

CITY CHARTER



AMENDED AS OF NOVEMBER 5, 2024

CITY OF LONG BEACH

CITY HALL

411 W. OCEAN BOULEVARD

LONG BEACH, CA 90802

OFFICE OF THE CITY CLERK

562-570-6101

PREFACE - 2024 Edition of the Long Beach City Charter

A quick look at the legislative history of the Long Beach City Charter (Charter) brings to mind an old maxim: "the only true constant is change." The current charter has been amended in dozens of elections in the many years since it was first passed in 1907. While the City had charters before 1923, the structure of government that these previous charters laid out radically differed from the Council-Manager form of government that the 1923 charter provided and that exists in an evolved form today.

The 2024 Edition of the Charter reflects the changes from the November 5, 2024 election. To make the Charter more accessible to all our citizens, the Long Beach Office of the City Clerk has reformatted and reprinted the entire charter.

The reprinted edition of the Charter in 2013 researched and expanded the legislative history feature for all Charter sections that have been amended since the 1980 Revised Edition, beginning with the first set of Charter amendments as adopted by the voters on April 13, 1982, up and through the November 5, 2024 Charter amendments.

We hope that you learn much from reading our Charter, the City's foundational document. Please visit the Office of the City Clerk website, at www.longbeach.gov/cityclerk, to see the electronic version of the Charter or for any announcements regarding changes to the Charter. For historical information regarding the Charter prior to the April 13, 1982 amendments as adopted by the voters, please contact the Office of the City Clerk.

City of Long Beach

Office of the City Clerk

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ARTICLE I. - INCORPORATION, ORGANIZATION AND POWERS

Section 100. - NAME.

The City of Long Beach, hereinafter called City, shall continue to be a municipal corporation under its present name, City of Long Beach.

Sec. 101. - BOUNDARIES.

The boundaries of the City shall be as they now exist, or as they may be changed in the future.

Sec. 102. - FORM OF GOVERNMENT.

The municipal government shall continue to be known as the Council-Manager form of government.

Sec. 103. - (Deleted by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 104. - RIGHTS AND LIABILITIES OF THE CITY.

The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its legally enforceable debts, obligations, liabilities and contracts.

Sec. 105. - ORDINANCES, CODES AND OTHER REGULATIONS.

All ordinances, codes, resolutions, rules, regulations and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed or superseded.

Sec. 106. - PRESENT EMPLOYEES.

Subject to the provisions of this Charter, the present employees of the City shall continue to perform their respective duties until changes in their positions are made, or until reassigned, removed or replaced in the manner prescribed by this Charter, City ordinances or procedural regulations.

Sec. 107. - PRESENT ELECTED OFFICERS AND MEMBERS OF COMMISSIONS.

All elected officers and members of commissions holding office shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be elected or appointed and qualified. This section shall apply only to elected offices and commissions which are continued in existence under this Charter. The terms of the members of any existing commission shall be adjusted by resolution of the City Council, if necessary, to comply with the provisions of this Charter.

Sec. 108. - PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

Sec. 109. - POWERS.

The City shall have all powers possible for a City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal

corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Sec. 110. - LICENSING POWER. (RESTATEMENT AND CONTINUATION BY RENUMBERING PRE-EXISTING CHARTER SEC. 5, ADOPTED NOVEMBER 6, 1973)

The City shall have the power to license for the purpose of revenue or regulation, or both, every kind of lawful business transacted in the City and fix the license tax therefore.

Sec. 111. - INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, districts, states, or civil divisions or agencies thereof, or the United States or any agency thereof. The City may delegate the exercise of its powers or the performance of any of its functions to any city, county, district, state, civil division or agencies thereof, or the United States or any agency thereof. The City may contract for performance by its officers and employees of any county, state or federal powers, functions or duties authorized or required to be performed by any county, state or federal officers or employees within the territorial limits of the City.

ARTICLE II. - CITY COUNCIL

Section 200. - MEMBERS AND TERMS.

The City Council shall consist of nine (9) Council members elected to office in a manner provided in this Charter, one from each of the Councilmanic Districts into which the City has been divided. The term of office shall be four (4) years. Alternatively, and successively, odd numbered districts shall be filled at one general municipal election and even numbered districts at the next such election. The term of a City Council member shall commence on the third Tuesday of July following his or her election, and he or she shall serve until his or her successor qualifies. Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the City Clerk decides.

Each City Council member in office at the time this Charter takes effect shall continue in office until the end of the term for which he or she was elected or appointed subject to the right of the people to recall a City Council member from office as provided herein.

Sec. 201. - ELIGIBILITY.

No person shall be eligible to hold the office of City Council member or Mayor unless such person is a legally registered voter and resident of the Councilmanic District if and from which nominated for City Council, or of the City if nominated for Mayor, at least thirty (30) days immediately preceding the last day upon which candidates are permitted to file nominating petitions for such office with the City Clerk.

(Amended by Prop. D, 5-1-2007, eff. 5-22-2007; Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 202. - MAYOR AND VICE-MAYOR.

(a) DUTIES OF MAYOR.

The Mayor shall be the chief legislative officer of the City and as such shall have the power to veto actions of the City Council pursuant to and in accordance with the provisions of Section 213 of this Charter. The performance of the duties of the office of Mayor shall be considered as the full-time employment of the person occupying that office. The Mayor shall preside at meetings of the City Council. The Mayor shall have no vote, but may participate fully in the deliberations and proceedings of the City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no administrative duties other than those provided for in Section 207. The Mayor shall represent the City at large and utilize the office of Mayor to provide community leadership and as a focal point for the articulation of city-wide perspectives on municipal issues.

On or before the 15th day of January of each year, the Mayor shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as the Mayor may deem expedient and proper.

(b) NOMINATION AND ELECTION OF MAYOR.

Candidates for the office of Mayor shall be nominated by the City at large at the primary nominating election. In the event that no candidate for nomination to the office of Mayor receives a majority of the votes cast for all candidates for the office of Mayor at the primary nominating election, the two candidates receiving the highest number of votes for the office of Mayor at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election.

(c) TERM OF MAYOR.

In 1988, a Mayor shall first be nominated and elected by the City at large in the manner provided in Subsection 202(b) of this Charter for a term of two (2) years, and, commencing in 1990 and thereafter, for a term of four (4) years, from the date he or she shall take office after being duly elected Mayor, or until a successor shall be elected and take office. The term of the Mayor shall commence on the third Tuesday

of July following his or her election, and he or she shall serve until his or her successor qualifies.

(d) NO PERSON CAN BE CANDIDATE FOR TWO ELECTED CITY OFFICES AT THE SAME TIME.

A person cannot be a candidate at the same election for two or more of the elected City offices.

(e) VACANCY IN OFFICE OF MAYOR.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall immediately cause an election to be held to fill such vacancy, which election shall be called within sixty (60) days after such vacancy occurs and shall be held within one hundred and twenty (120) days after such vacancy occurs, provided that if such vacancy occurs within one hundred and twenty (120) days, but not less than eighty-eight (88) days, from the date of a municipal primary nominating election at which the office of Mayor would regularly be filled, the City Council shall not cause a special election to be held to fill the vacancy but said vacancy shall be filled as a part of the regular election process. If elected by a specially called election pursuant to this Subsection 202(e), the Mayor so elected shall serve for the remainder of the unexpired term of the Mayor whose vacation of the office has caused the special election to be held.

(f) VICE-MAYOR.

The Council shall biennially, at the same time that Councilmembers regularly take office for new terms, select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all duties and, except for the power to veto actions of the City Council, may exercise all powers of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent, unable to perform his or her duties or has vacated the office by reason of any cause and until a successor has been elected and taken office.

(Amended by Prop. D, 5-1-2007, eff. 5-22-2007; Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 203. - SALARY.

- (a) Commencing with the first Mayor to assume the office of Mayor on or after July 1, 1988, the Mayor shall receive an annual salary of Sixty-seven Thousand, Five Hundred Dollars (\$67,500.00), which salary shall be automatically adjusted on July 1, 1989, and on July 1 of each year thereafter equivalent to the most recent upward change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Long Beach-Anaheim metropolitan area.

For purposes of calculating the annual adjustment under this section the base year shall be that year ending with the quarter ending December 31, 1988. The Mayor's salary shall first be adjusted on July 1, 1989, and annually thereafter, based on the annually calculated change from the base year.

- (b) Each member of the City Council shall receive a salary which shall be twenty-five percent of

that provided for the Mayor under Subsection (a) of this Section 203.

(Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 204. - VACANCIES IN CITY COUNCIL.

Absence from five (5) consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any City Council member so absent.

Whenever a vacancy in the City Council shall occur, such vacancy shall be filled at a special election to be called for that purpose. A vacancy shall be deemed to have occurred upon the date of the adoption by the City Council of a resolution finding and determining that such vacancy has occurred. In the event a City Council member is recalled, the vacancy shall be deemed to have occurred upon the date the election results are declared by the City Council. Any City Council member so recalled shall continue to hold his office until his successor is duly elected and qualified.

The election to fill a vacancy shall be held in the district from which the City Council member is to be elected, and shall be called within sixty (60) days after the declaration of such vacancy by the City Council. Said election shall be held within one hundred twenty (120) days after the declaration of such vacancy, unless the same is declared within one hundred twenty (120) days of a primary nominating election provided for in this Charter, in which event such vacancy may be filled by the City Council by appointment. Such special election shall be held within such district in the manner to be provided by the City Council by resolution.

To be eligible to be appointed or elected to fill a vacancy in the City Council, a person must have been a legally registered voter and resident in the district where the vacancy occurs for at least thirty (30) days immediately preceding the date of appointment or the first day upon which candidates are permitted to file nominating petitions for the office with the City Clerk.

No person appointed as a successor to serve during the remainder of a Councilmanic term in which a vacancy occurs shall be designated on any ballot or voter pamphlet as an incumbent, a member of the City Council, or other designation indicating incumbency, for purposes of the next primary and general elections for members of the City Council.

Sec. 205. - POWERS VESTED IN THE CITY COUNCIL.

Except as otherwise provided in this Charter, all powers of the City shall be vested in the City Council.

Sec. 206. - CITY COUNCIL ORGANIZATION, MEETINGS AND RULES OF ORDER.

The time, place and method of calling meetings and the rules of order for the conduct of proceedings by the City Council shall be as established by ordinance. A majority of the councilmembers in office shall

constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time, or may compel the attendance of other members in such manner and under such penalties as those present may prescribe.

Sec. 207. - LEGISLATIVE DEPARTMENT.

- (a) There is hereby created a Legislative Department which shall be under the direction and control of the City Council and the Mayor who shall also act as chief administrative officer for the department. This department shall consist of the Mayor, the City Council, the City Clerk, and all assistants, secretaries, stenographers and clerical help in the office of the City Clerk and such employees as may be deemed necessary to serve in the office of the Mayor and City Council to aid them in fulfilling their legislative duties in gathering, organizing and analyzing data and information relating to matters requiring legislative action.
- (b) Each individual member of the City Council shall have the authority to appoint, suspend, remove and discipline the employee or employees of the Legislative Department who serve on his or her personal staff. Except as provided in Article IV of this Charter, the Mayor shall have authority to appoint, suspend, remove and discipline all employees of the Legislative Department who do not serve on the personal staff of an individual councilmember.
- (c) The Legislative Department shall be administered and operated in accordance with and pursuant to the provisions of this Section 207 and such ordinances, resolutions and administrative regulations adopted, approved or promulgated by the City Council as are consistent with them.

(Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 208. - CITY COUNCIL'S AUTHORITY OVER CITY EMPLOYEES.

Neither the City Council, nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with or prevent the City Manager, from exercising judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the City Council, its members and employees of the Legislative Department shall deal with the administrative service solely through the City Manager, and neither the City Council, its members and employees of the Legislative Department shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Sec. 209. - CITIZEN PARTICIPATION.

Subject to the rules governing the conduct of City Council meetings, any citizen, personally or through

counsel, shall have the right to address the City Council or its standing committees on matters of public business at any meeting.

Sec. 210. - ORDINANCES, RESOLUTIONS AND ORDERS.

Ordinances and resolutions are the formal acts of the City Council reduced to writing and passed under legal restrictions governing action thereon. Orders include all other acts which, being less formal in character, require only to be passed by the majority of the City Council present and spread upon the minutes.

No ordinance shall be placed upon its final passage upon the same day it has been introduced, except emergency measures as provided in this Charter. Neither ordinance nor resolution shall be in full force and effect unless it shall have received the affirmative votes of not less than five (5) members of the City Council.

No ordinance passed by the City Council shall go into effect before the expiration of thirty (30) days from the time of its final passage, except when otherwise required by the general laws of the State of California, by the provisions of this Charter, or emergency ordinances.

Sec. 211. - EMERGENCY ORDINANCES.

The City Council may, by vote of five (5) of its members, pass emergency ordinances for the immediate preservation of the public peace, health and safety, to take effect at the time indicated therein. Emergency ordinances shall contain a separate section in which the emergency is particularly set forth and defined. A separate roll call on the question of the emergency shall be taken. Ordinances appropriating money may be passed as emergency ordinances.

Sec. 212. - POSTING ORDINANCES.

The City Clerk shall cause each ordinance to be posted in at least three (3) public places in the City unless publication is requested by the City Council or otherwise required by law.

Sec. 213. - VETO OF CITY COUNCIL ACTIONS BY MAYOR.

- (a) The Mayor may veto any action of the City Council as defined in Sections 210 and 211 of this Charter, except for procedural and parliamentary motions including, but not limited to, those for adjournment and similar motions, which veto shall be exercised as provided for in this section.
 - (1) As to any ordinance, except for emergency ordinances as provided for in Section 211 of this Charter, the Mayor shall, within ten (10) calendar days of adoption of the ordinance,

either sign or veto the ordinance. If the Mayor signs the ordinance, it shall become effective thirty-one days thereafter. If the Mayor vetoes the ordinance, the veto shall be exercised by filing with the City Clerk a statement vetoing the ordinance and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall, at the same time, cause the matter to be placed upon the agenda of the next regularly scheduled meeting of the City Council for which an agenda has not as yet been prepared by the City Clerk. At that meeting, or at any time within thirty (30) days of filing of the veto statement, the City Council may, by a vote of two-thirds ($\frac{2}{3}$) or more of its members, override the veto, in which case the ordinance shall become effective thirty (30) days thereafter. If an override is not voted within the thirty (30) days provided, the ordinance shall be deemed vetoed and shall be of no further force and effect.

- (2) As to any resolution, the Mayor shall exercise his or her veto by filing with the City Clerk, within five (5) calendar days of adoption of the resolution, a statement vetoing the resolution and setting forth the Mayor's reasons for the veto. The City Clerk shall immediately transmit the veto message to all members of the City Council and shall cause the matter to be brought before the City Council at its next regularly scheduled meeting. At that meeting, the City Council may, by a vote of two-thirds ($\frac{2}{3}$) or more of its members, override the veto, in which case the resolution shall become effective as if no veto has been exercised. If an override is not voted at that meeting, the resolution shall be deemed vetoed and shall be of no further force and effect.
- (3) As to motions for minute orders, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately following the announcement of the final vote on the motion and prior to commencement of any further business by the City Council, that the motion is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If at least two-thirds ($\frac{2}{3}$) of the members of the City Council present vote for the motion to override, the veto shall be deemed overridden. If not, the action shall be deemed vetoed and defeated and shall be of no further force and effect.
- (4) As to any emergency ordinance as provided for in Section 211 of this Charter, the Mayor shall exercise his or her veto by stating, orally or in writing, immediately upon adoption of the emergency ordinance, that the emergency ordinance is vetoed and the reasons for the veto. Thereupon, the City Council shall immediately vote on a motion, if duly made and seconded, to override the veto. If two-thirds ($\frac{2}{3}$) or more of the members of the City Council vote for the motion, the veto shall be deemed overridden and the ordinance shall become effective as if no veto has been exercised. If an override is not voted at that

meeting, the ordinance shall be deemed vetoed and shall be of no further force and effect.

- (b) In all cases, the action to override the Mayor's veto shall be limited to a vote on a motion that the veto of the Mayor be overridden, and no amendatory or other motions to change the vetoed action prior to the override vote shall be in order. If a veto is not overridden and becomes final as provided in this Section, action identical to that vetoed shall not be again considered by the City Council for a period of thirty (30) days.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007; Added by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 214. - 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 candidacy, if successful, will result in a new Mayoral or City Council term that exceeds the limits set forth herein.
- (b) 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.

(Amended by Meas. BBB, 11-6-2018, eff. 12-11-2018; Amended by Prop. D, 5-1-2007, eff. 5-22-2007;
Added by Prop. G, 11-3-1992, eff. 8-23-1993)

ARTICLE III. - CITY MANAGER

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, City Clerk, Police Oversight, Legislative Department, Harbor Department

and Public Utilities Department. The City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds ($\frac{2}{3}$) 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 ($\frac{2}{3}$) of its members.

(Amended by Meas. JB, 11-5-2024; Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. A, 5-1-2007, eff. 5-22-2007)

Sec. 301. - ASSISTANT CITY MANAGER.

The City Manager shall have the power to appoint, with the confirmation of the City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds ($\frac{2}{3}$) of its members, an Assistant City Manager, who shall be empowered to perform all duties of the City Manager in the event of the absence or disability of the City Manager and such other duties as the City Manager shall direct. The Assistant City Manager shall serve at the pleasure of the City Manager.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007)

Sec. 302. - POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall have the following powers and duties:

- (a) To direct and supervise the administration of all Manager-directed departments of the City.
- (b) To appoint, suspend and remove all City employees in both the classified and unclassified service; except that for the classified service, such powers shall be pursuant to the Civil Service provisions of this Charter, Civil Service rules, regulations and ordinances; and except the City Clerk's Department and the elective officers and their appointees and such officers and employees as shall be subject to appointment by the City Council.
- (c) To see that all laws, ordinances, orders, resolutions, contracts and franchises are enforced and executed.
- (d) To attend all City Council meetings or councilmanic committee meetings; and to have the right to participate in the discussion without vote.
- (e) To prepare and submit the annual budget; and to keep the City Council fully advised as to the financial condition and needs of the City, including the filing of an annual and interim financial reports.

- (f) To submit such reports as the City Council may require concerning the operations of Manager-directed departments, and to recommend to City Council the adoption of measures deemed advisable.
- (g) To perform such other duties as are specified in the Charter, by law or required by City Council.

Sec. 303. - VACANCY.

Whenever a vacancy occurs in the office of the City Manager, the City Council shall proceed immediately to appoint a City Manager. Until a City Manager is appointed and has assumed the duties of the office, the Assistant City Manager shall be designated as Acting City Manager. He shall perform all of the duties of City Manager and be vested with all the powers of City Manager as set forth in this Charter. The Assistant City Manager shall continue in the position of Acting City Manager until a new City Manager has been appointed and has assumed the duties of that office.

ARTICLE IV. - CITY CLERK

Section 400. - APPOINTMENT.

The City Council shall appoint a City Clerk, subject to veto by the Mayor and City Council override by a vote of two-thirds ($\frac{2}{3}$) of its members, who shall serve at the pleasure of the City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds ($\frac{2}{3}$) of its members.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007)

Sec. 401. - POWERS AND DUTIES.

The City Clerk or a duly authorized representative shall:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and accurate record of all of the proceedings of the City Council showing aye and no votes in all matters voted upon by the City Council.
- (b) Maintain separate records, in which shall be set forth respectively all ordinances and resolutions, with the certificate of the City Clerk annexed to each document stating that said document is the original or a correct copy; and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said records shall be properly indexed and open to public inspection.
- (c) Maintain separate records for which an index shall be included of all written contracts and

official bonds.

- (d) Be the custodian of the Seal of the City.
- (e) Administer oaths or affirmations and take affidavits pertaining to the affairs and business of the City; and certify copies of official records.
- (f) Conduct all City elections.
- (g) Except as herein provided, act as Clerk of any commission of the City, or any committee if so designated by the City Council; keep full and accurate records of their proceedings; keep full and accurate records of membership and impending vacancies on all commissions, advisory committees and similar agencies.
- (h) Perform such other duties as may be prescribed by the City Council.

Sec. 402. - ASSISTANTS.

The City Clerk shall appoint such assistants and other staff necessary to perform the duties of the office.

ARTICLE V. - OFFICERS AND EMPLOYEES

Section 500. - OFFICERS OF THE CITY.

The officers of the City shall be:

The Mayor and members of the City Council

City Attorney

City Auditor

City Prosecutor

City Manager

Assistant City Manager

City Clerk

Five members of the Civil Service Commission

Five members of the Harbor Commission

Five members of the Public Utilities Commission

Seven members of the Planning Commission

All department heads and other persons who in the exercise of their duties perform governmental functions of the City

Officers created by general state law, City ordinance or resolution.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 501. - ADMINISTRATIVE DEPARTMENTS.

The City Council may establish by ordinance departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies. The City Council may consolidate departments or divisions of departments provided that no department headed by an elective officer shall be consolidated with or subordinated to any other department or any division of any other department. The City Council may provide by resolution for the number and titles of all City officers and employees.

Sec. 502. - RESIDENCE.

Unless expressly provided in this Charter to the contrary, no person shall be eligible to nomination for election to any office who at the time of his or her nomination and election is not a legally registered voter of the City, and shall not have been a bona fide resident of the City or territory legally annexed thereto, for at least thirty (30) days immediately preceding the first day upon which candidates are permitted to file nominating petitions for such office with the City Clerk.

No person shall be eligible for appointment to any membership on any Charter-mandated commission, who at the time of his or her appointment, is not a legally registered voter of this City, and shall not have been a bona fide resident of the City or territory legally annexed thereto, for at least thirty (30) days immediately preceding the date of his or her appointment.

No person shall be eligible for either election or appointment to any office or to any membership on any Charter-mandated commission, or for appointment as an assistant, deputy, clerk, or other employee of any officer or commission, or to appointment to any position of employment whatsoever in the service of the City, who on the date of his or her election or appointment, shall be in litigation against the City.

All elective officers and all members of Charter-mandated commissions, must be bona fide residents of the City and maintain their respective places of abode within its corporate limits at all times during which they hold such office, or are members of any such Charter-mandated commission. The term, places "of abode", as used herein, shall mean not only the legal or technical residence or domicile, but also actual abode in fact.

Any elective officer, member of a Charter-mandated commission upon his or her failure to comply with and abide by the requirements as to residence and place of abode as hereinbefore set forth, shall be thereby immediately disqualified from holding such office or membership. The tenure of such officer or member shall be immediately terminated.

Sec. 503. - SALARY OF OFFICERS AND EMPLOYEES.

Each officer and each employee shall receive such compensation for services as may be prescribed by resolution of the City Council or duly fixed by resolution of the Commission having jurisdiction under this Charter. The salaries or compensation proposed to be fixed by such commission shall be subject to the prior approval of the City Council by resolution.

