

ATTACHMENT 2

RESOLUTION NO. 4330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HUNTINGTON BEACH ADOPTING A COUNCIL MANUAL

BE IT RESOLVED by the City Council of the City of
Huntington Beach that it does hereby adopt a Council Manual,
which manual is attached hereto and by this reference made a
part hereof.

Future amendments to the Council Manual shall be by
resolution of the City Council which shall relate only to the
sections amended.

Resolutions No. 1463, 2539, 3164, 3306, 3664 and 4227
are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of
Huntington Beach at a regular meeting thereof held on the 20th
day of September, 1976.




Mayor

ATTEST:

APPROVED AS TO FORM:

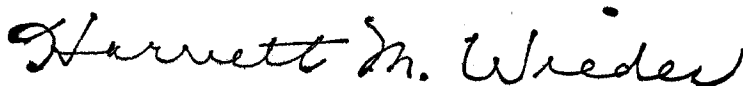


City Clerk



City Attorney

APPROVED AS TO CONTENT AND
AS INITIATING DEPARTMENT:



Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, ALICIA M. WENTWORTH, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council at a regular _____ meeting thereof held on the 20th day of September, 19 76, by the following vote:

AYES: Councilmen:
Bartlett, Pattinson, Coen, Gibbs, Siebert, Shenkman, Wieder

NOES: Councilmen:
None

ABSENT: Councilmen:
None

Alicia M. Wentworth

City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

RESOLUTION NO. 4325

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HUNTINGTON BEACH ADOPTING A COUNCIL MANUAL

BE IT RESOLVED by the City Council of the City of
Huntington Beach that it does hereby adopt a Council Manual,
which manual is attached hereto and by this reference made a
part hereof.

Future amendments to the Council Manual shall be by
resolution of the City Council which shall relate only to the
sections amended.

Resolutions No. 1463, 2539, 3164, 3306, 3664 and 4227
are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of
Huntington Beach at a regular meeting thereof held on the 7th
day of September, 1976.

Mayor

ATTEST:

APPROVED AS TO FORM:

Alicia M. Kentworth

City Clerk

[Signature]

City Attorney

APPROVED AS TO CONTENT AND
AS INITIATING DEPARTMENT:

Harrett M. Wrieder

Mayor

COUNCIL MANUAL

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Chapter 1.01

CITY COUNCIL

1.01.01 Rules of Office of Councilpersons. The Huntington Beach City Council is comprised of seven (7) members elected from the city at large to fill a term of four (4) years. Election of City Council members is divided into two (2) cycles. Four (4) Council members are elected at one general municipal election, followed in two (2) years by another general municipal election where three (3) members are elected, and so forth. The term of a City Council member begins on the first Monday after election and any tie in voting should be decided by casting lots. (Charter §500)

1.01.02 Vacancies. A vacancy in the City Council for whatever reason shall be filled by appointment of the City Council; thereafter, at the next municipal election at which it is possible to place the matter on the ballot, the position will be filled for the unexpired term, if any. (Charter §503)

1.01.03 Attendance. If a City Council member absents himself from all regular meetings of the City Council for thirty (30) consecutive days after the last regular meeting the member attended, without the permission of the City Council, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the city, the City Council shall declare his office vacant. In the event the City Council fails to fill the seat by appointment within sixty (60) days, the City Council shall cause an election to be held to fulfill the unexpired term. (Charter §503)

1.01.04 Duties of the City Council. All powers of the city shall be vested in the City Council except as otherwise provided in the city Charter. (Charter §505)

The duties of the City Council include, but are not limited to:

(a) Holding regular meetings at least twice per month at such time as shall be fixed by ordinance (Charter §506) which is 7 p.m. on the first and third Mondays of each month in the Council chambers except where a meeting falls on a holiday then it is to be held on the following day. (Resolution No. 4161)

(b) Calling special meetings by a majority of the City Council. (Charter §507)

