

# Agenda Report

December 16, 2024

**TO:** Honorable Mayor and City Council

**THROUGH:** Legislative Policy Committee (December 3, 2024)

**FROM:** Office of the City Manager

**SUBJECT:** **DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE AMENDING PASADENA MUNICIPAL CODE CHAPTER 2.45 TO REQUIRE TRAINING FOR ALL ADVISORY BODIES CREATED BY CITY COUNCIL AND TO ESTABLISH FIRM LIMITS ON COMMISSIONER TERMS**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the action proposed herein is covered by the commonsense exemption set forth in State CEQA Guidelines Section 15061(b)(c) as CEQA only applies to projects that may have a significant effect on the environment;
2. Direct the City Attorney to prepare and return with an ordinance within 60 days to amend the Pasadena Municipal Code Chapter 2.45 to require training specified by the City Council for all advisory bodies created by City Council; and
3. Direct the City Attorney to prepare and return with an ordinance within 60 days to amend the Pasadena Municipal Code Chapter 2.45 to establish firm limits on all Commissioner and Operating Company Board terms as City Council shall direct with a possible mechanism for Council to act to approve holdover terms as well as phasing in of firm term limits to ensure an orderly transition given the large number of Commissioners serving beyond their appointed terms.

## **BACKGROUND:**

The City of Pasadena has 21 Commissions, three Boards of Nonprofit Corporations (RBOC, PCOC, and PCAC), and several other boards and committees codified in the Pasadena Municipal Code (PMC), that serve as advisory bodies appointed by the City Council. They play a vital role providing citizen input and public opinion while providing advice and recommendations to City Council. They each have an identified purpose and

functions and submit an annual report and workplan to City Council. While the nonprofit corporations are advisory bodies to the City Council, they also can take final action in areas delegated to them by the Council. A review of current practices and policies related to onboarding and training of appointees to those advisory bodies was conducted to evaluate areas where training might be needed, standardize processes, and provide flexibility for specialized trainings based on the range of matters advisory bodies might handle. On a related matter, terms of appointments are also included with this item for City Council to advise on changes, if any, it may wish to make to the PMC.

Although appointees are selected to serve on various advisory bodies based on being subject matter experts, appointees do not always have expertise and experience with serving on an advisory board for the City. It is beneficial to require training related to expectations, City standards of conduct, ethics, and Brown Act among other things to ensure all appointees receive the pertinent information to begin fulfilling their duties to their assigned advisory body.

With the exception of the Community Police Oversight Commission, the PMC does not identify training for appointees either as a pre-requisite to begin service or continue service during their term on their assigned advisory body, commission, or committee. While most commissioners receive biennial ethics training and subject matter specific training provided by City Attorney staff and staff assigned from city departments, it is recommended that specified training be mandated for all appointees who sit on advisory bodies. Since the appointment is by the City Council, it is appropriate for the education and training requirements to be set forth in the PMC as a mandate of the City Council. Therefore, it is recommended that a new section be added to the PMC regarding education and training for advisory bodies, requiring completion of such training within 90 days after appointment. The City Attorney's Office, if so directed, could draft an Ordinance that provides flexibility stating appointees or commissioners will complete training as specified by Resolution which will allow the City Council to establish requirements specifically tailored to each of the Commissions.

### **California State Assembly Bill 1234 (AB1234)**

AB1234 was codified in Government Code Section 53232 in 2006 and imposes certain requirements regarding ethics and related laws for local governments, including required training. In May 2006, City Council implemented AB1234 by requiring AB1234 ethics training for members of the City Council and appointed members of City Commissions and Committees. The City's operating companies are also to comply with the provisions of AB1234. The requirement is that members receive at least 2 hours of AB1234 training every other year. City employees who are required by the City's Conflict of Interest Code to file the Statement of Economic Interests Form (700), also take the AB1234 Ethics Training.

The AB1234 training is provided in even numbered years by the City Attorney's Office and includes topics such as: accountability and transparency in local government, ethics law principles, conflicts of interest, use of public resources, Brown Act, Public Records Act, Taxpayer Protection Act, standards of conduct for commissioners, and other resources for reference. The AB1234 training held by the City Attorney's Office on October 15, 2024,

was recorded. The recorded training can be viewed by any appointee (new or current) regardless of when the City Attorney's Office offers the AB1234 training.