Time and method of payment of salaries of all officers and employees, including those whose salary is set by an authority other than the City Council, shall be prescribed by the City Council. Frequency of payment shall be not less than twice each calendar month.

Sec. 504. - DEFERRED COMPENSATION.

Notwithstanding any other provision of this Charter, the City may establish a deferred compensation plan in accordance with applicable State and Federal laws and regulations. Officers and employees who enter into an agreement with the City under such a deferred compensation plan shall be deemed to have been compensated pursuant to Section 503 of this Charter.

Sec. 505. - HOURS OF OFFICERS AND EMPLOYEES.

All elective and appointive officials, their assistants, deputies and clerks, and other employees of the City shall devote their entire time during business hours to the duties of their respective offices, or employment. The City Attorney, City Prosecutor, City Auditor, City Manager, Executive Director of the Harbor Department and the General Manager of the Public Utilities Department, shall not engage in any other business or practice during their respective tenure of office or employment. The members of the City Council and members of any commission are specifically exempted from the provisions of this section. The provisions of this section shall not be applicable to professional or technical assistants temporarily employed by the City or an autonomous commission to assist or advise any City departments. Any ordinance adopted by the City Council regulating the employment of officers and employees of the City outside business hours shall be applicable to, and binding upon, officers and employees of all City Departments, including autonomous departments.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 506. - TERM OF OFFICE.

All officers elected under this Charter shall take office on the third Tuesday of July after their election and shall hold office until their successors are elected and qualified. The provisions of this section shall not apply to the members of the Board of Education.

Sec. 507. - VACANCIES IN NON-COUNCILMANIC ELECTIVE OFFICES.

In the event of a vacancy for any reason in any elective office, except City Council members, the vacancy shall be filled for the unexpired term by the City Council unless otherwise expressly provided in this Charter.

No person shall be eligible for appointment to a vacancy in any elective office who at the time of such appointment is not a legally registered voter of this City and shall not have been a resident of the City for at least thirty (30) days immediately preceding such appointment.

If a person elected or appointed to any office shall fail to qualify within ten (10) days after receipt of his certificate of election or notice of appointment, the office shall be declared vacant by the City Council, and shall be filled as if there were a vacancy.

Sec. 508. - TERMS OF COMMISSION MEMBERS.

The term for office of members of the Commissions set forth in this Charter shall be four (4) 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 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 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 more than a total of three (3) full terms of four (4) years on the Public Utilities Commission.

(Amended by Meas. HC, 11-5-2024; Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 509. - APPOINTMENT OF COMMISSION MEMBERS.

At the expiration of the term of each member of the Commissions established by this Charter, the Mayor shall appoint a successor, subject to confirmation by an affirmative vote of a majority of the councilmembers in office at that time. Should a vacancy occur for any reason other than by expiration of a term, the Mayor, subject to confirmation by an affirmative vote of a majority of the councilmembers in

office at that time, shall appoint a successor to fill such vacancy for the unexpired term. The Mayor in making appointments to each such Commission shall stagger the terms of the Commission members so as to provide a continuity of experienced members on each Commission. Membership on the Recreation Commission and the filling of vacancies thereon shall be as set forth in Article IX hereof.

Sec. 510. - REMOVAL OF COMMISSION MEMBERS.

The Mayor may remove any member of a Charter-mandated commission at any time, with the concurrence of two-thirds ($\frac{2}{3}$) of the members of the City Council.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007)

Sec. 511. - APPOINTMENT OF IMMEDIATE FAMILY VOID.

No officer, commission or member of any Commission of this City shall recommend the appointment of, appoint, vote for or elect to any office, position or employment, in any department of the City government any member of said officer's or commission member's immediate family. For purposes of this section the term "immediate family" shall mean wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, or any person who regularly cohabits with or uses the domicile of said officer or commission member as his or her residence. Any appointment made in violation of this section shall be void and of no effect.

ARTICLE VI. - CITY ATTORNEY

Section 600. - DEPARTMENT OF LAW.

The Department of Law shall consist of the City Attorney, and such employees as the City Council may provide for in the budget.

Sec. 601. - QUALIFICATION AND TERM OF OFFICE OF THE CITY ATTORNEY.

The City Attorney shall be elected by the qualified electors of the City, and shall hold office for four (4) years, and until his successor shall have been elected and qualified. He must be qualified to practice in all the courts of the State of California, and must have been so qualified for at least five (5) years immediately preceding the first day upon which candidates for the office of the City Attorney are permitted to file nominating petitions for such office with the City Clerk.

Sec. 602. - APPOINTMENTS BY THE CITY ATTORNEY.

The City Attorney shall appoint all members of the Department of Law, for whose acts he shall be responsible. Such appointees shall serve at the pleasure of the City Attorney. All assistants and deputies of the City Attorney, at the time of their appointment, must have been qualified to practice in all courts of the State of California for one year immediately preceding the date of their appointment.

Sec. 603. - POWERS AND DUTIES OF THE CITY ATTORNEY.

The City Attorney shall have the following powers and duties:

- (a) To be the sole and exclusive legal advisor of the City, the City Council and all City commissions, committees, officers and employees with reference to all of their functions, powers and duties under this Charter, State and Federal law;
- (b) To draft all ordinances, contracts, and other legal documents;
- (c) To attend to all suits, matters and proceedings in which the City may be legally interested;
- (d) To defend all suits for damages instituted against officers and employees and former officers and employees for acts performed by them in furtherance of their duty while in the employ of the City;
- (e) To approve in writing the form of all bonds required by the City and all contracts before the same are entered into on behalf of the City;
- (f) To investigate and enforce on behalf of the City all provisions of this Charter, of the general law applicable to municipal corporations, and of the ordinances of the City, in all courts in the State of California, except criminal cases.

The City Council shall have control of all litigation of the City, to the extent that the relationship between attorney and client permits or authorizes such control by the client; and at the request of the City Attorney, may employ other attorneys to assist the City Attorney.

Sec. 604. - VACANCY IN THE OFFICE OF THE CITY ATTORNEY.

In the event of a vacancy in the office of the City Attorney, for any reason, the City Council shall designate an Assistant City Attorney or Deputy City Attorney, who shall become the Acting City Attorney and shall serve in that position until the City Council appoints a successor for the unexpired balance of the term. Any person serving as Acting City Attorney must possess the qualifications prescribed for the City Attorney.

ARTICLE VII. - CITY PROSECUTOR

Section 700. - DEPARTMENT OF THE CITY PROSECUTOR.

The Department of the City Prosecutor shall consist of the City Prosecutor and such employees as the City Council may provide for in the budget.

Sec. 701. - QUALIFICATION AND TERM OF OFFICE OF THE CITY PROSECUTOR.

The City Prosecutor shall be elected by the qualified electors of the City and shall hold office for four (4) years, and until his successor shall have been elected and qualified. He must be qualified to practice in all the courts of the State of California and must have been so qualified at least five (5) years immediately preceding the first day upon which candidates for the Office of City Prosecutor are permitted to file nominating petitions for such office with the City Clerk.

Sec. 702. - APPOINTMENTS BY THE CITY PROSECUTOR.

The City Prosecutor shall appoint all members of the Department of the City Prosecutor for whose acts he shall be responsible. Such appointees shall serve at the pleasure of the City Prosecutor. All assistants and deputies of the City Prosecutor must, at the time of their appointment, have been, for one (1) year immediately preceding the date of their appointment, qualified to practice in all of the courts of the State of California.

Sec. 703. - POWERS AND DUTIES OF THE CITY PROSECUTOR.

The powers and duties of the City Prosecutor shall be as follows:

- (a) The City Prosecutor shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of Charter provisions or City ordinances, in the court of original jurisdiction and on appeal.
- (b) The City Prosecutor shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the City under penal statutes or ordinances.
- (c) Whenever it shall be authorized by the laws of this State, the City Prosecutor shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the State and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this State, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the City or the County of Los Angeles.
- (d) If any person held in custody and charged with having committed a criminal offense

against the Charter provisions or City ordinances, or with having committed a misdemeanor or other offense in the City against State law applies for a writ of habeas corpus, a copy of the application for such writ must be served upon the City Prosecutor at such times and in such manner as may be provided by such law. It shall be the duty of the City Prosecutor to conduct all proceedings relating to the application for or hearing upon such writ on behalf of the people. In all matters of habeas corpus in which the constitutionality of any law or ordinance has been raised, and in all appeals in which the constitutionality of any law or ordinance has been raised, the City Prosecutor must immediately notify the City Attorney thereof. The City Attorney may in his discretion become associated with the City Prosecutor in any such action or proceeding and have charge of such litigation.

(e) Subject to approval of the City Council, the City Prosecutor shall be allowed such investigation funds as necessary to perform the duties set forth herein; and may employ special investigators in connection therewith.

(f) The City Prosecutor shall draft penal ordinances and shall render opinions relative to penal ordinances upon the request of the City Council, City Manager and department heads.

(Amended by Prop. F, 5-1-2007, eff. 5-22-2007)

Sec. 704. - VACANCY IN THE OFFICE OF THE CITY PROSECUTOR.

In the event of a vacancy in the office of the City Prosecutor, for any reason, the City Council shall designate an Assistant City Prosecutor or Deputy City Prosecutor, who shall become the Acting City Prosecutor and shall serve in that position until the City Council appoints a successor for the unexpired balance of the term. Any person serving as Acting City Prosecutor must possess the qualifications prescribed for the City Prosecutor.

ARTICLE VIII. - CITY AUDITOR

Section 800. - OFFICE OF THE CITY AUDITOR.

The office of the City Auditor shall consist of the City Auditor and such employees as the City Council may provide for in the budget.

Sec. 801. - QUALIFICATION AND TERM OF OFFICE.

The City Auditor shall be elected by the qualified electors of the City and shall hold office for four (4) years, and until a successor has been elected and qualified. To qualify for the office of City Auditor, a

candidate shall be licensed to practice in the State of California as a certified public accountant and have been so certified for at least five (5) years immediately preceding the date of filing of a nominating petition for the office of City Auditor.

(Amended by Prop. S, 4-9-2002, eff. 6-10-2002)

Sec. 802. - APPOINTMENTS BY THE CITY AUDITOR.

The City Auditor shall appoint all employees in his office, for whose acts he shall be responsible. Such appointees shall serve at the pleasure of the City Auditor.

Sec. 803. - DUTIES OF THE CITY AUDITOR.

The City Auditor shall be the general auditor of the City and of every department, commission and office thereof. The City Auditor shall have the authority to conduct performance audits of City departments, boards, commissions and offices. Performance audits are defined as independent assessments of programs, functions, operations, or management designed to enhance performance, cost savings, efficiency or service improvements. The City Auditor, as often as the City Auditor shall deem it advisable, but in any case at least once in each fiscal year, and at such other times as the City Auditor shall be directed by the City Council, shall carefully examine and audit the books, records, accounts, funds and securities of all departments, boards, commissions and offices of the City for the purpose of determining: the accuracy and correctness of such books, records and accounts; that the City and Commissions thereof are receiving all monies, of whatsoever nature due it or them; and that such monies are allocated to the funds entitled thereto. Immediately upon the completion of such examination and audit, the City Auditor shall make and file with the City Clerk and City Council, a written report thereof. If, during the course of such examination and audit, the City Auditor discovers any irregularities, the City Auditor shall immediately make and file a written report thereof to the City Clerk and City Council.

The City Auditor shall verify the cash in the City Treasury at least once a quarter and shall make a written report thereof to the City Council.

(Amended by Meas. AAA, 11-6-2018, eff. 12-11-2018)

Sec. 804. - DISBURSEMENTS AUDIT.

The City Auditor shall regularly review all systems and procedures for the disbursement of City funds and all its departments, commissions, offices and agencies and shall require such controls as deemed necessary to insure that such disbursements are made in accordance with applicable laws, regulations and policies. As evidence of this regular review, the City Auditor shall sign or cause to be affixed his or

her facsimile signature to each check or warrant. If the City Auditor objects to a disbursement, the objection may be overruled by a majority vote of the membership of the City Council or by such other independent commission or agency of the City having appropriate jurisdiction. The provisions of this or any other section shall not preclude the authorization and use of imprest cash funds to effect economies in the processing of nominal City expenditures, subject only to advance approval by the City Auditor of procedures, amount and general purpose of such funds.

Sec. 805. - RECEIPTS AUDIT.

The City Auditor shall regularly review all systems and procedures relating to the receipt of funds by the City and all its departments, commissions, offices and agencies and shall require such controls as deemed necessary to insure that such receipts are properly deposited on a timely basis in the City Treasury.

Sec. 806. - COPIES OF RECORDS, REPORTS AND CONTRACTS.

A certified copy of every contract in which the City or any of its commissions is a party shall be filed with the City Auditor within ten (10) days after execution. The City Auditor shall be furnished a copy of all reports of a financial nature prepared by any department, commission, office or agency of the City. In the performance of his or her duties, the City Auditor shall have timely access to all City records, including but not limited to financial records, contracts, documents, systems, files, property and other internal records, unless restricted or prohibited by law.

(Amended by Meas. AAA, 11-6-2018, eff. 12-11-2018)

Sec. 807. - VACANCY IN THE OFFICE OF THE CITY AUDITOR.

In the event of a vacancy in the office of the City Auditor for any reason, the City Council shall designate an assistant as Acting City Auditor who shall serve in that position until the City Council appoints a successor for the unexpired balance of the term. The City Council shall act as expeditiously as possible to appoint a successor having the qualifications prescribed herein.

ARTICLE IX. - PARKS AND RECREATION COMMISSION

Section 900. - CREATION OF PARKS AND RECREATION COMMISSION.

There is hereby created a Parks and Recreation Commission.

(Amended by Meas. T, 11-5-2002, eff. 11-27-2002)

Sec. 901. - MEMBERSHIP AND TERMS OF PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall be composed of seven (7) members who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council. No member shall hold an elective office in the City of Long Beach, during their term on the Commission.

The term of each member shall be 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 one (1) term.

(Amended by Meas. T, 11-5-2002, eff. 11-27-2002)

Sec. 902. - POWERS AND DUTIES OF THE PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall have such exclusive authority over all leisure activities in public parks and recreational facilities, controlled or operated by the City, as may be prescribed by the City Council by ordinance; and with respect thereto shall have the following powers and duties:

- (a) Recommend to City Manager and City Council the acquisition of land for public parks and public recreation, the dedication of public land for public parks, the removal of public land from dedication as park land, and the acquisition of buildings, waterways, or other facilities for public recreation.
- (b) Recommend to the City Manager, City Council and Planning Commission the approval or rejection of plans for improvement of parkland for public recreation and for other purposes, including but not limited to buildings and other facilities, other than land and facilities within the tide and submerged lands granted to the City pursuant to Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 157, Statutes as of 1935; interpreted by Chapter 29, Statutes of 1958, First Extraordinary Session; Chapter 138, Statutes of 1964, First Extraordinary Session; and land and facilities situated in the local coastal zone in the City.
- (c) Authorize the issuance of permits and agreements related to leisure activities in public parks and recreational facilities controlled or operated by the City.
- (d) Establish fees for public recreational programs and use of public parks and recreation facilities.
- (e) Perform such other duties as may be delegated by the City Council by ordinance.

(Amended by Meas. T, 11-5-2002, eff. 11-27-2002)

Sec. 903. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007; Amended by Meas. T, 11-5-2002, eff. 11-27-2002)

Sec. 904. - APPEAL TO CITY COUNCIL.

The City Council shall by ordinance establish a procedure for appeal to the City Council of Commission actions relating to City sponsored programs, services and facilities. By two-thirds ($\frac{2}{3}$) vote, the City Council shall have the power on any such appeal to affirm, modify or overrule the decision of the Commission.

(Amended by Meas. T, 11-5-2002, eff. 11-27-2002)

Sec. 905. - PARKS IN PERPETUITY.

The City Council shall by ordinance adopt zoning and other regulations for the proper use and protection of parks, plazas, beaches, golf courses, playgrounds, recreation facilities, and other recreation areas in the City.

Notwithstanding any other provisions of this Charter to the contrary, those areas that have been dedicated or designated as public park or recreation areas of the City shall not be sold or otherwise alienated unless first authorized or later ratified by an affirmative vote of a majority of the qualified electors of the City voting at an election for such purpose; except that the City Council may sell or alienate public parks or recreation areas, or any portions thereof, if, after a public hearing, and the approval of the Parks and Recreation Commission, the City Council determines that said park or recreation areas will be replaced by other dedicated or designated park or recreation areas on substantially an amenity for amenity basis, and at a ratio of at least two to one (2:1); and further that an approximately equal portion of the replacement land will be located in the park service area where the land was converted, and an approximately equal portion of the replacement land will be located in a park service area needing parkland as determined by the Parks and Recreation Commission.

(Added by Prop. E, 5-1-2007, eff. 5-22-2007)

ARTICLE X. - PLANNING COMMISSION

Section 1000. - CREATION OF PLANNING COMMISSION.

A Planning Commission is hereby created.

Sec. 1001. - ORGANIZATION.

The Planning Commission shall be composed of seven (7) residents of the City.

Sec. 1002. - POWERS AND DUTIES OF THE PLANNING COMMISSION.

It shall be the responsibility of the Planning Commission to advise the City Council on all matters affecting the development and redevelopment of the City and to perform such other related functions as may be authorized by the City Council. All actions of the Commission shall be advisory only, except for those matters where final authority has been assigned to the Planning Commission. The powers and duties of the Planning Commission shall include the following:

- (a) To prepare, approve and recommend to the City Council for adoption or amendment a comprehensive General Plan which shall serve as a basic policy guide for future growth, development, redevelopment, conservation and improvement of the City.
- (b) To prepare, approve and recommend to the City Council for adoption or amendment all specific neighborhood plans and redevelopment area plans.
- (c) To prepare, approve and recommend to the City Council such ordinances and resolutions, including zoning and subdivision regulations, as are necessary to implement the General Plan, specific neighborhood plans and redevelopment area plans. The City Council shall not adopt or amend any such ordinances or resolutions until it has first requested a report and recommendation from the Commission. The report shall be submitted within a reasonable time and shall evaluate such recommendation with regard to its consistency with the General Plan.
- (d) To analyze data and information on the physical, social and economic conditions of the City with reference to both past and future conditions, and to report regularly to the City Council on such matters.
- (e) To review the City's long range capital improvement plan to ensure that it is consistent with the City's general plan.
- (f) To perform such other duties as may be established by this Charter or the City Council.

ARTICLE XI. - CIVIL SERVICE SYSTEM AND CIVIL SERVICE EMPLOYEE RIGHTS AND APPEALS COMMISSION

Footnotes:

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Editor's note— Meas. JB, adopted 11-5-2024, amended article XI title to read as herein set out. Former article XI was titled Civil Service.

Sec. 1100. - PURPOSE AND ORGANIZATION.

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 to ensure the provision of a merit-based system. This Article also establishes an independent Civil Service Employee Rights and Appeals Commission which shall be composed of five (5) residents of the City. The purpose of the Civil Service Employee Rights and Appeals Commission is to ensure the classified service is provided all appeal rights identified in this Article.

(Amended by Meas. JB, 11-5-2024)

Sec. 1101. - POWERS AND DUTIES.

The Civil Service System and Civil Service Employee Rights and Appeals Commission shall be implemented as follows:

- (a) The Civil Service System shall be implemented by the Department of Human Resources which shall:
 - (1) Recommend to the City Council adoption and amendment of Civil Service Rules and Regulations, excluding Rules and Regulations related to the classified employee disciplinary appeal process;
 - (2) Provide for the examination and certification for employment in the classified service;
 - (3) Create classifications of employees in the classified service, subject to the power of the City Council to establish positions of employment; and
 - (4) Maintain eligible lists for classified positions as needed;
- (b) The powers and duties of the Civil Service Employee Rights and Appeals Commission shall be to:
 - (1) Recommend to the City Council the adoption and amendment of Civil Service Rules and Regulations related to the classified employee disciplinary appeal process;
 - (2) Adjudicate the disciplinary appeals of classified employees (except classified employees represented by the Firefighters Association shall have their appeals heard by a hearing officer; classified employees represented by the Police Officers Association or Lifeguard Association shall have the option to have their appeals heard by a hearing officer; in all instances the hearing officer's decision shall be final relative to an employee's obligation to exhaust administrative remedies), subpoena and require the attendance of witnesses and the production of any documents pertinent to any appeal, and to administer oaths to such witnesses;

- (3) Conduct independent investigations concerning the enforcement of the rules adopted regarding employee disciplinary appeals;
 - (4) Enforce and remedy violation of Civil Service Rules and Regulations through the classified employee disciplinary hearing process;
 - (5) Receive and resolve complaints relative to the hiring process of the classified service and rule on appeals by classified employees of industrial retirement determinations;
 - (6) Make final decisions in any matter properly brought before it; and
 - (7) Receive an annual report on hiring in the City.
- (c) The powers and duties of the City Council shall be to:
- (1) Adopt and amend Civil Service Rules and Regulations; and
 - (2) Direct the City Manager to conduct independent investigations concerning the enforcement of this Article.

(Amended by Meas. JB, 11-5-2024)

Sec. 1102. - CATEGORIES OF EMPLOYMENT.

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

- (a) The unclassified service shall include:
- (1) All officers elected by the people and all employees of such elected officers;
 - (2) Members of all appointive commissions;
 - (3) The City Manager and all employees of the City Manager's Department;
 - (4) The City Clerk and all employees of the City Clerk;
 - (5) The Director of Police Oversight and all employees of the Director of Police Oversight;
 - (6) Department heads, Deputy Department Directors in each department, bureau heads, division heads, and one clerical position for each;
 - (7) Any classification which, at the discretion of the City Council, is of such a nature as to require unique and special flexibility for efficient administration;
 - (8) The Executive Secretary of the Board of Harbor Commissioners and Harbor Department Sales, Traffic and Promotion personnel, the Chief Wharfinger and all personnel intermittently employed in handling cargo and freight;
 - (9) All personnel serving in non-career positions, as defined by the Civil Service Rules and Regulations.
- (b) The classified service shall comprise all positions not specifically included in this Charter in the unclassified service.

Sec. 1103. - DISCIPLINARY APPEALS.

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

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. 1105. - PREFERENCES.

Unless otherwise prohibited by federal, state or local law and/or funding sources, including but not limited to funds and revenues derived from tidelands, the following preferences shall be provided in all Civil Service examinations except promotional examinations:

(a) Veterans Preference.

- (1) The City shall, in addition to all other credits, give to veterans passing the examination, a credit of ten (10) additional points. Disabled veterans passing the examination shall receive a credit of fifteen (15) points.
- (2) Veterans as used herein shall mean all persons released or discharged from active service under honorable conditions in the Armed Forces of the United States or in the Coast Guard.
- (3) Ten (10) credits shall likewise be granted to the un-remarried spouses of veterans killed in action, who died of wounds or of a service connected illness and to the spouses of disabled veterans who themselves are not qualified for employment, but whose spouses are qualified. A disabled veteran is defined as a veteran possessing at least a ten percent (10%) service connected disability certified by the Veterans Administration.
- (4) Documentary proof of eligibility for Veteran's Preference Credits and exemption from the eligibility limitation must be submitted prior to approval of the Eligible List by the Commission. In the case of a tie grade between a veteran and non-veteran, the veteran

shall be ranked highest.