(c) Administering oaths and affirmations in any investigation or proceeding pending before the Council, to compel attendance of witnesses, to examine them under oath and to compel the production of evidence. (Charter §509)

(d) Adopt ordinances and resolutions. (Charter §511)

(e) Approving city contracts or authorizing the City Administrator so to bind the city. (Charter §518)

(f) By ordinance or resolution providing for the sale or exchange of personal property not needed in city service, or not fit for its intended purpose. (Charter §518)

(g) Appointing the City Administrator and setting his compensation. (Charter §603)

(h) Removing the City Administrator by majority vote except during or within ninety (90) days of a municipal election. (Charter §606)

(i) Refraining from interference with the administrative service; except for the purpose of inquiry, the City Council must deal with the administrative service through the City Administrator. (Charter §607)

(j) Providing by ordinance or resolution for the organization, conduct and operation of the various offices and departments of the city. (Charter §702)

(k) Controlling all legal business of the city. (Charter §703)

(l) Designating depositories for city funds. (Charter §705)

(m) Fixing by ordinance or resolution amounts and terms of official bonds of all officials or employees. (Charter §712)

(n) Refraining from accepting other elective office while an elective officer of the city and, if done, the Council member will be deemed to have vacated his office. (Charter §710)

(o) Refraining from having any financial interest in any transaction of the city. (Charter §709)

(p) Refraining from engaging in nepotism. (Charter §711)

(q) Appointing to and creating the various boards and commissions of the city and providing for their funding in the city budget. (Charter §§800, 801, 802)

(r) Establishing by ordinance a comprehensive personnel system. (Charter §1000)

(s) After public hearings, reviewing, considering and adopting the annual budget of the city. (Charter §§1202, 1203, 1204) At any subsequent meeting after adoption, the City Council may amend or supplement the budget. (Charter §1205)

(t) Adopting by ordinance a centralized purchasing system. (Charter §1206)

(u) Refraining from levying a property tax for municipal purposes in excess of One Dollar (\$1) on each One Hundred Dollars (\$100) of assessed value of property within the city without voter authorization. (Charter §1207)

(v) Establishing by ordinance the procedure for assessment, levy and collection of taxes upon property within the city. (Charter §1208)

(w) Establishing by ordinance procedure for the issuance of revenue bonds. (Charter §1209)

(x) Establishing a contingency fund for the purpose of placing the payment of running expenses of the city on a cash basis. (Charter §1212) Establishing a capital outlay fund and such other funds by ordinance for special capital outlay purposes. (Charter §1213) The City Council may transfer to any such fund any unencumbered surplus funds on hand at any time. (Charter §1213) The City Council may by ordinance establish the Treasurer's departmental trust fund for the collections and deposits of the police, license, building and other departments' deposits. (Charter §1214) The City Council may by ordinance establish any other funds not inconsistent with city Charter provisions. (Charter §1215)

(y) Accepting and rejecting all claims against the city. (Charter §1216) The City Clerk is authorized to act on behalf of the City Council in rejecting for insufficiency or denying claims filed against the city pursuant to Government Code §§900 et seq. (Resolution No. 4051, 7 Apr 75)

(z) Providing for an independent audit of the city each fiscal year. (Charter §1219)

(aa) Granting franchises for public services after public hearings, when appropriate. (Charter §1400)

1.01.05 Duties of the Mayor. On the first Monday after

any municipal election where a Council member is elected and at any time where there is a vacancy in the office of Mayor, the City Council shall meet and elect one of its members Mayor.

The Mayor is the ceremonial head of the city and shall have the primary, but not exclusive, duty to interpret the policies, programs and needs of city government to the people.

The Mayor may make and second motions and shall have both voice and vote in all Council proceedings. The Mayor serves at the pleasure of the City Council. (Charter §504)

The Mayor may call special meetings of the City Council. (Charter §518)

The Mayor may execute contracts on behalf of the city. (Charter §518)

Where the Mayor, Mayor Pro Tempore and City Clerk are absent from the city, all papers and documents required to be executed by them may be executed by facsimile signature. (Resolution No. 3200, 3 Aug 70)

1.01.06 Duties of Mayor Pro Tempore. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

1.01.07 Compensation of Councilpersons. For their service to the city, Councilpersons shall receive the sum of \$125 monthly for ordinary and routine expenses, and in addition to such sum, shall receive reimbursement for council-authorized travel and other expenses provided an itemized account is first submitted for such reimbursement, and is approved by the Council at the first regular meeting of the month following the month during which such expense was incurred.

Councilpersons shall also receive all fringe benefits granted to department heads of the city, and such fringe benefits shall be included in the annual budget. (Ordinance No. 2079, 18 Aug 76)

Chapter 1.02

CODE OF ETHICS

1.02.01 Purpose of code. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people. The purpose of this code is to establish ethical standards of

conduct for all such officials.

1.02.02 Definition. The municipal officials and employees of the City of Huntington Beach, whether elected or appointed, are "public officials and employees" within the meaning of this code.

1.02.03 Responsibilities of public office.

(a) Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the State of California and to carry out impartially the laws of the nation, state and municipality.

1.02.04 Dedicated service. Public officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

1.02.05 Fair and equal treatment--Unilateral communications. No public official or employee should encourage, make, or accept any application or communication from any party made out of the presence and without the knowledge of other parties in a matter under consideration when such application or communication is designed to influence official decision or the conduct of the official himself, or other officials, employees, or agencies in order to obtain favored treatment or special consideration to advance the personal or private interests of himself or others.

Any written unilateral communication received by a public official or employee in matters where all interested parties should have equal opportunity for a hearing should be made part of the record by the recipient. Any oral unilateral communication received under such conditions should be written down in substance by the recipient and also made part of the record.

1.02.06 Standards of conduct. Every officer of the city shall attempt to be courteous and avoid making rude or personal remarks. When speaking at a public meeting, the officers of the

city shall attempt to speak to the issue and avoid making comments for the benefit of the audience or the press.

Chapter 1.03

COUNCIL MEETING

1.03.01 Agenda. All items and supporting documents thereto must be filed with the City Clerk by 5 p.m. on the Monday preceding a council meeting to be included on that meeting's agenda.

Any item of an emergency nature that must be acted upon at the next council meeting may be included by making arrangements with the City Administrator. (Resolution No. 2520, 6 March 67)

Oral communications to the Council must be submitted for inclusion on the agenda, if not related to an item already on the agenda. The Mayor or chairperson may use discretion to allow or disallow oral communication on an agenda item where the request for oral communication has not been filed, as required in this section.

1.03.02 Time and place of council meeting. Regular council meetings shall be held in the City Council Chambers on the first and third Mondays of each month at 7 p.m. except where a meeting falls on a holiday it shall be held on the next business day. (Resolution No. 4161, 17 Nov 75)

The time and place of special City Council meetings shall be decided when called and the call and notice shall specify such time and place. (Charter §507)

All matters not on the floor by 11 p.m. will automatically be continued to the next council meeting. (Minute Action, 6 May 74)

Chapter 1.04

PARLIAMENTARY PROCEDURE

1.04.01 Roberts Rules of Order Revised. In all matters of parliamentary procedure which are not expressly provided for in the city Charter or the ordinances or resolutions of the city, the procedure contained in "Roberts Rules of Order Revised," as it now exists or future revisions thereof, shall control.

1.04.02 Parliamentarian. The City Attorney is parliamentarian for the City Council, and upon the request of the Mayor or upon his own initiative, shall make rulings on points of parliamentary procedure.

1.04.03 Motions. Motions may be made by any member of the Council and require a second except when a second is not required by "Roberts Rules of Order Revised." A motion may be withdrawn by the mover with the consent of the second and in the absence of objection from any other member of the Council.

1.04.04 Vote required--Nonemergency. For all nonemergency ordinances, resolutions or orders for the payment of money, four (4) affirmative votes are required. (Charter §511)

1.04.05 Emergency ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health and safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes. (Charter §511)

1.04.06 Adoption of ordinances. With the sole exception of emergency ordinances which take effect upon adoption, no ordinance shall be adopted by the City Council on the day of its introduction nor within five (5) days thereafter nor at any time other than a regular or adjourned regular meeting. (Charter §511)

1.04.07 Reading of ordinances and resolutions. At the time of introduction or adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the councilpersons present, except that emergency ordinances shall be read in full. (Charter §511)

1.04.08 Alteration of ordinance after introduction. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting being held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of this section. (Charter §511)

1.04.09 Repeal of resolutions and ordinances. A resolution may be repealed by another resolution or an ordinance. If repeal is by resolution without advance notice, five affirmative votes; with notice (in the formal Council agenda), four

affirmative votes. An ordinance may be repealed only by another ordinance.

1.04.10 Orders for payment of money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting. (Charter §511)

1.04.11 The vote. The vote on all motions shall be by roll call, and may be recorded by electronic or mechanical means.

1.04.12 Division of question ("split vote"). If the question contains two (2) or more divisible propositions, the Mayor may, and at the request of any councilperson shall, divide the question (also called "split vote"). Example:

(1) Waive further reading of ordinance/resolution (requires unanimous vote).

(2) Adopt.

1.04.13 Tie votes. If a vote is a tie, the motion fails except that on appellate matters a tie vote on a motion to sustain the lower body's decision has the effect of sustaining the decision of the lower body. A tie vote on a negative motion does not approve the affirmative side of the motion. Thus a tie vote on a motion to disapprove or not to do something does not automatically adopt the opposite. After such tie vote the question should be made in the affirmative mode.

1.04.14 Nomination and election. Nomination and election for the offices of mayor and mayor pro tempore, pursuant to Section 504 of the Charter, shall follow the following procedure:

(a) At the time set for nomination and election, the mayor and mayor pro tempore shall vacate their respective offices as such, and the City Clerk or other presiding officer shall call the Council to order and proceed to conduct an election for the office of mayor.

(b) Any member may nominate any other member, no seconds being required, and nominations shall be open until a motion to close shall be adopted.

(c) The vote shall then be conducted on the nominees by secret ballot and if no nominee secures a majority of votes cast, the two nominees with the highest number of votes shall be voted on by secret ballot.

(d) All votes on nominees shall be by secret ballot.

(e) No write-in votes shall be counted and any such write-in votes shall be considered as a failure to vote.

(f) In case of tie for the second highest vote, run-off ballots on such tie nominees shall be cast to break the tie. The tie is broken when one tie nominee receives the highest number of votes cast on such ballot. When such tie is broken, a vote shall be taken on the nominee who has the highest vote and the tie-breaking nominee.

(g) In case of a tie of more than two (2) nominees for the highest vote, a vote shall be taken on such tie nominees, eliminating all others.

(h) All run-off or tie-breaking ballots are subject to the same elimination rules as apply to the first ballot.

(i) Successive ballots shall be cast until a nominee is elected.

(j) A nominee shall be elected at any time such nominee has a majority of votes cast on any ballot in which all nominees eligible for a final ballot are in competition.

(k) Each member shall be entitled to nominate one nominee for each office. No member shall nominate himself.

(l) A mayor pro tempore shall then be selected by the same process as set forth in this section for the office of mayor.

(m) The mayor and mayor pro tempore, following such proper election, shall serve for terms of one (1) year and until such time as their successors have been elected and qualified and installed.

1.04.15 Rights of Mayor. The Mayor has the right to make motions, second motions and vote on motions. The practice of some deliberative bodies where the chairman does not vote except to break a tie does not apply to the City Council.

1.04.16 Quorum. A quorum for all meetings of the City Council is four (4) councilpersons.

1.04.17 Ralph M. Brown Act. Any meeting, gathering or coming together of four (4) or more councilpersons at which city business is discussed is subject to the Brown Act. A full discussion of the Brown Act and its rules and requirements is found at Appendix of this manual.

1.04.18 Fines, penalties and franchises. In addition to such other acts of the City Council as are required by the Charter to be taken by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. (Charter §512)

1.04.19 Other actions. Actions which are not required by the city Charter or city ordinances to be in the form of ordinances or resolutions may be effectuated by minute action.

1.04.20 When minute action is a resolution. In all situations where an action of the City Council under the express provisions of the city Charter or ordinances shall or may be by resolution, a "minute action" of the City Council adopted by at least four (4) affirmative votes, shall be deemed a resolution for all purposes, and such action shall not fail merely because it lacks the form or title of a resolution.

1.04.21 Minute actions. Minute actions require the affirmative votes of a majority of councilpersons present and voting, but not less than three (3), except when less than a quorum is present, the lesser number may adjourn from time to time.

1.04.22 Motion to rescind. A motion to rescind a minute action without advance notice requires five affirmative votes; with notice (in the formal Council agenda), four affirmative votes.

1.04.23 Motion to reconsider. A motion to reconsider, when appropriate under Roberts Rules of Order Revised, may be made at the same meeting or no later than the next regular meeting of the City Council by a councilperson who voted on the prevailing side of the motion to which it applies. The vote required to adopt a motion to reconsider shall be a simple majority of councilpersons present and voting except that such motion shall require four (4) affirmative votes in order to reconsider any motion which required four (4) affirmative votes for adoption. A motion to reconsider may be made only once with respect to any motion to which it applies; however, a motion to reconsider a main motion does not preclude the making of a motion to reconsider the main motion as amended. A motion to amend may be reconsidered. A motion to reconsider a motion to reconsider is not permitted. The vote on the motion to reconsider shall be taken at the time the motion to reconsider is made except that the vote on a motion "to reconsider and enter upon the minutes" shall be taken at the next regular meeting of the City Council. The effect of the adoption of a motion to reconsider is to vacate the vote taken on the motion to which it applies and to present the motion to which it applies to the

body for action as if no vote had been taken on it. The new vote on the motion to which it applies neither sustains nor overrules such motion because the old vote is vacated and the new vote is taken as though no previous vote had been taken.

1.04.24 Vote required on appellate matters. Where action has been taken by a lower body that would be final if not appealed, such as decisions by the Board of Zoning Adjustments or the Planning Commission, and is subsequently appealed to the higher body, the following procedure applies:

(a) If the motion is to sustain the lower body's decision, a majority of those present and voting is sufficient (four (4) affirmative votes not required). It is not necessary to make a motion to overrule. When there is a tie vote, the lower body is sustained. However, if the motion to sustain gets less than a tie vote, a motion to overrule must be made.

(b) If the motion is to overrule the decision of the lower body, four (4) affirmative votes are required. If there are less than four (4) affirmative votes, the decision of the lower body is deemed sustained and no further vote is required.

(c) If a motion is made to modify the decision of the lower body, two separate steps must be taken:

(1) First, the motion to modify requires four (4) affirmative votes.

(2) Second, if the motion to modify is adopted, a motion to sustain the decision of the lower body as modified requires the same vote as the motion to sustain.

(3) A motion to overrule the decision of the lower body, as modified, requires four (4) affirmative votes. If there are less than four (4) affirmative votes, the decision of the lower body, as modified, is deemed sustained without further vote.

(4) If a motion to modify fails, the next motion is either to sustain or to overrule the subordinate body.

1.04.25 Appointments to boards and commissions. When a vacancy occurs for any reason on any board or agency over which Council has power to fill by appointment, the following procedure shall be followed to fill such vacancy:

(a) At the first Council meeting following the notification to the Council of such vacancy, public announcement shall

be made of said vacancy and a request made for any interested persons to submit a resume of their qualifications to the Council prior to the next regular meeting of the Council.

(b) The Council shall, as soon as is reasonably possible, fill any such vacancies but nothing herein shall be construed to limit its choice to a person who has submitted an application, as outlined above.

(c) Interviews of candidates for positions on boards or commissions shall be held in public at regular or adjourned regular meetings of the City Council. A list of uniform questions developed by the appropriate department will be asked of each applicant to be interviewed. Applicants will be rated on a numerical scale which will be made public.

Chapter 1.05

ROLE OF THE CITY ADMINISTRATOR

1.05.01 Appointment and removal. The City Administrator is the chief administrative officer in the city. He shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council. He shall not be removed from office during or within any ninety (90) day period following any municipal election when a councilperson is elected. He may be removed only at a regular meeting by majority vote and thirty (30) days prior to termination, he must be given notice of intent to remove and, if requested, the reasons therefor. Within seven (7) days after receipt of such notice, the City Administrator may request a public hearing before the City Council within the thirty (30) day period before his removal. The City Council may suspend him but his compensation will continue until removal. The City Council has uncontrolled discretion regarding such removal. (Charter §§600, 606)

1.05.02 Compensation and residence. Although the City Administrator need not reside in Huntington Beach upon appointment, he must take up residence in the city within ninety (90) days unless that period is extended by the City Council. The City Council shall set the salary of the City Administrator by ordinance or resolution and shall set the form and amount of the corporate surety bond required of the City Administrator. (Charter §§601, 603)

1.05.03 Duties. The City Administrator shall be responsible to the City Council for the proper administration of all

affairs of the city. His duties include, but are not limited to: appointment, promotion, demotion, suspension and removal of all employees and department heads except where this function is vested in the City Council. Appointment or removal of a department head requires City Council approval. The City Administrator shall prepare and submit to the City Council the city budget, an annual or more frequent report on city finances and a report on current administrative activities. He shall keep the City Council informed of the financial condition and future needs of the city and make appropriate recommendations. He shall establish a centralized purchasing system and prepare rules and regulations regarding contracting, purchasing, and attendant controls for City Council approval and adoption by ordinance. He shall supervise the enforcement of the law of the state, city ordinances, charter provisions, franchises and rights of the city. He shall, subject to policy established by the City Council, exercise control over all administrative offices and departments, all appointive officers and employees not appointed directly by the City Council, and prescribe general rules and regulations for the conduct of such offices and departments. He shall perform such other duties consistent with the city Charter as may be required by the City Council. (Charter §604)

1.05.04 Meetings. The City Administrator shall be accorded a seat without a vote at all meetings of the City Council and all boards and commissions except where his removal is under consideration. (Charter §605)

1.05.05 Noninterference with administrative service. Except for the purpose of inquiry, no member of the City Council shall deal with the administrative service under the control of the City Administrator except through the City Administrator.

No member of the City Council shall give orders to a subordinate of the City Administrator either publicly or privately and except as otherwise provided in the city Charter, no member of the City Council shall order the appointment or removal of any person to any office or employment with the city. (Charter §607)

1.05.06 Acting city administrator. The City Administrator may appoint, subject to City Council approval, any officer or department head to serve in his absence as acting city administrator. If he fails to do so, the City Council may make such appointment. (Charter §608)

Chapter 1.06

ROLE OF THE CITY ATTORNEY

1.06.01 Term. The City Attorney is the attorney for the municipal corporation known as the City of Huntington Beach. He shall be elected from the city at large, as provided by the city Charter, and shall serve for a term of four (4) years and until his successor qualifies. (Charter §500)

1.06.02 Powers and duties. The City Attorney's duties include, but are not limited to: representing and advising the City Council in all matters of law pertaining to their offices. He shall prosecute on behalf of the people all criminal matters arising from violations of ordinance or Charter provisions or state law misdemeanors within the city's power to prosecute unless otherwise provided by the City Council. He shall represent and appear for the city in all actions or proceedings in which the city is concerned or is a party, and shall appear on behalf of any present or former city employees in any action or proceeding arising out of their employment or by reason of their official capacities. He shall attend all regular meetings of the City Council unless excused, and act as parliamentarian, and his decision rendered with respect to parliamentary procedures, shall be final. He shall give his advice or opinion orally or in writing whenever requested to do so by the City Council or any of the boards or officers of the city. He shall approve as to form all contracts made by and all bonds and insurance given to the city, and prepare all ordinances, resolutions and amendments thereto. He shall devote such time to his duties and at such place as the City Council directs by vote of that body, and perform such legal functions and duties incident to the exercise of the foregoing powers as may be necessary. He shall surrender to his successor all files, books and documents pertaining to city affairs.

The City Council shall control all legal business, proceedings and all property of the legal department, and may employ other attorneys to take charge of or contract for prosecutions, litigation or other legal matters. (Charter §703)

1.06.03 Requests for ordinances and resolutions. All requests of the City Attorney's office by members of the City Council for preparation of ordinances and resolutions should be by minute action of the Council.

Chapter 1.07

ROLE OF THE CITY TREASURER

1.07.01 Term. The City Treasurer is the custodian of public funds of the City of Huntington Beach. He shall be elected from the city at large, as provided in the city Charter, and shall serve for a term of four (4) years and until his successor qualifies. (Charter §500)

1.07.02 Powers and duties. The City Treasurer shall have the power and shall be required to receive on behalf of the city all taxes, assessments, license fees and other revenues of the city, or for which the city is responsible. He shall receive all taxes or other money receivable by the city from the county, state, Federal government or any court or other department, office or agency of the city. He shall have control of all funds coming into his hands and deposit them in such depository as the City Council designates by resolution or, if none is fixed, as the City Administrator directs. The City Treasurer shall act in compliance with the state Constitution and law in handling, depositing and securing the public funds. He shall pay out proper orders or warrants as provided in the city Charter, prepare and submit to the Finance Director monthly reports of all receipts, disbursements and fund balances with a copy to the City Administrator. He shall perform such other duties consistent with the city Charter as the City Council directs by ordinance or resolution, and appoint such deputies at such salaries as the City Council may prescribe by ordinance or resolution. (Charter §705)

Chapter 1.08

ROLE OF THE CITY CLERK

1.08.01 Term. The City Clerk is the official recorder and keeper of the records of the City of Huntington Beach. He shall be elected from the city at large as provided in the city Charter, and shall serve for a term of four (4) years and until his successor qualifies. (Charter §500)

1.08.02 Powers and duties. The Clerk's duties include but are not limited to: attending all meetings of the City Council unless excused, and keeping a full and true record of such proceedings. Recording and maintaining all ordinances, resolutions, written contracts and official bonds. Keeping all books and records properly indexed and open to public inspection.

The Clerk shall be the custodian of the city seal, and administer oaths, affirmations, take affidavits and depositions pertaining to city affairs and certify copies of official records. The Clerk shall be ex officio assessor unless the City Council by ordinance provides otherwise. The City Clerk shall have charge of all city elections and shall canvass the votes after all general or special municipal elections and report the results to the City Council for certification.

(Resolution No. 2967, 21 April 69) The City Clerk shall issue subpoenas on behalf of the city upon the request of an authorized person with the approval of the City Attorney.

(Resolution No. 3393, 15 Nov 71) The City Clerk shall accept and consent to deeds and grants of real property to the city for public purposes. (Resolution No. 3537, 7 Aug 72). The City Clerk may, with the consent of the City Council, appoint such deputies at such salaries as the City Council may prescribe by ordinance or resolution, and perform such other duties, consistent with the city Charter as the City Council may require by ordinance or resolution. (Charter §704)

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