

RESOLUTION NO. RES-24-0113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ORDERING, CALLING AND PROVIDING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN THE CITY OF LONG BEACH ON TUESDAY, NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING A CHARTER AMENDMENT BALLOT PROPOSITION TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE CHARTER AMENDMENT; AND PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT SAID ELECTION

WHEREAS, the City of Long Beach, California ("City") is a municipal corporation and charter city, duly organized under the Constitution and laws of the State of California; and

WHEREAS, the City seeks to reduce the length of terms for Harbor Commissioners and Public Utilities Commissioners to four (4) years in alignment with elected term limits providing, however, for certain exceptions to the length of terms for those persons serving on the Harbor Commission or the Public Utilities Commission as of January 1, 2025; and

WHEREAS, the Harbor Department seeks to delegate from the Board of Harbor Commissioners to its Chief Executive Officer (who the Board will continue to employ

1 and appoint) the power to appoint and employ staff (excluding the Executive Officer to the
2 Board and Board Staff and providing for ratification by the Board of Harbor Commissioners
3 of the appointment by the Chief Executive Officer of the Chief Operating Officer) with the
4 goal of enhancing the overall effectiveness of the Harbor Department by reducing vacancy
5 rates and improving time to hire; and

6 WHEREAS, the Harbor Department seeks to increase prescribed fines and
7 penalties for the violation of any ordinance of the Harbor Commission from \$500 to \$1000
8 or six (6) months imprisonment or both as a deterrent for violations; and

9 WHEREAS, because the City in 1996 adopted a fiscal year of October 1 to
10 September 30 for the annual budget process, the Harbor Department seeks to modify
11 language to formally align its annual budget process with the City's fiscal year.

12 WHEREAS, pursuant to authority provided by California Constitution, Article
13 XI Section 3, Long Beach City Charter Section 1903, California Government Code Sections
14 34450 et. seq. and California Elections Code Sections 1415 and 9255 et. seq., the City
15 Council of the City of Long Beach desires to submit to the voters a proposed charter
16 amendment which if adopted would amend the Long Beach City Charter by reducing the
17 terms of Harbor and Public Utilities Commissioners to four years, transferring authority over
18 Harbor Department employment and personnel matters from the Board of Harbor
19 Commissioners to the Department's Chief Executive Officer, excepting a Board-appointed
20 Chief Operating Officer, Executive Officer to the Board, and Board staff, and increasing
21 penalties for violations of Harbor Department rules from \$500 to \$1000 ("Charter
22 Amendment"); and

23 WHEREAS, California Constitution, Article XI, Section 3, requires that any
24 charter amendment be approved by a majority of City voters voting at an election called for
25 that purpose; and

26 WHEREAS, pursuant to California Government Code Section 34458(b), the
27 City Council held a duly noticed public hearing on June 11, 2024 and a second duly noticed
28 public hearing on July 16, 2024 to hear public comment and testimony and to consider the

1 Charter Amendment, with the first public hearing being held at 5:00 p.m., outside normal
2 City business hours; and

3 WHEREAS, pursuant to California Government Code Section 34458(b), this
4 resolution is being adopted at a City Council meeting which is at least twenty-one (21)
5 calendar days after the second public hearing referenced above; and

6 WHEREAS, pursuant to California Elections Code sections 1415 and 9255,
7 the City Council is authorized by statute to submit the proposed Charter Amendment to the
8 voters at the General Municipal Election to be held on November 5, 2024; and

9 WHEREAS, the City Council desires to consolidate the General Municipal
10 Election for the Charter Amendment described herein with the Statewide General Election
11 to be held on November 5, 2024; and

12 WHEREAS, the City Council further desires to set deadlines and rules for
13 primary and rebuttal arguments for and against the Charter Amendment.

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

16 Section 1. The foregoing recitals are true and correct and are hereby
17 incorporated and made an operative part of this Resolution.

