



## Legislation Text

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Recommendation to review proposed amendments to the Long Beach City Charter, as revised on January 16, 2007.

The City Council on January 16, 2007, reviewed proposed Charter amendments. Certain amendments were approved as written and other amendments were revised. Pursuant to those actions, this office has prepared a full draft of the proposed Charter amendments containing all suggested revisions. This draft includes all of the proposed amendments set forth in their entirety (with strikeout and underlining which will appear on the ballot). Further, we separately append Exhibit "A", which contains only those amendments which were revised on January 16.

Exhibits "B" and "C" set forth proposed time lines for the Independent Salary Commission and the Redistricting Commission, respectively.

### Deletion of Obsolete Provisions

~~Sec. 903. Public Recreation Tax Levy.~~

~~The City Council shall annually levy and collect on all the taxable property in the City of Long Beach for the purposes of creating a special fund to be designated as the "Playground and Public Recreation Fund" at least five cents (5¢) on each One Hundred Dollars (\$100.00) of the value on all real and personal property of the City, as assessed by the City for City purposes, and, in addition thereto, shall have power to appropriate such additional funds as it may deem necessary and proper. Said funds shall be exclusively maintained and used to meet the legal demands and expenditures of the Board made for the purposes of public recreation.~~

~~Sec. 1500. Organization.~~

~~There is hereby created and established a Department of Public Utilities, to be under the supervision and control of the City Manager in all matters. This department shall consist of the City's Gas Utility and such other public utilities as may, from time to time, be owned, operated or controlled by the city. The City Manager shall appoint a General Manager of the Department of Public Utilities and such other supporting superintendents or managers as he determines necessary to serve at the pleasure of the City Manager.~~

~~Sec. 1700. The Fiscal Year.~~

~~The fiscal year of the City of Long Beach shall commence on the first day of July of each year and shall end on the thirtieth day of June next following, or as provided for by~~

~~ordinance upon the recommendation of the City Manager.~~

~~Sec. 1707. General Purpose Reserve Account.~~

~~The City Council may, from time to time, appropriate or transfer monies to a special account in the General Purpose Fund to be designated as the "General Purpose Reserve Account" which account is hereby created and established; provided, that the balance in said account shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000). All funds presently in the Public Improvement Reserve Fund shall be transferred to the General Purpose Reserve Account. The General Purpose Reserve Account shall be a continuing account and not subject to transfer or included in the General Purpose Fund Unreserved balance at the close of the fiscal year.~~

~~The monies appropriated or transferred to and placed in said General Purpose Reserve Account in accordance with appropriation ordinances or applicable sections of this Charter shall be used as determined by the City Council. Upon receiving consent of the City Council, by vote of two-thirds (2/3) of its members, expressed by resolution, the City Manager shall have the power to transfer or expend monies from said General Purpose Reserve Account as set forth in said resolution.~~

~~Sec. 1714. Library Tax Levy.~~

~~The City Council shall levy and collect annually, on all taxable property in the City of Long Beach, as in other cases, a special tax sufficient to maintain the Long Beach Public Library and branch libraries, and all fees and monies received by the Public Library in connection with its operations shall be deposited to the Library Fund, including all receipts for the fiscal year 1934-1935, and this money shall be used for the purpose of supporting and maintaining the Library Department, and establishing, supporting and maintaining branch libraries and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount provided for by the appropriation ordinance for this purpose shall be incurred in any one year. This limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City, in accordance with the provisions of this Charter and of the general laws of the State of California for the purpose of defraying the cost of such improvements.~~

~~Sec. 1717. Transportation Tax Levy.~~

~~The City Council of Long Beach is hereby authorized to establish a fund to be known as the "Transportation Fund". The City Council may annually levy and collect a special tax on all taxable property in the City of Long Beach for the purposes of depositing in said fund an amount not to exceed five cents (5¢) on each One Hundred Dollars (\$100.00) of the assessed value of all real and personal property in the City assessed for City purposes. Said fund shall be used to meet any obligations undertaken by the City to acquire, develop, operate, or maintain a public transportation system or to provide for, or to assist a nonprofit corporation to provide such a system. The provisions of this Charter relating to public utilities and franchises shall not limit the powers conferred~~

upon the City Council by this Section.

Sec. 1724. The Municipal Band Tax.

The City Council shall levy and collect annually on all taxable property in the City of Long Beach, as in other cases, a special tax sufficient to support, employ and maintain a Municipal Band.

### Independent Salary Commission

Sec. 203. Salary.

(a) Commencing with the first Mayor to assume the office of Mayor on or after July 1, 1988, the Mayor shall receive an annual salary of Sixty-seven Thousand, Five Hundred Dollars (\$67,500.00), which salary shall be automatically adjusted on July 1, 1989, and on July 1 of each year thereafter equivalent to the most recent upward change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Long Beach-Anaheim metropolitan area. For purposes of calculating the annual adjustment under this section the base year shall be that year ending with the quarter ending December 31, 1988. The Mayor's salary shall first be adjusted on July 1, 1989, and annually thereafter, based on the annually calculated change from the base year.

(b) Each member of the City Council shall receive a salary which shall be twenty-five percent of that provided for the Mayor under Subsection (a) of this Section 203.

(b) The annual salary for each member of the City Council shall be set in the following manner:

(1) Each member of the Council shall be paid as compensation for his or her services for each calendar month during which he or she serves as a member of the Council, a monthly salary which shall be established in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, except as provided in this Section.

(2) There shall be, and there is hereby established, an Independent Salary Commission. The Commission shall consist of nine (9) members appointed pursuant to this Section. Members must be qualified electors of the City at all times during their term of office.

