



OFFICE OF THE CITY ATTORNEY / CITY PROSECUTOR
CIVIL DIVISION

TO: Honorable Mayor and Members of the City Council

FROM: Michele Beal Bagneris, City Attorney *MBB*
Scott D. Rasmussen, Assistant City Attorney *SR*

DATE: November 14, 2007

RE: An Ordinance of the City of Pasadena Amending the Light and Power Rate Ordinance, Chapter 13.04 of the Pasadena Municipal Code, to Revise the Public Benefit Charge (Supplemental Report)

At the September 24 City Council meeting, the City Council directed the City Attorney's Office to prepare revisions to the public benefit charge ordinance (PMC section 13.04.230) based upon the recommendations contained in the accompanying Agenda Report.

The ordinance was presented for first reading on the City Council's November 5 agenda. At that meeting, Councilmember Tyler questioned whether the ordinance text was consistent with the City Council's direction, specifically whether the ordinance formula for determining the charge should explicitly reference PWP's annual budget for public benefits.

In reviewing the matter, we have confirmed that the ordinance presented for first reading is consistent with City Council's direction and with the Agenda Report's description of the formula for setting the charge. The budget's role in the formula which determines the public benefit charge is implicit in the proposed text. This has been discussed further with Councilmember Tyler and we believe that it would be appropriate to adopt the ordinance as presented.

cc: Cynthia J. Kurtz
Phyllis Currie
Eric Klinkner