18 Section 2. That pursuant to the provisions of California Constitution, Art.
19 XI, Section 3, Long Beach City Charter section 1903, California Government Code,
20 Sections 34450 et. seq., and California Elections Code, Sections 1415 and 9255 et. seq.,
21 and any other applicable requirements of the laws of the State of California relating to
22 charter cities, the City Council hereby calls and orders to be held a General Municipal
23 Election in the City of Long Beach to be consolidated with the Statewide General Election
24 on Tuesday, the 5th day of November, 2024, for the purpose of submitting to a vote of the
25 qualified electors of the City of Long Beach the following proposed Charter amendment
26 which, for identification purposes only, is marked as Proposition ____.

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Shall the measure amending the Charter to reduce Harbor and Public Utilities Commissioner terms to four years, transfer authority over Harbor Department employment and personnel matters from the Board of Harbor Commissioners to the Department's Chief Executive Officer, excepting a Board-appointed Chief Operating Officer, Executive Officer to the Board, and Board staff, and increasing penalties for violations of Harbor Department rules from \$500 to \$1000, and changing the Harbor budget approval date, be adopted?	YES
	NO

Section 3. That the text of the Charter Amendment to be submitted to the voters is attached hereto as Exhibit "A".

Section 4. That the minimum vote requirement for the Charter Amendment to pass is a simple majority (50% + 1) of the votes cast.

Section 5. Election Procedures.

- A. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to the voters the Charter Amendment.
- B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Los Angeles County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.
- C. Canvass of Returns. The Los Angeles County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Charter Amendment. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code

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Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

- D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.
- E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.
- F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized, instructed and directed, in coordination with the Los Angeles County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Los Angeles, except as otherwise provided in the Elections Code of the State of California.
- H. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

1 I. Tallying of Ballots. All ballots shall be tallied at a central counting
2 place and not at the precincts. Said central counting place shall be at
3 a County center as designated by the Registrar of Voters.

4 J. Receipt of Election Results. The City Clerk of the City of Long Beach
5 shall receive the canvass as it pertains to the election on the Charter
6 Amendment measure, and shall certify the results to the City Council,
7 as required by law.

8 Section 6. That pursuant to California Elections Code Section 9280 and
9 Long Beach Municipal Code Section 1.15.455, the City Council hereby directs the City
10 Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City Attorney
11 shall prepare an impartial analysis of the Charter Amendment, not to exceed 500 words in
12 length, showing the effect of the Charter Amendment on the existing law and the operation
13 of the Charter Amendment, and transmit such impartial analysis to the City Clerk not later
14 than the deadline for submittal of primary arguments for or against the Charter Amendment.

15 The impartial analysis shall include a statement indicating whether the
16 Charter Amendment was placed on the ballot by a petition signed by the requisite number
17 of voters or by the City Council. In the event the entire text of the Charter Amendment is
18 not printed on the ballot, nor in the voter information portion of the sample ballot, there shall
19 be printed immediately below the impartial analysis, in no less than 10-font bold type, the
20 following: **“The above statement is an impartial analysis of Ordinance or Measure**
21 **“ ____ ”. If you desire a copy of the ordinance or measure, please call the Office of**
22 **the City Clerk at 562-570-6101 and a copy will be mailed at no cost to you.”**

23 Section 7. Primary Arguments. That the City Council authorizes (i) the
24 City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote
25 on the above measure, (iii) a bona fide association of such citizens or (iv) any combination
26 of voters and associations, to file a written argument in favor of or against the City measure,
27 accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in
28 accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of

1 California, and to change the argument until and including the date fixed below by the City
2 Clerk, after which no arguments for or against the City measure may be submitted to the
3 City Clerk.

4 Section 8. Pursuant to Long Beach Municipal Code Section 1.15.415, the
5 Mayor, with the approval of the City Council, may designate a person, or association of
6 persons, to write arguments either for or against or both for and against the adoption of
7 any measure or proposition placed on the ballot.

8 Section 9. The deadline to submit arguments for or against the City
9 Measure pursuant to this Resolution is declared by the City Clerk to be Friday, August 16,
10 2024, at 5:00 p.m. Each argument shall not exceed three hundred (300) words and shall
11 be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the
12 author(s) submitting it, or if submitted on behalf of an organization, the name of the
13 organization, and the printed name and signature of at least one of its principal officers
14 who is the author of the argument.

15 Section 10. Rebuttal Arguments. Pursuant to Section 9285 of the Elections
16 Code of the State of California, when the City Clerk has selected the primary arguments
17 for and against the City Measure which will be printed and distributed to the voters, the
18 Clerk shall send copies of the primary argument in favor of the Measure to the authors of
19 the primary argument against, and copies of the primary argument against to the authors
20 of the primary argument in favor. The authors or persons designated by them may prepare
21 and submit rebuttal arguments not exceeding two hundred fifty (250) words. The rebuttal
22 arguments shall be filed with the City Clerk not later than Tuesday, August 26, 2024 at 5:00
23 p.m. Rebuttal arguments shall be printed in the same manner as the primary arguments.
24 Each rebuttal argument shall immediately follow the primary argument which it seeks to
25 rebut. That notice of the time and place of holding the election is hereby given and the City
26 Clerk is authorized, instructed and directed to give further or additional notice of the
27 election, in time, form and manner as required by law.

28 Section 11. The full text of the Charter Amendment shall not be printed in

1 the voter information guide, but a statement shall be printed in the ballot pursuant to Section
2 9223 of the Elections Code advising voters that they may obtain a copy of this Charter
3 Amendment/Measure, at no cost, upon request made to the City Clerk.

4 Section 12. Pursuant to Elections Code section 9295, this Measure will be
5 available for public examination for no fewer than ten (10) calendar days prior to being
6 submitted for printing in the voter information guide. The City Clerk shall post notice in the
7 Clerk's office of the specific dates that the examination period will run.

8 Section 13. That in all particulars not recited in this resolution, the election
9 shall be held and conducted as provided by law for holding municipal elections.

10 Section 14. The City Treasurer is hereby authorized and directed to
11 appropriate the necessary funds to pay for the City's cost of placing the Charter
12 Amendment on the election ballot.

13 Section 15. The City Council finds that this Resolution is not subject to the
14 California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity
15 will not result in a direct or reasonably foreseeable indirect physical change in the
16 environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of
17 the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has
18 no potential for resulting in physical change to the environment, directly or indirectly.

19 Section 16. The provisions of this Resolution are severable and if any
20 provision of this Resolution is held invalid, that provision shall be severed from the
21 Resolution and the remainder of this Resolution shall continue in full force and effect, and
22 not be affected by such invalidity.

23 Section 17. This resolution shall take effect immediately upon its adoption
24 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 August 6, 2024 by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Duggan, Supernaw, Kerr, Saro, Austin, Ricks-Oddie.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

Recusal(s): Councilmembers: None.


By: Monique DeLaGarza
City Clerk

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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EXHIBIT "A"
Text of Charter Amendment
[attached behind this page]

MEASURE “ ____ ”

THE PEOPLE OF THE CITY OF LONG BEACH DO HEREBY AMEND THE LONG BEACH CITY CHARTER AS FOLLOWS:

SECTION 1. Text of Charter Amendment. Subject to the approval of a majority of the voters of the City of Long Beach at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, Sections 508, 1203(a), 1203(u), and 1210 of the Long Beach City Charter are hereby amended to read as follows:

Sec. 508. - TERMS OF COMMISSION MEMBERS.

The term of ~~of~~ **for** office of members of the Commissions set forth in this Charter shall be four (4) years, ~~except that the term of office of members of the Harbor Commission shall be six (6) years and the term of office for Public Utilities Commission members shall be five (5) years,~~ beginning with the first Monday after the first day of July following their respective appointments, and until their successors are appointed and take office.

Except as provided herein, No person shall serve more than two (2) full terms on any one Commission. Serving any portion of an unexpired term shall not be counted as service of ~~one term on such Commission.~~ **a term on such Commission.**

Notwithstanding the foregoing, members of the Harbor Commission who are currently serving as of January 1, 2025 may not serve more than two (2) full terms of six (6) years on the Harbor Commission and members of the Public Utilities

Commission who are currently serving as of January 1, 2025 may not serve more than two (2) full terms of five (5) years on the Public Utilities Commission.

