



MAYOR ROBERT GARCIA
CITY OF LONG BEACH

July 17, 2018

MEMBERS OF THE CITY COUNCIL & CHARTER AMENDMENT COMMITTEE
City of Long Beach

RECOMMENDATION:

To consider and receive comments from the community regarding the following proposed amendment to the Long Beach City Charter: City of Long Beach Citizens Redistricting Commission Measure. A charter amendment and ordinance to require the creation of a citizens commission of Long Beach residents, to determine the boundaries of City Council districts at least every ten years after the national census for members of the Long Beach City Council.

DISCUSSION:

City Charter Amendment Process

Under State law, a majority of Long Beach voters must approve any City Charter Amendment. The next available date to place this Charter amendment on the ballot will be November 6, 2018. To consider this amendment for the November 6, 2018 election, State law requires that there be three public hearings/meetings over the next 60 days. At each of these hearings/meetings there will be opportunities for discussion, receiving community input, and making changes to the Charter amendment language. The hearing/meeting dates are as follows:

- June 12, 2018 – First public hearing: Receive staff presentation, hear public comment, direct staff to gather any further information or implement changes.
- July 17, 2018 – Second public hearing: Receive any updated information, hear public comment, direct staff to gather any information or make amendment changes.
- August 7, 2018 – Final meeting: Receive any updated information, hear public comment, make any final amendment changes, and if the City Council so chooses, adopt the required resolutions to place the Charter amendment on the November 6, 2018 General Election ballot.

FISCAL IMPACT:

Discussion of proposed amendments has no fiscal impact.

SUGGESTED ACTION:

Consider proposed amendment to the Long Beach City Charter, receive comments from the community, and refer for final hearing on August 7.

Respectfully submitted,

Mayor Robert Garcia
City of Long Beach
Dated: July 9, 2018



MAYOR ROBERT GARCIA
CITY AUDITOR LAURA DOUD
CITY OF LONG BEACH

May 31, 2018

Members of the Long Beach City Council
333 West Ocean Blvd., 14th Floor
Long Beach, CA 90802

RE: Proposed Charter Amendments

Dear Long Beach City Councilmembers:

Over the last few years, members of the community, City Commissions, and many of you have discussed ways to make our government more effective, efficient, and ethical. We strongly support efforts that open our city government to smart reforms.

Together, we are putting forward five charter amendments for consideration for the November ballot. They include a redistricting commission, an ethics commission, strengthening our term limit laws, defining the authority of the City Auditor, and consolidating our utility departments.

We believe these changes are good government measures and look forward to working with the City Council to put these measures before the voters of Long Beach to consider.

We look forward to the Charter Amendment committee meetings in the months ahead.

Sincerely,

Mayor Robert Garcia

City Auditor Laura L. Doud



City of Long Beach
Working Together to Serve

Memorandum
Councilmember Al Austin
Eighth District

~~R-21~~

Date: November 7, 2017

To: Mayor and Members of the City Council

From: Councilmember Al Austin, Eighth District *al*
Councilmember Suzie Price, Third District *SP*
Councilmember Daryl Supernaw, Fourth District *DS*
Councilmember Dee Andrews, Sixth District *DA*

Subject: **Measures to Promote Good Government and Public Confidence for Long Beach City Government**

RECOMMENDED ACTION:

Request the Mayor to convene the Charter Amendment Committee of the City Council within 30 days to discuss placing a charter amendment before the voters to establish a City Ethics Commission, and to establish a Citizen Redistricting Commission, in order to promote good governance and ensure public confidence in Long Beach city government, and request the City Clerk and City Attorney to develop framework options for the Committee to consider.

BACKGROUND:

This is an important time in the public discourse to ensure that there is confidence in our government institutions. From the national to local governments, there has been an erosion of trust and confidence.

