

Agenda Report

January 10, 2011

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SUPPORTING A CHANGE IN THE METHOD OF ELECTING MEMBERS TO THE BOARD OF EDUCATION OF THE PASADENA UNIFIED SCHOOL DISTRICT FROM THE CURRENT AT-LARGE ELECTION FORMAT TO GEOGRAPHIC SUB-DISTRICT ELECTIONS

RECOMMENDATION: It is recommended that the City Council:

- (1) Adopt a resolution supporting a change in the method of electing members to the Pasadena Unified School District Board of Education from the current at-large election format to geographic sub-district elections; and
- (2) At the request of the Pasadena Unified School District Board of Education, constitute a new Charter Study Task Force with a mandate to hold hearings on, and make recommendations concerning, the language of a Charter Amendment to the Pasadena City Charter to enable changing to geographic sub-district elections for members of the Board of Education.

BACKGROUND:

The California Voting Rights Act (CVRA) became effective on January 1, 2003 and encourages those governing bodies elected by an "at-large" election format to change to geographic sub-district elections. The CVRA states, "An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class...." (E.C. Section 14027).

Given the potential impact of the California Voting Rights Act, the Pasadena Unified School District Board of Education unanimously adopted Resolution No. 2124 (Attachment A) on November 23, 2010, supporting and encouraging a Charter Amendment to change to geographic sub-district elections for Board of Education elections. Contained within the language of the resolution are requested actions of the City Council to join in support of this effort by adopting a similar resolution and to also constitute a new Charter Study Task Force. The Board of Education asked that the City Clerk's Office convey this request to the City Council.

History of Geographic Sub-District Elections in Pasadena

The issue of geographic sub-districts has been considered on prior occasions by voters in Pasadena, with ballot issues pertaining to both the City Council and the Board of Education elections. In 1976, voters amended the City Charter and changed the City Council election format (previously elected at-large) to geographic sub-district elections.

Following a Charter Reform Task Force review of School District governance (1999 - 2000), a recommendation by the Task Force was made as part of a final report (Attachment B) to the City Council to change the Board of Education election format from at-large to geographic sub-districts. Based on that recommendation, the City Council called a Special Election held on November 7, 2000. Along with a number of ballot measures focused on the governance issue, Measure BB was submitted to the voters proposing the recommended Charter Amendment to change to geographic sub-district elections. However, the measure was defeated by approximately 1,800 votes (30,513 voting in favor of the amendment, and 32,315 voting in opposition to the amendment). One factor that likely contributed to the Measure BB's defeat, but has since changed with the enactment of the California Voting Rights Act, was the lack of enabling legislation allowing for district elections. As stated previously, the CVRA not only allows for, but encourages, geographic sub-district elections.

Measure BB Ballot Language:

“Shall the Charter of the City of Pasadena be amended to provide for the nomination and election of members of the Board of Education by geographic sub-districts, to be effective upon the enactment of enabling legislation by the State, with geographic sub-districts to be drawn after each federal census by a commission composed of members appointed by the Cities of Pasadena and Sierra Madre, the Pasadena Board of Education, and the County Supervisor representing the area?”

Following are highlights of the proposed changes that would have resulted from the Measure BB Charter Amendment had it passed:

- The School Board would be composed of seven voting districts to be established and re-established following each census.
- At the time of the first election by geographic sub-districts, all terms shall expire and all offices shall be subject to election, whether or not the member holding an office has served a term of four years. (The seats for those Boardmembers that would initially serve a two-year term and those that would serve four-year terms were not identified in the amended Charter language).
- Districting process shall occur no later than 18 months following each decennial census year.

