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August 9, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to adopt resolution requesting the Registrar-Recorder/County Clerk to call, provide and give notice of a General Municipal Election to be consolidated with the Statewide General Election to be held in the City of Long Beach on Tuesday, November 8, 2022 and include the proposed Charter amendment to a vote of the qualified electors residing within Long Beach Unified School District Boundaries (LBUSD) to align the Long Beach Board of Education's primary election date with the State's primary and general election dates held in even-numbered years; directing the City Attorney to prepare an impartial analysis of the Charter amendment; and providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding a proposed Charter amendment to be submitted at said election. (Citywide)

DISCUSSION

The City Council and the Charter Amendment Committee concluded two joint public hearings to discuss a proposed Charter Amendment that would align the Long Beach Board of Education's (LBUSD) primary election date with the State's primary and general election dates held in even-numbered years. The meetings were held on June 14, 2022 and July 19, 2022, respectively; and a third and final public meeting was noticed for August 9, 2022.

This third meeting fulfills the requirements in City Charter §1903 and California Government Code §34458 for placing a City Charter amendment on the November 8, 2022 ballot for voter for consideration.

Upon meeting the requirements of City Charter §1903 and California Government Code §34458, it recommended the proposed Charter Amendment to align the Long Beach Board of Education's primary election date with the State's primary and general election dates held in even-numbered years be placed on the November 8, 2022 ballot. This action requires the City Council to adopt a resolution that:

- Requests the Registrar-Recorder/County Clerk to call, provide and give notice of a General Municipal Election to be consolidated with the Statewide General Election to be held in the City of Long Beach on Tuesday, November 8, 2022 and include the proposed Charter amendment to a vote of the qualified electors of the City relating to align the

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Long Beach Board of Education's primary election date with the State's primary and general election dates held in even-numbered years; and

- Directs the City Attorney to prepare an impartial analysis of the Charter amendment;
- Provides for the filing of primary and rebuttal arguments; and
- Sets rules for the filing of written arguments regarding a proposed Charter amendment to be submitted at said election.

A copy of resolution described above, inclusive of the text of the proposed Charter Amendment, is attached (Attachment A).

SUGGESTED ACTION:

Approve recommendations.

Very truly yours,

CHARLES PARKIN, City Attorney

By



Taylor M. Anderson
Deputy City Attorney

Attachment: A – Resolution necessary to place the measure on the November 8, 2022 ballot

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ORDERING, CALLING AND PROVIDING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN THE CITY OF LONG BEACH ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING A CHARTER AMENDMENT BALLOT PROPOSITION TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE CHARTER AMENDMENT; AND PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT SAID ELECTION

WHEREAS, the Long Beach Board of Education (“Board of Education”) desires to align with the City of Long Beach in holding municipal elections during the State’s primary and general elections to facilitate higher voter participation and to save taxpayer dollars expended on elections; and

WHEREAS, similar to the City of Long Beach, an amendment to the City Charter is necessary to make the changes necessary to allow Board of Education and City elections to be held during the State’s primary and general elections; and

WHEREAS, on April 13, 2022 and May 4, 2022 the Board of Education adopted resolutions requesting that the City Council to submit to all voters residing within the Long Beach Unified School District (School District) boundaries an amendment to City

1 Charter Article XXII, to follow suit with the City and align the Board of Education’s elections
2 with the State’s primary and general elections; and

3 WHEREAS, pursuant to authority provided by California Constitution, Article
4 XI Section 3, Long Beach City Charter Section 1903, California Government Code Sections
5 34450 et. seq. and California Elections Code Sections 1415 and 9255 et. seq., the City
6 Council of the City of Long Beach desires to submit to the voters residing within School
7 District boundaries a proposed charter amendment aligning the municipal primary and
8 general election dates with those of the State of California, and making other related and
9 technical changes to City election procedures (“Charter Amendment”); and

10 WHEREAS, California Constitution, Article XI, Section 3, requires that any
11 charter amendment be approved by a majority of voters residing within School District
12 boundaries voting at an election called for that purpose; and

13 WHEREAS, pursuant to California Government Code Section 34458(b), the
14 City Council held a duly noticed public hearing on June 14, 2022 and a second duly noticed
15 public hearing on July 19, 2022 to hear public comment and testimony and to consider the
16 Charter Amendment, with the first public hearing being held at 5:00 p.m., outside normal
17 City business hours; and

18 WHEREAS, pursuant to California Government Code Section 34458(b), this
19 resolution is being adopted at a City Council meeting which is at least twenty-one (21)
20 calendar days after the second public hearing referenced above; and

21 WHEREAS, pursuant to California Elections Code sections 1415 and 9255,
22 the City Council is authorized by statute to submit the proposed Charter Amendment to the
23 voters residing within Long Beach Unified School District boundaries at the General
24 Municipal Election to be held on November 8, 2022; and

25 WHEREAS, the City Council desires to consolidate the General Municipal
26 Election for the Charter Amendment described herein with the Statewide General Election
27 to be held on November 8, 2022; and

28 WHEREAS, the City Council further desires to set deadlines and rules for

1 primary and rebuttal arguments for and against the Charter Amendment;

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. The foregoing recitals are true and correct and are hereby
5 incorporated and made an operative part of this Resolution.

6 Section 2. That pursuant to the provisions of California Constitution, Art.
7 XI, Section 3, Long Beach City Charter section 1903, California Government Code,
8 Sections 34450 et. seq., and California Elections Code, Sections 1415 and 9255 et. seq.,
9 and any other applicable requirements of the laws of the State of California relating to
10 charter cities, the City Council hereby calls and orders to be held a General Municipal
11 Election in the City of Long Beach to be consolidated with the Statewide General Election
12 on Tuesday, the 8th day of November, 2022, for the purpose of submitting to a vote of the
13 qualified electors of the City of Long Beach the following proposed Charter amendment
14 which, for identification purposes only, is marked as Proposition ____.

Realign Long Beach Unified School District and State Election Dates.	YES
Shall the City Charter of Long Beach be amended to realign the Long Beach Unified School District's primary and general election dates with the State's primary and general election dates held in even-numbered years, and make other related and technical changes to Long Beach Unified School District election procedures?	NO

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21 Section 3. That the text of the Charter Amendment to be submitted to the
22 voters residing within Long Beach Unified School District boundaries is attached hereto as
23 Exhibit "A".

24 Section 4. That the minimum vote requirement for the Charter
25 Amendment to pass is a simple majority (50% + 1) of the votes cast.

26 Section 5. Election Procedures.

27 A. Request for Consolidation. Pursuant to the requirements of §10403
28 of the Elections Code, the Board of Supervisors of the County of Los Angeles is

1 hereby requested to consent and agree to the consolidation of a General Municipal
2 Election with the Statewide General Election on Tuesday, November 8, 2022, for
3 the purpose of submitting to the voters residing within Long Beach Unified School
4 District boundaries the Charter Amendment.

5 B. Necessary Steps. The Board of Supervisors is requested to issue
6 instructions to the Los Angeles County Registrar of Voters/Elections Official to take
7 any and all steps necessary for the holding of the consolidated election.

8 C. Canvass of Returns. The Los Angeles County Registrar of
9 Voters/Elections Official is authorized to canvass the returns and perform all other
10 proceedings incidental to and connected with the General Municipal Election for the
11 Charter Amendment. The Election shall be held in all respects as if there were only
12 one election, and only one form of ballot shall be used. Pursuant to California
13 Elections Code Sections 10403 and 10418, the election will be held and conducted
14 in accordance with the provisions of law regulating the Statewide General Election.

15 D. Costs. The City Council determines and declares that the City will pay
16 to the County the reasonable and actual expenses incurred by the County by the
17 consolidation of the General Municipal Election with the Statewide General Election.
18 The City shall reimburse the County for services performed when the work is
19 completed and upon presentation to the City of a properly approved bill.

20 E. Form of Ballot. The ballots to be used at the election shall be in the
21 form and content as required by law.

22 F. City Clerk Authorized to Coordinate with County. The City Clerk is
23 authorized, instructed and directed, in coordination with the Los Angeles County
24 Registrar of Voters/Elections Official, to procure and furnish any and all official
25 ballots, notices, printed matter and all supplies, equipment and paraphernalia that
26 may be necessary in order to properly and lawfully conduct the election.

27 G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote
28 centers and/or vote-by-mail drop-off boxes shall be open and the procedures for

1 submitting votes-by-mail or votes at polls and vote centers shall be in accordance
2 with those times and procedures established by the County of Los Angeles, except
3 as otherwise provided in the Elections Code of the State of California.

4 H. Notice of Election. Notice of the time and place of holding the election
5 is given and the City Clerk is authorized, instructed and directed to give further or
6 additional notice of the election, in time, form, and manner as required by law.

7 I. Tallying of Ballots. All ballots shall be tallied at a central counting
8 place and not at the precincts. Said central counting place shall be at a County
9 center as designated by the Registrar of Voters.

10 J. Receipt of Election Results. The City Clerk of the City of Long Beach
11 shall receive the canvass as it pertains to the election on the Charter Amendment
12 measure, and shall certify the results to the City Council, as required by law.

13 Section 6. That pursuant to California Elections Code Section 9280 and
14 Long Beach Municipal Code Section 1.24.100, the City Council hereby directs the City
15 Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City Attorney
16 shall prepare an impartial analysis of the Charter Amendment, not to exceed 500 words in
17 length, showing the effect of the Charter Amendment on the existing law and the operation
18 of the Charter Amendment, and transmit such impartial analysis to the City Clerk not later
19 than the deadline for submittal of primary arguments for or against the Charter Amendment.

20 The impartial analysis shall include a statement indicating whether the
21 Charter Amendment was placed on the ballot by a petition signed by the requisite number
22 of voters or by the City Council. In the event the entire text of the Charter Amendment is
23 not printed on the ballot, nor in the voter information portion of the sample ballot, there shall
24 be printed immediately below the impartial analysis, in no less than 10-font bold type, the
25 following: **“The above statement is an impartial analysis of Ordinance or Measure**
26 **“ _____ ”. If you desire a copy of the ordinance or measure, please call the Office of**
27 **the City Clerk at 562-570-6101 and a copy will be mailed at no cost to you.”**

28 Section 7. Primary Arguments. That the City Council authorizes (i) the

1 City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote
2 on the above measure, (iii) a bona fide association of such citizens or (iv) any combination
3 of voters and associations, to file a written argument in favor of or against the City measure,
4 accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in
5 accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of
6 California, and to change the argument until and including the date fixed below by the City
7 Clerk, after which no arguments for or against the City measure may be submitted to the
8 City Clerk.

9 Section 8. Pursuant to Long Beach Municipal Code Section 1.24.020, the
10 Mayor, with the approval of the City Council, may designate a person, or association of
11 persons, to write arguments either for or against or both for and against the adoption of
12 any measure or proposition placed on the ballot.

13 Section 9. The deadline to submit arguments for or against the City
14 Measure pursuant to this Resolution is declared by the City Clerk to be Friday, August 19,
15 2022, at 5:00 p.m. Each argument shall not exceed three hundred (300) words and shall
16 be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the
17 author(s) submitting it, or if submitted on behalf of an organization, the name of the
18 organization, and the printed name and signature of at least one of its principal officers
19 who is the author of the argument.

20 Section 10. Rebuttal Arguments. Pursuant to Section 9285 of the Elections
21 Code of the State of California, when the City Clerk has selected the primary arguments
22 for and against the City Measure which will be printed and distributed to the voters, the
23 Clerk shall send copies of the primary argument in favor of the Measure to the authors of
24 the primary argument against, and copies of the primary argument against to the authors
25 of the primary argument in favor. The authors or persons designated by them may prepare
26 and submit rebuttal arguments not exceeding two hundred fifty (250) words. The rebuttal
27 arguments shall be filed with the City Clerk not later than Tuesday, August 29, 2022 at 5:00
28 p.m. Rebuttal arguments shall be printed in the same manner as the primary arguments.

1 Each rebuttal argument shall immediately follow the primary argument which it seeks to
2 rebut. That notice of the time and place of holding the election is hereby given and the City
3 Clerk is authorized, instructed and directed to give further or additional notice of the
4 election, in time, form and manner as required by law.

5 Section 11. The full text of the Charter Amendment shall not be printed in
6 the voter information guide, but a statement shall be printed in the ballot pursuant to Section
7 9223 of the Elections Code advising voters that they may obtain a copy of this Charter
8 Amendment/Measure, at no cost, upon request made to the City Clerk.

9 Section 12. Pursuant to Elections Code section 9295, this Measure will be
10 available for public examination for no fewer than ten (10) calendar days prior to being
11 submitted for printing in the voter information guide. The City Clerk shall post notice in the
12 Clerk's office of the specific dates that the examination period will run.

13 Section 13. That in all particulars not recited in this resolution, the election
14 shall be held and conducted as provided by law for holding municipal elections.

15 Section 14. The City Treasurer is hereby authorized and directed to
16 appropriate the necessary funds to pay for the City's cost of placing the Charter
17 Amendment on the election ballot.

18 Section 15. The City Council finds that this Resolution is not subject to the
19 California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity
20 will not result in a direct or reasonably foreseeable indirect physical change in the
21 environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of
22 the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has
23 no potential for resulting in physical change to the environment, directly or indirectly.

24 Section 16. The provisions of this Resolution are severable and if any
25 provision of this Resolution is held invalid, that provision shall be severed from the
26 Resolution and the remainder of this Resolution shall continue in full force and effect, and
27 not be affected by such invalidity.

28 Section 17. This resolution shall take effect immediately upon its adoption

1 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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5 I hereby certify that the foregoing resolution was adopted by the City Council
6 of the City of Long Beach at its meeting of _____, 2022 by the
7 following vote:

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9 Ayes: Councilmembers: _____

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Noes: Councilmembers: _____

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Absent: Councilmembers: _____

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Recusal(s): Councilmembers: _____

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City Clerk

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EXHIBIT "A"
Text of Charter Amendment
[attached behind this page]

MEASURE “ ____ ”

THE PEOPLE OF THE CITY OF LONG BEACH DO HEREBY AMEND THE LONG BEACH CITY CHARTER AS FOLLOWS:

SECTION 1. Text of Charter Amendment. Subject to the approval of a majority of the voters residing within Long Beach Unified School District boundaries at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, Article XXII of the Long Beach City Charter is hereby amended to read as follows:

“ARTICLE XXII. - EDUCATION

SEC. 2204. - ELIGIBILITY.

No person shall be eligible to hold office as a member of the Board of Education unless such person is a legally registered voter and resident of the School Board district from which nominated for at least thirty (30) days immediately preceding the last day upon which candidates are permitted to file nominating petitions for such office with the Los Angeles Registrar-Recorder or, in the case of being appointed to fill a vacancy, for at least thirty (30) days immediately preceding the date of the appointment.

SEC. 2205. - TERM OF OFFICE.

Except when filling a vacancy the members of the Board of Education shall be elected at a School Board election as provided in this Chapter. The term of office shall be for four (4) years, except as hereafter provided. The terms of office for those members of the Board of Education elected from odd-numbered districts in the 2018 School Board municipal election shall be extended to the second Friday in December 2022, with all elected members of the Board of Education thereafter serving four-year terms. In order to maintain staggered terms for members of the Board of Education, the election for members in even-numbered School Board districts shall occur on the primary and general election dates for the City in 2024 and each fourth year thereafter and the election for members in odd-numbered School Board districts shall occur on the next primary and general election dates for the City in 2026 and each fourth year thereafter. Future school board elections shall continue in that staggered cycle.

SEC. 2206. - ELECTIONS.

All elections for members of the Board of Education, or issuing bonds of the school districts, or on propositions to be submitted to the people of the school districts, shall be called, held, conducted and the vote canvassed and declared in accordance with the provisions of the Elections Code of the State of California

governing municipal elections except as otherwise provided by this Charter. The costs and expenses incurred in connection with or incident to any elections held under this Article shall not be a charge upon the funds of the City.

The primary and general election for members of the Board of Education shall be held concurrent with the primary and general election dates for the Officers and Council for the City of Long Beach.

Nominating petitions of candidates for election to the Board of Education shall be signed only by legally registered voters and residents of the School Board district from which the person named in the petition seeks to be elected, or in the case of a recall petition, of the School Board district from which such member of the Board of Education was elected, or the School Board district as it exists by reason of redistricting as otherwise provided in this Article.

In the event that no candidate for nomination as a member of the Board of Education receives a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the two candidates receiving the highest

number of votes for any given office at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general School Board election.

In the event that any candidate for nomination as a member of the Board of Education shall receive a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the candidates so receiving such majority of votes shall be deemed to be declared by the Board of Education to be elected to such office.

The candidate who shall receive the highest number of votes in the general School Board election for his respective office shall be deemed to be and declared by the Board of Education to be elected to such office.

Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the Los Angeles Registrar-Recorder decides.

SEC. 2209. - ORGANIZATION AND MEETINGS OF THE BOARD OF EDUCATION.

The members of the Board of Education shall enter upon the discharge of their duties on the second Friday in December next succeeding the member's election. Any member of the Board of Education whose term has expired shall continue to discharge the duties of the office until the member's successor has qualified. The term of the successor shall begin upon the expiration of the term of her or his predecessor. The Board of Education shall meet upon the second Friday in December annually thereafter and organize by electing one of their number president, and one as vice-president, whose term of office shall be one year.

SECTION 2. Approval, Filing and Recordation of Charter Amendment. Pursuant to California Government Code Section 34460, if approved by a majority of voters residing within Long Beach Unified School District boundaries, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following documents:

- A. Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.

B. Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 et. seq.

C. A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

SECTION 3. Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters residing within Long Beach Unified School District boundaries voting at the General Municipal Election of November 8, 2022. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

SECTION 4. Severability. If any provision of this Charter Amendment or the application thereof to any person or circumstance is held invalid, the remainder of the Charter Amendment and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED, APPROVED and ADOPTED by the People residing within Long Beach Unified School District boundaries at a General Election held on November 8, 2022.

ROBERT GARCIA
Mayor of the City of Long Beach

Attest:

Monique De La Garza
City Clerk

Approved as to form:

Charles Parkin
City Attorney