Agenda Report

February 6, 2012

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: ADOPTION OF RESOLUTIONS RELATED TO THE CALLING OF A SPECIAL MUNICIPAL ELECTION OF THE CITY OF PASADENA AND THE TERRITORY ANNEXED THERETO FOR PASADENA UNIFIED SCHOOL DISTRICT PURPOSES FOR THE SUBMISSION OF A CHARTER AMENDMENT MEASURE TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION BY GEOGRAPHIC SUB-DISTRICTS TO BE CONSOLIDATED WITH THE PRESIDENTIAL PRIMARY ELECTION ON TUESDAY, JUNE 5, 2012

RECOMMENDATION:

It is recommended that the City Council, at the request of the Pasadena Unified School District's Board of Education, adopt the following resolutions related to the calling of a special municipal election on Tuesday, June 5, 2012:

(1)   A resolution of the City Council of the City of Pasadena, California, calling for and giving notice of the holding of a special municipal election to be held in said City, and in the territory annexed thereto for Pasadena Unified School District purposes, on Tuesday, June 5, 2012, for the submission of a Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts;

(2)   A resolution of the City Council of the City of Pasadena, California, 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, and the territory annexed thereto for Pasadena Unified School District purposes, with the Presidential Primary Election to be held on Tuesday, June 5, 2012, and requesting the County Clerk/ Registrar of Voters to provide certain services;

(3)   A resolution of the City Council of the City of Pasadena, California, setting priorities for filing written arguments pertaining to a City Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts and directing the City Attorney to prepare an impartial analysis; and

(4)   A resolution of the City Council of the City of Pasadena, California, providing for the filing of rebuttal arguments for a City Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts, submitted at a special municipal election to be held on Tuesday, June 5, 2012.

BACKGROUND:

On November 23, 2010, the Pasadena Unified School District's Board of Education ("PUSD Board") unanimously adopted Resolution No. 2124 endorsing and encouraging a change in the election method for Board of Education members from the current at-large election process to a geographic sub-district election process.   On February 15, 2011, at a meeting of the City Council and PUSD Board, a joint action was taken to create the Pasadena Unified School District Charter Amendment and Districting Task Force ("Task Force").   The charge given to the Task Force included the preparation of the necessary language changes to the Pasadena City Charter.   The Task Force was provided the text of a similar Charter amendment submitted to PUSD voters in November 2000, as a starting point for crafting the amendment enabling a change from at-large elections to geographic sub-district elections.

The Task Force is represented by various appointees (see Attachment "A") from each of the jurisdictions that comprise the Pasadena Unified School District, as follows:

> Three (3) members appointed by PUSD Board of Education
> Three (3) members appointed by Pasadena City Council
> Two (2) members appointed by County Supervisor Antonovich
> One (1) member appointed by Sierra Madre City Council

The Task Force completed modifications to the City Charter language at the September 20, 2011 Task Force meeting, and approved a motion to forward the proposed language to the PUSD Board of Education for its consideration.

The chart below provides some key differences from the proposed Charter amendment text compared to what was submitted to voters for the November 2000 Charter amendment:

November 2000 Charter Amendment	Proposed Charter Amendment
Election by geographic sub-districts shall become effective upon the enactment of enabling legislation.	The proposed Charter amendment would bring the Pasadena Unified School District elections into compliance with Election Code Section 14025 to 14032, also known as the California Voting Rights Act.

November 2000 Charter Amendment	Proposed Charter Amendment (cont.)
All terms to expire at the first initial geographic sub-district election, whether or not a member has served four years, with recommendations provided by the Redistricting Commission on the staggering of seats and terms in future elections.	Staggered implementation - Seats 1, 3, 5, and 7 of the PUSD Board to be elected by geographic sub-district in 2013; Seats 2, 4, and 6 to be elected by geographic sub-district in 2015. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the PUSD Board prior to expiration of the term of office for which the member was elected.
Geographic Sub-districts shall be established by resolution of the City Council.	Geographic Sub-districts shall be established by resolution of the PUSD Board.
The Redistricting process to be completed by a Redistricting Commission established by City Council Ordinance consisting of the following members: Two (2) members of the Pasadena City Council appointed by the City Council Two (2) persons appointed by the Board of Education who are not members of the Board of Education Two (2) residents of Altadena or unincorporated Los Angeles County from the area served by the Pasadena Unified School District appointed by the Los Angeles County Supervisor(s) representing such area One (1) resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre Two (2) residents of the area served by the PUSD appointed by the Pasadena City Council	The Redistricting process to be completed by a Redistricting Commission established by proposed City Charter Section 713(C), consisting of the following members: Three (3) residents of the city of Pasadena appointed by the Pasadena City Council Three (3) residents of the area served by the Pasadena Unified School District appointed by the PUSD Board who are not then members of the PUSD Board Two (2) residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area One (1) resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre
The recommendations of the Redistricting Commission shall be approved by resolution of the Pasadena City Council unless the City Council finds that such recommendations are contrary to law or create substantial inequities among the residents of the geographic sub-districts.	The recommendations of the Redistricting Commission shall be adopted by the PUSD Board, unless amended by a two-thirds majority of the Board. If the PUSD Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.

On December 13, 2011, the Board of Education took an action to adopt Resolution No. 2176 (Attachment "B"), which approves the proposed language (attached to the School Board's Resolution) to be submitted to voters for approval. Also contained within Resolution No. 2176, are the following requested actions of the Pasadena City Council:

(1) Call a special municipal election on behalf of the Pasadena Unified School District to be consolidated with the County of Los Angeles' scheduled Presidential Primary Election on June 5, 2012 for the purpose of amending the City Charter to allow for geographic sub-district elections;

(2) Utilize the ballot question prepared by the Charter Amendment Task Force and contained in Exhibit "C" of PUSD Board's Resolution No. 2176;

(3) Set priorities for arguments in favor of the measure and rebuttal arguments in opposition; and

(4) Request that the proposed and amended Charter language be printed (in strikeout version) in both English and Spanish.

Authority to Take Action

Regulations governing the election process for the Pasadena Unified School District's Board of Education are contained within Article VII of the Pasadena City Charter. Any changes to provisions contained within the Charter, including the proposed change to PUSD's election process, requires voter approval. Pursuant to California Elections Code, Section 9255, the City Council, as the governing body of the City and City Charter, may authorize the submittal of a Charter amendment to the voters on its own motion. It is therefore appropriate for the City Council, having received the request from PUSD, to take the recommended action and call the special municipal election on behalf of the School District.

Current Charter Provisions/Summary of Proposed Charter Changes

A strike-out version of the proposed Charter amendment text is attached as Exhibit "A" to the first resolution calling the election.

Adoption of Resolutions

Adoption of the four resolutions will accomplish the following: (1) formally call the special municipal election for submission of the Charter amendment measure to the voters within the City of Pasadena and within the PUSD territory that is annexed for school purposes; (2) request the Board of Supervisors to order the consolidation of this special municipal election with the Presidential Primary Election on Tuesday, June 5, 2012; (3) set priority order for the filing of the argument in favor of the measure and the rebuttal to the argument filed in opposition, and direct the City Attorney to prepare an impartial analysis; and (4) authorize the filing of rebuttal arguments for the measure.

FISCAL IMPACT:

To consolidate a special municipal election with the Presidential Primary Election on June 5, 2012, the County provided a cost estimate of $250,000 (Attachment "C") for the Charter amendment. This includes the printing of the strikeout version of the amended language, primary arguments in favor and in opposition to the measure, and rebuttal arguments.

Pursuant to City Charter Section 712, "The Board of Education shall reimburse the City out of the school district funds for the costs of any election conducted by the City arising out of a request by the Board of Education including an amendment to this (City) Charter." Therefore, the costs related to this special election will be covered by the School District.

Respectfully submitted,
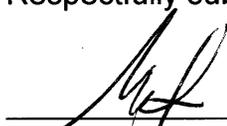
Mark Jomsky
City Clerk, CMC

Reviewed by:

Nicholas G. Rodriguez
Chief Assistant City Attorney

Attachment A – Roster of PUSD Task Force
Attachment B – PUSD Board Resolution No. 2176
Attachment C – Registrar of Voters Cost Estimate for June 5, 2012 Consolidation

Resolutions:

Calling and Consolidating Election
Requesting Election Services from County of Los Angeles
Setting Priorities for the Filing of Arguments and Directing the City Attorney to File an Impartial Analysis
Authorizing the Filing of Rebuttal Arguments

PUSD Charter Amendment and Districting Task Force Roster

Task Force Member	Representing
Ken Chawkins, Chair	Pasadena Unified School District
Richard Moon, Vice Chair	Altadena
Bernardean Broadous	Altadena
Pixie Boyden	City of Pasadena
Khatchik Chahinian	City of Pasadena
Diana Peterson-More	City of Pasadena
Bart Doyle (replaced Joe Mosca)	City of Sierra Madre
Victor Gonzalez	Pasadena Unified School District
Roberta Martinez	Pasadena Unified School District

BOARD OF EDUCATION
PASADENA UNIFIED SCHOOL DISTRICT
Pasadena, California

RESOLUTION NO. 2176

REQUEST TO PASADENA CITY COUNCIL
AMENDMENT OF CITY CHARTER

WHEREAS, on November 23, 2010, the Governing Board of Pasadena Unified School District unanimously adopted Resolution 2124 endorsing and encouraging changing the selection method for members of the Governing Board from the current at-large method of election to geographic sub-district elections because the geographic sub-district election method would have benefits such as greater access by the public to individual members representing smaller numbers of voters, greater public interest, and saving of taxpayers' money by lowering election expenses for the Pasadena Unified School District, and

WHEREAS, at the February 15, 2011, joint meeting of the Pasadena Unified School District Governing Board and the City Council for the City of Pasadena, the governing bodies approved a selection method for a Pasadena Unified School District Districting Task Force to propose such a Charter Amendment; and

WHEREAS, the Districting Task Force was duly constituted, recommended the proposed Charter Amendment language, and the Governing Board approved such proposed language;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby requests the City Council of the City of Pasadena to call an election on June 5, 2012, on behalf of the Pasadena Unified School District for the purpose of changing the City Charter to allow for geographic sub-district elections pursuant to the language of Exhibit A (proposed new City Charter language) and Exhibit B (redline version showing old and new City Charter language);

BE IT FURTHER RESOLVED that the Governing Board hereby requests the City Council of the City of Pasadena to place on the June 5, 2012, election ballot the Charter Amendment question in the form of Exhibit C, that written arguments in favor of the measure and in rebuttal to any opposition be allowed for persons selected by the President of the Governing Board, and that the redline version of the Charter language set out in Appendix B be included in a sample ballot pamphlet in English and in Spanish.

ADOPTED this 13th day of December, 2011, by the Governing Board of Pasadena Unified School District, Los Angeles County, California.
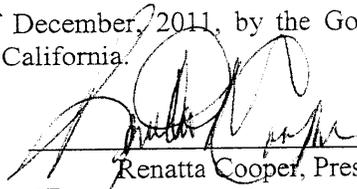
_____
Renatta Cooper, President

_____   _____
Ed Honowitz, Vice President   Elizabeth Pomeroy, Member
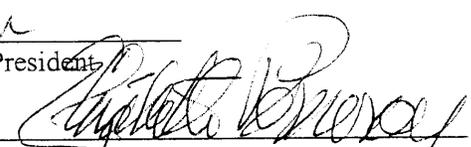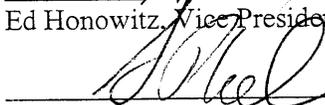
_____   _____
Scott Phelps, Member   Kimberly Kenne, Member
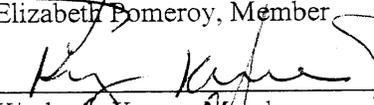
_____   _____
Ramon Miramontes, Member   Tom Selinske, Member

Attachment B

Section 701. Establishment of a Board of Education.

The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of seven members nominated and elected by geographic sub-district as provided in this Charter. The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education.

Section 703. Election.

Elections shall be primary nominating and general. Members of the Board of Education shall be elected on the third Tuesday in April in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at the general election shall be residents and qualified voters of the geographic sub-district in which the election is held, and shall be nominated at a primary nominating election, held on the sixth Tuesday preceding the date fixed for the Board of Education general election. Only voters who live in the geographic sub-district shall be eligible to vote in the elections for Board Member from that geographic sub-district. No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election and for the general election, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district and not upon the City.

Section 704. Nominating Petition.

Any person desiring to become a candidate for the Board of Education to be filled at such election shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the primary nominating election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which geographic sub-district he/she is a candidate, signed by not less than twenty five (25) qualified voters from the geographic sub-district in which the election is held, requesting such candidacy, and accompanied by a filing fee of $25.00. The names of voters not residents of the geographic sub-district for which the candidate is being nominated shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

Section 705. Eligibility.

