

# Agenda Report

**TO:** CITY COUNCIL **DATE:** NOVEMBER 13, 2006

**FROM:** CITY CLERK AND CITY ATTORNEY

**SUBJECT:** PROCESS TO CHANGE METHOD OF ELECTING PASADENA BOARD OF EDUCATION MEMBERS BY GEOGRAPHIC SUB-DISTRICTS INSTEAD OF CURRENT AT-LARGE ELECTIONS

## RECOMMENDATION:

This report is provided as informational material to assist the City Council in determining whether to initiate a process to change the current method of electing Pasadena Unified School District ("PUSD") Board of Education members from at-large elections to geographic sub-district elections.

## BACKGROUND:

### Council Direction to Staff

At the July 17, 2006 Council meeting, Councilmember Haderlein placed a discussion item on the agenda (Attachment 1) proposing to change the method of electing the PUSD Board of Education by creating one member seat to be elected at-large or region-wide and to serve as the President of the Board and six member seats to be elected from geographic subregions of the PUSD.

The City Clerk verbally advised Council there was not sufficient time for a measure to be placed on the November 7, 2006 ballot for implementation in the upcoming consolidated City and PUSD March 2007 primary nominating election. Following Council discussion and public comment, the City Clerk and City Attorney were directed "to report back to Council within 120 days with information on a procedure that could be used to put this matter before voters in the future should Council decide to do that, on the committees that would need to be convened, on the process for drawing (PUSD) subregion boundaries, and on the process and timeline for creating/using a Task Force."

Decision to Pursue Implementation of Sub-district Elections and Place on Upcoming March 6, 2007 Ballot for Implementation by March 2009 Election Cycle; or Order Additional Task Force Study on Sub-district Elections; and/or Study Other Governance Issues or Election Methods

If the City Council wishes to pursue implementing a process to elect PUSD Board of Education members by sub-districts, the Council will need to decide whether the issue should be further studied by another Task Force (which may delay implementation for the 2009 election cycle), or whether to move forward and place a Charter amendment question on the March 6, 2007 ballot. The ballot question would be very similar to Measure BB which was on the November 7, 2000 ballot (Attachment 2). Some community members may advocate that the Council should proceed cautiously and further study the matter. Others may advocate that the issue of sub-district elections has already been studied in two separate processes by the 1997-98 Charter Reform Task Force and the 1999-2000 Charter Reform Task Force on School District Governance, and that the ultimate community debate will take place when the matter is placed on the ballot. Following two Task Force studies, the issue was submitted for a vote of the people in November 2000 as Measure BB, and narrowly failed with 30,514 yes votes (48.57%) and 32,315 no votes (51.43%). Attachment 2 is a copy of the November 7, 2000 voter information pamphlet election materials for Measure BB (Ballot Question, Impartial Analysis, Argument in Favor, Argument Against, and complete text of the measure).

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. A Charter amendment regarding the PUSD elections would need to be submitted to the voters within the PUSD territory. It may be prudent for the Council to request the opinion of the PUSD Board of Education prior to placing a measure on the ballot that impacts PUSD elections.

Education Code Prohibition on Sub-district Elections for School Districts

Education Code Section 5223 provides in pertinent part: *"The members of any elective city board of education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the city board. . . ."* If there is a desire to have sub-district elections effective for the 2009 municipal election cycle, then efforts would need to be initiated in the near future with Pasadena's state legislative representatives to sponsor a proposed change in the state law. The deadline for state legislative representatives to submit bill requests to the Office of Legislative Counsel is January 26, 2007, and February 23, 2007 is the last day for state bills to be introduced for the 2007 calendar year.

As was done in November 2000, the people may vote on the question of changing the method of election prior to drawing sub-district lines. However, any vote of the people to change to PUSD elections by sub-district would be contingent upon the passage of authorizing state legislation.

