

Agenda Report

TO: CITY COUNCIL

DATE: AUGUST 7, 2006

FROM: CITY CLERK

SUBJECT: RESOLUTIONS RELATED TO ORDERING THE SUBMISSION OF MEASURE B TO AMEND THE CITY CHARTER, ARTICLE XVII – TAXPAYER PROTECTION AMENDMENT, AT THE SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 7, 2006; AND APPROPRIATING FUNDS FOR ELECTION-RELATED COSTS

RECOMMENDATION:

It is recommended that the City Council:

- (1) Adopt the following resolutions related to placing the Task Force on Good Government recommendations and Legislative Policy Committee recommendations on the November 7, 2006 special municipal election ballot:
 - (a) A resolution of the City Council of the City of Pasadena ordering the submission to the qualified electors of the City of Pasadena a proposed measure to amend the City Charter, Article XVII – Taxpayer Protection Amendment, at the special municipal election to be held in said City on Tuesday, November 7, 2006, as called by Resolution No. 8587.
 - (b) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to a proposed measure to amend the City Charter, Article XVII – Taxpayer Protection Amendment, and directing the City Attorney to prepare an impartial analysis.
 - (c) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments with respect to the measure.
- (2) Direct the City Clerk to print the full text of the proposed Charter amendment text in a bilingual (English/Spanish) supplemental voter information pamphlet.
- (3) Approve a journal voucher appropriating \$229,396 from the Unappropriated General Fund balance to the City Clerk's Election Account No. 8114-101-263000 for total election-related costs for the November 7, 2006 special municipal election for two measures (NFL/Rose Bowl Stadium Renovation Initiative and Taxpayer Protection Amendment).

BACKGROUND:

In early October, 2005, the City Council created the nine-member Task Force on Good Government, chaired by John Van de Kamp, with a charge to make recommendations to the City Council regarding possible modifications to Article XVII, Taxpayer Protection Amendment ("TPA"), an initiative measure approved by voters in March 2001. Under the TPA, City public officials who approve contracts or transactions of a certain dollar value are prohibited from receiving gifts, campaign contributions, or employment from the contractor or recipient of the public benefit. The goal of the Task Force's work and recommendations was to improve the TPA, address unintended consequences in administering the TPA, mitigate some of its problematic provisions, and provide recommendations that support the Findings and Declarations of the voter-approved initiative.

On February 27, 2006, the Task Force presented its report to the City Council and 12 recommendations to amend the TPA. It further recommended that the proposed changes to the TPA be placed on the next available City ballot. The Task Force's report was further discussed by Council on April 10, 2006, and subsequently referred to the Legislative Policy Committee for more in-depth review and the Committee to report back to Council by June 30, 2006.

The Legislative Policy Committee held two special meetings specifically to review the Task Force's recommendations. In late June and July, the Task Force's report and recommendations, as well as the recommendations of the Legislative Policy Committee, were further reviewed and discussed by Council.

On July 24, 2006, the City Council directed that staff prepare formal resolutions and Charter amendment language to place 11 of 12 Task Force recommendations and 4 additional recommendations of the Legislative Policy Committee on the November 7, 2006 special municipal election ballot.

Summary of Proposed Charter Changes

Attachment 1 is a summary of the Task Force and Legislative Policy Committee recommendations being placed on the November 7 ballot, and a reference to the Charter section where the proposed Charter amendment text is found for each recommendation. A strike-out version of the proposed Charter amendment text is attached as Exhibit A to the first resolution ordering submission of the measure to the voters on the November 7, 2006 ballot.

Adoption of Resolutions

Adoption of the three resolutions will accomplish the following: (1) formally place Measure B, amending the Pasadena City Charter, Article XVII – Taxpayer Protection Amendment, before Pasadena voters at the consolidated special municipal election to be held on Tuesday, November 7, 2006; (2) set priority

order for the filing of arguments, authorize the City Council to file a written argument in favor of the measure, and direct the City Attorney to prepare an impartial analysis; and (3) authorize the filing of rebuttal arguments for the measure. Upon adoption of the second and third resolutions, the deadlines for the filing of primary arguments will be Monday, August 21, 2006, and Thursday, August 31, 2006, for the filing of rebuttal arguments.

A special municipal election was formally called by Resolution No. 8587 to place a qualified initiative measure (NFL/Rose Bowl Stadium Renovation) on the November 7, 2006 ballot. On July 5, 2006, the Los Angeles County Board of Supervisors approved the City's request to consolidate a special municipal election with the statewide general election to be held on November 7, 2006.

