

# Agenda Report

October 30, 2017

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** CITY CLERK

**SUBJECT: CITY COUNCIL ACTION TO COMPLY WITH THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CVpra) AND STATE ATTORNEY GENERAL'S ISSUED OPINION NO. 16-603**

**RECOMMENDATION:**

It is recommended that the City Council:

- (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) Submit to the voters for approval a Charter Amendment to comply with the CVpra;
- (3) Submit to the voters for approval the extension of the current terms for the Mayor and City Councilmembers on a one-time basis to facilitate the transition to statewide election dates held in even years;
- (4) Submit to the voters for approval an agreed upon format for future City elections, from one of the following options:
  - a. Utilize the Primary and General election format for the offices of Mayor and members of the City Council, with regular City elections to consolidate and occur on statewide election dates, and requiring the successful candidate for any Mayoral or City Council District race to receive a 50%+1 majority in either the Primary or General elections; or
  - b. Utilize plurality voting for Mayoral and City Council district elections, wherein the successful candidate for each race receives the highest number of votes for that race; or
  - c. Utilize the Primary and General election format for the Office of Mayor (requiring 50%+1 majority) to occur on statewide Primary and General election dates, and City Council district elections to utilize plurality voting wherein the successful candidate for each Council district race receives the highest number of votes for that race.
- (5) If plurality voting is to be utilized for any elections in Pasadena, include for voter approval the timing of when future regular City municipal elections will occur:
  - a. On statewide March Primary election dates; or
  - b. On statewide November General election dates.

## **BACKGROUND:**

At the October 16, 2017 Council meeting, the City Council took an informal "straw poll" to determine whether any consensus could be reached on the issue of complying with the CVPRRA and related Attorney General Opinion No. 16-603 to move Pasadena regular municipal elections to coincide with statewide election dates held in even years. Following discussion, five members of the City Council agreed in concept to comply with the CVPRRA, and directed staff to return with additional information on the various options to be considered that would facilitate the transition of the City's election timing from March and April of odd years to occur on, and consolidate with, statewide elections held in even years.

## **OPTIONS TO CONSIDER**

Currently, the City's Primary and General elections occur in March and April of odd years for the offices of Mayor and members of the City Council. A successful candidate for any office must receive a 50% +1 majority in that race to be elected. If a majority winner is not achieved in the City March Primary election, a General (run-off) election is held in April for the top two candidates receiving the highest number of votes in the March Primary. The following scenarios are consistent with the informal consensus reached at the October 16<sup>th</sup> meeting, and are provided for City Council consideration to facilitate a change in the timing of City elections to statewide dates:

**Option A:** Continue to utilize a Primary and General election format for the offices of Mayor and City Council:

- City March Primary election (held in odd years) is moved and consolidated with statewide March Primary election (held in even years);
- City April General election (held in odd years) is moved and consolidated with statewide November General election (held in even years);
- A successful candidate for the Office of Mayor or for any City Council District race must receive a 50%+1 majority in either the statewide March Primary election or the statewide November General election (the General election includes only the top two candidates receiving the highest number of votes in the Primary); and
- Current terms for the Mayor and City Council would be extended by as many as 20 months to facilitate the one-time transition to the statewide election cycle.

**Option B:** Utilize plurality voting for Mayoral and City Council district elections:

- A successful candidate for Mayor or any City Council district race must receive the highest number of votes cast for that race at a single election;
- Determine if Mayoral and City Council district elections should consolidate with, and occur on, statewide Primary election dates or on statewide General election dates;
- Current terms for the Mayor and City Council would be extended by as many as 20 months to facilitate the one-time transition to the statewide election cycle.

**Option C:** Utilize the Primary and General election format for Mayoral elections requiring a 50% + 1 majority to be elected, and plurality voting for City Council district elections:

- City March Primary election held in odd years is moved and consolidated with statewide March Primary election held in even years;
- City April General election held in odd years is moved and consolidated with statewide November General election held in even years;
- A successful candidate for the Office of Mayor must receive a 50%+1 majority in either the statewide March Primary election or the statewide November General election (the General election includes only the top two candidates receiving the highest number of votes in the Primary);
- A successful candidate for any City Council district race must receive the highest number of votes cast for that race at a single election;
- Determine if the City Council District elections should consolidate with and occur on statewide Primary dates or on statewide General dates; and
- Current terms for the Mayor and City Council would be extended by as many as 20 months to facilitate the one-time transition to the statewide election cycle.

**Comparison with Other City Elections (Elected Mayor)**

As the City Council considers options to comply with the CVPRRA, it may be helpful to understand the timing and format of other city elections held in California as a point of reference. Staff studied the data compiled in the California Municipal Democracy Index, 2016 study (Survey Results provided as Attachment A), written by Nicolas Heirdon. To narrow the scope of the review, staff focused on cities with commonality to Pasadena, in particular those cities with an elected Mayor on the City Council. There are 170 cities in California with an elected Mayor, with the remaining cities employing a Council-selected Mayor from among members serving on the City Council.

The following chart breaks down information for these 170 cities by election format, voting, and timing, delineated between charter and general law cities. The purpose is to provide a sense of how Pasadena’s current election process might compare with surrounding cities, as well as those located throughout the state.

<b>ELECTION FORMAT</b>	<b>At-Large</b>	<b>By District</b>	<b>From District or By Seat</b>
<b>Charter Cities</b>	32	26*	4
<b>General Law Cities</b>	93	14	1
<b>VOTING MODEL</b>	<b>Plurality Voting</b>	<b>Run-Off Voting</b>	<b>Instant Run-Off Voting</b>
<b>Charter Cities</b>	44	14*	4
<b>General Law Cities</b>	108	0	0

<b>ELECTION TIMING</b>	<b>Statewide Primary</b>	<b>Statewide General</b>	<b>Off-Cycle</b>
<b>Charter Cities</b>	9	38	15*
<b>General Law Cities</b>	0	94	14

\* Current City of Pasadena election format

Staff also compared the survey results of the 62 charter cities (a subset of the 170 cities with an elected Mayor), and determined that Pasadena's current system is for the most part unique when compared to the "norm" of these other charter cities (i.e. most charter cities elect Councilmembers at-large, utilize plurality voting, and currently conduct elections on one of the two statewide dates).

Finally, staff sought to determine how many of the 62 charter cities currently utilize the election timing and format options being proposed as Options A, B, and C, to further provide as a frame of reference for the City Council to consider. With this in mind, the information below includes a breakdown of charter cities whose current election format matches each option under consideration, as well as details such as location, population, and Council size for comparison purposes:

**Option A – Mayor and City Council elections occurring on March and November statewide dates, run-off elections requiring a 50% + 1 majority to be elected**

<b>City</b>	<b>County</b>	<b>Population</b>	<b>Election Format</b>	<b>Council size including Mayor</b>
<b>Chula Vista*</b>	San Diego	265,070	By-District	5
<b>Fresno</b>	Fresno	520,453	By-District	7
<b>Sacramento</b>	Sacramento	485,683	By-District	9
<b>San Diego</b>	San Diego	1,391,676	By-District	9
<b>San Jose*</b>	Santa Clara	1,042,094	By-District	11
<b>Stockton</b>	San Joaquin	315,592	By-District (2018)	7
<b>Long Beach**</b>	Los Angeles	484,958	By-District	10
<b>Los Angeles***</b>	Los Angeles	4,030,904	By-District	15
<b>San Bernardino****</b>	San Bernardino	215,491	By-District	8

\* Requires a mandatory run-off, regardless whether a 50%+1 majority is achieved in primary election

\*\* Recent City Council action approved to consolidate in 2020, adopting ordinances to change dates

\*\*\* Consolidation beginning in 2020 by Charter Amendment

\*\*\*\* Consolidation beginning in 2018

**Option B – Mayor and City Council elections occurring either during the statewide Primary date or the statewide General date, utilizing plurality voting**

Charter Cities By-District (Plurality)

City	County	Population	Election Format	Statewide Primary or General	Council size including Mayor
Anaheim	Orange	358,136	By-District	General	7
Bakersfield	Kern	379,110	By-District	Primary	8
El Cajon	San Diego	102,337	By-District (2018)	General	5
Eureka	Humboldt	26,765	By-District (2018)	General	6
Merced	Merced	83,962	By-District	General	7
Palmdale	Los Angeles	160,072	By-District	General	5
Pomona	Los Angeles	155,604	By-District	General	7
Salinas	Monterey	161,042	By-District	General	7
San Marcos	San Diego	93,295	By-District (2018)	General	5

Charter Cities At-Large (Plurality)

City	County	Population	Election Format	Statewide Primary or General	Council size including Mayor
Adelanto	San Bernardino	33,497	At-Large	General	5
Alameda	Alameda	79,277	At-Large	General	5
Carlsbad	San Diego	112,930	At-Large	General	5
Gilroy	Santa Clara	55,170	At-Large	General	7
Hayward	Alameda	158,985	At-Large	General (2018)	7
Irvine	Orange	258,386	At-Large	General	5
La Quinta	Riverside	39,977	At-Large	General	5
Marina	Monterey	20,982	At-Large	General	5
Marysville	Yuba	12,010	At-Large	General	5