- Composition of Districting Commission:

Two Members of the Pasadena City Council

Two appointees of the Board of Education (not current Boardmembers)

Two appointees of the Supervisor who are residents of Altadena or unincorporated Los Angeles County served by PUSD

One appointee of Sierra Madre City Council who is a resident of Sierra Madre and the area served by PUSD

Two appointees of the Pasadena City Council who are residents of Pasadena and the area served by PUSD

Process for Charter Amendment

A Charter Study Commission (or Charter Reform Task Force), is formed by action of the City Council, jointly with other governmental bodies when appropriate, to deliberate on the policies and the administrative mechanisms implicated by the change, and then to develop and recommend specific Charter language and text to be submitted to the voters. It has been requested by the Board of Education that such a task force be constituted promptly in order to make recommendations to the City Council for action no later than March 5, 2012, to meet the scheduled deadlines for the June 2012 Statewide Primary election.

No later than the March 5, 2012 Council meeting, a Charter Amendment would procedurally include adopting resolutions calling the election and determining the specific language of the Charter Amendment, requesting the City Attorney to prepare an impartial analysis, and setting priorities for arguments. In utilizing the June 5, 2012 Statewide Primary election date, the City would ask the Los Angeles County Registrar of Voters to allow for a consolidated special election and have the County place the Charter Amendment ballot measure on the State Primary ballot. Assuming the voters approved the Charter Amendment, the March and April 2013 Board of Education elections would then be administered as geographic sub-district elections.

Process for Determining Board of Education Districts

The City Council's redistricting process typically begins with the Council making appointments to a redistricting task force in August (no later than 18 months following each census year). The task force, once constituted, works with a hired consultant to analyze the census data, receives input from the public, and determines if changes are necessary to address population variances within the current City Council district boundaries. A final report declaring the findings of the task force and the recommended boundaries of each Council district is prepared and submitted to the City Council in April or May of the following year. The report is followed by a public hearing held by the City Council and the adoption of an ordinance establishing the district boundaries in May or June. Assuming a districting process for determining Board of Education districts follows a similar timeframe and protocol, the Charter Amendment language, policies,

and framework for establishing geographic sub-district elections would need to be determined prior to the start of the process.

Possible Dual Role of Charter Study/Districting Task Force

One option that the City Council might consider, in an effort to promote continuity and efficiency in the process, is allowing appointments to serve as both the Charter Study Task Force and the Districting Task Force. The work related to the Charter Amendment, if the findings and recommendations of the 1999-2000 Charter Reform Task Force are used as a basic outline, should be straightforward in nature. A review of the proposed Charter Amendment might also serve the members of the task force well when analyzing and determining the districting part of this effort.

Role of City Council and Board of Education Working Group

Following are a list of procedural questions that need to be answered in the coming weeks, should the City Council determine to proceed:

- Determine the composition of the Charter Amendment and Districting Task Force(s), and whether the stated effort should be combined as a dual role for one advisory task force
- Determine the charge and scope of the task force(s)
- Provide suggested start and end dates of the Charter Amendment study
- Provide suggested start and end dates of the Districting effort
- Consider assignment of staffing for the task force(s)
- Determine if it is necessary to circulate a Request For Proposals for consultant services to guide the Charter Amendment and/or Districting process
- Consider the budget, and any cost sharing provisions that might occur among the different agencies, for the Charter Amendment and/or the Districting process

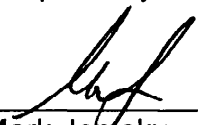
These questions (and any others identified by the City Council) might first be reviewed by an ad hoc working group comprised of two members of the City Council, two members of the Board of Education, and staff from both the City and School District. During the course of two or three meetings, this ad hoc working group might be able to discuss and make recommendations to both the City Council and Board of Education to consider at the Special Joint meeting scheduled for February 15, 2011. Given the shortness in time for the scheduled start of the Districting effort (18 months following the census), it is important to begin the review of the Charter Amendment portion of this effort as soon as possible.

FISCAL IMPACT:

A change to geographic sub-district elections will result in substantial cost savings for future Board of Education elections for the Pasadena Unified School District. For example, it is estimated that a single seat run-off election administered by geographic sub-districts would, conservatively, cost \$150,000 less than the same race administered at-large.

