

Agenda Report

July 29, 2024

TO: Honorable Mayor and City Council

FROM: City Clerk, City Attorney, and City Manager Offices

SUBJECT: **ADOPTION OF RESOLUTIONS TO SUBMIT THREE CHARTER AMENDMENT BALLOT MEASURES TO VOTERS AT THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION RELATED TO CITY COUNCIL GOVERNANCE ISSUES, INCLUDING APPOINTMENT AND ELECTION PROCEDURES FOR WHEN VACANCIES OCCUR ON THE CITY COUNCIL; CHANGES TO THE ROLE, LENGTH OF TERM AND TIMING OF SELECTION FOR THE VICE MAYOR POSITION, AND CREATION OF AN ACTING MAYOR POSITION WHEN A VACANCY OCCURS IN THE MAYOR'S SEAT; IMPLEMENTING TERM LIMITS FOR THE MAYOR AND CITY COUNCIL; AND OTHER ADMINISTRATIVE CHANGES TO PASADENA CITY CHARTER, ARTICLE IV, INCLUDING THOSE RELATING TO CAMPAIGN CONTRIBUTION LIMITS; AND AUTHORIZING THE PRINTING AND MAILING OF A CITY VOTER INFORMATION PAMPHLET**

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 General Municipal Election to be held in the City of Pasadena, consolidated with the Statewide General Election held on Tuesday, November 5, 2024, for the purpose of submitting three ballot measures to amend the Pasadena City Charter, Article IV, related to City Council governance issues;
3. Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining the ballot measures; and directing the City Attorney to prepare an impartial analysis for each measure;
4. Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for the measure; and
5. Authorize the City Clerk to prepare, print, and mail a Pasadena-specific Voter Information Pamphlet to send to Pasadena voters containing information on six City of Pasadena ballot measures, at an estimated cost of \$125,000.

BACKGROUND

On June 10, 2024, the Charter Study Task Force submitted its Final Report and recommendations to the City Council related to the following assigned City Council governance issues:

- Vacancy Appointment Process for Mayor and City Council – Consider options for allowing Special Elections (Charter Sections 403 and 404)
- Vice Mayor Appointment Process, Timing, and/or Length of Term (Charter Sections 401 and 407)
- Term Limits for the Mayor and City Council
- Campaign Contribution Limits
- Timing of Mayoral Election (Charter Sections 401 and 406)
- City Council Compensation, broadly, as well as dedicated childcare and eldercare allowances for members of the City Council (City Charter Section 405)

On July 8, 2024, the City Council held an in-depth discussion of the Task Force's recommendations, and following discussion, voted to approve the following:

City Council District Vacancy - Appointment

- Amend the City Charter to require the City Council to conduct a vacancy appointment process for City Council District seat vacancies where less than two years remain on the unexpired term, with the appointment to occur within 75 days of the vacancy declared by the City Council;
- Amend the City Charter to add a ~~six-month~~ 30-day** residency requirement in the City of Pasadena to apply to those individuals seeking appointment to the City Council; and
- Amend the City Charter to include “death” as a cause for vacancy.
- Non-Charter Amendment: Establish by ordinance, a Council District vacancy appointment process, including a robust public outreach and engagement process to ensure community input is considered by the City Council when making an appointment to the City Council.

** City staff is recommending that the provision related to the residency requirement be reduced to 30 days to align with court decisions holding that a six-month residency requirement for elective office is invalid, but determining that a 30-day residency requirement is reasonable.

City Council District Vacancy - Election

- Amend the City Charter to require a special election to occur for City Council District seat vacancies if two or more years remain on the unexpired term; and
- Amend the City Charter to require a special election to occur for City Council District seat vacancies if the City Council fails to appoint a replacement for a vacancy within 75 days of the vacancy being declared by the City Council.

Vice Mayor

- Vice Mayor continues to assume the duties of the Mayor in the Mayor's absence;
- Amend the City Charter to establish the date of the City Council Organizational Meeting to occur annually every December, as follows:
 - The fifth Monday following the Statewide General Election held in even years; and
 - The fifth Monday following the first Tuesday after a Monday in November in odd years;
- Amend the City Charter to require the Vice Mayor to be elected annually from among members of the City Council at the Organizational Meeting held in December of each year, and set the term of service as Vice Mayor at one year.

Acting Mayor

- Amend the City Charter to create a new position called Acting Mayor to assume the role of the Mayor if a vacancy occurs in the Mayor's seat:
 - Selected from among remaining members of the City Council at the same meeting that the vacancy is declared;
 - Does not relinquish District seat to serve as Acting Mayor;
 - Serves until the next General election, or if at a Consolidated Statewide Primary election, a candidate for Mayor receives a 50%+1 majority vote, elected Mayor-elect serves remaining time left on current term prior to start of regular term;
- Non-Charter Amendment: Refer the matter of Acting Mayor compensation to the Council Compensation Committee.

