



**MAYOR ROBERT GARCIA**  
CITY OF LONG BEACH

July 17, 2018

MEMBERS OF THE CITY COUNCIL & CHARTER AMENDMENT COMMITTEE  
City of Long Beach

RECOMMENDATION:

**To consider and receive comments from the community regarding the following proposed amendment to the Long Beach City Charter:** City of Long Beach Ethics Commission Measure. A charter amendment and ordinance to require the creation of an ethics commission comprised of Long Beach residents for the purpose of monitoring, administering, and enforcing governmental ethics laws in the City of Long Beach.

DISCUSSION:

City Charter Amendment Process

Under State law, a majority of Long Beach voters must approve any City Charter Amendment. The next available date to place this Charter amendment on the ballot will be November 6, 2018. To consider this amendment for the November 6, 2018 election, State law requires that there be three public hearings/meetings over the next 60 days. At each of these hearings/meetings there will be opportunities for discussion, receiving community input, and making changes to the Charter amendment language. The hearing/meeting dates are as follows:

- June 12, 2018 – First public hearing: Receive staff presentation, hear public comment, direct staff to gather any further information or implement changes.
- July 17, 2018 – Second public hearing: Receive any updated information, hear public comment, direct staff to gather any information or make amendment changes.
- August 7, 2018 – Final meeting: Receive any updated information, hear public comment, make any final amendment changes, and if the City Council so chooses, adopt the required resolutions to place the Charter amendment on the November 6, 2018 General Election ballot.

FISCAL IMPACT:

Discussion of proposed amendments has no fiscal impact.

SUGGESTED ACTION:

**Consider proposed amendment to the Long Beach City Charter, receive comments from the community, and refer for final hearing on August 7.**

Respectfully submitted,

Mayor Robert Garcia  
City of Long Beach  
Dated: July 9, 2018



**MAYOR ROBERT GARCIA**  
**CITY AUDITOR LAURA DOUD**  
CITY OF LONG BEACH

May 31, 2018

Members of the Long Beach City Council  
333 West Ocean Blvd., 14<sup>th</sup> Floor  
Long Beach, CA 90802

**RE: Proposed Charter Amendments**

Dear Long Beach City Councilmembers:

Over the last few years, members of the community, City Commissions, and many of you have discussed ways to make our government more effective, efficient, and ethical. We strongly support efforts that open our city government to smart reforms.

Together, we are putting forward five charter amendments for consideration for the November ballot. They include a redistricting commission, an ethics commission, strengthening our term limit laws, defining the authority of the City Auditor, and consolidating our utility departments.

We believe these changes are good government measures and look forward to working with the City Council to put these measures before the voters of Long Beach to consider.

We look forward to the Charter Amendment committee meetings in the months ahead.

Sincerely,

Mayor Robert Garcia

City Auditor Laura L. Doud



**City of Long Beach**  
*Working Together to Serve*

**Memorandum**  
**Councilmember Al Austin**  
**Eighth District**

**B-21**

**Date:** November 7, 2017

**To:** Mayor and Members of the City Council

**From:** Councilmember Al Austin, Eighth District *al*  
Councilmember Suzie Price, Third District *SP*  
Councilmember Daryl Supernaw, Fourth District *DS*  
Councilmember Dee Andrews, Sixth District *DA*

**Subject:** **Measures to Promote Good Government and Public Confidence for Long Beach City Government**

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**RECOMMENDED ACTION:**

**Request the Mayor to convene the Charter Amendment Committee of the City Council within 30 days to discuss placing a charter amendment before the voters to establish a City Ethics Commission, and to establish a Citizen Redistricting Commission, in order to promote good governance and ensure public confidence in Long Beach city government, and request the City Clerk and City Attorney to develop framework options for the Committee to consider.**

**BACKGROUND:**

This is an important time in the public discourse to ensure that there is confidence in our government institutions. From the national to local governments, there has been an erosion of trust and confidence.

Nearly every major city in California has previously taken steps to provide additional accountability for their elected officials. Los Angeles, San Diego, San Francisco, San Jose, Berkeley and Oakland all have established Ethics Commissions to review matters ranging from conflict of interest to campaign finance. These commissions enhance the public trust in the ethics enforcement process by assigning these responsibilities to a quasi-independent entity.

Furthermore, many local governments are following the lead established by the State of California in 2008 to establish an independent commission to determine the district boundaries for legislators. This further helps restore confidence in governance, and that the representatives are being chosen by the voters, rather than the representatives choosing their voters.