- (b) Local Preferences. The City shall, in addition to all other credits, give to any candidate who passes the examination, a credit of five (5) additional points, up to a maximum of ten (10) additional points, if the candidate meets one or more of the following criteria:
- (1) Residency: at the time of the application, the candidate resides within the jurisdictional boundaries of the City of Long Beach;
 - (2) Higher education: where the job description requires or considers a degree, the candidate graduated or otherwise received a degree from an institution of higher education, including those institutions within the California Community Colleges, the California State University, and the University of California systems or independent or private colleges and universities, with on-site campuses located within a ten (10) mile radius of the jurisdictional boundaries of the City of Long Beach and within the County of Los Angeles;
 - (3) Internal candidate: at the time of application, the candidate is employed in a Non-Career capacity with the City of Long Beach and has completed at least 1,500 hours of service with the City within the two (2) years preceding the date of the job announcement; and/or
 - (4) Internship or Apprenticeship: the candidate participated in an internship or apprenticeship program(s) relevant to the position for which the candidate is seeking employment and has completed at least 1,000 hours of internship or apprenticeship within the two (2) years preceding the date of the job announcement.

(Amended by Meas. JB, 11-5-2024; Amended by Meas. C, 11-2-2010, eff. 12-7-2010; Amended by Prop. V, 4-9-2002, eff. 6-10-2002)

Sec. 1106. - SUMMARY DISMISSAL.

Any appointive officer or employee of the City, except assistants, deputies, officers, clerks, employees and attaches holding office at the pleasure of an elective officer, may be summarily dismissed for the good of the service by the City Manager with the consent of two-thirds ($\frac{2}{3}$) of the City Council.

ARTICLE XIA. - POLICE OVERSIGHT COMMISSION AND POLICE OVERSIGHT DIRECTOR

Footnotes:

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Editor's note— Amended by Meas. E, 11-8-2022, eff. 1-23-2023, the title of Art. XIA and the associated section titles to read as herein set out. The former Art. XIA was entitled "Citizen Police Complaint Commission."

Section 1150. - CREATION OF POLICE OVERSIGHT COMMISSION.

There is hereby created a Police Oversight Commission.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

Sec. 1151. - MEMBERSHIP AND TERM OF POLICE OVERSIGHT COMMISSION.

- A. Members. The Police Oversight Commission shall be composed of seven (7) members who are broadly representative of the racial, ethnic, religious, age, gender, sexual identity, and disabled members of the general public, and who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council.
- B. Term of Office. The term of office for members of the Commission shall be four (4) years. No member shall be appointed for more than two (2) consecutive terms. Notwithstanding the provisions of this Section, the three (3) members first appointed by the Mayor to this Police Oversight Commission shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.
- C. Vacancies. Appointments to fill vacancies on the Commission shall be made within sixty (60) days of the position becoming vacant. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. Serving any portion of an unexpired term shall not be counted as service of one term. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.
- D. Quorum. A majority of members of the Commission shall constitute a quorum, and the affirmative vote of at least a majority of members shall be required to take any action.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

Sec. 1152. - APPOINTMENT OF POLICE OVERSIGHT DIRECTOR.

The City Council shall appoint a Police Oversight Director who shall be the chief administrative officer of the Police Oversight Commission. The City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds ($\frac{2}{3}$) 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 Police Oversight Director 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 ($\frac{2}{3}$) of its members. The Director shall have the following authority:

- A. Audit completed investigations for timeliness, thoroughness and quality;
- B. Review Internal Affairs' intake of complaints to ensure the appropriate allegations have been included for investigation;
- C. Investigate issues, such as complaints against the Chief or Command Staff, an officer-involved-shooting, an in-custody death, or other critical incident, as defined in California Government Code Section 6254(f)(4)(C), upon request of the City Manager or designee;
- D. Review all major use of force incidents, which shall be defined as incidents in which the use of force by any peace, custodial or public officer, as defined in California Penal Code Section(s) 830.33(d), 831(a) and 836.5(a), against a person, resulted in death or in great bodily injury;
- E. Have access to the scene of critical incidents to observe Long Beach Police Department's handling of the incident investigation;
- F. Prepare an Annual Report with a focus on Statistical trends and special reports;
- G. Make recommendations and prepare reports to the Commission relating to Long Beach Police Department operations, policy, procedures and training;
- H. Have access to all relevant Police Department records and data, with the authority to question witnesses, including Police Department personnel, in order to fulfil the duties stated herein; and
- I. Required to preserve the privacy of Long Beach Police Department employees, including personnel files, and keep confidential all Long Beach Police Department files and other data to the maximum extent permitted by law.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

Sec. 1153. - POWERS AND DUTIES OF THE COMMISSION.

The Commission shall have the following powers and duties:

- A. Provide input to Police Oversight Director on setting auditing priorities and to review and approve recommendations from the Police Oversight Director;
- B. Solicit input from the community on recommendations under consideration;
- C.

Provide feedback to Police Oversight Director on annual reports with a focus on statistical trends and special reports on matters addressed by the Police Oversight Director;

D. Educate and engage with the community and bring community concerns to the attention of the Police Oversight Director and the Long Beach Police Department; and

E. Receive briefings on high-profile incidents and keep confidential such information to the maximum extent permitted by law.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

Sec. 1154. - CONFIDENTIALITY.

The Commission's meetings shall be open to the public to the extent legally possible and insofar as it does not conflict with state or federal law.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

Sec. 1155. - STAFF ASSISTANCE AND BUDGET.

Staffing for administrative and management functions of the Commission will be addressed in the Municipal Code. The Commission will have a budget, as determined by the City Council, sufficient to conduct the Commission's mission and business.

(Amended by Meas. E, 11-8-2022, eff. 1-23-2023; Added by Prop. 1, 4-10-1990, eff. 5-3-1990)

ARTICLE XII. - HARBOR DEPARTMENT

Section 1200. - ESTABLISHMENT OF HARBOR DEPARTMENT.

To promote and develop the Port of Long Beach, there is hereby created a Harbor Department.

Sec. 1201. - HARBOR DISTRICT.

The boundaries of the Harbor District, as referred to in this Article, are those existing as of the first day of February, 1979, or as the boundaries may have been thereafter changed in accordance with law.

Sec. 1202. - BOARD OF HARBOR COMMISSIONERS.

The exclusive control and management of the Harbor Department is hereby vested in the Board of Harbor Commissioners, which shall be composed of five (5) members.

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

The Commission shall have the exclusive power and duty for and on behalf of the City:

- (a) To sue and defend in the name of the City in all actions and proceedings pertaining to any matters within the jurisdiction of the Commission.
- (b) To provide for the needs of commerce, navigation, recreation and fishery in the Harbor District; to plan, promote, develop, construct, re-construct, alter, repair, maintain, equip, and operate all properties including, but not limited to, the piers, wharves, seawalls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, and all other publicly owned facilities or appliances incident to the operation of the Harbor District, both inside and outside the Harbor District; to dredge and reclaim land, to construct, equip and operate terminal trackage with connections between docks, piers and other Harbor District properties and connect the same with mainline tracks; to provide services including, but not limited to, tugs, dredges, fireboats, barges, cold storage plants; to establish, equip and operate all other facilities or aids incident to the development, protection and operation of the Harbor District, and to modify plans from time to time as the requirements of commerce, navigation, recreation or fishery may demand, and as the Commission may deem proper and desirable in its judgment.
- (c) To direct, control, and supervise the Harbor District, including all the waterfront properties, and lands adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities and other utilities, and all rights and interests belonging thereto, which are now or may hereafter be owned or possessed by the City, both inside and outside of the Harbor District, except the Commission shall not make any lease or contract or exercise any voting rights relating to lands or parts, thereof both inside and outside of the Harbor District, which the Commission has determined by resolution are not required for the promotion or development of commerce, navigation, recreation, or fishery for so long as the same may be used for or in connection with the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City. Any such leases, contracts, voting rights, unit agreements, Harbor resolutions, or approvals currently in existence or entered into in the future in such areas or on any lands or parts thereof for or in connection with the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances shall be under the exclusive jurisdiction and control of the City Council.
- (d) To control and have jurisdiction of that part of the City hereinafter defined as the "Harbor District", as said district was bounded and described on the first day of February, 1979,

except the Commission shall not have control or jurisdiction as to those lands, or parts thereof, within said district as may be used for or in connection with the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City, said lands or parts thereof both inside and outside of the Harbor District shall be under the exclusive jurisdiction and control of the City Council consistent with Article XIII of the Charter; and to make and enforce in the Harbor District general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in the Commission; provided, however, that with the approval of the City Council, the Commission may with the prior approval of the electors, relinquish to the City Council control of portions of the Harbor District. Upon request of the Commission, the City Council may, by ordinance, also with the prior approval of the electors, change the boundaries of the Harbor District.

- (e) To require owners of water terminal properties and facilities within the Harbor District to keep said properties and facilities in proper condition and repair and to maintain them with special reference to the safety of persons and property and the reduction, of fire hazard or nuisances. The Commission shall have the right to inspect such terminal facilities at reasonable times.
- (f) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation, recreation or fishery in the Harbor District; to fix the proper license fees to be paid to the City by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Commission shall have the right, at all reasonable times, to have access to, and, in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the Commission may prescribe. The amounts of the license fees to be paid to the City by any such person, firm or corporation, operating any such public service or utility and the rates or tolls to be charged and collected for service furnished or supplied by such public service or utility shall be fixed by the Commission by ordinance.
- (g) To regulate the speed, berthing, anchoring, towing, loading, unloading and mooring of vessels within the Harbor District.
- (h) To provide for handling, storage and reconditioning of all commodities; to sell or otherwise dispose of personal property within its possession or ownership.

- (i) To issue receipts, negotiable or otherwise, for property or merchandise, in its charge or possession, and to act as agent in sales and other contracts.
- (j) To fix all rates, dockage, rentals, tolls, pilotage, wharfage, and charges for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Harbor Department, and to provide for the collection thereof.
- (k) To use, for loading and unloading cargo, with the right to collect tolls, dockage and other terminal charges thereon, such portions of the streets of the City ending or fronting upon the water areas of the harbor of said City, as may be used for said purposes.
- (l) To lend its aid to secure the improvements of navigable tidal waters, within or adjacent to the Harbor District where, in its opinion, such improvements are economically justifiable, and in the general carrying out of its powers to cooperate with the City, with neighboring cities, other ports, the State of California, or the United States Government; and to appear before state, federal and other public legislative and administrative authorities.
- (m) To manage the business of the port and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the Harbor District, within the State of California or other states or in foreign countries, through such employees and agencies as it may deem expedient.
- (n) To acquire in the name of the City by purchase, condemnation, gift, lease, or otherwise take over and hold all lands, property, property rights, leases, or easements, and personal property of every kind, necessary or convenient for the development and operation of the Harbor District, or for the carrying out of the powers herein granted to the Commission.

Whenever the Commission determines that any lands owned by the City within its jurisdiction have become unnecessary for port purposes or harbor development, it may by ordinance, transfer such land to the control of the City Council, free from all restrictions, other than trust restrictions, if any.

- (o) To enter into contracts, agreements, leases, or stipulations, germane to the scope of its powers and duties.
- (p) To let all work by contract or order it done by day labor, as the Commission may determine.
- (q) To create bureaus and divisions of the Harbor Department. To employ and appoint 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 (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.

- (r) To confer upon and delegate to the Executive Director such powers and duties as the Commission shall deem appropriate.
- (s) To expend all funds necessary to carry out the powers and duties herein expressed.
- (t) To adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the Harbor District and its facilities.
- (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 Dollars (\$1,000.00) fine, or six (6) months imprisonment, or both.
- (v) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Article, and to exercise all powers not in conflict with the Constitution of the State, or with this Charter, germane to the scope of its powers, purposes and duties.

(Amended by Meas. HC, 11-5-2024; Amended by Meas. D, 11-2-2010, eff. 12-7-2010)

Sec. 1204. - ADDITIONAL POWERS.

The City Council, subject to the approval of the Commission, may by ordinance confer upon and delegate to the Commission from time to time, such additional powers and duties which may be vested in it, and which it may deem necessary or convenient to carry out the general purposes of such Commission.

Sec. 1205. - CONTROL OF HARBOR PROPERTY.

No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street, or other public improvement shall be located or constructed in the Harbor District by the City without the approval of the Commission.

Sec. 1206. - ORDINANCES AND RESOLUTIONS.

All actions taken by the Commission shall be by motion or by resolution except as set forth in this Article.

The Commission shall keep a minute book wherein shall be recorded the proceedings taken at its meetings and it shall keep a record and index of all its resolutions and ordinances, which shall be open to public inspection when not in use.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three (3) members of the Commission.

No ordinance shall be placed upon its final passage upon the same day it has been introduced except emergency ordinances. All ordinances and resolutions shall be posted in three (3) conspicuous places in the City unless publication is ordered by the Commission or otherwise required by law. No ordinance shall become effective until thirty (30) days after the date of its final passage, except emergency ordinances.

The Commission may, by vote of three (3) of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth, and defined, and a separate roll call on the question of the emergency shall be taken.

All ordinances shall be signed by the president, or vice president of the Commission and attested by the secretary.

A certified copy of each ordinance adopted by the Commission shall be forthwith filed with the City Clerk, and the City Clerk shall keep a record and index thereof which shall at all times be open to public inspection.

All proceedings for the acquisition of real property by purchase, condemnation, or otherwise, or the granting of any lease longer than five (5) years, the fixing, regulating and altering schedules of rates, dockage, wharfage, tolls and charges for all public-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Harbor Department and the adoption of all general rules and regulations of the Commission, excepting administrative regulations of a temporary nature, shall be taken by ordinance, provided that the Commission may by resolution, fix, regulate and alter schedules of rates, dockage, wharfage, tolls and charges for all public-owned docks, piers, wharves, slips and other

facilities, and for services rendered by the Harbor Department for a period not to exceed ninety (90) days.

Sec. 1207. - LEASING.

- (a) All tidelands and submerged lands within the Harbor District, whether filled or unfilled, now owned or hereafter acquired by the City are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation, recreation or fishery, and shall, except as herein provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as herein provided, any part of or any interest in the waterfront, tidelands, submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the City in the Harbor District; provided that grants of such lands may be made to the State of California, or to the United States of America, for public purposes, when authorized by a majority vote of the qualified voters of the City, voting upon the question of authorizing any such grant at an election.
- (b) Notwithstanding any other provision of this Charter to the contrary, the Commission shall not be required to operate directly all of the properties, facilities and utilities under its control or jurisdiction, and shall have the power to authorize the operation of any of such properties, facilities and utilities by a private person, firm, association or corporation, whether by lease, franchise, license, assignment, permit or otherwise, upon such terms and conditions as the Commission shall prescribe, which terms and conditions shall include control over the rates, charges and practices of said private party to the extent permitted by law.
- (c) The Commission shall have power to grant to any person, firm or corporation, franchises, leases, assignments and permits of any properties and facilities belonging to or possessed by the City under the jurisdiction of the Commission for public uses and purposes consistent with the trusts upon which said lands are held for periods not exceeding sixty-six (66) years, as hereinafter provided. Whenever it shall be determined by the Commission, by ordinance, that such properties therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation, recreation or fishery the Commission shall have power to grant leases of such properties for periods not exceeding fifty (50) years, pursuant to competitive bidding, for any and all purposes, which shall not interfere with commerce, navigation, recreation or fishery, and are not inconsistent with the trusts upon which said lands are held by the City.
- (d) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental and compensation as prescribed therein, and to the limitations, conditions, restrictions and reservations contained in this Article. Every such grant for a period of five (5)

years or less shall be made by resolution, and every such grant for a period of more than five (5) years shall be made by ordinance.

Every ordinance making any such grant for a period of more than five (5) years shall be published and/or posted once in the same manner as ordinances of the City. Every such ordinance, whether published and/or posted, shall, before the same becomes effective, be subject to the referendum provisions of this Charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or the compensation at least every five (5) years during the term thereby created, upon such procedure as shall be specified in such grant.

- (e) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements provided for therein shall, if the same be not already constructed or made, be commenced promptly after such grant becomes effective, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.
- (f) No total or partial assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Commission.
- (g) Every such grant shall be subject to such rights-of-way over the lands embraced therein for such sewers, pipelines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the Commission and the same shall be subject to such rights-of-way for such streets and other highways and for such railroads and other means of transportation as shall have been duly established or shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the Commission for harbor improvements or for the development of facilities for the promotion and accommodation of commerce, navigation, recreation or fishery or for providing railroad or other terminal facilities.
- (h) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, seawalls and channels, constructed or maintained thereunder, shall be and become the property of the City without compensation therefor to the grantee or holder thereof; and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the City without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.
- (i) The Commission shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal of the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, any and all buildings, structures and improvements of whatsoever

character, erected, installed, or made under, through or because of, or pursuant to the terms thereof, shall immediately ipso facto become the property of the City, and every such grant shall so provide.

- (j) Grants of franchises, permits, leases, revocable permits and assignments provided for herein shall be made only upon written application therefor submitted to the Commission, which application shall set forth such information as the Commission may require and, when prescribed by the Commission, such application shall be accompanied by a fee to cover the expenses of making any such grant.
- (k) The Commission shall have power to enter into agreements with other agencies owning or operating facilities outside the Harbor District for the purpose of purchase, lease or other use or service of their facilities in order to facilitate the unified management and control of transportation facilities providing essential services to the Harbor District.

(Amended by Prop. T, 11-6-1984, eff. 12-17-1984)

Sec. 1208. - LEASING AND OPERATION OF RAILROAD FACILITIES.

The Commission shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the City upon such terms and conditions as it may prescribe. In order to provide for the unified or joint operation and control of railroad facilities in the Harbor District, both municipal and private, the Commission shall have power:

- (a) To lease all necessary privately-owned railroads, tracks, facilities and adjuncts and to operate, or provide for operation of, the same in conjunction with the municipal terminal railroad; or
- (b) To lease the municipal terminal railroad to an association, corporation or company for the purpose of operating the same together with all other privately-owned railroads, tracks, facilities, and adjuncts in the Harbor District necessary to provide unified or joint operation and control of all such facilities; provided, that any such lease shall be by ordinance and subject to the referendum provisions of this Charter.

Sec. 1209. - FINANCE.

- (a) All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled, or operated by the City in or upon or pertaining to the lands and waters under control and management of the Harbor Department; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for services, franchises or licenses, or otherwise by law or ordinance or order, to the City for the operation of any public

service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of the Harbor Revenue Fund, which fund has been heretofore created and established and is hereby continued, and shall be kept separate and apart from other monies of the City. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year.

- (b) The money deposited in the Harbor Revenue Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any monies in any sinking fund, or any surplus monies in the treasury of cities in the State, all interest, earnings, income or profits from the investment of said money shall likewise be deposited to the credit of said fund.
- (c) Monies credited to the Harbor Revenue Fund may be appropriated and used only for the following purposes:
 - (1) For the necessary expenses of promoting, conducting, managing and operating the Harbor Department, including, but not limited to, the operation, repair and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the City, for the promotion and accommodation of commerce, navigation, recreation or fishery, or used in connection therewith;
 - (2) For the acquisition, construction, completion and maintenance, to the extent and in the manner permitted by all applicable law, of harbor and port improvements, buildings, work, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation, recreation or fishery, or used in connection therewith, and for all other improvements and betterments authorized by law to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights, except that condemnation of property outside of the Harbor District shall require the consent of the City Council;
 - (3) For the payment of the principal or interest, or both, of harbor improvement bonds, either general obligation bonds or revenue bonds, issued for harbor improvements;
 - (4) For the transfer to the Tideland Operating Fund at the beginning of a fiscal year from revenues in the Harbor Revenue Fund of such sums as shall have been determined by the City Council, by a vote of two-thirds ($\frac{2}{3}$) of all its members, expressed by resolution, to be required to meet the lawful obligations of the Tideland Operating Fund; provided, however, that the final payment shall not exceed five percent (5%) of the gross operating revenues of the Harbor Department as shown on the most recent available independently audited financial statements; and further provided that such transfer of funds shall be subject to the prior approval of a majority of all members of the Board of Harbor

Commissioners, expressed by resolution, finding and determining that the funds proposed to be transferred will not be needed for Harbor Department operations, including, without limitation, operating expenses and capital projects, and that such transfer will not result in insufficient funds to pay the principal and interest as they fall due, or otherwise impair the ability to meet covenants, of general obligation or revenue bonds issued for harbor purposes. All such transfers shall be made by journal entry on the books of the City in the manner determined by the City Manager.

- (d) All reimbursements, repayments and approved reimbursement transfers from other established funds may be used for the same purposes as specified above. All such reimbursement transfers shall be made by journal entry on the books of the City in the manner determined by the City Manager.

(Amended by Meas. D, 11-2-2010, eff. 12-7-2010)

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 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 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 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.

(Amended by HC, 11-5-2024)

Sec. 1211. - BOND INDEBTEDNESS.

- (a) The proceeds from the sale of bonds now authorized or which shall hereafter be authorized for port or harbor purposes, shall be under the control of and expended by the Commission, and shall be expended for the objects and purposes for which the indebtedness was incurred. Whenever it is desired to incur additional general obligation bonded indebtedness for any object or purpose consistent with its general powers, the Commission shall prepare tentative plans and estimates and submit its recommendation in writing to the City Council.
- (b) The Commission shall be authorized, with the approval of a majority of all members of the City Council, to provide without an election for the issuance of revenue bonds secured by the revenues of the Harbor Department, including but not limited to revenues from the operation of the port and harbor facilities of the City as the facilities now exist or may later be extended or improved, for the purpose of acquiring, providing for, erecting, constructing, reconstructing, replacing, extending, or improving such improvements, utilities, structures, water craft, appliances, facilities and services as the Commission may deem necessary or convenient for the promotion or accommodation of commerce, navigation, recreation or fishery or for any use in connection therewith, or upon the lands and waters, or interest therein, in the possession and under the management, supervision and control of the Commission, or for the payment of the cost of acquiring or taking such real property or any interest therein, that the Commission may deem necessary or convenient for such purpose. The procedure for issuance of revenue bonds by the Harbor Department shall be established by procedural ordinance of the City Council.

Notwiths all or any part of this section, nothing herein shall be construed as a limitation upon the power
tanding of the City or of any department thereof to issue revenue bonds without an election, under
state law or procedural ordinance.

Sec. 1212. - MONIES ON HAND.

