



August 2, 2024

OFFICE OF THE CITY CLERK

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Ms. Celia Zavala
Executive Officer
Board of Supervisors, County of Los Angeles
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

87 October 8, 2024

Edward Yen
EDWARD YEN
EXECUTIVE OFFICER

Re: Request for Services of Los Angeles County Registrar of Voters

Dear Ms. Zavala:

On July 22 and 29, 2024, the Pasadena City Council adopted resolutions to call and give notice of a General Municipal Election to be held on Tuesday, November 5, 2024, in the City of Pasadena to submit six City ballot measures to Pasadena voters for their consideration.

Enclosed are certified copies of Resolution Nos. 10070, 10073, 10076, and 10079, calling and giving notice of the elections in the City, to be held on November 5, 2024, and requesting the Board of Supervisors direct the Registrar-Recorder/County Clerk to provide full services and conduct the election on behalf of Pasadena.

The above resolutions contain the necessary language and authorization of the City of Pasadena to reimburse the County for all expenses incurred for services in consolidating these elections. Please agendaize these matters for approval by the Board of Supervisors at its next available meeting and provide written confirmation of the Board's action thereafter.

Thank you for your assistance in processing this request.

Sincerely,



Mark Johnson, CMC
City Clerk

Enclosures: Pasadena Resolution Nos. 10070, 10073, 10076, and 10079

cc: County Clerk/Registrar-Recorder, Election Coordination Section

I hereby certify that the foregoing document is a full, true and correct copy of Resolution No. 10070 On file in the office of the City Clerk of the City of Pasadena Calif.

RESOLUTION NO. 10070



City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, CALLING OF 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 TO THE VOTERS OF THE CITY OF PASADENA A CHARTER AMENDMENT BALLOT MEASURE RELATED TO THE SELECTION OF FIRE AND POLICE TRUSTEES TO SERVE ON THE PASADENA FIRE & POLICE RETIREMENT SYSTEM BOARD

WHEREAS, on June 17, 2024, following a presentation by members of the Fire and Police Retirement System (FPRS) Board regarding issues related to selecting representatives of fire and police to serve on the FPRS Board, and the need for an amendment to City Charter Section 1502, to allow for the selection of fire and police representative Board Members to be established by a policy that is approved by resolution of the Retirement Board, the Pasadena City Council approved the FPRS recommendation and directed staff to prepare the necessary resolutions to place a charter amendment ballot measure on the November 5, 2024 General Municipal Election ballot;

WHEREAS, on October 23, 2023, 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 Measure shall be submitted to the voters at the November 5, 2024 General

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 General Municipal Election with the Statewide General Election to be held on Tuesday, November 5, 2024, for the purpose of submitting a City Charter Amendment Measure; 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 General Municipal Election, to be consolidated with the Statewide General Election on November 5, 2024, a Charter Amendment ballot measure that, if approved, would allow for the selection of fire and police representatives on the FPRS Retirement Board to be selected by a policy that is approved by resolution of the Retirement Board, with the following questions:

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| Shall an amendment to Section 1502 of the Pasadena City Charter to ensure continued fire and police representation on the Pasadena Fire and Police Retirement System Board by allowing fire and police trustees to be selected pursuant to a policy approved by resolution of the Retirement Board, be adopted? | YES | |
| | NO | |

SECTION 3. The text of the Charter Amendment measure is attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 4. The ballot 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 the 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 22nd day of July, 2024,
by the following vote:

AYES: Councilmembers Hampton, Lyon, Masuda, Rivas, Williams,
Vice Mayor Madison, Mayor Gordo
NOES: None
ABSENT: Councilmember Jones
ABSTAIN: None



Mark Gomsky, City Clerk

APPROVED AS TO FORM:



Michele Beal Bagneris
City Attorney/City Prosecutor

EXHIBIT A

Charter Section 1502. - RETIREMENT BOARD.

Charter Section 1502. - RETIREMENT BOARD.

The Retirement System shall be managed by a Retirement Board hereby created, which shall be the successor to, and have the powers and duties of the Fire and Police Pension Board of the City of Pasadena, heretofore created and effective and now by this Article superseded by the Retirement Board. The Retirement Board shall consist of one member of the legislative body of the city to be selected by and to serve at the pleasure of the said legislative body, two qualified electors of the City of Pasadena not connected with the government thereof, to be appointed by the legislative body, and two members elected under the supervision of the Retirement Board ~~from the active or retired members of the Retirement System.~~ One pursuant to the process set forth in the Trustee Election Policy, provided that such policy is approved pursuant to a resolution of the Retirement Board after a comment period of no less than 30 days to solicit input from Retirement System members. ~~of such two members shall be a member or retiree of the Fire Department and one a member or retiree of the Police Department, and the election of each of such two members shall be confined to the group from which the member must be chosen.~~

The term of office of the four members, other than the member appointed from the legislative body of the City, shall be four years, one term expiring each year, ~~provided that immediately after the election of the two members from the Fire and Police Departments, they shall draw lots for terms of one, two, three and four years respectively.~~ The members of the Retirement Board shall serve without compensation. The Retirement Board shall appoint a secretary to hold office at its pleasure, and when necessary employ a consulting actuary.


The Retirement Board shall have the sole power and authority under such general ordinances as may be adopted by the legislative body to hear and determine all facts pertaining to applications for and awards of any benefits under the Retirement System, or any matters pertaining to the administration thereof. Said Retirement Board shall have exclusive control of the administration and investment of such fund or funds as may be established and all investments shall be subject to the same terms, limitations and restrictions as are imposed by the Constitution and laws of the State upon the investment of the Public Employees' Retirement System Funds, as now enacted or hereafter amended.

Disbursement of retirement funds shall be made upon demands duly audited in the manner prescribed in this Charter for disbursement of public funds. The City Treasurer shall be the custodian of any such retirement funds, subject to the control of the Retirement Board as to the administration and investment of said funds.

CORRECTED

I hereby certify that the foregoing document is a full, true and correct copy of **Resolution No. 10073** On file in the office of the City Clerk of the City of Pasadena Calif.

RESOLUTION NO. 10073



City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, 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 TO THE VOTERS OF THE CITY OF PASADENA A CHARTER AMENDMENT BALLOT MEASURE RELATED TO THE PASADENA FAIR AND EQUITABLE HOUSING CHARTER AMENDMENT (ARTICLE XVIII)

WHEREAS, on November 8, 2022, the voters of the City of Pasadena voted to adopt the Pasadena Fair & Equitable Housing Charter Amendment ("Article XVIII"), which amended the City's Charter to impose rent control and just cause eviction protections, and to promote neighborhood and community stability, healthy housing, and affordability for renters in Pasadena; Article XVIII took effect on December 22, 2022;

WHEREAS, the Charter Amendment was reformed by the Los Angeles Superior Court to address provisions that were preempted by state law in the decision issued in *California Apartment Association, et al. vs City of Pasadena, et al* (Los Angeles Superior Court Case No. 22STCP04376), thereby requiring technical amendments to address the Court's decision and conform Article XVIII to State Law;

WHEREAS, while implementing Article XVIII, the Rental Housing Board ("Board") and the Rent Stabilization Department ("Department") have been made aware of areas of Article XVIII that would benefit from further clarification or minor revision in furtherance of the purpose of Article XVIII;

WHEREAS, the Board's recommended Charter amendments aimed to achieve several goals: replacing court-stricken language with clearer wording, addressing ambiguities in the language that cannot be resolved through Board regulations, ensuring alignment with practices in other city departments, and streamlining operations to potentially reduce administrative burdens, financial costs, or legal liabilities for both the Board and the Department;

WHEREAS, after receiving feedback from relevant City departments, and the Board's consideration on May 22, 2024, and June 26, 2024, of proposed amendments to Article XVIII, and following the Department's presentations to the Pasadena City Council ("City Council") during City Council meetings held on June 17, 2024 and July 8, 2024, regarding aligning definitions and eviction rules with state law, exempting certain government-subsidized housing from rent control, adjusting relocation assistance timelines for certain evictions, establishing alternative processes for Board member removal, clarifying penalties for violations of Article XVIII, updating various dates and deadlines, and making other minor corrections, the City Council approved the PRHB recommendations with one minor edit and directed staff to prepare the necessary resolutions to place a Charter Amendment ballot measure on the November 5, 2024, General Municipal Election ballot;

WHEREAS, on October 23, 2023, 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 9255 (b)(1), said Measure shall be submitted to the voters at the November 5, 2024, General 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 General Municipal Election with the Statewide General Election to be held on Tuesday, November 5, 2024, for the purpose of submitting a City Charter Amendment Measure; 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 General Municipal Election, to be consolidated with the Statewide General Election on November 5, 2024, a Charter Amendment ballot measure that, if approved, would align definitions and eviction rules with state law, exempt certain government-subsidized housing from rent control, adjust relocation assistance timelines for certain evictions, establish alternative processes for Board member removal, clarify penalties for violations of Article XVIII, update various dates and deadlines, and make other minor corrections:

| | | |
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| Shall amendments to Pasadena City Charter, Article XVIII, that align senior and disabled definitions, and eviction rules with state law; exempt certain government-subsidized housing from rent control; adjust relocation assistance timelines for certain evictions; establish processes for Board Member removal due to misconduct and for voter-initiated petitions; clarify penalties for violations; update various dates and deadlines; and make other minor corrections, be adopted? | YES | |
| | NO | |

SECTION 3. The text of the Charter Amendment measure is attached hereto as Exhibit "A" 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 to 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 22nd day of July, 2024, by the following vote:

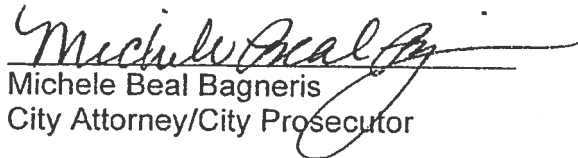
AYES: Councilmembers Hampton, Lyon, Masuda, Rivas, Williams, Vice Mayor Madison

NOES: None

ABSENT: Councilmember Jones, Mayor Gordo

ABSTAIN: None

APPROVED AS TO FORM:


Michele Beal Bagneris
City Attorney/City Prosecutor


Mark Jomsky, City Clerk

EXHIBIT A

SECTION 1. Article XVIII, Section 1804 of the Charter of the City of Pasadena is amended to read:

Section 1804. – EXEMPTIONS.

