

Agenda Report

October 24, 2016

TO: Honorable Mayor and City Council

FROM: Office of the City Clerk

SUBJECT: **RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 7, 2017 PRIMARY NOMINATING ELECTION, AND IF NECESSARY, THE APRIL 18, 2017 GENERAL MUNICIPAL ELECTION; CONSOLIDATION OF THE PASADENA BOARD OF EDUCATION ELECTION WITH SAID CITY ELECTION; CONSOLIDATION OF THE MARCH 7, 2017 CITY COUNCIL AND BOARD OF EDUCATION CONSOLIDATED PRIMARY ELECTIONS WITH A SPECIAL COUNTYWIDE ELECTION; AND OTHER RELATED MATTERS**

RECOMMENDATION:

It is recommended that the City Council:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Adopt a resolution of the City Council of the City of Pasadena calling for the holding of a Primary Nominating Election on March 7, 2017 for City Council Districts 3, 5, and 7, and consolidating said Election with the Pasadena Unified School District (PUSD) Primary Nominating Election for Board of Education Districts 1, 3, 5, and 7; calling for the holding, if necessary, of a General Municipal Election on April 18, 2017; and authorizing the City Clerk to enter into a contract with PUSD for election services;
- (3) Adopt a resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of Los Angeles County to direct the Registrar of Voters of said County to render specified services to said City relating to the conduct of a consolidated City of Pasadena and PUSD Board of Education Primary Nominating Election to be held on March 7, 2017, and if necessary, a General Municipal Election to be held on April 18, 2017, including the potential for the Registrar of Voters to administer the March 7, 2017 City Council and Board of Education Primary Nominating Election as part of a consolidated Special Countywide Election; and

- (4) Adopt a resolution of the City Council of the City of Pasadena setting forth regulations relating to candidate statements for the March 7, 2017 Primary Nominating Election and the April 18, 2017 General Municipal Election.

BACKGROUND:

City Charter ("Charter") Section 1208 and California Elections Code ("Elections Code") Section 12001 states that City elections be called by resolution or ordinance. Accordingly, staff has prepared a series of resolutions for the purpose of conducting the City of Pasadena ("City"), and Pasadena Unified School District ("School District") Regular Primary Nominating and General Municipal Elections for the purpose of electing members of the City Council and Board of Education in Council Districts 3, 5, and 7, and Board of Education Districts 1, 3, 5, and 7, respectively.

Resolution Calling and Consolidating Election (First Resolution)

The first resolution stipulates general information regarding the Primary Nominating and General Municipal elections, including the offices to be elected, the method by which candidates shall be selected, as well as ballot provisions, time of opening and closing of polls, polling places and election officers, and the canvass to be submitted by the City Clerk to the City Council and Board of Education. The date of the City and School District Primary Nominating Election on March 7, 2017, and General Municipal Election, April 18, 2017, are established by Sections 703 and 1202 of the City Charter. Elections Code Sections 10400, et seq., permits the consolidation of elections and the School District has submitted a letter requesting consolidation (Attachment A) consistent with the Charter.

Contained within the resolution are references related to a potential Special Countywide Election, which if held will also be on March 7, 2017. Staff has included provisions that will take effect if the City and School District Primary Nominating Elections are consolidated with the Special Countywide Election and administered by the Los Angeles County Registrar-Recorder/County Clerk. More detailed information regarding a potential City and County consolidated election on March 7, 2017 is provided below as part of the resolution requesting County Election Services.

Finally, the resolution sets forth the stipend amounts for poll workers, poll worker training, bilingual poll worker pay, and custodial and polling site rental fees. It is recommended that the stipend amounts for poll workers remain consistent with prior years; \$110 for inspectors and \$85 for clerks. Poll workers receive an additional \$25 stipend for attending poll worker training and a \$15 bilingual stipend when demonstrating proficiency (to be verified by the City Clerk's Office) in Spanish, Chinese, or Korean, the required minority languages for the Pasadena area under the Federal Voting Rights Act. The custodial fee is set at \$15 and the polling place rental fee is set at \$30. Funds are available in the Election budget for all stipends and fees as detailed in this agenda report.

