



OFFICE OF THE CITY CLERK

June 8, 2006

TO: City Council
FROM: City Clerk
SUBJECT: DISCUSSION OF METHOD OF ELECTING MEMBERS OF
THE PASADENA BOARD OF EDUCATION

At the May 15, 2006 Council meeting, Councilmember Streater suggested the Council agendaize a discussion of the method of electing Board of Education members. Councilmember Streater questioned the procedure of electing Board members by designated seat numbers, and suggested the City Council consider placing a measure on the November 7, 2006 ballot that would change the method for electing Board members, remove the seat numbers, and elect Board members by a plurality of votes.

This memorandum is to provide background materials and information to assist Council's discussion of the issue.

Designated Seats - In 1962, the Board of Education recommended that the City Council place several Charter amendments on the ballot. One of the recommendations was to amend the Charter to require that Board members be elected by designated seats. Attachment 1 is a copy of the ballot argument for the proposed change to numbered seats. Attachment 2 is an excerpt of an attachment to Communication 46043 from PUSD initiating the proposed Charter amendments (excerpt retyped due to deteriorated microfilm), which states in more detail the reasons for the proposed change to numbered seats.

On November 6, 1962, voters approved Proposition P (the change to numbered seats) by 27,334 "Yes" votes and 8,035 "No" votes.

For the Board of Education races, nomination papers must be issued for a particular seat on the Board, and a candidate must receive a majority of the votes cast for that particular seat to be declared elected. If a candidate receives a majority (50% plus 1) of the votes cast in the primary nominating election, the candidate is declared elected for that particular seat. If no candidate for the designated seat receives a majority of the votes cast in the primary, then the names of the top two vote-getters for that particular seat are placed on the general or run-off ballot.

06/12/2006
Item 7.B.5.

Run-off Election and Cost – If necessary, a run-off election is held six weeks after the primary election. The City and PUSD consolidate their primary and run-off elections, which are administered by the City Clerk and conducted as one election. Some election cycles there is neither a City nor PUSD run-off election, while other times there may be only a City run-off, only a PUSD run-off, or both a City and PUSD run-off, depending on whether City and PUSD candidates for the various races receive a majority of the votes cast in the primary. Attachment 3 is a listing reflecting City and PUSD run-off elections over the past 20 years. Over this time period, eight PUSD run-off elections would have been avoided under a plurality voting method (majority not required – top vote getters for the number of open seats are elected). (Example: 3 open seats, 10 candidates, the 3 candidates receiving the most votes are elected without a majority requirement and there is no run-off election.)

In April 2005, there was a PUSD run-off election for Seat 3 on the Board of Education which cost the District \$229,670. There were no City races on that run-off ballot, thus PUSD paid the full cost of that run-off election. If both the City and PUSD have races on a run-off ballot, the cost to each jurisdiction will fluctuate depending on how many Council district races are on the ballot, or whether there is a city-wide Mayoral race on a run-off ballot. The cost for a consolidated run-off election is shared by both jurisdictions based on a pro-rata formula established by the County Registrar of Voters.

If the Charter is amended to change the method of electing the Board of Education by removing the requirement for candidates to run for a specific seat and elect members by a plurality of votes, then the City of Pasadena would absorb all costs for its run-off elections (when required). Over the past 20 years, there have been three City run-off elections (see Attachment 3).

Survey of Other Jurisdiction's Voting Methods – Attachment 4 is a listing of various school district voting methods. The bulk of school districts elect their members at large and by plurality voting (with no run-off election). Inglewood Unified was the only school district that elects its members the same as PUSD, that is, with numbered seats, elected at-large by majority vote. Attachment 5 is a listing of how other cities in the area elect their City Councils.

Authority to Place a Charter Amendment on the Ballot – California Elections Code Section 9255(a)(2) provides the authority for the governing body of a city to submit to the voters an amendment or repeal of a city charter. In the past, when the City has proposed Charter amendments impacting the PUSD elections, the City has sought approval of the governing Board of Education in formal agenda reports and resolutions. A Charter amendment regarding the PUSD elections would need to be submitted to the voters within the PUSD territory.

Cost to Place An Additional Measure on the November 7, 2006 Ballot – The City Council has taken action to place a qualified initiative measure on the November ballot. The Registrar of Voters Office has quoted an additional \$3,000 to place another City measure on the ballot. This quote may be slightly higher for a PUSD measure which would be submitted to more voters than a Pasadena only measure. The maximum number of measures the City may place on the November 2006 ballot is five.

