

Date: June 11, 2024

To: Charter Amendment Committee

From: Mario Cordero, Executive Director

Subject: Recommendation for Charter Amendment Committee to Discuss Proposed Amendments to City Charter Article V and Article XII

RECOMMENDEATION:

Recommendation to receive and file comments from the community, receive and file supporting documentation into the record, and move to a second public hearing of the proposed amendment to Long Beach City Charter Article V (Officers and Employees) to modify the length of terms for Harbor and Public Utilities Commissioners to four (4) years; and Article XII (Harbor Department) to modify the powers and duties of the Harbor Commission and annual budget timeline.

DISCUSSION

On May 7, 2024, the Long Beach City Council voted to convene the Charter Amendment Committee of the City Council to consider placing a City Charter amendment before voters to amend and restate Article V (Officers and Employees) to modify the length of terms for Harbor and Public Utilities Commissioners to four (4) years; and Article XII (Harbor Department) to transfer authority over Harbor Department employment, excepting a Board-appointed Chief Operating Officer, Executive Officer to the Board, and Board staff, from the Harbor Commission to the Chief Executive Officer (CEO); and formally align the Harbor Department's annual budget timeline to the City's fiscal year of October 1 to September 30. A copy of the Council letter associated with that vote is attached hereto (Attachment A).

Below are the recommended Charter changes to be made:

Charter Article V

Terms of Commission Members (Section 508)

The Charter Amendment seeks to reduce the length of terms for Harbor Commissioners from six (6) years to four (4) years and Public Utilities Commissioners from five (5) years to four (4) years in alignment with elected term limits.

The proposed Charter Amendment provides that any person appointed as a member of the Harbor Commission or the Public Utilities Commission who was not a member of such commission as of January 1, 2025 would be limited to serve no more than three (3) full terms of four (4) years on either the Harbor Commission or the Public Utilities Commission.

If approved, Harbor and Public Utilities Commissioners would be limited to serve a maximum of three (3) four (4) year terms.

Charter Article XII

Powers and Duties of the Commission (Section 1203)

Currently, the Harbor Department conducts merit-based hiring with candidates selected based on qualifications, skills and abilities. Upon identification of a suitable candidate for hire and successful completion of all stages of the pre-employment process (i.e., background check and physical exam), a candidate is required to be affirmed by the Board of Harbor Commissioners (BHC) before start of employment. The Harbor Department is the only department within the City of Long Beach with this requirement.

The proposed Charter Amendment confers and delegates from the BHC to the CEO, the authority to appoint and employ staff (excluding the Executive Officer to the Board, Commission staff, and ratification of CEO selection for Chief Operating Officer) with the goal of reducing vacancy rates, improving time to hire, and creating consistency in onboarding practices across the City.

Merit-based hiring standards will remain the same with employees hired and promoted based on qualifications, skills and abilities. The Harbor Department will continue to use the current system of classified and unclassified service. The BHC will continue to approve budgeted vacancies via resolution for the Harbor Department to fill, and will continue to appoint the position of CEO and Executive Officer to the Board, Commission staff, and will ratify the employment of Chief Operating Officer.

Harbor met with all applicable bargaining units, who unanimously support the change in powers and duties as a necessary step to reduce time to hire and create consistency in the hiring process.

Within the same Charter section, the Harbor Department seeks to increase prescribed fines and penalties for violations of any ordinance of the Harbor Commission from \$500 and/or six (6) months imprisonment, to a penalty not to exceed a \$1000 fine and/or six (6) months imprisonment as a deterrence for violations, and to align with the City's Municipal Code (L.B.M.C. 1.32.010).

Annual Budget (Section 1210)

In 1996, the City adopted a fiscal year of October 1 to September 30 for the annual budget process. The Harbor Department seeks to modify charter language to formally align its annual budget process with the City's fiscal year. This matter has been reviewed by Principal Deputy

City Attorney, Charles Gale, on May 20, 2024, and Budget Development Officer Jennifer Rodriguez on May 23, 2024.

Under State law, a majority of Long Beach voters must approve any City Charter Amendment. The next available date to place this Charter amendment on the ballot will be November 5, 2024.

To consider this amendment for the November 5, 2024 election, State law requires there be three public hearings/meetings over the next 60 days. At each of these hearings/meetings there will be opportunities for discussion, receiving community input, and making changes to the Charter amendment language.

The hearing/meeting dates are as follows:

- **June 11, 2024** - First public hearing: Receive staff presentation, hear public comment, direct staff to gather any further information or implement changes.
- **July 16, 2024** - Second public hearing: Receive any updated information, hear public comment, direct staff to gather any information or make amendment changes.
- **August 6, 2024** - Final meeting: Receive any updated information, hear public comment, make any final amendment changes, and if the City Council so chooses, adopt the required resolutions to place the Charter amendment on the November 5, 2024 General Election ballot.

TIMING CONSIDERATIONS

Charter Amendment Committee action is requested on June 11, 2024 to discuss and consider inclusion of proposed amendments on the November 2024 ballot.

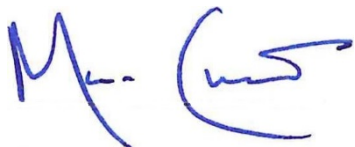
FISCAL IMPACT

The recommendation for the City Charter Amendment Committee to discuss proposed amendments has a minimal impact on staff hours beyond the normal budgeted scope of duties and has a minimal impact on existing City Council Priorities.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,



Mario Cordero, Executive Director

Attachment: A – City Council Letter May 7, 2024

B – Recommended Charter Amendment Language