Resolution Requesting Election Services (Second Resolution)

On October 7, 2016, the City received notification from the County of Los Angeles regarding the potential for a Special Countywide Election to be held on March 7, 2017, which will coincide with the City and School District Primary Nominating Election date. In a letter received from Dean Logan, Los Angeles County Registrar-Recorder/County Clerk (Attachment B), the County is requesting that Pasadena consider an action to consolidate with the March 7th Special Countywide Election, and allow the Registrar-Recorder/County Clerk to administer the election on behalf of the City and School District. As a result, the City Council and Board of Education races would then appear on the County's ballot. Mr. Logan's letter states, "To minimize cost for the City and voter confusion associated with overlapping and/or concurrent elections, we are encouraging the City to take action now to seek election services from the County."

City staff supports this request and agrees that conducting concurrent elections (separate City and County elections on the same date) should be avoided given that such a process will likely cause voter confusion and is generally viewed as an inefficient use of public resources. However, the County Board of Supervisors has yet to act on calling a Special Countywide Election to place one or more countywide measures on the March 7th ballot. Therefore, City staff is proposing alternative resolution language preserving the City and School District's rights to conduct stand-alone elections administered by the City Clerk's Office, as contained in Sections 1 and 2 of the resolution:

Section 1: Should the Los Angeles County Board of Supervisors call a Special Countywide Election to consider one or more ballot measures on March 7, 2017, Section 1 of the resolution requesting County services requests, "the Board of Supervisors to direct the Registrar-Recorder/County Clerk to administer, manage and oversee all facets of the City of Pasadena and Pasadena Unified School District Primary Nominating Municipal Election to be held on March 7, 2017 and further direct the Registrar-Recorder/County Clerk to perform all necessary functions, services and tasks...." In this arrangement, the City Clerk's Office would oversee the nomination process, forward the necessary ballot information to the County Clerk's Office, and then relinquish the duties for administering and conducting the City and School District to the County. The County has provided cost estimates for these services in the amounts of \$63,242.46 for the City Council District elections, and \$168,149.83 for the School District Board of Education District elections.

Staff is however recommending the printing and mailing of a separate City and School District Supplemental Voter Information Pamphlet for voters within City Council Districts 3, 5, and 7, and Board of Education Districts 1, 3, 5, and 7. The estimated expense for the additional pamphlet is approximately \$130,000 including postage, with sufficient funds available in the Election budget to cover this expense. Candidates are responsible for the printing costs of candidate statements in English, which will off-set some of the expenses associated with the separate pamphlet.

Section 2: Alternatively, if the Los Angeles County Board of Supervisors is unable (or chooses not) to proceed with a Special Countywide Election to submit one or more ballot measures to voters on March 7, 2017, Section 2 of the resolution preserves the City's rights to conduct a stand-alone election, and requests the Board of Supervisors to direct the Registrar of Voters to provide other necessary specified election services in accordance with Elections Code Section 10002. Section 2 also requests that these same services be provided for the April 18, 2017 General (run-off) Election, which if necessary, will be conducted as a stand-alone election regardless of whether or not the Primary Nominating Election is consolidated with the Special Countywide Election.

Services to be provided by the County as detailed in Section 2 of the resolution include voter records identifying names and addresses of all eligible registered voters; precinct maps for consolidation of County precincts; verification of signatures on nomination papers and vote by mail ballot applications, as necessary; precinct officer materials; and the formula for the allocation of election costs among the City and School District in accordance with the California Education Code and other applicable provisions of law.

Candidate Statements/Compliance with Federal Voting Rights Act (Third Resolution)

The third resolution sets forth regulations pertaining to candidate statements for the Primary Nominating and General Municipal Elections. Candidates will be required to pay the costs associated with printing their candidate statements in English, and the City and PUSD will absorb translation and printing costs for Spanish, Chinese, and Korean so as to comply with the Federal Voting Rights Act requirements (as detailed in the next paragraph).

Spanish, Chinese, and Korean are languages within the City and School District area that have been identified by the most recent census data and the County of Los Angeles as single-language minorities that are limited-English proficient; and/or where 3% or more of voters in certain voting precincts have requested language assistance in one of these three languages. Due to Pasadena's sizable Hispanic and Latino population, it has been the City's policy to print a bilingual English/Spanish voter information pamphlet for all voters. Chinese and Korean translated pamphlets will be provided to voters requesting translations and residing in certain precincts having met the 3% criterion.