Nearly every major city in California has previously taken steps to provide additional accountability for their elected officials. Los Angeles, San Diego, San Francisco, San Jose, Berkeley and Oakland all have established Ethics Commissions to review matters ranging from conflict of interest to campaign finance. These commissions enhance the public trust in the ethics enforcement process by assigning these responsibilities to a quasi-independent entity.

Furthermore, many local governments are following the lead established by the State of California in 2008 to establish an independent commission to determine the district boundaries for legislators. This further helps restore confidence in governance, and that the representatives are being chosen by the voters, rather than the representatives choosing their voters.

The City Council, as the Charter Amendment Committee, can review the different frameworks and models for these good government practices, and provide an opportunity for the voters of Long Beach to have a say in establishing these additional tools for public trust.

FISCAL IMPACT: There is not a significant fiscal impact with this recommendation, and the costs for proceeding with charter amendment measures will be determined.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2018 by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Exhibit "A"

Proposed Charter Amendment

[attached behind this page]

DRAFT

MEASURE “ ___ ”

SECTION 1. THE PEOPLE OF THE CITY OF LONG BEACH DO HEREBY AMEND THE LONG BEACH CITY CHARTER BY ADDING THE FOLLOWING ARTICLE ___ TO THE CITY CHARTER:

ARTICLE ___ REDISTRICTING.

Section ___ – LONG BEACH INDEPENDENT REDISTRICTING COMMISSION..

- (a) The exclusive authority to redraw Council district boundaries is vested in the Long Beach Independent Redistricting Commission.
- (b) The Commission shall:
 - (1) Be independent of Mayor and City Council control;
 - (2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of Council district boundaries;
 - (3) Comply with the provisions in this article; and
 - (4) Conduct itself with integrity and fairness.
- (c) The Commission may:
 - (1) Adopt for itself rules of procedure not in conflict with this article; and
 - (2) Adopt rules and regulations for the interpretation and implementation of this article.

Section ___ – POWER AND DUTY OF COMMISSION TO ADOPT COUNCIL DISTRICT BOUNDARY MAP.

- (a) Within six months after census-block-level population data from a regular United States decennial census is made available to the public, the Commission shall adopt a final map establishing new Council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each Council district. In the final report, the Commission shall explain the rationale for the Council district boundaries, including, at a minimum, an

explanation of how the final map complies with the redistricting requirements and criteria in Section 955 of this Charter and a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.

(b) A Commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than six months until the next primary City election, in which case the final map shall go into effect after that election and any applicable run-off election.

(c) If the Commission does not adopt a final map by the deadline in subsection (a), the City Attorney shall immediately petition the Superior Court for an order prescribing new Council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 955. The boundaries prescribed by the Superior Court shall be used for all City Council elections that take place more than six months from the date of the Superior Court's order and shall last until a final map is adopted by the Commission to replace it.

(d) The Commission shall redraw Council district boundaries once per decade as provided in subsection (a), unless the Commission is reconvened by a vote of two-thirds of the City Council to address significant population changes, legal challenges, or other issues, or is ordered to do so by a court.

(e) Any territory that is annexed, consolidated, or otherwise attached to the City shall be allocated to a Council district pursuant to this subsection, effective upon the completion of such annexation, consolidation, or other proceedings. The City Clerk shall update the final map accordingly.

- (1) If the territory's boundary is contiguous to the boundary of not more than one Council district, the territory shall be allocated to that Council district.
- (2) If the territory's boundary is contiguous to the boundaries of two or more Council districts, the territory shall be allocated to the council district with which it shares the longest boundary.
- (3) If the territory's boundary is not contiguous with the boundary of any Council district, the territory shall be allocated to the closest Council district.

Section ___ – COMMISSION ORGANIZATION.

(a) The Commission shall consist of 13 commissioners and 2 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.

(b) The term of office of each commissioner begins on December 1 of a year ending in zero, and expires on January 1 of the next year ending in zero. Sixty days after a final map has been adopted, the Commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the City Attorney to consider settlement options if the final map is legally challenged or by the City Council as provided by Section___(a) above.