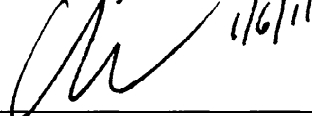
Funding impacts and considerations for the change to geographic sub-district elections should be considered in terms of the process outlined above, including administrative costs to support the task force(s), fees to retain an outside consultant to guide the Charter Amendment and Districting process, internal staffing, and miscellaneous expenses to conduct public meetings for the Charter Amendment and Districting task force(s) (e.g., venue fees, video production cost by KPAS, etc.). Staff and the ad hoc working group could analyze these potential expenses and return back with an estimated budget for City Council and Board of Education consideration at the joint meeting.

Respectfully submitted,



Mark Jonsky
City Clerk, CMC

Reviewed by:

 1/6/11

Nicholas G. Rodriguez
Chief Assistant City Attorney

Attachments:

Attachment A - Resolution No. 2124 of the PUSD Board of Education

Attachment B - Charter Reform Task Force on School District Governance (1999 -2000)
Final Report, Chapter IIB – A New Structure for the PUSD Board of
Education, (Pages 76 – 79)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
SUPPORTING A CHANGE IN THE MANNER BY WHICH MEMBERS OF
THE BOARD OF EDUCATION OF THE PASADENA UNIFIED SCHOOL
DISTRICT ARE ELECTED FROM THE CURRENT AT-LARGE
ELECTION FORMAT TO GEOGRAPHIC SUB-DISTRICT ELECTIONS**

WHEREAS, Members of the Board of Education of the Pasadena Unified School District are elected at-large by voters within the school district boundaries; and

WHEREAS, geographic sub-district elections would have benefits such as greater access by the public to individual members representing smaller numbers of voters and cost savings on election expenses for the Pasadena Unified School District; and

WHEREAS, effective January 1, 2003, the California Voters Rights Act enables and encourages school districts to change from at-large elections to district-based elections and prohibits at-large elections which impair the ability of voters who are members of a race, color or language minority group from electing candidates of their choice and/or impairs them from influencing the outcome of an election; and

WHEREAS, changing from at-large elections to geographic sub-district elections for the selection of Members of the Board of Education of the Pasadena Unified School District requires an amendment to the City of Pasadena Charter by vote of the people within the geographic areas of the Pasadena Unified School District boundaries; and

WHEREAS, data from the 2010 census will be available in 2011 and will provide the basis for determining districts for the election of Pasadena Unified School District Board of Education Members under district-based elections; and

WHEREAS, the June 5, 2012, election is the last regularly scheduled election date permitting an amendment to the City of Pasadena City Charter in time to adopt district-based elections for Pasadena Unified School District Board of Education Members for the March 2013 Consolidated Primary Nominating election with the City of Pasadena; and the Pasadena City Council meeting on March 5, 2012, would be the last Council meeting available to adopt the required resolutions calling the election to place an amendment to the City Charter on the June election ballot; and

WHEREAS, on November 23, 2010, the Pasadena Unified School District Board of Education unanimously adopted Resolution No. 2124 supporting and encouraging a Charter Amendment to change to geographic sub-district elections for Board of Education elections.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pasadena does hereby:

1. Endorse and encourage changing the method of election for Members of the Board of Education of the Pasadena Unified School District from the current at-large format to geographic sub-districts.

2. Agree to work in consultation with the Pasadena Unified School District to promptly constitute a new Charter Reform Task Force with a mandate to hold hearings on, and make recommendations concerning, the language of a Charter Amendment to the Charter of the City of Pasadena to change to geographic sub-district elections and the issues related to transitioning to a district election format, including determining the number of districts, the relationship, if any, to the City of Pasadena City Council districts, and the inter-relationship between the City of Pasadena City Council redistricting process in response to the 2010 Census and the districting process for prospective Pasadena Unified School District geographic sub-district boundaries.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2011, by the following vote:

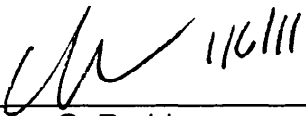
AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:



Nicholas G. Rodriguez
Chief Assistant City Attorney
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Mark Jomsky
City Clerk, CMC

