

RESOLUTION NO. RES-18-0108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ORDERING, CALLING AND PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF LONG BEACH ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT 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 PROPOSED CHARTER AMENDMENT TO BE SUBMITTED AT SAID ELECTION

WHEREAS, in order to promote and enhance public trust, local governments are charged with establishing and implementing governmental ethics laws and regulations applicable to City officials, City employees and candidates for City office, including campaign finance, lobbying and conflict of interest laws, among others; and

WHEREAS, impartial citizens' commissions created for the purpose of monitoring, administering and enforcing ethics laws and regulations have been shown to enhance public confidence in the fairness and transparency of local governments; and

WHEREAS, pursuant to authority provided by California Constitution, Article XI, Long Beach City Charter Section 1903, California Government Code Sections 34450 et. seq. and California Elections Code Sections 9255 et. seq., the City Council of the City of Long Beach desires to submit to the voters a proposed charter amendment

1 establishing a City Ethics Commission with the responsibility for the impartial and
2 effective administration and implementation of the provisions of the Charter, statutes and
3 ordinances concerning campaign financing, lobbying, conflicts of interest and
4 governmental ethics, subject to the terms and conditions set forth therein ("Charter
5 Amendment"); and

6 WHEREAS, California Constitution, Article XI, Section 3, requires that any
7 charter amendment be approved by a majority of City voters voting at an election called
8 for that purpose; and

9 WHEREAS, pursuant to California Government Code Section 34458(b), the
10 City Council held a duly noticed public hearing on June 12, 2018 and a second duly
11 noticed public hearing on July 17, 2018 to hear public comment and testimony and to
12 consider the Charter Amendment, with the first public hearing being held at 5:00 p.m.,
13 outside normal City business hours; and

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

17 WHEREAS, the City Council is authorized and directed by statute to submit
18 the proposed Charter Amendment to the voters; and

19 WHEREAS, the City Council further desires to set deadlines and rules for
20 primary and rebuttal arguments for and against the Charter Amendment;

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

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

25 Section 2. That pursuant to the provisions of California Constitution, Art.
26 XI, Section 3, Long Beach City Charter section 1903, California Government Code,
27 Sections 34450 et. seq., and California Elections Code, Sections 9255 et. seq., and any
28 other applicable requirements of the laws of the State of California relating to charter

1 cities, the City Council, by a majority vote, hereby calls and orders to be held a Special
2 Municipal Election in the City of Long Beach between the hours of 7:00 a.m. and 8:00
3 p.m. on Tuesday, the 6th day of November, 2018, for the purpose of submitting to a vote
4 of the qualified electors of the City of Long Beach the following proposed Charter
5 Amendment.

"City of Long Beach Ethics Commission. Shall the City Charter be amended to create an ethics commission of Long Beach residents for the purpose of monitoring, administering and implementing governmental ethics in the City of Long Beach?"	YES
	NO

11 Section 3. That the text of the Charter Amendment to be submitted to the
12 voters is attached hereto as Exhibit "A".

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

15 Section 5. That pursuant to California Elections Code Section 9280 and
16 Long Beach Municipal Code Section 1.24.100, the City Council hereby directs the City
17 Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City
18 Attorney shall prepare an impartial analysis of the Charter Amendment, not to exceed
19 500 words in length, showing the effect of the Charter Amendment on the existing law
20 and the operation of the Charter Amendment, and transmit such impartial analysis to the
21 City Clerk not later than the deadline for submittal of primary arguments for or against the
22 Charter Amendment.

