



CITY OF LONG BEACH

CITY CLERK

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May 18, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Report of the Government Reform Task Force Concerning Recommended Revisions to the City Charter of the City of Long Beach -- May 13, 2004.

DISCUSSION

We want to thank you for the opportunity to review the City Charter and to make our recommendations for revision of the City's Charter.

Our first meeting was held on February 24, 2004 at the Water Department, as were all subsequent Task Force meetings. We had a total of ten Task Force meetings, one workshop, and a town-hall forum.

The methodology used to discuss and develop possible Charter revisions required that each Task Force submit five priority Charter topics for consideration. Priority topics were then discussed and prioritized as shown Attachment 1 – Recap of Top Priority Areas Identified by Task Force.

On the basis of Task Force discussion, we are submitting eight Charter amendments for your consideration. Several Task Force recommendations have complete proposal language (see corresponding attachments containing provisions drafted by the Office of the City Attorney), others are forwarded in conceptual form. The conceptual recommendations will require further refinement by the Charter Amendment Committee as may be deemed appropriate.

Thus, the Task Force recommends that the City Council propose Charter revisions to provide for:

- 1) Strengthening the Mayor's veto power by requiring a six-vote City Council override (See Attachment 2);
- 2) Creation of an appointed and Independent Reapportionment Commission (IRC);

- 3) IRC reapportionment of City Council and Long Beach Unified School District electoral districts after each decennial United States Census, or more frequently, if determined by a majority vote of each legislative body;
- 4) Revision of existing "term limit" provisions that would:
 - a) Permit an incumbent to serve three consecutive terms in office;
 - b) Permit previously elected incumbents to seek election to office again after a "four year stay-out" period;
 - c) Delete provisions relating to lifetime ban; and
 - d) Retain existing provisions permitting a "termed-out" incumbent to seek office as a write-in candidate (See Attachment 3);
- 5) Creation of Independent Compensation Commission charged with the duty to review and adjust salaries of elected City officials;
- 6) Adoption of "parks in perpetuity" provisions, previously referred to the Charter Amendment Committee, that would:
 - a) Formally dedicate all City-owned parks and specifically designate them to be preserved in perpetuity;
 - b) Require a "vote of the people" prior to any necessary conversion of designated parklands to a non-park purpose;
 - c) Mandate replacement of lost park acreage on at least a two-acre for one-acre and amenity-for-amenity basis, with one acre being replaced within an area needing parkland and one acre being within the service radius of the park acre being lost;
- 7) Adoption of City finance and budgeting provisions requiring:
 - a) A balanced budget where expenditures and revenues are balanced;
 - b) Prominent disclosure of any structural deficit and use of any one-time resources, such as use of reserves or fund balance carry-forwards; and
 - c) Prominent disclosure of the structural deficits at anytime when known expenditures and ongoing revenues will not support known ongoing operating expenditures (See Attachment 4).

- 8) Deletion of obsolete Charter sections pertaining to taxes, finance, utility departments, and other provisions, except for Sections 2100 and 2101 that relate to City entrance into PERS system (See Attachment 5).

It was indicated to the Task Force that recommendations be submitted for review by the City Council meeting of May 18, 2004. Meeting this deadline is necessary in order to provide the City Council with an opportunity to discuss and request placement (consolidation) of the recommended measures on the statewide November 2004 ballot.

If there are any further specific areas or topics that the Mayor and City Council wish the Task Force to pursue, please let us know, otherwise we will assume that our mission has been completed.

In conclusion, I want to thank all of the City staff members who spent countless hours with us for their great support and cooperation.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Refer to the Charter Amendment Committee.

Respectfully submitted,



Tom Clark
Chair
Government Reform Task Force

By:



Larry Herrera
City Clerk

ATTACHMENT 1



City of Long Beach Government Reform Task Force

Recap of Top Priority Areas Identified by Task Force

Office of the Mayor

- Strengthened Mayoral veto, with 2/3 vote (6 members) of Council required to overturn
- Line-item veto
- Provide the Mayor with a vote
- In case of tie, Mayor's vote prevails

City Council

- Full-Time Council
- Maintain Councilmembers as Part-Time
- Councilmember compensation
- Councilmember's office budgets, cap on budgets
- Elective Districts - (more, fewer, some at large)
- Powers, including appointment authority of City Officials

Term Limits / Reapportionment

- Mayor & City Council can serve three consecutive terms
- Life-time ban rescinded
- A former City elected official can stay out of office four (4) years and run again
- Creation of a Reapportionment Commission
- Re-district every 10 years, not 5
- LBUSD - Frequency of LBUSD reapportionment

Other Elected Offices

- City Attorney: Conflict of interest issues
- Should the offices of City Attorney, City Auditor and City Prosecutor be made appointive?
- Evaluate elective offices of City Attorney, City Auditor and City Prosecutor - looking at models used by other cities
- Review relationship/accountability between City Attorney's office and City Council, and City Auditor to City Council.
- Review consolidating Office of City Attorney and City Prosecutor



City of Long Beach Government Reform Task Force

Recap of Additional Issues Identified by Task Force *

Department Consolidation

- Review consolidating Civil Service and Human Resources

Compensation

- Creation of an Independent Compensation Commission to set salaries for City Officers

City Commissions/ Enterprise Activities

- Change in terms for semi-autonomous boards
- More definitive language concerning appointment process
- Operations of enterprise operations and/or commissions

Elections/Campaigns

- Timing, frequency, consolidation with the County, State
- Write-in provisions
- Campaign Finance

Finance

- Budget Process - Quarterly reports; mechanisms in place that require reductions in expenditures
- Financial controls - procedures in place

Public Assets

- Charter protection of public assets, such as parks, historic assets, major land-use issues

