

Agenda Report

October 24, 2011

TO: Honorable Mayor and City Council
FROM: Department of Transportation and City Attorney's Office
SUBJECT: STAFF REVIEW OF COMMISSION-REQUESTED AMENDMENTS TO "RULES AND REGULATIONS" FOR TRANSPORTATION ADVISORY COMMISSION

RECOMMENDATION:

It is recommended that the City Council adopt the proposed amendments to "Rules and Regulations" for the Transportation Advisory Commission, as set forth in Attachment A and direct the City Attorney's Office to draft an ordinance modifying the corresponding sections of the Pasadena Municipal Code, regarding TAC purpose, qualifications and the term of the TAC appointee to the Design Commission, to make them consistent with the TAC Rules and Regulations.

ADVISORY COMMISSION REVIEW:

The Transportation Advisory Commission (TAC) reviewed the proposed amendments to the Commission's Rules and Regulations at its regular meetings of October 28, 2010, and January 27, 2011. The proposed amendments were approved by the seven members who were in attendance at the January 27, 2011 meeting and are as set forth in Attachment B. Minor modifications, primarily for clarification and consistency with City Council practice, were made and incorporated into Attachment A, which has not been sent back to the TAC for further review.

BACKGROUND:

On September 28, 2011, the Legislative Policy Committee of the City Council received a request from the TAC for consideration of amendments to the TAC's Rules and Regulations (Attachment B). The Committee directed staff in the City Attorney's Office and the Transportation Department to evaluate the requested amendments with reference to the Pasadena Municipal Code. Subsequently, and in the effort to move this matter expeditiously, the Office of the Mayor was consulted in order to ascertain whether further clarifications were advisable for consistency with City Council practice. Based upon that consultation, the final proposed version is set forth in Attachment A.

The Rules and Regulations of the TAC were originally approved by the City's Board of Directors on June 13, 1988. Subsequently on December 22, 1992, the City Council

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received and filed minor suggested revisions to the Rules and Regulations as part of the TAC's Annual Report and Work Plan for 1992-1993.

On May 13, 2010, the TAC formed a subcommittee of two of its members to prepare a set of desired amendments to the Rules and Regulations. Over a period of several months, the subcommittee members met with staff from the Transportation Department, the City' Attorney's Office, and the City Clerk's Office to receive guidance on preparing the amendments in a manner that is consistent with various City policies and the City's Municipal Code.

The TAC's intent for these amendments was three fold:

1. Make the Rules and Regulations of the TAC consistent with the provisions of PMC 2.135. For example, several terms such as Board of Directors, number of members, and quorum requirements have been updated in the Municipal Code but have never been reflected in the Rules and Regulations of the TAC.
2. Clarify and expand on a number of areas on how the TAC conducts its business and where there have been questions or ambiguities in the past. These issues included:
 - Clarifications on teleconferencing requirements,
 - The protocol on how an item may be placed on the commission's agenda for discussion,
 - The conflict of interest provisions adopted by the city council,
 - The responsibilities of the officers of the commission,
 - Term requirements to serve as an officer of the commission,
 - The purpose of subcommittees, and
 - The notion of preparing Action Minutes of the meetings as adopted by the City Council.
3. Seek the City Council's approval to expand on:
 - (a) The purpose and function of the TAC,
 - (b) Broaden the qualification requirements to be a member of the TAC, and
 - (c) Introduce procedures on nominating a member to serve on the Design Commission.

Staff has reviewed the modifications requested by the TAC and believes that many of the suggested amendments are routine in nature and within the purview of the TAC to revise subject to the City Council's approval. As formulated by the TAC, there are three particular areas of the amendments to the Rules and Regulations (Purpose, Membership Qualifications, and Design Commission Nomination) which also suggest

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amendments to the Pasadena Municipal Code. Specifically, revision of PMC Section 2.135.110, adding the following to the TAC's area of responsibility: Measure R and Metro Sales Tax funds, streetcars and certain other regional studies, committees and task forces. In addition, revision of PMC Section 2.135.040, to indicate that TAC members have "experience, knowledge or interest in the fields of transportation, urban planning and public service" is suggested. Finally, revision of PMC Section 2.80.030 to indicate that TAC appointees serve for a period of time governed by the TAC Rules and Regulations, but for no greater a term than other Design Commissioners, is also suggested.

