



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-25

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December 13, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending Section 6 of Ordinance No. C-7814 regarding the terms and membership of the Belmont Shore Parking and Business Improvement Area Advisory Commission, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

DISCUSSION:

Pursuant to your request on November 22, 2016, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING SECTION 6 OF ORDINANCE NO. C-7814 REGARDING THE TERMS AND MEMBERSHIP OF THE BELMONT SHORE PARKING AND BUSINESS IMPROVEMENT AREA ADVISORY COMMISSION

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 6 of Ordinance No. C-7814, adopted on August 6, 2002, is amended to read as follows:

Section 6.

A. The Belmont Shore Parking and Business Improvement Area Advisory Commission is hereby established for the purpose of advising and making recommendations to the City Council regarding the utilization and expenditure of funds obtained pursuant to this Ordinance and any other funds obtained for parking uses in the Belmont Shore area. The Advisory Commission shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council, provided that each member so appointed shall, at the time of appointment and at all times during the appointee's term of office, meet all lawful qualifications for membership, including the following:

1. Three (3) members shall be owners of record of real property within the area described in Section 3.
2. Three (3) members shall be operators of a business within the area described in Section 3, at least two (2) of whom shall be

1 members of the Board of Directors of the Belmont Shore Business
2 Association, nominated by the Association, which, in making such
3 nominations, shall observe to the greatest practicable degree the criteria for
4 representative mix set forth in Subsection B of this Section 6.

5 3. One (1) member, designated as a "resident at large,"
6 shall be a resident of the Belmont Shore area appointed by the Mayor. For
7 purposes of this "resident at large" position, Belmont Shore is defined to be
8 (a) the area of the City of Long Beach bounded in general on the west by
9 Termino Avenue, on the northwest by East Livingston Drive, on the
10 northeast by East Broadway, on the east by Alamitos bay and 55th Place,
11 and on the south by the Pacific Ocean and (b) that area of the City of Long
12 Beach bounded in general on the west by 39th Place, on the north by
13 Ocean Boulevard, on the east by Termino Avenue and on the south by the
14 Pacific Ocean. A residence located on either side of a street named herein
15 shall be considered to be within Belmont Shore.

16 4. No person whose sole business in the area described
17 in Section 3 is the rental of residential or non-residential property as those
18 terms are defined in Section 3.80.146 of the Long Beach Municipal Code
19 shall be deemed an operator of a business for the purpose of this
20 Subsection A.

21 B. In appointing the membership of the Commission and
22 subsequent vacancies in the membership of the Commission, the Mayor
23 shall assure a representative mix of business interests and geographic
24 locations including, but not limited to, (a) a representative mix of restaurant
25 and retail interests (b) on both the north and south side of Second Street as
26 well as (c) the easterly and westerly ends of the area.

27 C.

28 1. Should any vacancy occur in the Commission following

1 initial appointment of membership, such vacancy shall be filled by an
2 appointee meeting the same eligibility requirements applicable to the
3 particular Commission member causing the vacancy to exist.

4 2. Should an appointed member of the Commission
5 cease to meet all eligibility requirements at any time during the member's
6 term, the Commission shall note such fact in the Commission minutes of
7 the first meeting at which the Commission became aware of the cessation
8 of eligibility, and the member's Commission seat shall thereupon be
9 deemed vacated, and the Commission shall request the City Clerk to so
10 notify the Mayor.

11 D. No expenditure of any area funds or revenues shall take place
12 without the prior approval of City Manager and the City Council.

13 E. The term of office shall be two (2) years for each member.
14 Members may be reappointed after their initial term, but in no event shall
15 any person serve more than four (4) consecutive terms as a member.
16 Serving any portion of an unexpired term shall not be counted as service of
17 one (1) term. Members not eligible for reappointment may continue to
18 serve until their successors are appointed and qualified. The terms shall
19 terminate on the third (3rd) Tuesday of July of every even-numbered year.

20 Section 2. The City Clerk shall certify to the passage of this ordinance by
21 the City Council and cause it to be posted in three (3) conspicuous places in the City of
22 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
23 Mayor.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2016, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor