

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, CALLING OF 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 TO THE VOTERS OF THE CITY OF PASADENA THREE CHARTER AMENDMENT BALLOT MEASURES

WHEREAS, on November 6, 2023, following a presentation by City staff on proposed amendments to 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, the Pasadena City Council directed staff to prepare the necessary resolutions to place Charter Amendment ballot measures on the March 5, 2024 Primary Municipal Election ballot;

WHEREAS, on October 23, 2024, in relevant part, the City Council adopted Resolution No. 10016, calling a Primary Municipal Election for Tuesday, March 5, 2024, and a General Municipal Election for Tuesday, November 5, 2024, requesting that the Board of Supervisors of the County of Los Angeles approve the consolidation of Pasadena Municipal Primary and General Elections with the Statewide Primary and General Elections, and direct the Los Angeles County Registrar-Recorder/County Clerk to administer said elections on behalf of the City; and

WHEREAS, in compliance with California Elections Code Section 1415(a)(2), said Measures shall be submitted to the voters at the March 5, 2024 Primary Municipal Election.

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

SECTION 1. That pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors is requested to consent and agree to the consolidation of the City’s Primary Municipal Election with the Statewide Primary Election to be held on Tuesday, March 5, 2024, for the purpose of submitting City Charter Amendment Measures; and to direct the Registrar-Recorder/County Clerk to perform all necessary functions, services, and tasks related to: the complete and successful conduct of said consolidated elections; the provision of all election materials and equipment; the hiring, training, and supervision of election workers and other election personnel; the printing and distribution of ballot materials; the translation of ballot materials; the administration of vote by mail processing and signature verification; the collection of submitted ballots; the tallying of votes; and the canvassing and certification of election results.

SECTION 2. The City Council, pursuant to its right and authority, does hereby order submitted to the voters of the City of Pasadena at the Primary Municipal Election, to be consolidated with the Statewide Primary Election on March 5, 2024, three Charter Amendment ballot measures 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, with the following questions:

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?	YES	
	NO	

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?	YES	
	NO	

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?	YES	
	NO	

SECTION 3. The text of each Charter Amendment measure is attached hereto as Exhibits “A”, “B”, and “C”, and incorporated herein by this reference.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The Vote Centers for the consolidated elections shall be open as required during the identified voting period, pursuant to Election Code Sections 4007 and 14404.

SECTION 6. The Los Angeles County Registrar-Recorder/County Clerk is authorized to canvass the returns of the Measures, and to certify the same to the City Council of the City of Pasadena at the time and in the manner provided by law. The vote requirement for passage of each Charter Amendment Measure shall be a majority of votes cast by voters voting on the measures within the City of Pasadena. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 7. That the City of Pasadena recognizes that additional costs will be incurred by the County by reason of these consolidated elections and agrees to reimburse the County for the City's share of election related costs resulting from said consolidations. The City Director of Finance is authorized and directed to pay out of the General Fund of the City a sum equal those costs upon the completion of the services as described above and upon presentation to the City of a bill.

SECTION 8. In all particulars not recited in this Resolution, the election hereby called shall be held and conducted as provided by law for holding municipal elections in said City.

SECTION 9. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the Registrar-Recorder/County Clerk, each a certified copy of this Resolution.

SECTION 10. That the Board of Supervisors is requested to issue instructions to the Registrar-Recorder/County Clerk to take any and all steps necessary for the holding of these consolidated elections.

SECTION 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 12. 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 December, 2023, by the following vote:

AYES:


NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, City Clerk

APPROVED AS TO FORM:



Michele Beal Bagneris
City Attorney/City Prosecutor

EXHIBIT A

SECTION 1. Article VII, section 704 of the Charter of the City of Pasadena is amended to read:

Section 704. - NOMINATING PETITION.

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.

SECTION 2. Article XII, section 1204 of the Charter of the City of Pasadena is amended to read:

Section 1204. - CANDIDATES.

