



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-29

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
LaTasha N. Corry
Haleh R. Jenkins
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Barbara J. McTigue
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Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcox
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

October 10, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach Adopting a Plan to Comply with the Requirements of SB 415 (Cal. Elections Code Section 14050 et seq.) Pertaining to Municipal Election Dates.

DISCUSSION

Pursuant to your request of October 3, 2017, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTING A PLAN TO COMPLY WITH THE REQUIREMENTS OF SB 415 (CAL. ELECTIONS CODE SECTION 14050 ET SEQ.) PERTAINING TO MUNICIPAL ELECTION DATES

WHEREAS, the City of Long Beach, California ("City") is a municipal corporation and charter city, duly organized under the Constitution and laws of the State of California; and

WHEREAS, the California Voter Participation Rights Act (SB 415, codified as Elections Code §§ 14050-14057), effective January 1, 2018, prohibits a public agency, including a charter city, from holding its regular election on any date other than a statewide election date if holding the election on a non-statewide election date results in a "significant decrease in voter turnout," which is defined as at least twenty-five percent (25%) less than the average voter turnout within the public agency for the previous four (4) statewide general elections; and

WHEREAS, the California Attorney General has opined that SB 415 prevails over conflicting Charter provisions, and therefore SB 415 applies to charter cities such as Long Beach; and

WHEREAS, the City currently holds its primary election on the second Tuesday in April in even-numbered years, and its general municipal election on the first Tuesday after the first Monday in June in even-numbered years; and

WHEREAS, the City's primary election date is not a statewide election date and voter turnout in local Long Beach Municipal elections has been at least twenty-five percent (25%) less than the voter turnout for the previous four (4) statewide general elections; and

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333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 WHEREAS, the general municipal election cannot be held on the same
2 date as the primary election and thus will also be required to change; and

3 WHEREAS, SB 568 requires the statewide primary election to be held on
4 the first Tuesday after the first Monday in March, beginning in 2019; and

5 WHEREAS, State law allows a city to increase or decrease the terms of
6 current municipal officers on a one-time basis by up to twelve (12) months until their
7 successors are elected and qualified, in order to match their terms with a changed
8 regular election date; and

9 WHEREAS, the City Council of the City of Long Beach now desires to
10 adopt a plan to change its primary and general municipal election dates to the statewide
11 general election dates, now in March and November of even-numbered years, beginning
12 in 2020, to increase voter turnout and to ensure compliance with SB 415, and to achieve
13 consolidation with the statewide election dates no later than November 8, 2022; and

14 WHEREAS, the City Council also desires to make consistent corrections to
15 election dates, terms of office and other technical matters in the Long Beach Charter and
16 Long Beach Municipal Code to comply with SB 415 and to that end, requests the City
17 Attorney to draft and present such ordinances to the City Council; and

18 WHEREAS, the City Council further desires that the Long Beach Unified
19 School District and the Long Beach Community College District be informed of the plan to
20 implement SB 415;

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
22 follows:

23 Section 1. The above recitals are true and correct.

24 Section 2. The City Council of the City of Long Beach does hereby
25 resolve to comply with SB 415 by changing Long Beach primary and general municipal
26 election dates to those of the statewide primary and general election, in March and
27 November of even-numbered years, beginning in 2020. The City Attorney is hereby
28 directed to draft and present an ordinance effectuating this change.

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Section 3. The City Attorney is requested to prepare and present amendments to affected sections of the Long Beach Municipal Code for consistency with the new election dates, including but not limited to LBMC § 2.01.210(B) (election cycle) and 2.01.1010 (surplus campaign funds).

Section 4. Staff is further requested to meet with representatives of the Long Beach Unified School District regarding compliance with the plan.

Section 5. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2017, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

City Clerk

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