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REPORT AND RECOMMENDATIONS
OF THE
1986 CHARTER REVIEW COMMITTEE
TO
THE HONORABLE BOARD OF DIRECTORS
OF THE
CITY OF PASADENA, CALIFORNIA

July 8, 1986

401-12-1

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To: Honorable Members of the Pasadena Board of City Directors

Your Charter Review Committee reports and recommends to you as follows.

1. The Committee believes that Pasadena should retain the Council-Manager form of municipal government.

2. The Committee unanimously recommends that Charter sections 602, 603 and 604 be amended by reducing from 5 to 4 the number of Directors' votes required to hire, fire or overrule the City Manager.

3. The Committee recommends the Board put on the ballot two non-binding advisory questions:

- a. Shall Pasadena retain its Council-Manager form of government?
- b. Shall Pasadena elect its Mayor at-large?

We have come to these conclusions after 21 public meetings, review of literature on municipal government and thorough discussion with interested persons.

We hope the Board can consider them expeditiously.

Respectfully,

Pasadena Charter Study
Committee, 1986

July 8, 1986

REPORT TO THE HONORABLE
BOARD OF CITY DIRECTORS

I HISTORY

Your Charter Review Committee first met on March 4, 1986 and received your charge. We have held eleven regular meetings, two special week-day meetings and one special Saturday meeting to receive testimony from members of the public and from each of you and Mr. McIntyre. In addition, we held one evening community meeting in each District, and one or more Committee members have met with the East Arroyo Association Board of Directors, Pasadena Board of Realtors, Pasadena Now, and Messrs. McKenney and Greer appeared on Air Talk on KPCC and Channel 55.

We have received formal presentations and proposals from Pasadenans for Representative Government; Pasadena Chamber of Commerce; Pasadena Area League of Women Voters; ACT; and Messrs. Jim Stivers and Bob Leishman. One of our special meetings was with William N. Casella of the National Municipal League Model Charter Project and Dr. James Svava of North Carolina University at Greensboro, a professor of political science specializing in studying local government.

The Committee received personal and written opinion from nearly 60 Pasadenans, some of whom represented an organization opinion, so in fact many more people than 60 expressed their views.

Copies of the formal proposals are the Appendix to this report.

Before we discuss the Committee's findings and recommendations, it is worthwhile to review some history and how we got here. We have found that the 1983 League of Women Voters of the Pasadena Area Report is a very good review of Pasadena's election laws to that date. We incorporate pages 7-27 as part of this report.

Since the League's 1983 report several things have happened to prompt renewed interest in Pasadena's government.

- a. Pasadena has a full Board elected entirely by District.
- b. The Police and Fire Pension Fund's unfunded liability continues to grow.

- c. The Board's proposal to form an assessment district to pay for Pasadena's infrastructure was met with strong, vocal opposition, with significant blame placed both on the Board and Mr. McIntyre. The plan was dropped, but the need to pay for repairs and rebuilding remains.
- d. Pasadenans for Representative Government circulated an initiative petition to change, in a fundamental way, Pasadena's form of government. It failed to qualify for the ballot, and PRG circulated a second petition, which too has failed to gain sufficient signatures to be placed on the November 4, 1986 ballot.

II APPROACH

We approached the Board's charge by looking at several things:

- a. What do the people think?
- b. What does the literature say?
- c. What have other cities done?

WHAT THE PEOPLE THINK

We received a variety of public opinion.

Some people felt the present Council-Manager form of government has served Pasadena well because they felt it encourages a cooperative approach to government, is efficient, representative, in that Directors are elected by District, is conducive to honesty and provides for government by citizen politicians and volunteers.

Others felt that Pasadena needs a Mayor who is elected city wide and gave several reasons. The two most commonly stated reasons were:

- a. Pasadena's elected officials have no incentive to look to City-wide issues, because they are elected by Districts. They thus take a parochial view, and there is no one to provide political leadership and a City-wide perspective.
- b. Partly because of the foregoing reason but also because the City government is so complicated, they believe parttime Directors don't have enough time, staff or information to set City policy. Hence the City Manager dominates not only policy implementation but also policy creation.

Another view is that because Pasadena has no political leader, City government needs streamlining if it is to carry out its important business.

Some people expressed general dissatisfaction with Pasadena's government, either because of perceived flaws in the system or because of the way the incumbents are doing their job.

All who spoke to us and who considered the question agreed with our recommendations on amending Sections 602, 603, and 604, which we discuss below.

Beyond that, their suggestions varied.

Some urged us to be bold and recommend significant change, since the present system doesn't and can't work in a heterogeneous, complicated city such as Pasadena.

Some felt Pasadena's system is good in concept and is working well and shouldn't be changed.

