



Date: December 11, 2006
To: Mayor and Members of the City Council
From: James Johnson, Consultant
Subject: Transmittal of "History of Elections" and Charter Comparison Charts

As background information, please find the following documents attached:

- (1) "History of Elections," a concise history of Long Beach elections history including charter history;
- (2) "Budget Process Charter Comparison Chart";
- (3) "City Council Compensation Method Charter Comparison Chart";
- (4) "Role of City Council Charter Comparison Chart";
- (5) "Role of Mayor Charter Comparison Chart";
- (6) "Investigations by Council in Top Ten Cities (by Population) in California;
- (7) "Demographic Comparison of Top Ten Cities (by Population) in California";
and
- (8) "Appointment/Confirmation Powers Charter Comparison Chart."

HISTORY OF ELECTIONS CITY OF LONG BEACH, CALIFORNIA

FIRST INCORPORATION

January 30, 1888 – An election was conducted by the Los Angeles County Board of Supervisors; 106 votes were cast, with 103 in favor of incorporation.

February 10, 1888 – A proclamation was issued by the Board of Supervisors declaring Long Beach incorporated; it was the fifth city to be incorporated in Los Angeles County.

FIRST CITY ELECTION

The City government was formally organized on March 2, 1888. April 9, 1888 saw the first City election conducted, at which five City Trustees were elected, two for four-year terms and three for two-year terms. Elections for Trustees were conducted in April of even-numbered years for the next eight years (through April 13, 1896).

DISINCORPORATION

Mainly as a result of issues surrounding temperance, a movement to disincorporate the city resulted in a Special Municipal Election on July 27, 1896. The measure passed and government of the area returned to the County.

REORGANIZATION

On December 1, 1897, an election was held to incorporate the City once again. A board of Trustees was elected. Trustee elections were conducted in April of even-numbered years through 1906.

CITY CHARTERS

In November of 1904, a Board of Freeholders was elected for the purpose of preparing a City Charter. The Charter they prepared, however, was rejected by the voters on March 11, 1905.

Again in 1907, voters were asked to approve the Freeholders' Charter. This time it won voter approval and was ratified.

On October 15, 1914 a proposed Freeholders' Charter was approved by voters.

Fifteen Freeholders were again selected by voters on September 2, 1920 to frame a new City Charter. These Freeholders submitted a new Charter proposing a managerial form of government on April 14, 1921. The voters again approved the Charter.

On July 26, 1926, a Special Election was held to elect, for the third time in 22 years, a board of Freeholders to frame a Charter. In the March 9, 1927 election, however,

voters rejected the Freeholders' Charter as well as an alternate proposition concerning election of Councilmembers by districts.

CITY COUNCIL/CITY COMMISSIONERS

In accordance with the terms of the Charter, City Council members were first elected on December 8, 1907. The City was divided into seven wards. The first Mayor was elected at this time.

City Council elections for the seven established ward were held in odd-numbered years until 1915, when Long Beach began an experiment with an elected Commissioner form of government. In April of 1921, voters approved a Charter that mandated a Manager/Council form. In the June 14, 1921 election three-year terms were established.

Voters in 1925 rejected a charter amendment, which would have established nine councilmanic districts. In February of 1929, voters approved the nomination of elective officers by direct primary election, and nomination of Councilmembers by districts. Nine councilmanic districts were created. It was required that a candidate for Council must live in the district to be represented. However, while councilmembers were elected to represent specific districts, all City voters were eligible to vote for all councilmembers, both in the Primary and General elections. The first election held under this system was May 13, 1930.

The term of office was changed to four years in the June 8, 1976 election. Staggered terms were also approved in this charter change. On November 2, 1976, voters approved the charter provision currently in effect, that Council members be elected only by voters of the district to be represented.

TERM LIMITATIONS

In the election of November 3, 1992, voters approved an initiative charter amendment, which limits Mayor and Council Members to two terms. A provision was included in this amendment that allows for Mayor and Councilmembers to run for a subsequent term of office as a write-in candidate.

BOARD OF EDUCATION

The first election of a Board of Education for the City of Long Beach was held on April 7, 1911, electing three members. In this election the voters also approved the governance of the City School District by the Charter of the City.

Subsequent Board of Education elections were subsequently held in odd-numbered years.

COLLEGE DISTRICT

In 1970, the California Legislature mandated separation of community colleges from unified school districts. Long Beach Community College District separated from the Long Beach Unified School District, but shared a common Board of Education.

In 1978, the Long Beach Community College District separated "governance" from the Long Beach Unified School District. Three members of the common Board of Education chose to serve the new Board of Trustees of the college district. A special election was held for the two remaining vacancies.

To establish "staggered" terms for the new Board of Trustees, a regularly scheduled election was held in 1979.

In 1994, the Board of Trustees approved elected trustees by "area" rather than at-large. They agreed to shorten terms for which they were elected in 1994 so all five trustees' positions would come due for election in 1996.

In 1996, elections were held for five trustees by area.

Budget Process Charter Comparison Chart

Pop. Rank:	City:	How Does Budget Process Function?
1	<u>Los Angeles</u>	Mayor publishes budget priorities by February 1 for public comment, and then submits a budget to the Council by April 20. (311, 312) Council revises and adopts budget by June 1. (313) Mayor has five days to use line-item veto, which Council can override with 10/15 of members of Council. (314, 315)
2	<u>San Diego</u>	Mayor proposes budget to Council by April 15. (265) Council approves or modifies the budget before June 15; if Council modifies Mayor's budget, the Mayor has five days to use line-item veto, which Council can override. (290)
3	<u>San Jose</u>	Mayor delivers budget message to Council regarding fiscal priorities for the coming year, which departments should receive expanded/reduced budget allocations, and specific recommendations. The Council listens to the message and revises it as desired. City Manager then submits budget to Council 30 days before fiscal year, which Council may amend. (1204, 1206)
4	<u>San Francisco</u>	Mayor submits budget to Board of Supervisors. (9.101) Council then revises, although changes for any particular fund (e.g., general fund) cannot cause level of expenditures to increase over Mayor's proposed expenditures for that fund. (9.103) Mayor can then use line-item veto, subject to Council override. (9.104) Budget timeline is fixed by ordinance. (9.100)
5	<u>Long Beach</u>	City Manager submits budget to Mayor at least 60 days before start of fiscal year. The Mayor then submits this same budget to the Council 45 days before start of fiscal year, along with any recommendations that he has for the Council. (1702) Council amends and adopts budget by the end of the fiscal year. (1704)
6	<u>Fresno</u>	Mayor submits budget to Council 30 days before start of fiscal year, which the Council revises and adopts before the start of the fiscal year. (1203, 1205) The Mayor can then use line-item veto over budget items, although Council can override the veto. (400, 609)
7	<u>Sacramento</u>	City Manager prepares budget and gives it to Council 60 days before new fiscal year. Council then revises and adopts budget. (IX § 111)
8	<u>Oakland</u>	City Manager prepares budget recommendations "under the direction of the Mayor and Council" which the Mayor presents to the Council for its approval or modification. (801)
9	<u>Santa Ana</u>	City Manager submits proposed budget to Council by June 15. (605) Council adopts budget by July 31. (607)
10	<u>Anaheim</u>	City Manager prepares budget and submits to Council at least 30 days before beginning of fiscal year (1202); Council adopts budget before start of fiscal year. (1204)

City Council Compensation Method Charter Comparison Chart

Pop. Rank:	City:	Method of Paying Council
1	<u>Los Angeles</u>	Equal to Superior Court Judge (218)
2	<u>San Diego</u>	Council ordinance, up to salary recommended by Salary Setting Commission (12.1, 41.1)
3	<u>San Jose</u>	Council ordinance, not to exceed biennial recommendation from Council Salary Setting Commission (407, 1001.1)
4	<u>San Francisco</u>	Civil Service Commission sets every 5 years (2.100)
5	<u>Long Beach</u>	Fixed by Charter with increases set by Consumer Price Index (203)
6	<u>Fresno</u>	Council Ordinance, but compensation cannot be changed during a member's term (308)
7	<u>Sacramento</u>	Compensation Commission, appointed by Mayor with concurrence of Council (III § 29)
8	<u>Oakland</u>	By Public Ethics Commission; any annual increase above 5% must be approved by the voters (202)
9	<u>Santa Ana</u>	Fixed in Charter (402)
10	<u>Anaheim</u>	According to amount allocated to Council in general law cities (502)

Role of City Council Charter Comparison Chart

Pop. Rank:	City:	Full-time vs. Part-Time Council (as Discussed in Charter)	Council Base Compensation (from City Clerk)	Legislative Analyst in Charter?	Who Leads the Council?	Investigations by Council Explicitly in Charter?	Council by District or At-Large?
1	<u>Los Angeles</u>	Full-time (218)	\$150,696 (effective 2/1/06)	Chief Legislative Analyst Office exists, but does not appear in Charter	Council President selected by Council (243)	Yes (217)	District (241)
2	<u>San Diego</u>	Full-time (12)(j)	\$75,386 (as of 2005)	No	Presiding Officer chosen by Council (270)(d)	Yes (270)(i)	District (270)(a)
3	<u>San Jose</u>	Full-time (407)	\$75,000 (as of 2006)	No	Mayor (502)	Yes (416)	District (401)
4	<u>San Francisco</u>	Full-time (2.100)	\$92,902 (as of 2006)	Not explicitly in charter, although Office of Legislative Analyst exists under the Board Clerk (2.117)	President selected by the Board of Supervisors (2.116)	Yes (16.114)	District (13.110)
5	<u>Long Beach</u>	No discussion in Charter	\$29,084 (as of 2006)	No	Mayor (202)	No	District (200)

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6	<u>Fresno</u>	No discussion	\$65,000, \$70,169.50 (for council president) [for those starting in 2007]; \$44,510.50, \$49,680 (for council president) [for those sworn in pre-2007]	No	Council President selected by the Council (501)	Yes (505)	District (301)
7	<u>Sacramento</u>	No discussion	\$53,040 (as of 2006)	No	Mayor (IV § 40(a))	Yes (III § 34)	Districts (III § 22)
8	<u>Oakland</u>	No discussion	\$66,896 (as of 2006)	No	Council President selected by the Council	Yes (1207)	Seven by district, one at-large (203)
9	<u>Santa Ana</u>	No discussion	\$125/month (as of 2006)	No	Mayor (404)	Yes (1100)	Seven Councilmembers nominated by district, elected at-large (400)
10	<u>Anaheim</u>	No discussion	\$18,000 (as of 2006)	No	No discussion in Charter, but Mayor chairs the meetings	Yes (509)	At-large (500)

Role of Mayor Charter Comparison Chart

Pop. Rank:	City:	Mayoral Veto?	Mayoral Line-Item Veto?	Mayor Vote on Council?
1	<u>Los Angeles</u>	Yes, override by 2/3 (10 of 15 Councilmembers) (250)	Yes; can change amount to his original recommendation, subject to 2/3 override (314, 315)	No (244)
2	<u>San Diego</u>	Yes (280); override by 5 out of 8 Councilmembers (285)	Yes; override by 5/8 of Council (290)	No (270)
3	<u>San Jose</u>	No	No	Yes (502)(e)
4	<u>San Francisco</u>	Yes; 2/3 override (8 out of 11 supervisors) (3.103)	Yes, for appropriations, subject to 2/3 override (9.104)	No (3.100)
5	<u>Long Beach</u>	Yes; override by 5 Councilmembers (out of 9), except for budget and minute orders which requires 6 voters or 2/3 of Council present, respectively, to override (213)	No	No (202)
6	<u>Fresno</u>	Yes; override by 5 Councilmembers (out of 7) (605, 609)	Yes, override by 5 Councilmembers (out of 7) (400, 609)	No
7	<u>Sacramento</u>	No (IV § 40)	No	Yes (IV § 40)
8	<u>Oakland</u>	No	No	Yes, but only if council is tied (200)
9	<u>Santa Ana</u>	No	No	Yes (404)
10	<u>Anaheim</u>	No	No	Yes (504)

Investigations by Council in Top Ten Cities (by Population) in California

Pop. Rank	City:	Investigations with Subpoena Power by Council Explicitly Mentioned in Charter?	Charter Text Describing Council Investigative Authority
1	Los Angeles	Yes (217)	"The Mayor, Controller, Treasurer, the Zoning Administrator, Council, and each board provided for in the Charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before them. Upon the request of the Mayor, Controller, Treasurer, President of the Council, or the presiding officer of any board, the City Clerk shall issue subpoenas in the name of the City, attested with the corporate seal, requiring the attendance and testimony of the witness or production of documents at a specified time and place before the Mayor, Controller, Treasurer, Council, or board requesting the subpoena." (217)(b)
2	San Diego	Yes (270)(i)	"Any City official or department head in the administrative service may be summoned to appear before the Council or any committee of the Council to provide information or answer any question." (270)(i)
3	San Jose	Yes (416)	"The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings." (416)
4	San Francisco	Yes (16.114)	The Mayor, the City Administrator, the Controller, or any board or commission appointed by the Mayor, relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operations and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. The Board of Supervisors shall have the same powers of inquiry and review, including the power to issue subpoenas and compel the production of evidence, with respect to matters affecting the conduct of any department or office of the City and County. (16.114)

Pop. Rank	City:	Investigations with Subpoena Power by Council Explicitly Mentioned in Charter?	Charter Text Describing Council Investigative Authority
5	Long Beach	No	N.A. However, note that the Citizens Police Complaint Commission does have subpoena power explicitly mentioned in the Charter. (1153)
6	Fresno	Yes (505)	Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witness, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable." (505)
7	Sacramento	Yes (Ill § 34)	"The city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the city council or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors." (Ill § 34)
8	Oakland	Yes (1207)	"Every officer and every member of any Board provided for in this Charter shall, in all matters relevant to his office, have the power to administer oaths and affirmations and to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before him. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, said officer or the majority of the members of the board or commission may find him in contempt, and shall have the power to take the proceedings in that behalf provided by the general law of the State." (1207)
9	Santa Ana	Yes (1100)	"The city council, the city manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence." (1100)
10	Anaheim	Yes (509)	"Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable." (509)

