

Agenda Report

TO: CITY COUNCIL

DATE: July 20, 1998

FROM: CITY ATTORNEY

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATE GENERAL ELECTION ON TUESDAY, NOVEMBER 3, 1998, FOR THE SUBMISSION TO THE VOTERS CHARTER AMENDMENT PROPOSALS RELATING TO: AMENDING THE PASADENA CITY CHARTER TO PROVIDE FOR A CITY-WIDE ELECTED MAYOR TO SERVE A FOUR-YEAR TERM AND BE THE EIGHTH MEMBER OF THE CITY COUNCIL; DETERMINING WHETHER THE FIRST ELECTION FOR SUCH CITY-WIDE ELECTED MAYOR WOULD OCCUR IN THE YEAR 1999 OR 2001; TWO ALTERNATIVE CHARTER AMENDMENT PROPOSALS PERTAINING TO COMPENSATION FOR THE MAYOR AND CITY COUNCIL; AND, TWO ALTERNATIVE CHARTER AMENDMENT PROPOSALS RELATING TO THE STRUCTURE AND GOVERNANCE OF THE WATER AND POWER UTILITIES REGARDING WHETHER THE CITY MAY OPERATE THE UTILITIES THROUGH A NONPROFIT CORPORATION, OR WHETHER THE CITY MAY BE PERMITTED, RATHER THAN REQUIRED TO OPERATE WATER AND POWER UTILITIES, WITH VOTER APPROVAL REQUIRED BEFORE ANY SALE OF THOSE UTILITIES.

RECOMMENDATION:

If the City Council desires to place certain ballot measures on the November 3, 1998 ballot, it is recommended that the City Council adopt the following resolutions:

- (1) A resolution of the City Council of the City of Pasadena calling a Special

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Municipal Election to be held in said City on Tuesday, November 3, 1998, to be consolidated with the statewide General Election on said date, for the purpose of submitting to the voters of Pasadena six Charter Amendment propositions regarding: (a) whether to provide for a citywide elected Mayor to serve a four-year term and be the eighth member of the City Council having all the powers of a member of the City Council; (b) if so, whether the first city-wide Mayoral election shall take place in 1999 or 2001; (c) whether the Charter should set Mayor and Councilmember stipends at specified amounts, subject to annual revisions based on an increase in the consumer price index; (d) whether compensation of the Mayor and Councilmembers shall be set by a panel, appointed by ordinance, which recommends the amount of compensation no more than once every two years, and the City Council may not increase the amount beyond the recommendation without a vote of the people; (e) whether to authorize the City to operate the water and power utilities through a nonprofit corporation and (f) whether the City should be permitted, rather than required, to operate water and power utilities, and to require voter approval prior to any sale of the City's water and power utilities.

- (2) A resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a Special Municipal Election of the City of Pasadena with the statewide General Election to be held on Tuesday, November 3, 1998 and requesting the County Clerk/Registrar of Voters to provide certain services.
- (3) A resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments regarding the propositions on the ballot in the Special Municipal Election called for November 3, 1998, and directing the City Attorney to prepare impartial analyses for said propositions.

BACKGROUND:

City-wide Elected Mayor and Council Compensation

At the July 6, 1998 City Council meeting, the City Attorney was directed to prepare ballot language and the necessary documents to call a Special Municipal Election for November 3, 1998, to be consolidated with the statewide General Election which will be conducted by the County of Los Angeles. With respect to election of the Mayor and Council compensation, the propositions which were directed by the City Council to be included in the ballot language involved the following issues:

- 1) Charter Amendment A: Whether there should be a Mayor elected city-wide directly by the voters;

2) Charter Amendment B: If there is a city-wide elected Mayor, whether the first election would occur in March, 1999 or March, 2001;

3) Charter Amendment C: Whether the compensation of the Mayor and Councilmembers should be set by a panel, appointed by ordinance, which makes recommendations to the Council not more than once every two years regarding the appropriate amount of compensation, and the Council may accept, reject or modify the recommendation, but not increase the compensation higher than the panel's recommendation without a vote of the people.