Public Participation

- Broader sunshine provisions, ethics provisions, citizen's right to place items on Council agenda and use of A/V equipment, creation of Ombudsman office

Separation of Powers

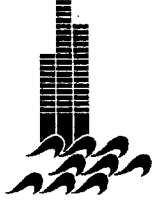
- Roles of Council/Mayor and City Management, roles of commissioners and staff

Miscellaneous

- Deletion of obsolete sections, language re-written
- Responsibility for writing, interpreting and enforcing the Charter
- On-going Charter Review Task Force Established
- Municipal Band - eliminate requirement
- Posting of Ordinances - posting requirements
- Tidelands Funds - increase funds to city

* LISTED IN ORDER OF TIMES ISSUE NOTED BY TASK FORCE MEMBERS

ATTACHMENT 2



City of Long Beach

Working Together to Serve

Memorandum

Date: May 7, 2004

To: Members of the Government Reform Task Force

From: Heather A. Mahood, Assistant City Attorney

Subject: **REVISED - Draft Charter Language Regarding Mayoral Veto**

Pursuant to your request, I've revised the proposed Charter language modifying the Mayor's veto power to require a six vote override vote of the City Council.

Draft Language for New Charter Section 213

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 six (6) ~~two-thirds (2/3)~~ five (5) 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 six (6) ~~two-thirds (2/3) five (5)~~ 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)~~ six (6) of the members of the City Council ~~present~~ vote for the motion to override, the veto shall be deemed overridden. If not, the vetoed 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 ~~two-thirds (2/3) five (5)~~ six (6) 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) 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.~~

Existing Language of Charter Section 213

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) 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) 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 vetoed 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) 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) 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.

ATTACHMENT 3



City of Long Beach
Working Together to Serve

Memorandum

Date: May 3, 2004
To: Members of the Government Reform Task Force
From: Heather A. Mahood, Assistant City Attorney
Subject: **Draft Charter Language Regarding Revision to Term Limits**

Pursuant to your request, I've drafted possible charter language which reflects your recommendation to (1) increase the limit to three (3) terms and (2) modify the limit to apply to consecutive terms, rather than a life-time ban. Because the Task Force did not discuss the option of permitting write-in candidacies by persons who have exceeded the term limits, I have left in the present language. I have also left the effective date blank, pending a decision by the Task Force on how this new section should affect the present Councilmembers and Mayor.

Draft Language for New Charter Section 214

Sec. 214. TERM LIMITATIONS FOR CANDIDATES FOR
MAYOR AND CITY COUNCIL.

(a) Notwithstanding any other previously enacted provision of law or this Charter, after the effective date of this section, the Mayor and City Councilmembers shall be subject to the following term limits:

1. Except as provided in subsection (b) below, no person who has been elected to the office of Mayor for three (3) successive four (4)-year terms shall be eligible to appear on the ballot for election to the office of Mayor, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive; nor for any parts of terms which are not successive. Any person elected as Mayor to fill an unexpired term of two (2) years or less in length shall be eligible to serve three (3) successive four (4)-year terms upon the expiration of such unexpired term. Any person elected as Mayor to fill an unexpired term of more than two (2) years in length shall only be eligible to serve two (2) successive four (4)-year terms.

2. Except as provided in subsection (b) below, no person who has been elected to the City Council as a Councilmember in any Council District for three (3) successive four (4)-year terms shall be eligible to appear on the ballot for election as a member of the Council in any Council District, nor appointed to serve as a Councilmember for any additional successive term. Any person appointed or elected to the City Council as a City Councilmember to fill an unexpired term of two (2) years or less in length shall be eligible to serve three (3) successive four (4)-year terms upon the expiration of such unexpired term. Any person appointed or elected to the City Council as a City Councilmember to fill an unexpired term of more than two (2) years in length shall only be eligible to serve two (2) successive four (4)-year terms. The effective date of this section shall be _____.

b. 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.

Existing Charter Section 214

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 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 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 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 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.

(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.

ATTACHMENT 4

Proposed Charter Amendment to amend Section 1702 to read (new language underlined):

"Sec. 1702. CITY MANAGER'S RECOMMENDED BUDGET.

The City Manager annually shall prepare, and not later than sixty (60) 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) 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.

The adopted budget must include a balanced General Purpose Fund budget, which identifies anticipated resources that equal or exceed approved expenditures. The budget must also include prominent public disclosure of any structural deficit in the General Purpose Fund, in the event that on-going expenditures exceed re-occurring revenues, and must provide detailed disclosure of when and how cash reserves, one-time revenues and balance carry-forwards were utilized in balancing the General Purpose Fund budget.

ATTACHMENT 5



City of Long Beach

Working Together to Serve

Memorandum

Date: May 7, 2004

To: Members, Government Reform Task Force

From: Heather A. Mahood, Assistant City Attorney

Subject: **REVISED - Obsolete and Superceded Charter Sections**

Pursuant to your request, the following Charter provisions are obsolete, and may be eliminated from the Charter. I have categorized them by subject matter, and have set forth language to be deleted in full.

Taxes - Sections 903, 1714, 1717 and 1724

These sections purport to give the City the authority to place taxes on real property. However, they have been pre-empted by the state's Propositions 13 and 218, and such taxes could not be assessed without a vote of the citizens.

Text to be deleted:

Section 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.

Section 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.

Section 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.

Section 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.

Finance – Sections 1700 and 1707

Section 1700 sets forth a definition of the City's "fiscal year," which was changed years ago. It is preferable to remove this language from the Charter and have it instead be set by ordinance. Section 1701 defines a "General Purpose Reserve Account," which no longer exists.

Text to be deleted:

Section 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.

Section 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.

Utilities – Section 1500

This section established a Department of Public Utilities, which hasn't existed for many years.

Text to be deleted:

Section 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.