All money deposited in the City Treasury to the credit of the Harbor Bond Redemption and Interest Fund, which fund has been heretofore created and established and is hereby continued, shall be used solely and exclusively to pay the principal and interest on all general obligation bonds issued by the City of Long Beach for harbor purposes. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year. When there shall have been deposited in such fund sufficient money to pay the principal and interest on any and all outstanding bonds, thereafter, and until there may be other such

bonds outstanding, no further deposits shall be made into said fund. All money which would otherwise be deposited therein, including interest increments, shall be paid into the Harbor Revenue Fund. The money deposited in the Harbor Bond Redemption and Interest Fund may be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any monies in any sinking fund, or any surplus monies in the treasury of cities in the State. A separate fund or funds may be established for the purpose of paying, or securing the payment of, revenue bonds for harbor purposes and the pledge of revenue to such funds may have priority over any allocation of revenues to pay the principal and interest of general obligation bonds.

Sec. 1213. - DUTIES OF CITY TREASURER.

All monies under the control of the Commission shall be immediately paid over to the City Treasurer, who shall have the care and custody of said funds, and shall keep separate accounts thereof, and pay out the same, as provided in this Charter.

Sec. 1214. - CONTRACTS.

All contracts, except where the expenditure involved does not exceed the amount established by ordinance of the City Council for City departments shall be made and entered into upon competitive bidding in the manner and form as provided in this Charter. All powers and duties therein conferred or imposed upon the City Council in relation to all matters connected with the Harbor District, are hereby conferred and imposed upon the Commission. All powers and duties therein conferred or imposed upon the City Manager, in relation to all matters connected with the Harbor District are hereby conferred and imposed upon the Executive Director of the Harbor Department. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Commission, subject to public inspection. Except as otherwise provided, all supplies and/or materials not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for the Commission by the City Purchasing Agent, in accordance with procedures prescribed therefor by the City Manager.

Sec. 1215. - BUILDING PERMITS.

No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the Harbor District without first applying for and securing from the Commission a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Commission shall consider the application therefor, the character, nature, size and location of the proposed improvement and exercise a reasonable and sound discretion during said consideration.

Such permit shall be in addition to any permit which may be required by law from the Superintendent

of Building and Safety of the City. Notwithstanding the above language, all permits and approvals necessary for oil operations in the Harbor District including but not limited to drilling, developing, producing, extracting, processing, taking, removing, transporting, storing and disposing of oil, gas or other hydrocarbon substances shall be determined and approved by City.

(Amended by Meas. D, 11-2-2010, eff. 12-7-2010)

Sec. 1216. - PUBLIC STREETS.

Whenever the Commission shall determine that it is necessary to open, close, improve, alter or vacate a dedicated public street, or part of a street, or easement within the Harbor District, a certified copy of the resolution so determining such necessity shall be filed by the Commission in the office of the City Clerk, whereupon the City Engineer and the City Council may initiate and carry to completion the proceedings necessary to effect said proposal.

Sec. 1217. - CONFLICT WITH OTHER PROVISIONS.

The provisions of this Article shall supersede and control all other provisions of the Charter in conflict therewith. To all other extents, the powers, duties and functions heretofore vested in the City Council, or any of the officials, boards, or departments of the City shall be unimpaired.

ARTICLE XIII. - MANAGEMENT OF OIL PROPERTIES

Section 1300. - DEPARTMENT OF OIL PROPERTIES, ADMINISTRATION—OIL CONTRACTS.

- (a) There is hereby created a Department of Oil Properties. This department shall consist of a Director of Oil Properties and such employees as the City Council may provide for in the budget. The Director of Oil Properties shall be appointed by the City Manager and confirmed by the City Council. The Director of Oil Properties shall appoint, with the approval of the City Manager, all members of the department.
- (b) Subject to the supervision and control of the City Manager in all matters, the Director of Oil Properties shall have charge of and be responsible for the administration of the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City to the extent reserved to the City in any and all leases, contracts or other agreements between the City and other persons, firms, corporations or associations pursuant to the provisions of this Charter. The Director of Oil Properties shall also have charge of and be responsible for the administration of all subsidence control and pressure maintenance programs, and shall perform such other duties

as may be required by this Charter, by the City Manager or by ordinance adopted by the City Council.

Sec. 1301. - OIL PRODUCTION.

The power of the City to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances, of whatsoever kind, from, under, across or through any and all lands including all tide and submerged lands, whether filled or unfilled, and whether such lands belong to the City, or whether such lands be those in or from which the City now or hereafter may have said rights, shall be exercised by such means, or methods, or in such manner as the City Council may authorize.

Before such power may be exercised as to tide and submerged lands, whether filled or unfilled, or as to such lands as are held subject to the tideland trust, the City Council, as to such lands outside the Harbor District, and the Board of Harbor Commissioners, as to such lands within the Harbor District, shall first determine, by resolution, that such lands, or parts thereof, intended to be so used are not required, and with reasonable certainty will not be required, for a period of thirty-five (35) years or for such term or period of the lease, contract or other agreement between the City and other persons, firms, corporations or associations pursuant to which such powers may be exercised and relating to such lands or parts thereof, for the promotion or development of commerce, navigation, recreation or fishery.

With respect to tide and submerged lands, whether filled or unfilled, if the City Council shall elect to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances directly by its own employees and under its own supervision and direction, or by agreements with other persons, firms, corporations or associations, whereby the City shall pay a cash consideration for the performance of such agreements, said City Council may commence and prosecute such operations by using monies derived from, or allocated or assigned to, or attributable to production, from or allocated or assigned to all tide and submerged lands granted to the City by the State of California and to any lands within the City limits belonging to the City and which were purchased or acquired, in whole or in part, by use of tideland trust monies.

Sec. 1302. - COMPETITIVE BIDDING FOR OIL PRODUCTION RIGHTS.

- (a) The City Council may authorize and direct the execution of leases, contracts or other agreements between the City and other persons, firms, corporations or associations to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances from, under, across or through any and all lands including tide and submerged lands, whether filled or unfilled, belonging to the City, or such lands in or from which the City may now or hereafter have said rights for the term or period in each instance

not to exceed such as provided by law.

Any such lease, contract or other agreement referred to above shall be made and entered into with the highest responsible bidder upon competitive bidding in the manner and form as shall be approved by said City Council, after publication of notice calling for bids in a newspaper of general circulation within the City.

All specifications and forms for the purpose of inviting bids in connection with such leases, contracts or other agreements relating to tide and submerged lands, whether filled or unfilled, shall be approved by the State Lands Commission prior to publication of notice to bidders. All such leases, contracts or other agreements shall be of no effect unless and until approved by said State Lands Commission. All such leases, contracts or other agreements shall include all provisions necessary to assure compliance with the requirements of applicable laws of the State of California, including Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session, or such as may be lawfully required by subsequently enacted legislation, as such legislation is, has been or may hereafter be construed by the courts having jurisdiction thereof. No such leases, contracts or other agreements shall be modified or amended in any respect without the advance consent of said State Lands Commission.

The City Council may authorize the execution of any such lease, contract or other agreement between the City and other persons, firms, corporations or associations, including such lands, other than tide and submerged lands granted to the City by the State of California, in a community lease embracing adjoining lands not belonging to the City without such competitive bidding.

Notwithstanding the competitive bidding requirement hereinabove provided, the City Council may, by negotiation and without resort to competitive bidding, extend the term of any lease, contract or other agreement providing for the drilling for, developing, producing, extracting, processing, taking or removing, storing, and disposing of oil, gas or other hydrocarbon substances, and in connection therewith, amend and modify the provisions, conditions and limitations thereof, including any provision for the division of the proceeds from oil and gas operations conducted thereunder, concerning the lands above referred to, except as to those leases, contracts or other agreements relating to the exploration and development of the tide and submerged lands granted to the City by the State of California; provided, however, that any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five (25) years.

The power of extension hereby conferred is in addition to all other powers possessed by the City Council with respect to any such lease, contract or other agreement heretofore entered into and this subdivision is not intended, nor should it be construed, as divesting or in any manner diminishing any power which the City Council now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term hereof.

(b) Notwithstanding the determination requirement contained in the second unnumbered paragraph of Section 1301 or the limitation as to term contained in subdivision (a) of this Section, the City Council may enter into cooperative or unit agreements with respect to the lands or any interest in lands referred to in subdivision (a) of this section, all as more particularly hereinafter provided.

Whenever the City Council determines by resolution, that it is in the interest of safeguarding life, health, welfare or property, or that the subsidence or sinking of any of said lands or abutting lands may possibly be arrested or ameliorated thereby, or that it is in the interest of increasing the ultimate recovery of oil or gas from such lands or of the protection of the oil or gas in said lands from unreasonable waste, provision may be made in any lease, contract or other agreement so as to provide, and any existing lease, contract or other agreement may be amended so as to provide, that any such lands may, at the direction of the City Council, be included in a cooperative or unit agreement with other lands belonging to the City, or with other lands not belonging to the City, for the purpose of bringing about the cooperative development or operation of all or a part or parts of the oil and gas field in which such lands are located, or for the purpose of bringing about the development or operation of all or a part or parts of such field as a unit, or for the purpose of fixing the time, location and manner of drilling and operating of wells for the production of oil or gas, or providing for the return or injection of gas, water or other substances into the subsurface of the earth.

In the event the City Council determines that any such lands, including lands not subject to any lease, contract or other agreement, should be included in such a cooperative or unit agreement, the City Council shall have the power to negotiate and authorize the execution of all agreements necessary to effectuate, implement or modify such arrangement, including the power to bind and commit any such lands to a cooperative or unit agreement for the full term thereof and irrespective of the termination date of any lease, contract or other agreement then in effect as to such lands. The term of any such cooperative or unit agreement may be for such period or periods, including indefinite periods, as the City Council shall determine, and the competitive bidding provisions in this Charter prescribed shall not apply to the making, implementation or modification of any such cooperative or unit agreement.

The provisions of any existing lease, contract or other agreement between the City Council, the Board of Harbor Commissioners or the Board of Water Commissioners and any other person, firm, corporation or association relating to the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances derived from the lands which are subject to a cooperative or unit agreement may be amended, by negotiation and without resort to competitive bidding, to the extent the City Council shall determine is necessary or desirable in order to institute or effectuate such a cooperative or unit agreement; provided, however, no such amendment and no such cooperative or unit agreement nor any subsequent modification or amendment thereof, shall ever be construed as having the effect, either directly or indirectly, of

extending the term of any lease, contract or other agreement then in effect as to such lands beyond the termination date therein expressly provided, but the foregoing shall not prevent the City Council from extending the term of any such lease, contract or other agreement as permitted by this Charter or applicable law.

Before any tide or submerged lands, whether filled or unfilled, may be included in or committed to any cooperative or unit agreement, or before any modification or amendment of any cooperative or unit agreement which includes such lands may be made:

1. The City Council, as to such lands outside the Harbor District, and the Board of Harbor Commissioners as to such lands within the Harbor District, shall first determine, by resolution, that the surface of such lands or that portion of the surface intended to be utilized, is not required, and with reasonable certainty will not be required, during the term of the proposed cooperative or unit agreement for the promotion or development of commerce, navigation, recreation or fishery; and
2. The State Lands Commission shall approve of any such agreement or any amendments thereto or modifications thereof.

Notwithstanding any other subdivision or section in this Charter, the power of the City Council to enter into unit or cooperative agreements as hereinabove granted shall include the power to do such acts or things and to incur such commitments and obligations as are customary in unit or cooperative agreements. Without limiting the generality of the foregoing, the City Council shall have the right and power, anything to the contrary in this Charter notwithstanding, to give customary indemnities, liens on production, and other rights to the operator and other parties to the cooperative or unit agreement, and to share in the expenses of any such cooperative or unit agreement.

No agreement providing for a cooperative or unit development plan shall be authorized, the effect of which would permit the construction or installation of derricks, machinery or apparatus on the surface of any land for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances in any area of the City in which such operations shall then be prohibited by regulatory or initiative ordinance.

Sec. 1303. - AUTHORITY OVER OIL PRODUCTION TRANSFERRED TO CITY COUNCIL.

With respect to any and all leases, contracts or other agreements, including cooperative or unit agreements, relating to the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances, heretofore entered into pursuant to the provisions of this Charter, wherein the Board of Harbor Commissioners or the Board of Water Commissioners shall be a party thereto, the City Council shall be deemed to be, and shall constitute, the Board of Harbor Commissioners and the Board of Water Commissioners and shall act in the place and

stead thereof, and the City Manager shall be deemed to be, and shall constitute the General Manager of the Harbor Department or the General Manager of the Water Department, and all powers and duties therein conferred or imposed upon said General Managers are hereby conferred and imposed upon the City Manager, who may delegate the exercise of such powers and duties to a designated representative.

With respect to the aforementioned leases, contracts and other agreements wherein the Board of Harbor Commissioners or the Board of Water Commissioners are parties thereto, the duties and functions pertaining thereto as shall devolve upon the City Council by reason of the provisions of this section may be delegated by the City Council to the City Manager or his designated representative from time to time, by ordinance, resolution or minute order. With respect to the duties and functions of the City Council relating to any other leases, contracts or other agreements, including cooperative or unit agreements, pertaining to the drilling for, developing, producing, extracting, processing, taking or removing, storing or disposing of oil, gas or other hydrocarbon substances entered into by the City pursuant to the provisions of this Charter, such duties and functions may also be delegated by the City Council to the City Manager or his designated representative from time to time, by ordinance, resolution or minute order. A report of any action taken by the City Manager or his designated representative in accordance with such delegation by the City Council shall be submitted by the City Manager to the City Council at its next regular meeting thereafter, and such action taken shall be deemed approved, confirmed and ratified, in the absence of action contrary thereto, by said City Council at said meeting.

ARTICLE XIV. - PUBLIC UTILITIES DEPARTMENT

Footnotes:

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Editor's note— Amended by Meas. BB, 11-8-2022, eff. 1-23-2023, the title of Art. XIV and the associated section titles to read as herein set out. The former Art. XIV was entitled "Water Department."

Section 1400. - ESTABLISHMENT OF PUBLIC UTILITIES DEPARTMENT.

There is hereby created a Public Utilities Department which shall be under the exclusive jurisdiction and control of five commissioners who shall be known as the Board of Public Utilities Commissioners. The Public Utilities Department shall have full and complete jurisdiction over all facilities and works necessary and incidental to the use, sale and distribution of water and gas owned and controlled by the City, all of the City's sewer system, and any other public utility operated by the City which the City Council specifically designates by ordinance as under the jurisdiction and control of the Board of Public Utilities Commissioners. The Public Utilities Department and the Board of Public Utilities Commissioners shall be entitled to the rights, and liable for the obligations of, the Water Department and the Board of Water Commissioners under all existing contracts and otherwise as may be provided by applicable law.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1401. - RULES OF PROCEDURE.

The officers, their terms and duties, dates and times of meetings, form of minutes, and other procedural matters shall be established by the Commission to govern its activities under this Charter.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1402. - WATER RIGHTS.

The City shall continue in the ownership and enjoyment of all water and water rights vested in it, and ownership of the right to develop, economize, control, use, conserve, and utilize all water flowing or being beneath the surface of any and all lands now owned or that may be hereafter acquired by it. No water rights now or hereafter owned or controlled by the City, shall ever be permanently sold, leased or disposed of, in whole or in part, without the assent of two thirds ($\frac{2}{3}$) of the qualified voters of the City, voting on the proposition at a general or special election at which such proposition shall be lawfully submitted.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1403. - POWERS AND DUTIES.

The Commission shall have the complete and exclusive power and duty:

- (1) To supervise, control, regulate and manage the Public Utilities Department, and to make and enforce all necessary rules and regulations therefore, and for the exercise of such other powers as are conferred upon the Commission by this Charter.
- (2) To appoint a General Manager jointly selected by the Commission and the City Manager, who shall be the chief administrative officer of the Public Utilities Department, and who shall exercise the management of all activities placed under the jurisdiction of the Commission and to confirm the qualifications of Assistant General Manager(s) appointed by the General Manager. The Assistant General Manager designated by the General Manager shall perform the duties of the General Manager in the event of the absence or disability of the General Manager and shall perform such other duties as the General Manager shall direct. After appointment, the General Manager shall report to, and hold office at the pleasure of, the Commission. No such General Manager or Assistant General Manager(s), shall be, nor have been for at least one (1) year prior to employment at the Public Utilities Department, a member of the Commission.
- (3) To create positions of employment to be filled by the General Manager, and to establish

the duties, authority and range of compensation for those positions provided that the positions for classified service shall be subject to the Civil Service provisions of this Charter. The Commission shall establish a plan of succession describing who shall perform the duties and have authority of the General Manager, Assistant General Manager(s), and other key employees which plan of succession shall take effect in the event of a natural disaster, an emergency, or other catastrophe. All positions of employment in the permanent service of the Commission shall be created by resolution. The compensation fixed by the Commission for all officers and employees in the Public Utilities Department shall be subject to the prior approval of the City Council by resolution. All other privileges and benefits to which such officers and employees shall be entitled, except as provided by this Charter or other applicable law, shall be such as shall be prescribed by the City Council by ordinance or resolution.

- (4) To construct, operate, maintain, extend, manage and control facilities, works and property heretofore or hereafter acquired for the use of, or paid for directly or indirectly out of the funds of, the Public Utilities Department, and to acquire and take by purchase, lease, condemnation, or otherwise, and to hold in the name of the City any and all property situated within or without the City, and within or without the State, that may be necessary or convenient for such use; and also to have, exercise and enjoy in the name of and for and on behalf of the City of Long Beach, all powers, rights and privileges, that are granted to the City, or any of its officers or bodies, under an Act of Legislature known as Chapter 429 of the Statutes of 1927, as reenacted in 1969 as Chapter 209, and all amendments thereto.
- (5) To regulate and control the use, sale and distribution of natural gas owned or controlled by the City, the collection of gas charges and the granting of permits for connections with gas facilities; and to fix the rates to be charged for such connection including connections installed for other departments of the City; and subject to the approval of the City Council by resolution, to fix the rates to be charged for gas for use within or without the City, including rates for gas delivered to other departments of the City; and to prescribe the time and manner of payment of the same; provided that nothing in this Charter shall prevent payment to the Public Utilities Department by other departments of the City for gas delivered or service rendered or labor or materials furnished to such other departments. Such rates shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service. Such rates and charges for users of gas supplied by the Public Utilities Department shall be generally based upon the prevailing rates for similar services and commodities supplied or sold by other like utilities whether public or private, operating in the Southern California

area.

- (6) To regulate and control the use, sale and distribution of water owned or controlled by the City, the collection of water charges and the granting of permits for connections with water works; and to fix the rates to be charged for such connection including connections installed for other departments of the City; and subject to the approval of the City Council by resolution, to fix the rates to be charged for water for use within or without the City, including rates for water delivered to other departments of the City, and to fix rates to be charged the Fire Department for standby service to fire hydrants; and to prescribe the time and manner of payment of the same; provided that nothing in this Charter shall prevent payment to the Public Utilities Department by other departments of the City for water delivered or service rendered or labor or materials furnished to such other departments. Such rates shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.
- (7) To supervise, regulate, control, construct, operate, maintain, extend and manage the City's sewer system, the collection of sewer charges and the granting of permits for connections with the sewer system; and to fix the rates to be charged for such connection including connections installed for other departments of the City; and, subject to the approval of the City Council by resolution, to fix the rates and charges for sewer service, and to prescribe the time and manner of payment of the same; provided that nothing in this Charter shall prevent payment to the Public Utilities Department by other departments of the City for sewer service rendered or labor or materials furnished to such other departments. Such rates and charges shall be fair and reasonable, taking into consideration, among other things, the nature of the use and the value of the service.
- (8) To supply and distribute, at rates fixed as herein before provided, any surplus water or gas owned or controlled by the City and not required for the use of consumers served by the City within its limits, to consumers outside the City for their own use, and to municipal corporations outside the City for municipal uses, for resale, disposal or distribution, to consumers within their limits; provided that the supplying or distribution of such surplus water or gas shall in any case be subject to the paramount right of the City at any time, to discontinue the same, in whole or in part, and to take and hold or to distribute such surplus water or gas for the use of the City and its inhabitants; provided, further, that contracts for supplying surplus water or gas by the City to consumers or municipal corporations outside the City, or for any exchange of surplus water or gas with any such outside consumers or municipal corporations, may be made by the Commission in the name of the City, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the City as shall be prescribed by resolution

adopted by the Commission and approved by resolution of the City Council; but in every such contract, the right shall be reserved to the City to terminate the same upon written notice to such consumer or municipal corporation, to be given by the Commission whenever it shall determine that the water or gas to be supplied under such contract is required for the City and its inhabitants.

- (9) To sue and be sued in the name of the Commission, and to exercise complete control over all litigation wherein it is involved, or which pertains to any matters within the jurisdiction of the Commission; provided, however, that the City Attorney shall represent the Commission in all matters to which it is a party and shall be the sole and exclusive legal adviser of the Commission with reference to any of its functions, powers or duties under this Charter.
- (10) To sell or cause to be sold from time to time such personal property belonging to the Public Utilities Department as shall be no longer necessary or suitable for the use of the Public Utilities Department.
- (11) To lease, sell or dispose of any property, or any interest therein, belonging to the Public Utilities Department whenever in judgment of the Commission such property, or any interest therein, or part thereof, is no longer required for the purposes of the Public Utilities Department; such property may be leased for any purpose which does not interfere with the use of the same for the purpose of the Public Utilities Department. Any compensation received from the sale or lease of such property shall be paid into the Water Fund, the Gas Fund or such other fund of the Public Utilities Department as may be designated by the Commission, and shall be used for the purposes of the Public Utilities Department; provided, however, that except as otherwise provided in this Article, nothing herein shall authorize the Commission to sell, lease or dispose of any water rights, reservoir space or storage capacity, or any interest or space therein. Provided, further, the Commission shall not have authority to make any lease, contract or other agreement providing for the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances from, under, across or through any land under the control and jurisdiction of the Commission, and any such lease, contract or other agreement shall be made upon authorization of the City Council. The City Manager and City Council shall have jurisdiction of revenue derived from the development and production of oil and gas on lands under the management and control of the Commission.
- (12) To purchase supplies and equipment that may be necessary or convenient to the use of the Public Utilities Department.
- (13) To make contracts in the name of the Commission to carry into effect the powers granted

the Commission in this Charter; provided, that all contracts wherein the expenditure of funds of the Public Utilities Department exceeds the amount established by the City Council for City departments, except contracts for labor, materials or supplies for actual emergency work, shall be made and entered into upon competitive bidding as provided in this Charter, and all powers and duties therein conferred or imposed upon the City Council and/or City Manager are hereby conferred and imposed upon the Commission. At the time of publication of notice inviting bids, specifications of the supplies or materials required, or the plans and specifications of the work to be done, must be on file in the office of the Commission, subject to public inspection. Except as provided in this Charter, all supplies and/or materials, not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for the Commission by the City Purchasing Agent or City Procurement Service Officers, in accordance with procedures prescribed therefor by the City Manager as shall not be in conflict with this Charter or other applicable law.