Charter Reform Task Force on School District Governance Charter Recommendations regarding PUSD Governance Structure – Attachment 6 is an excerpt from the Task Force's June 2000 final report pertaining to three proposed Charter amendments: (1) Measure AA - changing the size of the Board from 5 to 7 members; (2) Measure BB - changing the method of electing the Board from at-large elections to election by geographic sub-districts; and (3) Measure CC - Board President to make an annual State of the Schools address. Measures AA and CC passed by 54% and 85%, respectively. Measure BB, to change to an election method by geographic sub-districts, failed as follows: Yes votes: 30,513 (48.57%), No votes: 32,315 (51.43%).

Current Charter Language – For purposes of reference, Attachment 7 is a copy of current City Charter language regarding the Board of Education.

Deadline to Place a Measure on the November 7, 2006 Ballot – The legal deadline to place a measure on the November 7 ballot is August 11, 2006 (88 days prior to the election). Formal resolutions would need to be adopted by August 7 and forwarded to the County Registrar prior to the deadline. If there is majority support of the City Council to initiate a Charter amendment to change the method of electing PUSD Board members, and a consensus on the manner the nominating procedure and the election should be conducted, then Council should provide specific direction to staff to prepare formal resolutions and ballot language for adoption.


JANE L. RODRIGUEZ
City Clerk

Attachments

ARGUMENTS FOR AND AGAINST CITY MEASURES

The following arguments for and against the city measures to be submitted at the special municipal election consolidated with the General State Election to be held in the City of Pasadena on November 6, 1962, have been filed with the City Clerk pursuant to Article 4, Chapter 3, Division 4 (Sections 5010 to 5014, inclusive) of the Elections Code of the State of California:

ARGUMENT FOR PROPOSITION P

STATEMENT ON BOARD OF EDUCATION ELECTION

PROCEDURES — NOVEMBER BALLOT

This charter amendment will improve election procedures in two important respects. It will assure the electorate that any candidate who runs for the Board of Education is a serious candidate with community support and backing. Responsible candidates should have a sufficient opportunity to present themselves to the electorate rather than share the public forum with a large number of candidates who do not meet the requirements now proposed.

Secondly, this provision would establish the election system that has benefited the Los Angeles Board of Education since 1945. With candidates running for a particular, numbered office on the Board of Education, the voter will have a clear-cut choice between opposing candidates. It will eliminate the possibility of electing a candidate who has received less than a majority of the votes cast.

Respectfully submitted,
Citizens' Committee for the Improvement
of Board of Education Election Procedures
by Lowell McAdam, Chairman

September 18, 1962

ARGUMENT AGAINST PROPOSITION P

NONE FILED

ATTACHMENT 2

(Retyped excerpt of attachment to Communication 46043,
dated February 14, 1962,
from Superintendent of Schools to Pasadena City Manager
regarding 1962 proposed Charter amendments re Board of Education elections)

PURPOSE OF PROPOSED CHANGES

The purpose of the petition and filing fee is to discourage the filing of persons who are not serious candidates for election to the Board of Education, but whose motives in filing may be frivolous, or to gain business advertising, or to gain a forum for the expression of personal dogmas. Such candidates demean the dignity of the position of Board of Education member as well as wasting time available for public discussion of real issues.

The chief advantage of numbered seats is that the voter has a clear choice of the best person for each office to be filled. The voter would be assured his vote counted for the person he liked best for each position. At present the democratic process of choosing the best person is hampered, and the will of the voters could be thwarted. Thus a vote for one's 2nd or 3rd choice could lose the election for one's 1st choice. Single-shotting, which is a device to insure election of one's first choice, would be pointless with numbered seats.

Another advantage is that "running as an individual" would be encouraged; slates would not be essential in order to elect good candidates. It would not be necessary to discourage candidates from filing to prevent splitting the vote, because a candidate would not jeopardize all the other good candidates by running.

A third benefit would be that candidates might be able to avoid expensive campaigns. A candidate with eminent qualifications and community acceptance would be elected with little opposition. Finally, the viewpoints of each candidate would be clarified in relation to those of his opponents for a given seat, and voters could choose on the basis of issues and qualifications rather than on the basis of personalities.

**ATTACHMENT 3
CITY AND PUSD RUN-OFF ELECTIONS
1985- 2005**

ELECTION YEAR	APRIL ELECTION	DISTRICT/SEAT IN RUN-OFF
1985	CITY - NO PUSD - NO	
1987	CITY - NO PUSD- NO	
1989	CITY - NO PUSD - YES	SEATS 1 AND 3
1991	CITY - YES PUSD- YES	DISTRICT 1 SEAT 4
1993	CITY- NO PUSD- YES	SEAT 3
1995	CITY- YES PUSD-YES	DISTRICTS 1,2, AND 6 SEAT 4
1997	CITY- NO PUSD- NO	
1999	CITY- YES PUSD- YES	MAYOR, DISTRICT 4 SEAT 2
2001	CITY- NO PUSD-YES	SEATS 6 AND 7
2003	CITY- NO PUSD-YES	SEAT 4
2005	CITY- NO PUSD- YES	SEAT 3

ATTACHMENT 4

COMPARISON OF VARIOUS SCHOOL DISTRICT VOTING METHODS

<u>District</u>	<u>2005 API Students</u>	<u>Elected</u>	<u>By</u>
ABC Unified (Cerritos)	16,285	at large	plurality
Alhambra Unified	14,655	nominating district (res of dist) - at large	plurality
Antelope Valley Union High	15,743	at large	plurality
Arcadia Unified	8,017	at large	plurality
Azusa Unified	8,661	at large	plurality
Baldwin Park Unified	12,778	at large	plurality
Bassett Unified (La Puente)	4,205	at large	plurality
Bellflower Unified	11,458	at large	plurality
Bonita Unified (San Dimas)	7,736	at large	plurality
Burbank Unified	11,505	at large	plurality
Charter Oak Unified (Covina)	5,289	at large	plurality
Claremont Unified	5,165	at large	plurality
Compton Unified	22,541	at large	plurality
Covina-Valley Unified	11,195	at large	plurality
Culver City Unified	5,158	at large	plurality
Downey Unified	16,834	geographic district - at large	plurality
Duarte Unified	3,395	at large	plurality
El Monte City Elementary & Union Hi	15,650	at large	plurality
Glendale Unified	22,000	at large	plurality
Glendora Unified	5,987	at large	plurality
Hacienda La Puente Unified	17,632	at large	plurality
Inglewood Unified	10,436	numbered seats - at large	majority
La Canada Unified	3,385	at large	plurality
Lancaster Elementary	10,054	at large	plurality
Long Beach Unified	71,013	geographic district - by district	majority
Los Angeles Unified	520,075	geographic district - by district	majority
Lynwood Unified	13,192	at large	plurality
Monrovia Unified	4,670	at large	plurality
Montebello Unified	25,807	at large	plurality
Mountain View (El Monte/South El M.	7,162	at large	plurality
Norwalk-La Mirada Unified	17,501	at large	plurality
Palmdale Elementary	16,374	at large	plurality
Paramount Unified	12,216	at large	plurality
Pasadena Unified	15,029	numbered seats - at large	majority
Pomona Unified	25,089	at large	plurality
Rosemead Elementary	2,564	at large	plurality
Rowland Unified	12,904	at large	plurality
San Gabriel Unified	4,189	at large	plurality
San Marino Unified	2,592	at large	plurality
Santa Monica-Malibu Unified	9,238	at large	plurality
South Pasadena Unified	3,308	at large	plurality
Temple City Unified	4,374	at large	plurality
Torrance Unified	19,168	at large	plurality
Walnut Valley Unified	12,391	at large	plurality
West Covina Unified	7,627	at large	plurality
Whittier City Elementary & Union Hig	14,547	at large	plurality
William S. Hart Union (Santa Clarita)	16,806	at large	plurality

ATTACHMENT 5

COMPARISON OF VARIOUS CITY VOTING METHODS

Alhambra	geographic district - elected at large	plurality
Arcadia	at large	plurality
Azusa	at large	plurality
Baldwin Park	at large	plurality
Bradbury	geographic district - by district	plurality
Burbank	at large	majority
Claremont	at large	plurality
Covina	at large	plurality
Diamond Bar	at large	plurality
Duarte	at large	plurality
El Monte	at large	plurality
Glendale	at large	plurality
Glendora	at large	plurality
Industry	at large	plurality
Irwindale	at large	plurality
La Canada Flintridge	at large	plurality
La Puente	at large	plurality
La Verne	at large	plurality
Monrovia	at large	plurality
Montebello	at large	plurality
Monterey Park	at large	plurality
Pasadena	geographic district - by district	majority
Rosemead	at large	plurality
San Dimas	at large	plurality
San Gabriel	at large	plurality
San Marino	at large	plurality
Sierra Madre	at large	plurality
South El Monte	at large	plurality
South Pasadena	at large	plurality
Temple City	at large	plurality
Walnut	at large	plurality
West Covina	at large	plurality