Demographic Comparison of Top Ten Cities (by Population) in California

City:	Population, 2005 Estimate ¹	Land Area of City in Square Miles, 2000 [from U.S. Census]	Density of City, in Persons Per Square Mile, [from 2000 U.S. Census]	Reported Violent Crime Offenses in 2005 [from Federal Bureau of Investigations]	Total Municipal Government Revenues for Fiscal Year 2001-2002, From Federal, State, and Municipal Sources [from 2002 Census of Governments]	Net Expenditures, Fiscal Year 2003-2004 ²	Percentage of People Below the Poverty Level, 2005 ³	Percentage of Population Five Years and Older That Speaks Language Other Than English at Home, 2000 [from U.S. Census]
<u>Los Angeles</u>	3,844,829	469	7,876.8	31,767	\$7,902,864,000	3,068,608,611	20.1%	57.8%
<u>San Diego</u>	1,255,540	324	3,771.9	6,603	\$2,244,964,000	699,354,185	13.5%	37.4%
<u>San Jose</u>	912,332	175	5,117.9	3,492	\$1,420,686,000	653,238,468	10.0%	51.2%
<u>San Francisco</u>	739,426	47	16,634.4	5,985	\$4,786,861,000	2,359,613,994	12.2%	45.7%
<u>Long Beach</u>	474,014	50	9,149.8	3,399	\$1,016,919,000	196,696,379	19.2%	44.2%
<u>Fresno</u>	461,116	104	4,097.7	3,897	\$388,135,000	179,129,594	24.3%	39.5%
<u>Sacramento</u>	456,441	97	4,189.2	5,265	\$817,116,000	277,172,000	19.2%	32.6%
<u>Oakland</u>	395,274	56	7,126.6	5,692	\$978,500,000	407,092,752	18.3%	36.8%
<u>Santa Ana</u>	340,368	27	12,451.9	1,845	\$307,094,000	122,507,137	17.3%	79.6%
<u>Anaheim</u>	331,804	49	6,702.0	1,616	\$779,275,000	124,672,551	11.7%	54.8%

¹ From the U.S. Census (estimate)

² From California State Controller's Office, *Cities Annual Report, 2003-2004*

³ From 2005 American Community Survey conducted by U.S. Census; percentage is given for people for whom poverty status has been determined, excluding such groups as those living in college dormitories and institutions

Appointment/Confirmation Powers Charter Comparison Chart

Pop. Rank:	City:	Who Appoints City Manager or Chief Administrative Officer?	Who Appoints Department Heads?
1	<u>Los Angeles</u>	Director of the Office of Administration and Research Services (114) appointed by Mayor and confirmed by Council (290), removed by Mayor subject to appeal to Council (508)	Mayor, with Council confirmation (508)(b); may be dismissed by the Mayor without Council approval except for city clerk and treasurer. (508)(e) Council can reinstate department heads ("chief administrative officers") with 2/3 vote. (508)(e)
2	<u>San Diego</u>	City Manager appointed and removed by Mayor (265)	Mayor (260)(b)
3	<u>San Jose</u>	City Manager nominated by Mayor and appointed by Council (700); removed by Council (702) or people (703,1604)	City Manager (801, 901)
4	<u>San Francisco</u>	City Administrator appointed and removed by Mayor, subject to confirmation by Board of Supervisors (3.104)	City Administrator with the concurrence of the Mayor (3.100, 3.104)
5	<u>Long Beach</u>	City Manager appointed and removed by Council (300)	City Manager (302)
6	<u>Fresno</u>	Chief Administrative Officer appointed and dismissed by Mayor (400)	Chief Administrative Officer (705)
7	<u>Sacramento</u>	City Manager appointed by Council (V § 60) and removed by 6/9 vote of Council (V § 63)	City Manager (V § 61)
8	<u>Oakland</u>	City Administrator appointed by Mayor subject to Council confirmation; removal by Mayor after advising Council (305)	City Administrator (503)
9	<u>Santa Ana</u>	City Manager chosen by Council; removal with 2/3 of the members of Council (500)	City Manager (501)(a)
10	<u>Anaheim</u>	City Manager chosen by Council (600); removed by majority of Council except cannot be removed for 90 days after election (606)	City Manager (604)(a)