



Finance Department

ADOPTION OF RESOLUTIONS TO SUBMIT THREE CHARTER AMENDMENT BALLOT MEASURES TO VOTERS AT THE MARCH 5, 2024 PRIMARY MUNICIPAL ELECTION TO: 1) CODIFY CLERICAL CHANGES TO VARIOUS SECTIONS IN THE CITY CHARTER AND UPDATE THE ACCOUNTING METHODS RELATING TO THE TRANSFER FROM THE POWER FUND TO THE GENERAL FUND, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP); 2) REQUIRE THE CITY COUNCIL TO SET BY ORDINANCE LIMITS RELATED TO PROCUREMENT, SETTLEMENTS, AND CLAIMS; AND 3) AUTHORIZE ADDITIONAL CONTRACT SELECTION AND PROJECT DELIVERY METHODS FOR PUBLIC PROJECTS

Presented by
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Director of Finance
City Council Meeting – Item 16
December 4, 2023





Background

Finance Department

- On Sept. 18 and Nov. 6, City Council considered technical Charter Amendments.
- On Nov. 29, the Legislative Policy Committee provided input on the questions.
- Staff was directed to return with ballot questions to:
 - > Make clerical corrections
 - > Update language regarding the Power Fund transfer to the General Fund
 - > Amend procurement language to require City Council to establish limits
 - > Amend procurement language to permit alternative procurement methods



Clerical Changes

Finance Department

- Section 704 – Remove “primary nominating”
 - > Any person desiring to become a candidate for the Board of Education to be filled at such election shall file, or have filed, with the City Clerk, acting in the capacity of Assistant Secretary to the Board of Education during Board of Education elections, in the form and in the period prior to the ~~primary nominating~~ election prescribed by the California Elections Code, nominating papers signed by him/her specifying for which geographic sub-district he/she is a candidate, signed by not less than twenty five (25) qualified voters from the geographic sub-district in which the election is held, requesting such candidacy, and accompanied by a filing fee of \$25.00. The names of voters not residents of the geographic sub-district for which the candidate is being nominated shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.



Clerical Changes

Finance Department

- Section 1204 – Add “Notwithstanding the foregoing”
 - > The two persons receiving the highest number of votes at the primary election for the candidates for office of Mayor or Councilmember from a district shall be the candidates for election and only their names shall be printed upon the ballot to be used in the general municipal election. Notwithstanding the foregoing, any person who, at the primary election, shall receive a majority of the total vote cast for candidates for said office shall be elected to such office.



Clerical Changes

Finance Department

- Article XVIII, Pasadena Fair and Equitable Housing Charter Amendment
 - > Section 1803(v), codify the replacement of “~~1811(k)(1)~~” with “1811(l)(1)”
 - > Section 1811(a), codify the replacement of “~~1810(j)~~” with “1811(k)”
 - > Section 1811(e)(4), codify the replacement of “~~1813(a)~~” with “1814(a)”, “~~1810(b)~~” with “1811(c)”, and “~~1810(p)~~” with “1811(q)”
 - > Section 1811(k), codify the replacement of “~~1810(b)~~” with “1811(c)”, and “~~1810(a) and 1810(b)~~” with “1811(a) and 1811(b)”
 - > Section 1812(g), codify the replacement of “~~(e) and (f)~~” with “(d) and (e)”
 - > Section 1812(i), codify the replacement of “~~1817(f)~~” with “1817(g)”
 - > Section 1813(b)(6)(A)(x), codify the replacement of “~~1810(k)(1)~~” with “1803(v) and 1811(1)(1)”



Clerical Changes - GFT

Finance Department

- Remove the Net Income language from the Charter.
 - > The amount to be so transferred from the Light and Power Fund shall not exceed the net income of the electric works as shown on the books of account of the power utility, after payment of the maintenance and operating expenses of such works, the expenses of conducting the power utility, depreciation, and the principal, interest and premiums, if any, upon the redemption thereof, of electric works revenue bonds.



Article X Changes

Finance Department

- Section 1001 – Remove \$75,000 limit and establish by ordinance
 - > All contracts shall be approved by the City Council except contracts under a limit established by ordinance.

- Section 1002 – Provide for alternative project delivery methods
 - > Contracts utilizing alternative project delivery methods, as approved by the City Council, including, but not limited to, design-build and construction manager at risk.



Article X Changes

Finance Department

- Section 1014 (New)– Commence and Settle Actions
 - > The City Council shall prescribe by ordinance, exclusive of court costs, the monetary limits for an employee or employees to: (i) commence any action on behalf of the City, or (ii) settle any claim or action against the City, or any officer, employee, board or department thereof in his or her or its official capacity. No claim or action for more than the amount set forth in the ordinance shall be commenced or settled without the prior approval of the City Council.



Ballot Questions – Clerical and GFT

Finance Department

- Shall amendments to the Pasadena City Charter to: 1) make clerical corrections relating to outdated language and citations contained in various sections of the City Charter; and 2) update the accounting method used to calculate the existing voter-approved transfer from the Power Fund to the General Fund, in accordance with Generally Accepted Accounting Principles (GAAP), for general government use such as 911 response, fire, paramedic, public health, street repairs, senior, and homeless services, be adopted?



Ballot Questions – Article X - Limits

Finance Department

- Shall amendments to Article X of the Pasadena City Charter to require the City Council to set limits by ordinance for contract, settlement, and claim approvals, be adopted?



Ballot Questions – Article X - Contracting

Finance Department

- Shall an amendment to Article X of the Pasadena City Charter include additional contract selection methods, requiring City Council approval, to deliver significant public capital improvement and infrastructure projects efficiently, timely, and within budget for essential municipal services such as police, fire, public works and parks, resulting in less cost to taxpayers, be adopted?



Considerations

Finance Department

- Review and provide input regarding the proposed questions
- Determine if three questions are appropriate



RESOLUTIONS – PRIMARY AND REBUTTAL ARGUMENTS

Office of the City Clerk

Resolution Setting Priorities for Primary Arguments and Directing the City Attorney to Prepare An Impartial Analysis

- > City Council’s opportunity to designate the full City Council or select Councilmembers to prepare and submit arguments in support of each Charter Amendment Measure
 - If full City Council designated, no more than five signatures will appear in the Voter Information Pamphlet
 - Recently, the Mayor has been designated to organize on behalf of the City Council
 - If no members designated, reverts back to Elections Code Section 9282
 - » Individual voter, bona fide association, or combination thereof
 - Staff Recommendation: Motion and Second to designate Mayor or Council Committee to organize on behalf of the City Council (presumption is in support of measure)
- > Sets deadline to submit Primary Arguments: **Thursday, December 14, 2024 at 5:00 p.m.**
- > Directs City Attorney to prepare the Impartial Analysis for each measure (same deadline)

Resolution Allowing for Rebuttal Arguments for Measure (optional)

- > At City Council’s discretion, allows and provides details for the filing of rebuttal arguments



FISCAL IMPACT

Office of the City Clerk

- City Clerk's Adopted Fiscal Year 2023-2024 Election Budget is \$515,000
- Estimated Los Angeles County election expenses is being reworked by the County due to City staff concerns
- Actual election costs will vary based on several factors:
 - Mayor and City Council races
 - Council District 3 Special Election
 - Total page count in Voter Guide
 - Fluctuations in voter registration
 - Increased postage costs for vote by mail
- City staff will return at a future meeting in January/February 2024 to as part of a future Budget Clean-Up Report once a better cost-estimate is received from the County of Los Angeles



Recommendations

Office of the City Clerk

1. Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required;
2. Adopt a resolution of the City Council of the City of Pasadena calling a Primary Municipal Election to be held in the City of Pasadena, consolidated with the Statewide Primary Election held on Tuesday, March 5, 2024, for the purpose of submitting three ballot measures to amend the Pasadena City Charter related to procurement, legal settlements and claims, alternate project delivery methods, updating accounting methods, and making clerical changes to various sections in the City Charter;
3. Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to the three ballot measures; and directing the City Attorney to prepare an impartial analysis for each measure; and
4. Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for each measure.