



Agenda Report

December 11, 2017

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: ADOPT A RESOLUTION APPROVING A PLAN TO COMPLY WITH THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CVPRA)

Recommendation:

- (1) Find that the proposed action is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), ("General Rule");
- (2) Adopt a resolution approving the City's Plan to comply with the California Voter Participation Rights Act (CVPRA); and
- (3) Receive information on the Community Forum conducted jointly by the League of Women Voters Pasadena Area and the Pasadena City Clerk's Office on the topic of the "Future of Pasadena Elections" held on November 27, 2017.

BACKGROUND:

On September 1, 2015, Governor Brown signed the California Voter Participation Rights Act (CVPRA), a law designed to shift all "off-cycle" local elections onto statewide election dates if local election participation rates result in low voter turnout elections.

On January 26, 2016, City staff provided information to the Legislative Policy Committee on the potential impacts of the new law. On March 7, 2016, City staff provided additional and updated information to the full City Council regarding continued concerns of direct and indirect impacts that the law may have on future Pasadena and Pasadena Unified School District elections.

Following City Council discussion on March 7, 2016, staff was directed to seek clarification from the State Attorney General on the applicability of the CVPRA to Charter Cities and School Districts whose election timing is governed by City Charter provision. More than a year later, on July 11, 2017, Attorney General Javier Becerra issued Opinion No. 16-603, which stated that the CVPRA does apply to Charter Cities and School Districts whose election timing is governed by City Charter provision.

Following the publication of the Attorney General's written opinion, City staff presented information to the City Council on July 24, 2017, August 21, 2017, and October 16, 2017 on the details of the opinion. Information was also included regarding options on whether or not the City should comply with the CVPRA, as well as a request for direction on how to proceed.

On October 16, 2017, the City Council took an informal "straw poll" which indicated that at least five members supported complying with the CVPRA and transitioning the timing of City elections to occur on statewide even-year election dates.

On October 30, 2017, the City Council directed staff to prepare a plan detailing the City's intention to comply the CVPRA. Staff was also directed to work with the League of Women Voters Pasadena Area (LWVPA) to organize a community forum for the purpose of educating the public regarding the CVPRA issue, receiving public input and feedback on the proposed action to comply, and increasing public outreach efforts and awareness on the timing of upcoming public meetings and opportunities for continued public participation during the CVPRA decision-making process.

On November 27, 2017, staff and the LWVPA organized and conducted a Community Forum held in the Council Chamber at City Hall. The Forum provided an overview and details of the CVPRA issue, factors impacting the City Council's deliberations, options under consideration, and opportunities for current and future public participation.

Approving a Plan to Comply With CVPRA

In terms of next steps, the City Council is now being asked to adopt a resolution that approves a plan to comply with the CVPRA. This recommended action is consistent with the law as codified in Elections Code Section 14052(B). The deadline for the City to take this action is prior to the CVPRA's effective date of January 1, 2018.

Consistent with the informal "straw poll" taken by the Council, the resolution formally adopts the City's intention to comply with the CVPRA. It also specifies that the City Council will submit a Charter Amendment for voter approval on June 5, 2018 to amend provisions in Article XII of the Pasadena City Charter changing the timing of future municipal election dates held in odd-numbered years so that said elections will consolidate and occur on statewide election dates held in even-numbered years.

The recommended action is limited in that it does not detail any further changes that may be under consideration, such as changes related to the format of future City Council elections (e.g. primary/general run-off elections vs. plurality elections). The specific details related to the City's future election format can be considered and acted on in the coming weeks as part of future deliberations by the City Council, and as Charter Amendment language is developed and finalized.

The resolution also states that the Pasadena Unified School District (PUSD) is considering its own plan separately from the City Council, with the Board of Education scheduled to consider adoption of the PUSD's plan to comply with the CVPR at the upcoming December 14, 2017 Board of Education meeting. PUSD's plan is similarly structured to the City's recommended action.

Community Forum Report

As was noted above, the City Clerk's Office and the LWVPA organized and conducted a public Community Forum entitled, "The Future of Pasadena Elections." The Forum was jointly organized and promoted, with the LWVPA responsible for moderating the discussion, and the City Clerk's Office responsible for presenting information on the California Voter Participation Rights Act.

Approximately 20-25 members of the public attended the Forum in person. In addition, the Forum was broadcast live and has since been replayed as part of the Pasadena Media's programming lineup. Staff has also made the video available online for public review, both on the Pasadena Media website, as well as on the City of Pasadena's CVPR webpage. With regard to the City's CVPR webpage, this dedicated page was recently created and posted by the City Clerk's Office, and includes such content as the Forum video (both in English and Spanish), links to prior written materials, agenda reports, and minutes comprising the record of City Council's CVPR discussions, and a schedule of anticipated future public meeting dates when it is expected the City Council will continue the CVPR discussion and deliberations.

Feedback received from the November 27th Forum has been generally positive, with community members commenting on having a better understanding of the issues related to CVPR compliance following the Forum. During the question and answer period, there were many good questions that helped to further explain the issue and the reasons for the City's consideration in complying with the CVPR. In addition, public comment cards were distributed to Forum participants, with 21 comment cards returned providing feedback on the format preferred for future Pasadena elections. The following is a breakdown of the responses received back from participants:

PREFERRED ELECTION FORMAT	RESPONSES RECEIVED
Continue utilizing Primary and General Election Format (Run-off Elections) on Statewide Election Dates	10
Utilize Plurality Voting – March Statewide Primary	4
Utilize Plurality Voting – November Statewide General	3
Make no changes	1
Instant Run-off Elections	1
No Preference Indicated	2

Opportunities for public comment and feedback will continue to be available for those interested at future meetings, as well as on the CVPRA webpage, where staff has created an online public comment form similar to what was used and distributed at the Forum (in English and Spanish). The goal is to provide flexible opportunities for members of the public to review the Community Forum video, contact the City Clerk's Office with any additional questions, attend future meetings related to the CVPRA, and provide feedback for City Council consideration.

FISCAL IMPACT:

At this time, there is no immediate fiscal impact associated with the proposed action. In the future, if the City Council submits the proposed Charter Amendment to the voters as part of a special election on June 5, 2018, it is anticipated that such an action would result in a fiscal impact of approximately \$165,000 to cover the associated special election expenses. Following such an action, staff will return with the appropriate resolutions calling the special election, as well as a request for the appropriation of necessary funds to cover election costs.

Respectfully submitted,



Mark Jomisky
City Clerk, CMC