- (a) Fully Exempt (Exempt from Both Rent Stabilization and Just Cause for Eviction). The following Rental Units are exempt from all provisions of this Article:
- (1) Units in hotels, motels, inns, tourist homes, lodging and rooming houses and boarding houses, including hotels, lodging houses, rooming houses, and boarding houses as defined in Pasadena Municipal Code Section 14.12.030, provided that at such time as an accommodation has been occupied as the primary residence of one or more of the same tenants for any period more than thirty (30) days such accommodation shall become a Covered Rental Unit. The computation of the thirty (30) days shall include days in which the Tenant was required to:
 - (A) Move into a different guestroom or efficiency unit before the expiration of thirty (30) days occupancy; or
 - (B) Check out and re-register before the expiration of thirty (30) days occupancy if a purpose was to avoid application of this Article. Evidence that an occupant was required to check out and re-register shall create a rebuttable presumption, which shall affect solely the burden of producing evidence, that the housing accommodation is a Covered Rental Unit.
 - (2) Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged; dormitory owned and operated by an accredited institution of higher education, or Rental Units in a facility that has the primary purpose of operating a treatment or recovery program, where such Rental Units are provided incident to a client's participation in the treatment or recovery program and where the client has been informed in writing of the temporary or transitional nature of the housing at the inception of his or her participation in the program;
 - (3) Rental Units owned or operated or managed by a not-for-profit organization pursuant to a tax credit program;
 - (4) Rental Units which a government unit, agency or authority owns, operates, or manages, ~~or in which government-subsidized Tenants reside,~~ if applicable federal or state law or administrative regulation specifically exempt such units from municipal rent control; and
 - (5) Rental Units additionally exempted pursuant to Section 1805 (Additional Homeowner Protections).
- (b) Partially Exempt (Just Cause for Eviction Applies). The following Rental Units are exempt from Sections 1807, 1808, and 1809 of this Article (regarding Stabilization of Rents) and from Sections 1813 and 1814 (regarding Petitions for Individual Rent Adjustment), but are not exempt from Section 1806 (Just Cause for Eviction Protections):
- (1) To the extent required by state law, Rental Units exempt from rent control pursuant to the Costa Hawkins Rental Housing Act (California Civil Code Section 1954.52. et seq.). Where rent restrictions are permitted by state law, the Rental Board may issue rules and regulations to govern the restrictions on Rental Units identified in this paragraph;

- (2) Rental Units governed by Pasadena City Code Chapter 17.42, Section 17.42.040 (Inclusionary Housing Requirements) and Chapter 17.43 (Density Bonus, Waivers and Incentives) to the extent permissible by law.
- (3) Rental Units leased to tenants assisted under the Section 8 program (42 U.S.C. Section 1437f) or the Continuum of Care Rental Assistance (42 U.S.C. 11381 et. seq.) or similar rent subsidy program where the tenant's portion of the Rent is determined based on their household income and a specific formula. For the purposes of the Section 8 program, the exemption from Sections 1807, 1808, 1809, 1813, and 1814 shall apply only for so long as the rent demanded does not exceed the authorized Payment Standard minus the applicable utility allowance, which, for purposes of this subsection, is the maximum monthly rental assistance potentially available to an assisted household before deducting the household share of income paid for rent and utilities as established by the City of Pasadena Department of Housing or successor agency. For Rental Units where the rent demanded exceeds the Payment Standard minus the applicable utility allowance, the Payment Standard or an initial rent above the Payment Standard if approved by the City of Pasadena Department of Housing, as reported to the Board, or its designee, by the City of Pasadena Department of Housing or successor agency, shall become the Rental Unit's Base Rent and the reference point from which the Rent shall be adjusted in accordance with Sections 1807, 1808, and 1809. For the purposes of all other rent subsidy programs, the exemption from Sections 1807, 1808, 1809, 1813, and 1814 shall apply only for so long as the Tenant remains eligible for the program and Tenant's portion of the Rent remains unaffected by any rent increases demanded by the Landlord. For Rental Units where the Tenant becomes ineligible for the rent subsidy program or where any rent increase demanded would increase the Tenant's portion of the Rent, the Rent at the time that the Tenant's assistance is terminated or the initial rent after the rent increase that increases the Tenant's portion of the Rent as reported to the Rent Stabilization Department, by the City of Pasadena Department of Housing or successor agency, shall become the Rental Unit's Base Rent and the reference point from which the Rent shall be adjusted in accordance with Sections 1807, 1808, and 1809.

SECTION 2. Article XVIII, Section 1806 of the Charter of the City of Pasadena is amended to read:

Section 1806. – JUST CAUSE FOR EVICTION PROTECTIONS.

- (a) Just Causes for Eviction: No Landlord shall take action to terminate any tenancy, or endeavor to recover possession of a Rental Unit, including but not limited to making a demand for possession of a Rental Unit, threatening to terminate a tenancy orally or in writing, serving any Written Notice to Cease or other eviction notice, or bringing any action to recover possession, or be granted recovery of possession of a Rental Unit unless at least one of the following conditions exists:
- (1) Failure to Pay Rent. The Tenant has failed, after receiving a Written Notice to Cease, to pay the Rent to which the Landlord is legally entitled under the Rental Housing Agreement, this Article, state, and any other local law. This condition does not include a failure to pay any separately charged fees.

- (2) Breach of Lease. The Tenant has continued, after Written Notice to Cease, to substantially violate any of the material terms of the rental agreement, except the obligation to surrender possession on proper notice as required by law, and provided that such terms are reasonable and legal and have been accepted in writing by the Tenant or made part of the rental agreement; and provided further that, where such terms have been accepted by the Tenant or made part of the rental agreement subsequent to the initial creation of the tenancy, the Landlord shall have first notified the Tenant in writing that he or she need not accept such terms or agree to their being made part of the rental agreement.
- (A) Notwithstanding any contrary provision in this Section, a Landlord shall not take any action to terminate a tenancy based on a Tenant's sublease of the unit if the following requirements are met:
- (i) The Tenant continues to reside in the Rental Unit as his, her or their primary residence.
 - (ii) The sublease replaces one or more departed Tenants under the Rental Housing Agreement on a one-for-one basis.
 - (iii) The Landlord has unreasonably withheld the right to sublease following written request by the Tenant. If the Landlord fails to respond to the Tenant in writing within fourteen (14) days of receipt of the Tenant's written request, the Tenant's request shall be deemed approved by the Landlord. A Landlord's reasonable refusal of the Tenant's written request may not be based on the proposed additional occupant's lack of creditworthiness, if that person will not be legally obligated to pay some or all of the Rent to the Landlord. A Landlord's reasonable refusal of the Tenant's written request may be based on, but is not limited to, the ground that the total number of occupants in a Rental Unit exceed the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by California Health & Safety Code Section 17922.
- (B) Protections for Families. Notwithstanding any contrary provision in this Section, a Landlord shall not endeavor to recover possession of a Rental Unit as a result of the addition to the Rental Unit of a Tenant's child, parent, grandchild, grandparent, brother or sister, other dependent relative, or the spouse or domestic partner (as defined in California Family Code Section 297) of such relatives, or as a result of the addition of the spouse or domestic partner of a Tenant, or as a result of the addition of the sole additional adult tenant, so long as the number of occupants does not exceed the maximum number of occupants as determined under Section 503(b) of the Uniform Housing Code as incorporated by California Health & Safety Code 17922. The Rent Board shall promulgate regulations that will further protect families and promote stability for school-aged children.
- (3) Nuisance. The Tenant has continued, after the Landlord has served the Tenant with a Written Notice to Cease, to commit or expressly permit a nuisance in, or cause substantial damage to the Rental Unit or to the unit's appurtenances, or to the common areas of the Property containing the Rental Unit, or is creating an unreasonable interference with the comfort, safety, or quiet enjoyment of any of the other residents or immediately adjacent neighbors of the Property.

- (4) **Illegal Purpose.** The Tenant is using or permitting a Rental Unit, the common areas of the Property, or an area within a 300 foot radius from the boundary line of the Property to be used for any illegal purpose.

The term "illegal purpose" as used in this subsection includes, but is not limited to, clear and convincing evidence of violations of any of the provisions of Division 10, Chapter 6 (commencing with Section 11350) and Chapter 6.5 (commencing with Section 11400) of the California Health and Safety Code, and does not include the use of housing accommodations lacking a legal approved use or which have been cited for occupancy or other housing code violations.

- (5) **Refusal to Execute New Lease.** The Tenant, who had a Rental Housing Agreement which terminated on or after the effective date of this Article, has refused, after written request or demand by the Landlord to execute a written extension or renewal thereof for a further term of like duration with terms which are materially the same as in the previous Agreement and provided that such terms do not conflict with any provision of this Article or any other provision of law.
- (6) **Failure to Give Access.** The Tenant, after receiving proper notice, has refused the Landlord reasonable access to the Rental Unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by law, or for the purpose of showing the Rental Unit to any prospective purchaser or mortgagee.
- (A) The Board shall promulgate regulations for the repair and improvement of Rental Units to ensure the least amount of disruption for the Tenant. Unless due to a documented emergency affecting a Tenant's health and/or safety or as required by state law, all repair or improvement work will be scheduled in compliance with applicable Board regulations. In the event that a Tenant refuses access to the Rental Unit for repairs, a Landlord must show that written notice was provided to the Tenant and all necessary repair or improvement work was scheduled in compliance with all applicable Board regulations to terminate tenancy under this subsection.
- (B) The notice requesting access shall inform the Tenant that if he or she is unable to comply because of a disability, he or she may request a change in the Landlord's policies or practices or other reasonable accommodation to the Tenant's disability.
- (7) **Subtenant in Sole Possession.** The person in possession of the Rental Unit at the end of a lease term is a subtenant not approved by the Landlord.
- (8) **Necessary and Substantial Repairs Requiring Temporary Vacancy.** The Landlord, after having obtained all necessary permits from the City of Pasadena, and having provided written notice to the Tenant, seeks in good faith to undertake substantial repairs that are necessary to bring the Rental Unit into compliance with applicable codes and laws affecting the health and safety of Tenants of the building, provided that:
- (A) As independently confirmed by the City of Pasadena, the repairs necessitate that the Tenant vacate the Rental Unit because the work will render the Rental Unit uninhabitable for a period of not less than thirty (30) days, and
- (B) The Landlord gives advance notice to the Tenant of the Tenant's right to elect one or both of the following:
- (i) The right of first refusal to any vacant Rental Unit owned by the Landlord at the same or lower Rent, provided that the unit is of comparable or superior material living condition and convenience for the Tenant, if such comparable or superior vacant unit exists.

- (ii) The first right of return to reoccupy the unit upon completion of the repairs at the same Rent charged to the Tenant before the Tenant temporarily vacated the Rental Unit to the extent allowed by state law.
 - (iii) In the event that the Tenant elects to accept an offer to move to a comparable vacant Rental Unit at the same or lower Rent, the Tenant is not eligible for any Relocation Assistance pursuant to Section 1806(b) herein, however the length of tenancy shall continue to be calculated from the date the Tenant first entered into a Rental Housing Agreement at the Property.
 - (C) In the event the Landlord files a Petition for Individual Rent Adjustment within six (6) months following the completion of the work, the Tenant shall be party to such proceeding as if he or she were still in possession, unless the Landlord submits with such application a written waiver by the Tenant of his or her right to reoccupy the premises pursuant to this subsection.
- (9) Owner Move-In. The Landlord seeks to recover possession of the Rental Unit in good faith for use and occupancy as a Primary Residence by the Landlord, Landlord's spouse, domestic partner, children, grandchildren, parents, or grandparents.
- (A) As used in this subsection, "Landlord" shall only include a Landlord that is a natural person and has at least a fifty percent (50%) recorded ownership interest in the Property.
 - (B) No eviction may take place under this subsection if the same Landlord or enumerated relative already occupies a unit on the Property, or if a vacancy already exists on the Property. If a comparable unit does become vacant and available before the recovery of possession, the Landlord shall rescind the notice to vacate and dismiss any action filed to recover possession of the premises.
 - (C) Any notice terminating tenancy pursuant to this subsection shall contain the name, address and relationship to the Landlord of the person intended to occupy the Rental Unit, and the rights pursuant to Subparagraph (E) herein.
 - (D) The Landlord or enumerated relative must intend in good faith to move into the Rental Unit within sixty (60) days after the Tenant vacates and to occupy the Rental Unit as a Primary Residence for at least thirty-six (36) consecutive months. The Rental Board may adopt regulations governing the determination of good faith.
 - (E) If the Landlord or relative specified on the notice terminating tenancy fails to occupy the Rental Unit within sixty (60) days after the Tenant vacates or fails to occupy the Rental Unit as a Primary Residence for at least thirty-six (36) consecutive months, the Landlord shall:
 - (i) Offer the Rental Unit to the Tenant who vacated it at the same Rent in effect when the Tenant vacated; and
 - (ii) Pay to said Tenant all reasonable expenses incurred in moving to and from the Rental Unit.
 - (F) Eviction Protection for Elderly or Disabled Tenant. A Landlord may not evict a Tenant pursuant to this subsection if the Tenant has resided in the Rental Unit for at least five (5) years and is either: (1) at least sixty (60) years or older, (2) Disabled; and/or (3) is certified as being terminally ill by the Tenant's treating physician. Notwithstanding the above, a Landlord may evict a Tenant who qualifies for the exemption herein if the Landlord or enumerated relative who will occupy the Rental Unit also meets the criteria for this exemption and no other units are available.

