

Agenda Report

TO: CITY COUNCIL

DATE: OCTOBER 20, 2008

FROM: CITY CLERK

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 10, 2009, PRIMARY NOMINATING ELECTION AND CONSOLIDATION OF THE PASADENA BOARD OF EDUCATION PRIMARY WITH SAID ELECTION

RECOMMENDATION:

It is recommended that the City Council adopt the following resolutions:

- (1) A resolution calling a primary nominating election for the offices of members of the City Council for Districts 3, 5, and 7 of the City of Pasadena, and consolidating with said election the Pasadena Unified School District (PUSD) Board of Education Primary, Seats 1, 3, 5, and 7, and authorizing the City Clerk to enter into a contract with PUSD for the City Clerk to provide election services to PUSD.
- (2) A resolution requesting the Board of Supervisors of Los Angeles County to permit the Registrar of Voters of said County to render specified services to said City relating to the conduct of a consolidated City of Pasadena and Pasadena Board of Education primary nominating election on March 10, 2009 and, if necessary, a general municipal election to be held on April 21, 2009.
- (3) A resolution setting forth regulations relating to candidate statements for said primary and general municipal elections.

BACKGROUND:

Resolution Calling and Consolidating Election (First Resolution)

Section 1208 of the City Charter ("Charter") and the California Elections Code provides that elections be called by ordinance or resolution. Accordingly, the first resolution stipulates general information regarding the date of the primary nominating election, offices to be elected, the method by which candidates shall be selected, ballots, time of opening and closing polls, polling places and election officers, and the canvass to be conducted by the City Clerk. The date of the City primary nominating election is established by Section 1202 of the Charter.

Section 703 of the Charter provides for the primary nominating election of the Pasadena Unified School District (PUSD) Board of Education to be held at the same time as the City primary nominating election. California Elections Code Sections 10400, et seq., permit the consolidation of elections, and the Pasadena Unified School District has requested consolidation as noted in its October 8, 2008 letter (Attachment 1).

The resolution calling the election also sets forth the stipend for poll workers. It is recommended that the stipend be raised to \$110 for inspector and \$85 for clerk (an increase of \$5 from the previous election cycle). Workers receive an additional \$25 for attending poll worker training. It is also recommended that the custodial fee be \$15 and the polling place rental fee be \$30. Funds are available in the Election budget for all stipends and fees as detailed in this agenda report.

Resolution Requesting Election Services (Second Resolution)

California Elections Code Section 10002 permits the County to provide election services to cities, if requested. This second resolution is necessary in order to request services of the Registrar of Voters, from the Board of Supervisors of Los Angeles County. The services include County computer records identifying names and addresses of all eligible registered voters; precinct maps for consolidation of County precincts; verification of signatures on nomination papers and vote by mail ballot applications; precinct officer materials; and the formula for the allocation of costs involved among the appropriate entities in accordance with the California Education Code and other applicable provisions of law. The County provides such services and bills the City and PUSD their pro-rata share of costs.

Candidate Statements/Compliance with Voting Rights Act (Third Resolution)

The third resolution sets forth regulations pertaining to candidate statements for the primary and general municipal elections. Candidates will be required to pay a pro-rata share of costs associated with printing their candidate statements in English, and the City and PUSD will absorb translation costs in complying with the Voting Rights Act (as detailed in the next paragraph), including costs associated with printing candidate statements in translated sample ballot pamphlets.

Spanish, Chinese, and Korean are languages within the Pasadena and PUSD area that have been identified by Census data and the County of Los Angeles as single language minorities that are limited-English proficient; and where 3% or more of voters in certain precincts have requested language assistance in one of these three languages. Due to Pasadena's high Latino population, it has been the City's policy to print a bilingual English/Spanish sample ballot pamphlet for all voters. Chinese and Korean translated sample ballot pamphlets will be provided to certain precincts where voters have requested translations and have met that 3% criterion.

Under the regulations set forth in the resolution, candidates will be required to pay a deposit for the actual costs of printing candidate statements in English. Based on current voter registration figures and a cost estimate by the election supplier, the proposed deposit amounts are \$300 for the district races and \$2,000 for the at-large PUSD races. If actual costs are lower or higher than the deposit, candidates will be refunded or invoiced the difference. Candidates who wish to include translations of their candidate statements for any languages not required to be translated and printed under the Voting Rights Act shall pay estimated translation and printing costs at the time nomination papers and candidate's statements are filed.

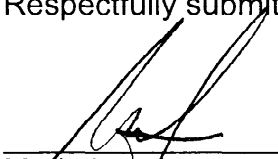
For the general (run-off) election, candidates electing to have a statement printed may use the same statement or they may file a new statement. A new deposit in the respective amount above will be required to be filed with either a new statement for the general election or a written request directing the City Clerk to use the same statement, by the deadline of Friday, March 13, 2009. The deadline is strictly enforced due to the limited time available for translations, proofreading, printing, affixing labels to the pamphlets, and meeting the legal requirement to have the pamphlets mailed at least three weeks in advance of the election.

