

CITY OF PASADENA

MEMORANDUM

TO: Council Member William Paparian
FROM: Michele Beal Bagneris, City Attorney *MBB*
DATE: August 13, 1998
RE: City Representatives on the Burbank-Glendale-Pasadena Airport Authority

This memorandum is in response to your inquiry regarding whether the City Council may establish a policy providing that a member of the City Council who serves as a Commissioner on the Airport Authority ("the Authority") may serve as a Commissioner after that person ceases to be a member of the City Council. The City Council may establish a policy that it intends to appoint or reappoint a member to the Commission once that person is no longer a member of the City Council during his or her term on the Commission. That person would be appointed to serve for the unexpired term on the Commission or until his or her successor is appointed. The recommended manner of establishing such a policy would be in the form of a resolution, a sample of which is attached.

DISCUSSION

Provisions of Joint Powers Agreement

The "Amended and Restated Joint Exercise of Powers Agreement Among the Cities of Burbank, Glendale and Pasadena Creating an Agency to be Known as the Burbank-Glendale-Pasadena Airport Authority" ("the Agreement") addresses the composition of the Commission. As a controlling document governing the composition and operation of the Commission, decisions of the City Council regarding appointment to the Commission may not conflict with the provisions of the Agreement. Section 2.2 of the Agreement, regarding the Commission of the Authority, provides in relevant part:

"Members shall hold membership on the Commission during the term for which they were appointed and until their successors have been appointed and qualified; provided, however, that members may resign voluntarily or may be removed by and at the pleasure of the governing body of the Party which appointed them, and provided, further, that any member who also serves as a member of the governing body of any Party shall automatically forfeit such member's membership on the Commission if such member ceases to be a member of the governing body, but after such forfeiture

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[sic], such member may be appointed or reappointed to the Commission. In case of a vacancy in membership on the Commission, the same shall be promptly filled by the governing body of the Party which appointed the vacating member. An appointment to fill a vacancy during an unexpired term shall be for a period of the unexpired term. Promptly upon the making of such an appointment, the appointing Party shall notify the Secretary of the Commission of such appointment.” [emphasis added]

Accordingly, once a commissioner no longer serves as a councilperson, he or she forfeits the Commission seat, but may be appointed or reappointed to the Commission. Such appointment would take place after the person ceases to be a member of the City Council. Under the Agreement, the City Council would thereafter promptly notify the Secretary of the Commission of the appointment. The appointment would be for the unexpired term on the Commission, or until the City Council selects someone else to fill the position, whichever occurs sooner.

City Practice Regarding Commissioners

As reflected in the attached minutes of Pasadena City Council meetings in 1987, the City Council reappointed former Council Member Jo Heckman to fill the vacancy on the Commission created by the fact that she ceased to be a member of the City Council. Accordingly, there is precedent in Pasadena for the Council reappointing a former council member to fulfill the unexpired term of his or her seat on the Commission.

Similarly, in Pasadena, it has been the practice for commissioners on various City commissions whose terms expire to remain on the commission until a successor is appointed by the City Council. Further, commissioners on City commissions who cease to reside in the City prior to expiration of their term may complete the term upon approval by the City Council. Thus, having a former Council member fulfill his or her unexpired term on the Airport Commission is consistent with past City practice.

CONCLUSION

To avoid the effects of loss of continuity and other impacts stemming from changing Commissioners prior to expiration of their term on the Commission, the City Council may establish a policy expressing its intention to reappoint council members whose seat on the Commission is forfeited because they no longer serve on the City Council. Such person would be appointed to fulfill the unexpired term on the Commission or until the Council selects a different representative. Once the seat is forfeited, the City Council would need to make the appointment and notify the Secretary of the Commission of such appointment. This policy may be established by minute action or resolution of the Council. A sample resolution is attached for your reference.