



## City of Long Beach

*Working Together to Serve*

### Office of the City Attorney

## Memorandum

**DATE:** January 26, 2022

**To:** Independent Redistricting Commission

**FROM:** Taylor M. Anderson, Deputy City Attorney

**SUBJECT:** Redistricting Commissioner Duties and Restrictions on Certain Activities  
Post Final Map Adoption

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This memorandum addresses questions posed by the Long Beach Independent Redistricting Commission (Commission) about any limitations imposed by the City Charter (Charter) and the role of Commissioners for the remainder of their term since the final map was adopted on November 18, 2021.

### **Term and Roll of Commissioners Post-Map Adoption**

The term of office for each Commissioner is 10 years, which began on December 1, 2020 and expires on January 1, 2030. The Commission's primary duty is to redraw Council district boundaries and adopt a final map once per decade, which occurred on November 18, 2021. Though the Commission is not expected to meet over the remainder of the term, per the Charter, the Commission may be reconvened during their term if ordered to do so by a court or by a two-thirds vote of the City Council to address significant population changes, legal challenges, or other issues.

### **Restrictions on Certain Political Activities During Term of Service**

The Charter imposes restrictions on certain political activities of Commissioners, as it is critical that the Commissioners remain independent during their term of office, especially considering that the Commission may be reconvened before the next major redistricting effort.

Several of the restrictions imposed by the Charter deal with "City elective offices". As referenced in the Charter, "City elective office" is limited to City of Long Beach (City) offices, such as, the Mayor, Councilmember, City Attorney, City Prosecutor, and City Auditor. "City elective office" does not include elected offices for the Long Beach Unified School District nor does it include any State or Federal elective offices representing the City.

Pursuant to Charter section 2504(d):

- Commissioners are ineligible to hold City elective office for a period of 10 years beginning from the date of their appointment.
- Commissioners are ineligible, for a period of 4 years beginning from the date of their appointment:
  - To be appointed to another City commission;
  - To serve as paid staff for or as a paid consultant to any City elected official or candidate for City elective office;
  - To receive a non-competitively bid contract with the City; or
  - To register as a City lobbyist.
- Commissioners are prohibited from endorsing, working for, volunteering for, or contributing to any candidate campaign for City elective office while serving on the Commission. If a Commissioner would like to engage in any such activities, the Commissioner may resign at any time, including after the approval of a final map. This requirement ensures that the Commissioner no longer serves if the Commission is reconvened to redraw districts and is the only restriction that allows for resignation to engage in an activity.

### **Limitations on Civic Engagement During Term of Service**

Though additional Commission meetings are not anticipated at this time, Commissioners are required to adhere to the Brown Act for the remainder of their term. This means that Commissioners need to be mindful of the following:

- Any congregation of a majority of the Commission (9 members or more) at the same time and place to hear, discuss, or deliberate on any item that is within the subject matter jurisdiction of the Commission is considered a meeting under the Brown Act and must be properly noticed so the public can attend. Exceptions to this rule include:
  - Individual contacts between a Commissioner and another person or Commissioner.
  - A majority of the Commission may attend conferences open to the public, local public meetings, open meetings of another body (e.g. City Council), and social or ceremonial events as long as Commissioners do not discuss Commission matters.

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- Be wary of the appearance of impropriety in communicating with the public, other commissioners, and City officials, such as, Councilmembers and the Mayor.

As discussed at a Commission meeting previously, the Charter prohibits Commissioners from communicating with or receiving communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. Commissioners are not prohibited from:

- Communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements (e.g. the Brown Act); and
- Engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.

These restrictions are limited to redistricting matters only. Except as otherwise identified in this memorandum, Commissioners may continue to be active members of the community and involved with civic engagement for matters unrelated to redistricting. This includes communication with the Mayor and City Councilmembers on issues that are unrelated to redistricting. However, Commissioners should continue to be mindful of actions that may give the appearance of impropriety.

If you have any questions about this memorandum or during the remainder of your term as a Commissioner, please do not hesitate to reach out to my office.

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cc: Honorable Mayor and Members of the City Council  
Tom Modica, City Manager  
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