- (G) Notwithstanding Section 1806(a)(9)(F), at all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Pasadena is necessary to accommodate the person's disability.
- (10) Withdrawal of the Unit Permanently from Rental Market. To the extent required by California Government Code Section 7060 et seq., the Landlord may seek in good faith to recover possession to withdraw all Rental Units of an entire Property from the rental market. The Landlord first must have filed the requisite documents with the Rental Board initiating the procedure for withdrawing Rental units from rent or lease under California Government Code Section 7060 et seq. and all regulations passed by the Rental Board and/or the City Council of the City, with the intention of completing the withdrawal process and going out of the rental business or demolition of the Property. If demolition is the purpose of the withdrawal, then the Landlord must have received all needed permits from the City of Pasadena before serving any notices terminating a tenancy based on Subsection (a)(10) herein. Tenants shall be entitled to a minimum of 120 days' notice or one (1) year in the case Tenants are defined as senior or Disabled as defined in California Government Code Section 7060 et seq. Notice times may be increased by regulations if state law allows for additional time.
- (11) Government Order. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a governmental agency's order to vacate, order to comply, order to abate, or any other order that necessitates the vacating of the building housing the Rental Unit as a result of a violation of the Pasadena Municipal Code or any other provision of law. To the extent allowed by state law, the Landlord must give advance notice to the Tenant of the Tenant's right to elect one or both of the following:
- (A) The right of first refusal to any vacant Rental Unit owned by the Landlord at the same or lower Rent, provided that the unit is of comparable or superior material living condition and convenience for the Tenant, if such comparable or superior vacant unit exists.
- (B) The first right of return to reoccupy the unit if and when it is found to be in compliance with the order at the same Rent charged to the Tenant before the Tenant temporarily vacated the Rental Unit.
- (i) In the event that the Tenant elects to accept an offer to move to a comparable vacant Rental Unit at the same or lower Rent, the Tenant is not eligible for any Relocation Assistance pursuant to Section 1806(b) herein, however the length of tenancy shall continue to be calculated from the date the Tenant first entered into a Rental Housing Agreement at the Property.
- (b) Relocation Assistance. A Landlord seeking to recover possession under Subsections (a)(8)—(11) above shall provide Relocation Assistance. The Landlord shall provide a minimum of fifty percent (50%) of the required Relocation Assistance within ten (10) days of service of any written notice of termination pursuant to Subsections (a)(8)—(11) to the Tenant(s). For any Tenant entitled to at least sixty (60) days' written notice pursuant to Civil Code Section 1946.1, the Landlord may elect to pay the remaining Relocation Assistance owed to a Tenant pursuant to this subsection to an escrow account no later than twenty-eight (28) days prior to the expiration of the written notice of termination, to be disbursed to the Tenant upon certification of vacation of the Rental Unit. The escrow account shall provide for the payment prior to vacation of all or a portion of the monetary relocation benefits for actual relocation expenses incurred or to be incurred by Tenant prior to vacation, including but not limited to security deposits, moving expense deposits and utility connection charges. For any Tenant entitled to at least sixty (60) days' written notice pursuant to Civil Code Section 1946.1, the

Landlord may also disburse the remaining Relocation Assistance directly to the Tenant no later than twenty-eight (28) days prior to the expiration of the notice of termination. For any Tenant entitled to less than sixty (60) days' written notice pursuant to Civil Code Section 1946.1, the Landlord shall disburse the remaining Relocation Assistance directly to the Tenant at the time that the Tenant vacates the Rental Unit.

- (A) The Landlord shall notify the affected Tenants of their rights under this subsection, if any, at the time of service of the notice to quit.
 - (B) The Rental Board shall issue rules and regulations to effectuate this subsection including but not limited to rules and regulations setting forth the procedures for establishing the amount of Relocation Assistance applicable to any given Tenant household, and for the reasonably timely payment of any applicable Relocation Assistance.
 - (C) A Landlord shall provide Relocation Assistance to any Tenant household who is displaced from a Rental Unit due to inability to pay Rent increases in excess of 5 percent plus the most recently announced Annual General Adjustment in any twelve-month period. The Landlord must provide Relocation Assistance to such Tenant households no later than the date that they vacate the Rental Unit. The Board shall issue rules and regulations to further effectuate this subdivision, including but not limited to the procedures and forms for establishing and facilitating payment of Relocation Assistance, an appeal process, if any, and rules to ensure the reasonably timely payment of any applicable Relocation Assistance. The Board may reduce the threshold triggering Relocation Assistance to Rent increases lower than 5 percent plus the most recently announced Annual General Adjustment in any twelve-month period if it determines that the lower threshold is necessary to further the purposes of this Article.
- (c) Right of Return and First Right of Refusal. All Tenants whose tenancy is terminated on a basis enumerated in Subsections (a)(8)-(11) herein shall have the first right of refusal to return to the Rental Unit if that Rental Unit is returned to the market by the Landlord or a successor Landlord to the maximum extent permitted by state law. Rent for the Rental Unit shall be the Rent lawfully paid by the Tenant at the time the Landlord gave notice of termination based upon Subsections (a)(8)-(11) herein to the maximum extent permitted by state law. The Rental Board shall decide on a timeline and procedures for the subsequent notification of the former Tenant of the return of their Rental Unit to the market.
 - (d) Required Notice for Withdrawal of Rental Units From Rental Housing and Regulation of Property on Re-Offer of Rent or Lease After Withdrawal. Within 180 days of the first meeting of the Rental Board, the Rental Board shall adopt regulations, in the manner specified by California Government Code Section 7060.5, that implement all of the provisions set forth in California Government Code Section 7060 *et seq.* Such regulations shall be updated from time to time to ensure consistency with California Government Code Section 7060 *et seq.* and to ensure that the maximum protections authorized by law are afforded to Tenants of Rental Units.
 - (e) Posting of Notice. For every Property containing Rental Units subject to this Article, the Landlord shall post a notice on a form prepared and authorized by the Rental Board, providing information about the existence of this Article. Notice must be posted in a conspicuous location in the lobby of the Property, near a mailbox used by all Tenants, or in or near a public entrance to the Property. The notice shall be written in English and Spanish, and in any other languages as required by the Rental Board.
 - (f) Security Deposits. No Landlord shall increase a security or other deposit originally required from a Tenant as a condition of continued occupancy of a Rental Unit subject to this Article.

Landlords shall pay interest annually on all Security Deposits held for at least one year for his or her Tenants. The interest rate to be paid on Security Deposits shall be set annually by the Rental Board every October. A Tenant shall be given the unpaid accrued interest within the timeframe outlined in California Civil Code Section 1950.5.

- (1) The interest rate shall be based on the average of the interest rates on savings accounts paid on October 1 of the ~~previous year~~ in which the interest rate is adopted, by at least five Federal Deposit Insurance Corporation (FDIC) insured banks with branches in Pasadena. The Rental Board shall adopt the rate by ~~October 1~~ November 1 of each year. The interest rate established by the Rental Board shall be the rate in effect from January 1 through December 31 of the subsequent year.
- (g) Retaliation is Barred. No Landlord may threaten to bring, or bring, an action to recover possession, cause the Tenant to quit the Rental Unit involuntarily, serve any Written Notice to Cease or notice of termination of tenancy, decrease any services, interfere with the Tenant's quiet enjoyment of the Rental Unit and common areas, or increase the Rent where the Landlord's dominant motive is retaliation against the Tenant for the Tenant's assertion or exercise of rights under this Article, including creating and/or associating with Recognized Tenants Organizations or individuals involved with tenant advocacy. Such retaliation shall be a defense to an action to recover possession, or it may serve as the basis for an affirmative action by the Tenant for actual and punitive damages and injunctive relief. A Tenant may assert retaliation affirmatively or as a defense to the Landlord's action regardless of the period of time which has elapsed between the Tenant's assertion or exercise of rights under this Article and the alleged act of retaliation. However, there is a presumption of retaliation if Tenant engages in protected activity described herein in the twelve (12) months immediately preceding the issuance of a Written Notice to Cease. The Rental Board may address retaliation issues further in its rules and regulations consistent with the intent of this subsection to prevent unlawful retaliation.
 - (h) Harassment is Prohibited. No Landlord may threaten to bring, or bring, an action to recover possession, cause the Tenant to quit the Rental Unit involuntarily, serve any Written Notice to Cease or notice of termination of tenancy, change the terms of lease without express written agreement from the Tenant, decrease any services, refuse to accept or acknowledge receipt of a Tenant's lawful Rent pursuant to this Article, or interfere with the Tenant's quiet enjoyment of the Rental Unit and common areas as part of an attempt to increase the Rent above the maximum allowable Rent permitted under this Article, either by obtaining such excessive Rent from the Tenant or by creating a vacancy and increasing the Rent for a new Tenant. Tenants are also protected from harassment for creating and/or associating with Recognized Tenant Organizations or individuals involved with tenant advocacy. Such harassment shall be a defense to an action to recover possession, or it may serve as the basis for an affirmative action by the Tenant for actual and punitive damages and injunctive relief. The Rental Board may address harassment issues further in its rules and regulations consistent with the intent of this subsection to prevent unlawful harassment.
 - (i) Notice to Specify Basis for Termination. Any notice purporting to terminate tenancy on any of the bases specified in this section must state with specificity the basis on which the Landlord seeks to terminate the tenancy.
 - (j) Landlord Compliance with this Article. In any action brought to recover possession of a Rental Unit subject to this Article, the Landlord shall allege compliance with this Article.
 - (k) Filing Termination Notices with Rental Board. The Landlord shall file with the Rental Board a copy of any notice terminating tenancy, including but not limited to a Written Notice to Cease, within three (3) days after serving the notice on the Tenant. The notice must be accompanied

by a form summarizing the protections afforded to the Tenant by this Article, which will be prepared by the Rental Board.

- (l) Failure to Comply. A Landlord's failure to comply with any requirement of this section, including without limitation the failure to serve any of the required notices to the Rental Board or to pay Relocation Assistance in subsection (b), is a complete affirmative defense in an unlawful detainer or other action brought by the Landlord to recover possession of the Rental Unit.

SECTION 3. Article XVIII, Section 1808 of the Charter of the City of Pasadena is amended to read:

Section 1808. - RENT INCREASES PURSUANT TO ANNUAL GENERAL ADJUSTMENT.

- (a) Annual General Adjustment. No later than September 1 each year, the Rental Board shall announce the amount of the Annual General Adjustment, which shall be effective as of October 1 of that year. The Annual General Adjustment is the percentage by which the Rent for existing tenancies in Covered Rental Units may be increased each year, subject to the limitations of this Article.
 - (1) The Annual General Adjustment shall be equal to seventy five percent (75%) of the percentage increase in the Consumer Price Index (CPI) (All Items, All Urban Consumers, Los Angeles-Riverside-Orange County region or any successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending as of March of the current year. The Annual General Adjustment shall be rounded to the nearest one-quarter of a percent. The first Annual General Adjustment shall be in accordance with Subparagraph (3) of this section.
 - (2) In the event that the percentage change in the Consumer Price Index is negative, the Annual General Adjustment shall be zero percent (0%).
 - (3) Pursuant to Subsection (a) herein, the Rental Board's first announcement of an Annual General Adjustment shall be made no later than ninety (90) days after the Board's first regular meeting ~~September 1, 2022~~. Accordingly, the first Rent increase that a Landlord may impose pursuant to this Article shall not take effect prior to October 1, 2022. For tenancies established before May 17, 2021, the amount of the first Annual Adjustment, which shall be effective on October 1, 2022, shall be equal to seventy-five percent (75%) of the percentage increase in the CPI from May 2021 through May 2022; for tenancies established after May 17, 2021, the amount of the first Annual Adjustment shall be equal to seventy-five percent (75%) of the percentage increase in the CPI from the first month of the tenancy through May 2022. The Rental Board shall publish a schedule indicating the first Annual Adjustment allowed based on the start date of the relevant tenancy.
 - (4) A Landlord who seeks to raise Rent by the Annual General Adjustment must do so within the twelve (12)-month period between October 1 of the current year and September 30 of the following year. A Landlord who fails to implement a Rent increase pursuant to the Annual General Adjustment during such period shall not be eligible to defer implementation of the Annual General Adjustment in a later year.
- (b) One Rent Increase Per Year. No more than one Rent increase per twelve-month period may be imposed on a Tenant.

