

To the City Council of the City of Long Beach:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Long Beach, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the city this petition and request that the following proposed amendment to the charter of the city be submitted to the registered and qualified voters of the city for their adoption or rejection at an election on a date to be set by the City Council in accordance with applicable law.

### **LONG BEACH CHARTER AMENDMENT FOR CITY COUNCIL REFORM**

#### **SECTION 1. STATEMENT OF FINDINGS**

The people of the City of Long Beach hereby find that under the current City Charter, our system of local government has become increasingly non-responsive to the diverse needs and complex problems of our community. The crux of the problem is that the present City Charter creates a government where Councilmembers often place narrow, regional interests ahead of citywide concerns.

First, Councilmembers are elected in nine separate districts which encourages a myopic focus on their small portion of the city, and often little or no concern for the overall needs of the city as a whole. None of the Council members are accountable to all the people of the City of Long Beach, which reduces the City Council's responsiveness to citywide interests and needs.

Second, the currently low threshold for Councilmembers to override a mayoral veto renders the mayor's veto meaningless and inhibits the mayor's ability to prevent narrow, regional interests from overriding the citywide needs and interests of Long Beach.

Third, our City Charter has created an inherent conflict of interest in which our Councilmembers are charged with drawing the lines of the districts they represent, in effect choosing their voters rather than the voters choosing their representatives on the City Council. This system promotes the self interest of Council members over the public good, leads to political maneuvering to aid regional interests, insulates Councilmembers from citywide accountability, and results in a lack of attention to solving the major problems in our city.

A City Council works best when Councilmembers are accountable and responsive to the city as a whole, not merely a small district. The City Council needs a balance of members who are accountable to the entire city. The voters of the entire city need a greater voice in electing the City Council. Our city governance will improve when the City Council needs a two-thirds (2/3) majority to override a mayoral veto, not the same mere majority required to pass the measure initially. The mayoral veto is an important check against narrow, regional interests dominating citywide concerns. A City works best when the voters choose their Councilmembers, not when

the Councilmembers choose their voters. The people need Councilmembers who are accountable, not insulated from popular will.

## SECTION 2. STATEMENT OF PURPOSE

This charter measure will advance the findings of the People of the City of Long Beach:

- (A) By redesignating three (3) seats on the City Council to be elected by voters of the entire city;
- (B) By allowing voters of the entire city to participate in the election of three Council members;
- (C) By raising the vote requirements to override a mayoral veto from a majority vote to a two-thirds (2/3) vote requirement; and
- (D) By taking away the City Council's power to draw its own district boundary lines and vesting this power in an independent Redistricting Commission.

## SECTION 3. CHARTER AMENDMENTS

The proposed charter amendment read as follows:

First. Section 103.5 of Article I shall be added to the City Charter as set forth below by the underlined text:

### Sec. 103.5 CITY COUNCIL DISTRICTS.

(a) Notwithstanding Section 103 of this Article, upon the filing of an interim redistricting map pursuant to Article XXIV, Section 2406 of this Charter, the City shall be divided, for electoral purposes, into six (6) City Council Districts. Commencing the second quarter of 2011 and at intervals of five (5) years, or at any other time the City Council may direct, the Planning Commission shall ascertain the number of inhabitants in each City Council District and report its findings to the City Council. If the report shows that the City Council Districts are not approximately equal in number of inhabitants, the City Council shall issue a resolution calling for the convening of a new session of the Redistricting Commission.

(b) Upon the issuance of a resolution by the City Council calling for the convening of a new session of the Redistricting Commission, the Mayor, City Attorney, City Auditor, and City Prosecutor shall appoint new members of the Redistricting Commission pursuant to Sec. 2401 of this Charter. The new members shall approve a new district map pursuant to Sec. 2404 of this Charter.

(c) Any territory hereafter annexed to the City shall become a part of the City Council District or districts adjoining such annexed territory. The City Council shall by ordinance alter the boundaries of the affected district or districts.

Second. Section 200.5 of Article II shall be added to the City Charter as set forth below by the underlined text:

Section 200.5 MEMBERS AND TERMS.

(a) Notwithstanding Section 200 of this Article, commencing on the third Tuesday of July of 2010, the City Council shall consist of nine (9) Council members elected to office in a manner provided in this Charter, one from each of the six (6) City Council Districts into which the City has been divided and elected by voters residing in their respective City Council Districts, and three (3) City-Wide Members elected by all voters of the city. Except as provided in Section 214, subdivision (d) of this Article, City Council District seats and City Wide Member seats shall equally enjoy all the same rights, privileges and duties as provided in this Charter.

(b) At the 2010 general municipal election, all nine seats for the City Council shall be voted upon by their respective constituencies. The initial term of office shall be two (2) years for even-numbered City Council District seats and even-numbered City-Wide Member seats. Such two-year terms shall not be deemed to be a full four-year term for the purposes of Section 214. The initial term of office shall be four (4) years for members elected to serve odd- numbered City Council District seats and odd numbered City-Wide Member seats. Subsequently, the term of office shall be four (4) years for all seats. Alternatively, and successively, even-numbered City Council District and City-Wide Member seats shall be filled at one general municipal election and odd-numbered City Council District and City-Wide Member seats at the next such election. The term of all City Council members shall commence on the third Tuesday of July following his or her election, and he or she shall serve until his or her successor qualifies. Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

(c) Notwithstanding Section 200 of this Article, or any other provision of this Charter, any active term of a City Council member in effect as of the Monday prior to the third Tuesday of July of 2010, shall expire upon the commencement of any term of office of a member elected pursuant to subdivision (b) of this section. Any such active term of a City council member that expires shall not be deemed to be a full four-year term for the purposes of Section 214.

Third. Section 213 of Article II of the City Charter shall be amended as set forth below to repeal the text marked by ~~strikeout type~~ and add the underlined text:

Sec. 213. VETO OF CITY COUNCIL ACTIONS BY MAYOR; COUNCIL VOTE REQUIRED TO OVERRIDE VETO.

(a) The Mayor may veto any action of the City Council as defined in Sections 210 and 211 of this Charter, except for procedural and parliamentary motions including, but not limited to, those

for adjournment and similar motions, which veto shall be exercised as provided for in this section.

(1) As to any ordinance, except for emergency ordinances as provided for in Section 211 of this Charter, the Mayor shall, within ten (10) calendar days of adoption of the ordinance, either sign or veto the ordinance. If the Mayor signs the ordinance, it shall become effective thirty-one days thereafter. If the Mayor vetoes the ordinance, the veto shall be exercised by filing with the City Clerk a statement vetoing the ordinance and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall, at the same time, cause the matter to be placed upon the agenda of the next regularly scheduled meeting of the City Council for which an agenda has not as yet been prepared by the City Clerk. At that meeting, or at any time within thirty days of filing of the veto statement, the City Council may, by a vote of ~~five (5) or more~~ at least two-thirds (2/3) of its members, override the veto, in which case the ordinance shall become effective thirty (30) days thereafter. If an override is not voted within the thirty (30) days provided, the ordinance shall be deemed vetoed and shall be of no further force and effect.

(2) As to any resolution, the Mayor shall exercise his or her veto by filing with the City Clerk, within five (5) calendar days of adoption of the resolution, a statement vetoing the resolution and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall cause the matter to be brought before the City Council at its next regularly scheduled meeting. At that meeting, the City Council may, by a vote of ~~five (5) or more~~ at least two-thirds (2/3) of its members, override the veto, in which case the resolution shall become effective as if no veto has been exercised. If an override is not voted at that meeting, the resolution shall be deemed vetoed and shall be of no further force and effect.

(3) As to motions for minute orders, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately following the announcement of the final vote on the motion and prior to commencement of any further business by the City Council, that the motion is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If at least two-thirds (2/3) of the members of the City Council ~~present~~ vote for the motion, to override, the veto shall be deemed overridden. If not, the vetoed action shall be deemed vetoed and defeated and shall be of no further force and effect.

(4) As to any emergency ordinance as provided for in Section 211 of this Charter, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately upon adoption of the emergency ordinance, that the emergency ordinance is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If ~~five (5) or more~~ at least two-thirds (2/3) of the members of the City Council vote for the motion, the veto shall be deemed overridden and the ordinance shall become

effective as if no veto has been exercised. If an override is not voted at that meeting, the ordinance shall be deemed vetoed and shall be of no further force and effect.

(b) Notwithstanding any other provision of this section, the veto of any action to adopt the annual budget pursuant to Section. 1704 or to adopt or amend an appropriations ordinance pursuant to Section 1704 or to appropriate additional funds pursuant to Section 1705, shall require the vote of at least two-thirds (2/3) of the members of the City Council members to override regardless of whether the action is taken pursuant to Subsections (a)(1), (a)(2), (a)(3) or (a)(4).

(c) In all cases, the action to override the Mayor's veto shall be limited to a vote on a motion that the veto of the Mayor be overridden, and no amendatory or other motions to change the vetoed action prior to the override vote shall be in order. If a veto is not overridden and becomes final as provided in this Section, action identical to that vetoed shall not be again considered by the City Council for a period of thirty (30) days.

Fourth. Subdivision (a) of Section 214 of Article II of the City Charter shall be amended and new subdivision (d) shall be added, as set forth below to repeal the text marked by ~~strikeout~~ type and add the underlined text:

**Sec. 214. TERM LIMITATIONS ON BALLOT ACCESS BY CANDIDATES FOR CITY COUNCIL AND MAYOR.**

(a) Prior to January 1, 2010, ~~n~~Notwithstanding any other previously enacted provision of law or of this Charter, the City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person who either:

(1) Is elected to two full terms as a member of the City Council after November 3, 1992 and thereafter seeks to become a candidate for City Council, or

(2) Is serving a full unexpired term as a member of the City Council on November 3, 1992 or other date upon which this act becomes law and is subsequently elected to a second full term as a member of the City Council and thereafter seeks to become a candidate for City Council, or

(3) Is elected to two full terms as Mayor after November 3, 1992 and thereafter seeks to become a candidate for Mayor, or

(4) Is serving a full unexpired term as Mayor on November 3, 1992 or other date upon which this act becomes law and is subsequently elected to a second full term as Mayor and thereafter seeks to become a candidate for Mayor.

(b) Write-In Candidacies. Nothing in this article shall be construed as prohibiting any qualified voter of this City from casting a ballot for any person by writing the name of that person on the ballot, or from having such ballot counted or tabulated, nor shall any provision of

this article be construed as prohibiting any person from standing or campaigning for any elective office by means of a write-in campaign.

(c) Construction. Nothing in this article shall be construed as preventing or prohibiting the name of any person from appearing on the ballot at any direct primary or general election unless that person is specifically prohibited from doing so by the provisions of Section 214(a) or (d) of this Article, and to that end Section 214(a) or (d) shall be strictly construed. This act shall be liberally construed to accomplish its purposes.

(d) After January 1, 2010, notwithstanding any other previously enacted provision of law or of this Charter, the City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person who either:

(1) Is elected to two full four-year terms after November 3, 1992 as either a member of the City Council prior to January 1, 2010, or as a Council member elected to one of the six City Council district seats after January 1, 2010, and thereafter seeks to become a candidate for a City Council District seat on the City Council, or

(2) Is elected to two full four-year terms for a City-Wide Member seat of the City Council after January 1, 2010 and thereafter seeks to become a candidate for a City Wide Member seat on the City Council, or

(3) Is elected to two full terms as Mayor after November 3, 1992 and thereafter seeks to become a candidate for Mayor.

Fifth. Article XXIV shall be added to the City Charter as set forth below by the underlined text:

ARTICLE XXIV – REDISTRICTING COMMISSION

Section 2400. CREATION OF REDISTRICTING COMMISSION.

There is hereby created a Redistricting Commission.

Sec. 2401. MEMBERSHIP AND TERMS OF REDISTRICTING COMMISSION.

(a) The Redistricting Commission shall be composed of seven (7) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who are registered voters residing in the City of Long Beach. Excluding the Chairperson, none of the Commission members shall reside in the same City Council District. None of the Commission members, including the Chairperson, shall currently or within the past ten (10) years have held any elective municipal office of the City of Long Beach. A single resident may not simultaneously hold both a seat as a City Council District

representative and the seat of Chairperson; nor may a single resident simultaneously represent more than one City Council District.

(b) The Mayor, City Attorney, City Auditor, and City Prosecutor shall collectively appoint each of the seven members employing the following process:

No later than thirty (30) days prior to the final date the next Commission session is required to convene pursuant to Section 2404 of this Charter, the Mayor, City Attorney, City Prosecutor, and City Auditor shall each nominate a slate of seven new Commission members comprised of one resident from each of the City Council Districts, and a seventh nominee for Chairperson. No later than twenty (20) days prior to the final date the next Commission session is required to convene pursuant to Section 2404 of this Charter, the Mayor, City Attorney, City Prosecutor, and City Auditor shall meet to collectively appoint the new members of the next Commission session. The Mayor, City Attorney, City Prosecutor, and City Auditor shall each cast one vote for a nominated resident from each City Council District and one vote for a nominated resident for Chairperson. The Mayor, City Attorney, City Prosecutor, and City Auditor need not vote for a resident they personally nominated, nor need vote for all nominees of a given slate.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. After a round of voting, if no nominee for a particular Commission seat has received a majority of votes cast, the Mayor, City Attorney, City Prosecutor, and City Auditor shall then cast another round of votes for that particular seat. This process shall continue until a nominee has been appointed to each seat on the Commission by a majority of the votes cast in a single round or until 11:59pm on the tenth (10<sup>th</sup>) day after voting has commenced, whichever occurs first. If on the eleventh (11<sup>th</sup>) day after voting has commenced, no nominee has been deemed appointed to a particular seat on the Commission, the nominee receiving the most combined votes from all of the rounds of voting shall be deemed appointed to the Commission seat. If a tie results from the most combined votes, the voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

(c) A session of the Commission shall commence immediately after each and every seat has been appointed pursuant to this Section. The term of the Commission shall expire upon approval and filing of a new district map pursuant to Section 2405 of this Article.

#### Sec 2401.5 MEETINGS

(a) All meetings of the Commission shall be open to the public and whenever possible shall be held at a city-owned facility.

The first meeting of a Commission session shall be held in at a city-owned facility at a time during standard government working hours as determined by the City Manager.

(b) Reasonable notice shall be give to the public prior to the convening of any meeting.

(c) Minutes of each meeting shall be kept and filed with the City Clerk and copies of the minutes shall be sent to the Mayor and City Manager.

(d) A majority of all members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.

(e) A meeting of the Commission shall be conducted in accordance with the latest version of Robert's Rules of Order, or similar parliamentary procedure authority.

#### Sec. 2402. POWERS AND DUTIES OF THE COMMISSION.

The Commission shall establish a new district map after the City Council has passed a resolution calling for the convening of a new Commission session.

#### Sec 2403. RESOURCES

(a) The City Manager shall provide any necessary staff and resources to assist the Commission in the furtherance of its duties pursuant to this Article.

(b) The City Attorney shall provide any legal assistance requested by the Commission in the furtherance of its duties pursuant to this Article.

#### Sec. 2404. COMMISSION GUIDELINES

(a) The Commission shall convene no later than forty five (45) days after the issuance of the City Council resolution calling for a new Commission session.

(b) The Commission shall establish a new district map, marking the political boundaries of the City Council Districts. The map shall designate exactly six (6) City Council Districts.

(c) The City Council Districts shall be approximately equal in population based upon the data of the most recent United States decennial census or, if available, the most current population estimates for the City of Long Beach provided by the United States Census Bureau, the County of Los Angeles, the City of Long Beach Planning Department, or another comparable official source.

(d) The City Council Districts shall be as geographically compact and contiguous as possible while maintaining neighborhood integrity, communities of interest, and employing visible geographic features of the City.

(e) The Commission shall establish City Council District boundaries that minimize the number of persons who will be moved from one district to a new district as drawn pursuant to the most recent redistricting as is practicable, subject to the other requirements of this Section.

(f) The Commission shall establish City Council District boundaries that minimize the number of divisions to census tracts.

(g) The Commission shall not establish City Council District boundaries that divide census blocks.

(h) The Commission shall approve a new district map in a public meeting no later than thirty (30) days prior to the initial filing date of the next regularly scheduled city election.

If the City Council resolution calling for the convening of a new session of the Commission is issued less than seventy five (75) days prior to the initial filing date of the next regularly scheduled city election, and the Commission is unable to approve a new district map at least thirty (30) days prior to the initial filing date of the next regularly scheduled city election, the Commission shall approve its district map at least thirty (30) days prior to the regularly scheduled city election held subsequent to the next regularly scheduled city election. During the interim period, the previous district map shall be employed during any city election.

(i) The district map must be approved by a majority of the entire Commission.

(j) Any district map approved by the Commission shall comply with all applicable federal and state laws including the Federal Voting Rights Act.

(k) No later than five days after its approval, the Chairperson shall file, or cause to be filed, the new district map with the City Clerk and send copies to the Mayor and City Manager. The new district map shall be used to establish the City Council District boundaries in all future city elections until a new district map is approved pursuant to this Article.

#### Sec. 2405. PUBLIC REVIEW

(a) The district map, as approved by the Commission, is subject to the referendum powers of the People of the City of Long Beach provided in this Charter.

