

Agenda Report

TO: CITY COUNCIL

DATE: AUGUST 18, 2003

FROM: CITY CLERK

SUBJECT: CONSIDERATION OF REQUEST BY THE PASADENA LEAGUE OF WOMEN VOTERS TO CONSIDER CHANGING TO AN INSTANT RUNOFF VOTING (IRV) METHOD FOR CITY AND PASADENA UNIFIED SCHOOL DISTRICT ELECTIONS

RECOMMENDATION OF CITY CLERK:

It is recommended that the City Council take no action at this time to pursue Instant Runoff Voting as an alternative to the Charter requirement to conduct primary and general elections. It is further recommended that the League of Women Voters' request be tabled until there are sufficient safeguards available to ensure establishment of a proper system, such as the following: (a) voting equipment and software for such a system has been certified by the State; (b) adequate election procedures (State law) are in place for administering such an election; (c) wide-spread community support has been voiced to consider changing to such a voting system; and (d) until San Francisco or another local jurisdiction in the State have implemented IRV with good results and positive voter acceptance, which would warrant further study of this voting system.

EXECUTIVE SUMMARY

The Pasadena League of Women Voters has suggested that the City Council consider Instant Runoff Voting as a method of electing City and Pasadena Unified School District (PUSD) officers, which would avoid the expense of conducting a second general (or runoff) election if candidates did not receive a majority of the vote in the primary election.

To change to an Instant Runoff Voting system would require voter-approved Charter amendments for both the City and PUSD elections. The Secretary of State's Office has not certified any voting equipment, software or procedures for such a voting system, nor does the State Elections Code contain provisions on the administration of an IRV election. Since 1997, two separate Charter Reform Task Forces have studied City and School District governance issues, including City Council and Board of Education elections. Neither of these Task Forces recommended changing to an Instant Runoff Voting method, and concerns were not raised by the public during these Charter studies regarding our current election method of having primary and runoff elections.

This report will discuss the Instant Runoff Voting (IRV) method, list some pro and con arguments, address issues from the City Clerk's perspective as the election administrator for the municipal elections, and raise fiscal considerations.

Instant Runoff Voting - Instant Runoff Voting (IRV) determines a majority winner for each race in one single election and eliminates the need for a separate runoff election. The ballot lists all the qualified candidates for each office. Voters are permitted to rank the candidates in each of the races as to their first choice, second choice, third, etc. If a candidate receives a majority of the first choice votes, that candidate is elected. If no candidate in the race receives a majority of votes on the first count of the ballots, a series of runoff counts are conducted. The last place candidate is eliminated and all ballots cast for that candidate are redistributed to each voter's next choice. This process of eliminating the last place candidate and redistributing each voter's next choice continues until a candidate wins a majority.

Advantages of IRV Claimed by Proponents - In the League of Women Voters' March 31, 2003 letter and pamphlet (Attachment 1), the League advocates that IRV will save approximately \$190,000 in costs for a second runoff election under our current voting method. In addition to saving costs, some of the other advantages cited by the League are it increases voter turnout by giving voters more choices; reduces negative campaigning; reduces campaign costs since there would only be a single election for candidates to finance; minimizes "wasted" votes; avoids a delay in electing a winner since there is not a separate second election; creates a clearer mandate for a winning candidate's agenda; and allows the voter to vote for his/her preferred candidate without helping to elect someone else.

Disadvantages of IRV Claimed by Opponents – Some arguments by opponents of IRV are that it is unfamiliar to most American voters; it would be confusing to many voters; election administrators would have to adapt to this new system of transferring ballots; the ranking process is difficult to accommodate on many current voting machines; IRV hurts centrists, especially when challenged from both the left and right; the way IRV raises a candidate's ranking can actually cause the candidate to lose because of the way in which candidates are sequentially dropped and their votes transferred to those who remain in the race; gives some voters two or more tabulations of their votes, while restricting others to just one tabulated vote; the way the system is designed, voters who prefer the least popular candidates have the highest likelihood of determining which candidate wins.

If there is a desire to further consider IRV as a voting method, the advantages and disadvantages claimed by both proponents and opponents of IRV should be further explored and studied, as well as debated by the community.

IRV Is Not a Form of Proportional Representation - It should be noted that Instant Runoff Voting is not a proportional representation (PR) voting method. The 1997-98 Charter Reform Task Force recommended the Board of Education be elected by some type of PR voting method, and that another Task Force be formed to further study the specific method of PR voting. A PR voting method uses multi-member districts, and seats are divided up in these multi-member districts according to the proportion of votes

received. Unlike PR voting methods, Instant Runoff Voting can be used in single-member districts such as our City Council district races, Mayor, and School Board races.

City Charter Provisions - The Pasadena City Charter governs both the City and PUSD elections, which are combined and administered as one election with costs shared by the two jurisdictions. In accordance with the Charter, a primary election is held six weeks before the scheduled general (or runoff) election. If candidates do not receive a majority of the votes in the primary election, then a general election is held six weeks later with the names of the top two candidates on the runoff ballot. If all candidates in the respective races receive a majority of the votes cast in the primary, then there is no runoff election. Changing to an Instant Runoff Voting method would require voter approved Charter amendments.

Current Voting Equipment - Prior to the March/April 2003 municipal election cycle, punch card ballots were used in the municipal elections. With the Secretary of State's phase-out of punch card ballots, optical scan ballots (Opto-Mark) were used for the recent 2003 elections. This change in the ballot type required a one-time purchase of a centralized optical scan ballot reader at a minimal cost of \$12,990. Unlike County jurisdictions which have available both federal and state grants in the millions of dollars to upgrade voting equipment, these funds are not available for municipal jurisdictions. The purchase of the optical scan ballot reader allowed the phase out of the punch card ballots without a major investment of City funds in a new voting system.

To accommodate an Instant Runoff Voting method, the City's optical scan ballot reader would either need to be modified or replaced with a new ballot card reader. Depending on the complexity of the software, this cost could range from \$13,000 - \$40,000. There would also be increased costs for ballots due to additional space to rank the candidates, increased ballot counting costs, longer sample ballot pamphlets/increased printing costs, and possible increased translation costs.

