



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: A charter amendment to limit the Mayor and Councilmembers to serving three terms for each office, and eliminating the exception to term limits for write-in candidates.

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., 14th 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

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH, CALIFORNIA PROPOSING AN
AMENDMENT TO THE CITY CHARTER ESTABLISHING A
THREE-TERM LIMIT ON MAYORAL AND CITY COUNCIL
SERVICE

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: _____

Absent: Councilmembers: _____

City Clerk

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Exhibit "A"

Proposed Charter Amendment

[attached behind this page]

DRAFT

Attachment A

MEASURE “___”

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

“ARTICLE IIA – TERM LIMITATIONS ON BALLOT ACCESS BY CANDIDATES FOR CITY COUNCIL AND MAYOR

Section 214. – ~~TERM LIMITATIONS ON BALLOT ACCESS BY CANDIDATES FOR CITY COUNCIL AND MAYOR.~~ Mayor and City Council – Three Term Limit.

(a) Notwithstanding any other previously enacted provision of law or of this Charter, ***during his or her lifetime, a person may serve no more than three (3) terms as a member of the Long Beach City Council, and may also serve no more than three (3) terms as Mayor of Long Beach.*** ‡The City Clerk, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, ***including any paper seeking election as a write-in candidate,*** 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 whose ~~se~~ ***either candidacy, if successful, will result in a new Mayoral or City Council term that exceeds the limits set forth herein.***

(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. Notwithstanding Section 214(a) above, in the event that a write-in candidate is nominated at a primary election pursuant to Section 1904, that candidate's name shall appear on the ballot for the general election pursuant to Section 1905.~~ **For purposes of this Section, "term" shall mean the following:**

(1) Any full four-year term of service for which a person was formally nominated (not as a write-in candidate) and to which he or she was elected to office at any Municipal Primary or General Election, occurring on or after November 3, 1992;

(2) Any full four-year term of service for which a person was formally nominated (not as a write-in candidate) and to which he or she was appointed in lieu of a Municipal Election, pursuant to California Elections Code Section 10229, occurring on or after November 3, 1992;

(3) Any full four-year term of service for which a person was nominated as a write-in candidate and to which he or she was elected to office at any Municipal Primary or General Election occurring on or after November 6, 2018;

(4) Any full four-year term of service described in paragraphs (1) through (3) above, which commences on or after November 6, 2018 and which terminates prior to the scheduled expiration of the term due to any of the following:

(a) The officer's seat is lawfully declared vacant during that term for any reasons other than resignation;

(b) The officer is lawfully recalled from office by the voters during that term;

(c) The officer has legally forfeited his or her elected office under applicable Federal or State law during that term.

(d) If the officer vacates his or her office due to resignation:

(i) If the resignation occurs with more than two years remaining in his or her current term, this shall not count as a "term" against the three-term limit.

(ii) If the resignation occurs with two years or less remaining in his or her current term, this shall count as a “term” against the three-term limit.

(c) For purposes of this Section, “term” shall not mean any of the following:

(1) Any full four-year term of service, whether expired or unexpired, for which a person was nominated as a write-in candidate and to which he or she was elected to office at any Municipal Primary or General Election occurring prior to November 6, 2018;

(2) Any term to which a person has been specially elected or appointed to the office of Mayor or City Council to fill a mid-term vacancy, pursuant to City Charter Section 204;

(3) Any full four-year term of service for which a person was elected to office, or was appointed in lieu of a Municipal Election, pursuant to California Elections Code Section 10229, at any Municipal Primary or General Election, occurring prior to November 3, 1992.

(d) No person who has already served three terms as a member of the City Council may be appointed to serve on the City Council, and no person who has already served three terms as Mayor may be appointed to serve as Mayor, whether said appointment is in lieu of a Municipal Election, pursuant to California Elections Code Section 10229, or to fill a vacancy on the City Council pursuant to City Charter Section 204.

(e) No person who has already served three terms as a member of the City Council may run for special election to fill a vacancy on the City Council pursuant to City Charter Section 204. No person who has already served three terms as Mayor may run for special election to fill a vacancy in the office of Mayor pursuant to City Charter Section 204.”

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.

ROBERT GARCIA
Mayor of the City of Long Beach

Attest:

Monique De La Garza
City Clerk

Approved as to form:

Charles Parkin
City Attorney

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