The City Council, as the Charter Amendment Committee, can review the different frameworks and models for these good government practices, and provide an opportunity for the voters of Long Beach to have a say in establishing these additional tools for public trust.

**FISCAL IMPACT:** There is not a significant fiscal impact with this recommendation, and the costs for proceeding with charter amendment measures will be determined.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH, CALIFORNIA, PROPOSING AN  
AMENDMENT TO THE CITY CHARTER CREATING A CITY  
ETHICS COMMISSION

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

Section 1. That the City Council, pursuant to its right and authority under  
Long Beach City Charter §1903 and California Government Code §34458, and all other  
applicable California law, proposes that the City Charter be amended as shown in  
Attachment "A".

Section 2. This resolution shall take effect immediately upon its adoption  
by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council  
of the City of Long Beach at its meeting of \_\_\_\_\_, 2018 by the  
following vote:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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Exhibit "A"

Proposed Charter Amendment

[attached behind this page]

DRAFT

MEASURE “\_\_\_”

SECTION 1. THE PEOPLE OF THE CITY OF LONG BEACH DO HEREBY AMEND THE LONG BEACH CITY CHARTER BY ADDING THE FOLLOWING ARTICLE \_\_\_ TO THE CITY CHARTER:

**“ARTICLE – ETHICS COMMISSION.**

**Section \_\_\_ - CREATION OF ETHICS COMMISSION.**

An Ethics Commission is hereby created.

**Section \_\_\_ - ORGANIZATION.**

(a) The Ethics Commission shall be composed of residents of the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. No member of the Commission, during his or her term, shall

- (1) currently hold elective office in the City of Long Beach, including the Long Beach Unified School District Board or the Long Beach Community College Board of Trustees;
- (2) be an employee of the City;
- (3) employ or be employed as a person required to register as a lobbyist with the City of Long Beach.

(b) The term of each member shall be for four (4) years. No person shall serve more than two (2) full terms. Serving any portion of an unexpired term shall not count as serving a full term.

(c) Vacancies. Appointments to fill vacancies on the Commission shall be made within 60 days by the Mayor, subject to confirmation by the City Council. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.

(e) Quorum. A majority of members plus one shall constitute a quorum, and the affirmative vote of at least a majority of members shall be required to take any action.

## **Section \_\_\_\_ - POWERS AND DUTIES OF THE ETHICS COMMISSION.**

The Ethics Commission shall have responsibility for the impartial and effective administration and implementation of the provisions of the Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest and governmental ethics.

The City Ethics Commission shall have the following duties and responsibilities:

- (a) to provide assistance to agencies and public officials in administering the provisions of the Charter and other laws relating to campaign finance, conflicts of interest and governmental ethics;
- (b) to make recommendations to the Mayor and the City Council concerning campaign finance reform, lobbying, governmental ethics and conflicts of interest and to report to the Council concerning the effectiveness of these laws;
- (c) to assist departments in developing their conflict of interest codes as required by state law;
- (d) to advocate understanding of the Charter, City ordinances and the roles of elected and other public officials, City institutions and the City electoral process;
- (e) to develop an educational program to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, and lobbyists with City, state and federal ethics laws and the importance of ethics to the public's confidence in municipal government;
- (f) such other duties as may be established by this Charter or the City Council.

## **Section \_\_\_\_ – RULES AND REGULATIONS.**

The Commission may adopt, amend and rescind rules and regulations, subject to City Council approval, to carry out the purposes and provisions of the Charter and ordinances of the City relating to campaign finance, conflicts of interest, lobbying, and governmental ethics and to govern procedures of the Commission.”



**SECTION 2. Approval, Filing and Recordation of Charter Amendment.**

Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following:

- (a) Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.
- (b) Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 and 13303.
- (c) A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

**SECTION 3. Ratification and Effective Date.** Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Long Beach voting at the General Election of November 6, 2018. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

**SECTION 4. Severability.** If any provision of this Charter Amendment or the application thereof to any person or circumstance is held invalid, the remainder of the Charter Amendment and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED, APPROVED and ADOPTED by the People of the City of Long Beach at a General Election held on November 6, 2018.

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ROBERT GARCIA  
Mayor of the City of Long Beach

Attest:

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Monique De La Garza  
City Clerk

Approved as to form:

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Charles Parkin  
City Attorney

DRAFT