



**CITY OF SOUTH PASADENA
CITY COUNCIL SPECIAL MEETING AGENDA**

**Council Chamber
1424 Mission Street, South Pasadena, CA 91030
August 19, 2020, at 7:29 p.m.**

South Pasadena City Council Statement of Civility

As your elected governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the Special Meeting of the City Council for August 19, 2020 will be conducted remotely and held by video conference. The Meeting will be broadcast live on the City's website (http://www.spectrumstream.com/streaming/south_pasadena/live.cfm) and local cable channels.

Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Council Members will be participating remotely and will not be physically present in the Council Chambers.

Public Comment on Special Meeting Agenda Items: Pursuant to Government Code Section 54954.3(a), members of the public will be provided with an opportunity to address any item described on the agenda only, at the time the matter is considered by the City Council.

If you would like to comment on an agenda item, members of the public may submit their comments in writing for City Council consideration, by emailing them to: ccpubliccomment@southpasadenaca.gov. **Public Comments must be received by 12 p.m., Wednesday, August 19, 2020** to ensure adequate time to compile and post. Public Comment portion of the email is limited to 250 words. Please make sure to indicate: 1) your name; 2) what agenda item you are submitting public comment on, or if it is a general public comment; and/or 3) if you request for your public comment to be read at the meeting.

Pursuant to state law, the City Council may not discuss or take action on issues not on the meeting agenda, except that members of the City Council or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

CALL TO ORDER: Mayor Robert S. Joe

ROLL CALL: Councilmembers Michael A. Cacciotti and Richard D. Schneider, M.D.; Mayor Pro Tem Diana Mahmud; and Mayor Robert S. Joe
(Note: One Council Seat is Vacant)

PLEDGE OF ALLEGIANCE: Councilmember Michael Cacciotti

ACTION/DISCUSSION

1. Acknowledgment of Councilmember Resignation

Recommendation:

It is recommended that the City Council receive and file Dr. Marina Khubesrian’s resignation from City Council effective August 18, 2020.

2. Procedure and Options for Filling City Council Vacancy

Recommendation:

It is recommended that the City Council direct staff to bring back for Council consideration a procedure for appointment of a City Council member to an unexpired City Council term when a vacancy occurs.

3. Approval of Updated Mayor’s List of City Council Liaison and Regional Group Appointments and Adoption of an Updated Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations

Recommendation:

It is recommended that the City Council:

1. Approve the Mayor’s updated list of City Council Liaison and Regional Group Appointments to various commission, boards, and committees; and
2. Adopt an updated Resolution appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena.

4. Review and Reaffirm Commitment to Code of Ethics and Conduct Policy

Recommendation:

It is recommended that the City Council review and reaffirm its commitment to the Code of Ethics and Conduct Policy.

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ADJOURNMENT

**FUTURE CITY COUNCIL MEETINGS
(OPEN SESSION)**

September 2, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
September 16, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
October 7, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

City Council Meeting agenda packets are available online at the City website:

<https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>

Agenda related documents provided to the City Council are available for public inspection on the City’s website at <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>. Additional Documents, when presented to City Council, will also be uploaded and available on the City’s website.

Regular meetings are broadcast live on Spectrum Channel 19 and AT&T Channel 99. Meetings are also streamed live via the internet at <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>.

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk’s Division at (626) 403-7230.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division via e-mail at CityClerk@southpasadenaca.gov or by calling (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City’s website as required by law.

8/18/2020

Date

/s/

Maria E. Ayala
Chief City Clerk



Special City Council Meeting Agenda Report

ITEM NO. 1

DATE: August 19, 2020
FROM: Stephanie DeWolfe, City Manager
PREPARED BY: Maria E. Ayala, Chief City Clerk
SUBJECT: **Acknowledgment of Councilmember Resignation**

Recommendation

It is recommended that the City Council receive and file Dr. Marina Khubesrian's resignation from City Council effective August 18, 2020.