4) Charter Amendment D: Whether the compensation of the Mayor and City Councilmembers should be fixed by Charter with a stipend of \$250 per meeting, up to \$1,000 per month for Councilmembers, and 150% of that rate for the Mayor's stipend, subject to one revision annually by the unanimous vote of the Council, capped at the increase in the consumer price index;

Water and Power Utility Governance

At the July 13, 1998 meeting, the City Council also directed the preparation of ballot language to be included in the November 3, 1998 election regarding governance of the water and power utilities. In view of the procedures followed by the County of Los Angeles in administering the election, it is advisable to submit one resolution calling the election which includes all of the measures desired by the Council to be voted on at that election. Accordingly, it would be appropriate to include measures which were directed by the Council to be included in the ballot regarding the following issues:

1) Charter Amendment E: Whether the Charter should authorize the City to operate the water and power utilities through a nonprofit public benefit corporation; or

2) Charter Amendment F: Whether the Charter should permit, rather than require, the City to operate water and power utilities, with voter approval required prior to any sale of the utility.

With respect to Charter Amendment E, regarding ability of a non-profit corporation to operate the utility, the proposed language also includes the ability of the City to operate through another governmental structure within the City. This allows the City the option of continuing to operate the utility.

With respect to Charter Amendment F, the City Charter currently requires operation of the utility through a department established by ordinance. The language in Charter Amendment F would permit, rather than require such operation of the utility. The language would also authorize operation through another governmental structure or

entity outside the City. However, a vote of the people would be required before any sale of the utility.

The proposed language for ballot questions A through F is included in the attached resolution calling the election. The proposed language that would actually be included in the City Charter is also attached.

Procedures

1. Resolution Calling the Election

It would be appropriate for the Council to have separate votes on whether each proposition should be included on the ballot for the November, 1998 election. At the conclusion of all of those votes, it is advisable to have one vote on the resolution calling the election for whichever measures received at least four votes of the Council. This would allow for dissenting votes to be reflected for particular propositions, while allowing the will of the majority of the Council to be reflected in the resolution calling for the consolidated special election, with all ballot measures being included in one resolution for ease of handling by the County. It is possible to have two separate resolutions calling the election and setting forth the ballot measures for Charter Amendments A, B, C, and D in one resolution, with Charter Amendments E and F in a separate resolution. However, to ensure that all questions are appropriately included in the ballot and to create less potential for confusion by the County, it is highly advisable to call the election in one resolution which contains all of the ballot measures.

2. Resolution Requesting Board of Supervisors to Consolidate the Election

It is also necessary for the Council to adopt a resolution requesting the County Board of Supervisors to authorize and order consolidation of a Special Municipal Election of the City, with the statewide General Election and to request the County Clerk/Registrar of Voters to provide services necessary to hold the consolidated election.

3. Resolution Regarding Impartial Analyses and Filing Written Arguments

The City may also adopt a resolution directing the City Attorney to cause the preparation of impartial analyses of the measures which will be on the ballot, and authorizing Councilmembers to submit written arguments in favor or against the ballot measures. The City is not required to adopt this resolution. However, if the Council desires the preparation of an impartial analysis and/or written arguments for or against the measures, the resolution should be adopted at the same meeting when the resolution calling the election is adopted.

FISCAL IMPACT:

It is estimated that the cost of consolidating the Special Municipal Election with the statewide General Election will be approximately \$54,000. Funds are budgeted and these costs will be charged to Election Account 262014.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

RESOLUTION NO. 7644

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID
CITY ON TUESDAY, NOVEMBER 3, 1998, FOR THE SUBMISSION OF
PROPOSED CHARTER AMENDMENTS**

WHEREAS, pursuant to the authority provided in the California Elections Code (commencing at Section 9255) and Section 1206 of the Pasadena City Charter, the City Council of the City of Pasadena desires to submit to the voters two proposed Charter amendments relating to the city-wide election of the Mayor of the City of Pasadena and when such city-wide election of the Mayor would occur; two proposed Charter amendments relating to the compensation of the Mayor and Councilmembers and the method of setting the compensation for the Mayor and Councilmembers; and one proposed Charter amendment relating to the governance and operation of the City's water and power utility;

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

Section 1. A Special Municipal Election is hereby called and shall be held in the City of Pasadena on Tuesday, November 3, 1998.