ATTACHMENT 6

**A NEW STRUCTURE
FOR THE
PUSD BOARD OF EDUCATION**

THE STRUCTURE OF THE BOARD OF EDUCATION

Findings

F45) The current system of at-large election of Board members contributes to the distance between the community and the schools.

F46) The Board does not have any structural requirement of reporting to the public on the state of the public schools.

F47) The Charter does not make clear the central role of the Board of Education as the public's key access point to the schools.

F48) The Board of Education has too few members to carry out the complicated and time-consuming policy and oversight responsibilities called for in this report.

In Part One of this report, the Task Force presented a series of findings and recommendations about new policies and directions for the management and operation of the PUSD system. Taken together, these recommendations comprise the School Accountability and Reform Plan. The recommendations emerged as a result of a thorough analysis of perceived problems within the District.

The underlying mission of the Task Force, however, is to go beyond policy matters to a fundamental structural question: Is the current structure of the PUSD Board of Education the best possible vehicle to attain the accountability, responsiveness, and effectiveness the community expects? And if not, are there preferable structures for the governance of the PUSD?

Any such structural changes require amendments to the City Charter of Pasadena, which governs the structure of the PUSD. As a result, the Task Force deliberated with great seriousness on these structural issues, understanding that the Charter is a fundamental governing document that should be changed sparingly and for good reason.

In addition to exploring the governance structure of the PUSD, the Task Force also examined a series of issues and alternatives associated with voting and representation methods and with various methods of appointment of Board members. Out of this discussion emerged a small set of decisions that are described below.

The Task Force considered a wide array of alternatives, including:

Changes to the method of voting, such as plurality voting, and variations of proportional representation. The Task Force resolved to maintain the current system of majority-rules elections.

Changes to the method of selecting Board members. The Task Force expressed a preference to continue the election method.

Requiring an annual address by the Board President. The Task Force felt that this address would provide a vital tool for responsiveness and accountability, and that it was particularly important to have the address conducted by the Board President to emphasize the Board's governance role.

Changing the size of the Board. Sentiment on the Task Force was widespread that the size of the Board should be increased from 5 to 7 members. This recommendation was based on a number of factors. The Task Force had heard from members of the Board of the Education of the scope of their work and the need for additional members to serve on committees. In addition, the Task Force concluded that there would be greater opportunities for representation and community access to the Board with an additional 2 members.

Research indicated that the vast majority of school boards in California have either 5 or 7 members. Larger school boards are very rare, at least in part because school boards are not seen as legislative bodies, but as governing boards. Thus, the Task Force members concluded that an increase from 5 to 7 members would assist the operations of the Board while remaining within the normal range of board sizes.

Changes to the electoral structure. The Task Force strongly endorsed the concept of sub-district elections. Currently, the Board members are elected at large, with all candidates needing to win an election in the entire School District. Under sub-district elections, the PUSD would be divided into areas, from which individual Board members would be elected.

This recommendation was based on the greater likelihood of more varied candidates running for the school board; greater access by the public to individual members representing smaller numbers of voters; and greater public interest. The Task Force members believe that with sub-district elections, the Board of Education will be more responsive to the public, and will more effectively exercise its oversight authority over the school system.

During the public comment period on the draft report, a majority of members of the public and a majority of teachers supported the shift to sub-district elections. While in most instances the Task Force recommendations represent a consensus of the Task Force

as a whole, as to the particular issue of sub-district elections, there was strong opposition by Task Force member Marge Wyatt.

The arguments against sub-district elections are that such a system will encourage fragmentation of the community; that Board members will not have the interest of all the students in mind; that it will be difficult to know whether representation should be provided at the place of residence or the location of the school attended; that the Board already has diverse representation; and that the specific boundary lines will not be known until 2002.

