

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802-4664

1 RESOLUTION NO. RES-22-0140

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH ORDERING, CALLING AND  
5 PROVIDING FOR AND GIVING NOTICE OF A GENERAL  
6 MUNICIPAL ELECTION TO BE CONSOLIDATED WITH  
7 THE STATEWIDE GENERAL ELECTION TO BE HELD IN  
8 THE CITY OF LONG BEACH ON TUESDAY, NOVEMBER 8,  
9 2022, FOR THE PURPOSE OF SUBMITTING A CHARTER  
10 AMENDMENT BALLOT PROPOSITION TO A VOTE OF THE  
11 QUALIFIED ELECTORS OF THE CITY; DIRECTING THE  
12 CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS  
13 OF THE CHARTER AMENDMENT; AND PROVIDING FOR  
14 THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS  
15 AND SETTING RULES FOR THE FILING OF WRITTEN  
16 ARGUMENTS REGARDING A CITY MEASURE TO BE  
17 SUBMITTED AT SAID ELECTION

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

22 WHEREAS, as part of the City's Racial Equity and Reconciliation Initiative,  
23 the City Council provided direction to City staff to engage an outside expert to evaluate the  
24 operations of the City's Citizen Police Complaint Commission ("CPCC"); and

25 WHEREAS, the City awarded a contract to Polis Solutions, Inc. of Seattle,  
26 WA, and under that same contract, Polis worked with subcontractor Change Integration, of  
27 Seattle, WA, forming the Polis-Change Integration ("Polis") evaluation team; and

28 WHEREAS, between May 2021 and February 2022, the independent

1 evaluation of the CPCC was conducted by Polis, and at the conclusion of the evaluation,  
2 a final report was drafted outlining recommendations for a new police oversight model  
3 which would eliminate the current CPCC, by establishing a Police Oversight Commission  
4 and adding a Director of Police Oversight; and

5 WHEREAS, on February 15, 2022, the City Council received a presentation  
6 of the evaluation and final report of Polis and directed City staff and the City Attorney to  
7 draft a Charter amendment in accordance with Polis' recommendations; 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 establishing the Police Oversight Commission and adding a Director of Police  
13 Oversight, which would replace the City's current Citizen Police Complaint Commission  
14 ("Charter Amendment"); and

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

18 WHEREAS, pursuant to California Government Code Section 34458(b), the  
19 City Council held a duly noticed public hearing on June 14, 2022 and a second duly noticed  
20 public hearing on July 19, 2022 to hear public comment and testimony and to consider the  
21 Charter Amendment, with the first public hearing being held at 5:00 p.m., outside normal  
22 City business hours; and

23 WHEREAS, pursuant to California Government Code Section 34458(b), this  
24 resolution is being adopted at a City Council meeting which is at least twenty-one (21)  
25 calendar days after the second public hearing referenced above; and

26 WHEREAS, pursuant to California Elections Code sections 1415 and 9255,  
27 the City Council is authorized by statute to submit the proposed Charter Amendment to the  
28 voters at the General Municipal Election to be held on November 8, 2022; and

1 WHEREAS, the City Council desires to consolidate the General Municipal  
2 Election for the Charter Amendment described herein with the Statewide General Election  
3 to be held on November 8, 2022; and

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

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. That pursuant to the provisions of California Constitution, Art.  
11 XI, Section 3, Long Beach City Charter section 1903, California Government Code,  
12 Sections 34450 et. seq., and California Elections Code, Sections 1415 and 9255 et. seq.,  
13 and any other applicable requirements of the laws of the State of California relating to  
14 charter cities, the City Council hereby calls and orders to be held a General Municipal  
15 Election in the City of Long Beach to be consolidated with the Statewide General Election  
16 on Tuesday, the 8th day of November, 2022, for the purpose of submitting to a vote of the  
17 qualified electors of the City of Long Beach the following proposed Charter amendment  
18 which, for identification purposes only, is marked as Proposition \_\_.

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"Shall the Long Beach City Charter be amended to establish a Police Oversight Commission and add a Police Oversight Director, to redesign City's police oversight and accountability through modified practices, including a Director with authority to audit Police Department complaint investigations, review major use of force incidents, and make recommendations on Police Department operations, policies, procedures, and trainings, and a Commission to provide feedback to the Director, and which would replace the Citizen Police Complaint Commission?"	YES
	NO

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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

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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 8, 2022, 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 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.