Each Board Member shall be a qualified elector of the geographic sub-district in which the election is held. Each Board Member shall be a resident of the geographic sub-district from which the Member is elected or appointed.

Section 706. Election at the Primary and Ballots for General Election.

The two candidates for each of the geographic sub-districts of the Board of Education receiving the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the general election; provided that any candidate who at a primary nominating election shall receive a majority of all the votes cast for candidates for said office shall be elected to said office. The ballots at such general election shall be in the same general form as for such primary nominating election, so far as applicable. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the said Board and shall at that time and place determine the tie by lot.

Section 713. Geographic Sub-Districts.

A. Initial elections for geographic sub-district for seats 1, 3, 5, and 7 shall occur in 2013. Initial elections for geographic sub-district for seats 2, 4, and 6 shall occur in 2015. Notwithstanding the other provisions of Section 713, the Board of Education shall establish, by resolution, the initial geographic sub-districts for use in elections held prior to redistricting under the provisions of 713.B.

B. Geographic sub-districts for the Board of Education shall be established by resolution of the Pasadena Board of Education after the decennial census year or whenever the Board determines by at least a two-thirds vote that a sufficient change in population has occurred that makes it desirable in the opinion of the Board to adjust the boundaries of the geographic sub-districts. Geographic sub-districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.

C. At least twenty two (22) months prior to the second general election day following the day of the decennial census, the Board of Education shall establish, by resolution, a Redistricting Commission to recommend to the Board the configuration of geographic sub-districts for the area served by the Pasadena Unified School District. The Redistricting Commission shall consist of nine members, as follows:

> 1. Three residents of the City of Pasadena appointed by the Pasadena City Council;

> 2. Three residents of the area served by the Pasadena Unified School District appointed by the Pasadena Board of Education who are not then members of the Board of Education;

> 3. Two residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area;

> 4. One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;

D. The Redistricting Commission shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Redistricting Commission votes to recommend the proposal to the Board of Education. The Redistricting Commission shall provide its recommendation to the Board of Education at least sixteen (16) months prior to the second general election day following the day of the decennial census.

E. The geographic sub-districts recommended by the Redistricting Commission shall be adopted by the Board, unless amended by a two-thirds majority of the Board. If the Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.

F. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the Board prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each incumbent member of the Board of Education will, during the duration of the member's current term, represent the area by which the member was elected.

G. At the time of, or after, any annexation of territory to the District, the Board of Education shall designate, by resolution, the geographic sub-district of which the annexed territory shall be a part.

Section 701. Establishment of a Board of Education.

The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of seven members nominated and elected by geographic sub-district as provided in this Charter holding offices 1, 2, 3, 4, 5, 6 and 7, respectively. The initial election for offices 6 and 7 shall occur in 2001, along with the election for offices 1, 3 and 5, and the initial term of office 6 shall be two years. The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education.

Section 703. Election.

Elections shall be primary nominating and general. Members of the Board of Education shall be elected from the school district at large on the third Tuesday in April in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at the general election shall be residents and qualified voters of a Pasadena school district the geographic sub-district in which the election is held, and shall be nominated at a primary nominating election, held on the sixth Tuesday preceding the date fixed for the Board of Education general election. Only voters who live in the geographic sub-district shall be eligible to vote in the elections for Board Member from that geographic sub-district. No person shall become a candidate for more than one of the numbered offices to be filled at such election. No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election and for the general election, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district and not upon the City.

Section 704. Nominating Petition.

Any person desiring to become a candidate for one of the numbered offices of the Board of Education to be filled at such election, shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the primary nominating election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which of the numbered offices geographic sub-district he/she is a candidate, signed by not less than twenty five (25) one hundred (100) qualified voters from the Pasadena Unified School District geographic sub-district in which the election is held, requesting such candidacy, and accompanied by a filing fee of $25.00. The qualified voters signing any petition for the nomination of any person to the office of member of the Board of Education shall be residents of the Pasadena Unified School District. The names of voters not residents of the Pasadena Unified School District geographic sub-district for which the candidate is being nominated shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

Section 705. Eligibility.

Each Board Member shall be a qualified elector of the geographic sub-district in which the election is held. Each Board Member shall be a resident of the geographic sub-district from which the Member is elected or appointed.