The third resolution also requests the Secretary of State's Office to conduct a randomized alphabetical drawing on Thursday, December 18, 2008, to determine the order of names on the primary election ballot, and a second drawing on Friday, March 13, 2009, to determine the order of names for the general election ballot, in the event a run-off election is required.

FISCAL IMPACT:

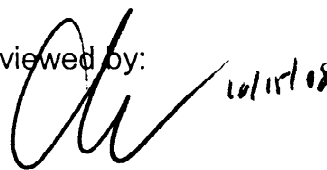
It is estimated that the total cost of the primary election will be approximately \$370,000, including costs for election supplies and services. This estimated figure may fluctuate based on various factors such as number of candidates on the ballot, an increase in voter registration, and if there is a larger than expected demand to vote by mail. The Pasadena Unified School District will reimburse the City its prorata share of the costs of the primary election per a formula established by the County. Funds for the City's share of election costs have been budgeted and recognized in the Elections Budget 263000.

Respectfully submitted,



Mark Jomsky
City Clerk

10/19/08

Reviewed by: 

Nicholas G. Rodriguez
Assistant City Attorney



PASADENA UNIFIED SCHOOL DISTRICT
PURCHASING AND STORES SERVICES

RECEIVED
'08 OCT 13 AM 8:25

CITY OF PASADENA

October 8, 2008

Jane Rodriguez, City Clerk
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109-7215

Dear Ms. Rodriguez:

The Pasadena Unified School District has four seats (1, 3, 5, and 7) up for election in the Spring of 2009. Except for the dates needing to be changed, the most recent (2007) contract is acceptable to the District and funds are budgeted for its execution.

I will appreciate it if you and/or the City Attorney's office could review the contract and get back to me no later than October 23, as we will need to submit it to our Governing Board for the November meeting. Please call me at (626) 396-3600 x88503 if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Teri Castaneda".

Teri Castaneda, Administrator
Procurement and Contracts

Attachment

Cc: Edwin Diaz
Michele McClowry, Interim Assistant Supt. Business
Stephen Brinkman, Chief of Staff

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CALLING AND GIVING NOTICE OF THE HOLDING OF A PRIMARY NOMINATING ELECTION FOR A DISTRICT PRIMARY ELECTION FOR MEMBERS OF THE CITY COUNCIL IN DISTRICTS 3, 5, AND 7 OF SAID CITY, AND CONSOLIDATING WITH SAID ELECTION THE PASADENA UNIFIED SCHOOL DISTRICT PRIMARY NOMINATING ELECTION FOR BOARD OF EDUCATION SEATS 1, 3, 5, AND 7

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

SECTION 1. Date of the Primary Nominating Election. A Primary Nominating Election is hereby called for the offices of Member of the City Council for the full term of four years in Districts 3, 5, and 7 of the City of Pasadena as said districts have heretofore been established. Said election shall be held Tuesday, March 10, 2009.

SECTION 2. Candidates to be Selected. Pursuant to Articles IV and XII of the Charter of the City of Pasadena, there shall be selected at the Primary Nominating Election hereby called, not more than two candidates for each of said offices, respectively, whose names shall be printed upon the ballots to be used at the General Municipal Election to be held in said City on Tuesday, April 21, 2009.

Said two candidates for each of the district offices shall be the two candidates receiving the highest number of votes of the qualified electors of their respective district for the office of member of the City Council from the district at the Primary Nominating Election. Provided, however, that any candidate for the office of member of the City Council who, at said Primary Nominating Election, shall receive a majority of the total

votes cast in the district for said office shall be elected to such office as such member of the City Council.

SECTION 3. Pasadena Unified School District Primary Election. The Pasadena Unified School District has requested, and the City Council hereby consents to the conducting of the Pasadena Unified School District ("PUSD") Primary Nominating Election for members of the Pasadena Board of Education Office Numbers 1, 3, 5, and 7, for the full term of four years. Said primary shall be consolidated with the City's Primary Nominating Election as if there were one election. The costs of such consolidated elections shall be prorated between the City and the Pasadena Unified School District in accordance with applicable law.

Pursuant to Article VII of the Charter of the City of Pasadena, at the PUSD Primary Nominating Election hereby called, 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 Municipal Election to be held in the Pasadena Unified School District territory on Tuesday, April 21, 2009; 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.

SECTION 4. Ballots. The ballots to be used at the said consolidated Primary Nominating Election shall be in the quantity, form and content as required by the California Elections Code.