Under the regulations set forth in the resolution, candidates will be required to pay a deposit for the actual costs of printing candidate statements in English. Based on current voter registration figures and cost estimates prepared by the City's election supplier, the proposed deposit amounts are \$650 for City Council district races and \$750 for Board of Education district races. Candidates who wish to include translations of candidate statements for any languages not required under the Federal Voting Rights Act shall pay the same estimated translation and printing costs required for English, with payment due at the time nomination papers and candidate's statements are filed.

For the April General (run-off) Election, candidates choosing to include a candidate statement in the voter information pamphlet may use the same statement printed in the Primary Nominating Election or they may file a new statement. A new deposit in the amount noted above will be required to be filed with either a new statement for the General Election or a written request directing the City Clerk to use the same statement as the Primary Nominating Election, which is due by the deadline of Friday, March 10, 2017. The deadline will be strictly enforced due to the limited time available for translations, proofreading, printing, affixing labels to the pamphlets, and meeting the legal mailing requirements for pamphlets as detailed in the Elections Code.

Lastly, the third resolution requests the Secretary of State's Office to conduct a randomized alphabetical drawing on Thursday, December 15, 2016 (if conducting a stand-alone election), to determine the order of names on the Primary Nominating Election ballot, and a second drawing on Friday, March 10, 2017, to determine the order of names for the General Election ballot, in the event a run-off election is required.

FISCAL IMPACT:

It is estimated that the total cost of the Primary Nominating election will be approximately \$431,350 including costs for election supplies and services. This estimated figure may fluctuate based on various factors such as number of candidates on the ballot, an increase in voter registration, and demand by voters to vote by mail, as well as the outcome of the County Board of Supervisors calling a Special Countywide Election, as discussed above. The Pasadena Unified School District will reimburse the City its pro-rated share of the costs of election costs per a formula established by the County of Los Angeles. Funds for the City's share of election costs have been budgeted and recognized in the Elections Budget 10113002.

Respectfully submitted,



Mark Jomsky
City Clerk, CMC

Resolutions:

Calling and Consolidating Election
Requesting Election Services from County of Los Angeles
Related to Candidate Statements/Compliance with Federal Voting Rights Act



**PASADENA UNIFIED SCHOOL
DISTRICT
PROCUREMENT SERVICES DIVISION**

October 19, 2016

Mark Jomsky, City Clerk
City of Pasadena
100 North Garfield Ave, Room S-228
Pasadena, CA 91109-7215

Dear Mr. Jomsky,

The Pasadena Unified School District will have four (4) Board of Education District seats, #1, #3, #5 and #7, up for election in the Spring of 2017. As soon as the City contract is received, I will make arrangements for Board approval and execution. The District has allocated funds for this expense.

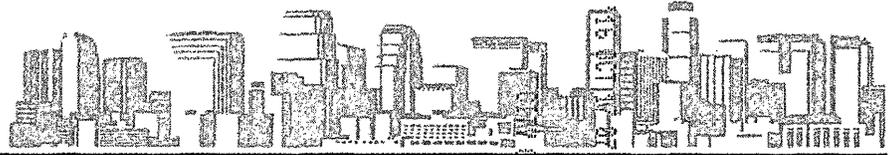
Please forward the contract as soon as possible. If you have any questions or concern, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Ward".

Christine Ward, Administrator, Procurement & Contracts

cc: Bernadette Griggs, Chief Business Officer



Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN
Registrar-Recorder/County Clerk

October 7, 2016

Mr. Mark Jomsky
Pasadena City Clerk
100 North Garfield Avenue, Room S-228
Pasadena, California 91109

Dear Mr. ~~Jomsky~~ *Mark*:

As you know, the Los Angeles County Board of Supervisors has directed my office to preserve the option to hold a Special Countywide Election on March 7, 2017. While the Board has not yet called this election, the County recognizes the impact this has on your City's regularly scheduled March election. To that end, the County is prepared to administer the City's General Municipal Election on March 7, 2017 with or without a countywide measure. The Board recently acted through the Supplemental Budget process to allocate the funding necessary to conduct the election under either scenario in a manner that is cost-neutral for the City.