Section 706. Election at the Primary and Ballots for General Election.

The two candidates for each of the geographic sub-districts~~numbered offices~~ of the Board of Education receiving the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the general election; provided that any candidate who at a primary nominating election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office. The ballots at such general election shall be in the same general form as for such primary nominating election, so far as applicable. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the said Board and shall at that time and place determine the tie by lot.

Section 7~~05~~13. Geographic Sub-Districts.

A. Initial elections for geographic sub-district for seats 1, 3, 5, and 7 shall occur in 2013. Initial elections for geographic sub-district for seats 2, 4, and 6 shall occur in 2015. Notwithstanding the other provisions of Section 7~~05~~13, the Board of Education shall establish, by resolution, the initial geographic sub-districts for use in elections held prior to redistricting under the provisions of 7~~05~~13.B. ~~A candidate for, and Board member from, each geographic sub-district must live in that district to be eligible to run for or hold the office of Board member representing that district.~~

B. Geographic sub-districts for the Board of Education shall be established by resolution of the Pasadena Board of Education after the decennial census year or whenever the Board determines by at least a two-thirds vote that a sufficient change in population has occurred that makes it desirable in the opinion of the Board to adjust the boundaries of the geographic sub-districts. Geographic sub-districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.

C. At least twenty two (22) months prior to the second general election day following the day of the decennial census, the Board of Education shall establish, by resolution, a Redistricting Commission to recommend to the Board the configuration of geographic sub-districts for the area served by the Pasadena Unified School District. The Redistricting Commission shall consist of nine members, as follows:

1. Three residents of the City of Pasadena appointed by the Pasadena City Council;

2. Three residents of the area served by the Pasadena Unified School District appointed by the Pasadena Board of Education who are not then members of the Board of Education;

3. Two residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area;

4. One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;

D. The Redistricting Commission shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Redistricting Commission votes to recommend the proposal to the Board of Education. The Redistricting Commission shall provide its recommendation to the Board of Education at least sixteen (16) months prior to the second general election day following the day of the decennial census.

E. The geographic sub-districts recommended by the Redistricting Commission shall be adopted by the Board, unless amended by a two-thirds majority of the Board. If the Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.

F. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the Board prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each incumbent member of the Board of Education will, during the duration of the member's current term, represent the area by which the member was elected.

G. At the time of, or after, any annexation of territory to the District, the Board of Education shall designate, by resolution, the geographic sub-district of which the annexed territory shall be a part.

EXHIBIT C TO RESOLUTION 2176

Shall the Charter of the City of Pasadena be amended to provide for the nomination and election of members of the Pasadena Unified School District Board of Education by geographic sub-districts, with geographic sub-districts adopted by the School Board and redrawn after each federal census based upon a citizens Redistricting Commission recommendation?

January 9, 2012

Mr. Jon R. Gundry, Superintendent
Pasadena Unified School District
351 South Hudson Avenue
Pasadena, CA 91109

ESTIMATED COST FOR JUNE 5, 2012 PRIMARY ELECTION

Dear Mr. Gundry,

The estimated cost for the Pasadena Unified School District to consolidate with the June 5, 2012 Primary Election with one measures is $250,000.

This estimate is based on the following factors which are known at this time: 117,173 registered voters, 17,576 permanent vote-by-mail voters, 109 precincts, 8 pages per measure, and 3 jurisdictions sharing the prorated costs with your agency. **Changes in any of these factors will have an impact on the final costs.**

If you have any questions or need additional information, please call me at (562) 462-2690.

Sincerely,

DEAN C. LOGAN
Registrar-Recorder/County Clerk
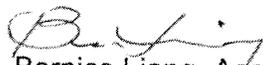
Bernice Liang, Accounting Services Manager
Financial Services Section

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY, AND IN THE TERRITORY ANNEXED THERETO FOR PASADENA UNIFIED SCHOOL DISTRICT PURPOSES, ON TUESDAY, JUNE 5, 2012, FOR THE SUBMISSION OF A CHARTER AMENDMENT MEASURE TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION BY GEOGRAPHIC SUB-DISTRICTS