(c) Nine commissioners constitute a quorum. The removal of a Commissioner or alternate; the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and final report require the affirmative votes of nine commissioners. All other Commission actions require the affirmative vote of a majority of commissioners present.

(d) At its first meeting, the Commission shall select one commissioner to serve as Chair and one to serve as Vice Chair. The Commission may designate other officers from its membership, and may establish subcommittees. Subcommittees shall report on their actions at the next meeting of the Commission.

Section ___ – COMMISSIONER QUALIFICATIONS, REQUIREMENTS AND POST-SERVICE RESTRICTIONS.

(a) Each commissioner must be a registered voter of the City and must either:

- (1) Have voted in two of the last three primary City elections immediately preceding his or her application to be on the Commission; or
- (2) Have been a resident of the City for at least ten years immediately preceding his or her application to be on the Commission.

(b) The following persons are not eligible to be a commissioner:

- (1) A person who, or whose spouse, registered domestic partner, or child, within the eight years immediately preceding their date of application to be on the Commission, has contributed to a candidate for City elective office, in a single year, more than \$500.
- (2) A person who, or whose spouse, registered domestic partner, or child – is or has been, within the four years immediately preceding their date of application to be on the Commission, any of the following:
 - (A) A paid employee of the City, including those employed by an elected official;
 - (B) A registered City lobbyist, or someone who was required to be a registered City lobbyist; or
 - (C) A paid employee of any redistricting contractor or consultant.
- (3) A person who, or whose spouse, registered domestic partner, parent, sibling, or child – has been, within eight years immediately preceding their date of application to be on the Commission, any of the following:
 - (A) Elected to or appointed to, or been a candidate for, City elective office;
 - (B) An officer, employee of, or paid consultant or contractor to a campaign committee or a candidate for City elective office;
 - (C) A staff member, paid employee of, a consultant to, or someone under contract with any City elected official; or
 - (D) A principal officer of an active campaign committee domiciled in the County of Los Angeles that has made expenditures on candidate elections for a City elective office.

(c) Within 30 days of appointment, a commissioner shall file with the City Clerk a statement of economic interest, or similar financial disclosure statement, as required under the City's conflict of interest

code, and shall agree to the City's Code of Ethics and written ethics pledge.

(d) A commissioner shall be ineligible, for a period of ten years beginning from the date of their appointment, to hold City elective office. A commissioner shall be ineligible, for a period of four years beginning from the date of their appointment, to be appointed to another City commission, to serve as paid staff for or as a paid consultant to any City elected official or candidate for City elective office, to receive a non-competitively bid contract with the City, or to register as a City lobbyist.

(e) While serving on the Commission, a commissioner shall not endorse, work for, volunteer for, or contribute to any candidate campaign for City elective office.

Section ____ – COMMISSIONER SELECTION AND REMOVAL.

(a) The commissioner selection process is designed to produce a Commission that is independent and that reasonably reflects the diversity of the City.

(b) The City Clerk shall, no later than February 1, 2020, and by February 1 in each year ending in the number zero thereafter, initiate and widely publicize an application process, open to all City registered voters who meet the requirements of Section 953, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. This process shall remain open until May 1, 2020 and until May 1 in each year ending in the number zero thereafter.

(c) The City Clerk shall create an application available in English, Spanish, Khmer and Tagalog and as may be required under the City's Language Access Policy for prospective commissioners, and seek assistance from a broad range of community-based organizations in outreach efforts. Applicants shall attest on the application, under penalty of perjury, that the information provided is true.

(d) No later than June 30 of each year ending in the number zero, the city clerk shall report to the City Council and Mayor on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants and reasonably reflects the City's diversity.

(e) By August 1, 2020, and by August 1 in each year ending in the number zero thereafter, the City Clerk shall review and remove

individuals who are disqualified under Section 953 of this Charter from among the commission applicants. If the resulting applicant pool does not have at least 35 qualified applicants, including 3 qualified applicants from each existing City Council district, the City Clerk shall reopen the application period for one month and conduct additional outreach to ensure that the pool meets these requirements.