- (c) Notice of Rent Increase Required. Allowable Rent increases pursuant to the Annual General Adjustment shall become effective only after the Landlord provides written notice to the Tenant in the manner prescribed by law, with at least thirty (30) days' advance written notice.
- (d) Notice Required to Increase Rent or Change Other Terms of Tenancy. As part of any notice to increase Rent or change any terms of tenancy, a Landlord must include:
 - (1) Notice of the existence of this Article; and
 - (2) The right to Petition against any Rent increase in excess of the Annual General Adjustment unless such Rent increase is pursuant to an approved Petition.
 - (3) No Rent Increase shall take effect until the requirements of this subsection have been met.
- (e) Conditions Under Which Rent Increase is Not Permitted. No Rent increase shall be effective if the Landlord:
 - (1) Has failed to substantially comply with all provisions of this Article and all rules and regulations promulgated by the Rental Board; or
 - (2) Has failed to maintain the Rental Unit in compliance with California Civil Code Sections 1941.1 et seq. and California Health and Safety Code Sections 17920.3 and 17920.10; or
 - (3) Has failed to make repairs ordered by a Hearing Officer, the Rental Board, or the City of Pasadena

SECTION 4. Article XVIII, Section 1811 of the Charter of the City of Pasadena is amended to read:

Section 1811. - PASADENA RENTAL HOUSING BOARD.

- (a) Composition. There shall be in the City of Pasadena an appointed Rental Housing Board comprised of Pasadena residents as set forth in this section. The Rental Board will consist of eleven (11) members. Seven (7) members must be Tenants, None of whom may have Material Interest in Rental Property at the time of their appointment or at any later time during their service. The City Council shall appoint one Tenant member from each of the seven (7) districts of Pasadena. The remaining four (4) Rental Board members, henceforth referred to as "at-large" members, shall be appointed by the City Council, and may reside in any district of Pasadena, may or may not be Tenants, and may or may not have Material Interest in Rental Property.

In addition, the City Council shall appoint two (2) alternate Board members, one of whom will serve as the alternate to the group of seven (7) Tenants, and the other of whom will serve as the alternate to the group of four (4) at-large members. The alternate member for the Tenant group must be a Tenant and must not have Material Interest in Rental Property at the time of their appointment or at any later time during their service. The alternate Tenant Member may reside in any district of Pasadena. The alternate member for the at-large group will be appointed, as with the other at-large members, without restrictions on district of residency within Pasadena, Tenant status, or Material Interest in Rental Property. The alternate Board Members will be permitted to attend all Board meetings, and to speak, but will not be authorized to vote unless a regular member of their corresponding group is

absent from that meeting or is disqualified or recused from voting on one or more agenda items, or has resigned or been removed from the Rental Board. If any one of the Tenant Members or the Alternate Tenant Member becomes aware that they have gained Material Interest in Rental Property at any time during their service, they must resign their position on the Rental Board and notify City Council within five (5) business days. 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 1811(k). Anyone nominated to this Rental Board must be in compliance with this Article and all other local, state and federal laws regulating the provision of housing. Annually, the Rental Board shall elect one of its members to serve as chairperson.

- (b) **Eligibility and Appointment.** All prospective members of the Rental Board shall submit an application to the City Council. This application must include a proof of residency in whichever Pasadena district the applicant claims to reside. The application must also include the signatures of at least 25 residents of the applicant's district endorsing the appointment, collected on a form provided for this purpose by the City Clerk or designee. These signatures will be verified by the City Clerk or designee. Additionally, the application shall include a verified statement under penalty of perjury on a form provided by the City Clerk or designee of the interests and dealings of the applicant and their Extended Family in Rental Properties in the county of Los Angeles during the three (3) years immediately prior to the submission of the application. This documentation shall be made available to the public. No Extended Family member of any current member of City Council may be appointed to the Rental Board. No Tenant residing at a property owned or managed by a Council member or any member of the Council member's Extended Family, or in which any Council member or any member of their Extended Family has any ownership stake, may be appointed to the Rental Board.
- (c) **Requirement of Tenant Members:** Tenant Board members, including the Alternate Tenant member, must additionally, and under penalty of perjury, provide a written affirmation of their lack of Material Interest in Rental Property at the time of their initial appointment, and once each year of their service following their initial appointment. Rental Board members shall be appointed by the City Council at a public meeting within 120 days of the effective date of this Article. In the case of initial appointments, City Council must publish a solicitation for applications within 30 days of the effective date of this article. In the case of subsequent appointments due to vacancies, City Council must publish a solicitation for applications within 30 days of the date it becomes aware of the vacancy. In the case of term limits, City Council shall publish a solicitation for applications 120 days before the end of each term. In all cases, City Council must announce their appointments within 90 days of the publication of the solicitation for applications. All solicitations must specify which position is open, and the length of each corresponding term. All forms related to the application, including the instructions for application, must be made publicly available by the City Clerk or designee by the date of each solicitation.
- (d) **Term of Office.** Rental Board members shall serve four (4) year terms, unless they are appointed to fill unexpired terms or are designated to fill a two (2) year term on the initial Board. Those members filling unexpired terms shall serve the remaining length of the unexpired term. Members may serve no more than eight (8) consecutive years. Member terms shall be staggered. Four (4) of the tenant appointees initially appointed shall serve for four (4) years; the terms of the remaining initial tenant appointees shall be two (2) years. Two (2) of the at-large appointees initially appointed shall serve for four (4) years; the terms of the remaining initial at-large appointees shall be two (2) years. The initial term for any alternate shall be for four (4) years. The City Council will appoint members to the Board with careful alacrity, taking care to ensure there are no unfilled Board seats. Tenant members of the

Board may be removed pursuant to a petition process established by ordinance of the City Council. The petition must be signed by 10% of the qualified voters of the district from which the tenant was appointed. At-large members may be removed pursuant to a petition process established by ordinance of the City Council. The petition must be signed by 5% of the qualified voters of the City. Any member of the Board may be removed by the City Council upon petition by the Rental Board for repeated or significant violations of the Rental Board's Code of Conduct, which shall be established by the Rental Board by regulation. A petition of the Rental Board to remove a Board member must be approved by a two-thirds majority of the Rental Board members in attendance at the meeting where the petition is voted on. No vote of the electorate will be required to remove a Board member.

- (e) Powers and Duties. The Rental Board shall have the following powers and duties:
- (1) Set allowable Rent increases at fair and equitable levels to achieve the purposes of this Article. Notwithstanding any other provision of this Article, the Rental Board shall have the authority to adopt regulations authorizing Rent increases and/or adjustments required by state or federal law.
 - (2) Establish rules and regulations for administration and enforcement of this Article.
 - (3) Determine and publicize the Annual General Adjustment pursuant to this Article.
 - (4) 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 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 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 1811(q). If a Hearing Officer is disqualified from hearing a Petition, the Rental Board will appoint another Officer in their place.
 - (5) Delegate authority to adjudicate petitions as appropriate and act as the appellate body that reviews and adjudicates appeals on decisions made by a Hearing Officers.
 - (6) Establish procedures and timelines for hearings on Petitions, including determining the timelines and procedures for appeals to the Rental Board.
 - (7) Establish procedures and timelines for the withholding of Rent by a Tenant in the event that a Landlord fails to repay them excessive Rents charged, as detailed in Section 1813(e).
 - (8) Issue rules and regulations for Petitions not enumerated in this Article as necessary to effectuate the purposes of this Article.
 - (9) Administer oaths and affirmations and subpoena witnesses and relevant documents.
 - (10) Establish a budget for the reasonable and necessary implementation of the provisions of this Article, including but not limited to the hiring of necessary staff, such as Hearing Officers, and the maintenance of a Rental Registry. The Rental Board may charge fees in an amount sufficient to support this budget.
 - (11) Administer the withdrawal process for the removal of Rental Units from the rental housing market.
 - (12) Hold public hearings.

- (13) Conduct studies, surveys, investigations, audits, and hearings, and obtain information to further the purposes of this Article
 - (14) Make quarterly reports to the City Council on the status of Rental Units subject to this Article. Reports shall be made available to the public and include, but not be limited to:
 - (a) a summary of the numbers of Written Notices to Cease served pursuant to this Article, including the bases upon which they were served, (b) a summary of any and all Petitions submitted to and/or decided by a Hearing Officer and/or the Rental Board pursuant to this Article, including the bases on which the Petitions were submitted and the determinations on the Petitions, (c) a summary of any and all other matters brought before the Rental Board, and (d) a summary of egregious cases and actors with numerous or frequent violations and actors engaging with the Rental Board in bad faith.
 - (15) Publicize through reasonable and appropriate means the provisions of this Article, including without limitation the rights and responsibilities of Landlords and Tenants.
 - (16) Establish a schedule of penalties that may be imposed for noncompliance with this Article or with rules and regulations promulgated under this Article.
 - (17) Pursue civil remedies as provided by this Article in courts of appropriate jurisdiction.
 - (18) Intervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a Landlord or Tenant with respect to Rental Units subject to this Article.
 - (19) Establish and maintain a Rental Registry. The Rental Board shall make all reasonable efforts to guarantee that appropriate contents of the Rental Registry are easily accessible to all Pasadena residents.
 - (20) Produce written notices and other public documents in English and Spanish, and shall make a reasonable effort to accommodate additional languages as requested.
 - (21) Any other duties necessary to administer and enforce this Article.
- (f) Rules and Regulations. The Rental Board shall issue and follow such rules and regulations as will further the purposes of the Article.
 - (g) Meetings. The Rental Board shall hold regularly scheduled meetings as necessary to ensure the performance of its duties under this Article. All regular and special meetings shall be called and conducted in accordance with state law.
 - (h) Quorum. Six (6) members, at least four (4) of whom must be Tenants, shall constitute a quorum for the Rental Board.
 - (i) Voting. The affirmative vote of six (6) members of the Rental Board is required for a decision, including on all motions, regulations, and orders of the Rental Board.
 - (j) Compensation. Each member of the Rental Board shall be compensated on an hourly basis for their time committed to Rental Board meetings. The chairperson of the Board will record the length of each meeting, and all Board Members in attendance will be compensated accordingly. Board Members will be compensated for a maximum of twenty (20) hours per week. The hourly rate of compensation shall be equal to 2.5 times the Pasadena minimum wage.
 - (k) Vacancies. 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 1811(c) as well as the eligibility conditions described in Sections 1811(a) and 1811(b). No vacancy shall remain unfilled for a period longer than 120 days. If the missing member is a non-alternate member of the Tenant group, their replacement must be appointed

by the Councilmember representing their district. Otherwise, the replacement will be appointed by the City Council collectively. If the missing member is not an alternate, then the alternate member of the corresponding group (Tenant or At-large) will vote in the place of the missing member until a replacement is appointed.

