

Agenda Report

TO: CITY COUNCIL

DATE: MAY 8, 2006

FROM: CITY CLERK

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATE GENERAL ELECTION ON TUESDAY, NOVEMBER 7, 2006, FOR THE SUBMISSION TO THE VOTERS OF AN INITIATIVE MEASURE FOR THE NATIONAL FOOTBALL LEAGUE RENOVATION OF THE ROSE BOWL STADIUM FOR PROFESSIONAL FOOTBALL USE

RECOMMENDATION:

It is recommended that the City Council:

- (1) Receive and accept the City Clerk's certification that, based upon the examination and verification of signatures by the Los Angeles County Registrar-Recorder's Office, the initiative petition submitted for "Proposal for the National Football League Renovation of the Rose Bowl Stadium for Professional Football Use" contains a sufficient number of valid signatures to place the proposed initiative on a special election ballot.
- (2) Find that the City's placement of the initiative on the ballot is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15378(b)(3).
- (3) Adopt the following resolutions related to the calling of a special municipal election on Tuesday, November 7, 2006:
 - (a) A resolution of the City Council of the City of Pasadena calling and giving notice of a special municipal election to be held on Tuesday, November 7, 2006, for the submission of a proposed initiative ordinance relating to the National Football League renovation of the Rose Bowl Stadium for professional football use.
 - (b) A resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a special municipal election of the City of Pasadena with the statewide general election to be held on Tuesday,

- November 7, 2006, and requesting the County Clerk/Registrar of Voters to provide certain services.
- (4) Determine whether the following optional resolutions shall be adopted:
 - (a) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments regarding the proposed initiative ordinance (“the measure”) and directing the City Attorney to prepare an impartial analysis.
 - (b) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments with respect to the measure.
 - (5) That the City Council direct the City Clerk to either:
 - (a) Print the full text of the measure (including exhibits) in a supplemental voter information pamphlet, or
 - (b) Pursuant to Election Code Section 9280, provide a statement in the voter information pamphlet that the full text of the measure will be available on the City’s Home Page at www.cityofpasadena.net or a copy will be mailed at no cost to the voter by calling the City Clerk’s Office at (626) 744-4124.

BACKGROUND:

On April 10, 2006, the City Clerk presented to the City Council the Certificate of Results for the initiative petition “Proposal for the National Football League Renovation of the Rose Bowl Stadium for Professional Football Use.” The petition meets the 15% threshold of valid signatures needed to qualify for a special municipal election. At the April 10 meeting, the City Council took action to direct the City Manager to prepare a report on the impacts, and return to Council on May 8. Council also directed the City Attorney and City Clerk to prepare formal resolutions calling for a special municipal election to be held on November 7, 2006 (to be consolidated with the state general election). Council further directed the City Attorney to present a public report on the legal issues related to federal Voting Rights Act litigation in other jurisdictions, as well as the four substantive legal issues referenced in the City Clerk’s April 10, 2006 agenda report certifying the initiative petition. The City Clerk was also asked to provide Council with data on the minority language requirements for Spanish and Chinese translations based on Pasadena’s demographics, and provide translation cost estimates for the full ballot measure text and exhibits.

Receive and Accept City Clerk’s Certification of Petition

City Council is requested at this time to formally accept and receive the City Clerk’s certification of the petition presented at the April 10, 2006 Council meeting (Attachment 1).

Resolutions Calling a Special Municipal Election

The first resolution formally calls a special municipal election to be held on Tuesday, November 7, 2006. The entire text of the measure, as originally filed with the City Clerk by the proponents on August 10, 2005, is attached to the resolution as Exhibit A. (Wording that is not part of the official text of the measure has been crossed off by the City Clerk, and would not be a part of any official printing.)

The second resolution requests the Board of Supervisors to authorize and direct the consolidation of said election with the state general election held on November 7, 2006, and to authorize the County Clerk/Registrar of Voters to provide certain services. The County Clerk will administer the consolidated elections as if conducting one election, and will provide the canvass results to the City of Pasadena.

Optional Resolutions

A. Priority Order for Arguments and Preparation of an Impartial Analysis

Two optional resolutions are provided for Council to consider: (1) a resolution setting priorities for filing written arguments and authorizing preparation of an impartial analysis; and (2) a resolution authorizing the filing of rebuttal arguments.