Discussion/Analysis

Pursuant to Government Code §1770(c)(2) upon receipt of the letter of resignation from a Councilmember, specifying a date of resignation, the resignation will become effective.

The Councilmember's resignation is received when submitted to the City Clerk's Office. The item is presented to Council on the agenda as a "receive and file" item for purposes of the City's legislative record only.

Background

Councilmember Marina Khubesrian, M.D., submitted her written resignation via email on Saturday, August 15, 2020. The date and time of resignation, as expressed in the email, was effective August 18, 2020, 8 a.m.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact associated with acknowledging the resignation of a Councilmember.

Environmental Analysis

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Acknowledgment of Councilmember Resignation

August 19, 2020

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Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resignation Letter/Statement from Marina Khubesrian, M.D.

STATEMENT FROM MARINA KHUBESRIAN, M.D.

I was recently accused of creating two email accounts and sending emails from those accounts using fictitious names. I originally declined comment on the grounds that the accusations should not be adjudicated in the press and I did not want to influence, or create the appearance of influencing, the investigation. Thus, it is not the media's or community's fault that they did not know what to infer by me declining to comment. But, clearly, I cannot continue to stay silent and wait until the investigation is concluded even while I am cooperating fully.

I want to share important information that will give transparency to this disturbing matter: I alone was responsible for sending the emails from two email accounts using fictitious names in May and June this year. While this happened during a time of great personal stress and when I was facing a serious health issue, there is absolutely no excuse for my conduct. I also had some serious reactions to a medication I was taking and had a lot of increased anxiety that was exacerbated during the Covid-19 pandemic. Frankly, I am extremely remorseful, embarrassed and mortified by my actions.

Therefore, I want to convey a deep and sincere apology to all in the City of South Pasadena, especially to those who received or reviewed the emails. I will reach out and individually apologize to the individuals who received emails or were mentioned in the emails especially since the hardest regret I live with is the knowledge that what I've done caused or could have caused someone any harm, worry, concern or emotional upset.

I further apologize to the people who I work with and have worked with in the City and City Council whose professional and personal lives may have been impacted by this – none of whom were aware that I had sent these emails. Another deep regret I have is that some members of the community, who know and trust me, defended my reputation without knowing all the facts. I further apologize to all who have supported me in the past and present as well as my neighbors, friends, acquaintances and family.

While I believe this conduct was quite out of character for me, I bear ultimate responsibility for ensuring that my personal life comports with the standards expected from a member of the City Council. I've reflected on my wrongful and impulsive acts and take responsibility for what I've done. Obviously, this influenced my decision to not run for an additional 4-year term on the City Council as I realized I'd been burning the candle at both ends, was overly stressed, had trouble sleeping, and was taking political disputes far too personally. I was also taken aback by harsh criticism of and attacks on hard-working City employees who I thought were doing a good job. I've been successfully addressing the stressors and personal health issues that came to a head in May and June.

As background, one of the stressors that led to my irrational and wrong actions was that since 2018 I'd been receiving a series of anonymous emails which were threatening in tone and very critical of City employees without providing real facts. I reported these emails to the City at the time. I've attached some examples so that others understand what I meant at the last City Council meeting when I addressed cyber bullying and my family's concerns about my safety and mental health.

I've been a dedicated physician as well as a committed public servant who has gratefully volunteered and served the City of South Pasadena since 2011. As part of my acceptance of responsibility and apology, I will resign my office for the remainder of the term effective at 8:00 a.m. on August 18, 2020. I have provided this date so the City and the City Council have at least a full business day to consider the steps needed to replace me and any other steps needed for my resignation. I will not be voting on any matters nor doing any work on behalf of the City from now until my resignation is effective. I am confident that the Mayor and City Council members will be focused on the important work before the City in the next four months.

I am proud of the work I've done for South Pasadena since 2011 and I remain grateful for the support I have received from those who continue to respect me and value my public service.

Respectfully submitted,

Marina Khubesrian



Special Meeting City Council Agenda Report

ITEM NO. 2

DATE: August 19, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Maria E. Ayala, Chief City Clerk
Teresa L. Highsmith, City Attorney

SUBJECT: Procedure and Options for Filling City Councilmember Vacancy

Recommendation

It is recommended that the City Council direct staff to bring back for Council consideration a procedure for appointment of a City Council member to an unexpired City Council term when a vacancy occurs.

Discussion/Analysis

Government Code § 36512 provides that the City Council shall, within 60 days from the commencement of the vacancy either a) fill the vacancy by appointment for the remainder of the applicable term or b) call a special election to be held at the next regularly established election date which is not less than 114 days from the call of the special election. Govt. C. § 36512(b). The November 3, 2020 general election is less than 114 days from the Council vacancy; accordingly, the option of calling an election to fill the vacancy is not available.

In filling the vacancy by appointment, an appointed candidate may only serve the remainder of the unexpired term. Additionally, an appointment must be made within 60 days from the date of resignation—in this case, the deadline for appointment is October 17, 2020 (60 days from the effective resignation date of August 18, 2020). There is no specified statutory method for filling a City Council vacancy, nor has the City Council created a procedure in the South Pasadena Municipal Code for appointment to a vacancy of an elective office. The Council could determine to take applications from interested electors who reside in District 2 or choose some other method of appointment; however, there appears to be insufficient time to establish a procedure for appointment and also select an appointee by the October 16, 2020 deadline. And an appointment made by October 16, 2020 would only permit the appointee to serve approximately a month and a half, until the newly elected Councilmember for District 2 is sworn in and takes office on December 2, 2020.

Background

Councilmember Marina Khubesrian, M.D., has announced her resignation from her elective office as a City Councilmember, effective August 18, 2020. Councilmember Khubesrian's seat on the Council as the representative of District 2, is due to expire on December 2, 2020, when the newly

Procedure and Options for Filling City Council Vacancy

August 19, 2020

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elected representative of District 2 will be sworn in. Accordingly, there are only 3.5 months remaining on the unexpired term of Dr. Khubesrian's elected Council seat.

The City Council has already called the general election for November 3, 2020. The Council seat for District 2 which is on the November 3, 2020 ballot is for a 4-year term. This is a different office than the unexpired term vacated by former-Councilmember Khubesrian.

Next Steps

1. Direct staff to bring back a procedure for appointment to a vacant City Council seat for approval, and then take applications for the position in order to select an appointee by October 16, 2020; or
2. Take no action and allow the voters to elect a new Councilmember for District 2 at the November 2, 2020 general election, to serve a four-year term.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact regarding the creation of a procedure for appointment to a City Council vacancy.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.



Special City Council Meeting Agenda Report

ITEM NO. 3

DATE: August 19, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Maria E. Ayala, Chief City Clerk

SUBJECT: **Approval of Updated Mayor's List of City Council Liaison and Regional Group Appointments and Adoption of an Updated Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations**

Recommendation

It is recommended that the City Council:

1. Approve the Mayor's updated list of City Council Liaison and Regional Group Appointments to various commission, boards, and committees; and
2. Adopt an updated Resolution appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena.

Discussion/Analysis

The Mayor's list of City Council Liaison and Regional Group Appointments (a routine annual item) was most recently updated by City Council on August 5, 2020, Resolution No. 7670. The list of appointments, and corresponding resolution is reviewed and updated as needed throughout the year.

