

CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 1 - 0 0 4 4
FEB 0 3 2011

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:

In accordance with your instructions and in conjunction with the report of the City Clerk, this Office has prepared and now transmits for your consideration a draft ordinance establishing the amounts of fees and bonds the City Clerk will be authorized to charge for the recount of ballots cast at City elections. We have approved the ordinance as to form and legality.

On December 7, 2010, 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 December 17, 2010, 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 the City Clerk's office clarifying that the fee should be set as a flat amount to cover the costs of set up and recounting the initial minimum number of ballots, plus a certain amount per each ballot recounted. Accordingly, the draft ordinance provides that the City's manual recount fee be set at \$2,200 plus \$0.84 for each ballot recounted manually, and electronic recount fee be set

at \$2,365 plus \$0.037 for each ballot recounted electronically. The draft ordinance also provides that the person requesting the recount 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.

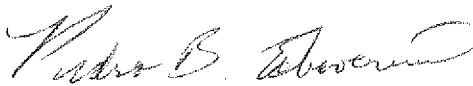
Prior to adopting a new fee or increasing an existing fee, the City Council must conduct a public hearing concerning the matter, as required by Government Code Section 66018. Notice of the time and place of that hearing, including a general explanation of the matter to be considered, must be published in accordance with Government Code Section 6062a.

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 Harit U. Trivedi at (213) 978-7184. He 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:HUT:ac
Transmittals

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. 180433 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 \$2,200 plus an additional \$0.84 per ballot 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 \$2,365 plus an additional \$0.037 per ballot 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 to 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. 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

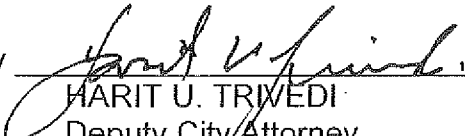
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
HARIT U. TRIVEDI
Deputy City Attorney

Date 1/21/11

File No. 10-1912