Persons who have not served as members of either the Harbor Commission or the Public Utilities Commission as of January 1, 2025 may serve no more than a total of three (3) full terms of four (4) years on the Harbor Commissioner or more than a total of three (3) full terms of four (4) years on the Public Utilities Commission.

Sec. 1203. - POWERS AND DUTIES OF THE COMMISSION.

(q) To create bureaus and divisions of the Harbor Department. To employ and appoint an ~~Executive Director who shall be a~~ Chief Executive **Officer** of the Harbor Department **who shall be the chief administrative officer** and who shall exercise the management of all affairs and activities placed under the jurisdiction of the Commission; and an ~~Assistant Executive Director, each of whom shall hold such position during the pleasure of the Commission. To appoint and employ such other officers and employees as may be necessary in the efficient and economical carrying out of its functions. To prescribe and fix the duties, authority and compensation of all appointees hereunder and to require such officers and employees to give a bond in such an amount as the Commission may require for the faithful performance of their duties. (except for~~ **Commission staff) and to ratify the employment by the Chief Executive Officer of a Chief Operating Officer. The Chief Executive Officer shall hold such position at the pleasure of the Commission. The Commission shall confer upon and delegate to the Chief Executive Officer such other powers and duties as the Commission**

shall deem appropriate. To employ and appoint an Executive Officer to the Board who shall exercise the management of all affairs and activities placed on Commission staff by the Commission, in order to assist the Commissioners with carrying out their duties. The Executive Officer to the Board shall assist the Commission in the performance of its duties in contrast to the Chief Executive Officer who shall be managing the affairs and activities of the Harbor Department. The Executive Officer to the Board shall hold such position at the pleasure of the Commission. All officers and positions of employment in the permanent service of the Commission shall be created by resolution.

The Chief Executive Officer shall have the power and authority to appoint and employ officers and employees as may be necessary in the efficient and economical carrying out of Harbor Department functions (except for Commission staff). Commission staff shall be appointed and employed by the Commission.

(u) To prescribe fines, forfeitures and penalties for the violation of any provision of this Article, or of any ordinance of the Harbor Commission, but no penalty shall exceed One Thousand~~Five Hundred~~ Dollars (~~\$1,000.00~~~~\$500.00~~) fine, or six (6) months imprisonment, or both.

Sec. 1210. - ANNUAL BUDGET.

The Commission shall, not later than sixty (60) days prior to the beginning of each fiscal year, adopt and transmit a departmental budget for the forthcoming fiscal year covering the anticipated revenue and the expenditures of the Harbor Department, wherein shall

be stated the amount necessary, if any, to be raised by tax levy. Such departmental budget shall conform to the general City budget. Two certified copies of said budget shall forthwith after adoption by the Commission, be filed with the City Clerk for presentation to the City Council and one certified copy shall forthwith be filed with the City Auditor. Such budget shall be subject to the approval of the City Council as is provided in this section. The City Council shall, not later than the first day of ~~July~~October of each calendar year, approve the budget adopted by the Commission or shall amend said budget and approve the same as amended not later than the first day of ~~July~~October of each calendar year.

The City Council may appropriate such amounts as it may deem necessary and proper to be expended pursuant to said annual departmental budget, and such amounts thus appropriated shall be included in said annual departmental budget as anticipated revenue of the Harbor Department. In the event the City Council shall not approve said budget or amend the same and adopt said budget as amended on or before said first day of ~~July~~October, the same shall become effective as the official budget of the Harbor Department for the forthcoming fiscal year. In the event the City Council shall amend said budget and approve the same as amended as above provided, a certified copy of said approved budget as amended shall be filed with the Commission and the City Auditor.

No expenditure shall be made or financial obligation incurred by the Commission, its officers or employees, except as authorized by said annual departmental budget. Said budget, when effective, shall constitute an appropriation covering the anticipated revenues and expenditures of the Harbor Department as therein set forth.

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 documents:

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 et. seq.

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 Municipal Election of November 5, 2024. 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 5, 2024.

REX RICHARDSON
Mayor of the City of Long Beach

Attest:

Monique De La Garza
City Clerk

Approved as to form:

DAWN MCINTOSH
City Attorney