



OFFICE OF THE CITY ATTORNEY

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ORD-38

DAWN MCINTOSH
City Attorney

August 8, 2023

GARY J. ANDERSON
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare Ordinance amending the Long Beach Municipal Code by amending the title of Chapter 2.38 and Section 2.38.010, all relating to the Climate Resilient and Sustainable City Commission, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide).

DISCUSSION

Pursuant to your request on June 13, 2023, this office has prepared and submits the above described Ordinance for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

DAWN MCINTOSH, City Attorney

By 
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ERIN WEESNER-MCKINLEY
Deputy City Attorney

CHAPTER 2.38 CLIMATE RESILIENT AND SUSTAINABLE CITY COMMISSION

2.38.010 Created.

There is created a Commission to be known as the Climate Resilient and Sustainable City Commission.
(ORD-07-0024 § 1 (part), 2007)

2.38.020 Purpose.

The purpose of the Commission shall be to make advisory policy recommendations to the City Council on issues relating to the environment, a sustainable City plan, efforts or programs to address environmental issues such as air quality, water quality, resource conservation relating to the protection and integrity of the natural environment, programs to increase education and awareness of the environment, to serve as a forum for community discussion of these environmental issues, and to encourage input and participation from all sectors of the community on issues of sustainability and the environment.

All recommendations of the Commission shall be submitted to the City Council in writing and shall include a summary of any citizen testimony before the Commission on each particular recommendation presented for consideration.

The Commission shall not sit as an adjudicatory body on any matter, including, but not limited to, the adequacy or certification of any environmental documents which are otherwise within the jurisdiction of the City Council or Planning Commission and shall have no authority to compel the attendance of persons before it. Each year the Commission shall prepare a work program outlining the focus for the Commission for review and approval by the City Council.

(ORD-07-0024 § 1 (part), 2007)

2.38.030 Authority over City officers and employees.

The Commission shall neither interfere with nor impose itself on the powers and duties of the officers of the City as set forth in the City Charter, nor shall the Commission interfere with the management or operations of the City. Likewise, the Commission shall have no authority over employees of the City, and the provisions of Section 208 of the City Charter shall be applicable.

(ORD-07-0024 § 1 (part), 2007)

2.38.040 Members.

- A. The Commission shall be comprised of eleven (11) members. There shall be one (1) commission member representing each of the nine (9) councilmanic districts and two (2) members appointed at-large.
- B. All members shall be appointed by the Mayor subject to confirmation by the City Council. Each member of the City Council shall nominate a maximum of three (3) individuals to the Mayor to represent each respective Council district.
- C. Members of the Commission shall have a demonstrated concern for, and the desire to improve, the status of natural resources and living environment of the City, and may have professional or scholarly expertise in the environmental field, geology, hydrology, land use planning, ecology, or special expertise and demonstrated capabilities in fields relating to the social, economic or environmental aspects of life in the City.
- D. Whenever a member desires to resign from the Commission, he or she shall inform the Chairperson in writing. Any member of the Commission may be removed by the Mayor with the consent and approval of the

City Council. If a member is absent without the consent of the Commission from three (3) consecutive meetings, whether regular or special, such absence shall cause the member's retirement from the Commission. In the event a vacancy is created, it shall immediately be filled by the same method by which the member was appointed.

(ORD-07-0024 § 1 (part), 2007)

2.38.050 Term of office.

- A. The term of office for members of the Commission shall be four (4) years. No member shall serve for more than two (2) consecutive terms.
- B. Notwithstanding the provisions of Subsection A of this Section, five (5) members first appointed to the Commission, including the two (2) at-large members and three (3) other members as determined by lottery, shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.

(ORD-07-0024 § 1 (part), 2007)

2.38.060 Applicability of Chapter 2.18 of the Long Beach Municipal Code.

Except as provided in this Chapter, the Commission shall operate and conduct its business in accordance with the provisions of Chapter 2.18 of this Code entitled "Advisory Boards, Commissions and Committees."

(ORD-07-0024 § 1 (part), 2007)

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING THE TITLE OF CHAPTER 2.38 AND SECTION 2.38.010, ALL RELATING TO THE CLIMATE RESILIENT AND SUSTAINABLE CITY COMMISSION

WHEREAS, the City Council adopted the Long Beach Climate Action Plan (“LB CAP”) in August 2022, which includes climate action goals aimed at reducing greenhouse gas emissions, and climate change adaptation goals that focus on the negative impact climate change has on infrastructure, services, and the well-being of the community; and

WHEREAS, funding was then identified in the Fiscal Year 2023 budget to establish the Office of Climate Action and Sustainability; and

WHEREAS, the Sustainable City Commission (“Commission”) is supported by staff from the Office of Climate Action and Sustainability; and

WHEREAS, on April 27, 2023, the Commission unanimously voted to approve a recommendation to the City Council to change the Commission’s name to the Climate Resilient and Sustainable City Commission;

WHEREAS, the proposed Commission name change more closely aligns with the City’s strong focus and vision of the LB CAP to create a more sustainable, resilient, and equitable City by addressing climate change on a way that remedies existing environmental health disparities while also improving health, quality of life, and economic vitality throughout Long Beach; and

WHEREAS, on June 13, 2023, the City Council voted to amend Long Beach Municipal Code Chapter 2.38 to change the Sustainable City Commission’s name to the

1 Climate Resilient and Sustainable City Commission and requested the City Attorney to
2 prepare an ordinance amending Chapter 2.38 of the Long Beach Municipal Code to: (1)
3 revise the title of the Sustainable City Commission to the Climate Resilient and Sustainable
4 City Commission.

5 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
6 follows:

7 Section 1. The Title of Chapter 2.38 of the Long Beach Municipal Code is
8 amended to read as follows:

9 Chapter 2.38 Climate Resilient and Sustainable City Commission
10

11 Section 2. Section 2.38.010 of the Long Beach Municipal Code is
12 amended to read as follows:

13 2.38.010 Created.

14 There is created a Commission to be known as the Climate
15 Resilient and Sustainable City Commission.
16

17 Section 3. The City Clerk shall certify to the passage of this ordinance by
18 the City Council and cause it to be posted in three (3) conspicuous places in the City of
19 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
20 Mayor.

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DAWN MCINTOSH, City Attorney
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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2023, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor