

ITEM 3.A. - OLD BUSINESS
CONSIDERATION OF CHARTER REFORM TASK FORCE
RECOMMENDATIONS

**THE CHARTER REFORM TASK FORCE REPORT
WAS DISTRIBUTED PREVIOUSLY**

**HANDOUTS FROM THE JUNE 29, 1998 MEETING ARE ATTACHED,
AND A REVISED MEMORANDUM FROM THE CITY ATTORNEY'S
OFFICE WITH PROPOSED CHARTER AMENDMENT LANGUAGE**

7/6/98
3.A.(1)

**MEMORANDUM
CITY OF PASADENA**

TO: JANE RODRIGUEZ, CITY CLERK

FROM: LARRY NEWBERRY, ASSISTANT CITY ATTORNEY

DATE: JULY 1, 1998

**SUBJECT: DRAFT REVISIONS OF CHARTER LANGUAGE TO IMPLEMENT
RECOMMENDATIONS OF CHARTER REFORM TASK FORCE**

The following is a draft of the actual text of changes required in the City Charter to implement the proposed revisions submitted by the Charter Reform Task Force. Please understand that this is only a draft, and that review and refinement of this language is ongoing. Nevertheless, it does indicate the kinds of revisions which would go before the voters should City Council approve the Task Force recommendations. Because the Task Force recommendations on election of the Board of Education are not complete, Section 706 relating to the method of electing the Board of Education must necessarily remain incomplete until after the method of election is determined and the other provisions relating to the Board of education are subject to revision depending on the method of voting selected by City Council.

Section 401. NUMBER AND TERM. There shall be a City Council consisting of *a Mayor and seven Councilmembers who shall be nominated and elected by district as provided in this Charter. The seven Councilmembers shall be nominated and elected by district as provided in this Charter.* The term of office *of the Mayor or Councilmembers* shall be four years, beginning at 12 o'clock noon on the first Monday in May next following their election and until their respective successors are elected and qualify. ~~The Councilmembers in office at the time this Charter Amendment takes effect shall continue in office until the end of their respective terms as heretofore fixed and until their successors are elected and qualify.~~

Section 402. ELIGIBILITY. ~~The Mayor and each Councilmember shall be a qualified elector of the City, and resident of the district from which the member is elected or appointed. Each Councilmember shall be a resident of the district from which the Member is elected or appointed.~~

Section 403. VACANCY DEFINED. ~~If the Mayor shall cease to be a resident of the City or if any Councilmember shall cease to be a resident of the district, respectively, from which elected or appointed, or if either the Mayor or any Councilmember shall be absent without permission of the City Council from all regular City Council meetings within a period of 60 consecutive days from the last regular meeting attended, shall resign, shall be adjudged legally incompetent or shall be otherwise barred from holding office by reason of state or federal law, that office shall thereupon be declared vacant by a majority vote of the City Council.~~

Section 404. VACANCY-APPOINTMENT. *If a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the Mayor shall not require that the Vice Mayor relinquish his or her seat as a Councilmember elected or appointed from a district. If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.*

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of City Government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the City Council are killed, missing or injured so as to be unable to perform their duties.

Section 405. COMPENSATION. *Each Councilmember shall receive ~~\$50 for each meeting~~ a stipend of \$250 for each meeting of the City Council which he or she attends but not to exceed ~~\$250~~ \$1,000 in any one calendar month. The Mayor shall be paid a stipend equal to 150% of the stipend paid to Councilmembers. The Mayor and Councilmembers shall also be reimbursed for necessary expenses incurred and may accept general employee benefits as provided by ordinance. The Mayor and Councilmembers shall not receive or accept any other fee or stipend paid by the City, the Community Development Commission or any other agency created and funded directly by the City for any duties or services performed. However, this provision shall not prohibit the Mayor or any Councilmember from receiving compensation from any other public agency or joint powers authority for his or her services.*

By unanimous vote of its entire membership, the City Council may, no more than once each calendar year, change its stipend. However, if the stipend is increased, such increase shall be limited to the most recent corresponding annual change in the cost of living index utilized by the California Public Employees Retirement System.

Section 406. THE MAYOR. ~~At its organizational meeting on the first Monday in May, the City Council shall elect from its membership a Mayor who shall preside at its meetings. The Mayor shall be nominated and elected by the voters of the City at large for a term of four years beginning with the municipal elections to be conducted in 2001. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor He or she shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California and this Charter. The Mayor He or she shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. The Mayor He or she shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his or her office.~~

Section 407. THE VICE-MAYOR. At its organizational meeting, the City Council shall elect from *among the Councilmembers* a Vice Mayor who shall exercise the powers and perform the duties of the Mayor during the latter's absence or disability. ~~If for any reason the Mayor fails to serve his or her full term of office, the Vice Mayor shall assume the duties of the Mayor for the unexpired term.~~

Section 411. PROHIBITIONS. (A) ~~Neither the Mayor nor any~~ ~~No~~ City Council member shall be eligible to hold any paid office created by the City Council while a member thereof and until one year after the expiration of the term for which he or she was elected.

(B) Except for purposes of inquiry, the ~~Mayor, the~~ City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the ~~Mayor, the~~ City Council nor its members shall attempt to influence or to direct any subordinates of the City Manager.

Section 502. QUORUM. ~~Four members of the City Council shall constitute a quorum for the transaction of business~~ *A quorum of the City Council shall consist of five of the eight members thereof*, but a lesser number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe.

Section 506. ACTION BY CITY COUNCIL. No action of the City Council, including the adoption of ordinances, resolutions and motions, shall be valid unless it receives the affirmative vote of ~~four~~ *five* members.

Section 509. SIGNATURE AND CERTIFICATION. Every ordinance adopted by the City Council shall be signed by the Mayor or, in his or her absence, by the Vice-Mayor, or shall be signed by ~~four~~ *five* members of the City Council and shall be certified by the City Clerk.

Section 510. EFFECTIVE DATE OF ORDINANCES. Ordinances shall take effect upon publication, except the following, which shall not take effect until the expiration of 30 days from publication.

(A) Ordinances granting franchises.

(B) General penal ordinances, except an ordinance required for the immediate preservation of the public peace, health or safety which declares the existence and nature of the emergency and which is adopted by an affirmative vote of at least ~~five~~ *six* of the eight members of the City Council.

Section 602. APPOINTMENT OF THE CITY MANAGER. The City Manager shall be selected on the basis of his or her executive and administrative qualifications, and shall be appointed at a regular meeting of the City Council upon the affirmative vote of not less than ~~four~~ *five* members ~~thereof of the City Council~~. ~~Neither the Mayor nor any other member of the City Council~~ ~~No member of the City Council~~ shall receive such an appointment during the term for which he or she has been elected nor within two years after the expiration of his or her term.

Section 603. REMOVAL OR RESIGNATION OF THE CITY MANAGER. The affirmative vote of not less than ~~four~~ *five* members of the City Council shall be required to remove the City Manager from office. The City Manager may resign by giving the City Council at least thirty

days' written notice of his or her intention to resign, stating the reasons therefor.

Section 604. POWERS AND DUTIES OF THE CITY MANAGER.

(J) It shall be competent for the *Mayor and* the City Council to instruct the City Manager in all matters of policy, and any action, determination or omission of the City Manager shall be subject to review by the City Council, but no such action, determination or omission shall be overruled or modified by a vote of less than *five* ~~four~~ members *thereof of the City Council*, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

Section 902. PREPARATION OF BUDGET. *In January of each year, the Mayor shall present a thematic budget proposal for the upcoming fiscal year to the City Council. The City Council shall establish procedures whereby public suggestions and comments on the Mayor's budget proposals may be received and considered prior to the preparation and submission of budget estimates by the Departments to the City Manager.*

On or before the third Monday in May of each year, the City Manager shall submit to the City Council a preliminary budget of probable expenditures and revenues of the City for the succeeding fiscal year, giving the amounts required to meet the interest and sinking funds for all outstanding funded debts, the amounts required for salaries and the needs of all departments and programs of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury, and giving the estimated income and revenue to be obtained from all sources, indicating the revenue separately for each source.

~~The City Council shall establish procedures whereby public suggestions and comments may be received and considered prior to preparation and submission of estimates by the departments to the City Manager.~~

Section 1101. GRANTING OF FRANCHISES. The City Council may grant a franchise to any person, partnership, corporation or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City. The City Council may, by the affirmative vote of ~~five~~ *six* members, prescribe by ordinance the method for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision, the method provided by the general laws of the State of California shall apply.

Section 1202. ~~DISTRICT~~ PRIMARY ELECTIONS. On the sixth Tuesday preceding the general municipal *election*, a ~~district~~ primary election shall be held in those districts of the City wherein the terms of office of Councilmembers expire in that year or *on a City wide basis when the term of office of the Mayor expires in such year*, for the purpose of nominating candidates to be voted on at the general municipal election and for such other purposes as the City Council may prescribe.

Section 1203. NOMINATING PETITION. Any voter residing in a district who desires to become a candidate for the office of member of the City Council from that district to be filled at such general election, *or any qualified resident of the City who desires to become a candidate for Mayor when that office is to be filled at such general election*, shall file with the City Clerk, in the

period prescribed by the California Elections Code prior to the primary election, nominating papers signed by not less than 25 qualified voters of such district, *or, for the office of Mayor, a petition signed by not less than 50 qualified voters of the City*, and accompanied by a filing fee of \$25.00.

Section 1205. GENERAL MUNICIPAL ELECTION. For the election of *the Mayor and Councilmembers* under this Charter, and for such other purposes as the City Council may prescribe, a general municipal election shall be held biannually throughout the City on the third Tuesday in April of every odd-numbered year.

Section 1501. RETIREMENT SYSTEM. In order to continue in force, with such modifications as are set forth in this Article, provisions already existing for retirement and death benefits for members of the Fire and Police Departments of the City, the Pasadena Fire and Police Retirement System, hereinafter referred to as the Retirement System or the System, is hereby established. The legislative body of the city may exclude from membership in the Retirement System persons employed on a temporary or part-time basis, but for the purpose of Retirement System, persons serving a probationary period requisite to appointment to a regular position shall not be considered as on a temporary basis. The legislative body by a vote of not less than ~~five (5)~~ *six* of its members, is hereby empowered to enact any and all ordinances necessary to carry into effect the provisions of this Article provided that the said legislative body, through the Retirement Board, shall secure an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before the adoption of an ordinance to submit any proposed Charter amendment providing for such change.

PROVISIONS RELATING TO THE BOARD OF EDUCATION

Section 701. ESTABLISHMENT OF A BOARD OF EDUCATION. The control, management and administration of the public ~~elementary, junior high and high~~ schools of the City of Pasadena and territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five members. ~~respectively holding offices numbered 1,2,3,4 and 5. The three members whose term expired in 1965 shall be considered as holding offices numbered 1,3 and 5; the remaining offices shall be known as offices numbered 2 and 4.~~ The Board of Education is hereby vested with all the powers and charged with all the duties provided by the State for city boards of education.

[Subject to revision depending on method of election selected by City Council]

Section 703. ELECTION. Elections ~~shall be primary nominating and general.~~ *The* members of the Board of Education shall be elected from the *territory encompassed by the Pasadena Unified School District at large* ~~on the third Tuesday in April in every other~~ in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at ~~the general election for member of the Board of Education~~ shall be residents and qualified voters within ~~a~~ *the Pasadena Unified School District* and shall be nominated at a primary nominating

election held on the sixth Tuesday preceding the date fixed for the ~~Board of Education~~ *City's* general election. ~~No person shall become a candidate for more one of the numbered offices to be filled at such election.~~ No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election ~~and for the general election~~, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district and not upon the City.

[Subject to revision depending on method of election selected by City Council]

Section 704. NOMINATING PETITIONS. Any person desiring to become a candidate for ~~one of the numbered offices of 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, *during the period prescribed in the California Elections Code a nominating petition* in the form ~~and in the period prior to the primary nominating election required under the California Elections Code nominating papers signed by him/her specifying for which of the numbered offices he/she is a candidate~~ *the candidate* and signed by not less than one hundred (100) qualified voters from the Pasadena Unified School District, requesting such candidacy, and accompanied by a filing fee of \$25.00. The qualified voters signing any petition for the nomination of any person to the office of member of the Board of Education shall be residents of the Pasadena Unified School District. The names of voters not residents of the Pasadena Unified School District shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition

[Subject to revision depending on method of election selected by City Council]

Section 706. ELECTION AT THE PRIMARY AND BALLOTS FOR GENERAL ELECTION.
(To be determined)