Section 2. At said election there shall be submitted to the voters of said City five (5) Charter amendment propositions relating to the city-wide election of the Mayor of the City of Pasadena and when such city-wide election of the Mayor would occur; the compensation of the Mayor and Councilmembers and the method of setting the

compensation for the Mayor and Councilmembers; and, the governance and operation of the water and power utilities.

Section 3. The text of the above referenced Charter amendments is attached as Exhibits A, B, C, D, and E, respectively.

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

A. Shall the Mayor be elected for a four year term directly by the voters city-wide as the eighth member of City Council, having all the powers of a member of City Council and of the Mayor as presently contained in the City Charter, and additionally, the duty to present an annual thematic budget message to City Council?	YES	
	NO	

B. If Charter Amendment A receives a majority vote of the electorate voting on the question, when shall the first election of a Mayor directly elected by voters city-wide take place? (VOTE FOR ONE DATE ONLY):	March 1999	
	March 2001	

C. Shall the compensation of the Mayor and City Council be set by a committee, appointed by the City Council by ordinance with the power to recommend to City Council not more than once every two years the appropriate amount of compensation? The City Council may accept, reject or modify the recommendation of the committee, but may not increase the compensation above the level recommended by the committee without voter approval.	YES	
	NO	

D. Shall the Mayor and City Council's compensation continue to be fixed in the City Charter but with a revised stipend of \$250 per meeting attended, up to \$1,000 per month for Councilmembers, and a stipend of 150% of the Councilmember's rate for the Mayor, these stipends to be subject to one revision annually by the unanimous vote of the City Council up to the amount of any increase in the consumer price index?	YES	
	NO	

E. Shall the Charter be amended to permit, rather than to require that the City operate its water and power utilities through a department of City government, and to permit the operation of the utility through any other form of organization approved by ordinance, with the requirement that the voters must approve any sale of the utilities?	YES	
	NO	

Section 5. The polls shall be open at 7:00 a.m. on the date 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, except as provided in Section 14401 of the Elections Code of the State of California.

Section 6. Under separate resolution, the Board of Supervisors of Los Angeles County shall cause the precincts, polling places and election officers for said election to be established and cause the returns of said election to be canvassed and to certify the same to the City Council of the City of Pasadena.

Section 7. In all particulars not recited in this resolution, the election hereby called shall be held as provided by law for holding municipal elections in said City.

Adopted at the regular meeting of the City Council on the 20th day of July,

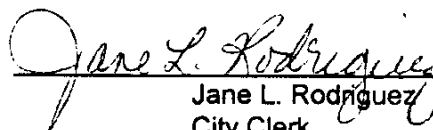
1998, by the following vote:

AYES Councilmembers Crowfoot, Little, Paparian, Tyler,
Villicana, Mayor Holden

NOES Vice Mayor Streater

ABSENT None

ABSTAIN None


Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:

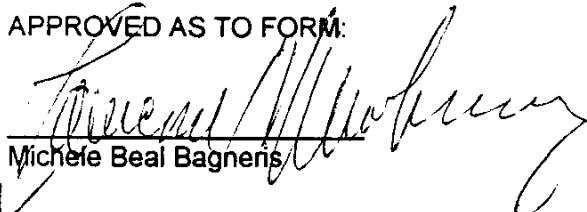

Michèle Beal Bagners

EXHIBIT "A"

CHARTER AMENDMENT A

Shall the Mayor be elected for a four year term directly by the voters city-wide as the eighth member of City Council, having all the powers of a member of City Council and of the Mayor as presently contained in the City Charter, and additionally, the duty to present an annual thematic budget message to City Council?

Sections 401, 402, 403, 404, 406, 407, 411, 502, 506, 509, 510, 602, 603, 604(J), 902, 1101, 1202, 1203, 1204, 1205, and 1501 of the Charter of the City of Pasadena are hereby amended to read as follows:

Section 401. NUMBER AND TERM. There shall be a City Council consisting of *a Mayor and seven Councilmembers who shall be nominated and elected by district as provided in this Charter.* ~~The seven Councilmembers shall be nominated and elected by district as provided in this Charter.~~ The term of office *of the Mayor or Councilmembers* shall be four years, beginning at 12 o'clock noon on the first Monday in May next following their election and until their respective successors are elected and qualify. ~~The Councilmembers in office at the time this Charter Amendment takes effect shall continue in office until the end of their respective terms as heretofore fixed and until their successors are elected and qualify.~~

Section 402. ELIGIBILITY. *The Mayor and each Councilmember shall be a qualified elector of the City.* ~~and resident of the district from which the member is elected or appointed.~~ *Each Councilmember shall be a resident of the district from which the Member is elected or appointed.*

Section 403. VACANCY DEFINED. *If the Mayor shall cease to be a resident of the City or if any Councilmember shall cease to be a resident of the district, respectively, from which elected or appointed, or if either the Mayor or any Councilmember shall be absent without permission of the City Council from all regular City Council meetings within a period of 60 consecutive days from the last regular meeting attended, shall resign, shall be adjudged legally incompetent or shall be otherwise barred from holding office by reason of state or federal law, that office shall thereupon be declared vacant by a majority vote of the City Council.*

Section 404. VACANCY-APPOINTMENT. *If a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the Mayor shall not require that the Vice Mayor relinquish his or her seat as a Councilmember elected or appointed from a district. If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented*

district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of City Government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the City Council are killed, missing or injured so as to be unable to perform their duties.

Section 406. THE MAYOR. ~~At its organizational meeting on the first Monday in May, the City Council shall elect from its membership a Mayor who shall preside at its meetings. The Mayor shall be nominated and elected by the voters of the City at large for a term of four years beginning with the municipal elections to be conducted in [either 1999 or 2001 as determined by the voters]. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor~~ He or she shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California *and this Charter. The Mayor* ~~He or she~~ shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. *The Mayor* ~~He or she~~ shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his *or her* office.

Section 407. THE VICE MAYOR. At its organizational meeting, the City Council shall elect from *among the Councilmembers* a Vice Mayor who shall exercise the powers and perform the duties of the Mayor during the latter's absence or disability. ~~If for any reason the Mayor fails to serve his or her full term of office, the Vice Mayor shall assume the duties of the Mayor for the unexpired term.~~

Section 411. PROHIBITIONS. (A) ~~Neither the Mayor nor any~~ No City Council member shall be eligible to hold any paid office created by the City Council while a member thereof and until one year after the expiration of the term for which he or she was elected.

(B) Except for purposes of inquiry, the *Mayor, the* City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the *Mayor, the* City Council nor its members shall attempt to influence or to direct any subordinates of the City Manager.

Section 502. QUORUM. ~~Four members of the City Council shall constitute a quorum for the transaction of business~~ *A quorum of the City Council shall consist of five of the eight members thereof,* but a lesser number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe.

Section 506. ACTION BY CITY COUNCIL. No action of the City Council, including the adoption of ordinances, resolutions and motions, shall be valid unless it receives the affirmative vote of ~~four~~ *five* members.

Section 509. SIGNATURE AND CERTIFICATION. Every ordinance adopted by the City Council shall be signed by the Mayor or, in his or her absence, by the Vice Mayor, or shall be signed by ~~four~~ five members of the City Council and shall be certified by the City Clerk.

Section 510. EFFECTIVE DATE OF ORDINANCES. Ordinances shall take effect upon publication, except the following, which shall not take effect until the expiration of 30 days from publication.

(A) Ordinances granting franchises.

(B) General penal ordinances, except an ordinance required for the immediate preservation of the public peace, health or safety which declares the existence and nature of the emergency and which is adopted by an affirmative vote of at least ~~five~~ six of the eight members of the City Council.

Section 602. APPOINTMENT OF THE CITY MANAGER. The City Manager shall be selected on the basis of his or her executive and administrative qualifications, and shall be appointed at a regular meeting of the City Council upon the affirmative vote of not less than ~~four~~ five members thereof of the City Council. *Neither the Mayor nor any other member of the City Council* ~~No member of the City Council~~ shall receive such an appointment during the term for which he or she has been elected nor within two years after the expiration of his or her term.

Section 603. REMOVAL OR RESIGNATION OF THE CITY MANAGER. The affirmative vote of not less than ~~four~~ five members of the City Council shall be required to remove the City Manager from office. The City Manager may resign by giving the City Council at least thirty days' written notice of his or her intention to resign, stating the reasons therefor.

Section 604. POWERS AND DUTIES OF THE CITY MANAGER.

