

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 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 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.**

(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.