Pursuant to California Elections Code Section 9219, the proponents of the initiative (Councilmembers Holden, Little, and Streater) may file a written argument in favor of the measure. Elections Code Section 9282 provides that the City Council, or any member or members of the Council authorized by the Council, may file a written argument against the measure. If the City Council does not authorize members to sign a written argument, then citizens groups and individual voters may file arguments. If more than one written argument is submitted by citizens groups or individual voters against the measure, the City Clerk will select a written argument based on the priority set forth in Elections Code Section 9287. The priority set forth in that section provides for those members of the Council authorized by the Council, followed by bona fide associations of citizens, followed by individual voters.

The City Clerk will set the deadline of Monday, August 7, 2006 for the filing of primary arguments. Primary or direct arguments are limited to 300 words, and no more than five authors/signatures are allowed.

The first optional resolution also provides that the City Council may direct the City Attorney to prepare an impartial analysis of the measure. Elections Code Section 9280 states that: *"Whenever any city measure qualifies for a place on*

the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney. . . . The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.” The impartial analysis may not exceed 500 words in length. It should be noted that in accordance with Elections Code procedures, the City Attorney prepared a ballot title and summary of the proposed initiative ordinance at the beginning of the initiative process, and the impartial analysis could be the same or similar to the City Attorney’s earlier prepared summary. For purposes of reference, a copy of the City Attorney’s summary is included as Attachment 2 of the agenda report.

B. Rebuttal Arguments

If the City Council wishes to allow rebuttal arguments for this measure, it must adopt a resolution to allow for such at the time the resolution calling the special municipal election is adopted. If the resolution is not adopted, then there will be no rebuttal arguments allowed in the voter pamphlet. If rebuttal arguments are authorized by the City Council, the deadline for filing rebuttal arguments will be Thursday, August 17, 2006. As with primary arguments, no more than five authors may sign rebuttal arguments. Rebuttal arguments are limited to 250 words, and the author or a majority of the authors of a primary argument may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

The City Council is not required to provide for rebuttal arguments, but if it so desires, the policy of allowing for rebuttal arguments could either apply to all future elections until otherwise repealed, or it could provide for rebuttals only for this measure. The optional resolution attached provides that such policy apply only to this measure. If the City Council wishes to allow for rebuttal arguments for all future elections, then Section 2 of the proposed resolution should be revised to read, “The provisions of Section 1 shall apply at the next ensuing special municipal election and at each municipal election after that time.”

Print Full Text of Measure and Exhibits in Supplemental Voter Information Pamphlet, or Make Available on Internet or Upon Request

The full text of the measure and the accompanying exhibits is 96 pages long. The voter information pamphlet to be printed and mailed by the County will not be able to accommodate text of this length, thus, if the City wishes to print the full text of the measure and exhibits in the pamphlet, the City will need to separately print and mail a supplemental voter information pamphlet. It should be noted that there is no legal requirement to print the full text of a measure in the pamphlet. If the full text is not printed, the Elections Code requires that a statement must immediately follow the impartial analysis advising the voter on how to obtain a copy of the full text at no cost to the voter. If the full text is not

printed in the voter information pamphlet, it would be posted on the City's web site, and copies would also be printed and mailed upon request at no cost to the voter. The City Clerk is requesting that Council provide direction on this matter.

To print and mail a supplemental pamphlet of approximately 80 pages in English only would cost approximately \$67,800 (\$55,000 for typesetting, printing, affixing mailing labels, plus \$12,800 for postage). Under this option, Spanish and Chinese translations of the supplemental pamphlet would be mailed to those voters who are in the County data file requesting translations, or who call the Clerk's Office requesting copies. According to information provided by the County Registrar, there are 830 voter requests on file for Spanish translation, and 133 voter requests for Chinese translation.

To print and mail a bilingual (English/Spanish) supplemental pamphlet of 160 pages will cost approximately \$106,000 (\$88,000 for typesetting, printing, affixing mailing labels, plus \$18,000 for postage). Chinese translation of the supplemental pamphlet would be printed and mailed to those voters in the County data file who have made translation requests in the past, or persons calling the Clerk's Office requesting Chinese translation.

The most economical method is to not print the full ballot measure text in a supplemental pamphlet, but rather to post the ballot measure text and exhibits on the City's web site and provide copies to voters calling and requesting copies at no charge. The full ballot measure text and exhibits would still be translated into Spanish and Chinese pursuant to the Voting Rights Act, and English, Spanish and Chinese versions would be posted on the City's web site and would also be mailed to any voter requesting a copy at no charge to the voter.

Minority Language Translation Requirements of the Voting Rights Act

In 1975, Congress adopted the language minority provisions of the Voting Rights Act ("VRA"), extended the provisions in 1982 for 10 years, and again in 1992 for 15 years. Sections 203 and 4(f)(4) of the Voting Rights Act require that when a covered state or political subdivision provides registration or voting notices, forms, instructions, assistance, or other materials of information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language. Covered jurisdictions are determined on a county-wide basis by the Census Bureau after each census. Covered language minorities are limited to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens. These are the groups that Congress found to have faced barriers in the political process.

A jurisdiction is covered if more than 5 percent of its citizens of voting age are members of a single language minority and are limited-English proficient, or if

more than 10,000 of the citizens of voting age are members of a single language minority and are limited-English proficient.

In Los Angeles County, the following languages qualify for translations: Spanish, Chinese, Japanese, Korean, Vietnamese, and Tagalog. Although the VRA requires a 5% standard for targeting for minority language services, Los Angeles County has set a 3% standard to provide minority language services in every election. If the number of eligible voters for a specific language is higher or equal to the 3% criteria, that language qualifies for translations. Languages that fall below the 3% criteria do not qualify for translation. This criteria not only identifies the election district or city areas throughout the County with a cost-effective method of meeting the VRA requirements, but also helps minimize printing/translation costs for election jurisdictions/cities within the County.

The County Clerk/Registrar of Voters Office provides the individual cities within the County with their minority language requirements, based on the Census information for the individual jurisdictions within the County. For Pasadena, Spanish and Chinese qualify for translation and meet the 3 percent criteria using the County's targeting method. Attachment 3 is a copy of the Census data minority language requirements for Pasadena provided by the County. For purposes of geographic reference, the City Clerk has added a column to reflect the Council District of the voting precinct. It should be noted that the attached list does not reflect all precincts within Pasadena, only those precincts that have minority language translation requirements.

FISCAL IMPACT:

To consolidate this special municipal election with the statewide general election on November 7, 2006, the County has provided a cost estimate of \$122,000. In addition, costs to translate the full ballot measure text in both Spanish and Chinese will be approximately \$19,000. Other miscellaneous costs are reflected in the base budget below, as well as costs to do a supplemental voter information pamphlet in English only, or English and Spanish:

Base Budget, Not Printing Ballot Measure Text in Supplemental Pamphlet

\$122,000	County consolidation
19,000	Ballot measure text translation – Spanish & Chinese
4,000	Other translations (arguments, legal notices, election information)
3,500	Newspaper legal notices
3,500	Postage for mailing translated materials & measure text
<u>4,000</u>	Copying of translated materials & measure text
\$156,000	Total Base Budget

Base Budget and Printing Ballot Measure Text/Exhibits in Supplemental Pamphlet in English Only, Spanish and Chinese Translations Mailed to Voters in Data File Requesting Translation

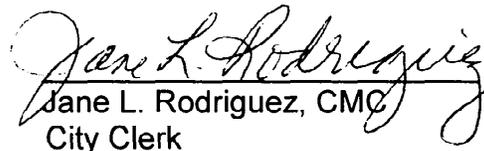
\$156,000	Base Budget (see above)
55,000	Election contractor – typeset, print, and affix mailing labels – 80-page supplemental voter information pamphlet – English only
<u>12,800</u>	Postage for mailing 80-page pamphlet
\$223,800	Total with Supplemental Pamphlet – English

Base Budget and Printing Ballot Measure Text/Exhibits in Supplemental Pamphlet in English & Spanish, Chinese Translation Mailed to Voters in Data File Requesting Translation

\$156,000	Base Budget (see above)
88,000	Election contractor – 160-page bilingual (English/Spanish) supplemental voter information pamphlet
<u>18,000</u>	Postage for mailing 160-page pamphlet
\$262,000	Total with Supplemental Pamphlet – English & Spanish

At the appropriate time in the upcoming FY 2007 budget process, the City Clerk's Department election budget will need to be increased, depending on Council direction pertaining to one of the three options above.

Respectfully submitted,


Jane L. Rodriguez, CMC
City Clerk