

## **Jomsky, Mark**

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**From:** NRCHOMSKY@aol.com  
**Sent:** Monday, June 10, 2013 2:02 PM  
**To:** Bagneris, Michele  
**Cc:** Beck, Michael; Jomsky, Mark; Bogaard, Bill; Madison, Steve; McAustin, Margaret; Gordo, Victor; Robinson, Jacque; Tornek, Terry; jkennedy@cityofpasadena.net; Masuda, Gene  
**Subject:** Council Meeting 6/10/13; Agenda Items 10 and 12 Appointments

Ms. Bagneris,

I am writing to you, Pasadena's City Attorney, with comments and a question about the above-referenced Agenda items on tonight's Council Agenda, namely the appointment of Stephanie DeWolf to the Planning Commission, and the appointment of Nicholas Rodriguez to the Rose Bowl Operating Company. My comments are my own individual comments and question.

My comments and question are not meant to criticize either Stephanie DeWolf or Nicholas Rodriguez in any way. In fact, these recent high-ranking City of Pasadena officials are well regarded, highly informed and competent, with enormous knowledge and background in very recent City affairs. This is what concerns me.

I have been under the impression that Commission members and operating company Board members are subject to the following legal constraints: such persons, in the performance of their duties must fully consider all aspects of matters before them without any prior opinion or commitment or bias. As to the Planning Commission, these rules would seem obviously to apply to quasi-legislative decisions at the Commission level, and, perhaps to an even higher level, to quasi-judicial decisions at the Board of Zoning Appeals level.

It appears to me that both Ms. DeWolf and Mr. Rodriguez possess so much knowledge and background, policy experience, personal relationships, legally confidential information, and, prior opinions and commitments related to their respective long-standing and very recent City high level staff service, that both must recuse themselves and/or engage in complex and detailed disclosure efforts to the point of severe restrictions on the ability of each to participate in Commission or Board affairs for the foreseeable future. For example: what about the ongoing General Plan process at the Planning Commission, and, what about the ongoing personal relationship of Mr. Rodriguez to the RBOC's Chief Operating Officer who is his son-in-law? (Perhaps, recusal at the RBOC is not as much of a problem as the Planning Commission, where the recusal of one member for important matters sets up possible decision deadlocks.)

Considering all the possible consequences of these appointments, my question is this: does the City Attorney's office plan to issue detailed and special written advice available to the public regarding the participation of Ms. DeWolf and Mr. Rodriguez in the Planning Commission and the RBOC respectively? I urge you to do so, particularly as such advice may assist the Planning Commission and the public with Planning Commission operations going forward.

Thank you for considering my comments and question.

Sincerely,

Nina Chomsky