#### Alternative to Further Study Sub-district Elections

As an alternative to moving forward with placing a measure on the March 2007 ballot, the City Council may instead decide to have a Task Force further study the issue of sub-district elections prior to placing a measure on the ballot. However, in this alternative there would not be sufficient time to do a Task Force study, place a measure on the ballot, create a Districting Task Force to draw the lines, adopt the appropriate document establishing the sub-district lines, and have everything in place prior to the opening of the nomination period on November 17, 2008 (for the March 2009 election cycle). If the City Council decides to pursue a Task Force study, it may want to consider if additional governance or alternative election methods should be studied by the Task Force, such as an Instant Runoff Voting (IRV) method of election, as advocated by the Pasadena League of Women Voters and Los Angeles Voters for Instant Runoff Elections (see Attachment 3, letters from these two groups), or other recent suggestions such as removing the numbered seat requirement and having plurality elections (top vote getter wins and no run-off election).

#### Procedure and Timeline for Implementing a Change for the March 2009 Election Cycle with No Additional Task Force Study on Sub-district Elections

A number of actions and deadlines would need to be met in order to have the change implemented for the 2009 election cycle. Although the March 2009 election cycle may seem distant in the future, consideration needs to be given to the requirements to have sub-district lines in place prior to the opening of the November/December 2008 nomination period, and to also allow sufficient time in the beginning of the process to place a proposed Charter amendment measure on the ballot, and complete the Districting Task Force process for drawing the sub-district lines. The following is a suggested timeline that takes into consideration the required actions for implementation by the March 2009 election cycle:

November 13, 2006 – If there is majority support to place a Charter amendment on the March 6, 2007 ballot without an additional Task Force study, direct the City Attorney to prepare formal documents to place on the March 6, 2007 ballot. As noted above, it would be prudent to request the opinion of the current Board of Education prior to adopting formal documents. Contact with Pasadena's state legislative representatives would also be needed to request sponsorship of a legislative change in the State Education Code which currently prohibits sub-district elections for school districts.

December 4, 2006 – Adopt formal resolutions placing a Charter amendment on the March 6, 2007 City and PUSD consolidated ballot. *Legal deadline to place a measure on the March 6, 2007 ballot is Friday, December 8, 2006.*

January 26, 2007 – Last day for state legislative representatives to submit bill requests to the Office of Legislative Counsel. February 23, 2007 is the last day for State bills to be introduced.

March 6, 2007 – Vote of people on proposed change to sub-district elections for Board of Education. If approved, continue with remaining timeline. If not, request Pasadena's state legislative representatives withdraw proposed State enabling legislation.

Late March 2007 – Districting Task Force created if measure is approved by voters, and if state legislation was introduced. The direction and involvement of the Districting Task Force depends on a legislative determination of which entity oversees the redistricting process.

Early April – Early May, 2007 – Solicit interested members of the community to serve on the Districting Task Force.

Mid-May, 2007 – Complete appointments to Districting Task Force.

June 2007 – March 2008 – Task Force to draw initial lines and present recommendations/final report.

April 2008 – Subject to the provisions of state enabling legislation, direct preparation of appropriate documents establishing PUSD sub-district lines.

Late Summer 2008 – City Clerk staff begins preparation of election administration (ballot groupings and precinct consolidations based on new sub-district lines).

November 17 - December 12, 2008 – Nomination period for City Council and Board of Education races opens for election.

March 10, 2009 – Primary Nominating Election with PUSD sub-districts.

If City Council instead decides to initiate a further study of changing to sub-district elections prior to placing the question on the ballot, then additional decisions will need to be made regarding the timeline for a Task Force study, composition of the Task Force, charge and budget for the Task Force, and whether to add any additional governance or election method studies to the Task Force charge. Requesting an additional Task Force study would delay implementation to the subsequent March 2011 election cycle.

## Prior Task Force Studies regarding Sub-district Elections

1997-1998 Pasadena City Charter Reform Task Force – On August 18, 1997, the City Council created a 21-member body, with the then 7-member Council nominating three members each to the Task Force. The Task Force was charged with reviewing three specific areas: (1) the general form of City government; (2) City Council compensation; and (3) the PUSD Board of Education structure and governance as defined in the City Charter. Attachment 4 is an excerpt of the Task Force's final report (pages 1-4, Executive Summary, and pages 19-22, School Board Structure and Governance), a copy of the minority report from Task Force Chair Ross Selvidge presenting arguments against a proportional representation voting method for the Board of Education, and PUSD Board of Education letter dated June 23, 1998.