No later than November 1<sup>st</sup> of each odd-numbered year, the Mayor, City Attorney, City Auditor, and City Prosecutor shall each nominate a slate of nine Commission members comprised of one resident from each of the City Council districts. No later than December 1<sup>st</sup> of each odd-numbered year, the Mayor, City Attorney, City Auditor and City Prosecutor shall meet to collectively appoint the members for the next Commission session. The City Attorney, City Auditor and City Prosecutor shall each cast one (1) vote for a nominated resident from each City Council district, and the Mayor shall cast two (2) votes.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. If no majority can be reached, the nominee shall be selected from those two (2) persons receiving the most votes for that particular seat by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

The term of the Commission shall commence immediately after each and every seat has been appointed pursuant to this Section, and shall expire upon the transmittal of the Commission's recommendation to the City Council pursuant to this Section.

(3) Between January 1st and May 31st of every even-numbered year, the Independent Salary Commission shall recommend to the Council the amount of monthly salary which it deems appropriate for the members of the Council, for the two year period commencing July 1 of that even-numbered year. The amount recommended for each member of the Council shall be the same. The monthly salary shall be in an amount which takes into account the nature of the duties of the office and which is commensurate with salaries then being paid for other public positions having similar duties, responsibilities and obligations.

(4) No recommendation shall be made except upon the affirmative vote of five (5) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no change be made. Each biennial recommendation, together with the reasons therefor, shall be made in writing, and shall become effective on July 1<sup>st</sup> of that year.

## Mayoral Veto

Sec. 213. Veto of City Council Actions By Mayor.

(a) The Mayor may veto any action of the City Council as defined in Sections 210 and 211 of this Charter, except for procedural and parliamentary motions including, but not limited to, those for adjournment and similar motions, which veto shall be exercised as provided for in this section.

(1) As to any ordinance, except for emergency ordinances as provided for in Section 211 of this Charter, the Mayor shall, within ten (10) calendar days of adoption of the ordinance, either sign or veto the ordinance. If the Mayor signs the ordinance, it shall become effective thirty-one days thereafter. If the Mayor vetoes the ordinance, the veto shall be exercised by filing with the City Clerk a statement vetoing the ordinance and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall, at the same time, cause the matter to be placed upon the agenda of the next regularly scheduled meeting of the City Council for which an agenda has not as yet been prepared by the City Clerk. At that meeting, or at any time within thirty (30) days of filing of the veto statement, the City Council may, by a vote of ~~five (5)~~ two-thirds (2/3) or more of its members, override the veto, in which case the ordinance shall become effective thirty (30) days thereafter. If an

override is not voted within the thirty (30) days provided, the ordinance shall be deemed vetoed and shall be of no further force and effect.

(2) As to any resolution, the Mayor shall exercise his or her veto by filing with the City Clerk, within five (5) calendar days of adoption of the resolution, a statement vetoing the resolution and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall cause the matter to be brought before the City Council at its next regularly scheduled meeting. At that meeting, the City Council may, by a vote of ~~five (5)~~ two-thirds (2/3) or more of its members, override the veto, in which case the resolution shall become effective as if no veto has been exercised. If an override is not voted at that meeting, the resolution shall be deemed vetoed and shall be of no further force and effect.

(3) As to motions for minute orders, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately following the announcement of the final vote on the motion and prior to commencement of any further business by the City Council, that the motion is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If at least two-thirds (2/3) of the members of the City Council present vote for the motion to override, the veto shall be deemed overridden. If not, the action shall be deemed vetoed and defeated and shall be of no further force and effect.

(4) As to any emergency ordinance as provided for in Section 211 of this Charter, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately upon adoption of the emergency ordinance, that the emergency ordinance is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If ~~five (5)~~ two-thirds (2/3) or more of the members of the City Council vote for the motion, the veto shall be deemed overridden and the ordinance shall become effective as if no veto has been exercised. If an override is not voted at that meeting, the ordinance shall be deemed vetoed and shall be of no further force and effect.

~~(b) Notwithstanding any other provision of this section, the veto of any action to adopt the annual budget pursuant to Section 1704 or to adopt or amend an appropriations ordinance pursuant to Section 1704 or to appropriate additional funds pursuant to Section 1705, shall require six (6) votes to override regardless of whether the action is taken pursuant to Subsections (a)(1), (a)(2), (a)(3) or (a)(4).~~

~~(c) (b) In all cases, the action to override the Mayor's veto shall be limited to a vote on a motion that the veto of the Mayor be overridden, and no amendatory or other motions to change the vetoed action prior to the override vote shall be in order. If a veto is not overridden and becomes final as provided in this Section, action identical to that vetoed shall not be again considered by the City Council for a period of thirty (30) days.~~

## City Council Consideration and Mayoral Line-Item Veto of Budget

Sec. 1702. City Manager's Recommended Budget.

The City Manager annually shall prepare, and not later than ~~sixty (60)~~ ninety (90) days prior to the beginning of each fiscal year, submit to the Mayor the recommended budget for the forthcoming fiscal year, based upon detailed estimates furnished to the City Manager as may be prescribed. Departmental budgets of departments for which the City Manager is not administratively responsible shall be submitted as furnished by the heads of such departments, but in a form and on a date as prescribed by the City Manager. Not later than ~~forty-five (45)~~ sixty (60) days prior to the beginning of the fiscal year for which the City Manager has prepared his recommended budget, the Mayor shall present the budget as submitted to the Mayor by the City Manager to the City Council together with any comments and recommendations that the Mayor may wish to attach to it for consideration by the City Council.

Sec. 1704. Amendment of the Budget.

The City Council may amend the preliminary budget and shall adopt such preliminary or amended preliminary budget as the budget for the forthcoming fiscal year, and shall not later than fifteen (15) days prior to the end of the current fiscal year pass an appropriation ordinance conforming thereto. If the City Council fails to adopt a budget and appropriation ordinance by the time prescribed herein, the City Manager's recommended budget shall be deemed to be the budget adopted by the City Council and appropriation expenditures shall be made in accordance therewith.