Reform Movement - Although neither proportional representation (PR) nor IRV is widely used in the United States, there is a growing movement to implement Instant Runoff Voting in a number of states. In California, voters in Santa Clara County, San Leandro, and Oakland approved ballot measures to make IRV an option in their charters, but none of these jurisdictions have implemented it. In March 2002, San Francisco voters approved a measure requiring that instant runoff balloting be used. San Francisco was unable to implement IRV for its 2002 election, and is struggling to have it implemented for its November 2003 election. Lacking State certification of ballot equipment and software, San Francisco's contingency plan to do a partial manual tabulation of IRV ballots was recently rejected by the State (see Attachment 2, San Francisco Chronicle article, July 29, 2003.) Without State certification of voting equipment, software and procedures, it does not appear San Francisco will be able to implement IRV for its November election. According to the article, backers of IRV are threatening to go to court to implement it.

Prior Charter Reform Task Force Studies - Since 1997, two separate Charter Reform Task Forces have studied City and School District governance issues, including methods of electing the City Council and Board of Education. Attachment 3 is an

excerpt of the 1997-98 Task Force's report to Council (pages 1-4, Executive Summary, and pages 19-22, School Board Structure). One of the Task Force's recommendations was the Board of Education elections be changed to a proportional representation (PR) voting method, and that a new Task Force be formed for further study of the specific PR voting method.

In 1999, a second Task Force was created to study School District governance issues, including but not limited to the number, method of election, and terms and composition of the School Board. This Task Force was also empowered to broadly explore reforms in the operations of the School District beyond the Charter. The Task Force made three Charter amendment recommendations and 48 non-Charter recommendations comprised in the School Accountability and Reform Plan. Subsequently, voters approved two of the three Charter amendments, but rejected a Charter amendment to change the at-large elections for the School Board to elections by geographic sub-districts (yes - 48.57%; no - 51.43%). In an advisory vote, voters also adopted the 48 non-Charter recommendations in the Reform Plan. Attachment 4 is an excerpt of the 1999-2000 Task Force's report to the City Council (pages 1-4 of the agenda report and pages 76-79 of the Reform Plan).

It should be noted that neither of these two Task Forces recommended Instant Runoff Voting as a method of electing the City Council or the School Board.

Election Administrator's Issues - As the elections official for both the City and School District elections, the City Clerk would like to bring a few issues to the attention of the City Council as it considers the League's request:

- The Secretary of State's Office has not certified any IRV voting equipment or software, although it is in the process of reviewing San Francisco's election supplier's ballot equipment and software. San Francisco's contingency plan to do a partial manual tabulation was recently rejected by the State.
- An election administrator needs laws and procedures in place directing how an election is to be conducted. Currently, there are no provisions in the California Elections Code regarding how an IRV election would be administered.
- To change to an IRV voting method would require voter-approved Charter amendments. There have been two separate Charter Reform Task Force efforts since 1997 that studied City and School District governance issues, including how the City Council and Board of Education are elected. Although these Task Forces made various recommendations, neither of them recommended changing to an Instant Runoff Voting method. During the two Task Force studies, concerns were not raised by the public regarding the current election method of conducting primary and runoff elections.
- California elections are becoming increasingly complex. There are fail safe voting procedures (voter moves within the County, doesn't reregister, and must show ID, complete a form) and provisional voting (eligibility of voter is in question) which add difficulty to poll worker training. IRV would make the elections even more complex for our poll workers and there would need to be

August 18, 2003

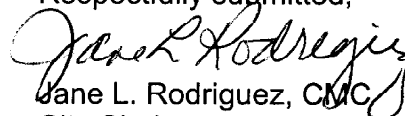
additional poll worker training with associated costs. It is already difficult to find an adequate number of poll workers and this voting system may deter some of our elderly workers from staffing the polls.

- This voting method may be difficult to explain and there would need to be a broad voter education campaign with associated costs, which would offset some of the savings in not conducting a runoff election.
- The community may need to reflect as to whether the six weeks between the primary and runoff elections are beneficial to voters in getting to know the candidates better, especially those that are not incumbents. The period between a primary and general election can be an opportunity for candidates to clarify issues and for voters to gain greater perspective. The runoff election provides voters with an opportunity to take a second look at the final candidates.
- The City could be opening itself up to litigation if, like San Francisco, the Charter was amended but certification of voting equipment and proper procedures were not in place to implement the change.
- If Pasadena and PUSD changed to IRV, and the County-administered state elections did not, there could be voter confusion with having two completely different types of voting methods.
- Any changes to the current voting method for the combined City of Pasadena and PUSD elections would need to involve the Board of Education and would require PUSD voter approval.

FISCAL IMPACT

There would be a cost savings of approximately \$200,000 per election cycle if this type of voting system were implemented for both City Council and Board of Education elections. However, these savings would be offset by increased costs for poll worker training, voter education campaigns, increased costs for ballots and additional pages in the voter pamphlet, increased translation costs, and modification or replacement of the current ballot card reader. Costs in placing a measure on the ballot would also need to be considered, as well as additional costs if another Task Force is created to further study the issue.

Respectfully submitted,


Jane L. Rodriguez, CMC
City Clerk

LEAGUE OF WOMEN VOTERS
Pasadena area

ATTACHMENT NO. 1

March 31, 2003

Bill Bogaard, Mayor
City of Pasadena
100 N. Garfield, Room 237
Pasadena, CA 91109

Dear Mayor Bogaard,

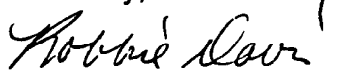
If past history is any indication, Pasadena will be paying over \$16 per vote in the upcoming PUSD School Board runoff. Based on information provided by the City Clerk from 2001, the city will spend approximately \$190,000 on the April 15 election to get less than 10% of registered voters. The League of Women Voters, Pasadena Area, considers this to be a poor use of tax dollars and would like to suggest a solution - Instant Runoff Voting (IRV).