- (l) Financing. The Rental Board shall finance its reasonable and necessary expenses, including without limitation engaging any staff as necessary to ensure implementation of this Article, by charging Landlords an annual Rental Housing Fee as set forth herein, in amounts deemed reasonable by the Rental Board in accordance with applicable law. The Rental Board is also empowered to request and receive funding when and if necessary from any available source, including the City of Pasadena, for its reasonable and necessary expenses.
 - (1) Rental Housing Fee. All Landlords shall pay a Rental Housing Fee on an annual basis. The first Rental Board convened after the effective date of this Article shall determine the amount of the Rental Housing Fee. The amount of the Rental Housing Fee may differ between Rental Units subject to the entirety of this Article and those that are partially exempt. The Rental Board may adjust the amount of the Rental Housing Fee at its discretion to ensure full funding of its reasonable and necessary expenses, in accordance with all applicable law.
 - (A) Pass-Through to Tenants. No portion of the Rental Housing Fee may be passed through to Tenants. The Rental Housing Fee may be claimed as an operating expense for the purpose of a Petition for Individual Rent Adjustment.
 - (2) City to Advance Initial Funds. During the initial implementation of this Article, the City shall advance all necessary funds to ensure the effective implementation of this Article, until the Rental Board has collected Rental Housing Fees sufficient to support the implementation of this Article. The City may seek reimbursement of any advanced funds from the Rental Board after the Rental Housing Fee has been collected. Reimbursement of the City shall not take precedent over the normal and reasonable operating costs of the Rental Board.
- (m) Integrity and Autonomy of Rental Board. The Rental Board shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent from the City Council, City Manager, and City Attorney, except by request of the Rental Board. The Rental Board may request the services of the City Attorney, who shall provide them pursuant to the lawful duties of the office in Article II, Chapter 2.30 [Section 2.30.020] of the Pasadena Municipal Code Article II, Chapter 2.30 of the Pasadena City Charter. The City shall provide infrastructure support on an ongoing basis as it would with any other City department.
- (n) Board Legal Work. The Rental Board may, in its sole discretion, and without approval of the City Council, retain private attorneys to furnish legal advice or representation in particular matters, actions, or proceedings.
- (o) Conforming Regulations. If any portion of this Article is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by state or federal legislation, the Rental Board and not the City Council shall have authority to enact replacement regulations consistent with the intent and purpose of the invalidated provision and applicable law. Such replacement regulations shall supersede invalidated or unenforceable provisions of this Article to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Article.

- (p) Designation of Replacement Rental Board. In the event the establishment of the Rental Board under this section is adjudged to be invalid for any reason by a court of competent jurisdiction, the City Council shall designate one or more City departments, agencies, Rental Boards, or commissions to perform the duties of the Rental Board prescribed by this Article.
- (q) Conflict of Interest. Rental Board members shall not necessarily be disqualified from exercising any of their powers and duties on the grounds of a conflict of interest solely on the basis of their status as a Landlord, Property manager, realtor, developer, or Tenant, provided they meet the eligibility requirements of their respective group (Tenant or at-large). However, a Rental Board member shall be disqualified from ruling on a Petition if the Rental Board member either has Material Interest in a Rental Property involved in the Petition, or is a Tenant at that Property, or has an Extended Family member who is a Tenant at the Property, or has met any of these criteria at any time since their appointment to the Rental Board, or during the three (3) years preceding their appointment. The provisions of the Political Reform Act, California Government Code Sections 87100 et seq. shall apply.

SECTION 5. Article XVIII, Section 1812 of the Charter of the City of Pasadena is amended to read:

Section 1812. - RENTAL REGISTRY.

The Rental Board shall create a Rental Registry and online portal pursuant to the requirements of this section. The Rental Registry and online portal shall be designed to receive information from owners of Properties subject to registration and to disseminate information to the public. The Rental Board shall promulgate regulation necessary to implement these provisions.

- (a) Covered Properties. Properties with Covered Rental Units are subject to registration in the Rental Registry. The Rental Board may require additional Properties to be subject to registration at its discretion.
- ~~(b) Date of Implementation. The Rental Registry, online portal, and all forms necessary for their effective and efficient use shall be available and operational within one year of the effective date of this article.~~
- ~~(c)~~ (b) Owner Information Submission. All owners of Property subject to registration must complete and submit a rental registry form for each such Property no later than 90 days after the Rental Registry becomes operational, and subsequently every following year, as established by regulation by the Rental Board no later than April 1st. In the event of any change in Property ownership, the new owner must register or update the Rental Registry within 30 days of the change of ownership.
- ~~(d)~~ (c) Data Collected. The rental registry form shall collect information about Rental Units subject to registration, including but not limited to:
 - (1) The legal address or addresses of each Property, and all associated Rental Unit numbers or addresses.
 - (2) The legal name of the owner or ownership entity for each Property, including, but not limited to, limited partners, general partners, and LLC members.
 - (3) The name and contact information of a natural person serving as point of contact for purposes of service or contact.

- (4) The number and size of each Rental Unit, including the number of bedrooms, bathrooms, and approximate square footage of the Rental Unit.
 - (5) The beginning and end dates (if any) of all tenancies begun or terminated within the past year.
 - (6) The amount of Rent collected over the past year for each Rental Unit during each month of occupation.
 - (7) The utilities, services, and other amenities included in the Rent for each Rental Unit.
- ~~(e)~~ (d) Online Portal. The Rental Board shall make the following information available as part of the online portal:
- (1) The maximum lawful rent for each Rental Unit.
 - (2) The actual rent charged each month that the unit was occupied.
 - (3) The beginning and end dates (if any) of all tenancies begun or ended within the past year.
 - (4) The number of bedrooms in each Rental Unit and the approximate square footage of each Rental Unit.
 - (5) Additional information as required by regulations promulgated by the Rental Board.
- ~~(f)~~ (e) Violations. The Rental Board may also publish information about violations of housing codes or violations of this article pertaining to a given Rental Unit through the online portal. If the Rental Board chooses to publish such information, it must establish regulations which limit or redact these publications in order to balance the desire for transparency with a respect for the privacy of Tenants. Such regulations must also guarantee that these publications do not violate any applicable law.
- ~~(g)~~ (f) Data Publication. The Rental Board should regularly collect, analyze, and publish various local statistics computed using the data described in (d) and (e) above, including, but not limited to statistics regarding rents, rent increases, unit mix, changes in tenancy, and code compliance and violations.
- ~~(h)~~ (g) Other Jurisdictions. The Rental Board may determine that, if another jurisdiction maintains a publicly available Rental Registry that collects and makes available substantially the same information, it may be more efficient and financially responsible for the Rental Registry authorized and required in this Section to be combined with the Rental Registry of another jurisdiction. The Rental Board may issue regulations from time to time to maximize the efficiency of this duty while complying with the substantive requirements of this Section.
- ~~(i)~~ (h) Failure to Register. Pursuant to Section 1817(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 6. Article XVIII, Section 1817 of the Charter of the City of Pasadena is amended to read:

Section 1817. - REMEDIES.

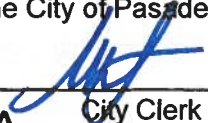
In addition to any other remedies provided by law, Landlords and Tenants covered by this Article shall have the following remedies for violations of this Article.

- (a) **Landlord's Demand or Retention of Excessive Rent.** When a Landlord demands, accepts, receives, or retains any payment or payments in excess of the lawful Rent pursuant to this Article and the regulations promulgated hereunder, including in violation of the provisions ensuring compliance with habitability standards and maintenance of Housing Services, the Tenant may file a Petition pursuant to Section 1813 or file a civil suit against the Landlord. A Landlord who demands, accepts, receives, or retains any payment of Rent in excess of the lawful Rent shall be liable to the Tenant in the amount by which the payment or payments have exceeded the lawful Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Article and its implementing regulations.
- (b) **Civil Remedies.** A Tenant may bring a civil suit in the courts of the state alleging that a Landlord has violated any of the provisions of this Article or the regulations promulgated hereunder, including that the Landlord has demanded, accepted, received, or retained a payment or payments in excess of the lawful Rent. In a civil suit, a Landlord found to violate this Article shall be liable to the Tenant for all actual damages, including but not limited to the damages described in Subsection (a) herein. A prevailing Tenant in a civil action brought to enforce this Article shall be awarded reasonable attorney's fees and costs as determined by the court. Additionally, upon a showing that the Landlord has acted willfully or with oppression, fraud, or malice, the Tenant shall be awarded treble damages. No administrative remedy need be exhausted prior to filing suit pursuant to this subsection.
- (c) **Additional Relief for Landlord's Violation of Eviction Rules.** If it is shown that the event which the Landlord claims as grounds to recover possession under Section 1806 is not initiated within two (2) months after the Tenant vacates the Rental Unit, or it is shown that the Landlord's claim was false or in bad faith, the Tenant shall be entitled to regain possession of the Rental Unit at same Rent that was lawfully in effect when the Tenant vacated, in addition to the relief described in Subsection (b) herein.
- (d) **Defense to Action to Recover Possession.** A Landlord's failure to comply with any of the provisions of this Article or regulations promulgated hereunder may be raised as an affirmative defense in an unlawful detainer or other action brought by the Landlord to recover possession of the Rental Unit. Any and all violations of this Article by the Landlord shall constitute such an affirmative defense, including but not limited to the demand or retention of payment in excess of the lawful Rent, failure to serve any of the notices required pursuant to this Article on the Tenant or the Rental Board, failure to pay the Rental Housing Fee, failure to pay any required Relocation Assistance, and a decrease in Housing Services or maintenance without a corresponding reduction in Rent. It is the intent of this Article to construe this subsection to the broadest extent permissible under the law to ensure maximum compliance with this Article and avoid unlawful evictions.
- (e) **Eviction Protection for Victims of Domestic Violence or Sexual Assault or Stalking or Abuse.** It shall be a defense to an action for possession of a unit under Section 1806(a)(3)-(4) if the trier of fact determines that:
 - (A) The Tenant or the Tenant's household member is a victim of an act or acts that constitute domestic violence or sexual assault or stalking or abuse; and

- (B) The notice to vacate is substantially based upon the act or acts constituting domestic violence or sexual assault or stalking or abuse against the Tenant or a Tenant's household member, including but not limited to an action for possession based on complaints of noise, disturbances, or repeated presence of police.
- (f) Rental Board or City Attorney Enforcement Action. If the Tenant fails to bring a civil or administrative action to enforce the Tenant's rights under this Article, the Rental Board or the City Attorney may bring such an action or settle the claim on the Tenant's behalf. If the Rental Board or City Attorney brings such an action, the Tenant shall be provided the right to opt in or out of the action. In the case of an opt-in, the Tenant on whose behalf the Rental Board acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the Rental Board or City Attorney shall be entitled to recuperate the costs it incurred from any monetary recovery from the Landlord, with the remainder to go to the Tenant against whom the violation has been committed. In the case of an opt-out, the Tenant shall retain all rights relating to his or her right to private action. The Rental Board or City Attorney may take other such enforcement action as necessary to ensure compliance with this Article.
- (g) Administrative Penalties for Violations. In addition to the any affirmative defense or any other rights of a tenant under law, a violation of ~~the provisions of this Article shall be punishable as an infraction by way of a fine~~ administratively by way of a fine. The Rental Board may establish, and periodically modify, a schedule of fines for violations of various provisions of this article as they see fit, provided these amounts are reasonable, and are chosen in accordance with applicable law.
- (h) Criminal Penalties. ~~In addition to the administrative penalties in subsection (g) above, any Landlord person that violates this Article shall be guilty of a~~ may be prosecuted for a misdemeanor or an infraction and shall be punished in accordance with ~~Section 4.24.010 of the Pasadena Municipal Code, in the discretion of the city attorney or city prosecutor, or their assistants.~~
- (i) Remedies Not Exclusive. The remedies available in this Article are not exclusive and may be used cumulatively with any other remedies in this Article or otherwise available at law.
- (j) Jurisdiction. The appropriate court in the jurisdiction in which the Rental Unit is located shall have jurisdiction over all actions brought under this Article.