Due to the recent Councilmember resignation, there currently exists a need to appoint a Council representative to fill vacancies in the following bodies:

- Cultural Heritage Commission
- Natural Resources and Environmental Commission
- Parks and Recreation Commission
- South Pasadena Tournament of Roses
- Ad Hoc Committee: City Council and South Pasadena Unified School District
- Ad Hoc Committee: Economic Development
- Ad Hoc Committee: Mission-Meridian Village Subcommittee
- Ad Hoc Committee: Caltrans Homes Subcommittee
- Ad Hoc Committee: Police Reform Subcommittee
- Arroyo Verdugo Communities JPA (Appointment until 12/31/2021)
- San Gabriel Valley Mosquito and Vector Control District

These appointments are being proposed to fill the vacancies for the remainder of the year and/or term as indicated. The Mayor will still review and propose Council appointments on a yearly basis, as has been the standard practice, in January.

Background

Councilmember Marina Khubesrian, M.D., has announced her resignation from her elective office as a City Councilmember, effective August 18, 2020. This creates vacancies for those Commissions where Dr. Khubesrian sat as Council Liaison, and a vacancy to those regional governing bodies where Dr. Khubesrian sat as the City's appointed representative.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

Expenses for attending regional meetings are budgeted in the annual City Council Budget.

Environmental Analysis

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resolution Approving City Council Appointments to Various Governmental Entities and Organizations
2. Current List of Proposed City Council Liaison & Regional Group Appointments

Attachment 1

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
APPOINTING DELEGATES, REPRESENTATIVES,
AND ALTERNATES AS OFFICIAL REPRESENTATIVES
OF THE CITY OF SOUTH PASADENA**

WHEREAS, the City Council of the City of South Pasadena (City) at its regular meeting of December 4, 2019, reorganized as follows: Robert S. Joe, Mayor; Diana Mahmud, Mayor Pro Tem; Michael A. Cacciotti, Councilmember; Marina Khubesrian, M.D., Councilmember; and Richard D. Schneider, M.D., Councilmember; and

WHEREAS, with the reorganization, the Mayor and the City Council make appointments to various agencies and organizations for the Mayoral term; and

WHEREAS, several agencies and organizations require that the City Council formally approve its official delegates, representatives, and alternates to represent the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as Governing Board Representative and alternate member of the **SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS** for the term indicated:

Governing Board Representative	Alternate	Term
Mayor Pro Tem Mahmud	Councilmember Cacciotti	2020

SECTION 2. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **LEAGUE OF CALIFORNIA CITIES, LOS ANGELES DIVISION** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Councilmember Cacciotti	2020

SECTION 3. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as board member and alternate board member of the **LOS ANGELES COUNTY SANITATION DISTRICTS BOARD OF DIRECTORS, DISTRICT 16** for the term indicated:

Board Member	Alternate	Term
Mayor Joe	Mayor Pro Tem Mahmud	2020

SECTION 4. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY BOARD** for the term indicated:

Delegate	Alternate	Term
Councilmember Cacciotti	Councilmember Schneider	2020

SECTION 5. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **ARROYO VERDUGO COMMUNITIES JOINT POWERS AUTHORITY** for the term indicated:

Delegate	Alternate	Term
Mayor Joe	Mayor Pro Tem Mahmud	2020

SECTION 6. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Mayor Joe	2020

SECTION 7. The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT** for the term indicated:

Delegate	Alternate	Term
Mayor Joe	None	August 2020 – December 2021

SECTION 8. The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **CLEAN POWER ALLIANCE** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Mayor Joe, Kim Hughes	2020

SECTION 9. Pursuant to the appointments made above, the City Council of the City of South Pasadena does hereby adopt the completed Form 806 of the Fair Political Practices Commission, and directs staff to take all other actions necessary to comply with the requirements of any applicable laws and regulations.