The budget and appropriations ordinance as adopted by the City Council (including the City's budgets for which the City Manager is not administratively responsible) shall be immediately transmitted to the Mayor upon whose approval and signature they shall become effective. If the Mayor shall fail to act upon the budget and appropriations ordinance within five (5) calendar days after its adoption by the City Council, it shall thereupon become effective. If the Mayor disapproves of any expenditure, the Mayor may reduce or eliminate that item, and shall within the same five (5) calendar day period return the budget and the appropriations ordinance to the City Council with a statement of action taken.

Upon receipt by the City Council of the budget veto message from the Mayor, the City Council shall have until the end of the fiscal year within which to override the action of the Mayor by a vote of two-thirds (2/3) of its members.

Upon the commencement of the fiscal year, the budget and appropriations ordinance as returned by the Mayor, and to the extent modified thereafter by the City Council, shall become the budget and appropriations ordinance for the ensuing fiscal year.

**Appointment and Dismissal of City Manager and City Clerk; Approval of Appointment of Assistant City Manager**

Sec. 300. Selection and Qualifications.

The City Council shall appoint a City Manager who shall be the chief administrative officer of the City. The City Manager shall be responsible for the administration of all departments except the City Attorney, City Auditor, City Prosecutor, Civil Service

Department, Legislative Department, Harbor Department and Water Department. The City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members, shall appoint the person deemed best qualified on the basis of executive and administrative capabilities, with special reference to experience in, and knowledge of, accepted practices with respect to the duties of the office as set forth in this Charter. The City Manager shall be appointed for an indefinite period and cannot be removed from office except by a vote of five (5) members of the City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members.

Sec. 301. Assistant City Manager.

The City Manager shall have the power to appoint, with the confirmation of the City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members, an Assistant City Manager, who shall be empowered to perform all duties of the City Manager in the event of the absence or disability of the City Manager and such other duties as the City Manager shall direct. The Assistant City Manager shall serve at the pleasure of the City Manager.

Sec. 400. Appointment.

The City Council shall appoint a City Clerk, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members, who shall serve at the pleasure of the City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members.

## Investigative and Subpoena Power of City Council

Sec. 205. Powers Vested in the City Council.

Except as otherwise provided in this Charter, all powers of the City shall be vested in the City Council. Incidental to those powers, the City Council may conduct investigations, and shall have the authority to subpoena witnesses, to examine them under oath, and to compel the production of evidence.

## Revision to Term Limits

Sec. 214. Term Limitations on Ballot Access by Candidates For City Council and Mayor.

(a) Notwithstanding any other previously enacted provision of law or of this Charter, the City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot or ballot label, the name of any person who either: (1) Is elected to ~~two~~ three full terms as a member of the City Council after November 3, 1992 and thereafter seeks to become a candidate for City Council, or (2) Is serving a full unexpired term as a member of the City Council on November 3, 1992 ~~or other date~~

upon which this act becomes law and is subsequently elected to a second ~~third~~ full term as a member of the City Council and thereafter seeks to become a candidate for City Council, or (3) Is elected to ~~two~~ three full terms as Mayor after November 3, 1992 and thereafter seeks to become a candidate for Mayor, or (4) Is serving a full unexpired term as Mayor on November 3, 1992 ~~or other date upon which this act becomes law~~ and is subsequently elected to a second ~~third~~ full term as Mayor and thereafter seeks to become a candidate for Mayor.

(b) Write-In Candidacies. Nothing in this article shall be construed as prohibiting any qualified voter of this City from casting a ballot for any person by writing the name of that person on the ballot, or from having such ballot counted or tabulated, nor shall any provision of this article be construed as prohibiting any person from standing or campaigning for any elective office by means of a write-in campaign. Notwithstanding Section 214(a) above, in the event that a write-in candidate is nominated at a primary election pursuant to Section 1904, that candidate's name shall appear on the ballot for the general election pursuant to Section 1905.

(c) Construction. ~~Nothing in this article shall be construed as preventing or prohibiting the name of any person from appearing on the ballot at any direct primary or general election unless that person is specifically prohibited from doing so by the provisions of Section 214(a) of this Article, and to that end Section 214(a) shall be strictly construed. This act shall be liberally construed to accomplish its purposes.~~

## Terms and Removal of Commissioners

### Sec. 508. Terms of Commission Members.

The term of office of members of the Commissions set forth in this Charter shall be four (4) years, except that the term of office of members of the Harbor Commission shall be six (6) years and the term of office for Water Commission members shall be five (5) years, beginning with the first Monday after the first day of July following their respective appointments, and until their successors are appointed and take office. No person shall serve more than two (2) full terms on any one Commission, except that members of the Harbor and Water Commissions may serve no more than three (3) terms on their respective commissions. Serving any portion of an unexpired term shall not be counted as service of one term on such Commission.

### Sec. 510. Removal of Commission Members.

The City Council may by a vote of a majority of its members Mayor may remove any member of a Charter-mandated commission at any time, with the concurrence of two-thirds (2/3) of the members of the City Council ~~upon stating in writing, the reasons for such removal and allowing the member an opportunity to be heard by the City Council.~~ Any member of a Charter-mandated commission may be removed for incompetence, malfeasance, misfeasance, neglect of duty or conviction of a crime involving moral turpitude.

## Revision to City Prosecutor Duties



Sec. 703. Powers and Duties of the City Prosecutor.

The powers and duties of the City Prosecutor shall be as follows:

(a) The City Prosecutor shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of Charter provisions or City ordinances, in the court of original jurisdiction and on appeal.

(b) The City Prosecutor shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the City under penal statutes or ordinances.

(c) Whenever it shall be authorized by the laws of this State, the City Prosecutor shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the State and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this State, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the City or the County of Los Angeles.

