

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

61 October 22, 2024

RESOLUTION NO. RES-24-0111


EDWARD YEN
EXECUTIVE OFFICER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, CALIFORNIA SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LONG BEACH ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT A TAX MEASURE AMENDING LONG BEACH MUNICIPAL CODE SECTION 3.68.040, TO REPEAL THE EXEMPTION FROM THE GAS UTILITY USERS TAX FOR CHARGES MADE FOR GAS TO BE USED IN THE GENERATION OF ELECTRICAL ENERGY BY AN ELECTRICAL CORPORATION OR GOVERNMENTAL AGENCY; REQUESTING THE COUNTY OF LOS ANGELES TO CONSOLIDATE SAID ELECTION WITH THE NOVEMBER 5, 2024 STATEWIDE GENERAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE TAX MEASURE AND SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE TAX MEASURE

WHEREAS, for at least 30 years two power plants sited within Long Beach City limits have been exempt from paying the City's Gas Utility Users Tax that residents, businesses, and other organizations in Long Beach pay; and

WHEREAS, during that time, residents of Long Beach have borne the environmental burden and the inconvenience of the two power plants -- the Alamitos Energy Center owned by AES, and the Haynes Plant owned by the Los Angeles Department of Water and Power -- with financial compensation limited to several million dollars per year from the SoCal Gas franchise fee on the imputed value of the gas delivered

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

1 to the plants; and

2 WHEREAS, Repealing the exemption would result in the application of the
3 City’s existing 5% gas utility user tax to said electrical corporations and government
4 agencies as set forth in Long Beach Municipal Code section 3.68.010; and

5 WHEREAS, repealing the power plants’ exemption from the Gas Utility Users
6 Tax will redress this imbalance by adding a projected \$15 million annually to General Fund
7 revenue beginning the first full fiscal year (FY 26), which is important in light of projected
8 annual operating deficits as the City phases out the General Fund’s structural reliance on
9 oil-related revenue; and

10 WHEREAS, the projected \$15,000,000 in annual General Fund revenue
11 would be used to maintain general city services, including 911 response,
12 firefighter/paramedic, pothole/street repair, improve storm drains, afterschool programs,
13 senior services, parks, libraries, public health, and homeless services; and

14 WHEREAS, the Measure would also amend the language in Long Beach
15 Municipal Code section 3.68.040 to conform with the governing 5% rate set forth in Long
16 Beach Municipal Code section 3.68.010 resulting from voters’ approval of Measure J in
17 2000; and

18 WHEREAS, pursuant to Long Beach City Charter section 2001 and California
19 Elections Code section 9222, the City Council is authorized to submit this measure to the
20 voters at the November 5, 2024 General Municipal Election; and

21 WHEREAS, the specific terms of the measure are provided for in the
22 ordinance to be considered by the qualified voters, attached hereto as Exhibit “A” (the
23 “Ordinance” or “Measure”) and by this reference made an operative part hereof, and in
24 accordance with all applicable laws; and

25 WHEREAS, it is desirable that the General Municipal Election be
26 consolidated with the Statewide General Election to be held on the same date, that within
27 the City the precincts, polling places, voting centers and election officers of the two
28 elections be the same, that the Los Angeles County election department canvass the

1 returns of the General Election, and that the election be held in all respects as if there were
2 only one election; and

3 WHEREAS, it is also desirable to establish deadlines and rules for the
4 submission of written arguments and rebuttals for and against the Measure in accordance
5 with applicable California Elections Code and Long Beach Municipal Code procedures;

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

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

10 Section 2. **Submission of Ballot Measure.** The City Council of the City,
11 pursuant to its right and authority as contained in Long Beach City Charter section 2001
12 and California Elections Code section 9222, hereby orders the Measure attached hereto
13 as Exhibit “A” to be submitted to the qualified voters of the City at a General Election to be
14 held on Tuesday, November 5, 2024. The Measure shall be in the form attached hereto
15 as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth
16 herein.