We understand the unanticipated nature of this issue and we will continue to work with you to provide your City the information needed to make a decision with regard to election services and consolidation. To minimize cost for the City and voter confusion associated with overlapping and/or concurrent elections, we are encouraging the City to take action now to seek election services from the County.

In order to facilitate this effort, we have prepared the attached draft/model resolution language for your consideration requesting election services from the County. Please focus on the highlighted sections as they provide the assurance that the County will conduct your March 7, 2017 General Municipal Election even if the Special Countywide Election is not called and that we will provide these services at the estimated cost of a consolidated election previously provided to your City.

We're hopeful this draft resolution conveys the County's commitment and positions the City to take timely action. Because we are doing this in parallel to conducting the November Presidential Election, timing and coordination are significant issues. We strongly encourage cities to consider this action now to ensure a successful coordinated election.

City Clerk
October 7, 2016
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We understand that there are likely additional issues associated with this that will necessitate further coordination. We are committed to addressing those and working with you toward mutual resolution. Thanks again for your support and continued collaboration.

If you have any additional questions, please do not hesitate to contact me or Mr. Aaron Nevarez, our City Clerk Liaison, at (562) 462-2800 or anevarez@rrcc.lacounty.gov.

Sincerely,



DEAN C. LOGAN
Registrar-Recorder/County Clerk

Attachment

c: City Mayor
City Manager

RESOLUTION NO. 2016-#

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO DIRECT THE REGISTRAR-RECORDER/COUNTY CLERK TO ADMINISTER, MANAGE AND OVERSEE THE CITY OF _____'S GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017; AND REQUEST FOR CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION WITH ANY COUNTYWIDE ELECTION HELD ON MARCH 7, 2017

WHEREAS, the City Council of the City of _____ called a General Municipal Election to be held on Tuesday, March 7, 2017, for the purpose of the election of _____ Members of the City Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with a potential Special Countywide Election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the County Elections Official canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election;

WHEREAS, Elections Code section 10002 authorizes the City to request by resolution that the Board of Supervisors authorize the County Elections Official to conduct specified election services.

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

Section 1. That pursuant to the requirements of *the laws of State of California relating to General Law cities or the Charter*, there is called and ordered to be held in the City of _____, California, on Tuesday March 7, 2017, a General Municipal Election for the purpose of the election of _____ Members of the City Council.

Section 2. That the City Council requests the Board of Supervisors to direct the Registrar-Recorder/County Clerk to administer, manage and oversee all facets of the City of _____'s March 7, 2017 General Municipal Election and further direct the Registrar-Recorder/County Clerk to perform all necessary functions, services and tasks related to: the complete and successful conduct of the election; the provision of all election materials and equipment; the hiring, training and supervision of poll workers and other election personnel; the printing and distribution of ballot materials; the translation of ballot materials; the collection of submitted ballots ; the tallying of votes; canvassing and the certification of election results.

Section 3. That the City Council further requests the Board of Supervisors to consent and agree to the consolidation of the City of _____'s General Municipal Election with a Special Countywide Election that may be held on March 7, 2017, and that the County of Los Angeles take all necessary steps to hold a consolidated election.

Section 4. That the City Council understands that, should a Special Countywide Election not be held on March 7, 2017, the Board of Supervisors will direct the Registrar-Recorder/County Clerk to administer the General Municipal Election for the City of _____ and to apply the same cost estimate provided to the City of _____ on September 23, 2016. This provision is pursuant to action taken by the Board of Supervisors of the County of Los Angeles on September 13, 2016.

Section 5. That the City of _____ recognizes that all necessary expenses incurred by the County in performing these services shall be paid by the City of _____, in accordance with the cost estimate provided by the Registrar-Recorder/County Clerk on September 23, 2016, as described in Section 4. Should the County not conduct a Special Countywide Election on March 7, 2017, the County will conduct the city's election and has agreed to pay the difference between the total cost of the election without a Countywide measure less the estimated amount provided on September 23, 2016 to ensure a cost neutral effect for the City.

Section 6. That in all particulars not otherwise specifically provided in this Resolution, the Election shall be held and conducted as provided by law.

Section 7. That the City Clerk is directed to file an original certified copy of this Resolution with the Board of Supervisors and a copy with the County Elections Official.

Section 8. That the City Clerk shall certify to the passage and adoption of this Resolution.