(d) If any person held in custody and charged with having committed a criminal offense against the Charter provisions or City ordinances, or with having committed a misdemeanor or other offense in the City against State law applies for a writ of habeas corpus, a copy of the application for such writ must be served upon the City Prosecutor at such times and in such manner as may be provided by such law. It shall be the duty of the City Prosecutor to conduct all proceedings relating to the application for or hearing upon such writ on behalf of the people. In all matters of habeas corpus in which the constitutionality of any law or ordinance has been raised, and in all appeals in which the constitutionality of any law or ordinance has been raised, the City Prosecutor must immediately notify the City Attorney thereof. The City Attorney may in his discretion become associated with the City Prosecutor in any such action or proceeding and have charge of such litigation.

(e) Subject to approval of the City Council, the City Prosecutor shall be allowed such investigation funds as necessary to perform the duties set forth herein; and may employ special investigators in connection therewith.

~~(f) The City Prosecutor shall prosecute, attend and conduct on behalf of the City Manager or other appointing authorities at their request, all hearings before the Civil Service Commission.~~

~~(g)~~ ~~\_\_~~(f) The City Prosecutor shall draft penal ordinances and shall render opinions relative to penal ordinances upon the request of the City Council, City Manager and department heads.

**Parks in Perpetuity**

**Sec. 905 Parks in Perpetuity.**

The City Council shall by ordinance adopt zoning and other regulations for the proper use and protection of parks, plazas, beaches, golf courses, playgrounds,

recreation facilities, and other recreation areas in the City.

Notwithstanding any other provisions of this Charter to the contrary, those areas that have been dedicated or designated as public park or recreation areas of the City shall not be sold or otherwise alienated unless first authorized or later ratified by an affirmative vote of a majority of the qualified electors of the City voting at an election for such purpose; except that the City Council may sell or alienate public parks or recreation areas, or any portions thereof, if, after a public hearing, and the approval of the Parks and Recreation Commission, the City Council determines that said park or recreation areas will be replaced by other dedicated or designated park or recreation areas on substantially an amenity for amenity basis, and at a ratio of at least two to one (2:1); and further that an approximately equal portion of the replacement land will be located in the park service area where the land was converted, and an approximately equal portion of the replacement land will be located in a park service area needing parkland as determined by the Parks and Recreation Commission.

### Residency Requirements for Candidates for Elected Office

#### Sec. 201. Eligibility.

No person shall be eligible to hold the office of City Council member or Mayor unless such person is a legally registered voter and resident of the Councilmanic District if and from which nominated for City Council, or of the City if nominated for Mayor, at least thirty (30) days immediately preceding the ~~first~~ last day upon which candidates are permitted to file nominating petition for such office with the City Clerk.

### Redistricting - Ten Year Cycle and Creation of Redistricting Commission

#### Sec. 103. Councilmanic Districts.

The City shall be divided, for electoral purposes, into nine (9) Councilmanic Districts approximately equal in population. Commencing the second quarter of ~~1984~~ 2011 and at intervals of ~~five (5)~~ ten (10) years, or at any other time the City Council may direct, the Planning Commission shall ascertain the number of inhabitants in each Councilmanic District and report its findings to the City Council. If the report shows that the Councilmanic Districts are not approximately equal in number of inhabitants, the City Council shall adopt a resolution calling for the convening of a Redistricting Commission pursuant to Sections 2400, et. seq., of this Charter. by ordinance, redistrict the City into nine (9) Councilmanic Districts, each having approximately an equal number of inhabitants. Thereafter, the Councilmanic Districts shall be modified pursuant to Section 2400 et. seq., of this Charter.

Any territory hereafter annexed to the City shall become a part of the Councilmanic District or districts adjoining such annexed territory. The City Council shall by ordinance

alter the boundaries of the affected district or districts.

Sec. 2400. Creation of Redistricting Commission.

There is hereby created a Redistricting Commission.

Sec. 2401. Membership and Terms of Redistricting Commission.

(a) The Redistricting Commission shall be composed of nine (9) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who are registered voters residing in the City of Long Beach. None of the Commission members shall reside in the same city council district, and shall not concurrently hold any elective or appointed municipal office of the City of Long Beach.

(b) The Mayor, City Attorney, City Auditor, and City Prosecutor shall collectively appoint each of the nine (9) members employing the following process:

Within thirty (30) days of the adoption of the resolution by the City Council convening the Commission pursuant to Section 103 of this Charter, the Mayor, City Attorney, City Prosecutor, and City Auditor shall each nominate a slate of nine (9) Commission members comprised of one (1) resident from each of the city council districts. The City Attorney, City Prosecutor, and City Auditor shall each cast one (1) vote for a nominated resident from each City Council District, and the Mayor shall cast two (2) votes.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. If no majority can be reached, the nominee shall be selected from those two (2) persons receiving the most votes for that particular seat by the casting of lots under the supervision, of, and in such manner and place as the City Clerk decides.

(c) A session of the Commission shall commence within thirty (30) days after each and every seat has been appointed pursuant to this Section. The term of the Commission shall expire upon approval and recommendation of a new district map pursuant to Section 2403 of this Article.

Sec. 2402. Meetings.

(a) All meetings of the Commission shall be open to the public and whenever possible shall be held at a City-owned facility.

(b) Reasonable notice shall be given to the public prior to the convening of any meeting.

(c) The City Manager shall provide any necessary staff and resources to assist the Commission in the furtherance of its duties pursuant to this Article.

(d) The City Attorney shall provide all appropriate legal assistance in the furtherance of

its duties pursuant to this Article.

Sec. 2403. Commission Guidelines.

(a) The Commission shall recommend a new district map, marking the political boundaries of the Councilmanic Districts. The map shall designate exactly nine (9) Councilmanic Districts.