SECTION 10. The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED ON this 19th day of August, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 19th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk

Attachment 2



Liaison and Regional Group Appointments
Robert S. Joe, Mayor
January 2020 to December 2020

City Commissions, Boards, and Committees	Appointed Liaison
Animal Commission	Cacciotti
Cultural Heritage Commission	Khubesrian Schneider
Design Review Board	Schneider
Finance Commission	Joe
Fourth of July – Festival of Balloons Committee	Mahmud
Mobility and Transportation Infrastructure Commission	Mahmud
Library Board of Trustees	Joe
Natural Resources and Environmental Commission	Khubesrian Mahmud
Parks and Recreation Commission	Khubesrian Cacciotti
Planning Commission	Mahmud
Public Arts Commission	Schneider
Public Safety Commission	Schneider
Public Works Commission	Cacciotti
Senior Citizen Commission	Joe
South Pasadena Tournament of Roses Committee	Khubesrian Cacciotti
Youth Commission	Cacciotti

Ad Hoc/Committees	Appointed Liaisons
Ad Hoc/Committee: City Council and SPUSD Subcommittee	Joe & Khubesrian Mahmud
Ad Hoc/Committee: Economic Development	Joe & Khubesrian Schneider
Ad Hoc/Committee: General Plan Advisory	Mahmud & Cacciotti
Ad Hoc/Committee: Mission-Meridian Village Subcommittee	Khubesrian & Mahmud & Joe
Ad Hoc/Committee: Caltrans Homes Subcommittee	Khubesrian & Schneider & Joe
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Legislative	Mahmud
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Economic Development	Joe
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Chamber Board	DeWolfe, City Manager
Ad Hoc/Committee: South Pasadena Police Reform	Khubesrian & Schneider & Mahmud

■ Members not appointed by Mayor

Liaison & Regional Group Appointments

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Regional Groups – Appointment by City		Appointed Liaison	Alternate(s)	
	Arroyo Verdugo Communities Joint Powers Authority	Khubesrian Joe (appointment until 12/31/2021)	Mahmud	
	Foothill Employment and Training Consortium Policy Board	Joe	Schneider	
	Los Angeles County City Selection Committee	Joe (always Mayor)	Cacciotti	
★ Δ	Los Angeles County Sanitation Districts, Board of Directors, District 16	Joe (always Mayor)	Mahmud	
	League of California Cities, Los Angeles Division	Mahmud	Cacciotti	
❖ Δ	Metro Gold Line Phase II Joint Powers Authority Board	Cacciotti	Schneider	
❖ Δ	San Gabriel Valley Council of Governments Governing Board	Joe	Mahmud	
❖ Δ	Southern California Association of Governments General Assembly	Mahmud	Joe	
❖ Δ	San Gabriel Valley Mosquito and Vector Control District	Khubesrian Joe (appointment until 12/31/2021)	N/A	
❖	Clean Power Alliance	Mahmud	Kim Hughes	Joe

Regional Groups –Appointment by Regional Group		Appointed Liaison	Alternate(s)	
Δ	Arroyo Verdugo Communities Representative to the Southern California Association of Governments Community, Economic and Human Development Committee	Joe	None	
	Arroyo Verdugo Communities Appointment to the League of California Cities, LA County Division Board of Directors	Mahmud	None	
	Santa Monica Mountains Conservancy	Cacciotti	None	
 Δ	South Coast Air Quality Management District San Gabriel Valley Board Member	Cacciotti	None	

- Requires FPPC Form
- ❖ Council vote
- ★ Board Member is current Mayor; Alternate is appointed by Mayor
- Voted by Regional Group
- Δ Stipend



Special City Council Meeting Agenda Report

ITEM NO. 4

DATE: August 19, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Maria E. Ayala, Chief City Clerk
Teresa L. Highsmith, City Attorney

SUBJECT: **Review and Reaffirm Commitment to Code of Ethics and Conduct Policy**

Recommendation

It is recommended that the City Council review and reaffirm its commitment to the Code of Ethics and Conduct Policy.

Commission Review and Recommendation

The existing Code of Ethics and Conduct Policy was previously reviewed by City Commissions, and their feedback was incorporated into the final document.

Discussion/Analysis

The Code of Ethics and Conduct Policy promotes an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential. The purpose of a Code of Ethics and Conduct Policy is to ensure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City.