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, aAny 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.

SECTION 3. Article XIV, section 1408 of the Charter of the City of Pasadena is amended to read:

Section 1408. - ANNUAL CONTRIBUTION FOR ANY MUNICIPAL PURPOSE.

Each fiscal year the City Council shall transfer from the Light and Power Fund an amount equal to twelve percent (12%) of the gross income of the electric works received during the immediately preceding fiscal year from the sale of electric energy at rates and charges fixed by ordinance. Said sum shall be transferred to the General Fund of the City by resolution not earlier than the receipt of the report by an independent certified public accountant on the examination of the books of account of the power utility nor later than the first day of June next succeeding the date of determination of the amount to be transferred. Nothing herein contained shall prohibit an advance of not to exceed seventy-five percent (75%) of the estimated amount prior

to the receipt of the said report. The amount thus transferred may be expended for any municipal purpose.

~~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.~~

Notwithstanding anything herein contained, if the City Council at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund would be detrimental to the proper functioning and administration of the power utility during the budget year under consideration, the City Council may so find by resolution, and, in such event, no transfer of such amount shall be made within that fiscal year. If the City Council shall determine that the transfer of an amount less than twelve percent (12%) from the Light and Power Fund would not be detrimental to the proper functioning and administration of the power utility during the budget year under consideration, the City Council may so declare by resolution, and shall transfer a smaller amount.

The City Council is authorized to set charges for electric service that, during the period when the charges are in effect, are sufficient to pay both the expenses of the power utility, as set forth in Section 1405, and all amounts that the City Council projects will be directed for transfer pursuant to this Section, before any adjustments based on the net income of the electric works.

SECTION 4. Article XVIII, section 1803, subdivision (v) of the Charter of the City of Pasadena is amended to read:

Rental Housing Fee. The fee described in Section ~~4811(k)(4)~~ 1811(l)(1) herein.

SECTION 5. Article XVIII, section 1811, subdivision (a), second paragraph, second-to-last sentence of the Charter of the City of Pasadena is amended to read:

If any member resigns or is removed from the Rental Board, this will be considered a vacancy, and the member must be replaced in accordance with the procedure described in Section ~~4810(j)~~ 1811(k).

SECTION 6. Article XVIII, section 1811, subdivision (e)(4) of the Charter of the City of Pasadena is amended to read:

Appoint Hearing Officers to conduct hearings on Petitions for Individual Rent Adjustment pursuant to this Article. The duties and powers of Hearing Officers are laid out in Section ~~4813(a)~~ 1814(a). Before a Hearing Officer is appointed, they must complete a verified statement of Material Interest under penalty of perjury, as described in Section ~~4810(b)~~ 1811(c). This document will be made available to the public.

Additionally, a Hearing Officer will be disqualified from hearing a Petition under the same circumstances that a Board Member would be disqualified from ruling on a petition, detailed in Section ~~4840(p)~~1811(q). If a Hearing Officer is disqualified from hearing a Petition, the Rental Board will appoint another Officer in their place.”

SECTION 7. Article XVIII, section 1811, subdivision (k), first sentence of the Charter of the City of Pasadena is amended to read:

If a vacancy occurs on the Rental Board, a person qualified to fill such vacancy shall be appointed by the City Council in accordance with the appointment schedule described in Section ~~4840b~~1811(c) as well as the eligibility conditions described in Sections ~~4840a~~ and ~~4840b~~1811(a) and 1811(b).”

SECTION 8. Article XVIII, section 1812, subdivision (g) of the Charter of the City of Pasadena is amended to read:

Data Publication. The Rental Board should regularly collect, analyze, and publish various local statistics computed using the data described in ~~(e) and (f)~~(d) and (e) above, including, but not limited to statistics regarding rents, rent increases, unit mix, changes in tenancy, and code compliance and violations.