(b) Should an approved district map become the subject of a qualified referendum petition, the previous district map shall be employed during any city election held prior to resolution of the referendum petition.

(c) Should a referendum petition of a district map be approved by the voters at an election, the City Council shall immediately issue a resolution calling for a new session of the

Commission. If it is not possible for the Commission to approve a new district map thirty (30) days prior to the initial filing date of the next regularly scheduled city election, the Commission shall approve a new district map thirty (30) days prior to the initial filing date of the regularly scheduled city election held subsequent to the next regularly scheduled city election. During the interim period, the previous district map shall be employed during any city election held prior to a public vote on the referendum petition.

#### Sec. 2406. INTERIM DISTRICT MAP

(a) Notwithstanding any other section of this Article, upon the effective date of this Article, the Mayor, City Attorney, City Auditor, and City Prosecutor shall appoint an Interim Redistricting Commission.

(b) The Interim Redistricting Commission shall be composed of nine (9) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who are registered voters residing in the City of Long Beach. The members of the Interim Redistricting Commission shall elect a Chairperson from their membership. None of the Interim Redistricting Commission members shall reside in the same City Council district. None of the Commission members shall currently or within the past ten (10) years have held any elective municipal office of the City of Long Beach. A single resident may not represent more than one City Council district on the Interim Redistricting Commission.

(c) The Mayor, City Attorney, City Auditor, and City Prosecutor shall collectively appoint each of the nine members employing the following process:

No later than three hundred (300) days prior to the initial filing date of the 2010 city election, the Mayor, City Attorney, City Prosecutor, and City Auditor shall each nominate a slate of nine Interim Redistricting Commission members comprised of one resident from each of the City Council districts. No later than two hundred ninety (290) days prior to the initial filing date of the 2010 city election, the Mayor, City Attorney, City Prosecutor, and City Auditor shall meet to collectively appoint the members of the Interim Redistricting Commission. The Mayor, City Attorney, City Prosecutor, and City Auditor shall each cast one vote for a nominated resident from each City Council district. The Mayor, City Attorney, City Prosecutor, and City Auditor need not vote for a resident they personally nominated, nor need vote for all nominees of a given slate.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. After a round of voting, if no nominee for a particular Commission seat has received a majority of votes cast, the Mayor, City Attorney, City Prosecutor, and City Auditor shall then cast another round of votes for that particular seat. This process shall continue until a nominee has been appointed to each seat on the Commission by a

majority of the votes cast in a single round or until 11:59pm on the tenth (10<sup>th</sup>) day after voting has commenced, whichever occurs first. If on the eleventh (11<sup>th</sup>) day after voting has commenced, no nominee has been deemed appointed to a particular seat on the Commission, the nominee receiving the most combined votes from all of the rounds of voting shall be deemed appointed to the Commission seat. If a tie results from the most combined votes, the voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

(d) The meetings of the Interim Redistricting Commission shall be conducted in accordance with Section 2401.5 of this Article.

(e) The City Manager shall provide any necessary staff and resources to assist the Interim Redistricting Commission in the furtherance of its duties pursuant to this Article.

(f) The City Attorney shall provide any legal assistance requested by the Interim Redistricting Commission in the furtherance of its duties pursuant to this Article.

(g) The Interim Redistricting Commission shall convene no later than two hundred fifty (250) days prior to the initial filing date of the 2010 city election. The first meeting of the Interim Redistricting Commission shall be held in at a city-owned facility at a time during standard government working hours as determined by the City Manager.

(h) The Interim Redistricting Commission shall establish a new district map, identifying the political boundaries of exactly six (6) City Council Districts. The Interim Redistricting Commission will number these City Council Districts consecutively from districts 1 through 6.

(i) The Interim Redistricting Commission shall also establish and designate three (3) City-Wide Member seats, each comprising of the entire area of the City of Long Beach. The Interim Redistricting Commission will number these City-Wide Member seats consecutively as City Council District 7 through 9.

(j) The City Council Districts shall be approximately equal in population based upon the data of the 2000 United States decennial census or, if available, the most current population estimates for the City of Long Beach provided by the United States Census Bureau, the County of Los Angeles, the City of Long Beach Planning Department, or another comparable official source.

(k) The City Council Districts shall be as geographically compact and contiguous as possible while maintaining neighborhood integrity, communities of interest, and employing visible geographic features of the City.