(J) It shall be competent for the City Council to instruct the City Manager in all matters of policy, and any action, determination or omission of the City Manager shall be subject to review by the City Council, but no such action, determination or omission shall be overruled or modified by a vote of less than ~~five~~ four members thereof of the City Council, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

Section 902. PREPARATION OF BUDGET. *No later than January of each year, the Mayor shall present a thematic budget message for the upcoming fiscal year to the City Council. The City Council shall establish procedures whereby public suggestions and comments on the Mayor's budget proposals may be received and considered prior to the preparation and submission of budget estimates by the Departments to the City Manager.*

On or before the third Monday in May of each year, the City Manager shall submit to the City Council a preliminary budget of probable expenditures and revenues of the City for the succeeding fiscal year, giving the amounts required to meet the interest and sinking funds for all outstanding funded debts, the amounts required for salaries and the needs of all departments and programs of the municipal government in detail, showing specifically the amount necessary to be

apportioned to each fund in the treasury, and giving the estimated income and revenue to be obtained from all sources, indicating the revenue separately for each source.

~~The City Council shall establish procedures whereby public suggestions and comments may be received and considered prior to preparation and submission of estimates by the departments to the City Manager.~~

Section 1101. GRANTING OF FRANCHISES. The City Council may grant a franchise to any person, partnership, corporation or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City. The City Council may, by the affirmative vote of ~~five~~ *six* members, prescribe by ordinance the method for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision, the method provided by the general laws of the State of California shall apply.

Section 1202. ~~DISTRICT~~ PRIMARY ELECTIONS. On the sixth Tuesday preceding the general municipal *election*, a ~~district~~ primary election shall be held in those districts of the City wherein the terms of office of Councilmembers expire in that year or *on a City wide basis when the term of office of the Mayor expires in such year*, for the purpose of nominating candidates to be voted on at the general municipal election and for such other purposes as the City Council may prescribe.

Section 1203. NOMINATING PETITION. Any voter residing in a district who desires to become a candidate for the office of member of the City Council from that district to be filled at such general election, *or any qualified resident of the City who desires to become a candidate for Mayor when that office is to be filled at such general election*, shall file with the City Clerk, in the period prescribed by the California Elections Code prior to the primary election, nominating papers signed by not less than 25 qualified voters of such district, *or, for the office of Mayor, a petition signed by not less than 50 qualified voters of the City*, and accompanied by a filing fee of \$25.00.

Section 1204. CANDIDATES. The two persons receiving the highest number of votes at the primary election for the candidates for office of *Mayor or Councilmember* from ~~that a~~ district shall be the candidates for election ~~by that district's voters~~ and only their names shall be printed upon the ballot to be used in ~~that district at~~ the general municipal election. Any person who, at the ~~district~~ primary election, shall receive a majority of the total vote cast for candidates for said office shall be elected to such office. ~~as such member of said City Council.~~

Section 1205. GENERAL MUNICIPAL ELECTION. For the election of *the Mayor and Councilmembers* under this Charter, and for such other purposes as the City Council may prescribe, a general municipal election shall be held biannually throughout the City on the third Tuesday in April of every odd-numbered year.

Section 1501. RETIREMENT SYSTEM. In order to continue in force, with such modifications as are set forth in this Article, provisions already existing for retirement and death benefits for members of the Fire and Police Departments of the City, the Pasadena Fire and Police Retirement System, hereinafter referred to as the Retirement System or the System, is hereby established. The legislative body of the city may exclude from membership in the Retirement System persons employed on a temporary or part-time basis, but for the purpose of Retirement System, persons serving a probationary period requisite to appointment to a regular position shall not be considered as on a temporary basis. The legislative body by a vote of not less than ~~five (5)~~ six of its members, is hereby empowered to enact any and all ordinances necessary to carry into effect the provisions of this Article provided that the said legislative body, through the Retirement Board, shall secure an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before the adoption of an ordinance to submit any proposed Charter amendment providing for such change.

EXHIBIT "C"

CHARTER AMENDMENT C

Shall the compensation of the Mayor and City Council be set by a committee, appointed by the City Council by ordinance with the power to recommend to City Council not more than once every two years the appropriate amount of compensation? The City Council may accept, reject or modify the recommendation of the committee, but may not increase the compensation above the level recommended by the committee without voter approval.

Section 405 of the Charter of the City of Pasadena is amended to read as follows:

Section 405. COMPENSATION. ~~Each member shall receive \$50.00 for each meeting of the City Council which he or she attends, but not to exceed \$250.00 in any one calendar month. Councilmembers shall also be reimbursed for necessary expenses incurred as provided by ordinance.~~ Pursuant to an ordinance adopted by the City Council authorizing the formation of a Committee on City Councilmembers' Compensation ("the Committee"), each member of the City Council shall nominate one person to the Committee, subject to the approval of the City Council. The duties of the Committee shall be to study, take public input, and make recommendations regarding the compensation paid to members of the City Council and benefits to which the members of the City Council are entitled including, but not limited to, insurance, expense allowances and reimbursement.

Each member of the Committee shall be an elector of the City. In making their nominations, City Councilmembers shall consider persons recommended by representatives of the fields of higher education, labor, business, and organizations reflecting the diversity of the City. No person shall be eligible for membership on the Committee who is, or within five years prior to his or her appointment was, an officer or employee of the City; or who has, within five years prior to his or her appointment, had any personal or business-related contractual relation with the City.

The nominee of the Mayor shall act as temporary chair of the Committee, with the power to fix the time and place of the Committee's first meeting. At such meeting, the Committee shall elect a Chair and a Vice-Chair, and shall adopt such rules as it deems necessary to conduct its business. The provisions of the Ralph M. Brown Act shall govern the conduct of meetings of the Committee. Records of the Committee shall be maintained as public records as provided by State law. The Committee shall gather such information as it deems necessary to complete its duties, and prior to making its recommendation, shall hold at least one duly-noticed public hearing for the purpose of seeking public input. The City Manager shall provide office space, staff assistance and supplies for the work of the Committee. Committee members shall serve without compensation, other than reimbursement for reasonable expenses pursuant to City ordinance.

Not later than October 1 of the year the Committee is appointed, the Committee shall submit to the City Council a report adopted by a majority of the members of the Committee recommending either that no change be made in the compensation paid to members of the City Council, or that change, either an increase or a decrease, be made and the amount thereof. If such report is not timely submitted, or is not adopted by a majority of the members of the Committee, the Committee's recommendation shall be deemed to be a recommendation for no change. The Committee shall cease to exist thirty (30) days after its report is submitted to the City Council.

The City Council may take no action on the recommendation, or it may, by ordinance, adjust the compensation paid to members of the City Council by an amount not to exceed the recommendations of the Committee. No action which increases the compensation of City Council in excess of the level recommended by the Committee may be taken without a vote of the people. Any ordinance adopted pursuant to a recommendation of the Committee shall be adopted by a 2/3 majority vote and shall be subject to referendum as provided in this Charter. Once compensation has been initially established as provided in this section, no increase in the annual compensation shall be greater than five percent for each calendar year following the operative date of the most recent change for the compensation. No more than one ordinance establishing the compensation of City Council members may be adopted in any two calendar year period. Any compensation and benefits fixed as a result of this Section shall constitute full compensation for the services of the City Council member and the maximum benefits provided to the City Council member by the City.

Until such time as the City Council adopts an ordinance as provided herein, Councilmembers shall continue to receive the compensation in effect as of the effective date of the Section.

EXHIBIT "D"

CHARTER AMENDMENT D

Shall the Mayor and City Council's compensation continue to be fixed in the City Charter but with a revised stipend of \$250 per meeting attended, up to \$1,000 per month for Councilmembers, and a stipend of 150% of the Councilmember's rate for the Mayor, these stipend to be subject to one revision annually by the unanimous vote of the City Council up to the amount of any increase in the consumer price index?

Section 405 of the Charter of the City of Pasadena is amended to read:

Section 405. COMPENSATION. Each *Councilmember* shall receive ~~\$50 for each meeting~~ a stipend of \$250 for each meeting of the City Council which he or she attends but not to exceed ~~\$250~~ \$1,000 in any one calendar month. *The Mayor shall be paid a stipend equal to 150% of the stipend paid to Councilmembers. The Mayor and Councilmembers shall also be reimbursed for necessary expenses incurred and may accept general employee benefits as provided by ordinance. The Mayor and Councilmembers shall not receive or accept any other fee or stipend paid by the City, the Community Development Commission or any other agency created and funded directly by the City for any duties or services performed. However, this provision shall not prohibit the Mayor or any Councilmember from receiving compensation from any other public agency or joint powers authority for his or her services.*

By unanimous vote of its entire membership, the City Council may, no more than once each calendar year, change its stipend. However, if the stipend is increased, such increase shall be limited to the most recent corresponding annual change in the consumer price index.

EXHIBIT "E"

CHARTER AMENDMENT E

Shall the Charter be amended to permit, rather than to require that the City operate its water and power utilities through a department of City government, and to permit the operation of the utility through any other form of organization approved by ordinance, with the requirement that the voters must approve any sale of the utilities?

Section 1401 of the Charter of the City of Pasadena is amended to read as follows:

Section 1401. OPERATION OF UTILITIES. The City shall *may* operate water and power utilities through a department or departments ~~as established or through such other form of organization as the City Council may approve~~ by ordinance. *The City shall not sell any such utility unless such sale is first submitted to the voters of the City and approved by a majority of those voting on the question.*

RESOLUTION NO. 7645

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS
ANGELES TO AUTHORIZE AND ORDER THE CONSOLIDATION OF A
SPECIAL MUNICIPAL ELECTION OF THE CITY OF PASADENA WITH THE
STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER
3, 1998, AND REQUESTING THE COUNTY CLERK/REGISTRAR OF VOTERS
TO PROVIDE CERTAIN SERVICES**

WHEREAS, the City Council of the City of Pasadena has called a Special Municipal Election to be held on the day of the statewide General Election on Tuesday, November 3, 1998; and

WHEREAS, the City Council is submitting to the voters the questions relating to the city-wide election of the Mayor of the City of Pasadena and when such city-wide election of the Mayor would occur; the compensation of the Mayor and Councilmembers and the method of setting the compensation for the Mayor and Councilmembers; and, the governance and operation of the water and power utility; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the statewide General 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 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;

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

Section 1. Pursuant to the requirements of Section 14403 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 statewide General Election on Tuesday, November 3, 1998, in order that five Charter amendment propositions may be submitted to the voters of the City of Pasadena.

Section 2. The exact form of said propositions as the same are to appear on the ballot are as follows:

A. Shall the Mayor be elected for a four year term directly by the voters city-wide as the eighth member of City Council, having all the powers of a member of City Council and of the Mayor as presently contained in the City Charter, and additionally, the duty to present an annual thematic budget message to City Council?	YES	
	NO	

B. If Charter Amendment A receives a majority vote of the electorate voting on the question, when shall the first election of a Mayor directly elected by voters city-wide take place? (VOTE FOR ONE DATE ONLY):	March 1999	
	March 2001	

C. Shall the compensation of the Mayor and City Council be set by a committee, appointed by the City Council by ordinance with the power to recommend to City Council not more than once every two years the appropriate amount of compensation? The City Council may accept, reject or modify the recommendation of the committee, but may not increase the compensation above the level recommended by the committee without voter approval.	YES	
	NO	

D. Shall the Mayor and City Council's compensation continue to be fixed in the City Charter but with a revised stipend of \$250 per meeting attended, up to \$1,000 per month for Councilmembers, and a stipend of 150% of the Councilmember's rate for the Mayor, these stipends to be subject to one revision annually by the unanimous vote of the City Council up to the amount of any increase in the consumer price index?	YES	
	NO	

E. Shall the Charter be amended to permit, rather than to require that the City operate its water and power utilities through a department of City government, and to permit the operation of the utility through any other form of organization approved by ordinance, with the requirement that the voters must approve any sale of the utilities?	YES	
	NO	

Section 3. It is further requested that said Charter amendment propositions be placed upon the ballot for said statewide General Election and that said Board of Supervisors cause the returns of said Special Municipal Election to be canvassed 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 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.

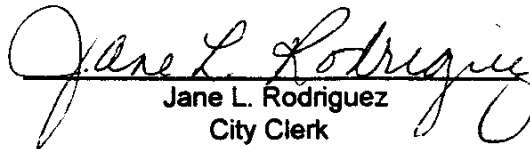
Adopted at the regular meeting of the City Council on the 20th day of July.