I hereby certify that the foregoing document is a full, true and correct copy of Resolution No. 10076 on file in the office of the City Clerk of the City of Pasadena Calif.

RESOLUTION NO. 10076



City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, CALLING OF 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 TO THE VOTERS OF THE CITY OF PASADENA THE PASADENA CENTRAL LIBRARY EARTHQUAKE RETROFIT, REPAIR, UPGRADE BOND MEASURE

WHEREAS, on June 10, 2024, following a presentation by City staff on a proposed Pasadena Central Library Earthquake Retrofit, Repair, Upgrade Bond Measure ("Bond Measure"), the Pasadena City Council directed staff to prepare the necessary resolutions to place the Measure on the November 5, 2024 General Municipal Election ballot; and

WHEREAS, approving the Bond Measure will enable the Central Library to reopen after earthquake and seismic repairs, meet current fire safety regulations, replace the leaky roof, remove asbestos, mold and lead paint, update outdated technology and mechanical systems, and restore library services and programs while maintaining the historic and architectural characteristic; and

WHEREAS, the Central Library is a nearly 100-year-old Historic Landmark and was the first structure built in the historic Pasadena Civic Center alongside the Pasadena City Hall and Civic Auditorium, and is a cornerstone of the community's architectural and cultural heritage, forming a key part of Pasadena's historical identity; and

WHEREAS, the Central Library offers various programs and services that cater to different community needs, including educational resources, personal and professional development resources, literacy programs, cultural events, and technological training helping to bridge educational gaps and promote community engagement; and

WHEREAS, the Central Library acts as a vital resource for underserved populations, offering equal and free access to books, the internet, and other learning materials that might otherwise be inaccessible; and

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WHEREAS, the Central Library served as a refuge, especially for those experiencing homelessness, offering a temperature-controlled, safe space while providing a full-time Care Navigator from the Pasadena Public Health Department, providing essential social services not replicated at the library branches and which will return upon the reopening; and

WHEREAS, the closure of the Central Library has significantly impacted library services in Pasadena, as evidenced by key metrics comparing Fiscal Year 2019, when all libraries were open, to Fiscal Year 2023, with the Central Library closed, leading to marked declines in various aspects of library usage, highlighting its critical role in the Pasadena community; and

WHEREAS, overall visits to Pasadena's libraries have fallen by 51.0%, from 803,274 in FY19 to 393,429 in FY23, and circulation decreased by 45.8%, from 1,251,793 items in FY19 to 679,068 items in FY23, demonstrating its importance in borrowing and lending materials and

WHEREAS, single-use computer reservations decreased by 86.6%, from 128,515 in FY19 to just 17,165 in FY23, reflecting a significant decline in computer availability and drastically limiting access to information and technology, particularly for those without personal or home access; and

WHEREAS, the decline in technology access underscores the necessity of reopening the Central Library to ensure community members can connect to social services, find employment, combat isolation, and enhance their education and digital skills while keeping it closed prevents assistance to vulnerable community members, widens the digital divide, and hinders the community's growth and empowerment; and

WHEREAS, nearly 9 in 10 (95%) respondents agree the Pasadena Central Library is an important community asset and needs to be protected; and

WHEREAS, on October 23, 2023, 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 the Statewide General Election, and direct the Los Angeles County Registrar-Recorder/ County Clerk to administer said elections on behalf of the City; and

WHEREAS, the City Council has determined that a measure authorizing the issuance of general obligation bonds to finance the cost of the earthquake retrofit, repair and upgrade project for the Central Library (the "Project") should be placed before the voters of the City of Pasadena for their consideration; and

WHEREAS, on July 22, 2024, the City Council passed Resolution No. 10069 determining the necessity to incur a bonded indebtedness to finance the Project; and

WHEREAS, the City Council is required to submit the proposal for bonded indebtedness to the voters for their consideration by the California Constitution as well as other applicable provisions of California law, in addition to the requirements of the Charter of the City of Pasadena; and

WHEREAS, on July 29, 2024, the City Council passed Ordinance No. 7430 which orders the submission to the voters a proposition incurring bonded indebtedness to the voters of the City of Pasadena for their consideration; and

WHEREAS, Assembly Constitutional Amendment No. 10, also known as Proposition 5 ("Proposition 5"), has qualified for the November 5, 2024 Statewide election; and

WHEREAS, Proposition 5, if approved by the voters, inter alia, would lower the voter approval requirement for the issuance of general obligation bonds issued by a city to fund construction of "public infrastructure" from two-thirds (2/3) to fifty-five percent (55%) of the voting electorate, provided the bond authorization includes certain accountability requirements; and

WHEREAS, Proposition 5 further provides that its terms, including the lower 55% voter approval requirements, would apply to any proposition authorizing the incurrence of general obligation bonds by a city approved at the same election as Proposition 5 (i.e., November 5, 2024); and

WHEREAS, the City Council intends that the provisions of its bond authorization comply with the requirements of Proposition 5, and accordingly, if Proposition 5 is approved by the Statewide voters at the November 5, 2024 election, the proposition for the incurrence of the Bonds will be subject to the approval of 55% of the City electorate voting on the measure; and

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WHEREAS, the City Council further finds, for clarity, that if Proposition 5 is not approved by the Statewide voters, a 2/3 vote of the City electorate voting on the measure will be required to approve the proposition for the incurrence of the Bonds; and

WHEREAS, in compliance with California Elections Code Section 9222, said Measure shall be submitted to the voters at the November 5, 2024 General 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 General Municipal Election with the Statewide General Election to be held on Tuesday, November 5, 2024, for the purpose of submitting the Bond Measure; 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 order submitted to the voters of the City of Pasadena at the General Municipal Election, to be consolidated with the Statewide General Election on November 5, 2024, the following question:

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| PASADENA CENTRAL LIBRARY EARTHQUAKE RETROFIT, REPAIR, UPGRADE MEASURE Shall the measure to earthquake retrofit the 97-year-old library building; meet current fire safety regulations; replace the leaky roof; remove asbestos/mold/lead paint; update outdated technology; restore Pasadena Central Library services by the City of Pasadena issuing \$195,000,000 in bonds at legal rates, levying \$28.90 per \$100,000 of assessed valuation, generating \$12,000,000 annually while bonds are outstanding, requiring independent audits, public spending disclosure, all funds staying local, be adopted? | YES | |
| | NO | |

SECTION 3. The full text of the Bond Measure to be submitted to the voters is set forth in Ordinance 7430 and is attached hereto as Exhibit A and incorporated herein by this reference. The Bond Measure shall not take effect unless either (a) approved by a fifty-five percent (55%) vote of the voters voting on the question within the City of Pasadena if Proposition 5 on the Statewide ballot is approved by the Statewide voters or (b) approved by a 2/3rds vote of the voters voting on the question within the City of Pasadena if Proposition 5 on the Statewide ballot is not approved by the Statewide voters.

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 Bond Measure, 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 the Bond Measure shall be either (a) a fifty-five percent (55%) of votes cast by the voters voting on the question within the City of Pasadena if Proposition 5 on the Statewide ballot is approved by the Statewide voters or (b) a 2/3 majority of votes cast by voters voting on the proposal within the City of Pasadena if Proposition 5 on the Statewide ballot is not approved by the Statewide

voters. 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. The City Council hereby finds that the estimates and projections contained in the Bond Measure and in the Tax Rate Statement prepared in connection with the Bond Measure, have been made based on currently available information, but depend on a number of variables which are subject to variation. Such estimates and projections have been made in good faith, and are not binding or intended to be limitations on the terms of the Bonds. The City Manager is hereby authorized to finalize and execute the Tax Rate Statement, and to file the Tax Rate Statement with the Los Angeles County Registrar-Recorder/County Clerk.

SECTION 8. 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 9. 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 10. 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 11. 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 12. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 13. 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.

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Adopted at the special meeting of the City Council on the 29th day of July, 2024, by the following vote:

AYES: Councilmembers Hampton, Jones, Masuda, Williams,
Vice Mayor Madison, Mayor Gordo
NOES: Councilmembers Lyon, Rivas
ABSENT: None
ABSTAIN: None



Mark Jomsky, City Clerk

APPROVED AS TO FORM:



LISA HOSEY
Assistant City Attorney

EXHIBIT A

Introduced by Councilmember Williams

ORDINANCE NO. 7430

AN ORDINANCE OF THE CITY OF PASADENA ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED ELECTORS OF THE CITY OF PASADENA AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF FINANCING THE COST OF THE EARTHQUAKE RETROFIT, REPAIR AND UPDATE OF THE CENTRAL LIBRARY

The People of the City of Pasadena ordain as follows:

SECTION 1. PURPOSE AND INTENT.

Under Section 909 of the City of Pasadena Charter and pursuant to authority provided by the California Constitution, the California Government Code, the California Elections Code, the City Council (the "City Council") of the City of Pasadena (the "City") proposes to order the submission of a proposition authorizing the City to issue general obligation bonds (the "Bonds") to the qualified voters of the City at the general municipal election to be held on November 5, 2024.

SECTION 2. FINDINGS

The City Council hereby makes the following findings with respect to the proposed measure for the Bonds:

- A. The City owns the Central Library, which due to its age and condition, is in need of earthquake retrofit, repair and upgrade.
- B. On July 22, 2024, the City Council adopted, by a two-thirds vote of all of its members, a resolution entitled "A Resolution of the City Council of the City of Pasadena, California, Determining that the Public Interest and Necessity Demand the Earthquake Retrofit and Building Repairs and Upgrades to the Central Library and its Financing through the Issuance of General Obligation Bonds," pursuant to which the City Council has found and determined, *inter alia*, that the public interest and necessity demand the issuance of general obligations bonds to finance the cost of the earthquake retrofit, repair and upgrade project for the Central Library (the "Project").
- C. In order to provide for the issuance by the City of general obligation bonds to provide for the financing for the Project, it is necessary for the City Council to adopt an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a municipal election.

- D. The City Council desires to submit said ballot measure to the qualified voters of the City at a regular election to be held by the City on November 5, 2024, and to consolidate the bond election with other elections held within the City on that date.
- E. Existing funds and funding sources of the City are inadequate to finance the Project and the City Council has evaluated alternative funding sources for the Project.
- F. Assembly Constitutional Amendment No. 10, also known as Proposition 5 ("Proposition 5"), has qualified for the November 5, 2024 Statewide election. Proposition 5, if approved by the voters, inter alia, would lower the voter approval requirement for the issuance of general obligation bonds issued by a city to fund construction of "public infrastructure" from two-thirds (2/3) to fifty-five percent (55%) of the voting electorate, provided the bond authorization includes certain accountability requirements. Proposition 5 further provides that its terms, including the lower 55% voter approval requirements, would apply to any proposition authorizing the incurrence of general obligation bonds by a city approved at the same election as Proposition 5 (i.e., November 5, 2024). The City Council intends that the provisions of this Ordinance comply with the requirements of Proposition 5, and accordingly, if Proposition 5 is approved by the Statewide voters at the November 5, 2024 election, the proposition for the incurrence of the Bonds will be subject to the approval of 55% of the City electorate voting on the measure. The City Council further finds, for clarity, that if Proposition 5 is not approved by the Statewide voters, a two-thirds (2/3) vote of the City electorate voting on the measure will be required to approve the proposition for the incurrence of the Bonds. It is determined that the design, construction and improvements comprising the Project are "public infrastructure" within the meaning of Proposition 5.
- G. The nearly 100-year-old Central Library is listed on the National Register of Historic Places, and was the first structure built in the historic Pasadena Civic Center alongside the Pasadena City Hall and Civic Auditorium and is a cornerstone of the community's architectural and cultural heritage, forming a key part of Pasadena's historical identity.
- H. The Project will enable the Central Library to reopen after earthquake and seismic repairs, meet current fire safety regulations, replace the leaky roof, remove asbestos and lead paint, update outdated technology and mechanical systems, and restore library services and programs while maintaining the historic and architectural characteristic.
- I. The Central Library promotes access to knowledge and learning by providing educational resources, supporting lifelong learning for residents of all ages crucial for personal and professional development, fostering a more informed and skilled community.

- J. The Central Library offers various programs and services that cater to different community needs, including literacy programs, cultural events, and technological training, helping to bridge educational gaps and promote community engagement.
- K. The Central Library acts as a vital resource for underserved populations, offering equal and free access to books, the internet, and other learning materials that might otherwise be inaccessible.
- L. The Central Library provides a gateway to crucial opportunities by providing access to knowledge and educational resources enabling residents to pursue future opportunities and achieve their goals that are particularly transformative for individuals from low-income backgrounds.
- M. The Central Library served as a refuge, especially for those experiencing homelessness, offering a temperature-controlled, safe space while providing a full-time Care Navigator from the Pasadena Public Health Department, providing essential social services not replicated at the library branches and which will return upon the reopening.
- N. The Project not only aims to preserve the Central Library's historical essence but also to modernize its facilities and bring it into the 21st century ensuring that the Central Library continues to meet contemporary needs and can adapt to future demands, thereby sustaining its role as a critical community resource.
- O. Beyond its educational role, the Central Library contributes to the City's broader mission of providing numerous critical support services that include offering a reliable space for community gatherings, growth, educational workshops, a location to seek assistance and needed support, an outlet for the arts, and as a shelter during emergencies.
- P. The closure of the Central Library has significantly impacted library services in the City, as evidenced by key metrics comparing Fiscal Year 2019, when all libraries were open, to Fiscal Year 2023, with the Central Library closed, despite the continued operation of our branch libraries, and the absence of the Central Library has led to marked declines in various aspects of library usage, highlighting its critical role in the community.

SECTION 3. CALL FOR ELECTION.

The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring bonded indebtedness for the purposes set forth in this Ordinance, at the regular election to be held on November 5, 2024.

SECTION 4. BALLOT PROPOSITION.

The City Council hereby submits to the qualified voters of the City, at the regular election to be held on November 5, 2024, a proposition on issuing the Bonds. The statement of the measure shall be in substantially the following form:

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| <p>PASADENA CENTRAL LIBRARY EARTHQUAKE RETROFIT, REPAIR, UPGRADE MEASURE</p> <p>Shall the measure to earthquake retrofit the 97-year-old library building; meet current fire safety regulations; replace the leaky roof; remove asbestos/mold/lead paint; update outdated technology; restore Pasadena Central Library services by the City of Pasadena issuing \$195,000,000 in bonds at legal rates, levying \$28.90 per \$100,000 of assessed valuation, generating \$12,000,000 annually while bonds are outstanding, requiring independent audits, public spending disclosure, all funds staying local, be adopted?</p> | YES | |
| | NO | |

SECTION 5. OBJECT AND PURPOSE OF BONDS.

The object and single purpose of the issuing the Bonds is to finance the cost of the design, construction and improvement of the Central Library, including earthquake retrofit, repair of the building and upgrades. The proceeds of the Bonds may only be applied to costs relating to that purpose.

The Project includes all work, facilities and expenditures necessary and incidental to the Project described above. Examples of such work, facilities and expenditures, include but are not limited to: costs of design, engineering, architect and other professional services, inspections, site preparation, utilities (including improvements to plumbing, sewer and electrical systems to preserve energy and water), landscaping, construction management and other planning and permitting, legal, accounting and similar costs; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; interim facilities for municipal functions, including modular facilities; addressing unforeseen conditions revealed by construction or renovation, and other necessary improvements required to comply with existing building codes; environmental improvements to preserve energy and water; access requirements of the Americans with Disabilities Act; costs of the election; bond issuance costs; and project administration during the duration of such projects, as permitted by law.

The final costs, locations, designs, layouts and other details of the Project will be determined as plans are finalized, construction bids are awarded, and projects are completed.

SECTION 6. HISTORICAL BUILDING DESIGNATION.

Work on the Project, where required by California law, shall be done in accordance with the State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the California Health and Safety Code).

SECTION 7. ESTIMATED COSTS OF PROJECT.

The estimated cost of the Project is \$205,000,000. The estimated cost includes legal and other fees, the costs of printing the Bonds, and other costs and expenses which are incidental to or connected with the authorization, issuance and sale of the Bonds.

SECTION 8. AMOUNT OF PRINCIPAL OF THE INDEBTEDNESS.

The amount of the principal of the Bonds shall not exceed \$195,000,000.

SECTION 9. MAXIMUM INTEREST RATE.

The maximum interest rate to be paid on the Bonds shall be the statutory maximum of 12% per annum. Said interest shall be payable semiannually, except that interest for the first year after the date of the Bonds may be payable at the end of said year.

SECTION 10. FORM AND DATE OF BONDS.

The form of the Bonds shall be general obligation bonds, issued in one or more series pursuant to the Charter of the City of Pasadena, and certain provisions of the California Government Code, including Article 1, commencing with Section 43600 of Chapter 4 of Division 4 of Title 4 and Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 (collectively, the "Bond Law"). The maximum number of years any series of Bonds shall run shall not exceed thirty (30) years.

SECTION 11. ISSUANCE AND SALE OF BONDS.

The City proposes to issue and sell the Bonds pursuant to the Bond Law, in one or more series, in the maximum amount and for the objects and purposes set forth above if fifty-five percent (55%) or two-thirds (2/3), as applicable, of all qualified voters voting on the proposition set forth above vote in favor thereof. The Bonds will be general obligations of the City payable from and secured by *ad valorem* taxes levied and collected in the manner prescribed by the laws of the State of California. The revenue generated by the *ad valorem* tax levied and collected will be used for the payment of debt service on the Bonds. All of the Bonds shall be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 12. MANNER OF CONDUCTING ELECTION.

The election shall be consolidated with the Statewide general election and such other elections to be held on November 5, 2024 under State law within the territory of the City, and shall be held and conducted, and all other proceedings incidental to and connected with the election, shall be regulated and done, in accordance with the provisions of law regulating regularly scheduled elections. The precincts, polling places to said precincts in the County of Los Angeles (the "County"), and persons appointed and designated to serve as election officers for said election will be those determined, designated and appointed pursuant to State law by the Registrar-Recorder/County Clerk of the County of Los Angeles (the "Registrar"). The City, by resolution, has requested that the election be consolidated with the Statewide general election and that the Registrar conduct the election as well as perform various other services required by law on behalf of the City.

SECTION 13. PROCEDURE FOR VOTING ON PROPOSITION.

Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County charged with conducting the election.

SECTION 14. ACCOUNTABILITY REQUIREMENTS.

In accordance with Sections 53410 and 53411 of the California Government Code, the City Council hereby adopts the following accountability requirements relating to the bonds:

- (a) The specific purpose of the bonds is to finance the Project.
- (b) The proceeds from the sale of the Bonds will be used only for the purposes specified in Section 5 of this Ordinance, and not for any other purpose.
- (c) The proceeds of the Bonds will be deposited into an account to be created and held by the City.
- (d) The Finance Director of the City shall file a report with the City Council no later than September 30, 2025, and at least once a year thereafter, showing the amount of funds collected and expended, and the status of the Project.

SECTION 15. IDENTIFICATION OF TAX.

The tax imposed by this measure is an *ad valorem* tax levied upon taxable real property in the City, and will be used to pay the principal and interest on the Bonds.

SECTION 16. REQUIREMENTS OF PROPOSITION 5.

In the event Proposition 5 is adopted by the Statewide voters, the following findings and additional accountability requirements are hereby adopted and will be effective:

- (a) The Project constitutes a public infrastructure as defined in Proposition 5;
- (b) Proceeds from the sale of the Bonds shall be used only for the purposes specified in Section 5, and not for any other purpose, including City employee salaries and other operating expenses. The administrative cost of the City executing the Project shall not exceed 5 percent of the proceeds from the sale of the Bonds;
- (c) The Project serves the jurisdiction of the City;
- (d) The City shall certify that the City has evaluated alternative funding sources;
- (e) The City shall conduct an annual, independent performance audit to ensure that the funds have been expended pursuant to this Ordinance;
- (f) The City shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the public infrastructure;
- (g) The City shall post the audits required by clauses (e) and (f) in a manner that is easily accessible to the public;
- (h) The audits required by clauses (e) and (f) will be submitted to the California State Auditor for review;
- (i) The City shall appoint a citizens' oversight committee to ensure that proceeds of the Bonds are expended only for the purposes described in the measure approved by the voters. Members appointed to an oversight committee established pursuant to this subclause (i) shall receive educational training about bonds and fiscal oversight; and
- (j) An entity owned or controlled by a local official of the City that votes on whether to put this measure on the ballot will be prohibited from bidding on any work funded by the proposition.

SECTION 17. OFFICIAL ACTIONS.

The Mayor, the City Manager, the Finance Director, the City Clerk, and any of their designees, are hereby authorized to execute any documents and to perform all acts necessary to place the bond measure on the ballot.

SECTION 18. INTERPRETATION.

The provisions of this Ordinance, being necessary for the health, welfare, and safety of the City and its residents, is to be liberally interpreted to carry out its purposes. No error, irregularity or informality, and no neglect or omission of any officer, in any proceeding taken related to the submission of the proposition incurring bonded indebtedness to the qualified voters of the City shall void or invalidate any such proceeding, any Bonds issued by the City or any levy of ad valorem taxes to pay principal of and interest on the Bonds.

SECTION 19. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions this Ordinance are declared to be severable.

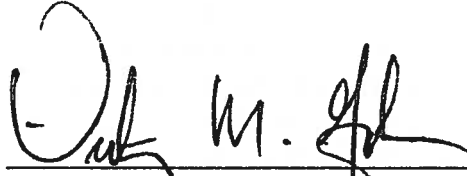
SECTION 20. PUBLICATION OF ORDINANCE.

The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published in accordance with the Charter and the Bond Law.

SECTION 21. EFFECTIVENESS.

This Ordinance shall take effect on the date of its publication pursuant to Section 508 of the Charter, following adoption by two-thirds vote of all of the members of the City Council.

Signed and approved this 29th day of July, 2024.



Victor Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 29th day of July, 2024, by the following vote:

AYES: Councilmembers Hampton, Jones, Masuda, Williams,
Vice Mayor Madison, Mayor Gordo

NOES: Councilmembers Lyon, Rivas

ABSENT: None

ABSTAIN: None

Date Published: August 1, 2024, August 8, 2024

APPROVED AS TO FORM




Javan N. Rad
Chief Assistant City Attorney

ATTEST:



MARK JOMSKY, CMC
CITY CLERK

APPROVED AS TO FORM

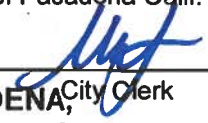


Eric Tashman
Norton Rose Fulbright US LLP
Bond Counsel

I hereby certify that the foregoing document is a full, true and correct copy of Resolution No. 10079 c in the office of the City Clerk of City of Pasadena Calif.

