



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-22

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Randall C. Fudge
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Anne C. Lattime
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin

March 11, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding subsection 2.03.025 relating to City Council meeting notice and agenda requirements (Version A or Version B) 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 meeting of December 11, 2007, the Council requested the City Attorney's Office to prepare an amendment to the Municipal Code relating to the placement of items on the City Council agenda for its consideration. The purpose of the proposed amendment is to provide members of the public and the Council with more advance notice of items that will come before the Council for its review and action.

After discussion with staff from the City Manager and City Clerk's offices we have prepared two versions of a proposed ordinance for Council's consideration. Both versions require that most proposed agenda items be noticed on a "Tentative Agenda" at least one week prior to the matter being taken up by the City Council for consideration. On those weeks when the Council conducts a meeting the "notice" will be attached to the regular Council agenda as an informational item. On those weeks when the Council does not meet (e.g., last Tuesday of the month), the notice will be published as an informational item on the City Clerk's web-page.

Both ordinance versions provide exceptions for matters that are purely ministerial or matters that are required by law to be heard at a particular time. For instance, matters that are ceremonial, involve a gift or grant, or involve an ABC license would not require placement or notice on a tentative agenda. Similarly, matters referred by the City Council to the City Attorney for action, matters related

to elections, or matters being referred to the Council by a City Council committee would not require placement or notice on a tentative agenda.

The difference between Versions A and B of the proposed ordinance relate to a further exception for placing a matter on the Council's agenda without it first being placed on a tentative agenda:

Version A contains all of the exceptions described above and would also allow an exception for items placed on an agenda jointly by three Councilmembers who have determined that an adverse impact would occur if action was not taken in a more expeditious manner.

Version B is identical to Version A but would also permit two Councilmembers and the Mayor jointly, or the City Manager and the Mayor jointly, to place an item on the agenda, without first being placed on a tentative agenda, if those individuals determined that an adverse impact would occur if action was not taken in a more expeditious manner.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert E. Shannon". The signature is written in a cursive, flowing style.

ROBERT E. SHANNON
City Attorney

RES:MJM:kjm

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SUBSECTION 2.03.025
RELATING TO CITY COUNCIL MEETING NOTICE AND
AGENDA REQUIREMENTS

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

Section 1. Subsection 2.03.025 is added to the Long Beach Municipal
Code to read as follows:

2.03.025 Notice and agenda requirements: Regular meetings.

A. Subject to the exceptions set forth below, before a matter
may be placed on a regular City Council meeting agenda for consideration
and action, it must first be placed on a Council agenda or City Clerk's
Notice as a "Tentative Agenda Item" at least one (1) week prior to the
matter being taken up for consideration and action by the City Council.

B. Any matter set forth on the City Council Agenda or on a City
Clerk's Notice as a "Tentative Agenda Item" shall automatically be placed
on the regular City Council meeting agenda for action and consideration at
the next regularly scheduled City Council meeting, unless properly
withdrawn from consideration, or otherwise continued to a date certain.

C. No matter listed as a "Tentative Agenda Item" shall be the
subject of Council action or consideration until such time as it is placed on
a regular City Council meeting agenda.

D. Exceptions: The following items shall not be required to be
listed as a "Tentative Agenda Item" prior to its consideration at a City

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Council meeting:

1. A ceremonial or commendatory item;
2. An item which proposes to consider the grant/denial of an Alcoholic Beverage Control (ABC) license;
3. An item which seeks approval of a grant or gift;
4. An item which, in the opinion of the City Clerk is of a purely ministerial character;
5. An item which has been referred to the City Council by an established committee of the City Council;
6. An item which, by law, is required to be heard at a date or time certain;
7. An item submitted jointly by three (3) councilmembers, requesting that immediate action be taken in order to avoid an adverse impact which would occur if the action were deferred;
8. An item which involves settlement of litigation;
9. An item related to elections; or
10. Matters referred to the City Attorney by the City Council for action.
11. Matters pertaining to the approval of tract maps.

E. City Clerk. The City Clerk shall prepare and implement any and all procedural rules necessary to carry out the intent of this section.

F. At least once each calendar week the City Clerk shall publish a Notice entitled "Tentative Agenda Items." On those weeks when the City Council will be in session, the notice shall be attached to the regular City Council agenda as an informational item. On those weeks when the City Council is not in session, the Notice shall be published on the City Clerks' web-page.

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

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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

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333 West Ocean Boulevard, 11th Floor
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matter being taken up for consideration and action by the City Council.

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on the regular City Council meeting agenda for action and consideration at
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subject of Council action or consideration until such time as it is placed on
a regular City Council meeting agenda.

D. Exceptions: The following items shall not be required to be
listed as a "Tentative Agenda Item" prior to its consideration at a City

1 Council meeting:

- 2 1. A ceremonial or commendatory item;
- 3 2. An item which proposes to consider the grant/denial
- 4 of an Alcoholic Beverage Control (ABC) license;
- 5 3. An item which seeks approval of a grant or gift;
- 6 4. An item which, in the opinion of the City Clerk is of a
- 7 purely ministerial character;
- 8 5. An item which has been referred to the City Council
- 9 by an established committee of the City Council;
- 10 6. An item which, by law, is required to be heard at a
- 11 date or time certain;
- 12 7. An item submitted jointly by three (3) council-
- 13 members, two (2) councilmembers and the Mayor, or the City Manager,
- 14 with the approval of the Mayor, requesting that immediate action be taken
- 15 in order to avoid an adverse impact which would occur if the action were
- 16 deferred;
- 17 8. An item which involves settlement of litigation;
- 18 9. An item related to elections; or
- 19 10. Matters referred to the City Attorney by the City
- 20 Council for action.

21 11. Matters pertaining to the approval of tract maps.

22 E. City Clerk. The City Clerk shall prepare and implement any

23 and all procedural rules necessary to carry out the intent of this section.

24 F. At least once each calendar week the City Clerk shall

25 publish a Notice entitled "Tentative Agenda Items." On those weeks when

26 the City Council will be in session, the notice shall be attached to the

27 regular City Council agenda as an informational item. On those weeks

28 when the City Council is not in session, the Notice shall be published on

1 the City Clerks' web-page.

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

7 I hereby certify that the foregoing ordinance was adopted by the City
8 Council of the City of Long Beach at its meeting of _____, 20__, by the
9 following vote:

10 Ayes: Councilmembers: _____
11 _____
12 _____
13 _____

14 Noes: Councilmembers: _____
15 _____

16 Absent: Councilmembers: _____
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23 Approved: _____
24 (Date) _____
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