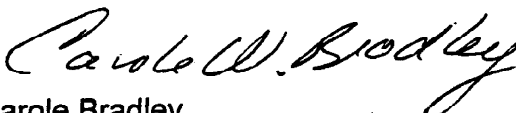
IRV eliminates altogether the need for a separate runoff election. If there's no outright winner in an election, IRV enables the computer tallying the votes to conduct an immediate runoff using the second (or third or fourth) choices a voter specifies for each office on their ballot. The details of the process are explained in the enclosed brochure.

In addition to saving \$190,000 - think of the city programs that could use this money - IRV has other advantages. One is a possible reduction in negative campaigning since each candidate would be less apt to attack his or her opponents if they were vying for the second choice vote of the opponents' supporters. Reduction in campaign spending is also anticipated since candidates would only have to finance a single election.

IRV has been adopted in a number of areas around the country - most recently in San Francisco. It requires some specialized equipment but since, as the result of the 2000 election debacle, municipalities must purchase new equipment anyway, this is the perfect time to upgrade to IRV for local single-seat elections such as City Council, Mayor and PUSD Board. We hope that the Pasadena City Council will take a serious look at IRV. With the current state of local economies, we need to do anything we can to reduce expenses while preserving our democratic rights. Instant Runoff Voting is an idea whose time has come!

Sincerely,


Robbie Davis
President


Carole Bradley
V.P. - Action

1353 North Hill Avenue • Pasadena, California 91104 • (626) 798-0965 FAX (626) 798-0966

SERVING THE COMMUNITIES OF PASADENA, ALHAMBRA, ALTADENA, LA CANADA FLINTRIDGE
MONROVIA, MONTEREY PARK, SAN GABRIEL, SAN MARINO, SIERRA MADRE, SOUTH PASADENA

Is IRV too complicated for the voter?

No, IRV is as easy as 1, 2, 3. All the voter does is rank one or more candidates in order of choice.

Doesn't IRV give extra votes to fringe voters who vote for eliminated candidates?

No, IRV works much like a series of instant or quick runoffs if no candidate receives a majority of first choice votes. If your 1st choice does make a runoff, your ballot continues to support that candidate. If your 1st choice candidate doesn't make a runoff, your ballot supports your next choice still in the running. With IRV, this all happens with one election.

Is IRV constitutional?

Yes, IRV is a constitutional voting system which upholds the principle of one person - one vote.

Instant runoff voting can:

- Promote majority rule, in contrast to plurality voting where the one with the most votes wins even if a majority voted against that candidate by voting for others.

- Save money compared to costly two-round runoff elections, which often have low voter turnout.

- Increase voter turnout by giving voters more choices. Experience around the world shows that voter turnout goes up when voters have a wider range of choices.

- Promote positive, issue-based campaigns because candidates will want voters to rank them 2nd or 3rd if they do not rank them as a first choice.

- Create a clearer mandate for a winning candidate's agenda, giving better direction for policy-making.

- Allow you to vote for the candidate you really prefer without helping to elect someone else.

- Minimize "wasted" votes, votes which don't help elect a winner. To the extent possible, your vote will help elect a candidate you like.

- Avoid a delay in electing a winner - a problem of two-round runoff elections.

- Eliminate the spoiler problem of plurality elections.

Instant Runoff Voting

What is IRV?

IRV is a fair way to elect a single candidate when there are more than two choices.

IRV allows you to vote for the candidate you like without helping to elect the candidate you don't.

A Simple Guide to Instant Runoff Voting



**THE LEAGUE
OF WOMEN VOTERS®
OF THE PASADENA AREA**

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[Replication and distribution of this material are encouraged.]

Does our VOTING SYSTEM need improvement?

YES. The evidence is all around us: low voter turnout, negative campaigning, superficial treatment of the issues, narrow range of debate and distrust of politicians.

The two most common voting systems in the United States – plurality and two-round runoff elections – have serious shortcomings. Among these are:

Minority Rule: In a plurality election, a winner can be elected with less than a majority. Bill Clinton and Richard Nixon won presidential races with less than 45%. In 1994, three governors won with less than 38%. In 1997, the mayor of Albuquerque won with just 29%. When powerful offices can be won with such low percentages, there's no guarantee of a majority rule.

Problem with Spoilers: Plurality voting allows candidates with little chance of winning to knock off popular candidates. Voters' choices are limited, as potential candidates with good ideas don't run, due to fear of this "spoiler" effect.

Costly and Inefficient: With two-round runoff elections, if there is no majority winner in the first round, taxpayers pay for two elections, candidates raise and spend more money, and voter turnout is often extremely low. If many candidates run, the majority of voters could have voted for candidates who were not the top two who

reached the runoff. In a low turnout runoff, it's impossible to say that the winner has majority support.

Can IRV solve these problems?

YES! Unlike a plurality election, IRV assures that the winner enjoys majority support. IRV avoids the problem of multiple candidates splitting the vote, throwing elections to less popular candidates. It accomplishes this in a single election when turnout is highest. Taxpayers save the cost of a separate runoff election.

How does IRV work?

Voters simply rank the candidates as 1st Choice, 2nd Choice, 3rd Choice... ranking as many as they wish: 1, 2, 3, ...

For example:

Your Ballot	All First Choice Votes
<i>(Voter chooses 1, 2, 3)</i>	<i>(No Majority winner in first round)</i>
Smith 2	41% of all votes
Garcia 1	40% of all votes
Franklin 3	19% of all votes

Initially, ballots are counted based only on first choice votes. If a candidate receives a majority (50% +1) of first choices, that candidate is elected. If there is no majority winner of first choice votes, the candidate with the fewest first choice votes is eliminated for the next round. Ballots are counted in a series of rounds (or instant runoffs). Each round, your ballot counts for

your highest-ranked candidate still in the running. The election is over when a candidate wins a majority.

In this example, since no candidate received a majority of first choice votes and Franklin received the fewest (19% of the total), Franklin was eliminated. In the second round, the ballots listing Franklin as first choice were counted for their voters' second choices, giving Smith another 4% of the total and Garcia another 15%. (Your ballot had Garcia as 1st choice and was still counted for Garcia in the second round.) Garcia won since 55% of all voters actually preferred her to Smith.

