



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**C-5**

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July 24, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Adopt Resolutions of the City Council of the City of Long Beach in Support of the Special Municipal Election to be Held in the City of Long Beach on Tuesday, November 6, 2012.

DISCUSSION

Pursuant to your request, attached are the following resolutions for consolidation of the Initiative with the State General Election to be held on Tuesday, November 6, 2012:

1. 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, the 6th Day of November 2012, for the Purpose of Submitting a Ballot Proposition to a Vote of the Qualified Electors of the City; and
2. A Resolution of the City Council of the City of Long Beach Requesting Board of Supervisors of the County of Los Angeles to Authorize and Order the Consolidation of a Citywide Special Municipal Election with the Statewide General Election to be Held November 6, 2012, and Determining and Declaring the City Will Pay to the County Reasonable and Actual Expenses Incurred by the County on Account of the Consolidation of this Election; and
3. A Resolution of the City Council of the City of Long Beach Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Relating to the Conduct of a Special Municipal Election to be Held on Tuesday, November 6, 2012.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By



J. CHARLES PARKIN  
Assistant City Attorney

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Attachment

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RESOLUTION NO.

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, THE 6<sup>th</sup> DAY OF NOVEMBER, 2012, FOR THE PURPOSE OF SUBMITTING A BALLOT PROPOSITION TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY

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

Section 1. Under the provisions of the Constitution and laws of the State of California and the Charter of the City of Long Beach, a Special Municipal Election is ordered, proclaimed and called to be held in the City of Long Beach between the hours of 7:00 a.m. and 8:00 p.m. on Tuesday, the 6<sup>th</sup> day of November, 2012, for the purpose of submitting to a vote of the qualified electors of the City of Long Beach the following proposition which, for identification purposes only, is marked as Proposition B.

Proposition B

Shall Proposition B, which amends the Long Beach City Charter to change the dates of the Primary and General Municipal Elections be adopted?

Section 2. Notice is hereby given of the time and place of the election. The City Clerk is directed and authorized to print and publish the proposition as required by law. All particulars not provided in this resolution shall be held under the provisions of law governing the conduct of such elections in the City of Long Beach.

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
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Section 3. The proposition shall be stated as provided in Section 13119 of the Elections Code of the State of California. The ballot used in voting upon the proposition shall contain the words "yes" and "no". The text of Proposition B is set forth in full in Exhibit "1".

Section 4. That only qualified voters of the City of Long Beach shall be permitted to vote in the election called by this resolution.

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2012, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

PROPOSAL TO AMEND LONG BEACH CHARTER

Section 1. It is the intent of the people in enacting this Charter amendment:

(a) That this measure be submitted to City voters on the date of the next statewide general election in 2012 if the measure qualifies for the ballot at least 88 days before that election so that the City's 2014 municipal elections are held concurrently with the State of California's statewide direct primary election and statewide general election;

(b) Elected officials in office at the time this measure passes shall continue to serve in office until their successors are elected and take office.

Section 2. Section 107 of Article I of the Charter of the City of Long Beach is amended to read:

Section 107. - PRESENT ELECTED OFFICERS AND MEMBERS OF COMMISSIONS.

All elected officers and members of commissions holding office shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be elected or appointed and qualified take office. This section shall apply only to elected offices and commissions which are continued in existence under this Charter. The terms of the members of any existing commission shall be adjusted by resolution of the City Council, if necessary, to comply with the provisions of this Charter.

Section 3. Section 200 of Article II of the Charter of the City of Long Beach is amended to read:

Section 200. - MEMBERS AND TERMS.

The City Council shall consist of nine (9) Council members elected to office in a manner provided in this Charter, one from each of the Councilmanic Districts into which the City has been divided. The term of office shall be four (4) years. Alternatively, and successively, odd numbered districts shall be filled at one general municipal election and even numbered districts at the next such election. The term of a City Council member shall commence on the ~~third Tuesday of July~~ second Tuesday in December following his or her election, and he or she shall serve until his or her successor qualifies is elected and takes office. Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

Each City Council member in office at the time this Charter amendment takes effect shall continue in office until the end of the term for which he or she was elected or appointed, and until his or her successor is elected and takes office, subject to the right of the people to recall a City Council member from office as provided herein.

