



City of Long Beach

Working Together to Serve

Memorandum

Office of the City Attorney

DATE: July 26, 2021

To: Independent Redistricting Commission

FROM: Charles Parkin, City Attorney

SUBJECT: Ability of the IRC to Retain Separate Counsel

At the meeting of the Independent Redistricting Commission (IRC) of July 21, 2021, an issue was raised about the IRC's ability to choose and retain its own separate legal counsel. This is not permissible under the City Charter.

The Long Beach City Charter does not provide for independent counsel for the IRC, (or any other City Board or Commission) either in its general language or in the more specific section added by Measure DDD in 2018. Charter section 603 provides that the City Attorney shall be "the sole and exclusive legal advisor of the City, the City Council and all City commissions" Charter section 2509 subsection (b) (from Measure DDD) further provides:

The City Manager, City Clerk and City Attorney shall assign sufficient staff to support the [Independent Redistricting] Commission. The Commission shall be staffed by no less than three (3) City employees: the City Manager, City Clerk, and the City Attorney, or their respective representatives. The City Attorney's, or his/her respective representative's, only client on matters relating to redistricting is the Commission."

The City Attorney, moreover, is a separately elected City representative, not appointed by the City Council or Mayor. As such, the City Attorney is independent of the City Council, particularly in matters relating to redistricting, for which the Commission is the City Attorney's only client.

We hope that this addresses any concerns the IRC may have. If you have questions regarding this memo, please direct them to Assistant City Attorney Michael J. Mais or myself.

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cc: Michael J. Mais, Assistant City Attorney
Thomas B. Modica, City Manager
Kevin Jackson, Deputy City Manager