WHEREAS, pursuant to authority provided by Article XI of the California Constitution; Title 4, Division 2, Chapter 3 of the California Government Code; Division 9, Chapter 3, Article 3 (commencing at § 9255) of the California Elections Code; and Section 1206 of the Pasadena City Charter, the City Council of the City of Pasadena, desires to submit to the voters of the City of Pasadena, and of the territory annexed thereto for Pasadena Unified School District purposes, a Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts; and

WHEREAS, the Pasadena Unified School District Board of Education adopted Resolution No. 2176, requesting the City Council to call a Special Municipal Election on June 5, 2012, on behalf of the School District; and

WHEREAS, the City Council is authorized and directed by statute to submit the Charter amendment measure to the voters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, California, as follows, that:

1

SECTION 1. Pursuant to the requirements of the Pasadena City Charter and the laws of the State of California, a Special Municipal Election is hereby called and ordered to be held in the City of Pasadena, and in the territory annexed thereto for Pasadena Unified School District purposes, on Tuesday, June 5, 2012.

SECTION 2. At said election there shall be submitted to the qualified voters of said City, and the territory that is annexed thereto for Pasadena Unified School District purposes, a Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts.

SECTION 3. The text of said measure of the Charter amendment to be submitted to the voters is attached hereto as Exhibit "A" (for printing in the sample ballot pamphlet in English and Spanish), and incorporated herein by this reference.

SECTION 4. The procedures for voting for and against said Charter amendment measure shall be those established by Los Angeles County and the question shall be printed in substantially the following form:

Shall the Charter of the City of Pasadena be amended to provide for the nomination and election of members of the Pasadena Unified School District Board of Education by geographic sub-districts, with geographic sub-districts adopted by the School Board and redrawn after each federal census based upon a citizen Redistricting Commission recommendation?	**YES**	
	NO	

SECTION 5. The ballots to be used at the election shall be in form and content as required by law.

SECTION 6. The polls shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to California Elections Code, Section 10242, except as provided in California Elections Code, Section 14401.

SECTION 7.   The vote requirement for passage of the Charter amendment measure shall be a majority of votes cast (50% plus 1) for the measure.

SECTION 8.   The City of Pasadena agrees to reimburse the County for all expenses incurred for services requested by this resolution, with the City to be reimbursed for said expenses by the Pasadena Unified School District pursuant to Pasadena City Charter Section 712.

SECTION 9.   In all particulars not recited in this resolution, the election hereby called shall be held and conducted as provided by law for holding municipal elections in said City and the territory annexed thereto for Pasadena Unified School District purposes.

SECTION 10.   Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Adopted at the regular meeting of the City Council on the _____ day of

_____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mark Jomsky, City Clerk

APPROVED AS TO FORM:

2/2/12

_____
Nicholas G. Rodriguez
Chief Assistant City Attorney

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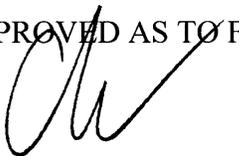
Proposed Pasadena Charter Language

<u>Section 701. Establishment of a Board of Education.</u>

The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of seven members <u>nominated and elected by geographic sub-district as provided in this Charter</u> ~~holding offices 1, 2, 3, 4, 5, 6 and 7, respectively. The initial election for offices 6 and 7 shall occur in 2001, along with the election for offices 1, 3 and 5, and the initial term of office 6 shall be two years.~~ The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education.

Section 703. Election.

Elections shall be primary nominating and general. Members of the Board of Education shall be elected ~~from the school district at large~~ on the third Tuesday in April in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at the general election shall be residents and qualified voters of ~~a Pasadena school district~~<u>the geographic sub-district in which the election is held</u>, and shall be nominated at a primary nominating election, held on the sixth Tuesday preceding the date fixed for the Board of Education general election. <u>Only voters who live in the geographic sub-district shall be eligible to vote in the elections for Board Member from that geographic sub-district.</u> ~~No person shall become a candidate for more than one of the numbered offices to be filled at such election.~~ No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election and for the general election, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district and not upon the City.

Section 704. Nominating Petition.

Any person desiring to become a candidate for ~~one of the numbered offices of~~ the Board of Education to be filled at such election~~,~~ shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the primary nominating election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which ~~of the numbered offices~~<u>geographic sub-district</u> he/she is a candidate, signed by not less than <u>twenty five (25)</u> ~~one hundred (100)~~ qualified voters from the ~~Pasadena Unified School District~~<u>geographic sub-district in which the election is held</u>, requesting such candidacy, and accompanied by a filing fee of $25.00. ~~The qualified voters signing any petition for the nomination of any person to the office of member of the Board of Education shall be residents of the Pasadena Unified School District~~. The names of voters not residents of the ~~Pasadena Unified School District~~<u>geographic sub-district for which the candidate is being nominated</u> shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

Section 705. Eligibility.