- (14) To expend all money received in connection with the operation of the Public Utilities Department or management of properties under the control of the Commission; provided that all such monies shall be deposited in the City Treasury to the credit of funds to be known as the "Gas Fund", the "Water Fund", the "Sewer Fund" or to the credit of such other funds as the Commission may by resolution establish. Any interest or increment received on the money in such fund or funds shall be paid into such fund or funds and become a part thereof; and the monies deposited in such fund or funds shall be kept separate and apart from other money of the City and, except as may be allowed by other provisions of this Charter, shall be expended only for the purposes for which such fund was established. The Commission shall file with the City Auditor a notice giving the names and signatures of persons, designated by the Commission to sign demands and payroll authentication.
- (15) To supervise, control, regulate, construct, operate, maintain, extend and manage such other facilities, works and property as may be delegated or conferred upon the Commission by the City Council consistent with the provisions of this Charter.
- (16) To delegate to the General Manager such powers and duties as the Commission deems appropriate.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. T, 4-9-2002, eff. 6-10-2002; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1404. - DEMANDS AGAINST PUBLIC UTILITIES DEPARTMENT FUNDS.

The City Auditor shall approve no demand against any fund under the control of the Commission, excepting redemption of bonds and interest coupons, unless the same shall be signed and authenticated

as hereinabove provided, and by means of checks or warrants on the City Treasurer issued by the City Auditor. If the City Auditor, upon examination, believes that any demand is not a proper claim against any fund under the control of the Commission, the City Auditor shall immediately return such demand to the Commission with objections endorsed thereon. Such demand shall again be considered by the Commission, and if it shall again be allowed by the Commission, and such allowance over the objection of the City Auditor be certified by the signatures of the president or vice president and the secretary of the Commission, the objection of the City Auditor shall be thereby overruled. Any demand upon which the objections of the City Auditor have been overruled by the Commission shall be again returned to the City Auditor, who shall issue a check or warrant upon the City Treasurer for the same in like manner as if it had been approved by the City Auditor.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1405. - ANNUAL BUDGET.

The Commission shall, prior to the first day of the last month of the fiscal year, adopt a departmental budget for the forthcoming fiscal year covering the anticipated revenue and expenditures of the Public Utilities Department. Such departmental budget shall conform, as far as practicable, to the form provided in this Charter for the general City budget. Each such budget shall contain a sum to be known as the "Unappropriated Balance", which sum shall be available for appropriation by the Commission, by resolution, in the ensuing fiscal year to meet contingencies as they may arise. A copy of every resolution making an appropriation from such unappropriated balance shall promptly be filed with the City Auditor and City Manager. Two certified copies of such 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 in this section provided. The City Council shall, not later than the first day of the new fiscal year, approve such budget adopted by the Commission or shall amend such budget and approve the same as amended not later than the first day of the new fiscal year. In the event the City Council shall not approve such budget or amend the same and adopt such budget as amended on or before the first day of the new fiscal year, the same shall become effective as the official budget of the Public Utilities Department for the forthcoming fiscal year. In the event the City Council shall amend such budget and approve the same as amended, as above provided, a certified copy of such 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 such annual departmental budget or appropriations made subsequent to such annual budget as herein provided. Such annual departmental budget, when effective, shall constitute an appropriation covering the anticipated revenues and expenditures of the Public Utilities Department as therein set forth.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1406. - DESIGNATION OF ALTERNATES.

Whenever provision is herein made for the discharge of specific duties by a specified appointee, the Commission may designate an employee in the Public Utilities Department with full power to act in place of such appointee in case of such appointee's absence or inability to act.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1407. - USE OF PUBLIC UTILITIES DEPARTMENT FUNDS.

None of the money in or belonging to the Gas Fund, the Water Fund, the Sewer Fund or such other funds as are established by the Commission, shall be appropriated or used for any purpose except for the purposes for which such fund was established, as follows:

- (1) For the necessary expense of operating and maintaining gas facilities, water works and the sewer system, and for such surveys, reconnaissances, options, estimates, engineering data, experimentation and investigation, as in the discretion of the Commission shall be necessary, or as shall be incidental to the extension or betterment of the physical properties, or the business of the Public Utilities Department and/or the acquisition of additional lands, gas, water, water rights and/or other property.
- (2) For the payment of the principal and interest, or either, due or coming due upon outstanding notes, certificates or other evidences of indebtedness issued against revenues from gas facilities, water works and/or the sewer system in accordance with this Charter, or bonds or other evidences of indebtedness heretofore or hereafter issued for the purpose of gas facilities, water works and/or the sewer system, or parts thereof.
- (3) For the necessary expense of conducting and extending the business of the Public Utilities Department, and constructing, extending and improving gas facilities, water works and the sewer system, including purchases of lands, gas, water, water rights, and other property.
- (4) To return and pay into the general fund of the City, from time to time, upon resolution of the Commission, from any surplus money in the Gas Fund, the Water Fund, the Sewer Fund, or other funds established as aforesaid, any sums paid by the City from funds raised by taxation or the payment of the principal or interest of any municipal bonds issued by the City for and on account of gas facilities, water works or the sewer system.
- (5) To transfer to the general fund of the City any funds in the Gas Fund, the Water Fund and/or the Sewer Fund that are determined by the Commission to be unnecessary to meet the obligations described in subsections (1), (2), (3) or (4) above; provided that the maximum

transfer does not exceed twelve percent (12%) of the annual gross revenues of the gas facilities, water works and sewer system, respectively, as shown by a financial report audited by an independent accounting firm, or other applicable limits established by State law.

- (6) All proceeds from transfers authorized by subsection (5) above shall be used to maintain local general fund services as the City Council may by budget adoption or other appropriation direct, including without limitation 9-1-1 response, police/fire protection, street repairs, parks and libraries.
- (7) All proceeds from transfers authorized by subsection (5) above can be spent for unrestricted general revenue purposes.
- (8) The Commission is authorized to fix, and the City Council is authorized to approve, gas, water and sewer rates in an amount sufficient to recover the cost of the obligations described in subsections (1) through (5) above, subject to the limitation concerning gas rates contained in Section 1403(5) of this Charter.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1408. - (Deleted by , 11-8-2022, eff. 1-23-2023)

Sec. 1409. - TRUST AND SPECIAL DEPOSIT FUNDS.

The Commission may, by resolution, create and establish such trust and special deposit funds as shall be necessary and convenient for the deposit of monies received by the City or the Public Utilities Department as security for the payment of charges made for gas, water or other commodities furnished or service rendered by the Public Utilities Department, or for the deposit of monies received by the Public Utilities Department as advance payment in connection with the furnishing of gas, water or other commodity or the rendering of any service by the Public Utilities Department, or deposited with the Public Utilities Department in trust or for any special purpose in connection with the operation of the Public Utilities Department; and the fund, or funds, created and established under the authority herein contained shall be continuing funds, the monies of which shall not be subject to transfer at the close of a fiscal year, and, anything in this Charter to the contrary notwithstanding, any such resolution may provide that disbursements from any such fund, or funds, may be made for the purpose of the trust or according to the terms and conditions of the special deposit under which the monies in such fund, or funds, were received, without the necessity of demands, vouchers, or warrants drawn on the City Treasurer, and that such disbursements may be made in accordance with such rules and regulations as shall be prescribed in and by any such resolution.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1410. - ACTIONS TAKEN BY COMMISSION.

Any action by the Commission authorizing the acquisition or sale of real property, approval of contracts which obligate the City, or which involves a rule of general application to be followed by the public, shall be taken by the Commission by order or resolution.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Editor's note— Amended by Meas. BB, 11-8-2022, eff. 1-23-2023, the title of § 1410 to read as herein set out. The former § 1410 was entitled "Acquisition or Sale of Real Property."

Sec. 1411. - IMPROVEMENT OF GAS FACILITIES, WATER WORKS AND SEWER SYSTEM.

The Commission shall provide for the cost of extensions and betterments of gas facilities, water works and the sewer system, from the funds derived from the sale of bonds, so far as such funds are, or shall be, made available for the use of the Commission for such purpose, from income received from the revenue of the Public Utilities Department, and from the proceeds of loans contracted as provided in this Charter.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1412. - REPAYMENT OF BONDS.

The Commission shall each year apportion and set apart, out of the revenue funds of the Public Utilities Department, in the City Treasury, an amount sufficient to pay at maturity all sums coming due in such year for principal and interest upon all outstanding bonds issued for the gas facilities, water works or the sewer system and such amount shall be transferred forthwith into a special fund in the City Treasury, to be designated by a name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the City Auditor as may be required to make such payments of the principal and interest of such bonds and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payments out of revenue, as provided, of the principal and interest of general obligation bonds hereafter issued for securing water from new sources, shall be required only to the extent determined by the Commission, approved by a majority vote of the City Council, prior to the submission to the qualified voters of the City of the proposition of authorizing such general obligation bonds. Such resolutions shall be subject to amendment only by resolution of the Commission, approved by majority vote of the City Council, and assented to by a majority of the qualified voters of the City, voting on the question of approving such resolution at a general or special election at which such questions shall be lawfully submitted.

Notwithstanding all or any part of this section, nothing herein shall be construed as a limitation upon the power of the City or of any department thereof to issue revenue bonds without an election, under State law or procedural ordinance and nothing in this section or elsewhere in this Charter shall be construed to prevent a pledge of revenues to pay, or secure the payment of, the principal and interest of such revenue bonds, which pledge may have priority over any allocation of revenues to pay the principal and interest of general obligation bonds.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1413. - EMERGENCY LOANS.

The Commission shall have the power, upon determination that an emergency exists which justifies it in so doing, to borrow money upon such terms and conditions, and under such procedure, as may be prescribed by resolution, for the purpose of acquiring, constructing, reconstructing, repairing, extending or improving facilities or works, for supplying the City and its inhabitants with gas, water and sewer service, and to issue notes, certificates, or other evidences of indebtedness therefor, subject to the following provisions:

- (1) The whole amount of any such indebtedness shall be payable in a period not exceeding

five years from the time of contracting the same; provided, that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same, shall be subject to the right of the Commission to pay the same with accrued interest thereon on any interest due date, after such one year period.

- (2) The total outstanding indebtedness incurred under the provisions of this section with respect to the Water Fund, Gas Fund or Sewer Fund, respectively, must not exceed 33⅓% of such Fund's gross operating revenue during the preceding fiscal year.
- (3) The rates for gas, water and sewer service shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obligations and liabilities payable out of the revenues of the Public Utilities Department.
- (4) Such indebtedness shall be payable only from the revenue of the Public Utilities Department, and shall not be an obligation of the City.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

Sec. 1414. - PUBLIC UTILITIES DEPARTMENT'S POWER TO ACT AS CONTRACTOR.

The Public Utilities Department is empowered to act as contractor for, and do the work embraced in, the construction, reconstruction, extension or installation of gas, water and sewer mains, piping, conduits, tunnels, hydrants, pump stations, and other necessary facilities, works and appliances for the purpose of providing gas, water and sewer service.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. 2, 4-10-1990, eff. 5-3-1990)

ARTICLE XV. - ADDITIONAL PUBLIC UTILITIES

Footnotes:

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Editor's note— Amended by Meas. BB, 11-8-2022, eff. 1-23-2023, the title of Art. XV to read as herein set out. The former Art. XV was entitled "Department of Public Utilities."

Section 1500. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1501. - UTILITY REVENUES.

All revenues received from the operation of each public utility owned and operated by the City and not subject to Article XIV shall be deposited and kept in a separate revenue fund in the name of the utility operation generating the revenue and shall be disbursed therefrom on behalf of each such utility

operation in the following order of priority:

- (1) Payment of interest and principal coming due on any bonded indebtedness relating to the utility which generates the revenue in each such specified fund;
- (2) Payment of the annual operating and maintenance expenses, acquisitions, improvements and extensions of the respective utility system;
- (3) Set aside a portion of each fund as a reserve to be used for contingencies in the operation of each such utility;
- (4) The remainder in any of these funds that is determined by the City Manager to be unnecessary to meet the obligations described in subsections (1), (2) and (3) above may be transferred in accordance with applicable State law into the general fund of the City as approved by budget adoption or other appropriation by the City Council;
- (5) The City Council is authorized to fix rates in an amount sufficient to recover the cost of the obligations described in subsections (a) through (d) above, subject to the limitation contained in Section 1502 of this Charter.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Meas. M, 6-5-2018, eff. 7-10-2018)

Sec. 1502. - UTILITY RATES.

The rates to be charged users for any services or commodities supplied by any public utility owned and operated by the City shall be based upon the prevailing rates for similar services and commodities supplied or sold by other like utilities whether public or private, operating in the Southern California area.

ARTICLE XVI. - FRANCHISES

Section 1600. - GRANT OF FRANCHISE.

Plenary control over all uses of the streets and public places in the City of Long Beach is vested in the City. Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred.

Sec. 1601. - TERM OF FRANCHISE.

No franchise shall be granted for a period longer than sixty (60) years in, upon, over, across or under any street, highway, alley, or other public place in the City.

Sec. 1602. - APPLICATION FOR FRANCHISES.

An applicant for a franchise, permit or privilege shall file an application with the City Council in the manner and form required by City ordinance or resolution.

Sec. 1603. - HEARING AND BIDDING.

Each bidder shall deposit with the City Treasurer a sum of money to reimburse the City for expenses incurred in connection with the processing of the application as set forth by City ordinance or resolution. The procedures for bidding on new franchises, renewals or superseding franchises, and any hearings thereon, shall be set by ordinance.

Sec. 1604. - OTHER CONDITIONS OF FRANCHISES.

Nothing in this Charter shall be construed as prohibiting the City Council from inserting in any ordinance which grants any franchise, permit or privilege, such other conditions and requirements, not inconsistent with the provisions of this Charter, or which the people may, by the initiative process indicate their desire to have inserted.

ARTICLE XVII. - FINANCE

Section 1700. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1701. - PROPERTY TAXES.

The assessment of property for tax purposes, the equalization of such assessments, the levy, collection and enforcement of property taxes, and the redemption of property from delinquent taxes shall be as provided by State law.

All cost of removing weeds from property shall be a lien upon the real property from which such weeds have been removed. The time when the liens so provided shall attach shall be fixed by ordinance by the City Council.

Sec. 1702. - CITY MANAGER'S RECOMMENDED BUDGET.

The City Manager annually shall prepare, and not later than ninety (90) days prior to the beginning of

each fiscal year, submit to the Mayor the recommended budget for the forthcoming fiscal year, based upon detailed estimates furnished to the City Manager as may be prescribed. Departmental budgets of departments for which the City Manager is not administratively responsible shall be submitted as furnished by the heads of such departments, but in a form and on a date as prescribed by the City Manager. Not later than sixty (60) days prior to the beginning of the fiscal year for which the City Manager has prepared his recommended budget, the Mayor shall present the budget as submitted to the Mayor by the City Manager to the City Council together with any comments and recommendations that the Mayor may wish to attach to it for consideration by the City Council.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007; Amended by Prop. R, 11-4-1986, eff. 2-5-1987)

Sec. 1703. - PUBLIC BUDGET HEARINGS.

The City Council shall hold one or more public hearings before adoption of the budget.

Sec. 1704. - AMENDMENT OF THE BUDGET.

The City Council may amend the preliminary budget and shall adopt such preliminary or amended preliminary budget as the budget for the forthcoming fiscal year, and shall not later than fifteen (15) days prior to the end of the current fiscal year pass an appropriation ordinance conforming thereto. If the City Council fails to adopt a budget and appropriation ordinance by the time prescribed herein, the City Manager's recommended budget shall be deemed to be the budget adopted by the City Council and appropriation expenditures shall be made in accordance therewith.

The budget and appropriations ordinance as adopted by the City Council (including the City's budgets for which the City Manager is not administratively responsible) shall be immediately transmitted to the Mayor upon whose approval and signature they shall become effective. If the Mayor shall fail to act upon the budget and appropriations ordinance within five (5) calendar days after its adoption by the City Council, it shall thereupon become effective. If the Mayor disapproves of any expenditure, the Mayor may reduce or eliminate that item, and shall within the same five (5) calendar day period return the budget and the appropriations ordinance to the City Council with a statement of action taken.

Upon receipt by the City Council of the budget veto message from the Mayor, the City Council shall have until the end of the fiscal year within which to override the action of the Mayor by a vote of two-thirds ($\frac{2}{3}$) of its members.

Upon the commencement of the fiscal year, the budget and appropriations ordinance as returned by the Mayor, and to the extent modified thereafter by the City Council, shall become the budget and appropriations ordinance for the ensuing fiscal year.

(Amended by Prop. A, 5-1-2007, eff. 5-22-2007)

Sec. 1705. - BUDGET AND APPROPRIATION ORDINANCE.

The Appropriation Ordinance shall govern and control the expenditure and commitment amounts stated therein relating to the several departments, offices and agencies during each fiscal year.

After the adoption of the Appropriation Ordinance, the City Council may authorize the transfer of any portion of an original appropriation which is deemed to be surplus, or may appropriate additional funds from available revenue or surplus which was not included in the budget.

Sec. 1706. - TRUST FUNDS.

The City Manager may establish trust and special deposit funds for the deposit of money received by the City in trust or for special purposes. Disbursements may be made from such funds according to the conditions of the deposit, and under rules to be issued by the City Manager.

Sec. 1707. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1708. - DISPOSITION OF NON-TRUST OIL PROCEEDS.

- (a) The net proceeds received by the City from the sale or disposition of oil, gas and other hydrocarbon substances derived from, or allocated or assigned to all lands acquired by the City by purchase, tax deed, exchange, trade or gift, located in the Harbor District of the City, other than lands which were purchased or acquired, in whole or in part, by use of tideland trust monies, to the extent provided in Chapter 138, Statutes of 1964, First Extraordinary Session, and other than tide and submerged lands which were acquired by the City by grant from the State of California pursuant to the provisions of Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935, together with all money derived from cash bonuses paid by oil companies or individuals for oil leases on said lands, other than any tideland-trust-money-acquired lands or said tide and submerged lands (including all money paid for permits for drilling oil wells or for the erection of oil well derricks or other buildings in connection with oil development, and irrespective of whether or not such wells, derricks or buildings are located on any tideland-trust-money-acquired lands or on said tide and submerged lands) shall be paid into the General Bond Redemption and Interest Fund, which fund has been heretofore created and established and is hereby continued, so long as any such money shall be required for payment of any unpaid principal or interest on any and all outstanding general obligation bonds of the City other than those issued for Harbor or Public Utilities Department purposes, regardless of when such principal or interest shall be due and payable.
- (b) The net proceeds received by the City from the sale or disposition of oil, gas or other hydrocarbon substances derived from, or allocated or assigned to all lands belonging to the City and located outside the Harbor District, other than lands classified as tideland-trust-money-acquired lands or tide and submerged lands, as referred to in subsection (a) above, shall likewise be paid into the General Bond Redemption and Interest Fund so long as any such money shall be required for payment of any unpaid principal or interest on any and all outstanding general obligation bonds of the City other than those issued for Harbor or Public Utilities Department purposes regardless of when such principal or interest shall be due or payable.
- (c) When there shall have been deposited in said fund sufficient monies to pay the principal and interest on any and all such outstanding bonds, thereafter, and until there may be other such bonds outstanding, such money shall be paid into the Public Improvement Reserve Fund, so long as the amount of money therein shall be not more than the authorized maximum for said fund. Thereafter, whenever said funds shall be filled, and until such money shall be further

required for, the General Bond Redemption and Interest Fund, such money, as received, shall be paid into the General Purpose Fund.

- (d) The money deposited in the General Bond Redemption and Interest Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any monies in any sinking fund, or any surplus monies in the treasury of cities in the State. All interest, earnings, income or profits from the investment of said monies shall likewise, to the extent required, be deposited to the credit of said fund.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1709. - TIDELAND OIL REVENUE FUND.

- (a) There is hereby created and established a special fund to be designated as the "Tideland Oil Revenue Fund," which shall be a continuing fund not subject to transfer at the close of the fiscal year. Revenue from the following sources shall be deposited in the City Treasury to the credit of said fund:
 - (1) The net proceeds received by the City from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas), including advance payments, derived from, or allocated or assigned to, the "Long Beach tidelands," as defined in Chapter 138, Statutes of California, 1964, First Extraordinary Session.
 - (2) The net receipts from the sale of property used in the extraction, sale or disposition of oil, gas and other hydrocarbon substances from the Long Beach tidelands, the cost of which has been or may be defrayed from proceeds from such hydrocarbon substances.
 - (3) The net proceeds received by the City from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas) derived from, or allocated or assigned to, or attributable to production from or allocated or assigned to any lands lying seaward of the northerly boundary of the Long Beach tidelands, as defined in Chapter 138 aforesaid, and westerly of the easterly boundary of the undeveloped portion of the Long Beach tidelands.
 - (4) The net proceeds received by the City from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas) derived from or allocated or assigned to, or attributable to production from or allocated or assigned to any lands owned by the City, including lands under the control and jurisdiction of the Harbor Department, and which were purchased or acquired, in whole or in part, by use of tideland trust monies, to the extent provided in Chapter 138 aforesaid.
 - (5) The net receipts to the City from the sale of dry gas as such derived from, or allocated or assigned to, or attributable to production from, or allocated or assigned to, the Long Beach

tidelands, and which said dry gas is not received into the system of the City's municipal Gas Department.

- (6) The repayment of all sums of money advanced from said fund for the purpose of financing participants in unit agreements and unit operating agreements.
- (b) The money deposited in the Tideland Oil Revenue Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any monies in any sinking fund, or any surplus monies in the treasury of cities in the State.
- (c) Money credited to the Tideland Oil Revenue Fund may be used only for the following purposes:
 - (1) The payment of all reasonable and necessary expenses, whether incurred in conjunction with unitized or non-unitized operations, incident to the development, production, extraction, processing, sale or other disposition of the oil, gas and other hydrocarbon substances derived from or allocated or assigned to, the Long Beach tidelands, as defined in Chapter 138 aforesaid, the conducting of repressuring and pressure maintenance operations, and the satisfaction of all obligations arising out of or attributable to the conduct of any of the foregoing activities.
 - (2) The payment to the State of California, for and in compliance with the purposes and formula stated, and for the benefit and reimbursement of the respective State agencies therein designated, whether or not included in the official City budget, such amounts as shall be presently or hereafter required by reason of the enactment by the State Legislature of Chapter 29, Statutes of 1956, First Extraordinary Session as amended by Chapter 1398, Statutes of 1963, and Chapter 138, Statutes of 1964, First Extraordinary Session, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof.
 - (3) The payment of all costs and expenses incurred by the City, and not included in paragraph (1) above, incident to the supervision and administration of oil and gas operations. To the extent that any non-tideland costs and expenses with respect to such supervision and administration may be initially paid from the Tideland Oil Revenue Fund, such fund shall be reimbursed therefor by appropriate journal entry on the books of the City in the manner determined by the City Manager.
 - (4) The payment of the City and Harbor District subsidence costs.
 - (5) To finance participants in unit agreements and unit operating agreements, including any contractor or lessee of City-controlled lands qualifying as a participant therein in the manner provided by law, in such amounts, whether or not included in the official budget,

as shall be determined by the City Council to be necessary in order to encourage the initiation and conduct of repressuring operations with the greatest possible speed in a subsidence area.