Instant Runoff (second round, <i>no new election</i>)	IRV Majority Winner
Franklin's 19% is distributed to voters' second choices: 15% to Garcia, 4% to Smith	
Smith 41%+4%	
Garcia 40%+15%	Garcia 55%
Franklin eliminated	

Has IRV ever been used?

Yes, IRV is used to elect the members of the Australian Legislature, the President of Ireland, and the Mayor of London. In March 2002, voters in San Francisco chose IRV as the method for electing their Mayor and other officials. The American Political Science Association (APSA) also uses IRV because its members – political scientists who study these things – know it is a fair way to elect a single candidate when there are more than two choices.

Instant runoff plan foiled by state panel It fears 'meltdown' -- won't allow hand count in S.F.

John Wildermuth, Chronicle Political Writer

Sacramento -- A state panel, fearing a "meltdown" of the election process, unanimously rejected San Francisco's plan for a hand-counted instant runoff voting system Monday, virtually ending any chance the method will be used for the mayoral election this November.

"I'm not going to say it can't be done, but I don't know how we can do it," John Arntz, the city's election director, said after the four-hour hearing.

The death knell for an instant runoff could sound as soon as Wednesday, when San Francisco is scheduled to release \$250,000 to help educate voters about the new election system.

"There's no use in spending the money if we're not going to have the system," Arntz said.

But backers of the instant runoff plan, also known as ranked-choice voting, said the city must go ahead with the system San Francisco voters approved last year.

"We're going to court," said Steven Hill of the Center for Voting and Democracy, which helped write the instant runoff initiative. "We're not going to say, 'OK, that's it.'"

If Arntz decides to drop plans for an instant runoff vote in November, he will be a target of the suit, Hill said.

"Once he pulls the plug, that's when he's broken the law," he added.

Instant runoff voting was designed to eliminate the city's traditional, low-turnout December runoff election by allowing voters in the November general election to list their top three choices for mayor, district attorney and sheriff.

As outlined in the March 2002 initiative, an electronic voting system would rank the candidates.

If no candidate had a majority of votes, the candidate with the least support would be eliminated, the second choice on those ballots would move up to the top and the votes would be instantly recounted.

The instant shuffling of the count would continue until one candidate had better than 50 percent of the vote.

COUNTING VOTES BY HAND

But the company that supplies San Francisco's voting machines has been unable to get federal and state approval for an electronic system to tabulate ballots. That forced the city to cobble together a plan that called for the votes to be counted by hand, which Arntz estimated would take as many as 500 temporary workers, paid \$25 an hour, up to a month to count the estimated 240,000 ballots.

"People voted for an instant runoff," said Jim Salinas, a San Francisco resident who called on the state to reject the hand-count plan. "I'm not sure how these people define instant."

The eight members of the state's Voting Systems and Procedures Panel, all state employees, agreed that the city's plan had too many pitfalls.

Potential problems with recounts, write-in votes, possible ties and the time it would take to count the ballots were all concerns raised by the panel.

"We're not looking for perfection, but we are looking for conformity to state law," said Marc Carrel, the panel's chairman. San Francisco's plan "has too many deficiencies . . . and creates too big a risk that a meltdown . . . will occur."

The panel, which must approve any change in voting machinery or systems for any election in California, heard from more than 30 speakers. Many of the speakers urged that the plan be given a conditional approval so the state could work with San Francisco to fix any likely problems.

"It's imperative that you give us a good shot at this," said Richard Harisen of the Richmond District Democratic Club. "This is what the people of San Francisco want."

INSTANT ADVANTAGE?

Political maneuvering also fueled the move to the instant runoff system, which was backed by the city's more liberal element. The argument is that it would give progressive candidates, who often split the liberal vote, a better chance to beat business-backed candidates who can raise more money for a December primary.

"You've been gotten to by Willie Brown, Gavin Newsom, Dianne Feinstein and the other people in power in the city," one speaker shouted at the panel. "They've got the money, all we've got is the people."

At one point, Carrel threatened that security officers would clear the hearing room of people loudly complaining about the panel's vote.

'NOT ENOUGH TIME'

One complaint was the limited time backers of the instant runoff had to respond to the state's concerns. A staff report recommending that San Francisco's instant runoff be rejected was released shortly after 5 p.m. Friday, leaving little time for discussion before the Monday hearing.

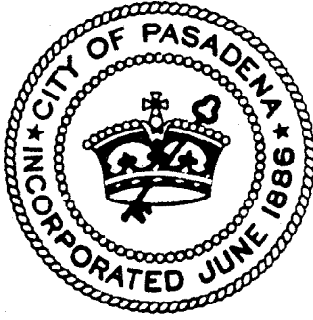
"The (state's) staff report was just wrong on a lot of issues," Hill said. "But there was not enough time to work with them on our concerns."

The panel's ruling could be reviewed by Secretary of State Kevin Shelley, a former San Francisco assemblyman who supported the instant runoff initiative. But no secretary of state has ever overturned a decision by the voting systems panel, said Doug Stone, a spokesman for Shelley.

If the instant runoff system isn't used in November, the city would have to go back to its traditional runoff, which this year would be held on Dec. 9. With the Oct. 7 statewide recall election now on the schedule, San Francisco's much-maligned election officials, whose record has been dismal in recent years,

would be forced to run three elections in as many months.