(b) The Councilmanic Districts shall be approximately equal in population based upon the data of the most recent United States decennial census or, if available, the most current population estimates for the City of Long Beach provided by the United States Census Bureau, the County of Los Angeles, the City of Long Beach Planning Department, or another comparable official source.

(c) The Councilmanic Districts shall be as geographically compact and contiguous as possible while maintaining neighborhood integrity, communities of interest, and employing visible geographic features of the City.

(d) The Commission shall recommend Councilmanic District boundaries that minimize the number of persons who will be moved from one district to a new district as drawn pursuant to the most recent redistricting as is practicable, subject to the other requirements of this Section.

(e) The Commission shall recommend Councilmanic District boundaries that minimize the number of divisions to census tracts.

~~(g)~~ (f) The Commission shall not recommend Councilmanic District boundaries that divide census blocks.

(g) Any district map recommended by the Commission shall comply with all applicable federal and state laws including the Federal Voting Rights Act.

(h) The Commission shall recommend a new district map in a public meeting no later than ninety (90) days after its session has commenced.

If the City Council resolution calling for the convening of a new session of the Commission is issued less than one hundred eighty (180) days prior to the initial filing date of the next regularly scheduled City election, the district map recommended by the Commission shall not apply to that election, but instead shall apply to the subsequent regularly scheduled election. During the interim period, the previous district map shall be employed during any City election.

(i) The district map must be recommended by a majority of the entire Commission.

(j) No later than five (5) days after its approval, the Commission shall file the recommended district map with the City Clerk and send copies to the Mayor and City Council. The City Council shall, by ordinance, adopt or modify the district map within thirty (30) days of submittal of the map. The new district map as adopted by the City

Council shall be used to establish the Councilmanic District boundaries in all future City elections until a new district map is approved pursuant to this Article.

### Prohibition on Running for Two Offices at the Same Time

Sec. 202. Mayor and Vice-Mayor.

(a) Duties of Mayor. The Mayor shall be the chief legislative officer of the City and as such shall have the power to veto actions of the City Council pursuant to and in accordance with the provisions of Section 213 of this Charter. The performance of the duties of the office of Mayor shall be considered as the full-time employment of the person occupying that office. The Mayor shall preside at meetings of the City Council. The Mayor shall have no vote, but may participate fully in the deliberations and proceedings of the City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no administrative duties other than those provided for in Section 207. The Mayor shall represent the City at large and utilize the office of Mayor to provide community leadership and as a focal point for the articulation of city-wide perspectives on municipal issues.

On or before the 15th day of January of each year, the Mayor shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as the Mayor may deem expedient and proper.

(b) Nomination and Election of Mayor. Candidates for the office of Mayor shall be nominated by the City at large at the primary nominating election. In the event that no candidate for nomination to the office of Mayor receives a majority of the votes cast for all candidates for the office of Mayor at the primary nominating election, the two candidates receiving the highest number of votes for the office of Mayor 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 municipal election.

(c) Term of Mayor. In 1988, a Mayor shall first be nominated and elected by the City at large in the manner provided in Subsection 202(b) of this Charter for a term of two (2) years, and, commencing in 1990 and thereafter, for a term of four (4) years, from the date he or she shall take office after being duly elected Mayor, or until a successor shall be elected and take office. The term of the Mayor shall commence on the third Tuesday of July following his or her election, and he or she shall serve until his or her successor qualifies.

(d) No Person can be Candidate for Office of Mayor and Councilmember Two Elected City Offices at the Same Time. A person cannot be a candidate for both the office of Mayor and City Council at the same time at the same election for two or more of the elected City offices.

(e) Vacancy in Office of Mayor. In the event of a vacancy occurring in the office of the

Mayor, existing by reason of any cause, the Council shall immediately cause an election to be held to fill such vacancy, which election shall be called within sixty (60) days after such vacancy occurs and shall be held within one hundred and twenty (120) days after such vacancy occurs, provided that if such vacancy occurs within one hundred and twenty (120) days, but not less than eighty-eight (88) days, from the date of a municipal primary nominating election at which the office of Mayor would regularly be filled, the City Council shall not cause a special election to be held to fill the vacancy but said vacancy shall be filled as a part of the regular election process. If elected by a specially called election pursuant to this Subsection 202(e), the Mayor so elected shall serve for the remainder of the unexpired term of the Mayor whose vacation of the office has caused the special election to be held.

(f) Vice-Mayor. The Council shall biennially, at the same time that Councilmembers regularly take office for new terms, select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all duties and, except for the power to veto actions of the City Council, may exercise all powers of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent, unable to perform his or her duties or has vacated the office by reason of any cause and until a successor has been elected and taken office.

## Code of Ethics and Ethics Commission

### ARTICLE XIB. ETHICS COMMISSION

#### Sec. 1160. Creation of Ethics Commission

There is hereby created an Ethics Commission.

#### Sec. 1161. Membership and Terms of the Ethics Commission

The Ethics Commission shall be composed of five (5) members who reside in the City of Long Beach. The City Attorney, City Auditor, City Prosecutor shall each appoint one (1) member, and the Mayor shall appoint two (2) members of the Commission. The term of the Commission shall be three (3) years, and no person shall serve more than one (1) term. Serving any portion of an unexpired term shall not be counted as service of one (1) term.

#### Sec. 1162. Duties of the Ethics Commission

The Ethics Commission shall meet a minimum of two (2) times per calendar year, and shall make recommendations to the City Council on ordinances, procedures, training and other matters relating to the City's Code of Ethics, as set forth in Section 1163 of this Charter. In addition, the Ethics Commission shall submit an annual report to the City Council relating to its activities.