The Task Force met over a period of nine months during September 1997 – June 1998, held a series of 21 general meetings and 4 public forums, and presented its final report to the City Council on June 29, 1998. The Task Force's final report discussed the reasons for considering a change to the method of electing the Board of Education and considered the pros and cons of changing to sub-district elections. The Task Force was advised by the City Attorney's Office that the State Education Code prohibits a school district such as Pasadena's from electing Board members by sub-districts. The Task Force subsequently recommended that the Board of Education elections be changed to a proportional representation (PR) voting method (see pages 20-22 of the Task Force report), and that a new Task Force be formed for further study of the specific PR voting method, that a vote to change the City Charter be held no later than the year 2000, and that the new voting method be implemented for the 2001 election.

1999-2000 Charter Reform Task Force on School District Governance – On August 2, 1999, the City Council adopted Resolution No. 7786 establishing the composition and charge of the Task Force. The Task Force was charged with reviewing the governance of the Board of Education, including the number, method of election, terms and composition of the Board, and ways of increasing the accessibility, responsiveness, and accountability of the Board; and to also explore reforms in the operations of the schools beyond Charter changes. The Task Force was comprised of 11 members – two Pasadena Councilmembers, one sitting School Board member and one former School Board member, two appointments by Supervisor Antonovich representing the Altadena community, one appointment by the City of Sierra Madre, and four appointments by the Pasadena City Council representing community members within the PUSD area.

The Task Force met over a period of nine months during September 1999 – June 2000, and presented its final report and recommendations to the City Council on June 26, 2000. The Task Force hired consultant Dr. Raphael Sonenshein, a political science professor, who also brought together a research team to provide assistance to the Task Force. A public outreach firm was also hired, meetings

were widely publicized and televised, and the City Attorney's Office and the City Clerk's Office also provided staff support to the Task Force. The Task Force budget was \$247,000, with the City of Pasadena contributing \$217,000, the City of Sierra Madre contributing \$5,000, and Los Angeles County Supervisor Michael Antonovich contributing \$25,000 of discretionary office funds.

The Task Force presented 48 non-Charter recommendations, and recommended that three Charter amendment measures be placed on the November 7, 2000 ballot to:

- (1) increase the size of the Board from five to seven members;
- (2) provide for the election of Board members by geographic districts, to be effective upon the enactment of enabling legislation by the State, with the City Council to establish by ordinance a nine-member Redistricting Commission composed of two members of the City Council; two persons appointed by the Board of Education who are not current members of the Board; two residents of Altadena or other unincorporated areas within PUSD to be appointed by the County Supervisor representing the areas; one person appointed by the Sierra Madre City Council; and two residents of the area served by PUSD to be appointed by the Pasadena City Council; and
- (3) require the President of the Board of Education to provide an annual State of the School address to the public in September of each year, including progress on the School District's implementation of the School Accountability and Reform Plan (the recommendations of the Task Force).

Attachment 5 is an excerpt of the Task Force's final report (introductory pages and the sections entitled "A New Structure for the PUSD Board of Education" and "Implementation and Transition", pages 76-82) and a copy of PUSD Board of Education letter dated June 7, 2000. The bottom of page two of the Board's letter expresses concerns regarding the Task Force's recommendation to change to sub-district elections. It should be noted that the current Board is comprised of new members since the 2000 letter, and the current Board may have a different opinion on the issue of sub-district elections.

#### Districing Process for Drawing Sub-district Lines

Since state law and the City Charter currently provide for at large election of Board members, the procedures for establishing sub-districts will need to be set forth in either the enabling state legislation or, if not in conflict with such state legislation, in amendments to the City Charter. Many of the procedural aspects of sub-districting were addressed by the 2001-2002 Redistricting Task Force in its report. The issues to be addressed include whether the Board, the City Council or a commission will determine the sub-district boundaries; the staggering of initial terms; the length of terms for new Board members; and the timing of sub-district elections. Regardless of who is responsible for the sub-districting, it is expected that the process would be very similar to the City Council's decennial City Council redistricting process, including the need for

services of a redistricting consultant and a lawyer with expertise in state and federal redistricting laws.