1 Pasadena Unified School District
Board of Education

351 SOUTH HUDSON AVENUE, PASADENA, CALIFORNIA 91109
AREA CODE 818 • TELEPHONE 568-4501

MRS. BONNIE R. ARMSTRONG
MS. LISA H. FOWLER
DR. JACQUELINE M. JACOBS
MR. GEORGE A. PADILLA
REV. GEORGE VAN ALSTINE

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CM
CC ✓
faxed to
Council 6/26

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- 80XVW -

June 23, 1998

Pasadena City Council
100 North Garfield Avenue
Pasadena, CA 91109

Dear Councilmembers:

The Pasadena Unified School District Board of Trustees voted at its regular meeting of June 23, 1998, to communicate this response to the Pasadena City Council regarding the "Final Recommendations of the Charter Reform Task Force."

The Board of Education is impressed with the work done by the Charter Reform Task Force over the past year. With particular regard to the Task Force's attention to School Board governance, its members developed a great deal of insight and sophistication through the time of its deliberation. The result is a very thoughtful and creative response to a complex issue: How will the parents and children of the District's public schools best be represented in the electoral process?

We are relieved that the Task Force did not recommend "Single Member District" elections to the School Board. We believe such a system would be much less equitable and would actually lead to less parental control of the schools.

We do not have a strong bias either for or against the Task Force's proposal that School Board members be elected in the future through some form of "Proportional Representation." As this is described in concept papers, it might lead to more of a sense of community empowerment in the election process, and it might also facilitate the election of candidates from under-represented constituencies. On the other hand, this type of election process is legally questionable under California law. It would also be highly experimental, since ours would be the first school district in the State to adopt such a practice. Even in areas where "Proportional Representation" is currently being practiced, its use is so recent that its effectiveness in attaining the stated goals cannot be evaluated with any certainty.

6/29/98
7.C.


Pasadena City Council
June 23, 1998
Page two

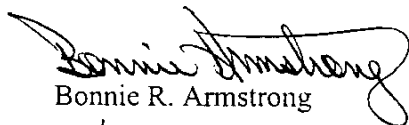
We believe the School Board should be an active participant in further discussions of this issue. We note that the Charter Reform Task Force recommends that the City Council form a new task force to "make a recommendation on a specific method of voting under a proportional representation system for School Board elections." If such a task force is appointed, we are formally requesting that at least one member be appointed by the School Board.


It is our understanding that any proposals changing School District governance must go before all the registered voters in the District, not just before residents of Pasadena. We believe your Acting City Attorney concurs in this opinion.

Thank you for your consideration of our perspective on this matter, which is important to the shaping of educational decisions for future generations of our children.

Sincerely,


Jacqueline Jacobs, Vice President


Bonnie R. Armstrong


George A. Padilla


George Van Alstine

Regrettably, Lisa H. Fowler, President of the Board of Education, is currently out of town and was unavailable to sign this letter.

Remarks prepared for presentation to Pasadena City Council, June 29, 1998
J. Morgan Kousser

I'm here tonight to talk about the Charter Reform Task Force's recommendation that the Board of the Pasadena Unified School District (PUSD) be elected by some form of proportional representation. I found out about the recommendation the day before it was considered and adopted, when Dr. Ross Selvidge, whom I had never met, called me and asked whether I had any opinion on the matter and whether if I did, I could appear the next evening before the Task Force. Because I did not have time then to prepare adequately, I had to decline. Since that date, the school year has ended and I have had the opportunity to read and think about the topic. I believe that *it would be a serious mistake for the City Council to accept the Task Force recommendation to replace the current system of electing the PUSD by an unspecified proportional representation (PR) system.*

Let me first very quickly say something about my background and my general views on election systems.¹ As the brief biographical sketch attached to these remarks shows, I've spent most of my scholarly career studying election systems, and I've testified extensively in favor of minority voting rights in federal courts. I'm very sympathetic to minority representation, having testified in favor of it in places from Mobile and Selma, Alabama, to Los Angeles and Monterey counties in California. In fact, I testified against the exact system used to elect the PUSD Board -- at-large elections for numbered places with a majority-vote requirement -- in Memphis, finding that all three provisions were adopted there with a racially discriminatory intent, and that they had the desired effect.

6/29/98
J.C.