<b>Monterey</b>	Monterey	28,610	At-Large	General	5
<b>Napa</b>	Napa	80,576	At-Large	General	5
<b>Needles</b>	San Bernardino	5,035	At-Large	General	7
<b>Oceanside</b>	San Diego	175,948	At-Large	General	5
<b>Oroville</b>	Butte	17,996	At-Large	General	7
<b>Pacific Grove</b>	Monterey	15,352	At-Large	General	7
<b>Petaluma</b>	Sonoma	60,375	At-Large	General	7
<b>Richmond</b>	Contra Costa	110,378	At-Large	General	7
<b>San Luis Obispo</b>	San Luis Obispo	46,117	At-Large	General	5
<b>San Ramon</b>	Contra Costa	78,363	At-Large	General	5
<b>Sand City</b>	Monterey	381	At-Large	General	5
<b>Santa Ana</b>	Orange	342,930	From District	General	7
<b>Santa Clara</b>	Santa Clara	123,752	From Seat	General	7
<b>Santa Maria</b>	Santa Barbara	104,404	At-Large	General	5
<b>Santee</b>	San Diego	56,757	At-Large	General	5
<b>Solvang</b>	Santa Barbara	5,451	At-Large	General	5
<b>Torrance</b>	Los Angeles	147,175	At-Large	Primary	7
<b>Vista</b>	San Diego	98,896	At-Large	General	5

**Option C – Mayoral election occurring on Primary and General statewide election dates, elected by 50% + 1 majority; City Council elected by plurality voting at Primary or Statewide election**

After a thorough review of the data contained in the survey results, staff was unable to identify any charter city that currently utilizes a hybrid version of Options A and B, utilizing the Primary and General run-off election format for Mayoral elections (requiring a 50% + 1 majority), and plurality voting for City Council district elections.

## City of Redondo Beach

As part of staff's research and review of election formats of other cities, staff has learned about a unique variation in the run-off election format utilized by the City of Redondo Beach. Like Pasadena, Redondo Beach is a charter city with a directly elected Mayor and by-district elections for members of the City Council. A successful candidate for office must receive a 50% + 1 majority in either the Primary or General election. Currently, Redondo Beach's election timing occurs in March of odd years (first Tuesday following a Monday in March), with the term of office to begin on April 1<sup>st</sup> following the election.

The uniqueness of Redondo Beach is that a run-off election occurs (if necessary) in June of odd years, **after** the start of the term of office that occurs on April 1<sup>st</sup>. Therefore, the successful candidate involved in a run-off election would have a shortened term. For Redondo Beach, in the current format, this results in a term of approximately 3 years and 9 months (as opposed to the full 4-year term for those candidates elected in the Primary election).

If the Pasadena City Council chose to implement either Option A or Option C, and conducts City elections in March of even years consolidated with the statewide Primary, the start of term could begin on the first Monday of May (consistent with the current City Charter) for those that receive a 50% + 1 majority. But for those races that require a run-off election, the start of the term could begin on the first Monday of December following the November General election.

The benefit of the Redondo Beach format is that those successfully elected in the Primary election (consistent with the majority of races held in Pasadena) could begin serving terms shortly after the Primary election. It also addresses some of the issues regarding a "lame duck" incumbent who loses to a challenger in the Primary election (assuming no run-off election is necessary). In the scenario that an incumbent chooses not to seek re-election, he or she would continue to serve until another candidate is successfully elected to office by the voters (in either the Primary or General election).

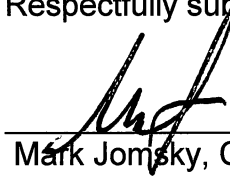
The one scenario where the "lame duck" incumbent defeated in the Primary would potentially still occur is when two challengers beat the incumbent with the highest votes in the Primary, but with less than a majority. This would leave the unsuccessful incumbent in office for seven months until the voters selected a replacement. However, in reviewing the history of Pasadena elections since 1983 (beginning of City's district election format), staff was unable to identify such a scenario ever occurring.

The one true downside to the Redondo Beach model is that a successful challenging candidate is "penalized" (losing seven months in office) if his or her race requires a run-off election in November to secure the majority vote. This is a likely scenario when an incumbent does not seek reelection and when the possibility of multiple qualified candidates vying for an open seat is more likely to occur (based on City election history).

**FISCAL IMPACT**

If the City Council takes action to comply with the CVPRA, changes as described above would require a Charter Amendment and special election (either at the next statewide Primary election held in June 2018, or the next statewide General election held in November 2018). Depending on when this change to the Charter is submitted to the voters for approval, staff will return with the appropriate resolutions calling the election, as well as a request for funds to cover election expenses.

Respectfully submitted,



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Mark Jomsky, CMC  
City Clerk

**Attachments:**

Attachment A: Appendix Survey Results, California Municipal Democracy Index, 2016, Nicolas Heirdon, California Common Cause, Pages 53-70