17 Section 3. **Ballot Question.** The City Council, pursuant to its right and
18 authority, does hereby order that the ballot question for the Measure shall be presented
19 and printed upon the ballot submitted to the qualified voters in the manner and form set
20 forth in this Section 3. On the ballot to be submitted to the qualified voters at the General
21 Election to be held on Tuesday, November 5, 2024, in addition to any other matters
22 required by law, there shall be printed substantially the following ballot question:

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

"Shall the measure to maintain general city services, including 911 response; firefighter/paramedic; pothole/street repairs; improve storm drains; afterschool programs; senior services; parks; libraries; public health; and homeless services, by eliminating the exemption for electrical corporations/government agencies using gas to make electricity and applying Long Beach's existing 5% gas utility user tax to said corporations/agencies, generating approximately \$15,000,000 annually until ended by voters, requiring audits, spending disclosure, and all funds used locally, be adopted?"	YES
	NO

Section 4. The vote requirement for the Measure to pass is a simple majority (50% + 1) of votes cast.

Section 5. **Election Procedures.**

A. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to the voters the Measure.

B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Los Angeles County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

C. Canvass of Returns. The Los Angeles County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Measure. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

1 D. Costs. The City Council determines and declares that the City
2 will pay to the County the reasonable and actual expenses incurred by the
3 County by the consolidation of the General Municipal Election with the
4 Statewide General Election. The City shall reimburse the County for services
5 performed when the work is completed and upon presentation to the City of
6 a properly approved bill.

7 E. Form of Ballot. The ballots to be used at the election shall be
8 in the form and content as required by law.

9 F. City Clerk Authorized to Coordinate with County. The City
10 Clerk is authorized, instructed and directed, in coordination with the Los
11 Angeles County Registrar of Voters/Elections Official, to procure and furnish
12 any and all official ballots, notices, printed matter and all supplies, equipment
13 and paraphernalia that may be necessary in order to properly and lawfully
14 conduct the election.

15 G. Opening and Operation of Polls, Vote Centers, Etc. The polls,
16 vote centers and/or vote-by-mail drop-off boxes shall be open and the
17 procedures for submitting votes-by-mail or votes at polls and vote centers
18 shall be in accordance with those times and procedures established by the
19 County of Los Angeles, except as otherwise provided in the Elections Code
20 of the State of California.

21 H. Notice of Election. Notice of the time and place of holding the
22 election is given and the City Clerk is authorized, instructed and directed to
23 give further or additional notice of the election, in time, form, and manner as
24 required by law.

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

28 J. Receipt of Election Results. The City Clerk of the City of Long

1 Beach shall receive the canvass as it pertains to the election on the Charter
2 Amendment measure, and shall certify the results to the City Council, as
3 required by law.

4 Section 6. That pursuant to California Elections Code Section 9280 and
5 Long Beach Municipal Code Section 1.15.455, the City Council hereby directs the City
6 Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall
7 prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing
8 the effect of the Measure on the existing law, and transmit such impartial analysis to the
9 City Clerk not later than the deadline for submittal of primary arguments for or against the
10 Measure. The impartial analysis shall include a statement indicating whether the Measure
11 was placed on the ballot by a petition signed by the requisite number of voters or by the
12 City Council. In the event the entire text of the Measure is not printed on the ballot, nor in
13 the voter information portion of the sample ballot, there shall be printed immediately below
14 the impartial analysis, in no less than 10-font bold type, the following: **“The above**
15 **statement is an impartial analysis of Ordinance or Measure “_____”. If you desire a**
16 **copy of the ordinance or measure, please call the Office of the City Clerk at 562-570-**
17 **6101 and a copy will be mailed at no cost to you.”**

18 Section 7. **Primary Arguments.** That the City Council authorizes (i) the
19 City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote
20 on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination
21 of voters and associations, to file a written argument in favor of or against the Measure,
22 accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in
23 accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of
24 California, and to change the argument until and including the date fixed below by the City
25 Clerk, after which no arguments for or against the Measure may be submitted to the City
26 Clerk.

27 Section 8. Pursuant to Long Beach Municipal Code Section 1.15.415, the
28 Mayor, with the approval of the City Council, may designate a person, or association of

1 persons, to write arguments either for or against or both for and against the adoption of
2 any measure or proposition placed on the ballot.

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

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

23 Section 11. The full text of the Measure shall not be printed in the voter
24 information guide, but a statement shall be printed in the ballot pursuant to Section 9223
25 of the Elections Code advising voters that they may obtain a copy of this Measure, at no
26 cost, upon request made to the City Clerk.

27 Section 12. Pursuant to Elections Code section 9295, this Measure will be
28 available for public examination for no fewer than ten (10) calendar days prior to being

1 submitted for printing in the voter information guide. The City Clerk shall post notice in the
2 Clerk’s office of the specific dates that the examination period will run.

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

5 Section 14. The City Treasurer is hereby authorized and directed to
6 appropriate the necessary funds to pay for the City's cost of placing the Measure on the
7 election ballot.

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

14 Section 16. The provisions of this resolution are severable and if any
15 provision of this resolution is held invalid, that provision shall be severed from the resolution
16 and the remainder of this resolution shall continue in full force and effect, and not be
17 affected by such invalidity.

18 Section 17. This resolution shall take effect immediately upon its adoption
19 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

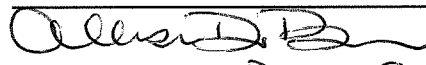
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of August 6, 2024,
by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: Saro.

for Monique DeLa Garza
City Clerk

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT "A"
ORDINANCE NO. ORD-24-

AN ORDINANCE OF THE PEOPLE OF THE CITY OF
LONG BEACH, CALIFORNIA, AMENDING SECTION
3.68.040 OF THE LONG BEACH MUNICIPAL CODE TO
REPEAL THE EXEMPTION FROM THE GAS UTILITY
USERS TAX FOR CHARGES MADE FOR GAS TO BE USED
IN THE GENERATION OF ELECTRICAL ENERGY BY AN
ELECTRICAL CORPORATION OR GOVERNMENTAL
AGENCY

[NOTE: Deletions are identified in strikethrough and additions are identified in bold
underline]

THE PEOPLE OF THE CITY OF LONG BEACH, CALIFORNIA, DO ORDAIN
AS FOLLOWS:

Section 1. AMENDMENT TO MUNICIPAL CODE. Subject to the approval
of a majority of the voters of the City of Long Beach at the General Election so designated
by the City Council in a separate resolution placing the proposal on the ballot for such
election, Section 3.68.040` of the Long Beach Municipal Code is hereby amended to read
as follows:

3.68.040 - Gas users tax.

A. There is imposed a tax upon every person in the City using gas in the City
which is delivered directly or indirectly through mains or pipes. The tax imposed by this
Section shall be at the rate of ~~ten~~ **five** percent (~~10~~**5**%) of the charges made for such gas
and shall be paid by the person paying for such gas.

B. "Charges", as used in this Section, shall include minimum charges for service of

1 the gas commodity, whether owned by the City or the customer, and the gas
2 transportation, including, but not limited to, customer charges, service charges, standby
3 charges, and annual and monthly charges.

4 C. There shall be excluded from the base on which the tax imposed in this Section
5 is computed: (1) charges made for gas which is to be resold and delivered through mains
6 or pipes; ~~(2) charges made for gas to be used in the generation of electrical energy by an~~
7 ~~electrical corporation or governmental agency;~~ ~~(3)~~ (2) charges made for compressed
8 natural gas used for motor vehicle fuel.

9 Section 2. EFFECTIVE DATE. Pursuant to California Elections Code
10 Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by
11 a majority of the eligible voters of the City of Long Beach voting at the General Election of
12 November 5, 2024. It shall be deemed adopted when the City Council has certified the
13 results of that election by resolution and shall take effect ten (10) days thereafter.

14
15 Section 3. ATTESTATION OF ORDINANCE. The City Clerk is hereby
16 authorized to attest to the adoption of this Ordinance by the People voting thereon on
17 November 5, 2024, by signing where indicated below.

18
19 PASSED, APPROVED AND ADOPTED by the People of the City of Long
20 Beach this ___th day of November 2024.

21
22 _____
23 REX RICHARDSON
24 Mayor of the City of Long Beach

25 ATTEST:

26 _____
27 MONIQUE DE LA GARZA
28 City Clerk

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM:

DAWN MCINTOSH
City Attorney

RECEIVED
By Tonya Terry at 2:39 pm, Aug 09, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. RES-24-0112

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

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

WHEREAS, the City Charter currently sets forth a bifurcated hiring system between two departments, Civil Service and Human Resources. Civil Service manages the hiring of classified positions, while Human Resources is responsible for the oversight and recruitment of unclassified positions. Classified positions make up approximately 60 percent of City positions and unclassified positions make up the remaining 40 percent of