SECTION 5. Time of Opening and Closing Polls. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall be kept open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in California Elections Code Section 14401.

SECTION 6. Polling Places and Precinct Board Members. The City Clerk shall post a public notice or cause such notice to be published in accordance with Elections Code Section 12105, listing the polling place and precinct board members of each consolidated precinct in which the consolidated Primary Nominating Election is to be held. Pursuant to California Elections Code Section 12310, a stipend for the persons named as precinct board members is hereby fixed at the sum of \$110.00 for each Inspector and \$85.00 for each Clerk for the election, plus an additional \$25.00 for each Inspector and Clerk attending poll worker training. The rental for each polling place, where a charge is made, shall be the sum of \$30.00 for the election. When required, the compensation of the custodian of a building shall be \$15.00 for the election.

SECTION 7. Canvass of Returns. Pursuant to Pasadena City Charter Section 707, the City Clerk of the City of Pasadena is directed to canvass the returns of the Pasadena Unified School District Election to the Pasadena Board of Education on the second Tuesday after the Primary Nominating Election. Pursuant to Pasadena City Charter Section 1207, the City Clerk is directed to canvass the returns of the City's Primary Nominating Election to the City Council on the second Monday after the Primary Nominating Election.

SECTION 8. Particulars. In all particulars not recited in this resolution, said elections shall be noticed and held and all publications made as provided by law for holding municipal elections in said City and Pasadena Unified School District territory.

SECTION 9. Contract for City Clerk Services. The City Clerk is hereby authorized to enter into a contract with the Pasadena Unified School District to provide election services to said School District.

SECTION 10. Randomized Alphabetical Drawings. The City Clerk shall cause this resolution to be forwarded to the Secretary of State, by registered mail, to conduct a randomized alphabetical drawing on Thursday, December 18, 2008, to determine the order of placement of candidates' names on the ballot for the Primary Nominating Election, pursuant to California Elections Code Section 13113, and for the Secretary of State to conduct a second randomized alphabetical drawing on Friday, March 13, 2009, to determine the order of placement of candidates' names on the General Municipal Election ballot.

SECTION 11. 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 _____, 2008, by the following vote:

AYES:

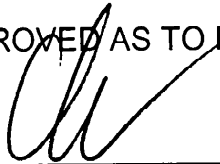
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



10/15/08

Nicholas G. Rodriguez
Assistant City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA REQUESTING THE BOARD OF SUPERVISORS OF LOS ANGELES COUNTY TO PERMIT THE REGISTRAR OF VOTERS OF SAID COUNTY TO RENDER SPECIFIED SERVICES TO SAID CITY RELATING TO THE CONDUCT OF A CONSOLIDATED CITY OF PASADENA AND PASADENA UNIFIED SCHOOL DISTRICT PRIMARY NOMINATING ELECTION TO BE HELD MARCH 10, 2009, AND IF NECESSARY, A GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 21, 2009

WHEREAS, a consolidated Primary Nominating Election is to be held on March 10, 2009, in the City of Pasadena and, if necessary, a General Municipal Election on April 21, 2009; and

WHEREAS, the Pasadena Unified School District Primary Nominating Election will be consolidated with the City of Pasadena Primary Nominating Election and conducted by the City Clerk within the Pasadena Unified School District area; and

WHEREAS, in the course of conduct of said election it will be necessary to consolidate county precincts, have available the computer records of the names and addresses of all eligible registered voters, to perform other related services, and to compute the costs involved in accordance with applicable law;

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

A. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council hereby requests the Board of Supervisors of said

County to permit the Registrar or Voters, in connection with the March 10, 2009 and April 21, 2009 elections, to do the following:

1. Tabulate the number of registered voters in the precincts as consolidated by the City.
2. Prepare and furnish the computer records of the names and address of all eligible registered voters in the City in order that the City's election consultant may:
 - a. Produce labels for vote by mail voters;
 - b. Produce labels for sample ballot pamphlets; and
 - c. Print Rosters of Voters and Street Indexes.
3. Verify signatures on nominating petitions and on vote by mail applications, as needed.
4. Make available to the City election equipment and assistance as needed according to state law.
5. Prepare a formula for the allocation of costs involved in the foregoing between or among the appropriate entities in the City and the Pasadena Unified School District for election costs incurred.

B. The Director of Finance is authorized and directed to pay out of the General Fund a sum equal to the actual cost thereof to the County upon the completion of such services and upon presentation to the City of a bill therefor.

C. The City Clerk is authorized and directed to forward, without delay, a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to said Registrar of Voters.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2008, by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



10/15/08

Nicholas G. Rodriguez
Assistant City Attorney

RESOLUTION NO.

A RESOLUTION SETTING FORTH REGULATIONS RELATING TO CANDIDATE STATEMENTS FOR THE MARCH 10, 2009 PRIMARY NOMINATING ELECTION AND APRIL 21, 2009 GENERAL MUNICIPAL ELECTION

WHEREAS, Section 13307 of the Elections Code of the State of California provides that each candidate for nonpartisan elective office in any local agency may prepare a candidate's statement on any appropriate form provided by the City Clerk. Such statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself, except that the statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement of each candidate shall be printed in type of uniform size and darkness in upper and lower case letters only, and with uniform spacing. There shall be no bolding, and no special emphasis of any kind. Such statement shall be filed in the office of the City Clerk at the same time the candidate's nomination papers are filed. Except as provided in California Elections Code Section 13309, such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:30 p.m. of the next working day after the close of the nomination period; and

WHEREAS, Section 13307 also permits the City to adopt regulations to ensure recovery of the prorata costs from each candidate; and

WHEREAS, Section 13311 of the California Elections Code mandates that candidate statements shall remain confidential until the expiration of the filing deadline.

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

SECTION 1. The City Clerk shall advise all persons to whom nominating papers are given of the provisions of the Elections Code pertaining to said candidate's statement and the City's requirements thereunder.

SECTION 2. A statement must be filed by the candidate at the same time the candidate's nominating papers are filed.

SECTION 3. No candidate will be permitted to include additional statements or materials in the sample ballot pamphlet.

SECTION 4. A deposit of not less than \$300.00 shall be required of each district candidate for City Council, and \$2,000.00 for each candidate for Pasadena Unified School District Board of Education requesting publication of a candidate's statement pursuant to the Elections Code, which shall be deposited by the City Clerk into the City treasury. The deposit is due at the time the nominating papers and candidate's statement are filed. Candidates who wish to include translations of their candidate's statement for any languages not required to be translated and printed by the Voting Rights Act, shall pay estimated translation and printing costs at the time the nomination papers and candidate's statements are filed.

SECTION 5. A candidate in the general election on April 21, 2009, who desires to have a candidate's statement printed, shall be required to make an additional deposit, in the same amounts as set forth above, with the City Clerk. In order to meet the deadline for mailing the sample ballot pamphlet, and to meet the locally determined requirements of the Voting Rights Act of 1965, as amended, and in light of the longer time period required in certifying the canvass results occasioned by the rise in vote by mail and provisional ballots, the

candidate's statement for the general election shall be filed and said required deposit shall be made with the City Clerk no later than 5:30 p.m. on Friday, March 13, 2009. A candidate may elect either to file the same statement printed for the primary election or to file a different statement. The filing requirement may be met either by filing a written request from the candidate to use the same statement or by filing the text of a new statement, along with the required deposit, with the City Clerk prior to the March 13, 2009 deadline.

SECTION 6. Each candidate filing such statement shall be liable for a prorata share of the actual cost of printing, handling and mailing the candidate's statement in English, only, or additional languages requested by the candidate but not required und the Voting Rights Act. No candidate will be charged their prorata share of costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The Director of Finance shall bill each candidate for the actual prorated costs of printing and handling the candidate's statement, if required, and such bill shall be due and payable immediately upon receipt therefor. If the actual cost is less than the deposit, the Director of Finance shall refund any excess deposit to the candidate within 30 days of the election.

SECTION 7. In light of past practice and demand in complying with the minority language requirements of the federal Voting Rights Act of 1965, as amended, and consistent with an agreement among the Los Angeles County Registrar of Voters, the Asian Pacific American Legal Center, and the Mexican American Legal Defense and Education Fund, minority language translations will be provided where at least 3% of a single language minority is identified by Census data as being limited-English proficient. Utilizing this 3% targeting method, Spanish, Chinese, and Korean qualify for translations and assistance,

based on the most recent detailed Census data and Los Angeles County Registrar of Voters assistance data available for the City of Pasadena and the Pasadena Unified School District area. Due to the high Spanish-speaking population in the City of Pasadena and School District area, the sample ballot pamphlet, which is mailed to all registered voters in the City and in the Pasadena Unified School District, will be printed in English and Spanish. As to the Chinese and Korean language translations, on the first inside page of the bilingual sample ballot pamphlet for those voters residing within a ballot type with precincts having met the 3% criteria, there will be instructions in Chinese and Korean for voters who wish to obtain a sample ballot pamphlet in the Chinese or Korean language, at no cost to the voter. Sample ballot pamphlets will automatically be mailed to voters in the Registrar's database who reside within precincts eligible for language assistance that have already requested translations in Chinese and Korean.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2008, by the following vote:

AYES:

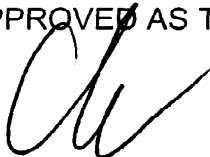
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



10/15/08

Nicholas G. Rodriguez
Assistant City Attorney

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