*E-mail John Wildermuth at
jwildermuth@sfchronicle.com.*



ATTACHMENT NO. 3
Excerpt of 1997-1999 Task Force Report
Agenda Report (Pages 1-4, 19-22)

TO: CITY COUNCIL JUNE 29, 1998
FROM: CHARTER REFORM TASK FORCE
SUBJECT: FINAL RECOMMENDATIONS OF THE CHARTER REFORM TASK FORCE

I. EXECUTIVE SUMMARY

TASK FORCE MISSION

The Pasadena City Charter Reform Task Force was created by the Pasadena City Council on August 18, 1997. It was made up of 21 members with each Councilmember submitting three nominees who were confirmed by the full Council. The Task Force was directed to investigate three specific issues and make recommendations to the City Council, including any revisions to the City Charter that might be required to implement them. The three specific areas of inquiry were:

- A. General form of City government
- B. City Council compensation
- C. The aspects of the Board of Education of the Pasadena Unified School District as they are defined in the Charter

INVESTIGATIONS AND DELIBERATIONS

Beginning in late September 1997, the Charter Reform Task Force held a series of twenty-one general meetings and four public forums. At those meetings and forums, the Task Force heard a variety of presentations on municipal government and deliberated on specific issues. Deliberations concluded with a special meeting on June 15, 1998. In its deliberations, the Task Force also utilized a broad range of reference materials obtained from a variety of sources. From time to time, ad hoc work groups were formed to research specific issues. Their findings and recommendations were then used as a point of departure for deliberations by the full Task Force.

MEETING OF 6/29/98

AGENDA ITEM NO. 7.C.1.

Input from the public was received at each general meeting during a public comment period and in conjunction with the Task Force's own deliberations. The four public forums, which were widely publicized, were dedicated exclusively to receiving public input.

The recommendations of the Task Force are based on votes taken on a series of motions made during the course of the deliberations. A majority vote of those present was required to pass a motion and constitute a recommendation of the Task Force. Specific revised Charter language is not included in this Report. Members not in agreement with the majority on any issue were invited to submit minority reports along with the Task Force's recommendations.

RECOMMENDATIONS

A. General Form of City Government

Based on its deliberations and the votes taken, the Task Force made the following recommendations:

1. The City should continue to utilize the council/manager form of municipal government. The duties and responsibilities of the City Manager and Council as currently described in the Charter should remain the same.
2. The City Council should continue to have seven members elected by district, in addition to a citywide elected Mayor.
3. The Mayor should:
 - a. Be elected at-large in a citywide election,
 - b. Have a term of four years with the first election being held in the 2001 municipal election cycle,
 - c. Sit as the presiding officer of the City Council and vote as any other Councilmember, and
 - d. Have the additional responsibility, at the beginning of each budget cycle, to deliver a budget message to the City, Council and City Manager indicating thematic budget priorities that should be taken into consideration in the preparation of the budget for submission to the full Council.

Additional duties that are not proposed as Charter amendments, but are the Task Force's vision of the role of the citywide elected Mayor, are detailed in Section III, Citywide Elected Mayor.

B. City Council Compensation

The Task Force recommends that the provisions in the Charter should be changed to provide for the following:

1. Councilmembers elected by district should be paid a stipend of \$250 per meeting, not to exceed \$1,000 per month.
2. The Mayor should be paid a stipend equal to 150% of the other councilmembers.
3. By a unanimous vote with all members present and voting, the Council can change the amount of the stipend annually and, if increased, by not more than the most recent annual percent change in the CalPERS cost of living index.
4. Councilmembers will be prohibited from receiving a stipend or other compensation for any other duties or position in the City, Community Development Commission or other City-related entity. This will not prohibit Councilmembers from receiving compensation in connection with service with other public agencies.

C. Board of Education

The Task Force also recommends that the method by which the Board of Education members are elected should be changed to a system of proportional representation and that it be accomplished as follows:

1. The City Council form a new task force to study and make a recommendation on a specific method of voting under a proportional representation system for School Board elections.
2. Based upon the new task force's recommendations, Charter language would then be drafted and presented for a vote of the people on the specific method of voting under a proportional representation system, and provide for the election of all five School Board seats simultaneously. This Charter amendment proposal should go before a vote of the people no later than the year 2000 and, if approved, the new voting method would be used for the next municipal election in the year 2001.

D. Community Involvement/Neighborhood Councils

The Task Force also discussed extensively the topic of neighborhood councils. The main focus of those discussions was the expansion of the level of participation by citizens in municipal and civic affairs. It was decided that the Task Force would recommend that the

City Council should create a program to establish a Community Involvement Study Group. The Study Group would assess current avenues of involvement within the City of Pasadena and recommend an overall Community Involvement Strategy for enhancing effective community participation. The study should include, but not be limited to, consideration of an annual Community Congress, neighborhood councils, leadership development, and youth participation in the political process.

IMPLEMENTATION

In order to implement the recommendations relating to the mayor, compensation and the manner of electing School Board members, it will be necessary to amend the City Charter. Amending the Charter requires a majority vote in an election on a specific proposal. City governance related issues must be voted upon within the City. Any Charter amendment relating to the Board of Education must be voted upon by the entire School District. The votes can be held at regularly scheduled or special elections. It is recommended that votes on any Charter amendments be separated into the governance, compensation and School Board categories.

The next regularly scheduled elections at which votes could be held are the November 3, 1998 State General Election and the March 9, 1999 Municipal Primary Election. In order to vote on the issues in the November 1998 election, it would be necessary for the City Council to take final action on the measures in the form in which they would appear on the ballot not later than 88 days prior to the election (i.e., by the first week of August 1998). If called upon, members of the Task Force will make themselves available to assist the City Attorney in the drafting or review any revised Charter language or the ballot measures and comment on their consistency with the intent of the recommendations.

ORGANIZATION OF THE REPORT

The findings and recommendations of the Task Force in each area of inquiry are presented in detail in separate sections following this summary. Each section was written by a designated Task Force member. A listing of the membership of the Task Force (Attachment A) and a copy of the minutes of each meeting (Attachment B) are included. A Minority Report relating to proportional representation has been prepared as a separate document.

VII. SCHOOL BOARD STRUCTURE AND GOVERNANCE

CURRENT STRUCTURE

The Charter of the City of Pasadena, Article VII, Section 701, et seq. currently provides for a Board of Education consisting of five members holding offices numbered one through five. School Board members are elected in staggered terms with odd-numbered seats elected in one election cycle and even-numbered seats elected in the next election cycle. Under Section 703, School Board members are elected from the School District at-large in primary nominating and general elections, unless elected by a majority of votes in the primary nominating election.