Supplemental Voter Information Pamphlet

As mentioned above, an initiative measure has already been placed on the November 7, 2006 special municipal election ballot. The County Clerk/Registrar of Voters Office has informed the City Clerk that the County is not able to print and mail to all registered voters a bilingual English/Spanish voter information pamphlet of Pasadena's measure. Therefore, Council has directed the City Clerk to print and mail a supplemental voter information pamphlet. For this initiative measure, Council directed that the ballot measure text of the proposed ordinance and exhibits (almost 100 pages long) not be printed in the voter information pamphlet but be available upon request and free of charge to voters, and posted on the Internet.

For this second measure relating to the Taxpayer Protection Amendment, because the Charter text is not lengthy, the City Clerk is requesting direction from Council to print a strike-out/underline version of the proposed Charter amendment text in the supplemental voter information pamphlet.

FISCAL IMPACT:

Attachment 2 is a listing of estimated costs in placing two measures (NFL/Rose Bowl Stadium Renovation Initiative and TPA Charter Amendment) on the November 7, 2006 consolidated special municipal election ballot. The estimated cost for the NFL/Rose Bowl Stadium Renovation Initiative is \$205,469. The estimated cost to add the TPA Charter Amendment to the ballot is \$23,927, for a total of \$229,396 to consolidate the special municipal election with the November 7, 2006 state general election, place two measures on the ballot, print

and mail a bilingual English/Spanish supplemental voter information pamphlet, and provide Spanish and Chinese translations of election-related materials.

Respectfully submitted,


Jane L. Rodriguez, CMC
City Clerk

Reviewed by:


Michele Beal Bagneris
City Attorney

ATTACHMENT 1

SUMMARY OF TASK FORCE ON GOOD GOVERNMENT AND LEGISLATIVE POLICY COMMITTEE RECOMMENDATIONS FOR THE NOVEMBER 7, 2006 SPECIAL MUNICIPAL ELECTION BALLOT

Task Force on Good Government Recommendations

(1) Non-profits

The ban on receiving personal or campaign advantages should not apply to officers and directors from 501 (c) (3), (4), and (6) organizations (other than officers and directors of political action committees or who control political action committees controlled by such organizations), except that disclosure of such persons would continue to be required. *Section 1703(b)(2).*

(2) Contracts with the City

The TPA should be amended so that its provisions also cover persons who are bidding on or negotiating for contracts that are worth over \$25,000 except those who are bidding on or receiving low bid contracts. *Section 1704(d).*

(3) Contribution Limitations *(Not approved by Council for placement on the ballot.)*

(4) Ballot Measure Committees

The TPA should also cover Pasadena public officials who raise money for local ballot measure committees that the official controls. *Section 1703(c)(3).*

(5) Outside Election Races

The TPA should only apply to officials and candidates in city races and not elections outside of Pasadena. *Section 1703(c)(3).*

(6) Enforcement

The City should authorize the City Attorney to bring criminal actions except in cases involving elected City officials in which case the City Attorney should refer the complaint to the L.A. County District Attorney's office. The current law that allows citizens to bring private civil actions should not be changed. *Section 1707(a).*

(7) Subpoena Power

The TPA should give subpoena authority to the City Attorney and where referrals are made to it, the L.A. County District Attorney. *Section 1707(d).*

(8) Agencies Outside the City

The TPA should only apply to Councilmembers or other City officials serving on outside boards as City representatives (e.g., the Burbank Airport

Authority), if these other agencies have reporting requirements allowing compliance with the TPA. *Section 1704(b)*.

(9) Thresholds

The thresholds for determining which decisions should be affected by the TPA should be the same (over \$25,000) in most instances. The only exceptions would be the grant of a tax abatement, exception or benefit, which should remain at over \$5,000 in a twelve-month period and awarding of franchises worth over \$50,000 in gross receipts. The thresholds should be adjusted for cost of living increases every five years and rounded off to the nearest \$1,000. *Section 1703(a)(7) and (9)*.

(10) Disclosure Implementation

The files of the City listing those persons who would be prohibited from providing personal advantages to City officials who have made a decision benefiting them should be posted on the internet so that the records are available to the public in an easy-to-use and timely manner. *Section 1705(c)*.

(11) Cumulation

The TPA should eliminate the need to cumulate public benefits in amounts under \$5,000 unless it is clear that the amounts will meet or exceed the thresholds. *Section 1703(a)(8)*.

(12) Franchises

The TPA should be clarified to require that the franchise has to be awarded by the City. *Section 1703(a)(4)*.