And I am not in general against PR. In places where there is severe racial polarization in voting or where a discriminated-against minority is too small to elect candidates of its choice due to moderately racially polarized voting, alternative voting systems may be desirable. If I thought PR was needed to equalize opportunities for minority representation in Pasadena, I would surely be for it. But Pasadena is not Memphis. And it is not Chilton county, Alabama, or Alamogordo, New Mexico, or a dusty village in South or East Texas, to name most of the minor areas where PR is now used in local elections in the United States.

Let me now turn to the Task Force's arguments and recommendation. Since Dr. Selvidge's minority report sets out many of the arguments against a change to PR clearly and, to my mind, persuasively, I will not repeat what he said. But I do want to emphasize four main points:

- ▶ There is no compelling reason for a change.
- ▶ There is no reason to believe that PR will cure the vague, minor problems cited in the report.
- ▶ The arguments offered in the Task Force report for PR are misleading and unexamined.
- ▶ PR and the simultaneous election of all PUSD Board members may have grave unintended consequences.

No Need for a Change

A typical 19th century cure-all remedy, PR has been advocated by enthusiasts for nearly 175 years -- with strikingly little success in the U.S. In the early 20th century, it was often proposed as a way to overcome corruption or partisan politics, to make it easier for minority political parties to gain representation, or to elect more “respectable,” well-educated, native white candidates, instead of immigrant ward heelers. Ironically, its proponents now tout PR as a means of electing ethnic minorities. But in Pasadena today, the Task Force’s report mentions none of these problems or issues at all, presumably because none of them exist.

No one, to my knowledge, has credibly charged school board members with corruption; their elections are nonpartisan, Pasadena is hardly beset with ward heelers, and since the mid-1970s, at least, outspoken and effective African-American and Latino representatives have regularly been elected to the body. Instead, the Task Force vaguely charges the Board with “unresponsiveness” and says there is a “need for more accountability” for Board members. It attacks at-large elections as unfair, but proposes at-large PR to replace the current system, which would obviously perpetuate problems of election expense. It emphasizes that only two of five board members reside in the areas where most children who currently attend PUSD schools (but not most of the district’s population or voters) live.

PR May not be a Cure

There is no reason to believe that people elected under an at-large PR system would be any more responsive or accountable than those chosen under the current system, that election expenses in the much more complex PR system would decline, that more board members from certain areas would be elected, or that the “distance” between board members and the public would shrink. Indeed, it is striking that when the Task Force report turns to discussing PR, it largely ignores the “reasons for a change” that it cited earlier. Instead, the report just exudes uncritical enthusiasm.

The fact that PR was used in five Ohio cities earlier in this century and that there is a good book on the subject allows us to bring some evidence, not just speculation, to bear on these topics. In Ashtabula, Hamilton, Cleveland, Toledo, and Cincinnati, PR using the single transferable vote (PR-STV) was in effect for 10-30 years. Instead of bringing members of the city councils in those places closer to “the people,” STV produced competing slates dominated by major law firms and large businesses. Because the ballot was so complicated and transfer votes were so necessary to winning seats, independent candidates were rarely chosen. While under the previous ward systems in those Ohio areas, most people probably knew their councilmen, who tended to be small business people, after STV was adopted, the members of the council were mostly wealthy native-born whites who worked in downtown high-rises and lived in the most exclusive areas, even in heavily immigrant cities. In other words, in practice, STV exacerbated, rather than cured the problems that the Task Force claims are reasons for a change.

Misleading Arguments for PR

Despite its beguiling name, PR will not guarantee representation, much less proportionality, for any particular group. It is true that “party list” PR does guarantee approximate proportionality for each political party. (In party list PR, party leaders nominate candidates in a particular ranked order, a voter casts a ballot for one party, and the first X% of the party’s candidates win, where X is the percentage of votes that the party receives.) But local elections in California are nonpartisan and there is no direct analogy between groups and parties. There are numerous potential groups, many overlapping, and few entirely cohesive. Unless groups directly nominate slates of candidates, as parties do in party list PR, there is no necessary relationship between any group’s proportion of the population and its proportion of the officeholders under any system of “proportional representation.” If groups, such as Republicans or African-Americans or teachers or lawyers or whatever, openly nominate or cohesively support only group members, the school board will be considerably more fragmented than it is today.