SECTION 9. Article XVIII, section 1812, subdivision (i) of the Charter of the City of Pasadena is amended to read:

Failure to Register. Pursuant to Section ~~1817(f)~~(g), the Rental Board shall establish appropriate penalties for the failure of a Landlord to register any Property subject to registration under this Section.

SECTION 10. Article XVIII, section 1813, subdivision (b)(6)(A)(x) of the Charter of the City of Pasadena is amended to read:

Rental Housing Fee, as defined in Section ~~4840(k)(1)~~1803(v).”

SECTION 11. Severability.

If any section or subsection of this measure or any sentence, clause, phrase, or word in this measure is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall remain in effect and shall be enforced. If the application of this measure to any person or group of persons is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall continue to be enforced against all other persons or groups of persons.

EXHIBIT B

SECTION 1. Article X, section 1001 of the Charter of the City of Pasadena is amended to read:

Section 1001. - CONTRACTS.

All contracts shall be in writing, and shall be executed in the name of the City of Pasadena by an officer or officers authorized to sign the same. All contracts shall be approved as to form by the City Attorney before the execution thereof.

All contracts shall be approved by the City Council except contracts under \$75,000 or such lower limit as may be a limit established by ordinance.

SECTION 2. Article X, section 1002 of the Charter of the City of Pasadena is amended to read:

Section 1002. - CONTRACTS REQUIRING COMPETITIVE BIDS.

Except as otherwise provided in this Charter, no contract for supplies, material, labor, or other valuable consideration, to be furnished to the City shall be authorized by the City Council except with the lowest and best bidder after competitive bidding. The City Council may reject any and all bids.

Competitive bidding shall not be required under this Charter for:

- (A) Labor or services rendered by any City officer or employee.
- (B) Labor, material, supplies or services furnished by one City department to another City department.
- (C) Contracts for labor, material, supplies, or services available from only one vendor.
- (D) Contracts for labor, material, supplies, or services in an amount less than a limit established pursuant to section 1001 under \$75,000 or less.
- (E) Contracts relating to the acquisition of real property.
- (F) Contracts for professional or unique services.
- (G) Contracts for labor, material, or supplies for actual emergency work.

Section 3. A new Article X, section 1014 of the Charter of the City of Pasadena is added to read:

Section 1014. - AUTHORITY TO 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.

Section 4. Severability.

If any section or subsection of this measure or any sentence, clause, phrase, or word in this measure is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall remain in effect and shall be enforced. If the application of this measure to any person or group of persons is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall continue to be enforced against all other persons or groups of persons.

EXHIBIT C

SECTION 1. Article X, section 1002 of the Charter of the City of Pasadena is amended to read:

Section 1002. - CONTRACTS REQUIRING COMPETITIVE BIDS.

Except as otherwise provided in this Charter, no contract for supplies, material, labor, or other valuable consideration, to be furnished to the City shall be authorized by the City Council except with the lowest and best bidder after competitive bidding. The City Council may reject any and all bids.

Competitive bidding shall not be required under this Charter for:

- (A) Labor or services rendered by any City officer or employee.
- (B) Labor, material, supplies or services furnished by one City department to another City department.
- (C) Contracts for labor, material, supplies, or services available from only one vendor.
- (D) Contracts for labor, material, supplies, or services under \$75,000 or less.
- (E) Contracts relating to the acquisition of real property.
- (F) Contracts for professional or unique services.
- (G) Contracts for labor, material, or supplies for actual emergency work.
- (H) Contracts with other governmental entities or their contractors for labor, material, supplies, or services.
- (I) Contracts utilizing alternative project delivery methods, as approved by the City Council, including, but not limited to, design-build and construction manager at risk.

SECTION 2. Severability.

If any section or subsection of this measure or any sentence, clause, phrase, or word in this measure is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall remain in effect and shall be enforced. If the application of this measure to any person or group of persons is held to be unconstitutional, unlawful, or otherwise invalid, void, or unenforceable, the remainder of the measure shall continue to be enforced against all other persons or groups of persons.