Legislative Policy Committee Recommendations

(1) Pre-Contract Black Out Period

There was unanimous consensus of the Committee to add a new second sentence to Section 1704(c), as follows: "The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof." *Section 1704(d)*.
[Subparagraph (c) was changed to (d) due to a new subparagraph (c) regarding Item 2, below.]

(2) Restrictions on Employees

There was unanimous consensus of the Committee to recommend that Section 1704 of the TPA be amended, with the amendment to apply to employees only (and not elected officials or appointed officials serving on advisory bodies), to keep the current one-year restriction after the official's departure from office, but change the current five-year restriction to two years

from the date the official (employee) approves the public benefit. *Section 1704(c)*.

(3) **Administrative Burden of TPA as Applied to Land Use Matters**

There was unanimous consensus of the Committee to recommend that the extent of the TPA's application to land use decisions be addressed through administrative guidelines. *Section 1707(e)*.

(4) **Authority to Issue Guidelines and Interpretations**

There was unanimous consensus of the Committee to recommend adding specific Charter language to grant authority to the City to adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702 of the TPA. *Section 1707(e)*.

ATTACHMENT 2

NOVEMBER 7, 2006 ESTIMATED ELECTION COSTS

Measure A – NFL/Rose Bowl Stadium Renovation Initiative

\$122,000	County Consolidation
19,000	Ballot measure text translation – Spanish & Chinese
4,000	Other translations (arguments, legal notices, etc.)
3,500	Newspaper legal notices
3,500	Postage for mailing translated materials & measure text
<u>4,000</u>	Copying of translated materials and measure text
\$156,000	Base budget
36,580	Printing supplemental pamphlet/affixing labels
785	Election initiation & preparation
<u>12,104</u>	Postage for mailing supplemental pamphlets
\$205,469	Estimated Total for NFL Initiative

Measure B – Taxpayer Protection Amendment

\$ 3,000	County Cost to Add Additional Measure
<u>20,927</u>	Adding measure to supplemental pamphlet/printing & translation costs for second measure
\$ 23,927	Estimated Total for TPA Measure

Total Election Costs:

\$205,469	NFL Initiative
<u>23,927</u>	TPA Measure
\$229,396	Total Election Costs for November 7, 2006

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF PASADENA A PROPOSED MEASURE TO AMEND THE CITY CHARTER, ARTICLE XVII - TAXPAYER PROTECTION AMENDMENT, AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 7, 2006, AS CALLED BY RESOLUTION NO. 8587

WHEREAS, a special municipal election on Tuesday, November 7, 2006, has been called by Resolution No. 8587, adopted on May 8, 2006; and

WHEREAS, pursuant to the authority provided by Article XI of the Constitution, Title 4, Division 2, Chapter 3 of the Government Code, and Division 9, Chapter 3, Article 3 (commencing with Section 9255) of the California Elections Code, the City Council also desires to submit to the voters at said special municipal election a question relating to amending the Pasadena City Charter, Article XVII – Taxpayer Protection Amendment;

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

SECTION 1. The City Council, pursuant to its right and authority, does order submitted to the voters of the City of Pasadena at the Special Municipal Election on Tuesday, November 7, 2006, a measure to amend the City Charter, Article XVII – Taxpayer Protection Amendment.

SECTION 2. The text of said measure, labeled as Measure B, which may be redesignated by the County Clerk, is attached hereto as Exhibit A, and incorporated herein by this reference.

SECTION 3. The procedures for voting for and against said Charter amendment question shall be those established by Los Angeles County and the question shall be printed in

substantially the following form:

MEASURE B. Shall the Pasadena City Charter, Article XVII - Taxpayer Protection Amendment, be amended to: clarify the duties of public officials who receive a “personal or campaign advantage” from recipients of certain public benefits; exempt certain trustees, directors, or officers of specified nonprofit organizations from its provisions; extend its provisions to persons bidding on certain city contracts; and make other technical or administrative changes?	YES	
	NO	

SECTION 4. 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 5. The City of Pasadena 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 County Clerk/Registrar of Voters of Los Angeles County.

SECTION 7. 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.

SECTION 8. 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 _____, 2006, by the following vote:

AYES:

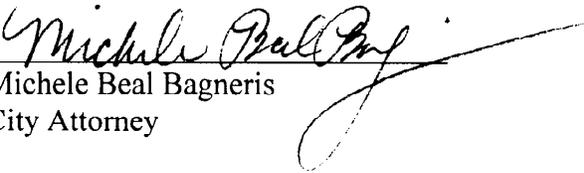
NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, City Clerk

APPROVED AS TO FORM:



Michele Beal Bagneris
City Attorney

Exhibit A

MEASURE B

PROPOSAL TO AMEND THE CHARTER OF THE CITY OF PASADENA, ARTICLE XVII, TAXPAYER PROTECTION

Section 1701. TITLE.

