



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-44**

ROBERT E. SHANNON  
*City Attorney*

HEATHER A. MAHOOD  
*Chief Assistant City Attorney*

MICHAEL J. MAIS  
*Assistant City Attorney*

PRINCIPAL DEPUTIES

*Barbara D. de Jong*  
*Dominic Holzhaus*  
*Belinda R. Mayes*  
*J. Charles Parkin*

DEPUTIES

*Gary J. Anderson*  
*Richard F. Anthony*  
*Christina L. Checel*  
*Alysha P. Choi*  
*Lori A. Conway*  
*Randall C. Fudge*  
*Charles M. Gale*  
*Monte H. Machit*  
*Anne C. Lattime*  
*Lisa Peskay Malmsten*  
*Barry M. Meyers*  
*Cristyl Meyers*  
*Howard D. Russell*  
*Tiffani L. Shin*

April 15, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 2.03.070 B relating to City Council meeting notice and agenda requirements read the first time and laid over to the next regular meeting of the City Council for final reading (Citywide).

DISCUSSION

At the City Council meetings December 11, 2007, March 11, 2008 and March 18, 2008, Council considered amendments to existing ordinances regulating the time and manner by which items are placed on the Council's agenda for consideration. On March 11, 2008, Council requested the City Attorney to prepare an ordinance amending the Municipal Code for the purpose of providing members of the public and the Council with more advance notice of items that will come before the Council for its review and action.

The proposed ordinance would require that most agenda items be submitted to the City Clerk by noon on Monday, the week before the meeting where an item would be presented to the Council for consideration (i.e., eight days before the Council meeting). In the event that Monday is a holiday, items would be submitted to the City Clerk on the Friday preceding the Monday when normally due (i.e., ten days before the Council meeting).

The "general rule" described above would be waived if three Councilmembers submitted a written communication to the City Clerk indicating that a particular item needed to be heard in a more expeditious manner. In that event, the agenda item could be submitted to the City Clerk as late as noon on the Friday before the following Tuesday's Council meeting (i.e., three days before the Council meeting).

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:   
MICHAEL J. MAIS  
Assistant City Attorney

MJM:kjm  
#07-05869  
L:\Apps\CtyLaw32\WPDocs\D029\P006\00126443.DOC

## 2.03.070 Reports.

A. All communications, requests and all documents shall be referred by the presiding officer to the proper department of the city, or to the proper councilman committee, or to the councilman of the district affected, or to any other proper officer of the city, unless immediate action is taken thereon by the council. When so referred for a report thereon, the report shall be made to the city manager without delay; and the city manager shall thereupon report his findings to the council when, in his opinion, such action is necessary; otherwise, the city manager shall act upon all matters so referred and make a return of his actions to the council at the following regular session for the purpose of clearing the calendar and minute records.

~~B. No report of any officer, or commission, committee or other person or body shall be heard or considered by the council unless the same is in writing, signed by the person or presiding officer of the body making the report and filed with the city clerk prior to twelve o'clock (12:00) noon of the Thursday immediately preceding the day of the meeting at which such report is to be considered; provided, however, that the requirement of this subsection may be waived by the council in the exercise of its sound and reasonable discretion.~~

B. Subject to the relevant provisions of the Ralph M. Brown Act, no agenda item shall be heard or considered by the Council unless it is in writing, signed by the Councilmember, City Officer, Department Director, or presiding officer of the body making the agenda request, and filed with the City Clerk prior to twelve o'clock (12:00) noon on the Monday the week before the meeting at which the agenda item is to be considered by the Council. Should a holiday occur on a Monday, the agenda item is then due prior to twelve o'clock (12:00) noon on the Friday preceding the Monday holiday. The requirement of this subsection may be waived if a written communication is signed by three (3) Councilmembers and directed to the City Clerk requesting that a particular item be placed on an agenda for consideration and that communication is filed with the City Clerk before twelve o'clock (12:00) noon of the Friday immediately before the Tuesday at which such agenda item is to be considered.

C. If any matter is referred to any officer, board, commission or committee for report without specifying the date upon which such report shall be made, the city clerk shall call the matter upon report at the first regular meeting of the council following the expiration of ten (10) days from the date of such reference. (Ord. C-5261 § 1, 1976; prior code § 2212 (Rule 7)).

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 //  
28 //

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SUBSECTION B OF  
SECTION 2.03.070 RELATING TO CITY COUNCIL  
MEETING NOTICE AND AGENDA REQUIREMENTS

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

Section 1. Subsection B of 2.03.070 of the Long Beach Municipal Code  
is amended to read as follows:

B. Subject to the relevant provisions of the Ralph M. Brown Act, no  
agenda item shall be heard or considered by the Council unless it is in  
writing, signed by the Councilmember, City Officer, Department Director, or  
presiding officer of the body making the agenda request, and filed with the  
City Clerk prior to twelve o'clock (12:00) noon on the Monday the week  
before the meeting at which the agenda item is to be considered by the  
Council. Should a holiday occur on a Monday, the agenda item is then due  
prior to twelve o'clock (12:00) noon on the Friday preceding the Monday  
holiday. The requirement of this subsection may be waived if a written  
communication is signed by three (3) Councilmembers and directed to the  
City Clerk requesting that a particular item be placed on an agenda for  
consideration and that communication is filed with the City Clerk before  
twelve o'clock (12:00) noon of the Friday immediately before the Tuesday at  
which such agenda item is to be considered.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

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

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

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

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

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664