The 2001-2002 Redistricting Task Force, which was charged with redrawing the Council district lines, met over a period of six months from late August 2001 – early March 2002. The Task Force hired Mr. David Ely of PacTech Data and Research as its redistricting consultant, and Mr. Manuel Valencia, of Valencia, Perez & Echeveste, as the outreach consultant. There was extensive public outreach during this process, and key outreach materials were also provided in Spanish and Armenian languages. The Task Force budget was \$115,800.

To draw initial lines for PUSD sub-districts would most likely take a longer period of time than that taken for revising the Council district lines, depending on how frequently the Task Force meets (most Task Forces meet twice a month with some “down” time during the end-of-year holiday period). The districting process could possibly take nine months to a year in order to allow for additional time at the beginning of the process to create the body and charge, review criteria to be used, solicit interested persons to serve and make appointments, and time in calling the first meeting and the hiring of Task Force consultants (redistricting consultant, outreach consultant, and possibly legal counsel with expertise in redistricting).

#### Impacts of PUSD Sub-district Election Method on Election Administration

The City's computer tabulating election software would be able to process ballots for PUSD sub-district elections. However, the administration of the consolidated City and PUSD elections will be more complex. The City and PUSD consolidate (or combine) the elections of the two jurisdictions, and they are administered by the City Clerk as if conducting one election. For the upcoming consolidated election next March, there are eight different Ballot Groups (different ballots and sample ballot pamphlets are printed for the various races and measures on the ballot). For example, the area outside Pasadena City limits is in Ballot Group 1, with a different ballot and voter information pamphlet than the area inside the City limits, as the voters outside the City limits do not vote on Council district races, Mayoral race, or City only measures. Likewise, the City areas with open Council district races each have different Ballot Groups, as well as the City area with the Mayoral race but no open Council district races. Each of the eight Ballot Groups has a slightly different ballot and voter information pamphlet.

PUSD sub-district lines will require more Ballot Groups, will increase printing costs (as there would need to be different templates and separate printing of the ballots and sample ballot pamphlets for each of the Ballot Groups), and will make the precinct consolidation process more difficult. With fewer options for combining County polling precincts into larger City voting precincts (as consolidated precincts must be within the same Ballot Group), it could increase

polling place and poll worker costs if the end result is an increase in voting precincts. Although the election administration may be more complex with increased costs, the election staff would be able to administer such an election.

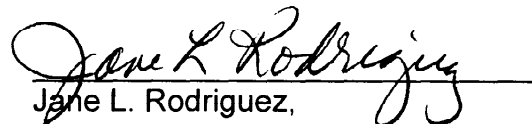
**FISCAL IMPACT:**

To add a measure to the March 2007 ballot would cost approximately \$10,000. A Task Force districting process would cost approximately \$130,000 - \$150,000. This is higher than the \$115,000 for the prior Task Force as the initial drawing of sub-district lines would most likely be more complex and probably require a longer timeline, there would need to be additional public outreach to the communities of Altadena and Sierra Madre, and outside redistricting legal counsel may need to be hired.

If the City Council wants to create a Task Force to further study the issue of PUSD sub-district elections, or additional governance or election methods, that could cost \$80,000 or more (depending on the charge, timeline, and consultants hired). As noted above, there would be undetermined increased election costs in administering PUSD sub-district elections, depending on how the lines are drawn, different ballot groups required, and possibly more polling precincts, supplies and poll workers.

If the PUSD had sub-district elections, the pro rata formula for the sharing of election costs would need to be adjusted, The formula is established by the County Registrar of Voters Office for each election. It is anticipated the City's pro rata share would increase and PUSD's share would decrease, depending on the seats up for election and whether measures are on the ballot.

Respectfully submitted,

  
Jane L. Rodriguez,  
City Clerk

  
Michele Beal Bagneris,  
City Attorney