#### Sec. 1163. Code of Ethics

The Ethics Commission shall recommend, and the City Council shall adopt and maintain a Code of Ethics to provide guidance to City officers and employees in their conduct while discharging their public responsibilities. This Code of Ethics shall include, but not be limited to, ordinances relating to the following areas of regulation:

(a) Limitations on and requirements for reporting of campaign contributions and post-election contributions to candidates for elected City Offices.

(b) Reporting and registration requirements for local government lobbyists who act to influence any governmental action of the City of Long Beach.

(c) Limitations on the acceptance of gifts by City officers and employees including elected officers and members of Boards and Commissions.

(d) Limitations on the acceptance of honoraria by City officers including elected officials, Council appointees and members of Boards and Commissions.

(e) Regulations regarding disqualification of former City officers and employees in matters connected with former City duties or official responsibilities.

(f) Regulations regarding conflict of interest rules for employees, appointed and elected officials.

No amendments or changes shall be adopted which in any way lessen the ethical standard in regulations except by a two-thirds vote of the City Council.

By

RES:fl

#07-00102

## EXHIBIT "A"

### Revisions to Charter Provisions Requested on January 16, 2007

#### Independent Salary Commission

Sec. 203. Salary.

(a) Commencing with the first Mayor to assume the office of Mayor on or after July 1, 1988, the Mayor shall receive an annual salary of Sixty-seven Thousand, Five Hundred Dollars (\$67,500.00), which salary shall be automatically adjusted on July 1, 1989, and on July 1 of each year thereafter equivalent to the most recent upward change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Long Beach-Anaheim metropolitan area. For purposes of calculating the annual adjustment under this section the base year shall be that year ending with the quarter ending December 31, 1988. The Mayor's salary shall first be adjusted on July 1, 1989, and annually thereafter, based on the annually calculated change from the base year.

(b) The annual salary for each member of the City Council shall be set in the following manner:

(1) Each member of the Council shall be paid as compensation for his or her services for each calendar month during which he or she serves as a member of the Council, a monthly salary which shall be established by resolution adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, except as provided in this Section.

(2) There shall be, and there is hereby established, an Independent Salary Commission. The Commission shall consist of nine (9) members appointed pursuant to this Section. Members must be qualified electors of the City at all times during their term of office.

No later than November 1<sup>st</sup> of each odd-numbered [even-numbered] year, the Mayor, City Attorney, City Auditor, and City Prosecutor shall each nominate a slate of nine Commission members comprised of one resident from each of the City Council districts. No later than December 1<sup>st</sup> of each odd-numbered [even-numbered] year, the Mayor, City Attorney, City Auditor and City Prosecutor shall meet to collectively appoint the members for the next Commission session. The City Attorney, City Auditor and City Prosecutor shall each cast one (1) vote for a nominated resident from each City Council district, and the Mayor shall cast two (2) votes.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. If no majority can be reached, the nominee shall be selected from those two (2) persons receiving the most votes for that particular seat by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

The term of the Commission shall commence immediately after each and every seat has been appointed pursuant to this Section, and shall expire upon the transmittal of the Commission's recommendation to the City Council pursuant to this Section.

(3) Between January 1<sup>st</sup> and May 31<sup>st</sup> of every even-numbered [odd-numbered] year, the Independent Salary Commission shall recommend to the Council the amount of monthly salary which it deems appropriate for the members of the Council, for the two



year period commencing July 1 of that even-numbered [odd-numbered] year. The amount recommended for each member of the Council shall be the same. The monthly salary shall be in an amount which takes into account the nature of the duties of the office and which is commensurate with salaries then being paid for other public positions having similar duties, responsibilities and obligations.

(4) No recommendation shall be made except upon the affirmative vote of five (5) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no change be made. Each biennial recommendation, together with the reasons therefor, shall be made in writing, and shall become effective on July 1<sup>st</sup> of that year. ~~Before it submits any such recommendation to the City Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the City Council, it shall not thereafter be amended by the Commission. The City Council may adopt, reject or decrease, but not increase, any compensation recommendation from the Commission.~~

### City Council Consideration and Mayoral Line-Item Veto of Budget

Sec. 1702. City Manager's Recommended Budget.

The City Manager annually shall prepare, and not later than ninety (90) days prior to the beginning of each fiscal year, submit to the Mayor the recommended budget for the forthcoming fiscal year, based upon detailed estimates furnished to the City Manager as may be prescribed. Departmental budgets of departments for which the City Manager is not administratively responsible shall be submitted as furnished by the heads of such departments, but in a form and on a date as prescribed by the City Manager. Not later than ~~seventy-five (75)~~ sixty (60) days prior to the beginning of the fiscal year for which the City Manager has prepared his recommended budget, the Mayor shall present the budget as submitted to the Mayor by the City Manager to the City Council together with any comments and recommendations that the Mayor may wish to attach to it for consideration by the City Council.

Sec. 1704. Amendment of the Budget.

The City Council may amend the preliminary budget and shall adopt such preliminary or amended preliminary budget as the budget for the forthcoming fiscal year, and shall not later than fifteen (15) days prior to the end of the current fiscal year pass an appropriation ordinance conforming thereto. If the City Council fails to adopt a budget and appropriation ordinance by the time prescribed herein, the City Manager's recommended budget shall be deemed to be the budget adopted by the City Council and appropriation expenditures shall be made in accordance therewith.

The budget and appropriations ordinance as adopted by the City Council (including the City's budgets for which the City Manager is not administratively responsible) shall be immediately transmitted to the Mayor upon whose approval and signature they shall become effective. If the Mayor shall fail to act upon the budget and appropriations

ordinance within five (5) calendar days after its adoption by the City Council, it shall thereupon become effective. If the Mayor disapproves of any expenditure, the Mayor may reduce or eliminate that item. The Mayor shall within the same five (5) calendar day period return the budget and the appropriations ordinance to the City Council with a statement of action taken.