23 The impartial analysis shall include a statement indicating whether the
24 Charter Amendment was placed on the ballot by a petition signed by the requisite
25 number of voters or by the City Council. In the event the entire text of the Charter
26 Amendment is not printed on the ballot, nor in the voter information portion of the sample
27 ballot, there shall be printed immediately below the impartial analysis, in no less than 10-
28

1 font bold type, the following: **"The above statement is an impartial analysis of**
2 **Ordinance or Measure "_____". If you desire a copy of the ordinance or measure,**
3 **please call the Office of the City Clerk at [insert phone number] and a copy will be**
4 **mailed at no cost to you."**

5 Section 6. Primary Arguments. That the City Council authorizes (i) the
6 Mayor, City Council or any member(s) of the City Council, (ii) any appointive officer of the
7 City, (iii) any individual voter eligible to vote on the above measure, (iv) a bona fide
8 association of such citizens or (v) any combination of voters and associations, to file a
9 written argument in favor of or against the City measure, accompanied by the printed
10 name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4,
11 Chapter 3, Division 9 of the Elections Code of the State of California and Long Beach
12 Municipal Code Chapter 1.24, and to change the argument until and including the date
13 fixed below by the City Clerk, after which no arguments for or against the City measure
14 may be submitted to the City Clerk.

15 Section 7. Pursuant to Long Beach Municipal Code Section 1.24.020,
16 the Mayor, with the approval of the City Council, may designate a person, or association
17 of persons, to write arguments either for or against or both for and against the adoption of
18 any measure or proposition placed on the ballot.

19 Section 8. The deadline to submit arguments for or against the City
20 Measure pursuant to this Resolution is declared by the City Clerk to be Friday, August
21 17, 2018, at 4:30 p.m. Each argument shall not exceed three hundred (300) words and
22 shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s)
23 of the author(s) submitting it, or if submitted on behalf of an organization, the name of the
24 organization, and the printed name and signature of at least one of its principal officers
25 who is the author of the argument.

26 Section 9. Rebuttal Arguments. Pursuant to Section 9285 of the
27 Elections Code of the State of California, when the City Clerk has selected the primary
28 arguments for and against the City Measure which will be printed and distributed to the

1 voters, the Clerk shall send copies of the primary argument in favor of the Measure to the
2 authors of the primary argument against, and copies of the primary argument against to
3 the authors of the primary argument in favor. The authors or persons designated by
4 them may prepare and submit rebuttal arguments not exceeding two hundred fifty (250)
5 words. The rebuttal arguments shall be filed with the City Clerk not later than Monday,
6 August 27, 2018 at 4:30 p.m. Authors may change a rebuttal argument until and
7 including the date fixed above by the City Clerk, after which no rebuttal arguments for or
8 against the City measure may be submitted to the City Clerk. Rebuttal arguments shall
9 be printed in the same manner as the primary arguments. Each rebuttal argument shall
10 immediately follow the primary argument which it seeks to rebut.

11 Section 10. That notice of the time and place of holding the election is
12 hereby given and the City Clerk is authorized, instructed and directed to give further or
13 additional notice of the election, in time, form and manner as required by law.

14 Section 11. The City Clerk is authorized, instructed and directed to
15 procure and furnish any and all official ballots, notices, printed matter and all supplies,
16 equipment and paraphernalia that may be necessary in order to properly and lawfully
17 conduct the election.

18 Section 12. That the ballots to be used at the election shall be in form and
19 content as required by law.

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

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

25 Section 15. The City Council finds that this Resolution is not subject to the
26 California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the
27 activity will not result in a direct or reasonably foreseeable indirect physical change in the
28 environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378)

1 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it
2 has no potential for resulting in physical change to the environment, directly or indirectly.

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

7 Section 17. This resolution shall take effect immediately upon its adoption
8 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City
10 Council of the City of Long Beach at its meeting of August 7, 2018,
11 by the following vote:

12
13 Ayes: Councilmembers: Gonzalez, Pearce, Price,
14 Supernaw, Mungo, Andrews,
15 Uranga, Austin, Richardson.
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17 Noes: Councilmembers: None.
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19 Absent: Councilmembers: None.
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City Clerk

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EXHIBIT "A"

Text of Charter Amendment

[attached behind this page]

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 – ETHICS COMMISSION.