(l) The Interim Redistricting Commission shall establish City Council District boundaries that minimize the number of divisions of census tracts.

(m) The Interim Redistricting Commission shall not establish City Council District

boundaries that divide census blocks.

(n) The Commission shall approve its district map in a public meeting no later than one hundred eighty (180) days prior to the initial filing date of the 2010 city election. The district map must be approved by a majority of the entire Commission.

(o) Any district map approved by the Commission shall comply with all applicable federal and state laws including the Federal Voting Rights Act.

(p) No later than five days after its approval, the Chairperson shall file, or cause to be filed, the new district map with the City Clerk and send copies to the Mayor and City Manager. The new district map shall be used to establish the City Council District boundaries in all future city elections starting in 2010 until a new district map is approved pursuant to this Article.

(q) The district map approved pursuant to this section is subject to the referendum powers of the People of the City of Long Beach provided in this Charter, pursuant to the procedures set forth in Sec. 2405 of this Article.

#### Sec. 2407. VACANCIES

(a) If a seat of the Redistricting Commission becomes vacant prior to the approval of a district map, the vacancy shall be filled employing the following process:

No later than ten (10) days after the time the seat becomes vacant, the Mayor, City Attorney, City Prosecutor, and City Auditor shall each nominate one resident of the City of Long Beach. If the vacancy is a City Council District representative seat, a nominee must reside in the respective City Council District. No later than fifteen days (15) days after the time the seat becomes vacant, the Mayor, City Attorney, City Prosecutor, and City Auditor shall meet to collectively appoint a member to fill the vacancy. The Mayor, City Attorney, City Prosecutor, and City Auditor shall each cast one vote for a nominated resident. The Mayor, City Attorney, City Prosecutor, and City Auditor need not vote for a resident they personally nominated. The nominee receiving a majority of votes cast shall be deemed as appointed to the vacant seat.

After a round of voting, if no nominee for the vacant seat has received a majority of votes cast, the Mayor, City Attorney, City Prosecutor, and City Auditor shall then cast another round of votes for the vacant seat. This process shall continue until a nominee has been appointed to the vacant seat by a majority of the votes cast in a single round or until 11:59pm on the day voting has commenced, whichever occurs first. If a nominee has not been deemed appointed to the vacant seat after the first day of voting, the nominee receiving the most combined votes from all of the rounds of voting shall be deemed appointed to the Commission seat. If a tie results from the most combined votes, the voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

(b) If a City Council District representative of the Commission changes residence outside the respective City Council District, the member shall be removed immediately from the Commission and the seat deemed vacant.

(c) If a member of the Commission changes residence outside the City of Long Beach, the member shall be removed immediately from the Commission and the seat deemed vacant.

(d) If a member is absent from any three properly noticed meetings of the Commission for any reason, such member shall be removed immediately from the Commission and the seat deemed vacant if the other members of the Commission unanimously vote in favor of such dismissal.

(e) If a member resigns or becomes deceased, the member shall be removed immediately from the Commission and the seat deemed vacant.

(f) If a member engages in detrimental conduct, such member shall be removed immediately from the Commission and the seat deemed vacant if the other members of the Commission unanimously vote in favor of such dismissal.

(g) The Commission shall immediately notify the City Clerk and Mayor of any vacancy in the Commission and the reasons for the vacancy.

(h) The provisions of this section shall also apply to the Interim Redistricting Commission.

#### SECTION 4. IMPLEMENTATION OF THIS MEASURE

##### Effective Date:

A. Pursuant to Elections Code section 9269, upon the completion of the canvass of votes, the City Council shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264. Upon passage of the resolution, this measure shall be deemed to be ratified, and shall go into effect when accepted by the Secretary of State pursuant to Government Code sections 34459 and 34460.

##### Severability:

The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

##### No Repeal or Amendment:

Submitted @ CAC Meeting of  
5/10/06  
JANE NETHERTON

This Charter Amendment shall not be amended nor repealed except by a subsequent vote of the voters of the City of Long Beach pursuant to Article XX of the City of Long Beach Charter.

**Conflicting Measures:**

A. It is the intent of the People that in the event that this measure and another initiative measure or measures relating to the same subject shall appear on the same city election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

B. If this measure is approved by voters but superseded by law or by any other conflicting ballot measure approved by the voters at the same election, and the conflicting law, ballot measure, or interpretation thereof barring this measure from taking effect is later held invalid, this measure shall be self-executing and given full force of law.