning Department. Attached hereto as Exhibit A is the current list of permits to which the TPA may be applied. A more precise reading of Sections 1702 and 1703(a)(5) could be taken, supporting the conclusion that the voters only intended the TPA to apply to *exceptions* to generally applicable land use regulations. This interpretation respects the principle that a land use applicant's First Amendment rights should not be restricted where the developer proposes a development that fully complies with the City's municipal code. It further supports the voter intent set forth in Section 1702 to avoid the potential corruptive influences that may be present when "*special* land use . . . *exceptions*" are sought (emphasis added).

Amendment of the TPA by the voters would address the issue more directly, and with more certainty. Section 1703(a)(5) could be replaced to specify those exceptions to the City's land use permitting process which it appears the voters intended to capture, as follows:

(5) confer a variance, minor variance, development agreement, planned development, adjustment permit, zone change, master sign plan, density bonus pursuant to state law, modifications to any of the preceding, or any other exception to a zoning code development standard, as set forth in the City's Zoning Code.

Under either of the options set forth herein, the number of land use applications subject to the TPA could drop significantly, thereby drastically reducing the administrative burden on the Planning Department of tracking the approvals subject to the TPA, while remaining consistent with the voters' intent.

OAKS INITIATIVE
Planning & Development Actions Within Guidelines

<u>Section</u>	<u>Action</u>	<u>Decision Maker</u>
C	Adjustment Permit	CC
C	Development Agreement	CC
C	General Plan Amendment	CC
C	Street Vacation	PC
C	Specific Plan/Specific Plan Amendment	CC
C	Master Development Plan	CC
C	Planned Development	CC
C	Zone Change - Text, Map	CC
D	Cert. of Approp./Alteration-Commission Review	HPC
D	Cert. of Approp./Alteration-Landmarks	HPC
D	Cert. of Approp./Alteration-Modification	HPC
D	Cert. of approp./Alteration-Staff Review	Staff
D	Cert. of Approp./Demo-Insignificant	Staff
D	Cert. of Approp./Demo-Landmarks	HPC
D	Landmark Designations	CC
D	Cert. of Approp./Extension-Demo & Alterations	Staff/HPC
D	Cert. of Approp./Replacement-Permit Relief	HPC
D	Conc. Des. Major Projects > 100,000 sq. ft.	DC
D	Conc. Des. Major Projects more than \$100,000	DC
D	Concept Design Intermediate Projects	DC
D	Concept Design Minor Projects	DC
D	Concept Design/Modification	Staff
D	Concept Design Review - Signs/Awnings	Staff
D	Consolidated Design Review/Modification	Staff
D	Consolidated Review - Alteration/Storefront	Staff
D	Consolidated Review Major	DC
D	Design Review Extension	Staff
D	Final Design Review	DC
D	Master Sign Permit	Staff
Z	Cert. of Exception/Lot Line Adjustment	Sub
Z	Cert. of Exception/Modification	Sub
Z	Certificate of Compliance	ZA
Z	Conditional Use Permit	ZHO
Z	Conditional Use Permit/Modification	ZHO
Z	Condo Conversion - Filing	Sub
Z	Condo Conversion - Stock Co-op Conversion	Sub

Z	Condo Conversion without Map	Sub
Z	Creative Sign Permint	ZA
Z	Hillside Development Permit	ZHO
Z	Minor CUP/Hillside	ZHO
Z	Minor CUP/Modification	ZHO
Z	Minor Conditional Use Permit - Regular	ZHO
Z	Minor Variance	ZHO
Z	Minor Variance/Modification	ZHO
Z	Preliminary Plan Check/Above 20,000 sq. ft	Staff
Z	Preliminary Plan Check/Under 20,000 sq. ft.	Staff
Z	Sign Exception	ZHO
Z	Sign Exception/Modification	ZHO
Z	Subdivision Map Extension Request	ZA
Z	Temporary Conditional Use Permit	ZA
Z	Tentative Parcel Map	Sub
Z	Tentative Parcel Map/Modification	Sub
Z	Tentative Tract Map	Sub
Z	Tentative Tract Map/Modification	Sub
Z	Tree Removal	PD
Z	Use Permits & Variance Extension Requests	ZHO
Z	Variance	ZHO
Z	Variance with Subdivision	ZHO
Z	Variance/Modification	ZHO
Z	Variance/Modifications for Disabilities	ZHO
Z	Vesting Tentative Map	Sub
Z	Voluntary Relinquishment Fee	ZHO
Z	Zoning Admin Legal Interpretation	ZA
Z	Zoning Parking Credit Application	ZA
Z	Variance for Historic Resources	ZHO
Z	Expressive Use Permit	ZHO
A	Public Art Proposals	AC
A	CIP Public Art Expenditures	AC
A	Arts & Culture Grant Award	AC
A	Cultural Trust Fund Grant Award	AC
A	Cultural Trust Fund - Fund Distribution	AC
CE	Code Enforcement Complaint	CEC