The overall principles and guidelines contained in this Policy also describe the manner in which the City Council, City Treasurer, City Clerk, Commissioners, Committee members and Board members are expected to treat one another, City staff, and all others they come into contact with while representing the City. The Code of Conduct defines more clearly the behavior, manners, and courtesies that are suitable for various occasions. The constant and consistent theme through all of the conduct guidelines is "respect."

The Code of Ethics and Conduct Policy is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. From time to time it may be appropriate to review these provisions and reaffirm commitment to them.

Since its unanimous adoption, the City has been subject to many disputes and contentious issues, including, but not limited to, expressed concerns about the process of developing the 2020/2021 budget, public criticism of management of operations, policing reform policy demands, housing development and land use concerns, litigation matters and, concerns about fairness and equality for all citizens. These discussions in the City forum are the quintessential expression of our

Review and Reaffirm Commitment to Code of Ethics and Conduct Policy

August 19, 2020

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democracy and First Amendment rights. At the same time, communications are most effective when expressed with respect and courtesy for the position and beliefs of others. Central to this principle is the following provision of the Policy, which states:

“The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or verbal attacks on the character of motives of other members of the Council, Boards and Commissions, the public and staff.”

Acknowledging that the City Council leads by example, Mayor Joe read this provision at the beginning of the August 5, 2020 City Council meeting and has requested that the Council review and reaffirm its commitment to the Policy.

Background

On May 6, 2020, the City Council unanimously approved a Code of Ethics and Conduct Policy (“the Policy”). The Code of Ethics and Conduct Policy is subject to periodic review and updating by the City Council.

At the August 5, 2020 City Council meeting, Mayor Bob Joe requested (with a second by Councilmember Cacciotti) the City Manager add a review of the Policy and City Councilmember commitment to conducting themselves in accordance with the Policy. Such review is similar to the bi-annual review of the City’s Conflict of Interest Code, which is scheduled for review in October 2020.

Next Steps

The Code of Ethics and Conduct Policy will be periodically reviewed by the City Council and updated as necessary by Council Resolution.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact with the periodic review or amendment of the Code of Ethics and Conduct policy.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City’s website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

Code of Ethics and Conduct Policy



City of South Pasadena

Code of Ethics and Conduct for Elected and Appointed City Officials

*"Always do right. This will gratify some people
and astonish the rest."*

-Mark Twain

PURPOSE

The City Council adopts this Code of Ethics and Conduct to ensure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City government.

CODE of ETHICS

The citizens and businesses of South Pasadena are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the

- operations of government;
- Are independent, impartial and fair in their judgment and actions;
 - Use their public office for the public good, not for personal gain; and
 - Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards to assure public confidence in the integrity of local government and its effective and fair operation.

1. Acts in the Public Interest

Members will work for the common good of the people of South Pasadena and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the South Pasadena City Council, boards and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of California and the City of South Pasadena in the performance of their public duties. These laws include but are not limited to: The United States and California constitutions, Fair Political Practices laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and adopted City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or verbal attacks upon the character or motives of other members of the council, boards and commissions, the public and staff.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy

decisions of the City Council by staff. The City Council adopts Rosenberg's Rules of Order to govern conduct of all South Pasadena City Council, Commission and Committee meetings. A copy of Rosenberg's Rules of Order is available for review on the City's website.

Members shall respect the determinations of the City Council or board and commission majority, understanding that a tenant of parliamentary procedure is finality—after vigorous discussion, debate, and vote the matter is deemed closed, and members shall refrain from requesting to revisit the matter, other than through a motion for reconsideration consistent with parliamentary procedure set forth in Rosenberg's Rules of Order.