1 the City’s workforce. The Human Resources and Civil Service Departments currently
2 conduct separate job marketing and outreach efforts leading to ambiguity regarding the
3 City’s recruitment procedures for prospective candidates. Each department implements its
4 own policies and procedures for hiring, often resulting in redundant administrative tasks
5 and prolonged hiring timelines due to a lack of centralized coordination and efforts. The
6 fragmented hiring system fosters inconsistency in the interpretation of hiring, causing
7 confusion among both City departments and applicants; and

8 WHEREAS, inefficient hiring timelines that are slower than industry
9 standards, candidates being required to complete assessments on a specific date and
10 time, and the majority of recruitments opening only every six (6) months to two (2) years
11 create a barrier for qualified candidates to work for the City. Recent data from 2021 and
12 2022 shows that the current classified hiring structure has resulted in excessive lengths of
13 time for departments to receive a list of candidates eligible to hire from; and

14 WHEREAS, the concept of consolidating the Civil Service and Human
15 Resources Departments into one department for hiring and recruitment processes has
16 been considered for the past two decades and was the subject of an independent
17 assessment in 2007. Measure GG, an amendment to the city Charter to establish a single,
18 centralized personnel department that would encompass the functions of both the existing
19 Civil Service and Human Resources Departments, was presented to voters in 2010.
20 Measure GG was ultimately defeated by a vote of 53.3 percent to 46.7 percent, with primary
21 concerns being that it would dismantle the merit system and reduce protections for
22 employees; and

23 WHEREAS, under this Charter Amendment, the Civil Service Rules and
24 Regulations in effect will remain in place unless and until amendments thereto are adopted
25 by the City Council. Merit-based hiring standards will remain, with employees being hired
26 based on qualifications, skills, and abilities. Classified recruitments will continue to follow
27 the existing, transparent structure, where applicable assessments are utilized. The City will
28 continue to use a system of classified and unclassified service, and those definitions will

1 remain unchanged. Responsibility for the examination and certification of the classified
2 service, creation of classifications, maintenance of eligibility lists and other hiring functions
3 will be handled by the Human Resources Department in accordance with the Civil Service
4 Rules and Regulations put in place by the City Council; and

5 WHEREAS, the Charter Amendment would rename the Civil Service
6 Commission to the Civil Service Employee Rights and Appeals Commission (Commission)
7 and transfer administrative responsibilities to the Human Resources Department. The
8 Commission would remain independent as it is today and continue to carry out the City
9 Charter mandate to hear and review disciplinary appeals filed by classified City employees.
10 The Commission will continue to receive and resolve complaints relative to the hiring
11 process of the classified service and rule on appeals of industrial retirement
12 determinations. The Commission's decisions on Employee Appeals would remain
13 independent from management, providing classified employees with a fully independent
14 appeals body. Additionally, the City will continue to maintain safeguards in place to ensure
15 the merit system and Civil Service Rules and Regulations are upheld; and

16 WHEREAS, the Charter Amendment introduces localized preferences within
17 the classified recruitment process to create a more localized and community-centered
18 approach, enhancing efforts to attract residents to City jobs. At most, the preferences can
19 provide ten additional points to a candidate. Local Preferences shall be available to
20 qualifying candidates in all Civil Service examinations except promotional examinations
21 unless otherwise prohibited by federal, state, or local law and/or funding sources, including
22 but not limited to funds and revenues derived from tidelands; and

23 WHEREAS, under this Charter Amendment, candidates who pass the
24 assessment shall be granted, in addition to all other credits, a credit of five (5) additional
25 points if the candidate meets any of the requirements of the following criteria for localized
26 preferences, up to a maximum of ten (10) additional points of the candidate meets two (2)
27 or more of the following criteria for localized preferences based on: (1) residency; (2) higher
28 education; (3) internal non-career candidates; and/or (4) internship or apprenticeship; and

1 WHEREAS, this Charter Amendment ensures that veteran’s preference
2 points are not taken away but rather strengthened by the possibility of adding new
3 preference categories for which a veteran can qualify for in addition to their veteran
4 preferences; and

5 WHEREAS, the Charter Amendment was proposed by the City Manager and
6 Mayor in January of 2024. The City successfully completed meet and confer with all eleven
7 (11) employee organizations in relation to the Charter Amendment; and

8 WHEREAS, pursuant to authority provided by California Constitution, Article
9 XI Section 3, Long Beach City Charter Section 1903, California Government Code Sections
10 34450 et. seq. and California Elections Code Sections 1415 and 9255 et. seq., the City
11 Council of the City of Long Beach desires to submit to the voters a proposed charter
12 amendment that will combine the Civil Service and Human Resources Departments into
13 one unified hiring department to manage all employee recruitment, hiring, and classified
14 employee certifications; establish an independent Civil Service Employee Rights and
15 Appeals Commission to resolve complaints regarding Civil Service rules, to adjudicate
16 classified employee disciplinary appeal; and to implement classified hiring preferences for
17 Long Beach residents, students, from local colleges and universities, current employees,
18 and certain internships/apprenticeships (“Charter Amendment”); and

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

22 WHEREAS, pursuant to California Government Code Section 34458(b), the
23 City Council held a duly noticed public hearing on June 11, 2024 and a second duly noticed
24 public hearing on July 16, 2024 to hear public comment and testimony and to consider the
25 Charter Amendment, with the first public hearing being held at 5:00 p.m., outside normal
26 City business hours; and

27 WHEREAS, pursuant to California Government Code Section 34458(b), this
28 resolution is being adopted at a City Council meeting which is at least twenty-one (21)

1 calendar days after the second public hearing referenced above; and

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

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

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

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

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

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

23 ///

24 ///

25 ///

26 ///

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

“Shall the measure amending the City’s Charter to combine the Civil Service and Human Resources Departments into one unified department to manage all employee recruitment, hiring, and certifications; and establish an independent Civil Service Employee Rights and Appeals Commission to resolve complaints regarding Civil Service rules, to adjudicate classified employee disciplinary appeals; and to implement classified hiring preferences for Long Beach residents, students from local colleges and universities, current employees, and certain internships/apprenticeships, be adopted?”	YES
	NO

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

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

Section 5. Election Procedures.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized, instructed and directed, in coordination with the Los Angeles County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Los Angeles, except as otherwise provided in the Elections Code of the State of California.

H. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 17. This resolution shall take effect immediately upon its adoption
24 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 6, 2024


by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.


For Monique De La Garza
City Clerk

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MEASURE “ ____ ”

[NOTE: Deletions are identified in ~~strikethrough~~ and additions are identified in **bold underline**]

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

SECTION 1. Text of Charter Amendment. Subject to the approval of a majority of the voters of the City of Long Beach at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, Section XIA of the Long Beach City Charter is hereby amended to read as follows:

Section 300. SELECTION AND QUALIFICATIONS.

The City Council shall appoint a City Manager who shall be the chief administrative officer of the City. The City Manager shall be responsible for the administration of all departments except the City Attorney, City Auditor, City Prosecutor, **City Clerk, Police Oversight,** ~~Civil Service Department,~~ 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.

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

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

Sec. 1101. POWERS AND DUTIES.

~~The powers and duties of the Civil Service Commission shall be~~ 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) ~~Adopt and amend Civil Service Rules and Regulations, subject to the approval of~~ 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) ~~Make independent investigations concerning the enforcement of this Article and the rules adopted~~ 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 ~~Provide for the examination and certification for employment in the~~

~~classified service; and~~

(4) **Maintain eligible lists for classified positions as needed**~~Create classifications of employees in the classified service, subject to the power of the City Council to establish positions of employment;~~

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

~~(f) — Appoint an Executive Director to carry out the purposes of this Article and the policies of the Commission. The Executive Director shall execute this directive through the appointment and management of a professional staff;~~

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

~~(h) — Enforce and remedy violation of Commission rules;~~

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

(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.

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;

(56) Department heads, ~~one assistant department head, Deputy~~

Department Directors in each department, bureau heads, division heads, and one clerical position for each;

(67) Any classification which, at the discretion of the ~~Commission~~ City Council, is of such a nature as to require unique and special flexibility for efficient administration;

(78) 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;

(89) 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. 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) ~~In all Civil Service examinations except promotional examinations, t~~
The Commission**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.

SECTION 2. Approval, Filing and Recordation of Charter Amendment. Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following documents:

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

SECTION 3. Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a

majority of the eligible voters of the City of Long Beach voting at the General Municipal Election of November 5, 2024. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

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

PASSED, APPROVED and ADOPTED by the People of the City of Long Beach at a General Election held on November 5, 2024.

REX RICHARDSON
Mayor of the City of Long Beach

Attest:

Monique De La Garza
City Clerk

Approved as to form:

DAWN MCINTOSH
City Attorney

RECEIVED
By Tonya Terry at 2:40 pm, Aug 09, 2024