The request for specific additions to the Rules and Regulations is explained in more detail and highlighted in yellow for easy reference in the TAC Memorandum of September 28, 2011 to the Legislative Policy Committee (Attachment B). The further modifications made to the TAC proposal after consultation with the Office of the Mayor to ensure consistency with City Council practice are set forth in the redline version at Attachment A, which is the version recommended by staff.

The Legislative Policy Committee has also asked for advice on the proposed Rules and Regulations, with particular attention to any precedent being set by the TAC approach to the Council on these issues and whether it might have unintended consequences. In that regard, it should be noted that City Commissions are charged with developing Rules and Regulations consistent with their foundational ordinances and submitting them to the City Council for approval and filing. The Rules and Regulations which were submitted by the TAC for Council approval seek not only to update the TAC Rules in a routine fashion, as envisioned by the Code, but they also propose an expanded TAC mission as well as some changes to the mechanics of TAC representation on the Design Commission.

With respect to the precedential value of the request of the TAC, the request is consistent with the general direction of the Pasadena Municipal Code, Section 2.45.060, which directs Commissions to approach the City Council for clarification on roles and jurisdiction. Further, there is no other avenue prescribed for a Commission to make suggestions to the City Council on the issues of a Commission's role and composition. The comprehensive, revised set of Rules and Regulations, as offered by the TAC, appears to be an appropriate vehicle and one that places the request in context so that the City Council can review its effect on the entire work program of the TAC. It should be noted that the TAC spent many hours working through these issues with Department of Transportation staff and the City Attorney's and the City Clerk's Offices in order to narrow the issues to be put before the City Council. In that regard, the TAC, in its Memorandum of September 28, 2011, to the Legislative Policy Committee (Attachment B), has made clear the specifics of the changes sought, recognizing which issues implicate policies strictly within the purview of the City Council to make. It has framed these issues for Council consideration with an understanding that the Commission can request, and only the City Council has the authority to direct any changes. This has been a complex, deliberative process for the TAC. The only

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evident, unintended consequence from encouraging or allowing other Commissions to proceed in this fashion is the investment of time in developing and in reviewing the suggestions.

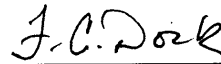
COUNCIL POLICY CONSIDERATION:

The request for City Council's approval of these amendments is consistent with the provisions of the Pasadena Municipal Code, Sections, 2.45.060 and 2.135.080, relating to a Commission seeking guidance of the Council and to the Rules and Regulations of the TAC.

FISCAL IMPACT:

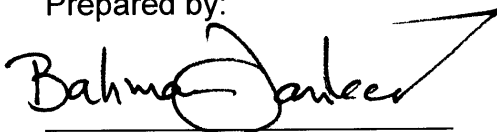
There are no fiscal impacts associated with the approval of these potential amendments.

Respectfully submitted,



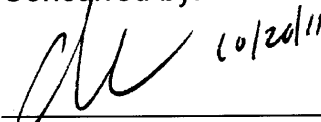
FREDERICK C. DOCK
Director
Department of Transportation

Prepared by:



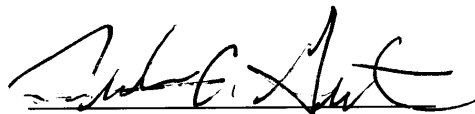
Bahman Janka
Transportation Administrator

Concurred by:



Nicholas George Rodriguez
Assistant City Attorney

Approved by:



For MICHAEL J. BECK
City Manager

Attachment A – Revised Rules and Regulations (Finalized and Redlined)

Attachment B – TAC Memorandum to the Legislative Policy Committee,
September 28, 2011