

Agenda Report

December 4, 2023

TO: Honorable Mayor And City Council

THROUGH: Legislative Policy Committee (November 29, 2023)

FROM: City Manager and City Clerk

SUBJECT: **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**

RECOMMENDATION:

It is recommended that the City Council:

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.

BACKGROUND

On September 18 and November 6, 2023, staff presented information regarding technical changes to the City Charter for City Council consideration. The City Council directed staff to prepare the necessary ballot questions, Charter text, and resolutions to place the proposed Charter Amendment measures on the March 5, 2024 Primary Municipal Election ballot. As detailed below, the first ballot measure question relates to clerical corrections to various sections in the City Charter, as well as updates to accounting methods related to the existing voter-approved transfer from the Power Fund to the General Fund. The second ballot measure question relates to procurement, settlements, and legal claims requiring the City Council to set limits by ordinance. The third ballot question allows for additional options for contract selection and alternative project delivery methods for public capital improvement and infrastructure projects. Additional information and background regarding the proposed changes to the City Charter are contained in the November 6, 2023 City Council staff report, provided as Attachment A.

Regarding the legal/claim settlements, Chapter 2.30 of the Pasadena Municipal Code currently allows the City Attorney to settle claims and litigation up to \$25,000, and the City Attorney and City Manager (jointly) may settle claims and litigation up to \$50,000. California Government Code Section 935.4 allows charter cities to have employees settle claims in excess of \$50,000 without City Council approval, only if authorized by a charter provision. The current \$50,000 threshold was originally set in 1995. The proposed Charter amendment does not change the \$50,000 threshold. However, if Pasadena voters approve the amendment to the City Charter, the City Council could, if desired, increase the settlement amount that could be approved by the City Attorney and City Manager by ordinance.

Proposed Ballot Measure 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	

Adoption of Resolutions

By adopting the three proposed resolutions, the City Council’s action will: (1) formally add the proposed ballot measures to the existing City of Pasadena Primary Municipal Election to be held and consolidated with the statewide Primary Election on March 5, 2024; (2) provide for the filing of written arguments for each measure, and direct the City Attorney to prepare an impartial analysis for each measure; and, (3) authorize the filing of rebuttal arguments, if so desired by the City Council.


ENVIRONMENTAL ANALYSIS:

The action proposed herein has been determined to be exempt from the California Environmental Quality Act (CEQA), as it is not a project subject to 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.

FISCAL IMPACT:

There is no direct fiscal impact resulting from the proposed changes to the City Charter; however, there will be additional costs associated with placing three charter amendment measures on the ballot. The City Clerk's adopted Fiscal Year 2024 Election Budget is \$515,000, and recent changes to the Los Angeles County's estimated election cost calculator may cause the City's direct costs to exceed the budgeted amount. Adding the three measures to the ballot would be in addition to those costs as well. Once all cost factors are more fully known, the City Clerk's Office will return after January/February 2024 as part of a future budget clean-up report to request additional appropriation of funds to cover all election and Charter Study Task Force expenses for City Council consideration.

Respectfully submitted,




MIGUEL MARQUEZ
City Manager



MARK JOMSKY
City Clerk

Reviewed by:



MICHELE BEAL BAGNERIS
City Attorney/City Prosecutor



MATTHEW HAWKESWORTH
Finance Director

Resolutions and Attachments:

Calling and Consolidating Election (Exhibit A, Exhibit B, and Exhibit C each contain the detailed Charter Amendment changes to various sections in the City Charter)
Setting Priorities for Filing Arguments; City Attorney Impartial Analysis
Allowing for the Filing of Rebuttal Arguments

Attachment A – November 6, 2023 Staff Report