Some felt that in any event the issue should be put on the ballot to allow people to vote on their form of government as a way to put an end to the controversy.

WHAT THE LITERATURE SAID

We have attached a bibliography of the significant literature we read and considered.

WHAT OTHER CITIES HAVE DONE

Attached to this Report is a matrix illustrating the forms of government in a selected group of California cities.

III VALUES

The Committee felt several values are important and should be considered when analyzing Pasadena's government and making a recommendation.

- a. The proposal must not dilute or harm the voting power of Pasadena's minorities.
- b. Pasadena's government should be representative.
- c. Pasadena's government should be honest.
- d. Pasadena's government should be efficient.
- e. Pasadena's government should be positive, accountable and responsive.

- f. Pasadena's government should value government by citizen politicians and volunteers.
- g. Pasadena's government should be understandable.
- h. Pasadena's government should work in fact and in people's perceptions.
- i. A city is both a body politic and a municipal corporation. Its government must be representative and businesslike at the same time.

IV MAJORITY RECOMMENDATION AND RATIONALE

DECISION #1 The majority recommends that the Council-Manager form of government be retained in Pasadena.

Reasons for Decision #1

A. CITIZEN GOVERNMENT

Pasadena's present Council-Manager form of government encourages community involvement and citizen politicians. While it is arguable that district-only elections have created a need to have an elected Mayor to provide political leadership, a substantial majority of the Committee feels that such a change would start an unfortunate, inevitable march toward a full-time, professional Mayor, to the derogation of volunteers and citizen government.

B. HONEST, CLEAN, GOVERNMENT

Pasadena's present Council-Manager form of government does not give one person too much unchecked power. As such, it doesn't give any one person a chance to offer favors. Because policy is made by the seven member Board, no one person can wield enough power to make it expedient to bribe him or buy favors with political contributions.

This is not say that Pasadena can never have dishonesty in government, no matter what its form. However, the Council-Manager form makes it more difficult for people to buy an election and receive special favors and makes it more difficult for anyone in government to be in a position to provide special treatment to anyone.

C. REPRESENTATIVE GOVERNMENT

For the purpose of providing representative government, Pasadena's voters provided that City Directors be elected by District. Most people agree that this change has provided a more representative government in Pasadena, particularly in those Districts where racial minorities are the majority. It assures that minority districts have an equal chance of seeing their Director become Mayor.

However, some feel that electing Directors by district has created a situation where there is no elected official that must look to all Pasadena's voters so there is no political leader in Pasadena.

Officeholders from the first have had to reconcile their need to represent their immediate constituency with the need to take a long term overall view of issues. Pasadena's City Directors have done so in the past, must do that now, and will have to under any system.

While it is true that no elected official must face all Pasadena's voters, it doesn't follow that Pasadena's government has no leadership or that Pasadenans aren't represented by responsible Directors who consider the whole City in making their decisions. We think the evidence shows that the Directors have consistently worked for the City's good and that the problem is more theoretical than real.

In fact, it is entirely possible that electing a Mayor city-wide will have the effect of decreasing the not universally understood power of the Directors, who now possess all policy making power in Pasadena. We doubt that creating a position of directly elected Mayor will enhance representative government in Pasadena.

We recalled that the Council-Manager form of government was created early this century to control the great powers held by mayors in Mayor-Council governments.

Last, we noted the irony of the position recommended by some to us which coupled recommendation for a directly elected Mayor with campaign reform, in order to keep big money from buying the Mayoral election. Such a recommendation as much as admits that change of the system of government requires further reform if clean government is to remain.

D. ACCOUNTABILITY

While it is accurate to say that accountability and power go together, it doesn't follow that one person--a Mayor-- needs to have strong power in order for City government to be accountable. Even though disgruntled voters can't vote out an appointed official when they feel he or she isn't doing a good job, they can vote out their Director. The assessment district issue has shown that the Directors know very well what public opinion is, and they have responded.

E. EFFICIENCY

The Council-Manager form of government is modelled after a corporation, where an elected board of directors sets policy and the City Manager carries it out. This balances the requirement that government be representative with the creation of a system where the policy and the business side of the city runs efficiently and well.

F. RESPONSIVENESS TO CHANGES IN THE CITY

A government must be able to react to changes in its population and to public opinion. We think the evidence shows that Pasadena's system can and has. The voters approved District only elections. The Board, in the last decade, has gone from an all-white male composition to one with women and black members. The Board has created special committees to work on Northwest Pasadena issues; has taken the redevelopment process into City Hall; has created several Board Committees, such as the Budget Committee, and has gone to a balanced program of development and neighborhood protection.

Last, it has been said that by 1990 three Directors will be from Districts whose population is predominately minority, with no changes at all in our system.