REASONS FOR CONSIDERING A CHANGE

The Task Force received comments during its public forums and regular meetings expressing the following opinions and concerns about the School Board, its structure and governance: 1) Some members of the Board are unresponsive to residents of the District, 2) The current at-large system of electing School Board members is not fair to voters or candidates, 3) Typically, at-large elections involve a greater cost to candidates due to the large number of votes needed to be elected, 4) School Board members must run for specified seats exacerbates what some consider to be a lack of fairness inherent in at-large elections, and 5) There is a need for more accountability for School Board members.

Students do not reside evenly throughout the geographic areas of the District. The majority of School District students reside in Northwest Pasadena and Altadena, while only two School Board members live in those areas. Many parents do not know whom to call for assistance on school matters. A number of community members expressed the concern that there is a distance between the School Board and parents, students and other residents of the district. Some also perceived a lack of interest in School Board elections. Changing the manner of electing School Board members may help change this community perception.

ALTERNATIVES CONSIDERED

Single-member Districts

The Task Force considered single-member districts as an alternative to the current at-large system. Under this system, School Board members would be elected in the same manner as the City Council, that is, by individual Board districts within the overall Unified School District. Some community members suggested that single-member districts would provide more accountability and less distance between School Board members and parents, students and constituents. Districts also allow for election of candidates with fewer votes than in at-large elections, thereby possibly increasing interest in School Board elections.

Others pointed out that because students do not reside evenly throughout geographic areas of the School District, district representation might not serve the best interests of students and their parents. Because of the population density of Northwest Pasadena and Altadena, it may be difficult to draw district boundaries considered fair by all. Some community members were concerned that minority voters may have less voting strength in district elections than under the current at-large system.

It was also pointed out that School Boards members, unlike City Councilmembers, do not have natural geographic constituents. Rather, many community members believe that School Board members should have a district-wide focus. There also was concern that district elections may lead to unhealthy factionalism and rivalries between areas of the School District. Finally, the Assistant City Attorney assigned to assist the Task Force is of the opinion that the State Education Code prohibits a school district such as the Pasadena Unified School District from electing Board members from individual districts.

Proportional Representation

A variety of "proportional representation" voting systems were considered, such as the single transferable vote and cumulative voting. Proportional representation systems of voting are designed to produce a legislative body that reflects the political spectrum of the voters in proportion to the number of supporters. For example, if members of a particular constituency (political, class, racial, ethnic, etc.) make up 40% of the votes in a ten-member board election, it would get four seats. If another constituency makes up 10% of the votes, it would get one seat. This means that various majority and minority constituencies win representation while still maintaining majority rule.

It was suggested that proportional voting systems have the benefit of "self-districting" because they allow a candidate to be elected by a smaller number of votes than at-large elections. The smaller number of votes need not come from a geographically defined area, as in district elections. Rather, the boundaries are self-imposed by voters' political, ideological, or philosophical beliefs.

Others expressed concern that this type of voting system was too difficult for voters to understand and use. Task Force members understand that proportional representation systems work best in multi-candidate, nonpartisan elections, and provide no real benefit in elections with less than three candidates. The Task Force thus considered the alternatives of amending the Charter to allow the current five-member School Board to be elected simultaneously, or to increase the membership by at least one to realize the full benefit of proportional elections. Case law also indicates that some proportional voting systems are of questionable legality in California.

A comparison of various municipal election voting methods by the League of Women Voters of Seattle, including proportional representation systems, is included as Attachment H.

RECOMMENDED ALTERNATIVE

Description

Based upon the public comments and study of the alternatives, the Task Force recommends to the City Council that it form a new task force to study and make a recommendation on the specific method of voting under a proportional representation system for School Board elections. Based upon this new task force's recommendations, Charter language would then be drafted and presented for a vote of the people on the specific method of voting under a proportional representation system, and provide for the election of all five School Board seats simultaneously. The specific method of voting under a proportional representation system should be determined and go before a vote of the people not later than the year 2000. If approved by the voters, the new method of voting for School Board elections would be used for the next municipal election in the year 2001.

Key Rationales for Adopting the Proposed Change

There is considerable community interest in changing the current manner of electing School Board members to a system that will encourage more interest and participation in elections, as well as increase the School Board's accountability to parents and students. Proportional voting systems have a reputation for increasing voter interest and turn-out. Proportional voting systems currently are utilized in various elections across the United States, some by voluntary adoption and others as a manner of resolving challenges to current elections systems.

How the Proposed Change will Address the Reasons for Considering a Change

Proportional voting permits election of candidates with fewer votes than at-large elections, which may encourage more candidates to run for School Board seats and increase voter interest in elections. Because fewer votes are required to elect candidates, proportional voting includes the benefit of district elections while overcoming the problems identified with district elections, e.g., drawing fair districts and factionalism. Because voters express their preference for more than one candidate, proportional voting may discourage candidate animosity while encouraging candidates to run in tandem or groups. The single transferable vote system of proportional representation decreases the costs of elections for political entities as well as candidates since it eliminates the need for a primary or run-off elections.

Electing five members in a single election provides for the most effective proportional voting system as a greater number of open seats results in a greater opportunity for "less-than-majority" voices to be counted.

IMPLICATIONS FOR IMPLEMENTATION AS A CHARTER AMENDMENT

Because the Charter currently specifies that five School Board members are elected at-large in staggered elections, voters will need to vote for a proposed change in the Charter. Because proportional representation systems involve providing voters with more choices, a change or modification of voting equipment may be required. Also, a computer software program which tabulates the voters' preferences may need to be purchased. However, because proportional voting systems usually eliminate the need for run-off elections, the School District may realize a net savings in its elections.

Because of concerns over voter education of this new system of voting, many Task Force members recommend that a citywide vote on this proposed Charter amendment not take place until after the November, 1998 elections. The Task Force has been informed by the Pasadena League of Women Voters and the City Human Relations Commission that they are ready to assist in educating the Pasadena community about the proposed change to a proportional representation system in School Board elections. Task Force members also commented that the recommended new task force could assist in voter education to increase the probability that Pasadena voters will support the Charter amendment.