**BOARD OF EDUCATION
PASADENA UNIFIED SCHOOL DISTRICT
Pasadena, California**

Resolution No. 2124

District Elections

WHEREAS, Members of the Board of Education of the Pasadena Unified School District are selected by an at-large method of election; and

WHEREAS, a district-based elections method would have benefits such as greater access by the public to individual members representing smaller numbers of voters, greater public interest, and savings of taxpayer's money by lower election expenses for the Pasadena Unified School District; and

WHEREAS, effective January 1, 2003, the California Voters Rights Act enables and encourages school districts to change from at-large methods of election to district-based elections because it prohibits at-large election methods of election which impair the ability of voters who are members of a race, color or language minority group from electing candidates of their choice and/or impairs them from influencing the outcome of an election; and

WHEREAS, changing from an at-large method of election to district-based elections for the selection of Members of the Board of Education of the Pasadena Unified School District requires that an amendment to the City of Pasadena charter be approved by the voters of the geographic areas within the Pasadena Unified School District boundaries; and

WHEREAS, data from the 2010 census will be available in 2011, will require the City of Pasadena to redistrict its City Council Member districts, and must be a basis for determining districts for the election of Pasadena Unified School District Board of Education Members under district-based elections; and

WHEREAS, the June 5, 2012, election would be the last election date permitting an amendment to the City of Pasadena City Charter to adopt district-based elections for Pasadena Unified School District Board of Education Members in time to have district election for their March 2013 election, and the Pasadena City Council meeting on March 5, 2012, would be the last date for it to place an amendment to its Charter on that election ballot;

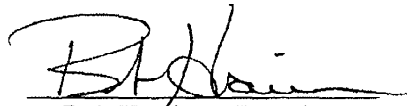
NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Pasadena Unified School District does hereby:

1. Endorse and encourage changing the selection method for Members of the Board of Education of the Pasadena Unified School District from the current at-large method of election to district-based elections.

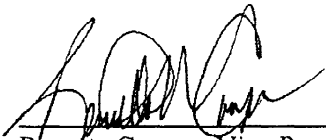
2. Urge the City Council of the City of Pasadena join the Board of Education of the Pasadena Unified School District in passing a resolution endorsing and encouraging changing the selection method for Members of the Board of Education of the Pasadena Unified School District from the current at-large method of election to district-based elections.

3. Request that the City of Pasadena, in consultation with the Pasadena Unified School District, promptly constitute a new Charter Reform Task Force with a mandate to hold hearings on and make recommendations concerning the language of an Amendment to the Pasadena City Charter to change to district-based elections and the issues related to transitioning to district-based elections such as the number of districts, the relationship to the City of Pasadena City Council districts, and the interrelationship between the City of Pasadena City Council redistricting process in response to the 2010 Census and the districting process for prospective Pasadena Unified School district boundaries.

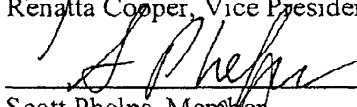
ADOPTED this 23rd day of November, 2010, at the regular meeting of the Board of Education of the Pasadena Unified School District, Los Angeles County, California.



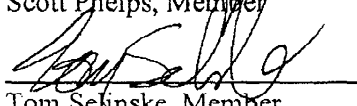
Bob Harrison, President



Renatta Cooper, Vice President



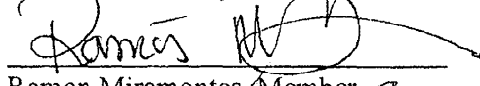
Scott Phelps, Member



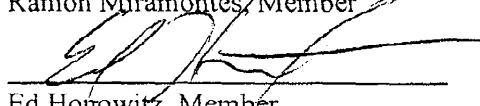
Tom Selinske, Member



Elizabeth Pomeroy, Member



Ramon Miramontes, Member



Ed Horowitz, Member

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

ATTACHMENT B-

**Charter Reform Task Force on School District
Governance (1999-2000) Final Report, Chapter
IIB- A New Structure for the PUSD Board of
Education, (Pages 76-79)**

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.