City Council District Term Limits

- Amend the City Charter to establish Term Limits for Council District seats:
 - No more than three consecutive terms in a Council District office;
 - Two additional terms allowed after at least a four-year hiatus from that office, but no more than five total terms allowed in the same elected office; and
 - Partial elected term of two-years or more counts towards one term of office.

Mayor Term Limits

- Amend the City Charter to establish Term Limits for the Mayor's seat:
 - No more than three consecutive terms in office;
 - Two additional terms allowed after at least a four-year hiatus from the Mayor's Office, but no more than five total terms allowed in the elected office; and
 - Partial elected term of two-years counts towards one term of office.

Campaign Contribution Limits

- Amend the City Charter to restrict changes to any ordinance establishing campaign contribution limits to occur no sooner than once after the second primary and general election cycle following its enactment or amendment.

Council Compensation Committee

- Amend the City Charter to require City Council to convene the Committee not less than once every five years.

Other Charter Study Task Force Recommendations

Any Charter Study Task Force recommendation approved by the City Council that does not require Charter Amendments will be handled by City staff as directed by the City Council, including Campaign Contribution Limits that will be established by ordinance.

Proposed Charter Amendment Ballot Measure Questions

(See Exhibit A of the resolution calling the election for a redlined version of the proposed Charter Amendment text changes)

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| Shall amendments to Pasadena City Charter, Article IV, to require special elections: 1) to fill Council District vacancies if two or more years remain on an unexpired term, or 2) if the City Council fails to appoint a replacement to fill an unexpired term of less than two years within 75 days of the vacancy being declared; to establish a 30-day City residency requirement for appointed office; and to make other administrative changes, including those relating to Campaign Contribution Limits, be adopted? | YES | |
| | NO | |

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| Shall amendments to Pasadena City Charter, Article IV, requiring the Organizational Meeting of the City Council to occur annually in December, the Vice Mayor’s election to occur annually at the Organizational Meeting for a term of one year; and creating an Acting Mayor position to serve in the Mayor’s role in the event of a Mayoral vacancy, with the Acting Mayor to be chosen from among the remaining members of the City Council, be adopted? | YES | |
| | NO | |

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| Shall amendments to Pasadena City Charter, Article IV, to establish term limits of no more than three consecutive terms of office for Mayor and Councilmember, respectively, requiring at least a four-year hiatus from the elected office held following three consecutive terms in the same office before allowing an additional two terms, for a maximum of five total terms in the same office, 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 General Municipal Election to be held and consolidated with the statewide General Election on November 5, 2024; (2) provide for the filing of written arguments for the measure, and direct the City Attorney to prepare an impartial analysis of the 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:

The City Clerk’s adopted Fiscal Year (FY) 2025 Election Budget is \$550,000. If the City Council approves the staff recommendation, funds from the FY 2025 Election Budget will be used to cover the election-related expenses to place the six City ballot measures (the Library Bond measure, and the City Council Governance, FPRS, and Rent Control Charter Amendment measures) on the November 5, 2024 General Municipal Election ballot. The City’s November General Municipal election will be consolidated with the statewide General Election and administered by the Los Angeles County Registrar-Recorder County Clerk. As stated in the resolution calling the election, the City will be responsible for reimbursing the County for actual costs for the City’s share of election-related expenses upon presentation of a bill to the City.


Additionally, if approved, the City Clerk’s Office will prepare a Pasadena-specific Supplemental Voter Information pamphlet in English and Spanish that will be sent to Pasadena voters to provide election information on all six of the City’s ballot measures. For each ballot measure, staff will print in the City’s pamphlet the ballot question, the City Attorney’s impartial analysis, arguments submitted in support and opposition, and the text of the measure. The cost for preparing, printing, and mailing a Pasadena-specific pamphlet to all Pasadena voters is currently estimated to be approximately \$125,000. Aside from the printing of the six ballot questions in the Los Angeles County’s pamphlet (which is required), no other election-related information for Pasadena’s ballot measures will appear in the County’s pamphlet.

If the County's costs to administer the election on behalf of the City and the costs to print and mail the Pasadena-specific Voter Information Pamphlet for Pasadena voters exceeds the City Clerk's adopted FY 2025 Election Budget, City staff will return to the City Council for additional budget allocation, as necessary.

Respectfully submitted,



MARK JOMSKY
City Clerk



MICHELE BEAL BAGNERIS
City Attorney/City Prosecutor



ALEX SOUTO
Deputy City Manager

Concurred:



MIGUEL MÁRQUEZ
City Manager

Resolutions:

Calling and Consolidating Election (Exhibit A provides the detailed Charter Amendment changes to City Charter, Article IV)
Setting Priorities for Filing Arguments; City Attorney Impartial Analysis
Allowing for the Filing of Rebuttal Arguments