Section ___ - CREATION OF ETHICS COMMISSION.

An Ethics Commission is hereby created.

Section ___ - ORGANIZATION.

(a) The Ethics Commission shall be composed of seven residents of the City of Long Beach. No member of the Commission, during his or her term, shall:

(1) currently hold elective office in the City of Long Beach, including the Long Beach Unified School District Board or the Long Beach Community College Board of Trustees;

(2) serve as an officer in any election campaign for or against a candidate for any current elected office in the City of Long Beach, Long Beach Unified School District or the Long Beach Community College District, or any City or District measure;

(3) be an employee of the City;

(4) employ or be employed as a person required to register as a lobbyist with the City of Long Beach.

(b) Members Appointed by the Mayor and City Auditor.

(1) The Mayor shall appoint two (2) members who have represented local civic organization(s) with a demonstrated history of involvement in local governance;

(2) The City Auditor shall appoint two (2) members who have a background in public policy or public law, governmental ethics or open government matters, campaign finance, auditing of compliance with ethics laws, protection of whistleblowers, or technology as it relates to open government.

(3) The appointments made by the Mayor and City Auditor shall be agendized for confirmation by the City Council.

- (c) Members Appointed by the Commission. The three (3) members of the Commission not appointed by the Mayor and City Auditor shall be appointed, following a public recruitment and application process, by the affirmative vote of at least three members of the Commission.
Any member so appointed shall reflect the interests of the greater Long Beach neighborhood, non-profit and business communities.
- (d) Term of Office.
 - (1) The term of office for members of the Commission shall be four (4) years. No member shall serve for more than two (2) consecutive terms.
 - (2) Notwithstanding the provisions of Subsection (d)(1) of this Section, the two (2) members first appointed by the Mayor and the two (2) members first appointed by the City Auditor shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.
- (e) Vacancies. Appointments to fill vacancies on the Commission shall be made within sixty (60) days of the position becoming vacant. A vacancy on the Commission shall be filled by the same person (Mayor or Auditor) or the Commission who made the initial appointment, using the same method and procedure utilized for the initial Commission member appointment. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.
- (f) Quorum. A majority of members of the Commission shall constitute a quorum, and the affirmative vote of at least a majority of members shall be required to take any action.

Section __ - POWERS AND DUTIES OF THE ETHICS COMMISSION.

The Ethics Commission shall have responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest and governmental ethics.

The City Ethics Commission shall have the following duties and responsibilities:

- (a) to provide support to agencies and public officials in administering the provisions of the Charter and other laws relating to campaign finance, conflicts of interest and governmental ethics;

- (b) to make recommendations to the Mayor and the City Council concerning campaign finance reform, lobbying, governmental ethics and conflicts of interest and to report to the Council concerning the effectiveness of these laws;
- (c) to assist departments in developing their conflict of interest codes as required by state law;
- (d) to advocate understanding of the Charter, City ordinances and the roles of elected and other public officials, City institutions and the City electoral process;
- (e) to develop an educational program to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, and lobbyists with City, state and federal ethics laws and the importance of ethics to the public's confidence in municipal government;
- (f) such other duties as may be established by this Charter or the Municipal Code .

Section __ - STAFF ASSISTANCE AND BUDGET

Staffing for administrative and management functions of the Commission will be addressed in the Municipal Code. The Commission will have a budget, as determined by the City Council, sufficient to conduct the Commission's mission and business.

Section __ - RULES AND REGULATIONS.

The Commission may adopt, amend and rescind rules and regulations, subject to City Council approval, to carry out the purposes and provisions of the Charter and ordinances of the City relating to campaign finance, conflicts of interest, lobbying, and governmental ethics and to govern procedures of the Commission."

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.

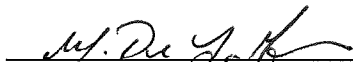
SECTION 3. Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Long Beach voting at the General Election of November 6, 2018. However, this Charter Amendment 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