DECISION #2. The Committee unanimously recommends that the Board place on the November, 1986 ballot the following question:

Shall the Charter of the City of Pasadena, California be amended to change the number of votes required of the seven members of the City Board of Directors to appoint, remove, or overrule or modify the actions, determinations, or omissions of the City Manager from five to four?

The specific changes are as follows:

Article VI, Section 602. APPOINTMENT OF CITY MANAGER. The City Manager shall be elected on the basis of his executive and administrative qualifications, and shall be appointed at a regular meeting of the City Board upon the affirmative vote of not less than ~~five~~ four members of the Board. No Board member shall receive such an appointment during the term for which he shall have been elected, nor within two years after the expiration of his term

Section 603. REMOVAL OR RESIGNATION OF CITY MANAGER. The affirmative vote of not less than ~~five~~ four members of the Board shall be required to remove the City Manager from office. The City Manager may resign by giving the Board at least thirty days written notice of his intention to resign, stating the reasons therefor.

Section 604. (j) It shall be competent for the Board to instruct the City Manager in all matters of policy; and any action, determination, or omission of the City Manager, shall be subject to review by the Board; but no such action, determination, or omission shall be overruled or modified by a vote of less than ~~five~~ four members of the Board, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

Reason for recommendation #2

The change would insure that the City Manager serves at the will of the majority of the elected representatives of the people, and that a minority could not block the will of the majority. The change places more responsibility upon the Board to insure that the City Manager carries out the policies established by the Council.

DECISION #3. The majority also recommends that the Board consider placing on the ballot the following non binding advisory questions:

- a. Shall Pasadena retain its Council-Manager form of government?
- b. Shall Pasadena elect its Mayor at large?

Reason for recommendation #3

The Committee feels the Council-Manager form of government is best for Pasadena for the reasons we have set forth. We think the majority of Pasadena's voters agree. Yet some feel that a City-wide elected Mayor, who could operate under the Council-Manager form or as a strong executive Mayor such as large cities have, is appropriate for Pasadena. We don't feel a compelling case has been made for either change, but we also feel that it may be appropriate to seek a non-binding plebiscite. Depending on the outcome, the Board can fashion Charter amendments to be voted on at the next election.

One Committee member disagreed with this entire recommendation, and some disagreed with part of it because they felt no credible evidence was presented to justify putting the question of the form of government on the ballot. Pasadenans for Representative Government has as yet failed to qualify their initiative calling for a strong executive mayor. The minority feels PRG shouldn't be able to gain indirectly what they haven't been able to get directly, i.e. a vote on the form of Pasadena's government.

These Committee members also felt it is inconsistent to recommend retention of the Council-Manager form and then recommend the question to be voted on.

The Majority of the Committee however felt that unless both questions are on the ballot, the question of whether or not to elect a Mayor city-wide would be meaningless, because the voters would not know what kind of Mayor is envisaged in the question.

V MINORITY REPORT

Marvin Greer and Nicholas Rodriguez support a change in our present form of municipal government to a strong mayor form of government. Marvin Greer's position is set forth in the Appendix. Nicholas Rodriguez concurs in that rationale and adopts as his proposal the initiative position of Pasadenans for Representative Government.

VI RECOMMENDATIONS FOR FURTHER ANALYSIS

Throughout its discussions, we talked about other changes in Pasadena's elections and government but came to no conclusions.

- a. Directors' pay--should it be increased? Should it be set by Charter, ordinance or a Pay Commission?
- b. Election dates--should they be consolidated with State elections?
- c. Enlarge number of Districts--appropriate if we elect a Mayor city-wide and the Mayor sits on the Council.
- d. Campaign law reform--can campaigns be less dependent on contributions?
- e. The fifth question deals with an alternative way to elect a Mayor. Many cities use the Council-Manager form with a Mayor who sits on the council and is elected city-wide. This seems to be a viable concept for Pasadena if a Mayor is to be elected city-wide. However, some say that this would dilute minority voting power and ought not to be considered. We think this legal question will have to be resolved before any elected mayor configuration is to be considered for placement on the ballot.
- f. We reported that part of the public perceives that the Board has ceded its policy making role to the City Manager. It appears Pasadenans aren't entirely aware of the actions the Board has recently taken to carry out its duties under the Charter. To better inform the public, the Committee suggests the Board review what it has done in the past several years to exercise its authority, think of what it might further do, and consider formalizing these acts by resolution or ordinance.

Thank you for this opportunity to serve.

Pasadena Charter Study
Committee, 1986

Charles McKenney
Marvin Greer
Walter Benedict
John Blue
Nicholas Conway
Stanley Elman
Marguerite Ernstene
Alfred Moses
Sarah Post
Nicholas George Rodriguez
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