(f) No later than September 15, 2020, and by September 15 in each year ending in the number zero thereafter, the City Clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. For purposes of this section, "screening panel" means:

- (1) The City's Ethics Commission, if that Commission is established by ordinance or under this Charter; or
- (2) If an ethics commission matching the description in subsection (1) does not exist, a panel of Long Beach residents consisting of: one retired judge; one law, government, or public policy professor teaching at an accredited institution; and one member of the governing board of a non-profit organization qualified under Internal Revenue Code section 501(c)(3) that has history of advocating for good government reform in the city. The panelists shall be selected by the Mayor from a pool of qualified applicants. Panelists shall meet the same qualifications required of commissioners in Section 953. The Mayor shall recruit a pool of applicants to serve on the screening panel; or
- (3) If an ethics commission matching the description in subsection (1) does not exist, and there are insufficient qualified applicants to form a panel pursuant to paragraph (2), a panel consisting of the City Attorney, the City Clerk, and the City Auditor.

(g) From the eligible commissioner applicant pool, the screening panel shall, no later than November 1, 2020, and by November 1 in each year ending in the number zero thereafter, create a subpool of not less than 20 nor more than 30 applicants most qualified to perform the duties of the Commission, including at least two applicants from each existing Council district. The screening panel, exercising its independent judgment, shall make these assignments at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of commissioner applicants at that meeting. The screening panel shall make each assignment to the subpool on the basis of the applicant's

relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The subpool should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this subsection, no quotas, formulas, or ratios may be applied for this purpose.

(h) Immediately after the subpool has been created, and at that same public meeting, the chair of the screening panel shall randomly select nine (9) names – one from each existing council district – from the subpool. These nine (9) individuals shall serve as commissioners on the Commission.

(i) The commissioners selected pursuant to subsection (h) shall select two (2) alternates from the remaining applicants in the subpool. Each selection requires nine affirmative votes from among the nine commissioners, and the selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other commissioners. The Commission should reasonably reflect the City's diversity; provided that no quotas, formulas, or ratios may be applied for this purpose.

(j) Within thirty (30) days after the selection of alternates, the nine (9) commissioners shall appoint four (4) additional Commissioners from the subpool using the criteria set forth in subsection (i) above. The nine Commissioners selected pursuant to subdivision (h) above shall select these four (4) additional Commissioners to ensure, as far as possible, that the Commission membership reflects the City's diversity.

(k) The Commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero.

(l) The Commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

(m) If a commissioner resigns or is removed from the Commission, the Chair of the Commission shall randomly select one of the alternates to fill the vacancy as a voting commissioner. If the Commission is unable to act because there are fewer than nine active commissioners, the City Clerk shall, within one month of making this determination, recruit a pool

of qualified applicants to fill the vacancies. The remaining commissioners shall, within two weeks of the pool being constituted, appoint replacement commissioners from this pool by a two-thirds vote.

(n) For purposes of this section, “diversity” includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

Section ____ – REDISTRICTING REQUIREMENTS AND CRITERIA.

(a) The Commission shall draw its final map so that:

- (1) Council districts are as nearly equal as possible in total population;
- (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities; and
- (3) Each Council district is geographically contiguous and has a clearly defined boundary.

(b) In addition to following the requirements of subsection (a), the Commission shall consider the following criteria when drawing the final map, in order of priority:

- (1) Existing neighborhoods and community boundaries;
- (2) Communities of interest. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation;
- (3) Neighborhoods and communities sharing a common language, history, culture and identity should not be divided so as to dilute their voting power;
- (4) Geography and topography;
- (5) Natural and artificial barriers and boundaries;
- (6) All lines must correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries; and

- (6) Other Commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

(c) The Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

(d) The Commission shall number each Council district such that, for as many residents as possible, the number of the Council district they reside in remains the same.