Section 4. Subsection (c) of Section 202 of Article II of the Charter of the City of Long Beach is amended to read:

(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~~ second Tuesday in December following his or her election, and he or she shall serve until his or her successor ~~qualifies~~ is elected and takes office.

Section 5. Section 506 of Article V of the Charter of the City of Long Beach is amended to read:

Section 506. - TERM OF OFFICE.

All officers elected under this Charter shall take office on the ~~third Tuesday of July~~ second Tuesday in December after their election and shall hold office until their successors are elected and ~~qualified~~ take office. The provisions of this section shall not apply to the members of the Board of Education.

Section 6. Section 601 of Article VI of the Charter of the City of Long Beach is amended to read:

Section 601. - QUALIFICATION AND TERM OF OFFICE OF THE CITY ATTORNEY.

The City Attorney shall be elected by the qualified electors of the City, and shall hold office for four (4) years, and until his successor ~~shall have been~~ is elected and qualified takes office. He must be qualified to practice in all the courts of the State of California, and must have been so qualified for at least five (5) years immediately preceding the first day upon which candidates for the office of the City Attorney are permitted to file nominating petitions for such office with the City Clerk.

Section 7. Section 701 of Article VII of the Charter of the City of Long Beach is amended to read:

Section 701. - QUALIFICATION AND TERM OF OFFICE OF CITY PROSECUTOR.

The City Prosecutor shall be elected by the qualified electors of the City and shall hold office for four (4) years, and until his successor ~~shall have been~~ is elected and qualified takes office. He must be qualified to practice in all the courts of the State of California and must have been so qualified at least five (5) years immediately preceding the first day upon which candidates for the Office of City Prosecutor are permitted to file nominating petitions for such office with the City Clerk.

Section 8. Section 801 of Article VIII of the Charter of the City of Long Beach is amended to read:

Section 801. QUALIFICATION AND TERM OF OFFICE OF THE CITY AUDITOR.

The City Auditor shall be elected by the qualified electors of the City and shall hold office for four (4) years, and until a successor has been elected and qualified takes office. To qualify for the office of City Auditor, a candidate shall be licensed to practice in the State of California as a certified public accountant and have been so certified for at least five (5) years immediately preceding the date of filing of a nominating petition for the office of City Auditor.

Section 9. Section 1901 of Article XIX of the Charter of the City of Long Beach is amended to read:

Section 1901. PRIMARY AND GENERAL MUNICIPAL ELECTIONS.

The primary and general municipal elections for elective officers of the City shall be held in even numbered years, ~~on the second Tuesday in April and the first Tuesday after the first Monday in June, on the same dates that the State of California holds its statewide direct primary and statewide general election, respectively, and candidates elected to office shall assume such office on the third Tuesday in July~~ second Tuesday in December and serve until ~~election and qualification of their successors are elected and take office.~~

Only those elected offices shall be filled which become vacant on the ~~third~~ second Tuesday in ~~July~~ December of that year.

Section 10. Section 2000 of Article XX of the Charter of the City of Long Beach is amended to read:

Section 2000. POWERS RESERVED TO THE PEOPLE.

The powers of the initiative, referendum and recall of elected City officers are hereby reserved to the voters of the City. The provisions of the Elections Code of the State of California, governing the exercise of the powers of initiative and referendum in cities and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of this Charter. However, for the purposes of the initiative and referendum, the words "next regular municipal election" set forth in said Elections Code shall mean all State-wide elections and ~~only the~~ and the City's primary nominating election wherein the City Attorney, City Auditor and City Prosecutor are voted on and which is held concurrently with the statewide direct primary election. 4

#### Section 11. Effective Date

This measure shall become operative immediately with the intent that it be in effect for the City's 2014 municipal elections.

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