Task Force members weighed these arguments, and concluded that Board members elected by sub-district are likely to keep in mind the interests of the whole community. In addition, the Board members elected by sub-district are likely to pay close attention to the sort of problems that were illuminated in this report. The Task Force felt that, on balance, the advantages of creating a Board structure that maximizes direct contact with the community outweigh the objections raised to the recommendation.

CHARTER RECOMMENDATIONS

R49) The size of the Board of Education shall be changed from 5 members to 7 members.

R50) The election method for the Board shall be changed from at-large election to election by sub-district.

R51) The President of the Board of Education shall make an annual State of the Public Schools address to the community, including progress on the implementation of the Task Force recommendations.

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 members thereof, nor shall any otherwise valid contract previously made by the City Manager be subject to review. (Sec. 604 amended by vote of the people 11-3-1998; Sec. 604 amended by vote of the people 3-9-1993; Sec. 604 amended by Stats November, 1986; Sec. 604 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 605. ACTING CITY MANAGER.

The City Council shall provide, by ordinance, for the designation and powers and duties of an acting City Manager who shall act as City Manager when the City Manager is absent or disabled. (Sec. 605 amended by vote of the people 3-9-1993; Sec. 605 amended by vote of the people 6-3-1980.)

Section 606. ACTING CITY MANAGER.

(Repealed by vote of the people 6-3-1980.)

**ARTICLE VII
BOARD OF EDUCATION**

**Section 701. ESTABLISHMENT OF A
BOARD OF EDUCATION.**

The control, management, and administration of the public elementary and secondary schools of the City of Pasadena and such territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of seven members holding offices 1, 2, 3, 4, 5, 6 and 7 respectively. The initial election for offices 6 and 7 shall occur in 2001, along with the election for offices 1, 3 and 5, and the initial term of office 6 shall be two years. The Board of Education is hereby vested with all the powers and charged with all the duties provided under state law for city boards of education. (Sec. 701 amended by vote of the people 11-7-2000; Sec. 701 amended by vote of the people 6-8-1976, effective August 1, 1976.)

Section 702. TERM OF OFFICE.

The members of the Board of Education shall hold office for a term of four years, and until their successors are elected and have duly qualified.

Section 703. ELECTION.

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

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

Section 704. NOMINATING PETITION.

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

person to the office of member of the Board of Education shall be residents of the Pasadena Unified School District. The names of voters not residents of the Pasadena Unified School District shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition. (Sec. 704 amended by vote of the people 3-4-1997.)

Section 705. BALLOTS FOR PRIMARY ELECTION.

(Repealed by vote of the people 3-7-1995.)

Section 706. ELECTION AT THE PRIMARY AND BALLOTS FOR GENERAL ELECTION.

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

Section 707. CANVASS OF RETURNS.

On the second Tuesday after the primary nominating election and at their usual time and place of meeting, the Board of Education shall meet to approve the canvass of returns submitted by the City Clerk acting in her capacity as Assistant Secretary to the Board of Education during consolidated Board of Education and City Council elections and declare the results. (Sec. 707 amended by vote of the people 3-7-1995.)

Section 708. STATE LAW APPLICABLE; ERRORS OR IRREGULARITIES.

In all other matters, the election for members of the Board of Education shall, as to the primary nominating

and as to the general election, be governed by the applicable general laws of the State relating to city boards of education.

No election, whether primary nominating or general, shall be set aside for any error, irregularity or defect in the proceedings leading up to or in said election, when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

Section 709. MEETINGS OF BOARD OF EDUCATION.

The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in May after their election, and the Board of Education shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. The Board of Education shall determine the rules of its proceedings. Any vacancy occurring on the Board of Education shall be filled by the remaining members of the said Board, and if there be no members, then by the City Board of Directors. (Sec. 709 amended by vote of the people 6-3-1980.)

Section 710. ANNUAL ADDRESS BY PRESIDENT OF THE BOARD OF EDUCATION.

In September of each year, the President of the Board of Education shall address the public on the state of the Pasadena Unified School District to articulate its goals and objectives for the school year and to report to the people on the progress of the District in achieving its prior goals and objectives, including the financial state of the schools. (Sec. 710 approved by vote of the people 11-7-2000.)

Section 711. GENERAL LAW APPLICABLE.

In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

Section 712. ELECTION COSTS.

The Board of Education shall reimburse the City out of school district funds for the costs of any election conducted by the City arising out of a request by the Board of Education including an amendment to this Charter.