This Article shall be known as the City of Pasadena Taxpayer Protection Act ~~Amendment of 2000~~.

Section 1702. FINDINGS AND DECLARATIONS.

(a) The people of the City of Pasadena ("City") find that the use or disposition of public assets are often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public "decision makers". The people further find that the sources of such corruptive influence include gifts and honoraria, future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial beneficiary of such a public decision for a reasonable period, as provided herein.

Section 1703. DEFINITIONS.

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide personal services of a value in excess of \$25,000 over any 12 month period,

(2) sell or furnish any material, supplies or equipment to the City of a value in excess of \$25,000 over any 12 month period,

(3) buy or sell any real property to or from the City with a value in excess of \$25,000, or lease any real property to or from the City with a value in excess of \$25,000 over any 12 month period,

(4) receive an award of a franchise from the City to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds \$50,000 in any 12 month period,

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of \$25,000,

(6) confer a tax abatement, exception, or benefit not ~~generally~~ applicable to the public generally, of a value in excess of \$5,000 in any 12 month period,

(7) receive cash or specie of a net value to the recipient in excess of ~~\$10,000~~ \$25,000 in any 12 month period.

(8) For purposes of this section, other than subdivision 6, no person need track public benefits of less than \$5,000 unless it is reasonably foreseeable that the amounts under \$5,000 will cumulate in excess of the thresholds set forth in Section 1703(a)(1)-(5) and (7), in any 12 month period.

(9) The City shall adjust the amounts in this Section 1703(a) on July 1 every five years starting in 2010 to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one thousand dollars (\$1,000).

(b) Those persons or entities receiving public benefits as defined in Section 1703(a)(1)-(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity, or

(2) who is a trustee, director, partner, or officer of that entity except for such persons from an organization that is exempt from income taxes under Section 501 (c) (3), (4), or (6) of the Internal Revenue Code. However, this exception shall not apply to trustees, directors, partners, or officers of such organizations that are political committees or control political committees as defined by California Government Code Section 82013 or 2 U.S.C. 431 (4). Any person who is exempted by this subdivision shall still be considered a public benefit recipient for the purposes of disclosure under Section 1705(b) and (c).

(c) As used herein, the term personal or campaign advantage shall include:

- (1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of \$50;
- (2) any employment for compensation;
- (3) any campaign contributions for any Pasadena City elective office said official may pursue or for any City ballot measure committee controlled by the official. Any Pasadena City official who receives contributions for a campaign outside of the City from a person or entity who has obtained public benefits shall not subsequently use or transfer such contributions to any election for a Pasadena City race.

(d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity.

Section 1704. CITY PUBLIC OFFICIAL SHALL NOT RECEIVE PERSONAL OR CAMPAIGN ADVANTAGE FROM THOSE TO WHOM THEY ALLOCATE PUBLIC BENEFITS.

(a) No City public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 1703(a) may receive a personal or campaign advantage as defined in Section 1703(c) from a person as defined in Section 1703(b) for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than

- (1) one year after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;
- (2) one year after the official's departure from his or her office whether or not there is a pre-established term of office; or
- (3) five years from the date the official approves or votes to approve the public benefit; whichever is first.

(b) Section 1704(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or other public agency, whether within or without the territorial jurisdiction of the City either as a representative or appointee of the City. Section 1704(a) shall apply to agencies outside the City on which a City public official serves only if the outside agency voluntarily provides to the City the information in Section 1703 for those public benefits granted by the outside agency.

(c) When the public official, other than a member of the City Council or a person appointed to a City Commission, acts in his or her capacity as an employee of the City, the time restrictions in Section 1704(a) shall apply for one year after the City employee departs from his or her office or for two years from the date the City employee approves the public benefit, whichever comes first.

(d) No person or entity who bids on a contract with the City, or enters into a lease agreement or land sales agreement with the City, with a value in excess of \$25,000, which requires approval by the City Council, shall make any campaign contribution to any member of or candidate for the City Council, or committee controlled by the member or candidate, from the time the Request for Proposal or other bid process has been issued

or from the time negotiations commence, whichever is earlier, until the negotiations have terminated. The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof. When negotiations have terminated, this Article continues to apply to the public benefit recipient. This section does not apply to low bid contracts as defined by the City Charter.

