

ORDINANCE NO. ORD-24-0004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING SECTION 2.18.050, AND AMENDING SECTIONS 2.18.070 AND 2.18.090.B ALL RELATING TO REGULATIONS OF CITY COUNCIL ESTABLISHED BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, the City Council desires to update the policies and practices of City-appointed boards, commissions, and committees regarding annual reporting to City Council; terms; conditions that act to vacate the seat of a member of an advisory body; quorum; and accessibility for the public to make comment to meetings of advisory bodies via e-mail;

NOW THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. The City Council finds and determines that the facts set forth in the recitals of this ordinance are true and correct, and hereby incorporates the recitals herein by this reference.

Section 2. Section 2.18.050 of the Long Beach Municipal Code is hereby amended and restated in its entirety, as shown on the attached as Exhibit "A".

Section 3. Sections 2.18.070 and 2.18.090.B of the Long Beach Municipal Code are hereby amended as shown on the attached as Exhibit "A".

Section 4. The City Clerk shall certify to the passage of these provisions of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of February 13, 2024, by the
following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: Zendejas.

Recusal(s): Councilmember: None.


Clerk

Approved: 2/20/24
(Date)


Mayor

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

CHAPTER 2.18

ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

2.18.010 Title and purpose.

This Chapter may be referred to as the uniform regulations for Council established advisory boards, commissions and committees. Its purpose is to provide uniform general regulations applicable to all boards, commissions and committees of the City established by the City Council for the performance of various prescribed duties and functions.

2.18.020 Applicability.

- A. The provisions of this Chapter shall apply to every advisory board, commission and committee of the City whether it is established by ordinance, resolution or otherwise. In the event any provision of this Chapter conflicts with a specific provision of an ordinance or resolution establishing a specific board, commission or committee, such specific provision shall control.
- B. The City Council may create by ordinance such other appointive boards or commissions as it deems necessary and may grant to them powers and duties that are consistent with the provisions of this Chapter. The City Council, by motion adopted by the affirmative vote of at least a majority of its members, may appoint from time to time temporary committees or task forces to give counsel and advice to the City Council.

2.18.030 Existing boards and commissions.

Members of existing appointive boards, commissions and committees on the effective date hereof shall continue in office and shall perform their duties until such duties are delegated to another body or such bodies are disbanded.

2.18.040 Staff support.

Staff will arrange for new members to receive appropriate orientation when they assume their official duties. Within the limits dictated by fiscal constraints, the City will endeavor to provide reasonable staff support to advisory bodies in order to permit them to perform their functions in an effective manner.

2.18.050 General regulations.

The following regulations shall apply to all advisory bodies which are subject to this Chapter:

- A. The members of each body shall be appointed by the Mayor and confirmed by a majority vote of all members of the City Council.
- B. The members of each body must reside in the City at the time of appointment, and must maintain residence within the City at all times during their service on the advisory body. In the event a member is appointed to a body to represent a particular Councilmanic district within the City and the member later moves

within the City to a different district or is drawn into a different district through redistricting efforts, said member may serve at-large and continue to represent the district they were appointed to until the conclusion of their term. After the expiration of said term, and if a vacancy on the same body exists, the member may be reappointed to represent their new district or an at-large seat on the body, subject to the terms of this Chapter and this Code. This Subsection is not intended to prevent the appointment of a member to a different body after their term has concluded.

- C. The term of office shall be two (2) years for members of each body. Members may be reappointed after their initial term, but in no event shall any person who has served four (4) consecutive, two (2) year terms on the same body be eligible for reappointment to that body. Serving any portion of an unexpired term shall not be counted as service of one (1) term. Members not eligible for reappointment may continue to serve until their successors are appointed and qualified.
1. The terms of office for members of all advisory bodies shall terminate on June 30th. The terms of office for members of all advisory bodies shall start on July 1st.
 2. If the City Council creates a body subject to this Chapter, at least 25% but no more than 50% of the inaugural members appointed to the body shall serve an initial term of two (2) years. Any inaugural members of a body that serve an initial two (2) year term shall be selected by lottery and are eligible for reappointment to four (4) additional two (2) year terms.
- D. Members of advisory bodies may receive compensation for the performance of their official duties if such compensation is expressly provided by the City Council in the Salary Resolution of the City. Except for members of those bodies identified in City Charter Section 500, members of those advisory bodies identified in the Salary Resolution of the City shall have the option to serve for compensation, as a volunteer without compensation, or as a volunteer eligible for an expense reimbursement payment. Expense reimbursement payments are intended to reimburse members of advisory bodies serving as volunteers for related expenses incurred in the performance of their official duties. Members of any advisory body expressly compensated by the City Council in the Salary Resolution shall be ineligible to receive compensation or an expense reimbursement payment unless and until they have adhered to the requirements set forth in Subsection 2.18.050.G of this Code.
- E. Appointments to fill vacancies on advisory bodies shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.
- F. The Mayor may remove any member of a City Council established advisory body at any time, with the concurrence of two-thirds ($\frac{2}{3}$) of the members of

the City Council. Additionally, a member of a body subject to this Chapter shall be immediately and automatically removed from such body if:

