



# CITY OF HUNTINGTON BEACH

Memorandum to City Council

**TO:** City Council

**FROM:** Catherine Jun, Deputy City Manager

**CC:** Al Zelinka, City Manager  
Travis Hopkins, Assistant City Manager

**DATE:** October 17, 2023

**SUBJECT:** Supplemental Communication for Item 19 (Charter Amendments) on the 10/17/23 City Council Agenda

**SUPPLEMENTAL  
COMMUNICATION**

10/17/2023

Meeting Date: \_\_\_\_\_

19 (23-871)

Agenda Item No.: \_\_\_\_\_

**The City Attorney’s Office has made revisions to Item 19 (Charter Amendments):**

- 1. Added missing language to the exhibits in Resolution Nos. 2023-42 and 43.** On October 5, City Council approved the missing language (highlighted below) for inclusion in Measure 3. The exhibits have since been revised to include them back in:

**Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.**

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council with at least four affirmative votes.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, the office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event ~~if~~ the City Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term. If the City Council fills the vacancy by appointment, such appointee shall hold office until an election to fill the remainder of the unexpired term at the next general municipal election. Should the appointment occur after the filing deadline for the next general municipal election, the seat shall be deemed vacant upon the certification of the general municipal election, and the vacancy shall be filled in accordance with Sections 312(a) and 312(c).

- 2. Added “State of California flag” to Ballot Question No. 2 (Display of Flags).** The question was initially missing the phrase above and has been revised accordingly in Resolution Nos. 2023-42, 43, 44; the RCA; and presentation.

All revised materials are attached. We request City Council to refer to them during deliberations tonight. Printed copies will be placed on your dais seat and will also be submitted as supplemental communications.

REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Al Zelinka, City Manager

**VIA:** Travis K. Hopkins, Assistant City Manager

**PREPARED BY:** Shannon Levin, Council Policy Analyst  
Catherine Jun, Deputy City Manager

**Subject:**

..title

**Consider the submission of three Charter amendment ballot measures for voter approval at the March 5, 2024 Statewide Primary Election and the adoption of Resolution Nos. 2023-42, 2023-43, 2023-44, and 2023-45.**

..body

**Statement of Issue:**

*Note: A PDF of this report is attached, in the event the tables and images do not display properly on the reader's screen.*

On October 5, 2023, the City Council voted to place three Charter amendment ballot measures for voter approval on the March 5, 2024 Statewide Primary Election. The City Attorney's Office has since prepared the following Resolutions, which contain the proposed amendments to the City Charter, ballot questions, and exhibits for final consideration by the full City Council.

1. Resolution No. 2023-42 - A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments
2. Resolution No. 2023-43 - A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to § 10403 of the Elections Code
3. Resolution No. 2023-44 - A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses
4. Resolution No. 2023-45 - A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections

To place the three measures on the ballot, the City Council must vote to approve or amend the proposed ballot questions and exhibits available in Resolution Nos. 2023-42 and 2023-43; set priorities for written arguments and rebuttal arguments in Resolution Nos. 2023-44 and 2023-45; and adopt all four resolutions.

Following adoption, the City Attorney's Office will prepare an impartial analysis for each measure per Resolution No. 2023-44. Furthermore, the City Clerk's Office will gather the written arguments and

rebuttals for each measure and all other required election materials for submittal to the OC Registrar of Voters (ROV) by their filing deadlines.

**Financial Impact:**

The estimated cost to hold a municipal election during the March 5, 2024 Statewide Primary Election and place 3 Charter amendment measures on the ballot is as follows:

Election Component	Estimated Cost (Range)	Details
March 2024 Consolidated Election Cost	\$318,928 to \$383,128	The cost of consolidating elections with Orange County, which includes: labor, overhead, supplies, services, pre-paid postage for vote by mail return envelopes, and cost recovery for the 2019-20 purchase of new election equipment per registered voter.
Placement of three (3) Measures on the March 2024 Ballot	\$51,000 to \$76,500	One (1) measure is estimated at \$17,000 to \$25,500, which is contingent on the number of pages it occupies on the ballot. Per the ROV, every 2 pages is \$8,500, and the City's estimate is based on 4-6 pages per measure.
<b>Total Estimated Cost (Range)</b>	<b>\$369,928 to \$459,628</b>	

The total estimated cost is not budgeted. As such, City Council is requested to authorize a budget appropriation of \$459,628 from the 2023/24 General Fund to Business Unit 10010201. Sufficient funds are available to support this request.

