

# Agenda Report

TO: CITY COUNCIL DATE: May 15, 2000

FROM: CITY ATTORNEY

SUBJECT: PROPOSED BALLOT MEASURES REGARDING THE CITY'S POSITION  
ON COMPLETION OF THE 710 FREEWAY.

## RECOMMENDATION:

If the City Council desires to place measures on the November 7, 2000 ballot regarding the City's position on completion of the 710 Freeway, it is recommended that the City Council approve and adopt the following:

- (1) The text of two Ordinances that would be placed before the voters to establish the City's position on the completion of the 710 Freeway: One Ordinance would bind the City in favor of completion, and the other would bind the City in opposition to completion. Proposed drafts of these Ordinances are attached as Exhibits to the Resolution Calling a Special Municipal Election.
- (2) **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 7, 2000, FOR THE SUBMISSION OF TWO ORDINANCE PROPOSITIONS**
- (3) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO AUTHORIZE AND ORDER THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION OF THE CITY OF PASADENA WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2000, AND REQUESTING THE COUNTY CLERK/REGISTRAR OF VOTERS TO PROVIDE CERTAIN SERVICES**

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MEETING OF 5/15/2000

AGENDA ITEM NO. 7.C.1.

- (4) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA REGARDING WRITTEN ARGUMENTS PERTAINING TO TWO ORDINANCE PROPOSITIONS RELATING TO THE CITY OF PASADENA'S POSITION ON THE COMPLETION OF THE 710 FREEWAY AND DIRECTING THE CITY ATTORNEY TO CAUSE TO BE PREPARED THE IMPARTIAL ANALYSES FOR SAID PROPOSITIONS.**

BACKGROUND.

At its regular meeting of May 1, 2000, the City Council directed the City Attorney to prepare draft language for a proposed ballot measure which would place the issue of the 710 Freeway completion before the voters in a fashion which binds, rather than merely advises, the City Council. In order for the City Council to consider such a ballot measure within the overall context of the November election, the City Attorney has prepared drafts of all resolutions necessary to initiate this process, including the resolution calling a special election on this measure, the proposed ballot language and the text of the proposed Ordinances that would be placed before the voters.

The proposed Ordinances, by their explicit terms, can only be repealed by a further vote of the people. This specification is to carry out the direction of the City Council that the measure be "binding." Ballot measures which are the result of a vote of the people can only be repealed or amended by a subsequent vote of the people unless there is some explicit provision otherwise in the measure itself. The alternatives to an Ordinance are, (a) a Resolution or (b) a Charter change. These alternative forms were not used, because a Resolution is less subject to construction as binding the City Council, and a Charter provision is more appropriate when the subject matter concerns structure or governance of the City.

Two separate Ordinances are proposed because of the requirements of Elections Code, Section 13119 that an affirmative vote must be cast to adopt a particular ordinance. If only one ordinance in favor of completion of the 710 Freeway is put before the voters and fails, there is not a binding position opposed to completion of the 710 Freeway. An ordinance opposing the 710 Freeway must also be put before the voters if the Council wishes to create the opportunity to establish a binding position in opposition. As the Ordinances are conflicting, if both should pass, the measure receiving the greater number of affirmative votes shall take effect.

IMPARTIAL ANALYSIS.

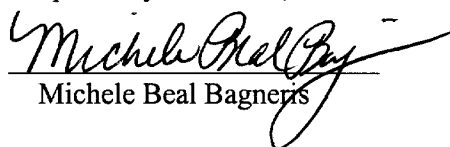
Should the City Council approve the language of one or more Ordinances to submit to the voters, the City Attorney would then prepare a title and an impartial analysis of the Ordinances for the ballot consistent with the requirements of the Elections Code, and the City Clerk would oversee the process for receiving arguments in favor of and opposed to the measures.

The impartial analysis would describe the effects of the measures, some of which are discussed below. As proposed, the language of the Ordinances attached to this Agenda Report binds the City Council only to a formal position in favor of or opposed to completion of the connection of the 710 Freeway interchange to the regional Freeway system. The proposed Ordinances are worded to encompass changes which might be brought forth for the actual configuration of the route within the scope of "completing the connection of the 710 Freeway interchange in Pasadena into the regional freeway system." The Ordinances do not bind the City Council to take or to not take any specific action with respect to the 710 Freeway, other than not contradicting the general policy statement in favor or opposed. Neither Ordinance, as proposed, would require, limit or eliminate the City's ability to pursue or to adopt alternative solutions to the traffic problems in the 710 corridor. Unless the receipt of funding from a potential source were predicated on an explicit position contrary to the position adopted by the voters, City pursuit of funding would not be affected. Further, the City Council would not be constrained in its expenditure of funds, regardless of the outcome of the vote on the Ordinances. It is unlikely that the City Council would take a direction with respect to specific funding or program options contrary to that set by the electorate at a policy level, but the Ordinances, as proposed, would not prevent the Council from doing so as they bind the City only as to the broad issue of support or opposition at a general policy level.

FISCAL IMPACT.

The initial cost of calling a consolidated election is approximately \$60,000. The cost of each additional measure, once an election has been consolidated, is approximately \$5,000. Should the City Council proceed to place Charter amendments on the November ballot with respect to the Board of Education, as it has contemplated doing, the cost of the measures regarding the 710 Freeway would be approximately \$5,000 each.

Respectfully submitted,

  
Michele Beal Bagners