To a political scientist, the most glaring omission in the Task Force’s discussion of PR is its ignoring of possible strategic responses of voters and candidates to the complexities of various PR systems. In cumulative voting (CV), voters are given, say, five votes, which they may divide (in whole numbers) in any way among candidates for five positions – five for one candidate, three for one and two for another, one for each of five, and so on. Since the simplest way of voting is to cast all of one’s votes for one or two candidates, CV tends to lead to a

fragmented electorate and elected body. STV, on the other hand, tends to lead to comprehensive slates, because transfer votes down the list determine who among the less popular candidates wins, and it takes an organized effort to insure that voters agree on candidates after the first two or three.

So nonpartisan PR is likely to produce either fragmentation or strictly coordinated slates. In fact, where CV has been put into effect as a remedy in voting rights cases, it was designed to facilitate the otherwise impossible election of ethnic minority candidates in polarized jurisdictions. And in all five Ohio cities that experimented with STV, powerful slates came to dominate local politics.

The claim that PR systems will necessarily increase turnout is false: STV did not do so in Ohio. In Pasadena, turnout in school board elections was heavy in the heated integration contests of the 1970s, but is much less now, because there are no gripping, divisive issues. As these example show, turnout depends on many things, not just on the form of the ballot, and there is no reason to believe that PR will increase turnout for the school board at this time in this school district.

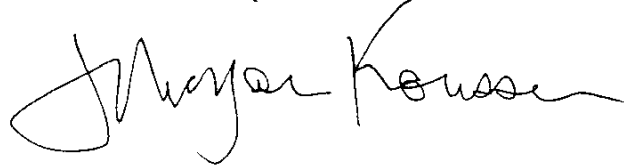
The Task Force vaguely indicates that PR has been widely adopted. That is not true, as indicated earlier and in Dr. Selvidge's minority report.

Unintended Consequences

Two possible consequences – fragmentation or regimentation – have been indicated above. Another, perhaps more important, is the possibility that the entire school board could be replaced in a single election, possibly by an anti-incumbent slate, leaving the board with no continuing, experienced members. A revolution in educational philosophy and methods every four years would hardly amount to responsible or desirable educational policy. But in their enthusiasm for PR and their realization that PR would have little effect in a two-office contest, the Task Force has been forced to move to simultaneous election of all PUSD board members. That is not only bad policy. It may and should, by itself, lead to the defeat of the whole school board electoral system change in a referendum.

Summary

The Task Force rushed into an endorsement of PR without hearing criticism and without considering obvious objections. The City Council need not, and I hope will not do so.

A handwritten signature in black ink, appearing to read "Mayer Kousse". The signature is fluid and cursive, with a large initial 'M' and 'K'.

Endnote

1. Although I've taught at Caltech since 1969, I of course speak not for the Institute, but as a private citizen.

J. Morgan Kousser, Brief Bio

Morgan Kousser (pronounced Cow' zer) is Professor of History and Social Science at the California Institute of Technology and the author of *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (Yale Univ. Press, 1974) and *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* (Univ. of NC Press, 1999), as well as 40 scholarly articles, 61 book reviews, 32 papers at scholarly conventions, and 49 speeches at universities. Most of his work has concerned minority voting rights and the legal and political aspects of race relations in the 19th and 20th centuries.

Kousser has also served as an expert witness in 19 federal voting rights cases and a consultant in 8 others, and he testified before a subcommittee of the U.S. House of Representatives in 1981 about the renewal of the Voting Rights Act. He was the principal expert witness on the intent issue for the Mexican-American Legal Defense and Education Fund in the Los Angeles Supervisors' redistricting case, *Garza v. County of Los Angeles* (1990) and for the U.S. Department of Justice in *U.S. v. Memphis* (1991). *Garza* resulted in the election of the first Latino in 115 years to the nation's largest county governing body; the Memphis case resulted in the election of the first African-American mayor in the history of the city. He was also an expert witness for the NAACP-Legal Defense Fund in *Shaw v. Hunt* (1994), the North Carolina "racial gerrymandering" case, and for the Justice Department in its Texas counterpart, *Vera v. Richards* (1994).

Educated at Princeton and Yale, he has been a visiting professor at Michigan, Harvard, and Claremont Graduate University. In 1984-85, he was Harmsworth Prof. of American History at Oxford. Since 1969, his primary affiliation has been with Caltech.