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Date: May 7, 2024

To: Honorable Mayor and City Council

From: Mario Cordero, Executive Director

Subject: Recommendation to Convene Charter Amendment Committee to Modify Terms, Powers and Duties of the Harbor Commission and Annual Budget Timeline

RECOMMENDED ACTION

Recommendation to convene the Charter Amendment Committee of the City Council within 30 days to discuss placing a Charter Amendment before the voters to amend Charter Article V (Officers and Employees) and Article XII (Harbor Department) to modify the terms, powers and duties of the Harbor Commission (Commission) and annual budget timeline.

DISCUSSION

To align and maintain consistency with other City departments, the Harbor Department proposes to modify Charter Article V and Article XII in three key areas:

1. 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.

2. 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, and this has the compared with other City departments. The proposed Charter Amendment confers and delegates from the BHC to the Chief Executive Officer (CEO) the authority to appoint and employ staff (excluding the Executive Officer to the Board and Commission staff and ratification of the employment by the Chief Executive Officer of the Chief Operating Officer)) with the goal of enhancing the overall effectiveness of the Harbor Department by reducing vacancy rates and improving time to hire.

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 Board of Harbor Commissioners will continue to approve budgeted vacancies via resolution for the Harbor Department to fill, and will continue to appoint the position of CEO and Commission staff, including the Executive Officer to the Board.

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 months imprisonment as a deterrence for violations.

3. 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.

More detailed information on the recommended Charter Amendment language for Article V and XII is attached (Attachment). This matter has been reviewed by Principal Deputy City Attorney Charles Gale on April 3, 2024 and Budget Development Officer Jennifer Rodriguez on April 18, 2024.

TIMING CONSIDERATIONS

City Council action is requested on May 7, 2024 to refer this item to the Charter Amendment Committee for discussion and consideration on the November 2024 ballot.

FISCAL IMPACT

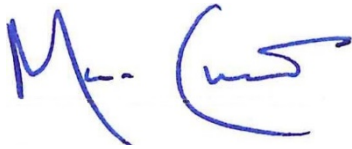
This recommendation is to convene the Charter Amendment Committee of the City Council to discuss placing a City Charter amendment to amend Article V and Article XII of the City Charter to modify the terms, power and duties of the commission, and annual budget timeline. The recommendation to convene the City Charter Amendment Committee has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council Priorities.

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SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Mario Cordero', with a stylized flourish at the end.

Mario Cordero, Executive Director

ATTACHMENT

Sec. 1203. POWERS AND DUTIES OF THE COMMISSION.

- (q) To create bureaus and divisions of the Harbor Department. To employ and appoint ~~an Executive Director who shall be a~~ Chief Executive Officer of the Harbor Department who shall be the chief administrative officer and who shall exercise the management of all affairs and activities placed under the jurisdiction of the Commission, ~~and an Assistant Executive Director, each of whom shall hold such position during the pleasure of the Commission. To appoint and employ such other officers and employees as may be necessary in the efficient and economical carrying out of its functions. To prescribe and fix the duties, authority and compensation of all appointees hereunder and to require such officers and employees to give a bond in such an amount as the Commission may require for the faithful performance of their duties. (except for Commission staff) and to ratify the employment by the Chief Executive Officer of a Chief Operating Officer. The Chief Executive Officer shall hold such position at the pleasure of the Commission. The Commission shall confer upon and delegate to the Chief Executive Officer such other powers and duties as the Commission shall deem appropriate. To employ and appoint an Executive Officer to the Board who shall exercise the management of all affairs and activities placed on Commission staff by the Commission, in order to assist the Commissioners with carrying out their duties. The Executive Officer to the Board shall assist the Commission in the performance of its duties in contrast to the Chief Executive Officer who shall be managing the affairs and activities of the Harbor Department. The Executive Officer to the Board shall hold such position at the pleasure of the Commission.~~ All officers and positions of employment in the permanent service of the Commission shall be created by resolution.
- ~~(r) To confer upon and delegate to the Executive Director such powers and duties as the Commission shall deem appropriate. The Chief Executive Officer shall have the power and authority to appoint and employ officers and employees as may be necessary in the efficient and economical carrying out of Harbor Department functions (except for Commission staff).—Commission staff shall be appointed and employed by the Commission.~~
- (u) To prescribe fines, forfeitures and penalties for the violation of any provision of this Article, or of any ordinance of the Harbor Commission, but no penalty shall exceed One Thousand Five Hundred Dollars (\$~~1,000~~500.00) fine, or six (6) months imprisonment, or both.

Sec. 1210. ANNUAL BUDGET.

The Commission shall, not later than sixty (60) days prior to the beginning of each fiscal year, adopt and transmit a departmental budget for the forthcoming fiscal year covering the anticipated revenue and the expenditures of the Harbor Department, wherein shall be stated the amount necessary, if any, to be raised by tax levy. Such departmental budget shall conform to the general City budget. Two certified copies of said budget shall forthwith after adoption by the Commission, be filed with the City Clerk for presentation to the City Council and one certified copy shall forthwith be filed with the City Auditor. Such budget shall be subject to the approval of the City Council as is provided in this section. The City Council shall, not later than the first day of ~~July~~October of each calendar year, approve the budget adopted by the Commission or shall amend said budget and approve the same as amended not later than the first day of ~~July~~October of each calendar year.

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

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

Sec. 508. -TERMS OF COMMISSION MEMBERS.

The term ~~of~~for office of members of the Commissions set forth in this Charter shall be four (4) years, ~~except that the term of office of members of the Harbor Commission shall be six (6) years and the term of office for Public Utilities Commission members shall be five (5) years,~~ beginning with the first Monday after the first day of July following their respective appointments, and until their successors are appointed and take office. Except as provided herein, No person shall serve more than two (2) full terms on any one Commission. Serving any portion of an unexpired term shall not be counted as service of ~~one term on such Commission;~~a term on such Commission. Notwithstanding the foregoing, members of the Harbor Commission who are currently serving as of January 1, 2025 may not serve more than two (2) full terms of six (6) years on the Harbor Commission and members of the Public Utilities Commission who are currently serving as of January 1, 2025 may not serve more than two (2) full terms of five (5) years on the Public Utilities Commission. Persons who have not served as members of either the Harbor Commission or the Public Utilities Commission as of January 1, 2025 may serve no more than a total of three (3) full terms of four (4) years on the Harbor Commission or more than a total of three (3) full terms of four (4) years on the Public Utilities Commission.