Upon receipt by the City Council of the budget veto message from the Mayor, the City Council shall have until the end of the fiscal year within which to override the action of the Mayor pursuant to ~~Section 213~~ by a vote of two-thirds (2/3) of its members.

Upon the commencement of the fiscal year, the budget and appropriations ordinance as returned by the Mayor, and to the extent modified thereafter by the City Council, shall become the budget and appropriations ordinance for the ensuing fiscal year.

## **Appointment and Dismissal of City Manager and City Clerk; Approval of Appointment of Assistant City Manager**

### **Sec. 300. Selection and Qualifications.**

The City Council shall appoint a City Manager who shall be the chief administrative officer of the City. The City Manager shall be responsible for the administration of all departments except the City Attorney, City Auditor, City Prosecutor, Civil Service Department, Legislative Department, Harbor Department and Water Department. The City Council, subject to veto by the Mayor and City Council override pursuant to ~~Section 213~~, by a vote of two-thirds (2/3) of its members, shall appoint the person deemed best qualified on the basis of executive and administrative capabilities, with special reference to experience in, and knowledge of, accepted practices with respect to the duties of the office as set forth in this Charter. The City Manager shall be appointed for an indefinite period and cannot be removed from office except by a vote of five (5) members of the City Council, subject to veto by the Mayor and City Council override pursuant to ~~Section 213~~ by a vote of two-thirds (2/3) of its members.

### **Sec. 301. Assistant City Manager.**

The City Manager shall have the power to appoint, with the confirmation of the City Council, subject to veto by the Mayor and City Council override pursuant to ~~Section 213~~, by a vote of two-thirds (2/3) of its members, an Assistant City Manager, who shall be empowered to perform all duties of the City Manager in the event of the absence or disability of the City Manager and such other duties as the City Manager shall direct. The Assistant City Manager shall serve at the pleasure of the City Manager.

### **Sec. 400. Appointment.**

The City Council shall appoint a City Clerk, subject to veto by the Mayor and City Council override pursuant to ~~Section 213~~, by a vote of two-thirds (2/3) of its members, who shall serve at the pleasure of the City Council, subject to veto by the Mayor and City Council override pursuant to Section 213.

## Terms and Removal of Commissioners

### Sec. 508. Terms of Commission Members.

The term of office of members of the Commissions set forth in this Charter shall be four (4) years, beginning with the first Monday after the first day of July following their respective appointments, and until their successors are appointed and take office. No person shall serve more than two (2) full terms on any one Commission, except that members of the Harbor and Water Commissions may serve no more than three (3) terms on their respective commissions. Serving any portion of an unexpired term shall not be counted as service of one term on such Commission.

### Sec. 510. Removal of Commission Members.

~~The City Council may by a vote of a majority of its members~~ Mayor may remove any member of a Charter-mandated commission at any time, ~~subject to veto by the Mayor and City Council override pursuant to Section 213.~~ with the concurrence of two-thirds (2/3) of the members of the City Council.

## Redistricting - Ten Year Cycle and Creation of Redistricting Commission

### Sec. 103. Councilmanic Districts.

The City shall be divided, for electoral purposes, into nine (9) Councilmanic Districts approximately equal in population. Commencing the second quarter of 2011 and at intervals of ten (10) years, or at any other time the City Council may direct, the Planning Commission shall ascertain the number of inhabitants in each Councilmanic District and report its findings to the City Council. If the report shows that the Councilmanic Districts are not approximately equal in number of inhabitants, the City Council shall adopt a resolution calling for the convening of a Redistricting Commission pursuant to Sections 2400, et, seq. of this Charter. Thereafter, the Councilmanic Districts shall be modified pursuant to Section 2400 et. seq., of this Charter. Any territory hereafter annexed to the City shall become a part of the Councilmanic District or districts adjoining such annexed territory. The City Council shall by ordinance alter the boundaries of the affected district or districts.

### Sec. 2400. Creation of Redistricting Commission.

There is hereby created a Redistricting Commission.

### Sec. 2401. Membership and Terms of Redistricting Commission.

(a) The Redistricting Commission shall be composed of nine (9) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who are registered voters residing in the City of Long Beach. None of the Commission members shall reside in the same city council district, and shall not concurrently hold any elective or appointed municipal office of the City of Long Beach.

(b) The Mayor, City Attorney, City Auditor, and City Prosecutor shall collectively appoint each of the nine (9) members employing the following process:

~~No later than thirty (30) days prior to the final date that the next Commission session is required to convene~~ Within thirty (30) days of the adoption of the resolution by the City Council convening the Commission pursuant to Section 103 of this Charter, the Mayor, City Attorney, City Prosecutor, and City Auditor shall each nominate a slate of nine (9) Commission members comprised of one (1) resident from each of the city council districts. ~~No later than ten (10) days thereafter, they shall meet to collectively appoint the new members of the next Commission session.~~ The City Attorney, City Prosecutor, and City Auditor shall each cast one (1) vote for a nominated resident from each City Council District, and the Mayor shall cast two (2) votes.

The nominee receiving a majority of the votes cast for a particular seat upon the Commission shall be deemed appointed to that seat. If no majority can be reached, the nominee shall be selected from those two (2) persons receiving the most votes for that particular seat by the casting of lots under the supervision, of, and in such manner and place as the City Clerk decides.

(c) A session of the Commission shall commence ~~immediately~~ within thirty (30) days after each and every seat has been appointed pursuant to this Section. The term of the Commission shall expire upon approval and ~~filing~~ recommendation of a new district map pursuant to Section 2403 of this Article.

#### Sec. 2402. Meetings.

- (a) All meetings of the Commission shall be open to the public and whenever possible shall be held at a City-owned facility.
- (b) Reasonable notice shall be given to the public prior to the convening of any meeting.
- ~~(c) Minutes of each meeting shall be kept and filed with the City Clerk and copies of the minutes shall be sent to the Mayor and City Manager.~~
- ~~(d) A majority of all members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.~~
- ~~(e) A meeting of the Commission shall be conducted in accordance with the latest version of Robert's Rules of Order, or similar parliamentary procedure authority.~~

#### ~~Sec. 2402. Powers and Duties of the Commission.~~

~~The Commission shall establish a new district map after the City Council has passed a resolution calling for the convening of a new Commission session.~~

#### ~~Sec. 2403. Resources.~~

~~(a) (c)~~ The City Manager shall provide any necessary staff and resources to assist the Commission in the furtherance of its duties pursuant to this Article.

~~(b) (d)~~ The City Attorney shall provide ~~any~~ all appropriate legal assistance requested by ~~the Commission~~ in the furtherance of its duties pursuant to this Article.

Sec. 2403. Commission Guidelines.

~~(a)~~ ~~The Commission shall convene no later than forth five (45) days after the issuance of the City Council resolution calling for a new Commission session.~~

~~(b)~~ ~~(a)~~ The Commission shall ~~establish~~ recommend a new district map, marking the political boundaries of the Councilmanic Districts. The map shall designate exactly nine (9) Councilmanic Districts.

~~(c)~~ ~~(b)~~ The Councilmanic Districts shall be approximately equal in population based upon the data of the most recent United States decennial census or, if available, the most current population estimates for the City of Long Beach provided by the United States Census Bureau, the County of Los Angeles, the City of Long Beach Planning Department, or another comparable official source.

~~(d)~~ ~~(c)~~ The Councilmanic Districts shall be as geographically compact and contiguous as possible while maintaining neighborhood integrity, communities of interest, and employing visible geographic features of the City.

~~(e)~~ ~~(d)~~ The Commission shall ~~establish~~ recommend Councilmanic District boundaries that minimize the number of persons who will be moved from one district to a new district as drawn pursuant to the most recent redistricting as is practicable, subject to the other requirements of this Section.

~~(f)~~ ~~(e)~~ The Commission shall ~~establish~~ recommend Councilmanic District boundaries that minimize the number of divisions to census tracts.

~~(g)~~ ~~(f)~~ The Commission shall not ~~establish~~ recommend Councilmanic District boundaries that divide census blocks.

~~(g)~~ Any district map recommended by the Commission shall comply with all applicable federal and state laws including the Federal Voting Rights Act.

~~(h)~~ The Commission shall ~~approve~~ recommend a new district map in a public meeting no later than ~~thirty (30) days prior to the initial filing date of the next regularly scheduled City election.~~ ninety (90) days after its session has commenced.

If the City Council resolution calling for the convening of a new session of the Commission is issued less than ~~seventy five (75)~~ one hundred eighty (180) days prior to the initial filing date of the next regularly scheduled City election, and the Commission is ~~unable to approve a new district map at least thirty (30) days prior to the initial filing date of the next regularly scheduled City election,~~ the Commission shall approve its district map at least thirty (30) days prior to the regularly scheduled City election held

~~subsequent to the next regularly scheduled City election. the district map recommended by the Commission shall not apply to that election, but instead shall apply to the subsequent regularly scheduled election. During the interim period, the previous district map shall be employed during any City election.~~

~~(i) The district map must be approved recommended by a majority of the entire Commission.~~

~~(j) Any district map approved by the commission shall comply with all applicable federal and state laws including the Federal Voting Rights Act.~~

~~(k) (j) No later than five (5) days after its approval, the Commission shall file the new recommended district map with the City Clerk and send copies to the Mayor and City Manager Council. The City Council shall, by ordinance, adopt or modify the district map within thirty (30) days of submittal of the map. The new district map as adopted by the City Council shall be used to establish the Councilmanic District boundaries in all future City elections until a new district map is approved pursuant to this Article.~~

~~Sec. 2405. Public Review.~~

~~(a) The district map, as approved by the Commission, is subject to the referendum powers of the people of the City of Long Beach provided in this Charter.~~

~~(b) Should an approved district map become the subject of a qualified referendum petition, the previous district map shall be employed during any City election held prior to resolution of the referendum petition.~~

~~(c) Should a referendum petition of a district map be approved by the voters at an election, the City Council shall immediately issue a resolution calling for a new session of the Commission. If it is not possible for the Commission to approve a new district map thirty (30) days prior to the initial filing date of the next regularly scheduled City election, the commission shall approve a new district map thirty (30) days prior to the initial filing date of the regularly scheduled City election held subsequent to the next regularly scheduled City election. During the interim period, the previous district map shall be employed during any City election held prior to a public vote on the referendum petition.~~

Code of Ethics and Ethics Commission

ARTICLE XIB. ETHICS

Sec. 1160. Creation of the Ethics Commission

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Sec. 1161. Membership and Terms of the Ethics Commission

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City of Long Beach. The City Attorney, City Auditor, City Prosecutor shall each appoint one (1) member, and the Mayor shall appoint two (2) members of the Commission. The term of the Commission shall be three (3) years, and no person shall serve more than one (1) term. Serving any portion of an unexpired term shall not be counted as service of one (1) term.

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- (c) Limitations on the acceptance of gifts by City officers and employees including elected officers and members of Boards and Commissions.
- (d) Limitations on the acceptance of honoraria by City officers including elected officials, Council appointees and members of Boards and Commissions.
- (e) Regulations regarding disqualification of former City officers and employees in matters connected with former City duties or official responsibilities.
- (f) Regulations regarding conflict of interest rules for employees, appointed and elected officials.
- (g) No amendments or changes shall be adopted which in any way lessen the ethical standard in regulations except by a two-thirds vote of the City Council.

Approve recommendation.

ROBERT E. SHANNON  
City Attorney