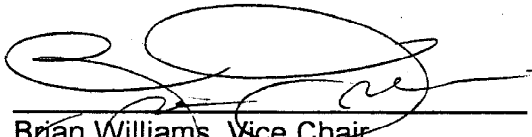
CLOSING COMMENTS

This Task Force report is the culmination of many hours of hard work and labor by a group of very dedicated citizen volunteers. Notwithstanding this, it would not have been possible to complete this task without the diligent efforts of the City Clerk Jane Rodriguez and Assistant City Attorney Larry Newberry, and other City staff. We would also like to thank all of those who had a hand in this project, including members of the general public whose input into this report was invaluable.

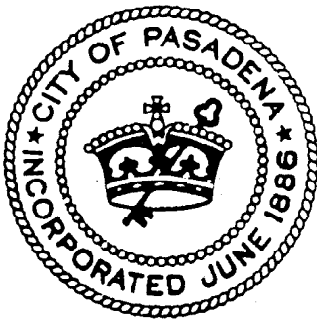
Respectfully submitted,



Ross Selvidge, Chair
Charter Reform Task Force



Brian Williams, Vice Chair
Charter Reform Task Force



Agenda Report

TO: CITY COUNCIL **DATE:** JUNE 26, 2000
FROM: CHRIS HOLDEN, CHAIR
CHARTER REFORM TASK FORCE
RE: FINAL REPORT AND RECOMMENDATIONS OF THE CHARTER REFORM
TASK FORCE ON SCHOOL DISTRICT GOVERNANCE

RECOMMENDATION:

It is recommended that the City Council:

- (A) Place three measures to amend the Pasadena City Charter on the November 7, 2000 ballot, to accomplish the following:
- (1) To increase the size of the Board of Education from five to seven members;
 - (2) To provide for the election of members of the Board of Education by geographic districts, to be effective upon the enactment of enabling legislation by the State. The City Council shall establish by ordinance a Redistricting Commission to recommend the configuration of election districts for the area served by PUSD. The Redistricting Commission shall be composed of nine members, as follows:
 - (a) Two members of the Pasadena City Council;
 - (b) Two persons appointed by the Board of Education who are not current members of the Board;
 - (c) Two residents of Altadena and other unincorporated areas of Los Angeles County served by the Pasadena Unified School District to be appointed by the County Supervisor representing such areas;
 - (d) One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;
 - (e) Two residents of the area served by the Pasadena Unified School District to be appointed by the Pasadena City Council who are not current members of the Pasadena City Council.
 - (3) To require that no later than the end of September of each year, the President of the Board of Education shall address the public on the state of the Pasadena Unified School District to articulate the goals and objectives of the District for the coming school year and to report on the progress of the District in achieving its goals and objectives, including implementation of the School Accountability and Reform Plan.

- (B) Approve the Task Force's proposal for adopting and implementing the School Accountability and Reform Plan ("Reform Plan"), as follows:
- (1) Adopt the findings and recommendations of the School Accountability and Reform Plan incorporated in the attached Task Force's Final Report and Recommendations.
 - (2) Call upon the President of the Board of Education to include in the proposed annual State of the Public Schools Address a reporting on the implementation of the School Accountability and Reform Plan;
 - (3) Recommend that the Board of Education hold at least one joint meeting per year with each of the governing bodies within the School District territory with the understanding that the School Accountability and Reform Plan would be one of the key items at said joint meetings.
 - (4) Recommend that within six months of the City Council's adoption of the School Accountability and Reform Plan, the Board of Education provide an accounting in a publicly noticed meeting on the implementation of the Plan.
 - (5) Direct that one year following the City Council's adoption of the School Accountability and Reform Plan, the Charter Reform Task Force on School District Governance be reconvened to meet on an annual basis to review the implementation of the Reform Plan, and to report its conclusions to the community in a public forum. As part of this annual Task Force review, it is requested the City Council provide a budget for a brief review period and a public forum meeting.
 - (6) Establish a transition plan to the seven-member Board as outlined in the Implementation and Transition recommendations (pages 81-82) of the Task Force's Final Report.
- (C) It is further recommended that the City Attorney be directed to prepare and return to Council with formal resolutions: (1) calling a special municipal election within the PUSD territory to be consolidated with the State General Election on November 7, 2000; (2) requesting County services for the consolidation and administration of said election; and (3) setting priorities for filing written arguments and directing that the City Attorney prepare impartial analyses for the three Charter amendment measures.

BACKGROUND:

The Task Force was empowered to explore Charter changes and to more broadly explore reforms in the operations of the schools beyond the Charter. The Pasadena City Charter authorizes the City to shape the election system and other aspects of the Board of Education, but State law and Board policy govern the day-to-day operation of the schools.

The recommendations of the Task Force, therefore, include proposed changes to the City Charter and suggested policies that could be adopted by the Board of Education or other governmental units.

The selection process for Task Force members was meant to signify the broad involvement of stakeholders in the PUSD. The City Council made two appointments of incumbent Councilmembers and appointed four members of the public. The PUSD Board of Education made two appointments, one current and one former Board member. The City of Sierra Madre chose its Mayor to serve on the panel. County Supervisor Mike Antonovich appointed two prominent and active members of the Altadena community. The City Council made four appointments of members of the public.

The budget of the Task Force was \$247,000. Of this amount, the City of Pasadena contributed \$217,000, the City of Sierra Madre contributed \$5,000, and Los Angeles County Supervisor Michael Antonovich contributed \$25,000 of discretionary office funds for the Task Force.

Task Force Process

The Task Force's first meeting was held on September 21, 1999. The Task Force hired Dr. Raphael Sonenshein as Staff Consultant in October. His first task was to interview all Task Force members and develop a report concerning potential problems in the governance and operation of the Pasadena Unified School District.

In November, the Task Force approved a workplan. The workplan called for a speakers' series, public forums, informational and discussion sessions on key issues, and the development of recommendations for public review.

During the month of December, the Task Force heard from leading experts on education reform, including Professor Roderick Kiewiet of Caltech and Thomas Toch of the Brookings Institution.