Each Board Member shall be a qualified elector of the geographic sub-district in which the election is held. Each Board Member shall be a resident of the geographic sub-district from which the Member is elected or appointed.

Section 706. Election at the Primary and Ballots for General Election.

The two candidates for each of the geographic sub-districts~~numbered offices~~ of the Board of Education receiving the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the general election; provided that any candidate who at a primary nominating election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office. The ballots at such general election shall be in the same general form as for such primary nominating election, so far as applicable. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the said Board and shall at that time and place determine the tie by lot.

Section 7~~05~~13. Geographic Sub-Districts.

A. Initial elections for geographic sub-district for seats 1, 3, 5, and 7 shall occur in 2013. Initial elections for geographic sub-district for seats 2, 4, and 6 shall occur in 2015. Notwithstanding the other provisions of Section 7~~05~~13, the Board of Education shall establish, by resolution, the initial geographic sub-districts for use in elections held prior to redistricting under the provisions of 7~~05~~13.B. ~~A candidate for, and Board member from, each geographic sub-district must live in that district to be eligible to run for or hold the office of Board member representing that district.~~

B. Geographic sub-districts for the Board of Education shall be established by resolution of the Pasadena Board of Education after the decennial census year or whenever the Board determines by at least a two-thirds vote that a sufficient change in population has occurred that makes it desirable in the opinion of the Board to adjust the boundaries of the geographic sub-districts. Geographic sub-districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.

C. At least twenty two (22) months prior to the second general election day following the day of the decennial census, the Board of Education shall establish, by resolution, a Redistricting Commission to recommend to the Board the configuration of geographic sub-districts for the area served by the Pasadena Unified School District. The Redistricting Commission shall consist of nine members, as follows:

> 1. Three residents of the City of Pasadena appointed by the Pasadena City Council;

> 2. Three residents of the area served by the Pasadena Unified School District appointed by the Pasadena Board of Education who are not then members of the Board of Education;

3. Two residents of the Altadena unincorporated area of Los Angeles County served by the Pasadena Unified School District appointed by the County Supervisor(s) representing such area;

4. One resident of the City of Sierra Madre to be appointed by the City Council of the City of Sierra Madre;

D. The Redistricting Commission shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Redistricting Commission votes to recommend the proposal to the Board of Education. The Redistricting Commission shall provide its recommendation to the Board of Education at least sixteen (16) months prior to the second general election day following the day of the decennial census.

E. The geographic sub-districts recommended by the Redistricting Commission shall be adopted by the Board, unless amended by a two-thirds majority of the Board. If the Board fails to act within 60 calendar days of the submission of the Commission's final report and recommended plan to the Superintendent, the Commission's recommended geographic sub-districts shall be deemed adopted.

F. No change in the boundary or location of any district by redistricting shall abolish or terminate the term of office of any member of the Board prior to expiration of the term of office for which the member was elected, notwithstanding any other provision of this Section. Each incumbent member of the Board of Education will, during the duration of the member's current term, represent the area by which the member was elected.

G. At the time of, or after, any annexation of territory to the District, the Board of Education shall designate, by resolution, the geographic sub-district of which the annexed territory shall be a part.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, 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 AND THE TERRITORY ANNEXED THERETO FOR PASADENA UNIFIED SCHOOL DISTRICT PURPOSES WITH THE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, AND REQUESTING THE COUNTY CLERK/ REGISTRAR OF VOTERS TO PROVIDE CERTAIN SERVICES

WHEREAS, the City Council of the City of Pasadena, at the request of the Pasadena Unified School District Board of Education, has called a Special Municipal Election to be held on the day of the Presidential Primary Election on Tuesday, June 5, 2012; and

WHEREAS, the City Council is submitting to the qualified voters of the City of Pasadena and the territory annexed thereto for Pasadena Unified School District purposes a Charter amendment measure to provide for the nomination and election of members to the Board of Education by geographic sub-districts; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with Presidential Primary Election to be held on the same date and that within the City, and of the territory annexed thereto for Pasadena Unified School District purposes, the precincts, polling places and election officers of the two elections be the same, and that the Los Angeles County Clerk/Registrar of Voters canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, it is necessary to secure the consent and order of the Board of Supervisors of the County of Los Angeles to effect such consolidation.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows, that:

SECTION 1. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Presidential Primary Election on Tuesday, June 5, 2012, in order that a Charter amendment may be submitted to the voters of the City of Pasadena, and of the territory that is annexed thereto for Pasadena Unified School District purposes.

SECTION 2. A Charter amendment measure is to appear on the ballot in substantially the following form:

Shall the Charter of the City of Pasadena be amended to provide for the nomination and election of members of the Pasadena Unified School District Board of Education by geographic sub-districts, with geographic sub-districts adopted by the School Board and redrawn after each federal census based upon a citizen Redistricting Commission recommendation?	**YES**	
	NO	

SECTION 3. The County Clerk/Registrar of Voters is authorized to canvass the returns of the Special Municipal Election and to certify the same to the City Council of the City of Pasadena at the time and in the manner provided by law. The vote requirement for passage of the measure shall be a majority of votes cast (50% plus 1) for the measure. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. The Board of Supervisors is requested to issue instructions to the County Clerk/Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 5.   The City of Pasadena recognizes that additional costs will be incurred by

the County by reason of this consolidation, and the City agrees to reimburse the County for all

expenses incurred for services requested by this resolution.

SECTION 6.   The City Clerk is hereby directed to file a certified copy of this resolution

with the Board of Supervisors and the County Clerk/Registrar of Voters of Los Angeles County.

Adopted at the regular meeting of the City Council on the _____ day of

_____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mark Jomsky, City Clerk

APPROVED AS TO FORM:

_____
Nicholas G. Rodriguez
Chief Assistant City Attorney
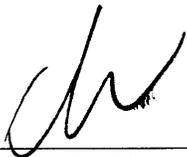
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS FOR A CITY CHARTER AMENDMENT MEASURE TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION BY GEOGRAPHIC SUB-DISTRICTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a Special Municipal Election, to be consolidated with the Presidential Primary Election, is to be held in the City of Pasadena, and the territory that is annexed thereto for Pasadena Unified School District purposes, on Tuesday, June 5, 2012, at which there will be submitted to the voters of said City a Charter amendment measure in substantially the following form:

| Shall the Charter of the City of Pasadena be amended to provide for the nomination and election of members of the Pasadena Unified School District Board of Education by geographic sub-districts, with geographic sub-districts adopted by the School Board and redrawn after each federal census based upon a citizen Redistricting Commission recommendation? | YES | |
| | NO | |

NOW, THEREFORE, the City Council of the City of Pasadena does resolve, declare, determine and order as follows, that:

SECTION 1. The City Council hereby authorizes the following member(s) of the Pasadena Unified School District Board of Education:

_____

_____

to file a written argument in favor of the measure in accordance with the Elections Code of the

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State of California, Sections 9280, et seq., and may be changed until and including the date fixed by the City Clerk, March 19, 2012, after which no arguments for or against the measure may be submitted to the City Clerk.

SECTION 2.   The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall cause to be prepared 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 shall be filed by the date set by the City Clerk for the filing of primary arguments.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mark Jomsky, City Clerk

APPROVED AS TO FORM: 2/2/12

_____
Nicholas G. Rodriguez
Chief Assistant City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY CHARTER AMENDMENT MEASURE TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION BY GEOGRAPHIC SUB-DISTRICTS, SUBMITTED AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012

WHEREAS, Section 9285 of the California Elections Code authorizes the City Council, by majority vote, to adopt provisions for the filing of rebuttal arguments for city measures submitted at municipal elections.

NOW, THEREFORE, the City Council of the City of Pasadena does resolve, declare, determine and order as follows, that:

SECTION 1. Pursuant to Section 9285 of the California Elections Code, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure, and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five persons.

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The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Declaration by Author(s) form to be supplied by the City Clerk.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. The provisions of Section 1 shall apply only to the Special Municipal Election to be held on Tuesday, June 5, 2012, and shall then be repealed.

Adopted at the regular meeting of the City Council on the _____ day of

_____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mark Jomsky, City Clerk

APPROVED AS TO FORM:

2/2/12

_____
Nicholas G. Rodriguez
Chief Assistant City Attorney