- (6) With prior approval of a majority of all members of the City Council, monies may be expended from said fund for all other projects and purposes authorized by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session.
- (7) To the extent monies are at any time expended from other established funds, including those providing for the operation and maintenance of the Harbor Department, in payment of costs, expenses, departmental charges or any other obligation incurred, which said costs, expenses, departmental charges or obligation could properly be charged to and paid from said Tideland Oil Revenue Fund, such fund incurring such expenditure may, with the approval of the City Manager, be reimbursed therefor. All such reimbursement transfers shall be made by journal entry on the books of the City in the manner determined by the City Manager.

Sec. 1710. - TIDELAND OPERATING FUND.

- (a) There is hereby created and established a special fund, to be designated as the "Tideland Operating Fund," which shall be a continuing fund not subject to transfer at the close of the fiscal year. Revenue from the following sources shall be deposited in the City Treasury to the credit of said fund:
 - (1) All net proceeds and revenues, exclusive of net proceeds and revenues attributable to oil and gas operations, derived from the conduct and maintenance of operations, facilities, and other improvements situated on the Long Beach tidelands outside of the Harbor District, and from operations, facilities and other improvements situated on other lands outside of the Harbor District owned by the City to the proportionate extent that such lands were acquired with, or such operations, facilities and improvements were constructed or implemented with, tideland trust monies.
 - (2) Interest, earnings, income or profits from the investment of money deposited to the credit of the Tideland Oil Revenue Fund.
 - (3) Approved reimbursement transfers from other established funds. All such reimbursement transfers shall be made by journal entry on the books of the City in the manner determined by the City Manager.
- (b) The money deposited in the Tideland Operating Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for

the investment and reinvestment of any monies in any sinking fund, or any surplus monies in the treasury of cities in the State. All interest, earnings, income or profits from the investment of said money shall likewise be deposited to the credit of said fund.

- (c) With prior approval of a majority of all members of the City Council, money credited to the Tideland Operating Fund may be expended for the purpose of performing services defraying operating and maintenance costs, making repairs, additions and betterments, making land acquisitions, constructing improvements, and for other related purposes, all as authorized by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session.
- (d) All money attributable to oil revenue remaining in the Tideland Oil Fund as of the effective date of this amendment, and without the necessity of any further action, shall be transferred, and paid into the Tideland Oil Revenue Fund. The balance of all other monies in said fund shall, without further action, be transferred and paid into the Tideland Operating Fund. Said Tideland Oil Fund shall thereupon cease to exist. Those portions of the money in said fund which are transferred and paid into the Tideland Oil Revenue Fund and the Tideland Operating Fund, respectively, shall be expended for purposes in accordance with the currently adopted appropriation ordinance.

Sec. 1711. - RESERVE FUND FOR SUBSIDENCE CONTINGENCIES.

There is hereby created and established a special fund, to be designated as the "Reserve Fund for Subsidence Contingencies," which shall be a continuing fund not subject to transfer at the close of the fiscal year.

There shall be deposited in the City Treasury to the credit of said fund all monies payable to the City in accordance with any provision for a "reserve for subsidence contingencies" as contained in the "Contractors' agreement," as defined and referred to in Chapter 138, Statutes of 1964, First Extraordinary Session. All of said amounts, together with interest, shall be invested in bonds issued by the State of California, or, if such bonds are unavailable, then in security of the United States. In the event said Chapter 138 is amended to permit the investment of monies in said fund in bonds issued by the State of California or in security of the United States, then this Section shall be deemed to also permit such investment instead of as restricted above.

There shall be expended from such fund, whether or not included in the official City budget, sufficient monies to indemnify and hold harmless the City, the State of California, and any and all contractors under the aforesaid Contractors' agreement from claims, judgments and costs of defense, arising from subsidence alleged to have occurred as a result of operations under said agreement.

There shall also be expended from such fund monies to pay subsidence costs or the costs of conducting repressuring operations in the event there is no oil revenue, as defined in Chapter 138 aforesaid, or the oil revenue is insufficient to pay such costs.

Monies in said fund shall not be otherwise expended, nor shall any distribution be made therefrom, except in accordance with the provisions of Chapter 138, Statutes of 1964 First Extraordinary Session.

Sec. 1712. - HARBOR REVENUE BONDS.

Notwithstanding any provision of this Charter to the contrary, any revenues which are attributable to oil and gas operations and which are subject to the jurisdiction of the Board of Harbor Commissioners or of the City, may, with the consent of a majority vote of all members of the City Council, be used to pay, or may be pledged as additional security to pay, the principal of and interest on revenue bonds of the Harbor Department.

Sec. 1713. - PAYMENT OF GENERAL OBLIGATION INDEBTEDNESS.

The City Council shall annually provide, by a special tax levied upon real and personal properties, a sum sufficient to pay the principal and interest coming due upon the general obligation indebtedness of the City during the fiscal year.

Sec. 1714. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1715. - INSURANCE.

In order to enable the City to be self-insured, the City Council shall create a separate fund, to be known as the "Insurance Fund." The City Council shall, from time to time, appropriate to said fund a sum which shall be used to meet losses of buildings or other property through destruction or damage from any cause, and losses through liability for injuries to persons or property which the City may sustain. Such fund shall be a continuing fund, the principal and accrued interest of which shall be used only for the payment of such losses and liabilities. In a like manner, the body having control of the funds of any public utility operated by the City may annually set aside from the income derived from the public utility of which said body has control, a similar fund to be used only to meet such losses to the property of such utility or the payment of liability through the operation of such utility.

Sec. 1716. - CASH BASIS ACCOUNT.

The City Council may create a separate account in the General Purpose Fund to be known as "Cash Basis Account." Such account shall be a continuing account and not subject to transfer or included in the General Purpose Fund Unreserved balance at the close of the fiscal year. The City Manager shall have the

power to transfer monies from the Cash Basis Account to other funds for the purpose of placing such fund or funds on a cash basis. It shall be the duty of the City Manager to provide that all money so transferred from the Cash Basis Account be returned thereto before the end of the fiscal year. All funds presently remaining in the existing Cash Basis Fund shall be transferred to the Cash Basis Account. The City Council may from time to time transfer or appropriate monies to the Cash Basis Account. Interest received on funds invested shall be paid to the General Purpose Fund.

Sec. 1717. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1718. - ESTABLISHMENT OF FUNDS.

The funds of the City shall be established by ordinance except for trust and special deposit funds for the deposit of money received by the City in trust or for special purposes established by the City Manager. Disbursements may be made from such funds according to the conditions of the deposit and under rules to be issued by the City Manager and approved by the City Council.

Sec. 1719. - TRANSFER BETWEEN FUNDS.

The City Council may, by resolution, authorize the transfer of money from one or more funds to another fund of the City. The resolution shall provide the return of such monies transferred before the end of the fiscal year. However, no transfer shall be made unless at the time of such transfer, there shall remain in the fund from which the transfer is made, together with all revenues anticipated to be payable into such fund during such period, sufficient money to pay therefrom all salaries and wages, claims, encumbrances and commitments payable from such fund for the period until such monies thus transferred shall be returned thereto. No such transfer shall ever be made pursuant to the foregoing provisions from funds held by the City in trust for specific purposes and uses or from the fund or funds required to be kept and maintained by the City by the Constitution of the State of California or the general laws of said State.

Sec. 1720. - GENERAL OBLIGATION BONDS.

Whenever the City Council shall determine that the public interest requires the construction, acquisition, completion, remodeling or repair or any improvement or utility, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness for such purpose and proceed therein as provided in Section 18 of Article XVI, of the Constitution of this State and the general law or laws thereof. No bond issued therefore shall be sold for less than par, nor to any other than the lowest responsible bidder, after advertising for sealed proposals therefor. Several propositions for the issue of such bonds may be submitted at any special or general municipal election.

Sec. 1721. - REVENUE BONDS.

The City by procedural ordinance of the City Council or pursuant to State law, may issue revenue bonds without an election for any City purpose or purposes, and, any other provisions of this Charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary for the issuance and sale of such revenue bonds.

Sec. 1722. - ACCOUNTING AND FINANCIAL REPORTING.

The City Manager shall establish accounting records for all cash receipts, disbursements and other financial transactions of the City which conform to generally accepted accounting principles for municipalities and the requirements of State law and City ordinances. In addition to any other method of accounting prescribed by generally accepted accounting principles, the financial records and reports shall include a record of appropriations and their unencumbered balances to insure that the total of expenditures and encumbrances does not exceed the amount appropriated therefor. The City Manager shall establish an organization consisting of such divisions, officers and personnel with duties he deems necessary to develop and maintain the financial records required by this Section.

Sec. 1723. - DEPOSIT, MAINTENANCE AND INVESTMENT OF CITY REVENUES.

All revenues, including cash and negotiable instruments, coming into the possession of any City officer or employee shall be deposited promptly in the City Treasury. The City Treasury shall be maintained in a Federal or State chartered bank or banks. Any temporarily surplus monies in the City Treasury shall be invested in interest bearing securities as provided by State law.

Sec. 1724. - (Deleted by Prop. G, 5-1-2007, eff. 5-22-2007)

Sec. 1725. - SHORT-TERM REVENUE CERTIFICATES.

(a) In addition to the powers conferred by this Charter, the City Council and, with the prior

approval of the City Council, the Board of Harbor Commissioners and the Board of Public Utilities Commissioners shall have the power to borrow money and incur indebtedness from time to time for any of the purposes for which it can issue bonds or notes pursuant to this Charter, City ordinances, applicable provisions of the Constitution of the State of California, or general State and Federal laws relating to municipalities. Such indebtedness shall be evidenced by revenue certificates issued in the manner and subject to the limitations hereinafter set forth in this section.

- (1) Certificates issued by the City Council, the Board of Harbor Commissioners or the Board of Public Utilities Commissioners pursuant to this section may be negotiable or non-negotiable, may be sold at public or private sale, at par or at a discount, at such interest rate or rates, as the City Council or Board of Harbor Commissioners or Board of Public Utilities Commissioners may determine and all certificates shall be, and shall recite upon their face that they are, payable both as to principal and interest out of the revenue fund pertaining to the revenue fund on account of which the indebtedness evidenced by such certificates was created and not out of any other fund or moneys of the City or the Harbor or Public Utilities Departments. Such recital, however, shall not preclude payment from the proceeds of sale of other certificates issued pursuant to this section or from amounts drawn on bank lines of credit pursuant to subsection (b) of this section or from any other lawfully available source of funds.
 - (2) In order to exercise the power to borrow money pursuant to this section, the City Council, the Board of Harbor Commissioners or the Board of Public Utilities Commissioners shall adopt a resolution authorizing the sale and issuance of certificates for such purpose. In the case of revenue certificates to be issued by the Board of Harbor Commissioners or the Board of Public Utilities Commissioners, the prior approval of the City Council shall be expressed by resolution.
- (b) The City Council or respective Board of Commissioners may arrange for bank credit for the purpose of providing an additional source of repayment for indebtedness incurred under this section. Amounts drawn on available bank lines of credit may be evidenced by negotiable or non-negotiable promissory notes or other evidence of indebtedness; provided, however, that any such notes or other evidence of indebtedness shall recite upon their face that they are payable, both as to principal and interest, out of funds pertaining to the revenue fund on account of which the indebtedness was created and not out of any other fund or moneys of the City or the Harbor or Public Utilities Departments.
- (c) This Section 1725 is complete authority for the issuance of certificates and the obtaining of bank credit hereunder, and no action or proceeding not required by this section shall be necessary for the valid authorization of such indebtedness. The powers conferred by this

section are in addition and supplemental to, and are not in substitution for, and the limitations imposed by this section shall not affect the powers conferred by any other provision of this Charter or other applicable State or Federal laws.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Amended by Prop. N, 6-5-1984, eff. 7-20-1984)

ARTICLE XVIII. - CONTRACTS

Section 1800. - FORM AND EXECUTION.

The City shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing, by order of the City Council, and signed by the City Manager or by another officer authorized to do so by the City Manager. The approval of the form of the contract by the City Attorney shall be endorsed thereon before the same shall be signed on behalf of the City. The City Council, by ordinance duly adopted, may authorize the City Manager, or any commission or agent of the City, with the written approval of the City Manager, to bind the City without a contract in writing for the payment of services, supplies, materials, equipment and labor or other valuable consideration furnished to the City in an amount not exceeding the limit established by ordinance of the City Council. The Board of Harbor Commissioners and the Board of Public Utilities Commissioners may authorize contracts, in writing or otherwise, without advertising for bids, for the payment of services, supplies, materials, equipment and labor or other valuable consideration furnished to the City in an amount not exceeding the limit established by ordinance of the City Council.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1801. - BIDS FOR CONTRACTS TO BE CALLED.

All contracts, except as otherwise provided in this Charter, or by general law, for the City or any of the departments or public institutions thereof, must be made by the City Manager with the lowest responsible bidder whose bid is in regular form, after one publication of a notice calling for bids in a daily newspaper of general circulation in the City. Said notice shall contain a brief description of the services, supplies, materials, equipment or labor required, the amount of bonds required of the successful bidder, and state the hour and day on which said bids will be opened.

The foregoing notwithstanding, the Director of Library Services, in accordance with procedures provided by and with the written approval of the City Manager, and with such faithful performance bonds, if any, as the City Manager may deem reasonably necessary, is authorized to contract on behalf of the City, without advertising for bids, for the purchase of books, pamphlets, government documents, serials, continuations, periodicals, recordings, videotapes, films, or an on-line acquisition system, and

such other similar goods and services furnished to the City Library all in an amount not to exceed that set by the City Council each year in the annual budget for such goods and services.

The City Council, by resolution adopted by the affirmative vote of five members of the City Council, may authorize the City Manager to enter into a contract on behalf of the City, in writing or otherwise, without advertising for bids for services, supplies, materials, equipment or labor for actual emergency work.

(Amended by Prop. 2, 4-13-1982, eff. 5-18-1982)

Sec. 1802. - CONTRACTS OF OTHER GOVERNMENTAL AGENCIES.

The requirements of Sections 1800 and 1801 of this Charter shall not apply to purchases by the City and/or the Harbor Department and Public Utilities Department made on behalf of the City from any governmental body, officer or agency.

The City, the Board of Harbor Commissioners and Board of Public Utilities Commissioners may participate in joint and cooperative purchasing of services, supplies, materials, equipment and labor with other cities, counties, districts, State and Federal governments or other governmental agencies, singly, jointly, or in districts or associations, by purchasing under their contracts on a voluntary and selective basis when authorized by a resolution of the City Council, Board of Harbor Commissioners or Public Utilities Commissioners, respectively. Such purchasing shall be in accordance with enabling legislation under Federal and State statutes and revisions, amendments, executive orders, and rules and regulations pertaining thereto.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

Sec. 1803. - PREFERENCE TO BUSINESSES LOCATED IN THE CITY.

In determining the lowest responsible bidder for furnishing materials, equipment, supplies, or non-professional services, the City may apply a local preference for businesses that hold a business license from the City and maintain a place of business within the City limits. The nature and amount of the local preference shall be established by the City Council by ordinance.

This section shall not be applicable unless payment is made solely from funds and revenues of the City, exclusive of funds and revenues derived from tidelands.

(Amended by Meas. U, 11-5-2002, eff. 11-27-2002)

Sec. 1804. - OPENING OF BIDS.

On the day and at the hour named in the notice calling for bids, the City Manager, or his designated

representative, shall publicly open and declare all bids received, and at that time, or at such time as the City Manager may determine, shall accept the lowest regular responsible bid, or reject all bids and return all deposits accompanying said bids. The City Manager, at his option, may abandon all proceedings, or readvertise for bids in a like manner.

Sec. 1805. - COLLUSION—VOID CONTRACTS.

If at any time it shall be found that any person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person, firm or corporation, then the contract awarded shall, if the City so elects, be null and void, and the contractor and his bondsmen shall be liable to the City for all loss and damage which the City may suffer thereby; and the City Manager may advertise for a new contract for such labor, material or supplies.

Sec. 1806. - CONTRACTS FOR WORK USUALLY PERFORMED BY CITY EMPLOYEES.

Notwithstanding any provisions of this Charter respecting the employment or use of employees of the City, the City Council or any Commission, when acting with regard to matters within their authority and jurisdiction, may approve and authorize contracts with private contractors for the performance of work or services usually performed by employees of the City, provided:

- (a) The Council determines by ordinance, adopted by a vote of two-thirds ($\frac{2}{3}$) of its members or by resolution adopted by a vote of four-fifths ($\frac{4}{5}$) of the members of any Commission, and supported by findings expressed therein, that the work or services to be contracted for can be performed by a private contractor as efficiently, effectively and at an estimated lower cost to the City than if said work or services were performed by employees of the City; and
- (b) In addition to the determinations regarding efficiency, effectiveness and estimated lower cost, said ordinance or resolution shall declare that the Council or Commission has considered all other relevant factors and has determined that the performance of said work or services by a private contractor will not be detrimental or adverse to the best interests of the citizens of the City; and
- (c) No such contract shall be entered into for the performance of work or services which the provisions of this Charter or other applicable law provide are to be performed by specified officers or employees of the City, or for work or services, usually performed by the City's police officers and firefighters; and
- (d) All contracts for work or services authorized to be performed by a private contractor pursuant to this Section shall be subject to and in accordance with the provisions of this Charter or other applicable State and Federal law relating to contracting.

Sec. 1807. - NEGOTIATED CONTRACTS—ELECTRONIC DATA PROCESSING AND TELECOMMUNICATIONS EQUIPMENT.

Notwithstanding any other provision of this Charter relating to formal bidding requirements:

The City Council, the Board of Harbor Commissioners, and the Board of Public Utilities Commissioners may authorize and award negotiated contracts which are based on competitive proposals instead of sealed bids, for the acquisition of electronic data processing and telecommunication equipment, systems, subsystems and related materials, goods and services, in accordance with procedures and criteria which may be established for such negotiated contracts by the City Council by ordinance.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023; Added by Prop. CC, 11-8-1988, eff. 12-19-1988)

Sec. 1808. - NEGOTIATED CONTRACTS—NATURAL GAS PURCHASES.

Notwithstanding any other provision of this Charter relating to formal bidding requirements:

The City Council may authorize and award negotiated contracts which are based on competitive proposals instead of sealed bids, for the purchase of natural gas for the City's Gas Utility, in accordance with procedures and criteria which may be established for such negotiated contracts by the City Council by ordinance.

(Added by Prop. DD, 11-8-1988, eff. 12-19-1988)

ARTICLE XIX. - NOMINATIONS AND ELECTIONS

Section 1900. - GENERAL CLASSIFICATION OF ELECTIONS.

Municipal elections shall be classified as follows:

1. Primary nominating elections,
2. General municipal elections, and
3. Special municipal elections.

Sec. 1901. - PRIMARY AND GENERAL MUNICIPAL ELECTIONS.

The primary and general municipal elections for elective officers of the City shall be held on the same dates established for the statewide primary and general elections, respectively, by California Election Code section 1000 et seq. for even numbered years, and candidates elected to office shall assume such office on the third Tuesday in December, or such later date if additional time is required to canvass and certify election results and shall serve until election and qualification of their successors.

(Amended by Meas. LBC, 11-8-2022, eff. 1-23-2023)

Sec. 1902. - SPECIAL ELECTIONS.

All other municipal elections shall be known as special municipal elections.

Sec. 1903. - PROPOSITIONS.

The City Council shall have the power to submit to the electors of the City, at any election, any measure or proposition required to be submitted by the Constitution, this Charter, general law or by ordinance or resolution of the City.

Sec. 1904. - NOMINATIONS.

Candidates for elective offices, except for the City Council, to be voted for at any general municipal election, shall be nominated by the City at large at the primary nominating election. Candidates for City Council, to be voted for at any general municipal election, shall be nominated by the respective district to be represented at a primary nominating election.

Sec. 1905. - PROVISION FOR GENERAL MUNICIPAL ELECTION.

Candidates for elective offices, except for the offices of members of the City Council, shall be voted for by the electorate at large. Candidates for the offices of members of the City Council shall be voted for by the electorate of the respective District to be represented. In the event that no candidate for nomination to an elective office receives a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election.

Sec. 1906. - MAJORITY VOTE AT PRIMARY ELECTION.

In the event that any candidate for nomination to an elective office shall receive a majority of the votes cast for all the candidates for nomination to such office at any primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the City Council to be elected to such office.

Sec. 1907. - RESOLUTION ORDERING ELECTION—LIST OF CANDIDATES—PUBLICATION.

The City Council shall, by resolution, order the holding of all elections not less than thirty (30) days before the day of the primary nominating election and not less than thirty (30) days before the day of the general municipal election. The City Clerk shall enter the names of the candidates nominated in a list with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by law. The City Council shall cause said certified list of names and the offices to be filled to be published as required by the Elections Code of the State of California.

Sec. 1908. - GENERAL MUNICIPAL ELECTION RESULT.

The candidate who shall receive the highest number of votes in the general municipal election for his respective office shall be deemed to be and declared by the City Council to be elected to such office.

Sec. 1909. - PRINTING.

Notwithstanding the limitations set forth in this Chapter relating to contracting, the City Clerk shall,

with approval of the City Council, select a printing and consulting firm or firms by negotiation to provide the necessary ballots, cards and other printed election materials and supplies and advice necessary to assure that the election or elections be conducted in a timely manner and within the legal requirements of law. The City Clerk shall select any such printing and consulting firm or firms based upon their experience in handling municipal elections and ability to produce the printed materials and supplies with the necessary specialized equipment to ensure timely delivery and proper quality and quantity of such election materials and supplies for such ensuing election or elections.

Sec. 1910. - STATE ELECTIONS CODE.

Unless otherwise provided by this Charter or ordinance adopted by the City Council, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California governing municipal elections.

ARTICLE XX. - INITIATIVE, REFERENDUM AND RECALL

Section 2000. - POWERS RESERVED TO THE PEOPLE.

The powers of the initiative, referendum and recall of elected City officers are hereby reserved to the voters of the City. The provisions of the Elections Code of the State of California, governing the exercise of the powers of initiative and referendum in cities and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of this Charter. However, for the purposes of the initiative and referendum, the words "next regular municipal election" set forth in said Elections Code shall mean all State-wide elections and only the City's primary nominating election wherein the City Attorney, City Auditor and City Prosecutor are voted on.

Sec. 2001. - PROPOSITIONS PROPOSED BY CITY COUNCIL.