RESOLUTION NO. 10079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, CALLING FOR 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 TO THE VOTERS OF THE CITY OF PASADENA THREE CHARTER AMENDMENT BALLOT MEASURES RELATED TO CITY COUNCIL GOVERNANCE ISSUES, AS PRESCRIBED IN ARTICLE IV OF THE PASADENA CITY CHARTER



City Clerk

WHEREAS, on June 10, 2024, the Charter Study Task Force presented its Final Report and recommendations on assigned Charter Study topics related to City Council governance issues to the City Council for consideration of placing one or more Charter Amendment measures on the November 5, 2024 General Municipal Election ballot for Pasadena voter consideration;

WHEREAS, on July 8, 2024, the City Council conducted an in-depth discussion on the various recommendations of the Charter Study Task Force, and voted to proceed with submitting amendments to the Pasadena City Charter for voters in Pasadena to consider and determine whether or not to approve such changes to the City Charter, with the City Council directing City staff to prepare the necessary resolutions and ballot measure questions to place these issues on the November 5, 2024 General Municipal Election ballot and to allow voters to decide on the City Charter amendments;

WHEREAS, on October 23, 2023, 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 Measure shall be submitted to the voters at the November 5, 2024 General 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 General Municipal Election with the Statewide General Election to be held on Tuesday, November 5, 2024, for the purpose of submitting three 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 General Municipal Election, to be consolidated with the Statewide General Election on November 5, 2024, three Charter Amendment ballot measures that, if approved, would allow for changes to Pasadena City Charter, Article IV, pertaining to City Council governance issues, with the following questions:

| | | |
|--|-----|--|
| 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 revisions, including those restricting changes to Campaign Contribution Limits, be adopted? | YES | |
| | NO | |

| | | |
|---|-----|--|
| 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 | |

| | | |
|--|-----|--|
| Shall amendments to Pasadena City Charter, Article IV, to establish term limits of no more than three consecutive terms for the elected offices of Mayor and Councilmember, respectively, and allowing an additional two terms after at least a four-year hiatus from the elected office held, for a maximum of five total terms in the same office, be adopted? | YES | |
| | NO | |

SECTION 3. The changes to the City Charter text for all three City Charter Amendment measures affecting City Charter, Article IV, is attached hereto as Exhibits "A", 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 29th day of July, 2024, by the following vote:

| | |
|----------|---|
| AYES: | Councilmembers Jones, Lyon, Masuda, Rivas, Williams, Vice Mayor Madison, Mayor Gordo |
| NOES: | None |
| ABSENT: | Councilmember Hampton |
| ABSTAIN: | None |



Mark Jomsky, City Clerk

APPROVED AS TO FORM:



Michele Beal Bagneris
City Attorney/City Prosecutor

EXHIBIT A – CITY CHARTER, ARTICLE IV (REDLINED)

ARTICLE IV - THE CITY COUNCIL

Section 401. - NUMBER AND TERM

- A. There shall be a City Council consisting of a Mayor and seven Councilmembers. The seven Councilmembers shall be nominated and elected by district as provided in this Charter. Except as otherwise provided in ~~subsection B~~ this Charter, the term of office of the Mayor and Councilmembers shall be four years.
- ~~B. Notwithstanding any other provision of this Charter, to transition to new election dates starting in 2018, the terms of office of the Mayor and Councilmembers elected in 2015 shall expire in December 2020 and the terms of office of Councilmembers elected in the year 2017 shall expire in December 2022.~~
- ~~C.~~ B. Beginning in the year 2020, the terms of office of the Mayor and Councilmembers elected from Districts 1, 2, 4, and 6 shall commence in the year 2020 and in each fourth anniversary of the year 2020, and the terms of office of the Councilmembers elected from Districts 3, 5, and 7 shall commence in the year 2022 and in each fourth anniversary of the year 2022. The terms of office of the Mayor and Councilmembers shall commence at the time of the City's organizational meeting held on the fifth Monday following the statewide general election and until their respective successors are elected and have duly qualified.
- C. No person may serve more than three consecutive elected terms of office as a Councilmember. Following a period of hiatus of not less than four years away from that elected City Council District office, a person may serve an additional two terms in that elected District office as Councilmember. In no event shall any person serve more than five terms in the same elected office of Councilmember. Any term of elected service of two years or more shall be considered a full term for purposes of this section. The limitation on the number of elected terms shall apply only to terms of office that begin after January 1, 2025.
- D. No person may serve more than three consecutive elected terms of office as Mayor. Following a period of hiatus of not less than four years away from the elected office of Mayor, a person may serve an additional two terms in the elected office of Mayor. In no event shall any person serve more than five terms in the elected office of Mayor. Any term of elected service of two years or more shall be considered a full term for purposes of this section. The limitation on the number of elected terms shall apply only to terms of office that begin after January 1, 2025.

Section 402. - ELIGIBILITY.

The Mayor and each Councilmember shall be a qualified elector of the City. 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, shall be deceased, 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 OR SPECIAL ELECTION.

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 remaining members of the City Council shall, after the declaration of vacancy, elect an Acting Mayor from among the remaining members of the City Council. The Acting Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next primary or general municipal election. ~~The assumption of the duties of the Mayor shall not require that the Vice Acting Mayor relinquish his or her seat as a Councilmember elected or appointed from a district. The unexpired term of Mayor shall be filled at either the primary or general municipal election, upon certification of the election results where one candidate receives a majority of the votes cast to fill the vacant Mayoral office, consistent with City Charter Section 1204~~ 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.

If a vacancy occurs among any member of the City Council that represents a City Council District, and less than two years remain on the unexpired term for that office, the remaining members of the City Council shall within 75 days after the declaration of the vacancy, appoint a qualified resident voter of the unrepresented City Council District who shall hold office until the office is filled at the next general or special municipal election. Any person seeking an appointment to a City Council District vacancy shall be a resident of the City for not less than thirty (30) days immediately preceding the declaration of the vacancy. The City Council shall adopt by ordinance the process to fill vacancies for City Council District offices.

If two or more years remain on the unexpired term, or if the City Council cannot agree on one person to fill the vacancy within 75 days of the declaration of the vacancy, the office shall be filled by special election. The special election shall be called by the remaining members of the City Council within thirty (30) days of the declaration of the vacancy, or at the next regular meeting of the City Council following the expiration of the 75-day deadline. The special election shall be held on the next regularly established primary municipal, general municipal, district, county, or state election date not less than 114 days from the call of the special election, unless the City Council chooses to call a special election at an earlier point in time. The unexpired term shall be filled in either the primary or general special election, upon

certification of the election results where one candidate receives a majority of the votes cast for the vacant office, consistent with City Charter Section 1204.

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of the 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.

Pursuant to an ordinance adopted by the City Council authorizing the formation of a Committee on City Councilmembers' Compensation ("the Committee"), each member of the City Council shall nominate one person to the Committee, subject to the approval of the City Council. The duties of the Committee shall be to study, take public input, and make recommendations regarding the compensation paid to members of the City Council and benefits to which the members of the City Council are entitled including, but not limited to, insurance, expense allowances and reimbursement. The Committee shall be convened not less than once every five years.

Each member of the Committee shall be an elector of the City. In making their nominations, City Councilmembers shall consider persons recommended by representatives of the fields of higher education, labor, business, and organizations reflecting the diversity of the City. No person shall be eligible for membership on the Committee who is, or within five years prior to his or her appointment was, an officer or employee of the City; or who has, within five years prior to his or her appointment, had any personal or business-related contractual relation with the City.

The nominee of the Mayor shall act as temporary chair of the Committee, with the power to fix the time and place of the Committee's first meeting. At such meeting, the Committee shall elect a Chair and a Vice-Chair and shall adopt such rules as it deems necessary to conduct its business. The provisions of the Ralph M. Brown Act shall govern the conduct of meetings of the Committee. Records of the Committee shall be maintained as public records as provided by State law. The Committee shall gather such information as it deems necessary to complete its duties, and prior to making its recommendation, shall hold at least one duly noticed public hearing for the purpose of seeking public input. The City Manager shall provide office space, staff assistance and supplies for the work of the Committee. Committee members shall serve without compensation, other than reimbursement for reasonable expenses pursuant to City ordinance.

Not later than October 1 of the year the Committee is appointed, the Committee shall submit to the City Council a report adopted by a majority of the members of the Committee recommending either that no change be made in the compensation paid to members of the City Council, or that change, either an increase or a decrease, be made and the amount thereof. If such report is not timely submitted or is not adopted by a majority of the members of the Committee, the Committee's recommendation shall be deemed to be a recommendation for no change. The Committee shall cease to exist thirty (30) days after its report is submitted to the City Council.

The City Council may take no action on the recommendation, or it may, by ordinance, adjust the compensation paid to members of the City Council by an amount not to exceed the recommendations of the Committee. No action which increases the compensation of the City Council in excess of the level recommended by the Committee may be taken without a vote of the people. Any ordinance adopted pursuant to a recommendation of the Committee shall be adopted by a 2/3 majority vote and shall be subject to referendum as provided in this Charter. Once compensation has been initially established as provided in this section, no increase in the annual compensation shall be greater than five percent for each calendar year following the operative date of the most recent change for the compensation. No more than one ordinance establishing the compensation of City Council members may be adopted in any two-calendar year period. Any compensation and benefits fixed as a result of this Section shall constitute full compensation for the services of the City Council member and the maximum benefits provided to the City Council member by the City.

Until such time as the City Council adopts an ordinance as provided herein, Councilmembers shall continue to receive the compensation in effect as of the effective date of the Section.

Section 406. - THE MAYOR.

The Mayor shall be nominated and elected by the voters of the City at large for a term of four years, ~~except as provided in Section 401 (B).~~ except as otherwise provided in this Charter. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor 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 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 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 ACTING MAYOR

In the event of a vacancy in the Office of Mayor, the City Council shall elect from among the remaining Councilmembers, an Acting Mayor who shall exercise the powers and perform the duties of the Mayor. Notwithstanding any other provision in this Charter, while an Acting Mayor is serving in the role of Mayor due to Mayoral vacancy, 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 members.

Section 407~~8~~. - THE VICE MAYOR.

At its organizational meeting held annually in December, on the fifth Monday following the statewide general election held in November of even years, and the fifth Monday following the first Tuesday after a Monday in November of odd years, 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.

Section 408~~9~~10. - POWERS VESTED IN THE CITY COUNCIL.

All powers of the City shall be vested in the City Council subject to the provisions of this Charter and to the Constitution of the State of California. The City Council is empowered to carry into effect the provisions of this Charter, to execute the powers vested in the City, and to perform all duties and obligations imposed upon the City by State law.

Section 409~~10~~11. - OFFICERS APPOINTED BY CITY COUNCIL.

The City Council shall appoint and may remove the City Manager, City Attorney, City Prosecutor, and City Clerk.

The City Prosecutor shall prosecute misdemeanor offenses arising out of violations of the law of the State and ordinances of the City.

Section 410~~11~~12. - ORGANIZATION OF CITY OPERATIONS AND ACTIVITIES.

The City Council shall, by ordinance, provide for the organization of all city operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of city departments, offices and agencies, advisory boards, commissions, and committees. In establishing departments, offices, agencies, boards, commissions and committees, the Council shall provide for the functions, powers, and duties of each such department, office, agency, board, commission, or committee created.

The City Council may, by ordinance, abolish, consolidate, modify, or separate any department, office, agency, board, commission, or committee, and may assign, reassign, or modify any functions, powers, or duties.

Section 411~~12~~13. - PROHIBITIONS.

- (A) Neither the Mayor nor any City Councilmember 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 412~~3~~. - OFFICIAL BONDS.

The City Council may, by ordinance, require any city officer or employee to give and execute to the City ~~an~~ official bonds for the faithful performance of official duties. The Premium therefor shall be paid by the City.

Section 414. - CAMPAIGN CONTRIBUTION LIMITS.

If the City Council adopts an ordinance implementing campaign contribution limits different from state default limits, the campaign contribution limit ordinance may be amended no earlier than following the second primary and general municipal election cycle after its enactment or amendment.