**Recommended Action:**

**..recommendation**

A) Consider the three proposed Charter amendment ballot measures, ballot language, and exhibits for placement on the March 5, 2024 Statewide Primary Election ballot for voter approval; and

B) Adopt Resolution No. 2023-42, "A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments;" and

C) Adopt Resolution No. 2023-43, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to § 10403 of the Elections Code;" and

D) Adopt Resolution No. 2023-44, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses;" and

E) Adopt Resolution No. 2023-45, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections;" and

F) Appropriate \$459,628 in General Funds to business unit 10040101; and

G) Dissolve the Charter Review Ad Hoc Council Committee, as their scope of work has been completed.

..end

**Alternative Action(s):**

Do not approve one or more recommended actions and direct staff accordingly.

**Analysis:**

Pursuant to City Council direction, the Ad Hoc Charter Revision Committee consisting of Mayor Strickland, Mayor Pro Tem Van Der Mark, and Council Member Burns collaborated with the City Attorney’s Office on several proposed City Charter amendments. The Ad Hoc Committee introduced a list of those Charter amendments at the September 5, 2023 City Council meeting.

On September 5, 2023, City Council authorized four Special Meetings on September 14, 21, 28 and October 5 to gather public feedback and further consider the amendments. During the first meeting, City Council received feedback and requested impact analyses for each amendment, including those proposed by the Ad Hoc Committee and staff. On September 21, Council Members deliberated, while adding new amendments and requesting impact analyses on each. On September 28, Council Members discussed several proposed amendments and took straw votes to either table the items or move items forward for additional discussion on October 5. On October 5, City Council voted to approve six of the proposed amendments and placed them across three ballot measures for the March 2024 election.

Each proposed measure contains one or more Charter amendments. Details on each are listed below, along with the proposed ballot measure language that will be placed before voters. This language was developed by the City Attorney’s Office.

**CHARTER AMENDMENT – MEASURE NO. 1:**

**Proposed Ballot Language for Consideration (max 75 words):**

Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City: may require Voter ID for elections; provide more in-person voting locations; and monitor ballot drop boxes, be approved?	YES
	NO

A redlined Charter with these proposed amendments will be attached to the ballot measure language (see Attachment 5) to help voters visualize and better comprehend these changes. Lastly, a detailed list of the proposed Charter amendments in Measure No. 1 is below for reference only. This list will not be included in the ballot.

<b>Charter Amendment No. 1</b>			
<b>#</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Amendment</b>
1	702	Procedure for Holding Elections	The existing section states that all municipal elections will be held per the State’s Elections Code, so long as they are not in conflict with the Charter. The amendment adds that the Charter will control and prevail in the event of a conflict.

2	705 (new)	Special Provisions Relating to Municipal Elections	The amendment adds language stating that the City, beginning in 2026, may verify the eligibility of voters by voter ID; provide at least 20 ADA-compliant voting locations; and monitor ballot drop boxes during all municipal elections.  It also reiterates that the Charter will determine the term of the City's elected officers, the length of term, and election cycle for those officers.
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**CHARTER AMENDMENT – MEASURE NO. 2:**

Proposed Ballot Language for Consideration (max 75 words):

Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?	YES
	NO

A redlined Charter with these proposed amendments will be attached to the ballot measure language (see Attachment 5) to help voters visualize and better comprehend these changes. Lastly, a detailed list of the proposed Charter amendments in Measure No. 2 is below for reference only. This will not be included in the ballot.

<b>Charter Amendment No. 2</b>			
#	Section	Section Title	Proposed Amendment
1	806 (new)	Display of Flags	City would be limited to flying certain flags on its properties: American flag, POW/MIA flag, State of California, County of Orange flag, City of Huntington Beach flag, flags of six branches of military, and Olympic flag preceding and following Summer Olympic Games.  The City may fly additional flags if authorized by unanimous vote of the City Council.