The City Council may on its own motion or at the request of the Board of Harbor Commissioners or the Board of Public Utilities Commissioners submit to the voters of the City any proposed ordinance, order or resolution, legislative, administrative or executive, that the City Council of such Commission might adopt. If a majority of those voting on such proposed ordinance, order or resolution vote in favor of the same, it shall be deemed to be adopted upon a declaration of the result of such election by the City Council. In the case of an ordinance it shall take effect ten (10) days after that date and have the same force and effect as an ordinance adopted under the provisions of the Elections Code of the State of California.

(Amended by Meas. BB, 11-8-2022, eff. 1-23-2023)

ARTICLE XXI. - RETIREMENT SYSTEM

Section 2100. - PUBLIC EMPLOYEES' RETIREMENT SYSTEM. (RESTATEMENT AND CONTINUATION BY RENUMBERING PRE-EXISTING CHARTER SECTION 187.5, ADOPTED NOVEMBER 8, 1949, AND SECTION 187.6, ADOPTED NOVEMBER 2, 1954)

The City shall participate in the State Employees' Retirement System and it shall be the duty of the City Council to enter into a contract with the Board of Administration thereof, within six (6) months after the effective date of this amendment, making persons in the employ of the City members of said System, except policemen and firemen who are now subject to the provisions of Section 187 of the Charter prior to the effective date of Section 187.1 thereof, all in accordance with the provisions of the "State Employees' Retirement Law," as said Law now exists or as the same may hereafter be amended; provided, however, that where said Law or amendments thereto makes available alternate benefits and other provisions at the election of the City Council, the City Council shall elect as to which benefits and provisions shall apply to employees who become members of the System, subject, nevertheless, to the conditions and limitations contained herein. The City Council may terminate any such contract only under authority granted by ordinance adopted by a majority vote of the qualified electors of the City of Long Beach.

Any such contract shall include the following conditions and limitations:

- (a) The normal earliest age for service retirement shall be sixty-five (65) for miscellaneous employees and fifty-five (55) for firemen and policemen.
- (b) Benefits on account of prior service, that is, service rendered to the City prior to the effective date of said contract, shall be allowed only as a percentage of the average salaries specified in said Law. For employees other than firemen and policemen said percentage for each year of prior service shall be one hundred percent (100%) of one-seventieth ($1/70$) for retirement at, or over, age sixty-five (65). For firemen and policemen, upon retirement at age fifty-five (55), or higher qualification age, said percentage for each year of prior service shall be one hundred percent (100%) of the fraction of final compensation, as defined in said Law, for each year of service rendered after said effective date as determined for firemen and policemen under said Law, for retirement at age fifty-five (55), or upon qualification for service retirement at a higher age.

If a member retires for service before attaining his normal age for service retirement, said contract shall provide that his prior service pension shall be reduced to that amount which the value of the

pension as deferred to said normal age will purchase at the actual age of retirement.

- (c) For the purpose of calculating contributions and benefits any amount of an employee's compensation in excess of Four Hundred Sixteen Dollars and Sixty-six cents (\$416.66) per month shall be excluded.

Anything in this Charter to the contrary notwithstanding, the City Council may, without submitting the question to a vote of the qualified electors of the City, levy and collect taxes sufficient to pay all costs and expenses, or any portion thereof, required to be paid by the City to enable it to participate in the State Employees' Retirement System and the limitation of any provision hereof, with reference to the levying and collection of municipal taxes, shall not apply to any such tax authorized by this Section.

All proceedings required by said Law preliminary to such participation and taken prior to the effective date of this amendment are hereby ratified, confirmed and validated.

Sec. 2101. - CHANGES IN RETIREMENT SYSTEM.

The City shall have the power and the City Council may do and perform any and all acts and take such action as may be necessary to place those employees of the City who now are or hereafter may become members of a coverage group included within the California State Employees' Retirement System under the Old Age and Survivors Insurance provisions of the Social Security Act; to terminate any existing contracts with the State system covering such employees co-incidentally with substitute benefits or equal or greater value becoming effective; and also to provide supplementary benefits for such employees either by contract with the California State Employees' Retirement System supplementing such as are provided by the Old Age and Survivors provisions of the Social Security Act or, in the alternative, to create a City established retirement system which will provide such supplementary benefits for such employees; provided any such system so created shall be upon an actuarially sound basis and, provided further, that at an election held for the purpose among all employees who shall then be included as members of any such coverage group under the California State Employees' Retirement System, the members of which it is proposed to include within either or both such systems, a number thereof shall vote in favor of such plan sufficient to satisfy the requirements of any United States statute providing a method of holding such an election, or in the event there shall be no such statute, then in accordance with any applicable California statute, if any there be, and otherwise as provided by ordinance.

ARTICLE XXII. - EDUCATION

Section 2200. - THE SCHOOL DISTRICT.

The public school system of the City of Long Beach shall comprise all the public schools within the City

of Long Beach or within the territory that is now, or may hereafter be annexed thereto for school purposes, and shall be known as the "Long Beach Unified School District," and shall succeed to all the property, rights and privileges of the former Long Beach City School District, and shall consist of elementary and secondary schools as now established, and may, at the discretion of the Board of Education, include intermediate, technical, summer, industrial, night and continuation schools.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2201. - POWERS AND DUTIES OF THE BOARD OF EDUCATION.

The powers and duties of the Board of Education shall be as provided in the general law, except as hereinafter provided.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2202. - SCHOOL BOARD DISTRICTS FOR THE BOARD OF EDUCATION.

- (a) The Long Beach Unified School District shall be divided, for electoral purposes, into five (5) School Board districts approximately equal in population. The districts to be established are as follows:

DISTRICT 1 shall consist of those portions of the following Los Angeles County Census Tracts contained within the Long Beach Unified School District: 5701, 5702.01, 5702.02, 5703.01, 5703.02, 5704, 5705, 5706, 5715.02, 5716, 5717, 5718, 5719, 5720.01, 5720.02, and that portion of L.A. County Census Tract 5715.01 contained in the City of Long Beach.

DISTRICT 2 shall consist of those portions of the following Los Angeles County Census Tracts contained within the Long Beach Unified School District: 5721, 5722.01, 5722.02, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732.01, 5732.02, 5733, 5752, 5753, 5754, 5755, Blocks 308 - 315, Block 418 of Tract 5764, Blocks 101 - 122, 701 - 718, 606 - 616 of Tract 5763, Blocks 101 - 128, 501 - 525 of Tract 5758.

DISTRICT 3 shall consist of those portions of the following L.A. County Census Tracts located within the L.B.U.S.D.: 5734, 5751, 5756, 5757, 5759, 5760, 5761, 5762, 5765, 5766, 5767, 5768, 5769, those portions of Tracts 5758, 5763, 5764 not contained in District 2, and Blocks 110, 111, 201, 202, 311, 312, 401, & 402 of Tract 5770, Blocks 309 - 312, 401 - 404, 409 - 412, 501 - 504, 510 - 512 of Tract 5771, Blocks 304 - 314, 401 - 405, 412 - 415 of Tract 5772.

DISTRICT 4 shall consist of those portions of the following L.A. County Census Tracts contained within the L.B.U.S.D.: 5742.02, 5743, 5744, 5745, 5746.01, 5746.02, 5747, 5748, 5749.01, 5749.02, 5750.01, 5750.02, 5773, 5774, 5775.01, 5775.02, 5776.01, 5776.02, 5776.03, 5990, 5991, those portions of Tracts 5770, 5771, 5772 not in District 3, and Blocks 301 - 311, 401 - 412 of Tract 5742.01.

DISTRICT 5 shall consist of those portions of the following L.A. County Census Tracts contained within the L.B.U.S.D.: 5552.01, 5552.02, 5707.02, 5708, 5709.01, 5709.02, 5710, 5711.01, 5711.02, 5712, 5713, 5714, 5735, 5736, 5737, 5738, 5739.01, 5739.02, 5740, 5741, that portion of Tract 5715.01 contained in the City of Lakewood and that portion of Tract 5742.01 not contained in District 4.

Any area added to the Long Beach Unified School District subsequent to the adoption of this amendment to the City Charter or any redistricting ordinance adopted by the City Council shall be added to an adjacent and contiguous district by an ordinance adopted by the City Council.

Commencing the second quarter of 1991 and at intervals of ten (10) years thereafter, or at any other time the Board of Education may direct, the School District shall ascertain the number of inhabitants in each School Board district and report thereon to the City Council; if such report shows that said districts are not approximately equal in number of inhabitants, the City Council shall, by ordinance, redistrict the Long Beach Unified School District into five School Board districts, each having approximately an equal number of inhabitants.

- (b) The City Council may, within six months of the enactment of the ballot proposition approving this provision, adopt an ordinance to amend the descriptions of any or all of the five districts set forth in subsection (a) in order to correct technical defects in these descriptions and to conform them as closely as possible to the district boundaries as intended in the ballot proposition.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2203. - THE BOARD OF EDUCATION.

The government of the schools shall be vested in the Board of Education consisting of five (5) members elected to office in a manner provided in this Chapter, one from each of the School Board districts into which the Long Beach Unified School District has been divided.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2204. - ELIGIBILITY.

No person shall be eligible to hold office as a member of the Board of Education unless such person is a legally registered voter and resident of the School Board district from which nominated for at least thirty (30) days immediately preceding the last day upon which candidates are permitted to file nominating petitions for such office with the Los Angeles Registrar-Recorder or, in the case of being appointed to fill a vacancy, for at least thirty (30) days immediately preceding the date of the appointment.

(Amended by Meas. LBU, 11-8-2022, eff. 1-23-2023; Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2205. - TERM OF OFFICE.

Except when filling a vacancy the members of the Board of Education shall be elected at a School Board election as provided in this Chapter. The term of office shall be for four (4) years, except as hereafter provided. The terms of office for those members of the Board of Education elected from odd-numbered districts in the 2018 School Board municipal election shall be extended to the second Friday in December 2022, with all elected members of the Board of Education thereafter serving four-year terms. In order to maintain staggered terms for members of the Board of Education, the election for members in even-numbered School Board districts shall occur on the primary and general election dates for the City in 2024 and each fourth year thereafter and the election for members in odd-numbered School Board districts shall occur on the next primary and general election dates for the City in 2026 and each fourth year thereafter. Future school board elections shall continue in that staggered cycle.

Alternatively, and successively, following the general election of 1988, even-numbered School Board districts shall be filled at the general School Board election and odd-numbered districts at the next such election. The term of a School Board member shall commence on the third Monday of July following his or her election, and he or she shall serve until his or her successor qualifies.

Each member of the Board of Education in office at the time this amendment to the City Charter takes effect shall continue in office up to and including the third Monday of July 1988 subject to the right of the people to recall a member of the Board of Education as provided in the laws of the State of California governing elections.

(Amended by Meas. LBU, 11-8-2022, eff. 1-23-2023; Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2206. - ELECTIONS.

All elections for members of the Board of Education, or issuing bonds of the school districts, or on propositions to be submitted to the people of the school districts, shall be called, held, conducted and the vote canvassed and declared in accordance with the provisions of the Elections Code of the State of California governing municipal elections except as otherwise provided by this Charter. The costs and

expenses incurred in connection with or incident to any elections held under this Article shall not be a charge upon the funds of the City.

The primary and general election for members of the Board of Education shall be held concurrent with the primary and general election dates for the Officers and Council for the City of Long Beach.

Nominating petitions of candidates for election to the Board of Education shall be signed only by legally registered voters and residents of the School Board district from which the person named in the petition seeks to be elected, or in the case of a recall petition, of the School Board district from which such member of the Board of Education was elected, or the School Board district as it exists by reason of redistricting as otherwise provided in this Article.

In the event that no candidate for nomination as a member of the Board of Education receives a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general School Board election.

In the event that any candidate for nomination as a member of the Board of Education shall receive a majority of the votes cast for all candidates for nomination to such office at any primary nominating election, the candidates so receiving such majority of votes shall be deemed to be declared by the Board of Education to be elected to such office.

The candidate who shall receive the highest number of votes in the general School Board election for his respective office shall be deemed to be and declared by the Board of Education to be elected to such office.

Any ties in voting shall be settled by the casting of lots under the supervision of, and in such manner and place as the Los Angeles Registrar-Recorder decides.

(Amended by Meas. LBU, 11-8-2022, eff. 1-23-2023; Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2207. - VACANCIES.

Vacancies in the Board of Education shall be filled for the remaining portion of the term of the vacant office at a special election to be called for that purpose. Said election shall be called within thirty (30) days after the occurrence of such vacancy. Said election shall be held within one hundred twenty (120) days after the occurrence of such vacancy, unless the same shall occur within one hundred twenty (120) days of a regular school election set forth in this Charter, in which event such vacancy shall be filled by the remaining members of the Board of Education. Should three or more vacancies exist at any one time, a special election shall be called as soon as possible by the County Superintendent of Schools.

No person appointed as a successor to serve during the remainder of a term in the Board of Education in which a vacancy occurs shall be designated as an incumbent, a member of the Board of Education, a school board member, or other designation indicating incumbency, for the purposes of the next regular school election for members of the Board of Education.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2208. - ELECTORS IN OUTSIDE TERRITORY MAY VOTE AT SCHOOL ELECTION.

All territory included in the limits of the Long Beach Unified School District or that may be included within such limits, but not within the City limits, shall be deemed a part of the City of Long Beach for the purpose of holding elections for members of the Board of Education or upon other matters relating to the schools, and only for such purposes.

(Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

Sec. 2209. - ORGANIZATION AND MEETINGS OF THE BOARD OF EDUCATION.

The members of the Board of Education shall enter upon the discharge of their duties on the second Friday in December next succeeding the member's election. Any member of the Board of Education whose term has expired shall continue to discharge the duties of the office until the member's successor has qualified. The term of the successor shall begin upon the expiration of the term of her or his predecessor. The Board of Education shall meet upon the second Friday in December annually thereafter and organize by electing one of their number president, and one as vice-president, whose term of office shall be one year.

(Amended by Meas. LBU, 11-8-2022, eff. 1-23-2023; Amended by Prop. T, 11-4-1986, eff. 2-5-1987)

ARTICLE XXIII. - MISCELLANEOUS

Section 2300. - RETENTION OF RECORDS.

Notwithstanding any express or implied records retention provisions of this Charter to the contrary, officers and employees of the City are not required to keep, maintain or preserve any City records or writings of any kind or character in excess of the period prescribed by the general law of the State of California.

Sec. 2301. - LIBERAL CONSTRUCTION.

If any section, clause, word or provision of this Charter shall be held invalid or unconstitutional, the

other sections, clauses, words or provisions thereof shall not be affected thereby. All the provisions of this Charter shall be liberally construed.

ARTICLE XXIV. - ETHICS COMMISSION

Section 2400. - CREATION OF ETHICS COMMISSION.

An Ethics Commission is hereby created.

(Added by Meas. CCC, 11-6-2018, eff. 12-11-2018)

Sec. 2401. - ORGANIZATION.

- (a) The Ethics Commission shall be composed of seven residents of the City of Long Beach. 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) serve as an officer in any election campaign for or against a candidate for any current elected office in the City of Long Beach, Long Beach Unified School District or the Long Beach Community College District, or any City or District measure;
 - (3) be an employee of the City;
 - (4) employ or be employed as a person required to register as a lobbyist with the City of Long Beach.
- (b) Members Appointed by the Mayor and City Auditor.
 - (1) The Mayor shall appoint two (2) members who have represented local civic organization(s) with a demonstrated history of involvement in local governance;
 - (2) The City Auditor shall appoint two (2) members who have a background in public policy or public law, governmental ethics or open government matters, campaign finance, auditing of compliance with ethics laws, protection of whistleblowers, or technology as it relates to open government.
 - (3) The appointments made by the Mayor and City Auditor shall be agendized for confirmation by the City Council.
- (c) Members Appointed by the Commission. The three (3) members of the Commission not appointed by the Mayor and City Auditor shall be appointed, following a public recruitment and application process, by the affirmative vote of at least three members of the Commission.

Any member so appointed shall reflect the interests of the greater Long Beach neighborhood, non-

profit and business communities.

(d) Term of Office.

- (1) The term of office for members of the Commission shall be four (4) years. No member shall serve for more than two (2) consecutive terms.
- (2) Notwithstanding the provisions of Subsection (d)(1) of this Section, the two (2) members first appointed by the Mayor and the two (2) members first appointed by the City Auditor shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.

(e) Vacancies. Appointments to fill vacancies on the Commission shall be made within sixty (60) days of the position becoming vacant. A vacancy on the Commission shall be filled by the same person (Mayor or Auditor) or the Commission who made the initial appointment, using the same method and procedure utilized for the initial Commission member appointment. 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.

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

(Added by Meas. CCC, 11-6-2018, eff. 12-11-2018)

Sec. 2402. - 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 support 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 Municipal Code.

(Added by Meas. CCC, 11-6-2018, eff. 12-11-2018)

Sec. 2403. - STAFF ASSISTANCE AND BUDGET

Staffing for administrative and management functions of the Commission will be addressed in the Municipal Code. The Commission will have a budget, as determined by the City Council, sufficient to conduct the Commission's mission and business.

(Added by Meas. CCC, 11-6-2018, eff. 12-11-2018)

Sec. 2404. - 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.

(Added by Meas. CCC, 11-6-2018, eff. 12-11-2018)

ARTICLE XXV. - COUNCILMANIC DISTRICTS AND REDISTRICTING

Section 2500. - COUNCILMANIC DISTRICTS.

The City shall be divided, for electoral purposes, into nine (9) Councilmanic Districts approximately equal in population.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2501. - LONG BEACH INDEPENDENT REDISTRICTING COMMISSION.

- (a) The exclusive authority to redraw Council district boundaries is vested in the Long Beach Independent Redistricting Commission.
- (b) The Commission shall:
 - (1) Be independent of Mayor and City Council control;

- (2) Conduct an open and transparent process enabling full public consideration of and comment on the drawing of Council district boundaries;
 - (3) Comply with the provisions in this article; and
 - (4) Conduct itself with integrity and fairness.
- (c) The Commission may:
- (1) Adopt for itself rules of procedure not in conflict with this article; and
 - (2) Adopt rules and regulations for the interpretation and implementation of this article.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2502. - POWER AND DUTY OF COMMISSION TO ADOPT COUNCIL DISTRICT BOUNDARY MAP.

- (a) Within six (6) months after census-block-level population data from a regular United States decennial census is made available to the public, the Commission shall adopt a final map establishing new Council district boundaries and a final report explaining its decision. The final map shall include a precise map and written description of the boundaries of each Council district. In the final report, the Commission shall explain the rationale for the Council district boundaries, including, at a minimum, an explanation of how the final map complies with the redistricting requirements and criteria in Section 2506 of this Charter and a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.
- (b) A Commission-adopted final map has the force and effect of law and is effective immediately upon adoption, unless on the date of adoption there are less than six (6) months until the next primary City election, in which case the final map shall go into effect after that election and any applicable run-off election.
- (c) If the Commission does not adopt a final map by the deadline in subsection (a), the City Attorney shall immediately petition the Superior Court for an order prescribing new Council district boundaries in accordance with the redistricting criteria and requirements set forth in Section 2506. The boundaries prescribed by the Superior Court shall be used for all City Council elections that take place more than six (6) months from the date of the Superior Court's order and shall last until a final map is adopted by the Commission to replace it.
- (d) The Commission shall redraw Council district boundaries once per decade and at such other times as may be required, as provided in subsection (a), unless the Commission is reconvened by a vote of two-thirds of the City Council to address significant population changes, legal challenges, or other issues, or is ordered to do so by a court.
- (e) Any territory that is annexed, consolidated, or otherwise attached to the City shall be allocated to a Council district pursuant to this subsection, effective upon the completion of such

annexation, consolidation, or other proceedings. The City Clerk shall update the final map accordingly.

- (1) If the territory's boundary is contiguous to the boundary of not more than one (1) Council district, the territory shall be allocated to that Council district.
- (2) If the territory's boundary is contiguous to the boundaries of two (2) or more Council districts, the territory shall be allocated to the council district with which it shares the longest boundary.
- (3) If the territory's boundary is not contiguous with the boundary of any Council district, the territory shall be allocated to the closest Council district.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2503. - COMMISSION ORGANIZATION.

- (a) The Commission shall consist of 13 commissioners and 2 alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.
- (b) The term of office of each commissioner begins on December 1 of a year ending in zero, and expires on January 1 of the next year ending in zero. Sixty (60) days after a final map has been adopted, the Commission shall cease to meet, unless reconvened by order of a court of competent jurisdiction, or by the City Attorney to consider settlement options if the final map is legally challenged or by the City Council as provided by Section 2502(a) above.
- (c) Nine (9) commissioners constitute a quorum. The removal of a Commissioner or alternate; the approval of additional redistricting criteria; and the approval of a proposed final map, final map, and final report require the affirmative votes of nine (9) commissioners. All other Commission actions require the affirmative vote of a majority of commissioners present.
- (d) At its first meeting, the Commission shall select one (1) commissioner to serve as Chair and one (1) to serve as Vice Chair. The Commission may designate other officers from its membership, and may establish subcommittees. Subcommittees shall report on their actions at the next meeting of the Commission.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2504. - COMMISSIONER QUALIFICATIONS, REQUIREMENTS AND POST-SERVICE RESTRICTIONS.

- (a) Each commissioner must be a registered voter of the City and must either:
 - (1) Have voted in the City election immediately preceding his or her application to be on the

Commission; or

- (2) Have been a resident of the City for at least one (1) year immediately preceding his or her application to be on the Commission.
- (b) The following persons are not eligible to be a commissioner:
- (1) A person who, or whose spouse, registered domestic partner, or child, within the eight (8) years immediately preceding their date of application to be on the Commission, has contributed to a candidate for City elective office, in a single year, more than Two Hundred Fifty Dollars (\$250).
 - (2) A person who, or whose spouse, registered domestic partner, or child - is or has been, within the four (4) years immediately preceding their date of application to be on the Commission, any of the following:
 - i. A paid employee of the City, including those employed by an elected official;
 - ii. A registered City lobbyist, or someone who was required to be a registered City lobbyist; or
 - iii. A paid employee of any redistricting contractor or consultant.
 - (3) A person who, or whose spouse, registered domestic partner, parent, sibling, or child - has been, within eight (8) years immediately preceding their date of application to be on the Commission, any of the following:
 - i. Elected to or appointed to, or been a candidate for, City elective office;
 - ii. An officer, employee of, or paid consultant or contractor to a campaign committee or a candidate for City elective office;
 - iii. A staff member, paid employee of, a consultant to, or someone under contract with any City elected official; or
 - iv. A principal officer of an active campaign committee domiciled in the County of Los Angeles that has made expenditures on candidate elections for a City elective office.
- (c) Within 30 days of appointment, a commissioner shall file with the City Clerk a statement of economic interest, or similar financial disclosure statement, as required under the City's conflict of interest code, and shall agree to the City's Code of Ethics and written ethics pledge.
- (d) A commissioner shall be ineligible, for a period of ten years beginning from the date of their appointment, to hold City elective office. A commissioner shall be ineligible, for a period of four (4) years beginning from the date of their appointment, to be appointed to another City commission, to serve as paid staff for or as a paid consultant to any City elected official or candidate for City elective office, to receive a non-competitively bid contract with the City, or to register as a City lobbyist.

