

2. 24-54166 Recommendation to receive and file comments from the community, receive and file supporting documentation into the record regarding 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, and refer to the City Council to consider adoption of all required resolutions to place the Charter amendment on the November 5, 2024, General Election Ballot.

Office or Department:

Suggested Action: Approve recommendation.



Date: July 16, 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

RECOMMENDATION:

Recommendation to receive and file comments from the community, receive and file supporting documentation into the record regarding 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, and refer to the City Council to consider adoption of all required resolutions to place the Charter amendment on the November 5, 2024, General Election Ballot.

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.

On June 11, 2024, the Charter Amendment Committee convened and held the first public meeting to provide an opportunity to receive updated information, hear public comment, and/or direct staff to gather any additional information or make amendment changes. The Harbor Department provided a staff presentation, and there was no public comment provided. The Charter Amendment Committee of the City Council voted to receive and file supporting documentation into the record, and move the proposed Charter changes to a second public hearing. In summary, the recommended Charter changes are as follows:

Charter Article V

Terms of Commission Members (Section 508)

The Charter Amendment would reduce the length of individual 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 current elected City Council term limits. If approved, Harbor and Public Utilities Commissioners would be limited by Charter to serve a maximum of three (3) four (4) year terms.

To provide a transition from the current process, the Charter amendment includes a “grandfathering rule” that allows any person serving as a member of the Harbor Commission as of January 1, 2025 to serve no more than two (2) full terms of six (6) years and any person serving as a member of the Public Utilities Commission as of January 1, 2025 to serve no more than two (2) full terms of five (5) years.”

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 Deputy City Attorney, William Baerg, on June 25, 2024, and Budget Development Officer Jennifer Rodriguez on June 27, 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 three public hearings/meetings be provided as an opportunity to discussion, receive community input, and make changes to the Charter amendment language. The Charter Amendment Committee previously met on June 11, 2024. The remaining hearing/meeting dates are as follows:

- **August 6, 2024** – Third and 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 July 16, 2024 to receive any updated information, hear public comment, direct staff to gather any information or make amendment changes required to consider inclusion of the proposed charter amendments on the November 2024 ballot.

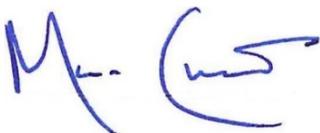
FISCAL IMPACT

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,

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

Mario Cordero, Executive Director

Attachment: A – Recommended Charter Amendment Language

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.