**Section 1705. APPLICABLE PUBLIC BENEFICIARIES SECTION.
RESPONSIBILITIES OF CITY PUBLIC OFFICIALS AND
ADVANTAGE RECIPIENTS.**

- (a) City public officials shall practice due diligence to ascertain whether or not a benefit defined under Section 1703(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section 1703(c) so that any such qualifying advantage received is returned forthwith, and no later than ten days after its receipt.
- (b) City public officials shall provide, upon inquiry by any person, the names of all entities and persons known to them who respectively qualify as public benefit recipients under the terms of Sections 1703 and 1704.
- (c) All information compiled by city offices in compliance with Section 1705(a) and (b) shall be posted on the City of Pasadena website for public access.

Section 1706. DISCLOSURE OF THE LAW.

The City shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any benefit enumerated in Section 1703(a) with written notice of the provisions of this Article and the future limitations it imposes. Said notice shall be incorporated into requests for “proposal,” bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City.

Section 1707. PENALTIES AND ENFORCEMENT.

- (a) In addition to all other penalties which might apply, any knowing and willful violation of this Article by a public official constitutes a criminal misdemeanor offense. The City Attorney is responsible for enforcing violations of this Article except as to violations by members of the City Council, which shall be referred to the Los Angeles County District Attorney’s office for investigation and prosecution.
- (b) A civil action may be brought under this Article against a public official who receives a personal or campaign advantage in violation of Section 1704. A finding of liability shall subject the public official to the following civil remedies:
 - (1) restitution of the personal or campaign advantage received, which shall accrue to the general fund of the City;
 - (2) a civil penalty of up to five times the value of the personal or campaign advantage received;

(3) injunctive relief necessary to prevent present and future violations of this Article;

(4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

(c) A civil action under subdivision (b) of this section may be brought by any resident of the City. In the event that such an action is brought by a resident of the City and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue 10% to the petitioner and 90% to the City's general fund.

(d) The City Attorney and the Los Angeles County District Attorney may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of his or her duties or exercise of his or her powers.

(e) The City may adopt guidelines for implementation of this Article that are consistent with the findings and declarations set forth in Section 1702.

Section 1708. SEVERABILITY.

If any provision of this Article is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications which can be given effect without the invalidated provision, and to this end the provisions of this Article are severable.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS PERTAINING TO A PROPOSED MEASURE TO AMEND THE CITY CHARTER, ARTICLE XVII – TAXPAYER PROTECTION AMENDMENT, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a Special Municipal Election, to be consolidated with the statewide General Election, is to be held in the City of Pasadena on Tuesday, November 7, 2006, at which there will be submitted to the voters of said City a measure in substantially the following form:

MEASURE B. Shall the Pasadena City Charter, Article XVII - Taxpayer Protection Amendment, be amended to: clarify the duties of public officials who receive a “personal or campaign advantage” from recipients of certain public benefits; exempt certain trustees, directors, or officers of specified nonprofit organizations from its provisions; extend its provisions to persons bidding on certain city contracts; and make other technical or administrative changes?	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 City Council: _____

to file a written argument in favor of the measure in accordance with the Elections Code of the State of California, Section 9280, et seq., and may be changed until and including the date fixed by the City Clerk, August 21, 2006, 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 _____, 2006, by the following vote:

AYES:

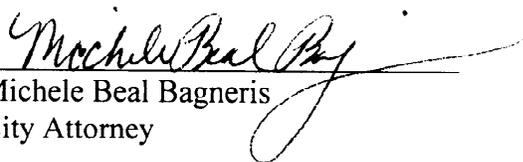
NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, City Clerk

APPROVED AS TO FORM:


Michele Beal Bagneris
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS WITH RESPECT TO A PROPOSED MEASURE TO AMEND THE CITY CHARTER, ARTICLE XVII – TAXPAYER PROTECTION AMENDMENT, SUBMITTED AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006

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.

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, November 7, 2006, and shall then be repealed.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2006, by the following vote:

AYES:

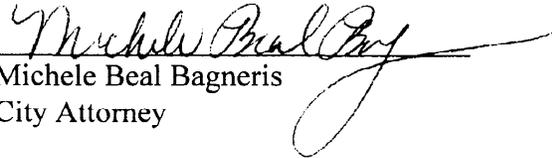
NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, City Clerk

APPROVED AS TO FORM:


Michele Beal Bagneris
City Attorney