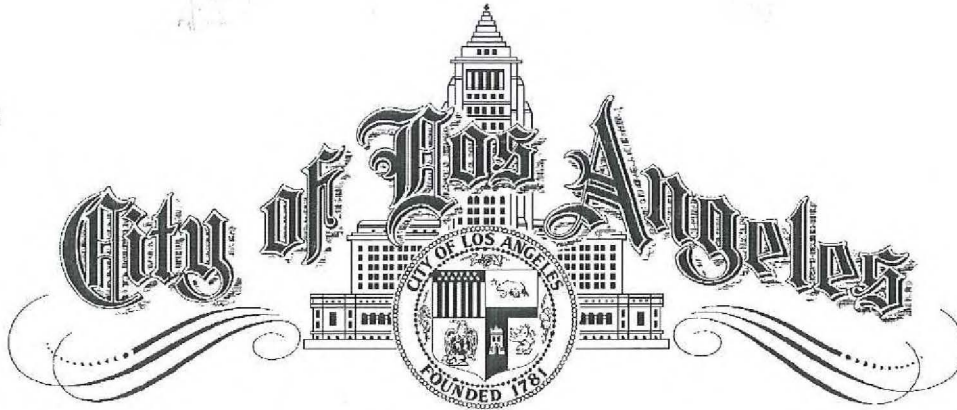


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 13 - 0052
FEB 13 2013

REPORT RE:

**DRAFT ORDINANCE ESTABLISHING THE AMOUNTS OF FEES AND BONDS
FOR RECOUNTS IN CONNECTION WITH CITY ELECTIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance will establish the amounts of fees and bonds the City Clerk will be authorized to charge for the recount of ballots cast at City elections.

On December 5, 2012, the City Clerk submitted a report to the City Council recommending the fees the City Clerk would be authorized to charge for the recount of ballots in City elections. The fee adjustments recommended by the City Clerk reflect the current supply costs and salary rates of staff utilized in conducting election recounts. On January 29, 2013, the City Council adopted the City Clerk's report and requested the City Attorney to prepare the necessary ordinance.

The draft ordinance is based on the recommendations contained in the City Clerk's report and on subsequent conversations with personnel in the City Clerk's office, who evaluated the cost of performing both manual and electronic tallies from prior elections and proposed a new fee structure to reflect those costs. The costs cover the money for set up and recounting the initial minimum number of ballots, in addition to a certain amount for each ballot recounted.

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Accordingly, the draft ordinance provides that the City's manual recount fee be set at \$7,293.00 per day plus \$0.11 for each ballot recounted manually. The daily rate includes costs for the setup, supervision of the tally and the executive recount board. Based on prior election tallies, the City's electronic recount fees would be a one-time fee of \$1,516.00 for the cost of setup. In addition, a fee of \$0.11 will be charged for each ballot recounted electronically.

The draft ordinance also provides that the person requesting the recount shall deposit a bond or cash deposit before the recount is commenced and at the beginning of each day the recount continues based on the fees described above and the number of ballots the City Clerk expects to be recounted each day.


We note that, because this ordinance would effectuate increases in existing fees, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Pursuant to Council Rule 38, we submitted the draft ordinance to the City Clerk for comment. The transmitted ordinance incorporates the City Clerk's comments.

If you have any questions regarding this matter, please contact Deputy City Attorney Catrina M. Archuleta at (213) 978-7186. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:CMA:ac
Transmittal

cc: June Lagmay, City Clerk
Gerry Miller, CLA

ORDINANCE NO. _____

An ordinance establishing the fees and bond requirements related to recounts of ballots cast at City elections pursuant to Subsection (d) of Section 406 of the Los Angeles City Charter and Subsection (e) of Section 1400 of the Los Angeles City Election Code.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Ordinance No. 181602 is hereby repealed.

Sec. 2. Fees for Election Recounts -- Manual Recounts. The fee to recount ballots manually in connection with any municipal election of the City of Los Angeles or any election of any other jurisdiction that is conducted by the City of Los Angeles shall be \$7,293.00 per day plus \$0.11 for each ballot recounted manually.

Sec. 3. Fees for Election Recounts -- Electronic Recounts. The fee to recount ballots electronically in connection with any municipal election of the City of Los Angeles or any election of any other jurisdiction that is conducted by the City of Los Angeles shall be a one time fee of \$1,516.00 for the cost of setup. In addition, a fee of \$0.11 shall be charged for each ballot recounted electronically.

Sec 4. Bond Requirements. The person requesting the recount shall deposit or otherwise transmit a bond or cash deposit to the City before the recount commences. For manual recounts, the bond amount shall cover the initial costs of the recount process and at the beginning of each day the recount continues to cover the costs of the recount for that day. For electronic recounts, the bond shall cover the one time fee for the costs of set up and at the beginning of each day the recount continues to cover the costs of the recount ballots for that day. The bond or cash deposit shall be in an amount calculated based on the fee required by Section 2 or Section 3 of this ordinance, depending on whether a manual or electronic recount is requested, and the number of ballots the City Clerk expects to be recounted on that day.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

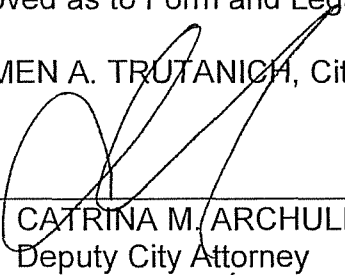
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 

CATRINA M. ARCHULETA
Deputy City Attorney

Date 2/13/13

File No. 10-1912