1998, by the following vote:

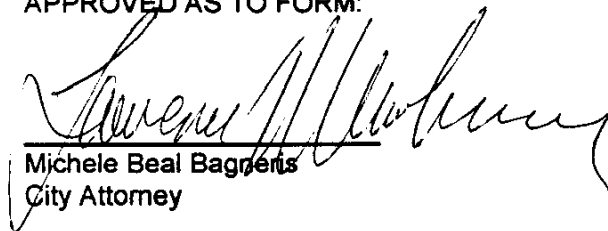
AYES Councilmembers Crowfoot, Little, Papanian, Tyler, Villicana,
Mayor Holden
NOES Vice Mayor Streater

ABSENT None

ABSTAIN None


Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:


Michele Beal Bagneris
City Attorney

RESOLUTION NO. 7646

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA REGARDING WRITTEN ARGUMENTS PERTAINING TO CHARTER AMENDMENT PROPOSITIONS RELATING TO ELECTING A MAYOR AT-LARGE, COMPENSATION FOR THE MAYOR AND CITY COUNCIL, AND THE GOVERNANCE AND OPERATION OF THE WATER AND POWER UTILITIES AND DIRECTING THE CITY ATTORNEY TO CAUSE TO BE PREPARED THE IMPARTIAL ANALYSES FOR SAID PROPOSITIONS.

WHEREAS, a Special Municipal Election is to be held in the City of Pasadena on Tuesday, November 3, 1998, to be consolidated with the statewide General Election on same date, at which there will be submitted to the voters the following Charter amendment propositions:

A. Shall the Mayor be elected for a four year term directly by the voters city-wide as the eighth member of City Council, having all the powers of a member of City Council and of the Mayor as presently contained in the City Charter, and additionally, the duty to present an annual thematic budget message to City Council?	YES	
	NO	

B. If Charter Amendment A receives a majority vote of the electorate voting on the question, when shall the first election of a Mayor directly elected by voters city-wide take place? (VOTE FOR ONE DATE ONLY):	March 1999	
	March 2001	

C. Shall the compensation of the Mayor and City Council be set by a committee, appointed by the City Council by ordinance with the power to recommend to City Council not more than once every two years the appropriate amount of compensation? The City Council may accept, reject or modify the recommendation of the committee, but may not increase the compensation above the level recommended by the committee without voter approval.	YES	
	NO	

D. Shall the Mayor and City Council's compensation continue to be fixed in the City Charter but with a revised stipend of \$250 per meeting attended, up to \$1,000 per month for Councilmembers, and a stipend of 150% of the Councilmember's rate for the Mayor, these stipends to be subject to one revision annually by the unanimous vote of the City Council up to the amount of any increase in the consumer price index?	YES	
	NO	

E. Shall the Charter be amended to permit, rather than to require that the City operate its water and power utilities through a department of City government, and to permit the operation of the utility through any other form of organization approved by ordinance, with the requirement that the voters must approve any sale of the utilities?	YES	
	NO	

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

Section 1. Arguments for or against the ballot propositions shall be filed in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and may be changed until and including the date fixed by the City Clerk, after which no arguments for or against the City measures may be submitted to the City Clerk.

Section 2. The City Council directs the City Clerk to transmit copies of the five Charter Amendment propositions to the City Attorney. The City Attorney shall cause to be prepared impartial analyses of the measures showing the effect of the measures on the existing law and the operation of the measures. The impartial analyses 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 20th day of

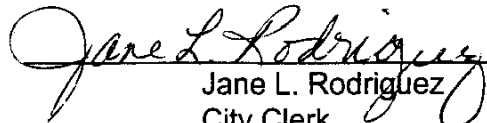
July, 1998, by the following vote:

AYES Councilmembers Little, Papanian, Tyler, Villicana,
Vice Mayor Streater, Mayor Holden

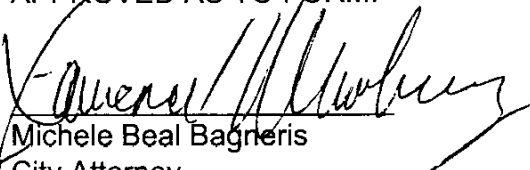
NOES None

ABSENT Councilmember Crowfoot

ABSTAIN None


Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:


Michele Beal Bagnieris
City Attorney