

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.

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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.
Total Estimated Cost (Range)	\$369,928 to \$459,628	

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:

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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.

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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.

Charter Amendment No. 1			
#	Section	Section Title	Proposed Amendment
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	<p>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.</p> <p>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.</p>
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CHARTER AMENDMENT – MEASURE NO. 2:

Proposed Ballot Language for Consideration (max 75 words):

<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 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

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.

Charter Amendment No. 2			
#	Section	Section Title	Proposed Amendment
1	806 (new)	Display of Flags	<p>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.</p> <p>The City may fly additional flags if authorized by unanimous vote of the City Council.</p>

CHARTER AMENDMENT – MEASURE NO. 3:

Proposed Ballot Language for Consideration (max 75 words):

<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</p>	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.

Charter Amendment No. 3			
#	Section	Section Title	Proposed Amendment
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.

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