Between January and the end of March, the Task Force received and discussed staff reports on specific topics. All meetings were held in public.

In March, the Task Force divided into *ad hoc* subcommittees to generate possible recommendations for solving the problems identified in the Task Force process. These recommendations were brought to the full Task Force where they were reshaped based on a set of criteria into a set of draft recommendations.

On May 3, 2000, the Task Force presented its draft recommendations to the community at a public briefing. Between May 3, 2000 and mid-June, the Task Force heard public comment on its recommendations. Three public forums were held in the community specifically to receive public comments on the Task Force's recommendations. During this time, the Task Force continued to meet, in public, to address additional issues and to incorporate, as appropriate, revisions that emerged from the public comment period.

On June 14, 2000, the Task Force voted on its final set of recommendations for presentation to the Pasadena City Council, which are incorporated in the attached Final Report and Recommendations of the Task Force.

FISCAL IMPACT

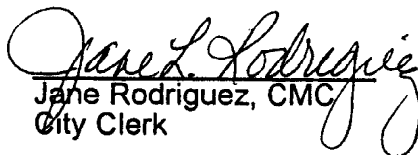
Generally, the cost to consolidate a Pasadena election with a County-administered election is approximately \$60,000, plus \$5,000 for each measure on the ballot. Because this election would involve the whole PUSD territory, this cost will be increased. The Registrar of Voters Office is in the process of computing what the estimated increased cost would be, and it is hoped this figure will be available by Monday's Council meeting. If the Council decides to place the proposed Charter amendments on the ballot, staff will return to Council in July with the formal resolutions calling the election and a funding recommendation.

Respectfully submitted,



Chris Holden, Chair
Charter Reform Task Force
on School District Governance

Prepared by:



Jane Rodriguez, CMC
City Clerk

**A NEW STRUCTURE
FOR THE
PUSD BOARD OF EDUCATION**

THE STRUCTURE OF THE BOARD OF EDUCATION

Findings

F45) The current system of at-large election of Board members contributes to the distance between the community and the schools.

F46) The Board does not have any structural requirement of reporting to the public on the state of the public schools.

F47) The Charter does not make clear the central role of the Board of Education as the public's key access point to the schools.

F48) The Board of Education has too few members to carry out the complicated and time-consuming policy and oversight responsibilities called for in this report.

In Part One of this report, the Task Force presented a series of findings and recommendations about new policies and directions for the management and operation of the PUSD system. Taken together, these recommendations comprise the School Accountability and Reform Plan. The recommendations emerged as a result of a thorough analysis of perceived problems within the District.

The underlying mission of the Task Force, however, is to go beyond policy matters to a fundamental structural question: Is the current structure of the PUSD Board of Education the best possible vehicle to attain the accountability, responsiveness, and effectiveness the community expects? And if not, are there preferable structures for the governance of the PUSD?

Any such structural changes require amendments to the City Charter of Pasadena, which governs the structure of the PUSD. As a result, the Task Force deliberated with great seriousness on these structural issues, understanding that the Charter is a fundamental governing document that should be changed sparingly and for good reason.

In addition to exploring the governance structure of the PUSD, the Task Force also examined a series of issues and alternatives associated with voting and representation methods and with various methods of appointment of Board members. Out of this discussion emerged a small set of decisions that are described below.

The Task Force considered a wide array of alternatives, including:

Changes to the method of voting, such as plurality voting, and variations of proportional representation. The Task Force resolved to maintain the current system of majority-rules elections.

Changes to the method of selecting Board members. The Task Force expressed a preference to continue the election method.

Requiring an annual address by the Board President. The Task Force felt that this address would provide a vital tool for responsiveness and accountability, and that it was particularly important to have the address conducted by the Board President to emphasize the Board's governance role.

Changing the size of the Board. Sentiment on the Task Force was widespread that the size of the Board should be increased from 5 to 7 members. This recommendation was based on a number of factors. The Task Force had heard from members of the Board of the Education of the scope of their work and the need for additional members to serve on committees. In addition, the Task Force concluded that there would be greater opportunities for representation and community access to the Board with an additional 2 members.

Research indicated that the vast majority of school boards in California have either 5 or 7 members. Larger school boards are very rare, at least in part because school boards are not seen as legislative bodies, but as governing boards. Thus, the Task Force members concluded that an increase from 5 to 7 members would assist the operations of the Board while remaining within the normal range of board sizes.

Changes to the electoral structure. The Task Force strongly endorsed the concept of sub-district elections. Currently, the Board members are elected at large, with all candidates needing to win an election in the entire School District. Under sub-district elections, the PUSD would be divided into areas, from which individual Board members would be elected.

This recommendation was based on the greater likelihood of more varied candidates running for the school board; greater access by the public to individual members representing smaller numbers of voters; and greater public interest. The Task Force members believe that with sub-district elections, the Board of Education will be more responsive to the public, and will more effectively exercise its oversight authority over the school system.

During the public comment period on the draft report, a majority of members of the public and a majority of teachers supported the shift to sub-district elections. While in most instances the Task Force recommendations represent a consensus of the Task Force

as a whole, as to the particular issue of sub-district elections, there was strong opposition by Task Force member Marge Wyatt.

The arguments against sub-district elections are that such a system will encourage fragmentation of the community; that Board members will not have the interest of all the students in mind; that it will be difficult to know whether representation should be provided at the place of residence or the location of the school attended; that the Board already has diverse representation; and that the specific boundary lines will not be known until 2002.

Task Force members weighed these arguments, and concluded that Board members elected by sub-district are likely to keep in mind the interests of the whole community. In addition, the Board members elected by sub-district are likely to pay close attention to the sort of problems that were illuminated in this report. The Task Force felt that, on balance, the advantages of creating a Board structure that maximizes direct contact with the community outweigh the objections raised to the recommendation.

CHARTER RECOMMENDATIONS

R49) The size of the Board of Education shall be changed from 5 members to 7 members.

R50) The election method for the Board shall be changed from at-large election to election by sub-district.

R51) The President of the Board of Education shall make an annual State of the Public Schools address to the community, including progress on the implementation of the Task Force recommendations.