Key:

C	Community Planning
D	Design & Historic Preservation
Z	Zoning
A	Arts
CE	Code Enforcement
CC	City Council
PC	Planning Commission
HPC	Historic Preservation Commission
DC	Design Commission
Sub	Subdivision Committee
ZA	Zoning Administrator
ZHO	Zoning Hearing Officer
AC	Arts Commission
CEC	Code Enforcement Commission
PD	Planning Director

**CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE MINUTES
CHAMBER BUILDING
117 E. COLORADO BOULEVARD
COUNCIL CONFERENCE ROOM
JUNE 7, 2006
SPECIAL MEETING**

OPENING The Chair called the special meeting of the Legislative Policy Committee to order at 3:05 p.m.

ROLL CALL
Mayor Bill Bogaard, Chair
Councilmember Chris Holden
Councilmember Sidney F. Tyler, Jr.

Staff:
Julie Gutierrez, Assistant City Manager
Jane Rodriguez, City Clerk
Theresa Fuentes, Deputy City Attorney
Beverly Bogar, Recording Secretary

APPROVAL OF MINUTES The minutes of March 28, 2006 and May 9, 2006 were unanimously approved as submitted. (Ayes: Chair Bogaard, Councilmembers Holden and Tyler).

The minutes of April 25, 2006 were approved as submitted. (Ayes: Chair Bogaard, Councilmember Holden. Abstained: Councilmember Tyler)

NEW BUSINESS **FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT**

The Chair introduced the item.

Ms. Theresa Fuentes, Deputy City Attorney, reviewed and summarized a memorandum from the City Attorney's Office entitled "Proposed General Changes to TPA" which was prepared in response to Legislative Committee discussion at its prior meeting.

Committee members, Ms. Fuentes, Task Force Chair John Van de Kamp, and Task Force Consultant Robert Stern reviewed and discussed the proposed changes referenced in the City Attorney's memorandum in the following four areas:

(1) Pre-contract Black Out Period

Following discussion, there was a consensus to not delete the words "person or" (as recommended by the City Attorney) in proposed Charter language for Section 1704(c), with the first sentence of said section to remain as proposed by the Task

Force, as follows: "(c) No person or entity who bids on a contract with the City, or enters" Mr. Stern noted that an individual person may bid on a contract, thus the language should remain as proposed by the Task Force.

The Committee then reviewed new language recommended by the City Attorney's Office to insert the following as the second sentence in proposed language for Section 1704(c): "Excluded from this prohibition are all employees or individual members of the entity."

Following discussion, and noting that some employees of an entity may also be directors or officers of an entity, there was unanimous consensus of Committee members, the Task Force Chair, Task Force consultant, and staff to replace the wording suggested by Ms. Fuentes with the following language proposed by the Mayor for the second sentence of Section 1704(c): "The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof."

2. Application of TPA to Non-Incumbent Candidates

It was noted that Councilmember Little had suggested (at a Council meeting) that the TPA apply to non-incumbent candidates. Ms. Fuentes noted that this issue had been discussed in depth by the Task Force. She noted there is no good way of applying the TPA to non-incumbents, and that applying the TPA to non-incumbents may run into Constitutional questions because there is no rational basis for the restriction. Mr. Van de Kamp and Mr. Stern concurred with Ms. Fuentes. It was noted that the City Attorney's Office recommendation to not apply the TPA to non-incumbents was consistent and not in conflict with the Task Force recommendation.