### **Other Considerations**

While staff recommends required training be completed within 90 days of appointment, City Council may consider that training for appointees must be completed as a pre-requisite to begin service or continue service on their assigned advisory body, commission, or committee. The intent is to familiarize all appointees with the list of topics required in AB1234, as appointees have varying levels of expertise and experience serving on advisory bodies.

City Departments with staff assigned to a Committee or Commission also have the flexibility to tailor additional resources to help with the onboarding of a new appointee. In addition to new appointees, the City Attorney's Office will continue, and expand, training to any advisory body on subjects that involve their roles and that of their respective bodies. Advisory bodies were established to assist with a range of topics and matters with some having quasi-judicial responsibilities. It is essential that all Commissioners sitting in a quasi-judicial role understand due process requirements and especially the duty to serve with impartiality. Those with heightened responsibilities will also receive additional training related to due process, fairness, and bias as well as other resources with subject matter that is relevant to the advisory body.

### **Terms – Commissions and Nonprofit Corporations (RBOC, PCOC, and PCAC)**

The PMC states that a Commissioner or Appointee (to one of the City's non-profit corporations) shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. The existing language allows Commissioners and Appointees to the Nonprofit Corporations whose term expired to remain on their assigned body indefinitely if no replacement appointment is made. There are presently 27 Commissioners serving beyond their stated term limits, with 6 serving whose terms expired in 2010 or prior to that year. In addition, there are 26 Commissioners whose terms will end in 2025 and who are not eligible for reappointment. Because of the large number of Commissioners serving beyond their terms, the Council might also wish to create a grace period or phasing in to allow vacancies to occur and be filled in an orderly fashion.

This circumstance provides some administrative benefits in maintaining enough members to conduct business of the body. It also keeps members on their appointed body who may have continued interest and special knowledge or training to continue to be of service to their Commission and the City.

However, term limits have been shown to have support among the voters locally. In addition, the service of a Commissioner or Appointee after their term has expired also poses its own challenges. The indefinite term, in some cases if a Commission is fully seated, prevents opportunity for new voices, perspectives, and/or involvement from more community members. Voters also approved Measure PC in support of term limits for the Mayor and members of the City Council as part of the City's Municipal Election. The PMC will now have language related to terms limits that differs for elected representatives than

for appointments to the City's Commissions and Nonprofit Corporations. While this may not pose an imminent problem the structural difference is of note. The recommendation is to have a term expire on a date certain and to strike or remove language "until a successor is appointed."

Staff requests the City Council advise on changes, if any, it may wish to make to the PMC regarding terms of appointments to Commissions and Nonprofit Corporations and direct the City Attorney to prepare an ordinance if the Council is ready to proceed. The Council may wish to create a mechanism where it can approve serving beyond the stated term if recommended by the appointing Councilmember; however, this would require review and an action being taken by City Council rather than indefinite terms created with no review.

**COUNCIL POLICY CONSIDERATION:**

The City Council relies on the advice and recommendations of advisory bodies to make fully informed, responsible decisions. The requirement to have every appointee complete education and training related to their service on an advisory body and advise on term limits for appointees is consistent with the City Council's strategic goals to support and promote the quality of life; ensure public safety; maintain fiscal responsibility and stability; improve, maintain, and enhance public facilities; increase conservation and sustainability; and improve mobility and accessibility throughout the City.

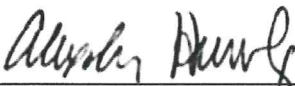
**ENVIRONMENTAL ANALYSIS:**

The proposed action has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061 (b)(3), the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The direction to prepare an ordinance to require training of appointees to advisory bodies and to advise on term limits for appointees would have no adverse impact on the environment.


**FISCAL IMPACT:**

No budget requests are included in this report. Any requirement for commissioner training with either one-time or on-going costs are expected to be minimal and will utilize existing resources within the City’s annually adopted operating budget.

Respectfully submitted,

  
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ALEXANDER HERNANDEZ  
Assistant to the City Manager

Approved by:

  
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MIGUEL MARQUEZ  
City Manager