



PASADENA TOURNAMENT *of* ROSES

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--CITY MGR

October 12, 2009

Mr. Michael Beck
City Manager
100 N. Garfield Ave, Room 237
Pasadena, CA 91109-7215

Dear Michael,

It has come to my attention over the last year or so, that there are concerns regarding the appearance of a conflict of interest for our Tournament representative on the Rose Bowl Operating Company. We believe this is something that needs to be settled before we get into serious discussions regarding the strategic plan for the future of the Rose Bowl Stadium.

As I understand the situation, the present language of Pasadena Municipal Code Section 2.175.030 (RBOC membership), states, "The Tournament of Roses Association shall nominate 1 member." Apparently that language is insufficient to trigger the "public generally" exemption outlined in Section 18707.4 of the California Administrative Code (attached) in that it does not contain a specific finding and declaration that the our representative is appointed to represent and further the interests of the Tournament of Roses while serving on the Board.

It is my understanding that if the wording of the Municipal Code were changed to something like, "The Tournament of Roses may nominate one individual to represent its interests on the Board", this language might be sufficient to trigger the "public generally" exemption for our appointed representative.

I would appreciate your consideration of a wording change to the Code so that we can eliminate any issue of conflict of interest for our representative to the RBOC. If the language proposed in the paragraph above is not sufficient, we would appreciate recommendations on how to better word the Code to eliminate the issue.

Thanks for your consideration.

John M. Dorger
Chief Executive Officer

cc: Scott Jenkins
Rich Chinen

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION
CHAPTER 7. CONFLICTS OF INTEREST
ARTICLE 1. CONFLICTS OF INTEREST; GENERAL PROHIBITION

This database is current through 9/25/09 Register 2009, No. 39

§ 18707.4. Public Generally: Appointed Members of Boards and Commissions.

(a) For the purposes of Government Code section 87103, the "public generally" exception applies to appointed members of boards and commissions who are appointed to represent a specific economic interest, as specified in section 87103(a) through (d), if all of the following apply:

(1) The statute, ordinance, or other provision of law which creates or authorizes the creation of the board or commission contains a finding and declaration that the persons appointed to the board or commission are appointed to represent and further the interests of the specific economic interest.

(2) The member is required to have the economic interest the member represents.

(3) The board's or commission's decision does not

have a reasonably foreseeable material financial effect on any other economic interest held by the member, other than the economic interest the member was appointed to represent.

(4) The decision of the board or commission will financially affect the member's economic interest in a manner that is substantially the same or proportionately the same as the decision will financially affect a significant segment of the persons the member was appointed to represent. For purposes of this regulation, a significant segment constitutes fifty percent of the persons the member was appointed to represent.

(b) In the absence of an express finding and declaration or requirement of the types described in 2 Cal. Code Regs. section 18707.4(a)(1) and (2), the "public generally" exception only applies if such a finding and declaration or requirement is implicit, taking into account the language of the statute, ordinance, or other provision of law creating or authorizing the creation of the board or commission, the nature and purposes of the program, any applicable legislative history, and any other relevant circumstance.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 83112, Government Code. Reference: Section 87103, Government Code.

HISTORY

1. New section filed 11-23-98; operative 11-23-98 pursuant to the 1974 version of Government Code section 11380.2 and title 2, California Code of Regulations, section 18312(d) and (e) (Register 98, No. 48).

2. Editorial correction of History 1 (Register 2000, No. 25).

3. Amendment of subsections (a)(3)-(b) filed 7-11-2002; operative 8-10-2002 (Register 2002, No. 28).

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