There was unanimous consensus of the Committee to have no recommendation on applying the TPA to non-incumbents, and allow the full Council to address the issue.

3. Restrictions on Employees

Ms. Fuentes reviewed the City Attorney's position that while there may be some basis for the one to five-year restriction for elected officials (one year after the expiration of the term of office or the official's departure from office, or five years from the date the official approves or votes to approve the public benefit), the City Attorney's Office recommends that the restriction apply only for one year for employees from the date on which the official

approves the public benefit (instead of five years).

Task Force Chair John Van de Kamp and Ms. Carmen Balber, representing the Foundation for Taxpayer and Consumer Rights, agreed that it was the sense of the Task Force that until there is a better indication from the City and the employees that the five-year restriction was causing a real problem, there should be no change.

Ms. Fuentes responded that there is no evidence yet of a problem because the TPA was just implemented this year, so the full impact has not been felt yet, however, problems can be foreseen. She noted a one-year restriction (instead of five years) is similar to that imposed by the FPPC regulations, and that the intent of the one to five-year period is to restrict elected officials from receiving campaign contributions through the next election cycle (with four-year terms); and there is no justification for a restriction that length of time for employees. Thus, the City Attorney's Office recommends a one-year restriction for employees.

Mr. Van de Kamp noted there may be some argument to an intermediate solution.

Ms. Fuentes responded to questions regarding staff decisions being pushed up to a higher level to lessen the impact of the TPA on employees and future employment options.

Councilmember Tyler expressed concern that the whole decision-making process of discretionary items is being influenced by the TPA, and that the City organization is becoming more inefficient as a result of the TPA.

Ms. Fuentes noted that the City Attorney's recommended shorter time period is to provide a more rational timeline for the restriction on future employment.

It was suggested by Councilmember Tyler that the restriction for employees be one year from the official's departure from office, or two years (instead of the current five years) from the date the official approves the public benefit.

Ms. Carmen Balber, representing the Foundation for Taxpayer and Consumer Rights, spoke in support of the current five-year restriction and stated five years is not unreasonable, that the two-year number is arbitrary, but if the change is geared to employees only, and not elected officials or appointed officials who make large decisions, this change would not kill the Foundation's support for the Task Force recommendations.

Mr. Van de Kamp did not object to the suggested change suggested by Councilmember Tyler.

It was clarified by Chair Bogaard that there are three categories: elected officials, appointed officials on advisory bodies, and employees, and the suggested change would apply to employees only.

Councilmember Holden noted that Councilmember Tyler's suggestion addresses the concerns of the City Attorney's Office regarding the current five-year restriction from the date the official approves a public benefit.

There was unanimous consensus of the Committee to recommend that Section 1704 of the TPA be amended, with the amendment to apply to employees only (and not elected officials or appointed officials serving on advisory bodies), to keep the current one year restriction after the official's departure from office, but change the current five-year restriction to two years from the date the official (employee) approves the public benefit.

4. Replacing Ban With a Contribution Cap

Ms. Fuentes noted that one idea that arose from the Committee's last meeting was to replace the total ban on contributions with a cap on campaign contributions that may be given by public benefit recipients. This would allow a recipient of a public benefit to participate in the public process but at a level, arguably, where no influence could be bought, thus keeping with the goal of the TPA. She added that the issue warrants more discussion and that the City Attorney's Office does not have a recommendation on the amount of a cap.

Discussion ensued regarding an appropriate amount for a cap, and the amount of \$250 was discussed.

Mr. Van de Kamp, Chair of the Task Force, suggested the Committee stay away from this proposed change, and expressed concern that such a change would cause the Foundation for Taxpayer and Consumer Rights to no longer support the Task Force recommendations.

Ms. Carmen Balber, representing the Foundation for Taxpayer and Consumer Rights, spoke in opposition to changing the total ban on campaign contributions that may be given by public benefit recipients.

Task Force Consultant Robert Stern discussed the constitutionality of a total ban.