Section ___ – PUBLIC MEETINGS AND PUBLIC COMMENT.

(a) The Commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. The Commission shall comply with all applicable State and City requirements for open meetings.

(b) Prior to adopting a final map, the Commission shall hold at least nine (9) public meetings, including one public meeting in each existing Council district. A final map may not be adopted unless a proposed final map with substantially similar Council district boundaries has been adopted at least seven days earlier at a prior public meeting.

(c) The Commission shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Commission’s consideration.

(d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit:

- (1) communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or
- (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.

(e) Any person who is compensated for communicating with the Commission or any commissioner, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

Section ___ – RECORDS AND DATA.

(a) The Commission shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of Commission records than is provided in this article.

(b) The Commission and its subcommittees shall keep minutes of all discussion and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the Commission and its subcommittees shall be video recorded.

(c) To the greatest extent practicable, the Commission shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data, which tool can be used to create draft maps and draft partial maps.

Section ___ – ADMINISTRATION.

(a) The City Council shall appropriate sufficient funds to recruit commissioners, meet the operational needs of the Commission, and conduct any outreach program to solicit broad public participation in the redistricting process.

(b) The City Manager, City Clerk, and City Attorney shall assign sufficient staff to support the Commission. The Commission shall be staffed by no less than three City employees: the City Manager, the City Clerk, and the City Attorney, or their respective representatives. The City Attorney's, or his her her respective representative's, only client on matters relating to redistricting is the Commission.

(c) The City Clerk and the City Attorney, or their respective representatives, shall, no later than March 1, 2021, and thereafter by March 1 in every year ending in one, train the commissioners on the requirements of this article, federal and state law regarding redistricting, open meeting requirements, and general rules of parliamentary procedure.

(d) The City Manager shall, by January 1, 2020, and thereafter by January 1 in every year ending in zero, provide a report to the Mayor and City Council that explains, at minimum, plans for: recruiting a qualified applicant pool that reflects the City's diversity; assigning sufficient staff to support the Commission's activities; training commissioners; providing work space and relevant technology to support the Commission's activities; facilitating an open selection process to hire redistricting consultants; identifying and reserving meeting spaces suitable for holding public meetings in each Council district; creating a website for the Commission; and encouraging public participation in the redistricting process.

(e) Within 60 days after the adoption of a final map, the Commission shall transmit a report to the Mayor and City Council recommending any changes, including amendments to this article, that could improve the redistricting process in future years. The City Council may, by two-thirds vote, adopt by ordinance changes to time limits and deadlines imposed by this article that are specifically recommended by the Commission.

(f) No person may threaten, intimidate, coerce, or take adverse action against a commissioner, alternate, or a commission staffer because of their affiliation with the Commission, or because of any Council district boundaries that are considered, proposed, or adopted by the commission.

Section ____ – LEGAL CHALLENGE.

(a) Any registered voter in the City may file a petition for a writ of mandate or writ of prohibition within 30 days after the Commission has adopted a final map, to bar the implementation of all or a portion of the new Council district boundaries on the grounds that the final map violates this article. No legal challenge may be brought against the final map under this article after the 30-day period has expired.

(b) If a legal challenge is successfully brought against the final map, the Court may correct the violation by court order adjusting Council district boundaries consistent with the redistricting requirements and criteria of Section 955; alternatively, if the Court finds the final map requires significant revisions or must be entirely redrawn, the Court may order the Commission to reconvene to adjust or adopt new Council district boundaries.”

SECTION 2. Approval, Filing and Recordation of Charter Amendment.

Pursuant to California Government Code Section 34460, if approved by a majority of voters, 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:

- (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 and 13303.
- (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 of the City of Long Beach voting at the Special Municipal Election of November 6, 2018. 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 of the City of Long Beach at a General Election held on November 6, 2018.

ROBERT GARCIA
Mayor of the City of Long Beach

Attest:

Monique De La Garza
City Clerk

Approved as to form:

Charles Parkin
City Attorney