

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

1 RESOLUTION NO. RES-10-0080

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH ORDERING, CALLING AND
5 PROVIDING FOR AND GIVING NOTICE OF A SPECIAL
6 MUNICIPAL ELECTION TO BE HELD IN THE CITY OF
7 LONG BEACH ON TUESDAY, THE 2ND DAY OF
8 NOVEMBER, 2010, FOR THE PURPOSE OF SUBMITTING
9 A BALLOT PROPOSITION TO A VOTE OF THE
10 QUALIFIED ELECTORS OF THE CITY
11

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

14 Section 1. Under the provisions of the Constitution and laws of the State
15 of California and the Charter of the City of Long Beach, a Special Municipal Election is
16 ordered, proclaimed and called to be held in the City of Long Beach between the hours of
17 7:00 a.m. and 8:00 p.m. on Tuesday, the 2nd day of November, 2010, for the purpose of
18 submitting to a vote of the qualified electors of the City of Long Beach the following
19 proposition which, for identification purposes only, is marked as Proposition A.

20 Proposition A

21 Shall Proposition A, which amends the Long Beach City
22 Charter by transferring certain powers from the Civil Service
23 Commission to the City Manager, including examination and
24 certification for employment, classification creation,
25 maintenance of eligibility lists, and the appointment and
26 management of a professional staff, be ratified?

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

5 Section 3. The proposition shall be stated as provided in Section 13119
6 of the Elections Code of the State of California. The ballot used in voting upon the
7 proposition shall contain the words "yes" and "no". The text of Proposition A is set forth in
8 full in Exhibit "A".

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


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

13 I hereby certify that the foregoing resolution was adopted by the City
14 Council of the City of Long Beach at its meeting of August 3, 2010, by the
15 following vote:

16
17 Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
18 O'Donnell, Schipske, Andrews,
19 Gabelich.

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21 Noes: Councilmembers: Neal.

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23 Absent: Councilmembers: Johnson.

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28 _____
City Clerk

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PROPOSITION A
PROPOSED CHARTER AMENDMENT

(New provisions or language added to existing Charter sections are underlined;
language deleted from the existing Charter section are shown in ~~strikeout type.~~)

Section 1. That Section 300 of Article III of the City Charter of the
City of Long Beach is amended to read as follows:

Section 300. - SELECTION AND QUALIFICATIONS.

The City Council shall appoint a City Manager who shall be the
chief administrative officer of the City. The City Manager shall be responsible
for the administration of all departments except the City Attorney, City Auditor,
City Prosecutor, ~~Civil Service Department~~, Legislative Department, Harbor
Department and Water Department. The City Council, subject to veto by the
Mayor and City Council override by a vote of two-thirds (2/3) of its members,
shall appoint the person deemed best qualified on the basis of executive and
administrative capabilities, with special reference to experience in, and
knowledge of, accepted practices with respect to the duties of the office as
set forth in this Charter. The City Manager shall be appointed for an indefinite
period and cannot be removed from office except by a vote of five (5)
members of the City Council, subject to veto by the Mayor and City Council
override by a vote of two-thirds (2/3) of its members.

Section 2. That Article XI of the City Charter of the City of Long
Beach is amended to read as follows:

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ARTICLE XI - CIVIL SERVICE

Sec. 1100. – PURPOSE.

The purpose of this Article is to establish a Civil Service system for the classified service to provide the City with a productive and qualified workforce by appointing, advancing, and retaining employees on the basis of their ability, knowledge and skills relative to the work to be performed. ~~Sec. 1104.~~

~~NON-DISCRIMINATION.~~ No person in the employ of the City or seeking admission thereto, shall be appointed, reduced, or removed or in any way favored or discriminated against for any reason which is non-job related, except where the law compels or provides for such action.

Sec. 1101. - CREATION OF CIVIL SERVICE COMMISSION.

There is hereby created a Civil Service Commission.

~~Sec. 1102.1100.~~ - ORGANIZATION.

The Civil Service Commission shall be composed of five (5) residents of the City.

~~Sec. 1103.1101.~~ - POWERS AND DUTIES.

The powers and duties of the Civil Service Commission shall be:

(a) Adopt and amend Civil Service Rules and Regulations, subject to the approval of the City Council;

(b) Make independent investigations concerning the enforcement of this Article and the rules adopted;

~~_____ (c) Provide for the examination and certification for employment in the classified service;~~

~~_____ (d) Create classifications of employees in the classified service, subject to the power of the City Council to establish positions of employment;~~

~~_____ (e) Maintain eligible lists for classified positions, as needed;~~

~~_____ (f) Appoint an Executive Director to carry out the purposes of this Article and the policies of the Commission. The Executive Director shall~~

1 execute this directive through the appointment and management of a
2 professional staff;

3 (c)(g) Adjudicate appeals, subpoena and require the attendance of
4 witnesses and the production of any documents pertinent to any Commission
5 investigation or appeal, and to administer oaths to such witnesses;

6 (d)(h) Enforce and remedy violation of Commission rules;

7 (e)(i) Make final decisions in any matter properly brought before it, in
8 the absence of action to the contrary by the City Council.

9 Sec. ~~1104.1102.~~ - CATEGORIES OF EMPLOYMENT.

10 The Civil Service of the City is hereby divided into the unclassified and
11 classified service.

12 (a) The unclassified service shall include:

13 (1) All officers elected by the people and all employees of
14 such elected officers;

15 (2) Members of all appointive commissions;

16 (3) The City Manager and all employees of the City
17 Manager's Department;

18 (4) The City Clerk and all employees of the City Clerk;

19 (5) Department heads, one assistant department head in
20 each department, bureau heads, division heads, and one clerical position for
21 each;

22 (6) Any classification which, at the discretion of the
23 Commission, is of such a nature as to require unique and special flexibility for
24 efficient administration.

25 (7) The Executive ~~Officer~~ Secretary of the Board of Harbor
26 Commissioners and Harbor Department ~~Sales, Trade and Maritime Services~~
27 ~~Traffic and Promotion~~ personnel, the Terminal Services Manager ~~Chief~~
28 ~~Wharfinger~~ and all personnel intermittently employed in handling cargo and

1 freight.

2 (8) All personnel serving in non-career positions, as defined
3 by the Civil Service Rules and Regulations.

4 (b) The classified service shall comprise all positions not
5 specifically included in this Charter in the unclassified service.

6 Sec. ~~1105.4103.~~ - DISCIPLINARY APPEALS.

7 No employee in the classified service shall be suspended, discharged
8 or reduced in classification for disciplinary reasons until the employee has
9 been presented with the reasons for such action specifically stated in writing.
10 The employee shall have the right to appeal such action to the Commission in
11 accordance with the procedures specified in its rules. The reasons for such
12 action and any reply thereto by the employee, shall be filed in writing with the
13 Commission.

14 Sec. ~~1106.4105.~~ - PREFERENCES.

15 In all Civil Service examinations except promotional examinations,
16 veterans passing the examination shall receive the Commission shall, in
17 ~~addition to all other credits, give to veterans passing the examination, a credit~~
18 of ten (10) additional points.

19 Veterans as used herein shall mean all persons released or
20 discharged from active service under honorable conditions in the Armed
21 Forces of the United States or in the Coast Guard.

22 Such credit shall likewise be granted to the un-remarried spouses of
23 veterans killed in action, who died of wounds or of a service connected illness
24 and to the spouses of disabled veterans who themselves are not qualified for
25 employment, but whose spouses are qualified. A disabled veteran is defined
26 as a veteran possessing at least a thirty percent (30%) service connected
27 disability certified by the Veterans Administration.

28 Documentary proof of eligibility for Veteran's Preference Credits and

1 exemption from the eligibility limitation must be submitted prior to approval of
2 the Eligible List. ~~by the Commission.~~ In the case of a tie grade between a
3 veteran and non-veteran, the veteran shall be ranked highest.

4
5 ~~Sec. 1106. SUMMARY DISMISSAL.~~

6 ~~Any appointive officer or employee of the City, except assistants,~~
7 ~~deputies, officers, clerks, employees and attaches holding office at the~~
8 ~~pleasure of an elective officer, may be summarily dismissed for the good of~~
9 ~~the service by the City Manager with the consent of two thirds (2/3) of the City~~
10 ~~Council.~~

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