

Agenda Report

DATE: July 24, 2017

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY CLERK

SUBJECT: CERTIFICATION OF SUFFICIENCY OF A REFERENDUM PETITION AGAINST ORDINANCE NO. 7302 ADOPTED BY THE PASADENA CITY COUNCIL ON MAY 22, 2017, PERMITTING SUSPENSION OF CITY UTILITY SERVICES FOR VIOLATION OF SPECIFIED SECTIONS OF THE PASADENA MUNICIPAL CODE, AND AMENDING TITLE 14, CHAPTER 14.04, SECTION 14.04.030 (VIOLATIONS) OF THE PASADENA MUNICIPAL CODE REGARDING ADDITIONAL ENFORCEMENT PROVISIONS

RECOMMENDATION: It is recommended that the City Council:

- (1) Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") and in accordance with State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) Receive and accept the certification (Attachment A) of the sufficiency of a referendum petition against Ordinance No. 7302 adopted on May 22, 2017 by the City Council based upon the examination and verification of signatures by the Los Angeles Registrar-Recorder/County Clerk's Office;
- (3) Pursuant to California Elections Code (EC) Section 9241, the City Council shall do one of the following:
 - a. Direct the City Attorney to prepare an ordinance to repeal Ordinance No. 7302, in its entirety; or
 - b. Submit Ordinance No. 7302 to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body (March 2019), or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it.

BACKGROUND:

On June 21, 2017, the City Clerk's Office received a referendum petition filed against Ordinance No. 7302 (Attachment B, provided as a reference), with the proponents submitting approximately 13,100 signatures in support of the referendum. Having met the 30-day filing requirement and following a prima facie review of signatures submitted, the City Clerk's Office sent the referendum petition sections to the Los Angeles County Registrar-Recorder/County Clerk for examination and verification of signatures to determine the sufficiency of the petition.

EC Section 9237 states, "If a petition protesting the adoption of an ordinance... is submitted to the elections official of the legislative body of the city... within 30 days of the date the adopted ordinance is attested by the city clerk...., and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State...., the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance."

The official number of registered voters of the City of Pasadena based on the last official report to the Secretary of State is 84,948. Therefore, the minimum number of signatures needed to qualify the referendum petition at the required 10% threshold is 8,495 signatures. On July 18, 2017, the County Registrar certified that County staff reviewed 12,649 submitted petition signatures and validated 8,750 to be the signatures of registered voters in the City of Pasadena. This amount exceeds the minimum 10% threshold required for a successful referendum of Ordinance No. 7302.

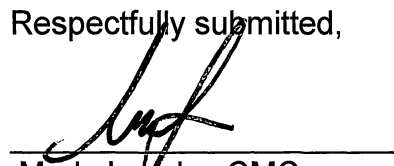
EC Section 9114 states, "the elections official shall certify the results of the examination to the [City Council] at the next regular meeting...." The City Council can either repeal the ordinance or submit the ordinance to a vote of the people. EC Section 9241 states:

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

If the City Council decides to repeal the ordinance, direction should be provided to the City Attorney's Office to prepare an ordinance repealing Ordinance No. 7302.

If the City Council decides to submit the ordinance to the voters, the City Council could either call a Special Election to coincide with upcoming statewide election dates (i.e. June 5, 2018 or November 6, 2018), or wait until the next regular City election date on March 5, 2019.

Respectfully submitted,



Mark Jorjisky, CMC
City Clerk