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- 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.
- I. Tallying of Ballots. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. Receipt of Election Results. The City Clerk of the City of Long Beach shall receive the canvass as it pertains to the election on the Charter Amendment measure, and shall certify the results to the City Council, as required by law.

Section 6. That pursuant to California Elections Code Section 9280 and Long Beach Municipal Code Section 1.24.100, the City Council hereby directs the City Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City Attorney

1 shall prepare an impartial analysis of the Charter Amendment, not to exceed 500 words in  
2 length, showing the effect of the Charter Amendment on the existing law and the operation  
3 of the Charter Amendment, and transmit such impartial analysis to the City Clerk not later  
4 than the deadline for submittal of primary arguments for or against the Charter Amendment.

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

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

22           Section 8. Pursuant to Long Beach Municipal Code Section 1.24.020, the  
23 Mayor, with the approval of the City Council, may designate a person, or association of  
24 persons, to write arguments either for or against or both for and against the adoption of  
25 any measure or proposition placed on the ballot.

26           Section 9. The deadline to submit arguments for or against the City  
27 Measure pursuant to this Resolution is declared by the City Clerk to be Friday, August 19,  
28 2022, at 5:00 p.m. Each argument shall not exceed three hundred (300) words and shall

1 be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the  
2 author(s) submitting it, or if submitted on behalf of an organization, the name of the  
3 organization, and the printed name and signature of at least one of its principal officers  
4 who is the author of the argument.

5           Section 10. Rebuttal Arguments. Pursuant to Section 9285 of the Elections  
6 Code of the State of California, when the City Clerk has selected the primary arguments  
7 for and against the City Measure which will be printed and distributed to the voters, the  
8 Clerk shall send copies of the primary argument in favor of the Measure to the authors of  
9 the primary argument against, and copies of the primary argument against to the authors  
10 of the primary argument in favor. The authors or persons designated by them may prepare  
11 and submit rebuttal arguments not exceeding two hundred fifty (250) words. The rebuttal  
12 arguments shall be filed with the City Clerk not later than Tuesday, August 29, 2022 at 5:00  
13 p.m. Rebuttal arguments shall be printed in the same manner as the primary arguments.  
14 Each rebuttal argument shall immediately follow the primary argument which it seeks to  
15 rebut. That notice of the time and place of holding the election is hereby given and the City  
16 Clerk is authorized, instructed and directed to give further or additional notice of the  
17 election, in time, form and manner as required by law.

18           Section 11. The full text of the Charter Amendment shall not be printed in  
19 the voter information guide, but a statement shall be printed in the ballot pursuant to Section  
20 9223 of the Elections Code advising voters that they may obtain a copy of this Charter  
21 Amendment/Measure, at no cost, upon request made to the City Clerk. Section 12.  
22 Pursuant to Elections Code section 9295, this Measure will be available for public  
23 examination for no fewer than ten (10) calendar days prior to being submitted for printing  
24 in the voter information guide. The City Clerk shall post notice in the Clerk's office of the  
25 specific dates that the examination period will run.

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

28           Section 14. The City Treasurer is hereby authorized and directed to

1 appropriate the necessary funds to pay for the City's cost of placing the Charter  
2 Amendment on the election ballot.

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

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

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

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 9, 2022 by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
Mungo, Saro, Uranga, Austin,  
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

  
For Monique DeLaGarza  
City Clerk

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

MEASURE “ \_\_\_ ”

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:

“ARTICLE XIA - POLICE OVERSIGHT COMMISSION AND POLICE OVERSIGHT DIRECTOR

Section 1150. CREATION OF POLICE OVERSIGHT COMMISSION.

There is hereby created a Police Oversight Commission.

Section 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.

#### Section 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 (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 ( 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.

#### Section 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.

#### Section 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.

#### Section 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."

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 8, 2022. 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 8, 2022.

\_\_\_\_\_  
ROBERT GARCIA  
Mayor of the City of Long Beach

Attest:

\_\_\_\_\_  
Monique De La Garza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Charles Parkin  
City Attorney