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CITY ATTORNEY

REPORT NO. R 17 - 0 0 1 6

REPORT RE:

JAN 19 2017

**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 adjusting the amounts of fees and bonds the City Clerk will be authorized to charge for the recount of ballots cast at the upcoming City elections. We have approved the ordinance as to form and legality.

On November 3, 2016, the City Clerk submitted a report to the City Council recommending adjustments to the fees the City Clerk would 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 13, 2017, 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 detailing the proposed new fee structure to reflect the costs of conducting manual and electronic recounts. The recommended fees are structured to cover the costs for set up and recounting the initial minimum number of ballots, plus a certain amount for each ballot recounted. The draft ordinance provides that the City's manual recount fee be set at \$9,310 per day, plus an additional \$0.20 for each ballot recounted

manually. The draft ordinance provides that the electronic recount fee be set at a one-time fee of \$2,403 for the cost of setup, plus an additional \$0.16 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 Harit U. Trivedi at (213) 978-7100. 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,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

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