Councilmember Tyler noted if you establish a limit you are permitting contributions up to some stipulated amount from public benefit recipients, and this could be construed as the appearance of *quid pro quo*.

Councilmember Holden expressed support for a contribution cap instead of a total ban. He noted the issue of excluding non-profits from the ban and contribution caps are related items. He stressed the need to treat everyone the same, and noted this can be accomplished through contribution caps. He voiced support for contribution caps, and opposition to excluding non-profits from the ban, as this does not treat everyone the same.

Councilmember Tyler and Chair Bogaard expressed support for not making any changes to the current total ban.

Following discussion, there was majority consensus by Chair Bogaard and Councilmember Tyler to recommend that there be no change to the current total ban on campaign contributions that may be given by public benefit recipients. (Councilmember Holden objected, and voiced support for a \$250 campaign contribution cap.)

Administrative Burden of TPA as Applied to Land Use Matters

Ms. Fuentes reviewed the City Attorney's June 7, 2006 memorandum entitled "Proposed Changes to TPA As Applied to Land Use Matters." She noted at the prior Legislative Committee meeting, she had discussed the administrative burden of the TPA and how the Planning Department has been severely impacted, and that she was asked to report back to the Committee on how the Planning Department's burden could be more precisely tailored to fit within the TPA.

Ms. Fuentes reviewed two options before the Committee to address the extent of the TPA's application to land use decisions: (1) adopt a more narrow reading of Section 1703(a)(5) as it is currently written, or (2) propose to the voters that Section 1703(a)(5) be amended to more precisely reflect the intention to capture only exceptions to generally applicable land use regulations.

Ms. Fuentes reviewed an attachment to her June 7, 2006 memorandum listing all the various types of Planning and Development Department actions that are currently tracked under the TPA. She reviewed numerous actions which would no longer fall under the TPA if there was a more narrow reading of Section 1703(a)(5) through administrative guidelines or if said Charter section was amended. The following Planning and Development Department land use actions would continue to be tracked and fall

under the TPA under one of the above two options proposed by the City Attorney's Office:

- Adjustment Permit
- Development Agreement
- Master Development Plan
- Planned Development
- Zone Change – Text, Map
- Master Sign Permit
- Minor Variance
- Minor Variance/Modification
- Variance
- Variance with Subdivision
- Variance/Modification
- Variance/Modification for Disabilities
- Variance for Historic Resources

Ms. Fuentes noted that a very careful reading of Sections 1702 and 1703 of the TPA pertain to exceptions to the rule. She discussed the difficulty of Planning Department staff tracking all discretionary permits, noted the above actions are exceptions to the land use regulations, and these could be tracked regardless of dollar amount. By tracking only exceptions to land use regulations (listed above) instead of every discretionary action, this would address the administrative burden on staff and the burden of trying to figure out the monetary value of the action.

Discussion ensued regarding the various types of discretionary actions. Mr. Van de Kamp suggested that a differentiation needs to be made between discretionary decisions and ministerial decisions, and then a dollar figure of some kind would take out the least significant decisions. Ms. Carmen Balber concurred with Mr. Van de Kamp.

Further discussion ensued regarding the need to have the right amount of flexibility in administering the TPA, the difficulty in trying to address every problem that may arise in administering the TPA, concern that this could have a potential crippling effect on how the City does business if everything is not put in the right category to make it flow effectively for the administration, and the preference to address this through administrative guidelines rather than a Charter amendment.

Councilmember Holden discussed his preference to hear recommendations from the City Manager and the City Attorney, who are the ones who have to administer the TPA.

The Mayor suggested that when the Task Force report comes back to the City Council, that the City Manager include in the

presentation the speech that she gave before the Task Force. He noted the speech was detailed, and it was clear as to the administrative burden that the TPA poses on City operations.

There was unanimous consensus of the Committee to recommend that the extent of the TPA's application to land use decisions be addressed through administrative guidelines.

Authority to Issue Guidelines and Interpretations

Ms. Fuentes reviewed the City Attorney's February 23, 2006 memorandum entitled "Task Force on Good Government's Final Recommendations" and City Attorney's proposed Charter language for Section 1707(e), as follows: "The City may adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702."