5. Conduct of Public Meetings

Members shall prepare themselves for the meeting by reading the agenda packet in advance of the meeting, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision making process.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with and to the extent required by the City's Conflict of Interest Code members shall disclose investments, interests in real property, source of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist. Copies of the City's Conflict of Interest Code may be viewed on the City's website. Additionally, the Fair Political Practices Commission publishes free pamphlets for guidance to local officials on gift limitations at: HYPERLINK "http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Public%20Officials%20and%20Employees/LocalGiftFactSheet.pdf" <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Public%20Officials%20and%20Employees/LocalGiftFactSheet.pdf>

Members may seek advice on potential conflict of interest issues from the City Attorney and may also consult with a staff attorney at the Fair Political Practices Commission by requesting advice through the website at: HYPERLINK "http://www.fppc.ca.gov/about-fppc.html" <http://www.fppc.ca.gov/about-fppc.html>

9. Gifts and Favors

Members shall refrain from accepting any gifts, favors or promises of future benefits other than from friends, family members or employers.

10. Confidential Information

Members shall respect the confidentiality of information concerning property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests.

11. Use of Public Resources

Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Public Interests

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission

or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. The official City position will be determined by a majority vote of the City Council. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of South Pasadena, nor will they allow inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the council-manager structure of South Pasadena City government as outlined by the South Pasadena Municipal Code. In this structure, the City Council determines the policies of the City, with the advice, information and analysis provided by the public, boards and commissions and City staff.

Except as provided by the City Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place for the City employees and for the citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

CONDUCT

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of South Pasadena.

The constant and consistent theme through all of the conduct guidelines is "respect."

Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

1. Elected and Appointed Officials' Conduct with One Another in Public Meetings

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

(a) Use formal titles

Elected and appointed officials should endeavor to refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Councilmember followed by the individual's last name.

(b) Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(c) Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(d) Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

(e) Demonstrate effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(a) Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) Practice active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

(d) Do not get involved in administrative functions

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. The City Manager has the sole authority to direct staff, and is responsible for appropriate allocation of staff resources. The City Manager may request input from an elected official who possesses relevant professional experience, special knowledge or training which would be useful in development of requests for proposals or the selection process.

(e) Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support, or support for non-profits or affiliate organizations (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) No Individual Attorney-Client Relationship

Members shall not seek to establish an individual attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members seeking advice on matters which are inconsistent with City policy. While the City Attorney may provide conflict of interest advise and other legal advice to members regarding matters within their subject matter jurisdiction and consistent with City policy, members who consult with the City Attorney in any other capacity cannot enjoy or establish an attorney-client relationship with the attorney to the exclusion of other members of the legislative body.

4. Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(a) If attending a Board, Committee or Commission meeting, be careful to only express personal opinions

Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) Limit contact with Board, Committee and Commission members to questions of clarification

It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

(c) Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue.

Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

(d) Be respectful of diverse opinions

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

(e) Keep political support away from public forums

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

SANCTIONS

(a) Acknowledgement of Code of Ethics and Conduct

Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) Ethics Training for Local Officials

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) Behavior and Conduct

The South Pasadena Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the South Pasadena City Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence

in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of South Pasadena and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Mayor Pro Tem. It is the responsibility of the Mayor (or Mayor Pro Tem) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Mayor Pro Tem), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or other appropriate official to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing, and is an expression of standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics shall be reviewed annually by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update as necessary.

COMPLIANCE AND ENFORCEMENT

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the City's Municipal Code, the City Council may also remove members of boards and commissions from office. Members of the City Council may only be removed from office by voter recall. Additionally, complaints about a violation of the state law may be referred to the Enforcement Division of the Fair Political Practices Commission via the website at: [HYPERLINK "http://www.fppc.ca.gov/enforcement.html"](http://www.fppc.ca.gov/enforcement.html)
<http://www.fppc.ca.gov/enforcement.html> A violation of this Code of Ethics and Conduct shall not be considered as a basis for challenging the validity of a council, board or commission decision.

I affirm that I have read and understand the City of South Pasadena Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Adopted on May 6, 2020

City Council Resolution No. 7647