1. A member is absent from three (3) consecutive meetings without permission of the body expressed in the official minutes of the body's meetings.
2. A member fails to comply with the requirements in Subsection G. of this Chapter. If a member fails to file any statement required by the City's Conflict of Interest Code within 30-days of a notice from the Clerk of their failure to file prior to the deadline, the member may request a waiver for good cause from the Mayor pursuant to provisions of this Subsection.
 - a. A member may seek a waiver for good cause from the Mayor excusing their failure to file any statement required by the City's Conflict of Interest Code within 30 days of receiving notice from the City Clerk of their failure to file. The Mayor may require documentation from the member requesting a waiver to prove good cause. The fact that a member has made multiple requests for a waiver to be excused for their failure to file any statement required by the City's Conflict of Interest Code shall be taken into consideration by the Mayor when granting a waiver authorized by this Subsection. If the Mayor grants such a waiver, said member may not be removed for failure to file any statement required by the City's Conflict of Interest Code within the calendar year the waiver was issued.
 - b. A waiver for good cause may be granted pursuant to this Subsection for any of the following reasons: incapacitation for medical reasons; hospitalization; accident involvement; loss or unavailability of records; or any other good cause shown.
 - c. A waiver for good cause may not be granted pursuant to this Subsection for any of the following reasons: the member was on vacation; the member was too busy; another person failed to file any statement required by the City's Conflict of Interest Code on the member's behalf; the member needed additional time to gather information to file; the member is waiting on professional assistance from another person, such as, a financial advisor, Certified Public Accountant, or the Fair Political Practices Commission; the member promises to file on time in the future; or the member did not receive an annual reminder to file the City's Conflict of Interest Code.
 - d. Any member removed pursuant to this Subsection F. shall also be prohibited from serving on any City board, commission, or committee for one (1) year from the date of removal.

G. Members of advisory bodies shall:

1. File a statement required by the City's Conflict of Interest Code with the City Clerk within thirty (30) days of assuming office, every year thereafter by April 1st, and within thirty (30) days of leaving office;
2. Ensure ethics trainings required pursuant to California Government Code Section 53234 et seq. and Chapter 2.07 of this Code are complete and current within the time periods specified therein;
3. Pledge in writing to uphold the principles in City's Code of Conduct and Ethics; and
4. Complete all trainings determined by the City Clerk to be necessary for effective service on an advisory body within one hundred twenty (120) days of assuming office, including, but not limited to, trainings on the City's strategic vision, ethics standards, and diversity, equity, inclusion, and racial justice principles.

H. All advisory bodies shall, at a minimum, provide an e-mail address or an alternative method of electronic communication on their agenda so that the public may have an opportunity to provide public comment for all Brown Act meetings of the body.

2.18.060 Selection of officers.

- A. Each board, commission or committee shall have at least two (2) officers (such as Chairman and Vice-Chairman) and such other officers it deems necessary.
- B. All officers shall be elected by the members for a term of one (1) year and no officer shall serve more than two (2) successive terms.

2.18.070 Meetings.

- A. All meetings of such bodies shall be open to the public and whenever possible shall be held at a City-owned facility.
- B. Reasonable notice shall be given to the public prior to the convening of any meeting.
- C. Minutes of each meeting shall be kept and filed with the City Clerk and copies of the minutes shall be sent to the Mayor and City Manager.
- D. Each body shall meet at least quarterly.
- E. Quorum shall be measured by calculating one more than half the seats authorized for the body by this Code or any other action of the City Council to create a body. Where the calculation for quorum results in a half number, said number shall be rounded up to the nearest whole number to determine the quorum. For example, quorum needed to conduct a meeting for a body with nine (9) seats would be five (5) members.

- F. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.

2.18.080 Rules and regulations.

- A. Each body may promulgate such rules and regulations for its conduct as it deems necessary. Meetings shall be conducted in accordance with Robert's Rules of Order.
- B. All adopted rules and regulations shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer.

2.18.090 Reports.

- A. Each body shall present an annual written report of its activities for the past year to the Mayor and Council; it may also make appropriate recommendations. The report shall include the following:
 - 1. The name of the body;
 - 2. Its objectives and functions;
 - 3. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council;
 - 4. The number of meetings held;
 - 5. Attendance records of all members;
 - 6. The number of public hearings conducted;
 - 7. The amount of money, if any, expended in support of that body;
 - 8. A list of City personnel who regularly assist that body;
 - 9. A recommendation as to whether that body should be abolished, modified or continued.
- B. The annual report required by Subsection A must be submitted annually to the City Clerk on or before June 30th. The City Clerk shall forward the original report to the City Council and shall maintain a copy. Such reports shall be open to public inspection.

2.18.100 City Council duties.

The City Council shall:

- A. Review and take necessary action to verify the reports submitted under Section 2.18.090;
- B. Evaluate the performance of the reporting body based on the criteria provided in Section 2.18.110; and

C. Between November 1st and February 1st:

1. Determine which bodies, if any, should be considered for continuation, modification or termination; and
2. Conduct a public hearing on each body to be considered for modification or termination, to decide whether it should be modified or terminated.


2.18.110 Criteria for review.

- A. The City Council shall consider the following criteria in determining whether a public need exists for the continuation of a body subject to this Chapter:
 1. Identify the objectives and the problems or needs which that body was to address; and the extent to which the objectives have been achieved;
 2. The extent to which that body is needed and used;
 3. The efficiency of that body;
 4. The promptness and effectiveness of that body in disposing of its business;
 5. The extent to which the jurisdiction of that body overlaps or duplicates the jurisdiction of another body; and the extent to which the functions of that body can be consolidated with those of other bodies;
 6. The cost of operation;
 7. The availability of less restrictive or other alternative methods of performing any function of that body which could adequately serve the public need; and
 8. The impact in terms of federal intervention or loss of federal funds if that body is abolished.
- B. Nothing in this Chapter shall be construed to prohibit or limit the City Council from abolishing, modifying, or reorganizing any advisory body at any time it deems necessary or desirable.

AFFIDAVIT OF POSTING


STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 16th day of February 2024, I posted three true and correct copies of Ordinance No. ORD-24-0004 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.



Subscribed and sworn to before me

This 16th day of February 2024.



CITY CLERK