Ms. Fuentes noted the City Council adopted administrative guidelines once before in August 2005, with a staff report explaining the reasons for those particular guidelines. She noted the recommended Charter language would codify the authority to adopt guidelines.

Chair Bogaard clarified that this would contemplate staff reporting to the City Council with a written report in public session with justification or reasons to amend the guidelines or issue new interpretations, provided they are consistent with the intent and purpose of the TPA.

There was unanimous consensus of the Committee to recommend approval of the City Attorney's recommendation to amend Section 1707(e) with specific Charter language to grant authority to the City to adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702 of the TPA.

The Legislative Policy Committee reviewed and took straw poll votes on each of the recommendations of the Task Force, as follows:

Final Recommendations of the 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 Task Force's 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).

Chair Bogaard stated there is a distinction between non-profit organizations and profit organizations in many contexts, and the distinction is widely recognized. He stated his preference to not require disclosure for exempt non-profits, but noted the Task Force reached a consensus on the package of recommendations and he will accept the recommendation.

Staff noted that the exempt non-profits would need to be tracked on a separate tracking list even through they are not subject to the ban.

Following discussion, there was majority consensus by Chair Bogaard and Councilmember Tyler to recommend support of the Task Force's recommendation. (Councilmember Holden objected.)

(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).*

Chair Bogaard noted that it has been suggested that this recommendation does increase the administrative burden, but staff has not suggested that it is impossible or unworkable to administer.

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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.*

Councilmember Holden stated this issue was not part of Council's directive on the charge to the Task Force, and he suggested that this be a non-recommended item and Council could deal with it separately, outside of the Task Force recommendation.

There was majority consensus by Chair Bogaard and Councilmember Tyler to recommend support of the Task Force's recommendation. (Councilmember Holden objected.)

(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).*

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).*

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).*

Chair Bogaard noted the recommendation would strengthen the enforcement provisions of the TPA.

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).*

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).*

Mr. Van de Kamp briefly responded to questions.

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).

Mr. Van de Kamp and Mr. Stern briefly responded to questions.

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(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).*

It was noted that increasing the information posted on the internet and accessible to the public will reduce the demand on City staff time to produce and copy lengthy reports.

There was unanimous consensus of Committee members to recommend support of the Task Force's recommendation.

(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).*

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

(12) Franchises – *The TPA should be clarified to require that the franchise has to be awarded by the City.*

There was unanimous consensus of the Committee to recommend support of the Task Force's recommendation.

The Chair noted there would be another opportunity for interested parties to comment further on these proposed recommendations when the report goes back to City Council.

(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.*

Chair Bogaard noted that should the City Council reach a conclusion on these approaches by the end of July 2006, these recommendations could be placed on the November 7, 2006

ballot for consideration by the voters.

Mr. Van de Kamp commented that the earlier memo on cost was done before the NFL initiative measure was put on the November ballot. If this goes on the ballot with that measure, there is a small incremental cost.

The City Clerk concurred that the initial cost is consolidating with the November election that requires the jurisdiction to pay a pro rata cost of the election cost, and the County Registrar's Office has quoted several thousand dollars more to add an additional City measure on the consolidated ballot.

This item was concluded by the Chair by noting the Committee's minutes of this meeting would reflect the positions taken on each of the items.

APPROVAL OF CONTRACT RENEWAL WITH CAROLYN C. CHANEY & ASSOCIATES, INC. FOR LEGISLATIVE LIAISON SERVICES

The Chair briefly noted that the recommendation continues the twenty-five year relationship with Carolyn Chaney.

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to forward the Mayor's recommendation to Council. (Motion unanimously carried) (Absent: None).

STATUS OF FEDERAL AND STATE TELECOMMUNICATIONS LEGISLATION

Following a brief update, the information was received and filed.

PUBLIC COMMENT
(On matters not on the agenda)

There were no public comments.

ADJOURNMENT

On the order of the Chair, the regular meeting of the Legislative Policy Committee adjourned at 5:35 p.m.

ATTEST:

MAYOR BILL BOGAARD, Chair
Legislative Policy Committee

Beverly Bogar
Recording Secretary