**CHARTER AMENDMENT – MEASURE NO. 3:**

Proposed Ballot Language for Consideration (max 75 words):

Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two-year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council	YES
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vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?	NO
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A redlined Charter with these proposed amendments will be attached to the ballot measure language (see Attachment 5) to help voters visualize and better comprehend these changes. Lastly, a detailed list of the proposed Charter amendments in Measure No. 3 is below for reference only. This will not be included in the ballot.

<b>Charter Amendment No. 3</b>			
<b>#</b>	<b>Section</b>	<b>Section Title</b>	<b>Proposed Amendment</b>
1	300	City Council, Attorney, Clerk and Treasurer Terms	Update the initial election years for elected officials (currently 1966 and 1968) to be more contemporary (2022 and 2024). Replace the outdated phrase “casting lots” with the commonly used phrase “random drawing process” and establish a clearer process and timeframe to resolve ties in voting for elected positions.
2	303	Meetings and Locations	Add a provision allowing the City Council to cancel a regularly scheduled meeting when needed, and holding a minimum of one meeting per month.  Syntax adjustments to clarify the process of adjourning City Council meetings. Replace the word “he” with “the Mayor”. Replace the outdated phrase “executive sessions” with the commonly used “closed sessions”
3	304(a)	Quorums, Proceedings and Rules of Order. Quorum.	Add the use of “current technology” as one of several ways to distribute meeting notices to City Council Members.
4	311(d)	City Treasurer. Powers and Duties.	Replace “Director of Finance” with the updated title of “Chief Financial Officer” to align with the Organizational Chart.
5	312	Vacancies, Forfeitures and Replacement	Amend the procedure to fill a Council vacancy by appointment to (1) require at least 4 affirmative Council votes and (2) be filled until the next general municipal election when the remainder of the term will be filled via citywide vote.  Clarify the word “it” with “City Council”.
6	400(d)	City Manager. Composition, Term, Eligibility, Removal.	Clarify the word “his” with “City Manager’s”
7	401(b)	Powers and Duties.	Replace budget “annually” with “as required by this Charter” to transition to a biennial budget.
8	601	Biennial Budget, Preparation by the City Manager.	Replace “Director of Finance” with the updated title of “Chief Financial Officer”. Transition from an annual budget to a biennial budget starting in FY2026-2028.



9	602	Biennial Budget. Submission to the City Council.	Transition from an annual budget to a biennial budget starting in FY2026-2028.
10	603	Biennial Budget. Public Hearing.	Transition from an annual budget to a biennial budget starting in FY2026-2028.
11	604	Biennial Budget. Further Consideration and Adoption.	Replace “Director of Finance” with the updated title of “Chief Financial Officer”. Transition from an annual budget to a biennial budget starting in FY2026-2028.
12	605	Biennial Budget. Appropriations.	Transition from an annual budget to a biennial budget starting in FY2026-2028.
13	801	Definitions.	Remove 801(e) to espouse gender-neutral language.
14	804	Charter Review.	Require City Council to consider a Charter review at least every ten years, starting after the last review conducted by a Committee, Council or staff.

Following adoption of the Resolutions, the City will prepare an impartial analysis for each measure and gather arguments and rebuttals.

Please note the following timelines for all items to be submitted to the City Clerk’s Office, should the Council approve the recommended action tonight:

Timeline for Impartial Analysis and Written Arguments

City Council Meeting / Call for Election	Due Date for Impartial Analyses and Written Arguments
Tuesday, October 17, 2023	Wednesday, November 1, 2023

Timeline for Rebuttal Arguments

Written Arguments Submitted	Due Date for Rebuttals
Wednesday, November 1, 2023	Monday, November 13, 2023

If the City Council does not approve the Recommended Action tonight, the final regular meeting date that the City Council can call for an election and submit all required election materials by the ROV’s final filing deadlines is November 21, 2023.

**Environmental Status:**

Pursuant to CEQA Guidelines Section 15378(b)(5), administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a project.

**Strategic Plan Goal:**

Not applicable. This item is an administrative or operational item.

For details, visit [www.huntingtonbeachca.gov/strategicplan](http://www.huntingtonbeachca.gov/strategicplan).

**Attachment(s):**

1. Resolution 2023-42 - A Resolution of the City Council of the City of Huntington Beach, California, Calling for the Holding of a Special Municipal Election to be held on Tuesday, March 5, 2024, for the Submission to the Voters Questions Relating to City Charter Amendments
2. Resolution 2023-43 - A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal

Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the Date Pursuant to § 10403 of the Elections Code

3. Resolution 2023-44 - A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding City Measures and Directing the City Attorney to Prepare Impartial Analyses
4. Resolution 2023-45 - A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections
5. Redline of Proposed Charter Amendments for Measures Nos. 1, 2, and 3
6. PDF version of this report
7. Presentation



RESOLUTION NO. 2023-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO CITY CHARTER AMENDMENTS.

WHEREAS, pursuant to authority provided by the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, and under the provisions of the laws relating to Charter cities in the State of California, the City Council desires to hold a Special Municipal Election on March 5, 2024 to submit to the voters three questions relating to City Charter amendments; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment(s) to the voters,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to Charter Cities, and pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, there is called and ordered to be held in the City of Huntington Beach, California, on Tuesday, March 5, 2024, a Special Municipal Election for the purpose of submitting to the voters the following questions relating to City Charter amendments:

<p>“Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City may: require Voter ID for elections; provide more in-person voting locations; and monitor ballot drop-boxes, be approved?”</p>	Yes
	No
<p>“Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?”</p>	Yes
	No
<p>“Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two-year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?”</p>	Yes
	No

SECTION 2. That the complete text of the Charter Amendments submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar-Recorder/County Clerk 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.

SECTION 6. That the polls (vote centers) for the election shall be open at seven o'clock

a.m. of the day of the election and shall remain open continuously from that time until 8 o'clock p.m. of the same day when the polls (vote centers) shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That 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.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

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PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

*Pedra*  
\_\_\_\_\_  
City Attorney

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

EXHIBIT A  
 CHARTER AMENDMENT MEASURES  
 PROPOSED ADDITIONS SHOWN AS UNDERLINED  
 PROPOSED DELETIONS SHOWN AS ~~STRIKE THROUGH~~

Charter Amendment Measure No. 1

**Section 702. PROCEDURE FOR HOLDING ELECTIONS.**

All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. In the event of such conflict, the provisions of this Charter shall control and prevail, in accordance with Section 103 of this Charter.

**Section 705. SPECIAL PROVISIONS RELATING TO MUNICIPAL ELECTIONS**

As in Section 300, the City Charter shall determine the term of the City's elective officers, the length of term, and the election cycle in which the election for those offices occur for the City's elective officers.

(a) Beginning in 2026, for all municipal elections:

(1) "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.

(2) The City may verify the eligibility of Electors by voter identification.

(3) The City may provide at least 20 Americans with Disabilities Act compliant voting locations for in-person voting dispersed evenly throughout the City, in addition to any City facility voting locations.

(4) The City may monitor ballot drop boxes located within the City for compliance with all applicable laws.

Charter Amendment Measure No. 2

**SECTION 806. DISPLAY OF FLAGS.**

Except as otherwise provided herein, the City shall only fly or display at or on any of the City's properties the following flags: the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, the County of Orange flag, or any of the flags of the six branches of service: the Army, Navy, Air Force, Coast Guard, Marine Corps, and Space Force. During the Summer Olympic Games, the Mayor is authorized to order the display of the official Olympic flags for four weeks prior to the dates of the games, and for up to two weeks thereafter. The City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council.

## Charter Amendment Measure No. 3

**Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS.** The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify. Subject to the provisions of this Charter, the members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022, four members of the City Council shall be elected at the general municipal election held in ~~1966~~ 2022, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in ~~1968-2024~~, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term. Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022, a City Clerk and City Treasurer shall be elected at the general municipal election held in ~~1968~~ 2024, and each fourth year thereafter. A City Attorney shall be elected in ~~1966~~ 2022, and each fourth year thereafter.

The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first ~~Monday~~ regular City Council meeting following the certification of the election. Ties in voting among candidates for office shall be settled by the casting of lots random drawing process conducted by the City Manager during the first regular City Council meeting following the certification.

If no candidate meets the qualifications for office of the City Clerk, City Treasurer, or City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

**Section 303. MEETINGS AND LOCATION.**

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month, unless it lacks a quorum or is canceled by the Mayor or a majority of City Council Members, at such time as it shall fix by ordinance or resolution. In no event shall the City Council meet less than once each month. ~~and The City Council may adjourn or re-adjourn~~ any regular meeting to a date and hour certain which shall be specified in the order of adjournment, ~~and when so adjourned~~ Each re-adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. ~~If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.~~

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice or current technology to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally, ~~or~~ by mail or by current technology at least twenty-four hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written notice files a written waiver of notice with the City Clerk, it may be dispensed with. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the time it convenes. In the event of an emergency affecting the public peace, health or safety, a special meeting may be called as provided in this section with less than twenty-four hours written notice by the Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if ~~he~~ the Mayor should fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to ~~executive~~ closed sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

(e) **Dissemination of Information.** The City Council shall adopt rules to ensure thorough and timely dissemination of information via current technology by resolution.

#### **Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.**

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally, ~~or~~ by mail or by current technology to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.



**Section 311. CITY TREASURER. POWERS AND DUTIES.**

(d) Prepare and submit to the ~~Director of Finance~~ Chief Financial Officer monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.

**Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.**

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council with at least four affirmative votes.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, the office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event ~~if~~ the City Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term. If the City Council fills the vacancy by appointment, such appointee shall hold office until an election to fill the remainder of the unexpired term at the next general municipal election. Should the appointment occur after the filing deadline for the next general municipal election, the seat shall be deemed vacant upon the certification of the general municipal election, and the vacancy shall be filled in accordance with Sections 312(a) and 312(c).

**Section 400. CITY MANAGER. COMPOSITION, TERM, ELIGIBILITY, REMOVAL.**

(d) **Removal.** The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Manager shall be furnished with a written notice stating the Council's intentions and, if requested by the City Manager, the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place

before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of the intended removal, the City Council may suspend the City Manager from duty, but ~~his~~ the City Manager's compensation shall continue until removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

**Section 401. POWERS AND DUTIES.**

(b) Prepare the budget ~~annually~~ as required by this Charter, submit it to the City Council, and be responsible for its administration upon adoption.

**Section 601. BIENNIAL ANNUAL BUDGET, PREPARATION BY THE CITY MANAGER.**

At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the ~~Director of Finance~~ Chief Financial Officer, estimates of the department's, board's or commission's revenue and expenditures for the ensuing two fiscal years, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

**Section 602. BIENNIAL ANNUAL BUDGET. SUBMISSION TO THE CITY COUNCIL.**

The City Manager shall submit the proposed budget to the City Council at least thirty days prior to the beginning of each even numbered fiscal year beginning in 2026. After reviewing the proposed budget and making such revisions as it may deem advisable, the City Council shall hold a public hearing thereon at least fifteen days prior to the beginning of each even numbered fiscal year and shall cause to be published a notice thereof not less than ten days prior to said hearing. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

**Section 603. BIENNIAL ANNUAL BUDGET. PUBLIC HEARING.**

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

**Section 604. BIENNIAL ANNUAL BUDGET. FURTHER CONSIDERATION AND ADOPTION.**

At the conclusion of the public hearing the City Council shall further consider the

proposed budget and make any revisions thereof that it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing two fiscal years. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, ~~Director of Finance~~ Chief Financial Officer, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

**Section 605. BIENNIAL ANNUAL BUDGET APPROPRIATIONS.**

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named; provided, however, that the City Manager may transfer funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the second fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative vote of at least a majority of the total members of the City Council.

**Section 801. DEFINITIONS.** Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Huntington Beach and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Huntington Beach.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.
- ~~(e) The masculine includes the feminine and the feminine includes the masculine.~~
- ~~(f e)~~ The singular includes the plural and the plural the singular.
- ~~(g f)~~ "Person" includes firm and corporation.

**Section 804. CHARTER REVIEW.** The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years from the most recent formal Charter review conducted by a Charter Revision Commission, City Council, or City staff.

RESOLUTION NO. 2023-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 5, 2024, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of Huntington Beach called a Special Municipal Election to be held on March 5, 2024, for the purpose of submitting to the voters questions relating to amending the City Charter; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City, polling places (vote centers) and election officers of the two elections be the same, and that the county election department of the County of Orange canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a Special Municipal Election for the purpose of submitting to the voters three questions relating to amending the City Charter, with the Statewide Primary Election on Tuesday, March 5, 2024, and

SECTION 2. That the measures are to appear on the ballot as follows:

<p>“Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City may: require Voter ID for elections; provide more in-person voting locations; and monitor ballot drop-boxes, be approved?”</p>	<p style="text-align: center;">Yes</p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">No</p>
<p>“Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, The State of California flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?”</p>	<p style="text-align: center;">Yes</p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">No</p>
<p>“Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two-year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?”</p>	<p style="text-align: center;">Yes</p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">No</p>

SECTION 3. That the proposed complete text of the measures submitted to the voters are attached to this resolution as Exhibit A.

SECTION 4. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 5. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

SECTION 6. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Huntington Beach recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Orange.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

*Paul D...*  
\_\_\_\_\_  
City Attorney

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

EXHIBIT A  
 CHARTER AMENDMENT MEASURES  
 PROPOSED ADDITIONS SHOWN AS UNDERLINED  
 PROPOSED DELETIONS SHOWN AS ~~STRIKETHROUGH~~

Charter Amendment Measure No. 1

**Section 702. PROCEDURE FOR HOLDING ELECTIONS.**

All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. In the event of such conflict, the provisions of this Charter shall control and prevail, in accordance with Section 103 of this Charter.

**Section 705. SPECIAL PROVISIONS RELATING TO MUNICIPAL ELECTIONS**

As in Section 300, the City Charter shall determine the term of the City's elective officers, the length of term, and the election cycle in which the election for those offices occur for the City's elective officers.

(a) Beginning in 2026, for all municipal elections:

(1) "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.

(2) The City may verify the eligibility of Electors by voter identification.

(3) The City may provide at least 20 Americans with Disabilities Act compliant voting locations for in-person voting dispersed evenly throughout the City, in addition to any City facility voting locations.

(4) The City may monitor ballot drop boxes located within the City for compliance with all applicable laws.

Charter Amendment Measure No. 2

**SECTION 806. DISPLAY OF FLAGS.**

Except as otherwise provided herein, the City shall only fly or display at or on any of the City's properties the following flags: the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, the County of Orange flag, or any of the flags of the six branches of service: the Army, Navy, Air Force, Coast Guard, Marine Corps, and Space Force. During the Summer Olympic Games, the Mayor is authorized to order the display of the official Olympic flags for four weeks prior to the dates of the games, and for up to two weeks thereafter. The City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council.



## Charter Amendment Measure No. 3

**Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS.** The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify. Subject to the provisions of this Charter, the members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022, four members of the City Council shall be elected at the general municipal election held in ~~1966~~ 2022, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in ~~1968~~ 2024, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term. Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022, a City Clerk and City Treasurer shall be elected at the general municipal election held in ~~1968~~ 2024, and each fourth year thereafter. A City Attorney shall be elected in ~~1966~~ 2022, and each fourth year thereafter.

The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first ~~Monday~~ regular City Council meeting following the certification of the election. Ties in voting among candidates for office shall be settled by ~~the easting of lots~~ random drawing process conducted by the City Manager during the first regular City Council meeting following the certification.

If no candidate meets the qualifications for office of the City Clerk, City Treasurer, or City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

**Section 303. MEETINGS AND LOCATION.**

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month, unless it lacks a quorum or is canceled by the Mayor or a majority of City Council Members, at such time as it shall fix by ordinance or resolution. In no event shall the City Council meet less than once each month. ~~and~~ The City Council may adjourn ~~or re-adjourn~~ any regular meeting to a date and hour certain which shall be specified in the order of adjournment, ~~and when so adjourned~~ Each re-adjourned meeting shall be a regular meeting for all purposes. ~~If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings.~~ If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice or current technology to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally, ~~or~~ by mail or by current technology at least twenty-four hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written notice files a written waiver of notice with the City Clerk, it may be dispensed with. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the time it convenes. In the event of an emergency affecting the public peace, health or safety, a special meeting may be called as provided in this section with less than twenty-four hours written notice by the Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if ~~he~~ the Mayor should fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to ~~executive~~ closed sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

(e) **Dissemination of Information.** The City Council shall adopt rules to ensure thorough and timely dissemination of information via current technology by resolution.

#### **Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.**

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally, ~~or~~ by mail or by current technology to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.

**Section 311. CITY TREASURER. POWERS AND DUTIES.**

(d) Prepare and submit to the ~~Director of Finance~~ Chief Financial Officer monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.

**Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.**

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council with at least four affirmative votes.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, the office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event ~~it~~ the City Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term. If the City Council fills the vacancy by appointment, such appointee shall hold office until an election to fill the remainder of the unexpired term at the next general municipal election. Should the appointment occur after the filing deadline for the next general municipal election, the seat shall be deemed vacant upon the certification of the general municipal election, and the vacancy shall be filled in accordance with Sections 312(a) and 312(c).

**Section 400. CITY MANAGER. COMPOSITION, TERM, ELIGIBILITY, REMOVAL.**

(d) **Removal.** The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Manager shall be furnished with a written notice stating the Council's intentions and, if requested by the City Manager, the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of the

intended removal, the City Council may suspend the City Manager from duty, but ~~his~~ the City Manager's compensation shall continue until removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

**Section 401. POWERS AND DUTIES.**

(b) Prepare the budget ~~annually~~ as required by this Charter, submit it to the City Council, and be responsible for its administration upon adoption.

**Section 601. BIENNIAL ANNUAL BUDGET, PREPARATION BY THE CITY MANAGER.**

At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the ~~Director of Finance~~ Chief Financial Officer, estimates of the department's, board's or commission's revenue and expenditures for the ensuing two fiscal years, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

**Section 602. BIENNIAL ANNUAL BUDGET. SUBMISSION TO THE CITY COUNCIL.**

The City Manager shall submit the proposed budget to the City Council at least thirty days prior to the beginning of each even numbered fiscal year beginning in 2026. After reviewing the proposed budget and making such revisions as it may deem advisable, the City Council shall hold a public hearing thereon at least fifteen days prior to the beginning of each even numbered fiscal year and shall cause to be published a notice thereof not less than ten days prior to said hearing. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

**Section 603. BIENNIAL ANNUAL BUDGET. PUBLIC HEARING.**

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

**Section 604. BIENNIAL ANNUAL BUDGET. FURTHER CONSIDERATION AND ADOPTION.**

At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall

be in effect for the ensuing two fiscal years. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, ~~Director of Finance~~ Chief Financial Officer, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

**Section 605. BIENNIAL ANNUAL BUDGET APPROPRIATIONS.**

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named; provided, however, that the City Manager may transfer funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the second fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative vote of at least a majority of the total members of the City Council.

**Section 801. DEFINITIONS.** Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Huntington Beach and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Huntington Beach.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.
- ~~(e) The masculine includes the feminine and the feminine includes the masculine.~~
- (~~f~~e) The singular includes the plural and the plural the singular.
- (~~g~~ f) "Person" includes firm and corporation.

**Section 804. CHARTER REVIEW.** The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years from the most recent formal Charter review conducted by a Charter Revision Commission, City Council, or City staff.

RESOLUTION NO. 2023-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING CITY MEASURES AND DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSES

WHEREAS, a Special Municipal Election is to be held in the City of Huntington Beach, California, on March 5, 2024, at which there will be submitted to the voters three ballot measures related to amendments to the City Charter; and

The City Council wishes to authorize arguments in favor of and in opposition to these measures and authorize the preparation of impartial analyses of these measures,

NOW, THEREFORE, the City Council of the City of Huntington Beach, California, does hereby resolve, declare, determine and order as follows:

SECTION 1. That with respect to the measure entitled:

"Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City may: require Voter ID for elections; provide more in-person voting locations; and monitor ballot drop-boxes, be approved?"	YES
	NO

a. That the City Council authorizes the following member(s) of its body:

- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)

to file a written argument not exceeding 300 words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. Said argument to be accompanied by the printed name(s) and signature(s) of the authors(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney.

a. The City Attorney shall prepare an impartial analysis of the Measure not exceeding 500 words showing the effect of the Measure on the existing law and the operation of the Measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Attorney shall have outside counsel prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Charter Amendment Measure 1. If you desire a copy of the Measure, please call the election official's office at 714-536-5405 and a copy will be emailed at no cost to you."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing



of primary arguments.

SECTION 3. That with respect to the measure entitled:

“Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?”	YES
	NO

a. That the City Council authorizes the following member(s) of its body:

- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)
- \_\_\_\_\_ (Councilmember In Favor/Against)

to file a written argument not exceeding 300 words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. Said argument to be accompanied by the printed name(s) and signature(s) of the authors(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers.

SECTION 4. That the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney.

a. The City Attorney shall prepare an impartial analysis of the Measure not exceeding

500 words showing the effect of the Measure on the existing law and the operation of the Measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Attorney shall have outside counsel prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: “The above statement is an impartial analysis of Charter Amendment Measure 2. If you desire a copy of the Measure, please call the election official’s office at 714-536-5405 and a copy will be emailed at no cost to you.”

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 5. That with respect to the measure entitled:

“Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two- year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?”	YES
	NO

a. That the City Council authorizes the following member(s) of its body:

_____	(Councilmember In Favor/Against)
_____	(Councilmember In Favor/Against)
_____	(Councilmember In Favor/Against)
_____	(Councilmember In Favor/Against)
_____	(Councilmember In Favor/Against)

to file a written argument not exceeding 300 words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. Said argument to be accompanied by the printed name(s) and signature(s) of the authors(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers.

SECTION 6. That the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney.

a. The City Attorney shall prepare an impartial analysis of the Measure not exceeding 500 words showing the effect of the Measure on the existing law and the operation of the Measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Attorney shall have outside counsel prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below

the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Charter Amendment Measure 3. If you desire a copy of the Measure, please call the election official's office at 714-536-5405 and a copy will be emailed at no cost to you."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.


\_\_\_\_\_

Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
City Attorney

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

## ARGUMENTS FORM OF STATEMENT TO BE FILED BY AUTHORS OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent (s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot proposition (name or number) at the (title of election) election for the (jurisdiction) to be held on \_\_\_\_\_, 20\_\_\_\_\_ hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____
Print Name _____ Title _____ (If applicable):Submitted on behalf of : _____ <div style="text-align: center;">(name of organization)</div>	Signature _____ Date _____

All Authors must print his/her name **and sign this form** (EC 9600)

AND

Print his/her name **and sign the Argument itself** (EC 9283)

AND

Print his/her name **and sign the Rebuttal Argument itself** (EC 9285)

Further, pursuant to Election Code § 9282, printed arguments submitted to the voters shall be titled either "Argument In Favor Of Measure \_\_\_" or "Argument Against Measure \_\_\_".

*Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure \_\_\_" or "Rebuttal to Argument Against Measure \_\_\_".*

§ 9200, 9282, 9283, 9285, 9600 E.C.

§ 9600, E.C. and (Steven Vargas v. Cheryl Balz and City of Brea; Revised 10/2009)

Statement of Authors of Arguments

F - A - 1

Revised 10/17/23



# Charter Amendment Ballot Measures

October 17, 2023



- **Consider 3 proposed amendments for March 2024 ballot**
  - **Examine language and exhibits**
- **Adopt 4 Resolutions**
  - 2023-042 – Call for Special Municipal Election
  - 2023-043 – Request the County Board of Supervisors consolidate special municipal election with Statewide Primary
  - 2023-043 – Priorities for filing written arguments and impartial analysis
  - 2023-044 – Filing of rebuttal arguments
- **Appropriate Funding**
  - \$459,628 from General Funds
- **Dissolve Charter Review Ad Hoc Committee**



# Charter Amendment No. 1

Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City: may require Voter ID for elections; provide more in-person voting locations; and monitor ballot drop boxes, be approved?	YES
	NO



# Charter Amendment No. 2

Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?	YES
	NO



# Charter Amendment No. 3

Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two-year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?	YES
	NO