- (e) While serving on the Commission, a commissioner shall not endorse, work for, volunteer for, or contribute to any candidate campaign for City elective office. Commissioners choosing to engage in such activity may resign at any time, including after the approval of a final map to ensure that the commissioner no longer serves if the Commission is reconvened to redraw districts

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2505. - COMMISSIONER SELECTION AND REMOVAL.

- (a) The commissioner selection process is designed to produce a Commission that is independent and that reasonably reflects the diversity of the City.
- (b) The City Clerk shall, beginning in 2020, and in each year ending in the number zero thereafter, initiate and widely publicize an application process, open to all City registered voters who meet the requirements of Section 953, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. The application period shall remain open for at least three (3) months.
- (c) The City Clerk shall create an application available in English, Spanish, Khmer and Tagalog and as may be required under the City's Language Access Policy for prospective commissioners, and seek assistance from a broad range of community-based organizations in outreach efforts. Applicants shall attest on the application, under penalty of perjury, that the information provided is true.
- (d) Approximately one (1) month prior to the close of the application period, the City Clerk shall report to the City Council and Mayor on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants and reasonably reflects the City's diversity.
- (e) After the close of the application period, the City Clerk shall review and remove individuals who are disqualified under Section 2504 of this Charter from among the commission applicants. The City Clerk shall maintain a public record of the disqualifications that apply to each person whose application is removed from the applicant pool. If the resulting applicant pool does not have at least 35 qualified applicants, including 3 qualified applicants from each existing City Council district, the City Clerk shall reopen the application period for one (1) month and conduct additional outreach to ensure that the pool meets these requirements.
- (f) After removing ineligible applicants, the City Clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. For purposes of this section, "screening panel" means:
 - (1) The City's Ethics Commission, if that Commission is established by ordinance or under this

Charter; or

- (2) If an ethics commission matching the description in subsection (1) does not exist, a panel of Long Beach residents consisting of: one (1) retired judge; one (1) law, government, or public policy professor teaching at an accredited institution; and one (1) member of the governing board of a non-profit organization qualified under Internal Revenue Code section 501(c)(3) that has history of advocating for good government reform in the city. The panelists shall be selected by the Mayor from a pool of qualified applicants. Panelists shall meet the same qualifications required of commissioners in Section 2504. The Mayor shall recruit a pool of applicants to serve on the screening panel; or
 - (3) If an ethics commission matching the description in subsection (1) does not exist, and there are insufficient qualified applicants to form a panel pursuant to paragraph (2), a panel consisting of the City Attorney, the City Clerk, and the City Auditor.
- (g) From this eligible commissioner applicant pool, the screening panel shall, no later than November 1, 2020, and by November 1 in each year ending in the number zero thereafter, create a subpool of not less than 20 nor more than 30 applicants most qualified to perform the duties of the Commission, including at least two (2) applicants from each existing Council district. The screening panel, exercising its independent judgment, shall make these assignments at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The screening panel may ask additional questions of commissioner applicants at that meeting. The screening panel shall make each assignment to the subpool on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other potential commissioners. The subpool should reasonably reflect the City's diversity; provided that, other than the requirement of geographic diversity in this subsection, no quotas, formulas, or ratios may be applied for this purpose.
- (h) Immediately after the subpool has been created, and at that same public meeting, the chair of the screening panel shall randomly select nine (9) names - one (1) from each existing council district - from the subpool. These nine (9) individuals shall serve as commissioners on the Commission.
- (i) The commissioners selected pursuant to subsection (h) shall select four (4) commissioners and two (2) alternates from the remaining applicants in the subpool. Each selection requires six (6) affirmative votes from among the nine (9) commissioners, and the selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other commissioners. The

Commission should reasonably reflect the City's diversity; provided that no quotas, formulas, or ratios may be applied for this purpose.

- (j) The Commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero. To meet this deadline, the City Clerk may establish other deadlines for the commissioner application and selection process described in this Section.
- (k) The Commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.
- (l) If a commissioner resigns or is removed from the Commission, the Chair of the Commission shall randomly select one (1) of the alternates to fill the vacancy as a voting commissioner. If the Commission is unable to act because there are fewer than nine (9) active commissioners, the City Clerk shall, within one (1) month of making this determination, recruit a pool of qualified applicants to fill the vacancies. The remaining commissioners shall, within two (2) weeks of the pool being constituted, appoint replacement commissioners from this pool by a two-thirds vote.
- (m) For purposes of this section, "diversity" includes, but is not limited to, racial, ethnic, gender, and sexual orientation diversity.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2506. - REDISTRICTING REQUIREMENTS AND CRITERIA.

- (a) The Commission shall draw its final map so that:
 - (1) Council districts are as nearly equal as practicable in total population;
 - (2) The final map complies with the U.S. Constitution; the Federal Voting Rights Act, the California Constitution; and any other requirement of federal or state law applicable to charter cities; and
 - (3) Each Council district is geographically contiguous, to the extent practicable, and has a clearly defined boundary.
- (b) In addition to following the requirements of subsection (a), the Commission shall consider the following criteria when drawing the final map, in order of priority:
 - (1) The geographic integrity of a neighborhood should be respected in a manner that minimizes its division.
 - (2) Communities of interest. The geographic integrity of a community of interest should be respected in a manner that minimizes its division. A community of interest is a contiguous population that shares common social and economic interests that should be included

within a single district for purposes of its effective and fair representation;

- (3) Neighborhoods and communities sharing a common language, history, culture and identity should not be divided so as to dilute their voting power;
 - (4) Geography and topography: Districts should respect major topographic and geographic features of the City;
 - (5) District boundaries should be easily identifiable and understandable by voters. Districts should be bounded by natural and artificial barriers, by street lines, and/or by City boundary lines;
 - (6) Districts should be geographically compact such that nearby areas of population are not bypassed for more distant population;
 - (7) All lines must correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries; and
 - (8) Other Commission may adopt other criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.
- (c) The Commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.
 - (d) The Commission shall number each Council district such that, for as many residents as possible, the number of the Council district they reside in remains the same.
 - (e) The Commission shall not draw districts for the purpose of favoring or discriminating against a political party.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2507. - PUBLIC MEETINGS AND PUBLIC COMMENT.

- (a) The Commission shall establish and implement an open meeting process for public input and deliberation that is promoted through an outreach program to solicit broad public participation in the redistricting process. The Commission shall comply with all applicable State and City requirements for open meetings.
- (b) Prior to adopting a final map, the Commission shall hold at least nine (9) public meetings, including one (1) public meeting in each existing Council district. A final map may not be adopted unless a proposed final map with substantially similar Council district boundaries has been adopted at least seven (7) days earlier at a prior public meeting.
- (c) The Commission shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Commission's consideration.

- (d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit:
 - (1) communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or
 - (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.
- (e) Any person who is compensated for communicating with the Commission or any commissioner, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2508. - RECORDS AND DATA.

- (a) The Commission shall comply with the California Public Records Act, commencing with section 6250 of the California Government Code, or its successor, and any City laws regarding public records, to the degree they require greater disclosure and retention of Commission records than is provided in this article.
- (b) The Commission and its subcommittees shall keep minutes of all discussion and actions taken at public meetings. The minutes should be adopted at the next public meeting of that body. To the greatest extent practicable, all public meetings of the Commission and its subcommittees shall be video recorded.
- (c) To the greatest extent practicable, the Commission shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data, which tool can be used to create draft maps and draft partial maps.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2509. - ADMINISTRATION.

- (a) The City Council shall appropriate sufficient funds to recruit commissioners, meet the operational needs of the Commission, and conduct any outreach program to solicit broad public participation in the redistricting process.
- (b) The City Manager, City Clerk, and City Attorney shall assign sufficient staff to support the Commission. The Commission shall be staffed by no less than three (3) City employees: the City Manager, the City Clerk, and the City Attorney, or their respective representatives. The City

Attorney's, or his/her respective representative's, only client on matters relating to redistricting is the Commission.

- (c) The City Clerk and the City Attorney, or their respective representatives, shall, no later than March 1, 2021, and thereafter by March 1 in every year ending in one, train the commissioners on the requirements of this article, federal and state law regarding redistricting, open meeting requirements, and general rules of parliamentary procedure.
- (d) The City Manager and the City Clerk shall, by January 1, 2020, and thereafter by January 1 in every year ending in zero, provide a report to the Mayor and City Council that explains, at minimum, plans for: recruiting a qualified applicant pool that reflects the City's diversity; assigning sufficient staff to support the Commission's activities; training commissioners; providing work space and relevant technology to support the Commission's activities; facilitating an open selection process to hire redistricting consultants; identifying and reserving meeting spaces suitable for holding public meetings in each Council district; creating a website for the Commission; and encouraging public participation in the redistricting process.
- (e) Within 60 days after the adoption of a final map, the Commission shall transmit a report to the Mayor and City Council recommending any changes, including amendments to this article, that could improve the redistricting process in future years. The City Council may, by two-thirds vote, adopt by ordinance changes to time limits and deadlines imposed by this article that are specifically recommended by the Commission.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

Sec. 2510. - LEGAL CHALLENGE.

- (a) Any registered voter in the City may file a petition for a writ of mandate or writ of prohibition within ninety (90) days after the Commission has adopted a final map, to bar the implementation of all or a portion of the new Council district boundaries on the grounds that the final map violates this article. No legal challenge may be brought against the final map under this article after the 90-day period has expired.
- (b) If a legal challenge is successfully brought against the final map, the Court may correct the violation by court order adjusting Council district boundaries consistent with the redistricting requirements and criteria of Section 2506; alternatively, if the Court finds the final map requires significant revisions or must be entirely redrawn, the Court may order the Commission to reconvene to adjust or adopt new Council district boundaries.

(Added by Meas. DDD, 11-6-2018, eff. 12-11-2018)

LEGISLATIVE HISTORY

Amendments of	Date of Election	Effective
1923	April 19, 1923	April 27, 1923
1925	April 8, 1925	April 18, 1925
1928	August 28, 1928	January 15, 1929
1929	February 26, 1929	March 29, 1929
1931	February 17, 1931	March 2, 1931
1933	April 7, 1933	April 19, 1933
1935	April 5, 1935	April 29, 1935
	June 7, 1935	June 20, 1935
1937	May 4, 1937	May 14, 1937
1941	March 18, 1941	April 9, 1941
1942	June 2, 1942	January 11, 1943
1944	November 7, 1944	January 27, 1945
1945	May 8, 1945	May 23, 1945
1946	July 9, 1946	July 25, 1946
	November 5, 1946	January 31, 1947
1947	February 11, 1947	April 23, 1947
1948	February 24, 1948	March 15, 1948

	November 2, 1948	January 6, 1949
1949	November 8, 1949	December 17, 1949
1950	June 6, 1950	September 26, 1950
	November 7, 1950	January 15, 1951
1951	May 8, 1951	June 5, 1951
	June 5, 1951	March 10, 1952
1952	June 3, 1952	August 7, 1952
	November 4, 1952	January 16, 1953
1953	April 3, 1953	April 24, 1953
1954	January 21, 1954	March 5, 1954
	May 11, 1954	January 11, 1955
	June 1, 1954	January 11, 1955
	November 2, 1954	January 11, 1955
1956	February 9, 1956	March 29, 1956
	November 6, 1956	January 22, 1957
1958	March 4, 1958	March 27, 1958
	November 4, 1958	January 14, 1959
1960	May 10, 1960	January 11, 1961
1962	February 27, 1962	March 22, 1962

	November 6, 1962	January 14, 1963
1963	June 4, 1963	June 19, 1963
1964	November 3, 1964	January 19, 1965
1968	November 5, 1968	January 15, 1969
1970	November 3, 1970	January 18, 1971
1972	May 9, 1972	June 9, 1972
1973	November 6, 1973	January 24, 1974
1974	November 5, 1974	January 31, 1975
1975	March 18, 1975	April 17, 1975
	May 13, 1975	June 3, 1975
1976	June 8, 1976	August 5, 1976
	November 2, 1976	December 20, 1976
1978	March 21, 1978	April 10, 1978
	November 7, 1978	December 5, 1978
1979	November 6, 1979	December 28, 1979
1980	November 4, 1980	December 12, 1980
1982	April 13, 1982	May 18, 1982
1984	June 5, 1984	July 20, 1984
	November 6, 1984	December 17, 1984

1986	November 4, 1986	February 5, 1987
1988	November 8, 1988	December 19, 1988
1990	April 10, 1990	May 3, 1990
1992	November 3, 1992	August 23, 1993
2002	April 9, 2002	June 10, 2002
	November 5, 2002	November 27, 2002
2007	May 1, 2007	May 22, 2007
2010	November 2, 2010	December 7, 2010
2018	June 5, 2018	July 10, 2018
	November 6, 2018	December 11, 2018
2022	November 8, 2022	January 23, 2023

CROSS-REFERENCE TABLE

This cross-reference table provides users with the legislative history of City Charter sections and the corresponding City Charter amendments as adopted by the voters, beginning with the April 13, 1982 City Charter amendments. For prior legislative history of the City Charter, please refer to the list of amendments included in this document and/or contact the City Clerk Department.

Sec.	City Charter Amendment	Election Date/ Effective Date	Brief Description
103	Deleted by Meas. DDD	11-6-2018, eff. 12-11-2018	Councilmanic Districts

201	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Election Requirements
-	Amended by Prop. D	5-1-2007, eff. 5-22-2007	Election Requirements
202	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Election Requirements
-	Amended by Prop. D	5-1-2007, eff. 5-22-2007	Election Requirements
203	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Election Requirements
207	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Legislative Department
213	Added by Prop. R	11-4-1986, eff. 2-5-1987	Mayoral Veto
-	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council
214	Added by Prop. G	11-3-1992, eff. 8-23-1993	Election Requirements - Term Limitations
-	Amended by Prop. D	5-1-2007, eff. 5-22-2007	Election Requirements - Term Limitations
-	Amended by Meas. BBB	11-6-2018, eff. 12-11-2018	Mayor and City Council - Term Limits
300	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - Appointment of City Manager

-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Selection and Qualification of City Manager
-	Amended by Meas. JB	11-5-2024, eff. 11-5-2024	Selection and qualifications of City Manager
301	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - City Manager Appointment of Assistant City Manager
400	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - Appointment of City Clerk
500	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Officers of the City
-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Officers of the City
505	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Hours of Officers and Employees
508	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Terms of Commission Members
-	Amended by Meas. HC	11-5-2024, eff. 11-5-2024	Terms of Commission Members
510	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - Removal of Commission Members
703	Amended by Prop. F	5-1-2007, eff. 5-22-2007	Revised Duties of City Prosecutor

801	Amended by Prop. S	4-9-2002, eff. 6-10-2002	City Auditor Requirements
803	Amended by Meas. AAA	11-6-2018, eff. 12-11-2018	City Auditor Duties
806	Amended by Meas. AAA	11-6-2018, eff. 12-11-2018	Copies of Records, Reports, Contracts
900	Amended by Meas. T	11-5-2002, eff. 11-27-2002	Changing Name to Parks and Recreation Commission
901	Amended by Meas. T	11-5-2002, eff. 11-27-2002	Parks and Recreation Commission Membership and Terms
902	Amended by Meas. T	11-5-2002, eff. 11-27-2002	Parks and Recreation Commission Duties
903	Amended by Meas. T	11-5-2002, eff. 11-27-2002	Public Recreation Tax Levy
-	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	Public Recreation Tax Levy
904	Amended by Meas. T	11-5-2002, eff. 11-27-2002	Appeal to Parks and Recreation Commission
905	Added by Prop. E	5-1-2007, eff. 5-22-2007	Parks in Perpetuity

1100	Amended by Meas. JB	11-5-2024, eff. 11-5-2024	Purpose and organization of Civil Service System and Civil Service Employee Rights and Appeals Commission
1101	Amended by Prop. U	4-9-2002, eff. 6-10-2002	Civil Service Commission Executive Director
1101	Amended by Meas. JB	11-5-2024, eff. 11-5-2024	Powers and duties of Civil Service System and Civil Service Employee Rights and Appeals Commission
1102	Amended by Meas. JB	11-5-2024, eff. 11-5-2024	Categories of employment of Civil Service System and Civil Service Employee Rights and Appeals Commission
1105	Amended by Prop. V	4-9-2002, eff. 6-10-2002	Veterans' Preference
-	Amended by Meas. C	11-2-2010, eff. 12-7-2010	Veterans' Preference
-	Amended by Meas. JB	11-5-2024, eff. 11-5-2024	Preferences of Civil Service System and Civil Service Employee Rights and Appeals Commission
1150	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission

-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Creation of Police Oversight Commission
1151	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission Membership and Terms
-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Membership and Term of Police Oversight Commission
1152	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission Independent Investigator
-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Appointment of of Police Oversight Director
1153	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission Powers and Duties
-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Powers and Duties of the Police Oversight Commission
1154	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission Hearing Process
-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Confidentiality
1155	Added by Prop. 1	4-10-1990, eff. 5-3-1990	Citizen Police Complaint Commission Review and Evaluation

-	Amended by <u>Meas. E</u>	11-8-2022, eff. 1-23-2023	Staff Assistance and Budget
1203	Amended by Meas. D	11-2-2010, eff. 12-7-2010	Harbor Commission Powers and Duties
-	Amended by Meas. HC	11-5-2024, eff. 11-5-2024	Harbor Commission Powers and Duties
1207	Amended by Prop. T	11-6-1984, eff. 12-17-1984	Harbor Department Leasing
1209	Amended by Meas. D	11-2-2010, eff. 12-7-2010	Harbor Department Finance
1210	Amended by Meas. HC	11-5-2024, eff. 11-5-2024	Harbor Commission Annual Budget
1215	Amended by Meas. D	11-2-2010, eff. 12-7-2010	Harbor Department Building Permits
1400	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Jurisdiction
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Establishment of the Public Utilities Department
1401	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Rules of Procedure
1402	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Water Rights
1403	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Powers and Duties

-	Amended by Prop. T	4-9-2002, eff. 6-10-2002	Water Department Powers and Duties
-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Utilities Department Powers and Duties
1404	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Funds
-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Utilities Department Funds
1405	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Annual Budget
1406	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Designation of Alternatives
1407	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Funds
-	Amended by Meas. M	6-5-2018, eff. 7-10-2018	Water Department Funds
-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Use of Utilities Department Funds
1408	Deleted by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Revolving Funds
1409	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Trust and Special Deposit Funds
1410	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Actions Taken by the Commission

1411	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Sewer System
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Improvement of Gas Facilities, Water Works and Sewer System
1412	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Sewer System Repayment of Bonds
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Repayment of Bonds
1413	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Water Department Sewer System Emergency Loans
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Emergency Loans
1414	Amended by Prop. 2	4-10-1990, eff. 5-3-1990	Utilities Department as Contractor
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Utilities Department Power to Act as Contractor
1500	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	Organization [Department of Public Utilities]
1501	Amended by Meas. M	6-5-2018, eff. 7-10-2018	Utility Revenues

-	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Utility Revenues
1700	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	The Fiscal Year
1702	Amended by Prop. R	11-4-1986, eff. 2-5-1987	Role of Mayor and Council - City Manager's Recommended Budget and Mayor's Recommendations
-	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - City Manager's Recommended Budget and Mayor's Recommendations
1704	Amended by Prop. A	5-1-2007, eff. 5-22-2007	Role of Mayor and Council - Amendment of the Budget
1707	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	General Purpose Reserve Account
1708	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Disposition of Non-Trust Oil Proceeds
1714	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	Library Tax Levy
1717	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	Transportation Tax Levy
1724	Deleted by Prop. G	5-1-2007, eff. 5-22-2007	The Municipal Band Tax

1725	Amended by Prop. N	6-5-1984, eff. 7-20-1984	Short-Term Revenue Certificates
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Short-Term Revenue Certificates
1800	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Contracts—Form and Execution
1801	Amended by Prop. 2	4-13-1982, eff. 5-18-1982	Director of Library Services Authority for Contracts
1802	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Contracts of Other Governmental Agencies
1803	Amended by Meas. U	11-5-2002, eff. 11-27-2002	Preference to Businesses Located in the City
1807	Added by Prop. CC	11-8-1988, eff. 12-19-1988	Negotiated Contracts - Electronic Data Processing
-	Amended by <u>Meas.</u> <u>BB</u>	11-8-2022, eff. 1-23-2023	Negotiated Contracts— Electronic Data Processing and Telecommunications Equipment
1808	Added by Prop. DD	11-8-1988, eff. 12-19-1988	Negotiated Contracts - Natural Gas Purchases
1901	Amended by <u>Meas.</u> <u>LBC</u>	11-8-2022, eff. 1-23-2023	Primary and General Municipal Elections

2001	Amended by <u>Meas. BB</u>	11-8-2022, eff. 1-23-2023	Propositions Proposed by City Council
2200	Amended by Prop. T	11-4-1986, eff. 2-5-1987	The School District
2201	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Powers and Duties
2202	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education School Board Districts
2203	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Members
2204	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Eligibility
-	Amended by <u>Meas. LBU</u>	11-8-2022, eff. 1-23-2023	Board of Education Eligibility
2205	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Term of Office
-	Amended by <u>Meas. LBU</u>	11-8-2022, eff. 1-23-2023	Board of Education Term of Office
2206	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Elections
-	Amended by <u>Meas. LBU</u>	11-8-2022, eff. 1-23-2023	Board of Education Elections

2207	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Vacancies
2208	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Election Territory Limits
2209	Amended by Prop. T	11-4-1986, eff. 2-5-1987	Board of Education Organization and Meetings
-	Amended by <u>Meas.</u> <u>LBU</u>	11-8-2022, eff. 1-23-2023	Board of Education Organization and Meetings
2400	Added by Meas. CCC	11-6-2018, eff. 12-11-2018	Ethics Commission Created
2401	Added by Meas. CCC	11-6-2018, eff. 12-11-2018	Ethics Commission Organization
2402	Added by Meas. CCC	11-6-2018, eff. 12-11-2018	Ethics Commission Powers and Duties
2403	Added by Meas. CCC	11-6-2018, eff. 12-11-2018	Ethics Commission Staff Assistance and Budget
2404	Added by Meas. CCC	11-6-2018, eff. 12-11-2018	Ethics Commission Rules and Regulations
2500	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Councilmanic Districts

2501	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Independent Redistricting Commission
2502	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Council District Boundary Map
2503	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Independent Redistricting Commission Organization
2504	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Commissioner Qualifications, Requirements, Restrictions
2505	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Commissioner Selection and Removal
2506	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Redistricting Requirements and Criteria
2507	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Public Meetings and Public Comment
2508	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Records and Data
2509	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Administration
2510	Added by Meas. DDD	11-6-2018, eff. 12-11-2018	Legal Challenge