



CITY OF HUNTINGTON BEACH

CITY COUNCIL MANUAL

JUNE 2024

TABLE OF CONTENTS

I. HISTORY.....4

II. INTRODUCTION.....5

 A. Regulatory Guidance5

III. POWERS AND DUTIES (GENERAL).....7

 A. Form of Government7

 B. City Council7

 C. Mayor and Mayor Pro Tem.....8

IV. STANDARDS OF CONDUCT.....9

 A. Code of Ethics9

 B. Respectful Workplace.....9

 C. Standards of Conduct.....9

V. MEETING TYPES.....11

 A. Regular Meetings11

 B. Special Meetings12

 C. Emergency Meetings.....12

 D. Adjourned Meetings.....12

VI. MEETING AGENDAS13

 A. Agenda Process.....13

 B. Agenda Documents.....14

VII. MEETING PROCEDURES.....16

 A. Parliamentary16

 B. Conducting the Meeting16

 C. Discussion Rules.....20

 D. Motions.....22

 E. Voting23

VIII. MEETING ACCESS26

 A. Meeting Rooms.....26

 B. ADA Access26

 C. Council Chamber Capacity.....26

 D. Broadcasted Meetings.....27

- E. Meeting Notifications.....27
- IX. CONFLICTS OF INTEREST28**
 - A. Overview28
 - B. Training.....28
 - C. Political Reform Act (PRA), Government Code Section 81000 et seq.28
 - D. Government Code Section 109029
 - E. Conflict of Interest Maps29
 - F. Political Activities.....29
 - G. Statewide Ballot Propositions30
 - H. Participation with Outside Groups30
 - I. Nepotism30
 - J. Levine Act (Government Code, Section 84308)31
 - K. Rules for Gifts and Honoraria (Government Code Section 89503)31
- X. OTHER COUNCIL BUSINESS32**
 - A. Required Trainings and City Policies32
 - B. California Public Records Act (CPRA)33
 - C. Council Communications with the Public.....34
 - D. Media Relations.....34
 - E. Social Media Policy for Elected and Appointed Officials.....35
 - F. Legislative Positions35
 - G. Appeal of Planning Decisions35
 - H. General Office Administration36
 - I. Ceremonial Observances37
- XI. BOARDS, COMMISSIONS, AND COMMITTEES (BCC).....38**
 - A. Structure of BCCs38
 - B. Roles and Responsibilities38
 - C. Communications with City Council39
 - D. Appointment and Removal Procedure.....39

I. HISTORY

The City Council Manual was first adopted by resolution in 1976 and is a living document that has been amended by the City Council, when needed. In the past, amendments to the Manual have been approved by resolution, which are listed in the table below. Please note that these amendments do not include routine changes that may be needed when information is updated from year to year (i.e. annual Council Liaison List).

Date	Major Amendments	Details
09/20/1976	Council Manual Adoption	Resolution No. 4330
11/13/1989	Council Manual – Significant Revision	Resolution No. 6085
03/18/2019	Council Manual – Significant Revision	Resolution No. 2019-09
TBD	Council Manual – Significant Revision*	Resolution No. 2024-23

**Pending City Council Approval on 6/4/24*

II. INTRODUCTION

Pursuant to [Section 304\(c\)](#) of the City Charter, City Council shall establish rules for the conduct of its proceedings. These rules are incorporated in this Manual to facilitate the City Council's work in carrying out their duties as the City's chief legislative body.

However, if a Council Member wishes to take an action that diverges from Council Manual guidelines, he or she may make a motion to: (1) set aside the most recent Resolution above to temporarily suspend the Manual and (2) approve the proposed action. If the motion is approved, the Council Manual will be reinstated promptly thereafter.

A. Regulatory Guidance

The following is a list of regulations (in alphabetical order) that the City and its officials adhere to. Many of the rules in this Manual refer to the following:

- 1) **Huntington Beach Administrative Regulations (AR):** ARs are standard operating procedures for internal city functions. ARs are prepared and implemented by applicable departments and authorized by the City Manager. ARs supplement existing policies, ordinances, or resolutions adopted by City Council. www.huntingtonbeachca.gov/ar
- 2) **Huntington Beach City Charter:** The Charter is a foundational document that defines the organization, powers, and procedures of municipal governance in Huntington Beach. The Charter can only be adopted, amended, or repealed by voter majority. <https://ecode360.com/HU4937>
- 3) **Huntington Beach General Plan:** The General Plan is prepared by the City in accordance with State requirements and provides a policy framework for various matters including land use, transportation, open space, and housing. www.huntingtonbeachca.gov/general-plan
- 4) **Huntington Beach Municipal Code and Zoning Code:** The Municipal and Zoning Codes contain City laws and regulations adopted by ordinance. For an ordinance to be adopted, it requires two votes at separate Council meetings: one for introduction and a second for adoption (unless it is an emergency ordinance). It then goes into effect 30 days thereafter. <https://ecode360.com/HU4937>
- 5) **Huntington Beach Operating Budget:** The operating budget describes the funds available to each department to deliver services during a fiscal year, which begins July 1 and ends June 30. <https://huntingtonbeachca.gov/departments/finance/index.php>
- 6) **Huntington Beach Resolutions:** A formal expression of opinion, an adopted policy, or legal action by the City Council that often deals with limited duration or special matters. Adoption requires a single vote of Council and takes effect immediately. Per [Charter Section 502](#), the Council may act by resolution or minute action in all actions that are not required by the Charter or to be taken by ordinance. <https://records.huntingtonbeachca.gov/WebLink/Welcome.aspx>
- 7) **Huntington Beach Strategic Plan:** The Strategic Plan is a framework that ensures priorities and goals set by the City Council are clearly communicated to all staff and residents; that strategies are

developed to meet those goals; and that the City is accountable to achieving them in a timely manner. www.huntingtonbeachca.gov/strategicplan

- 8) **Ralph M. Brown Act:** The Brown Act is a body of State regulations to ensure open government and fairness in its proceedings. Broadly stated, it requires all meetings of legislative bodies be open to the public except for authorized closed sessions. www.calcities.org/resource/open-public-v-a-guide-to-the-ralph-m.-brown-act

This list is not exhaustive and does not include applicable [California State Statutes](#) and Federal laws. To understand their applicability to specific matters of City governance, please contact the City Attorney's Office.

III. POWERS AND DUTIES (GENERAL)

A. Form of Government

The City operates under a Council–Manager form of government, whereby residents elect the City Council who sets policy and appoints a City Manager to administer the affairs of the City. Residents also elect three Charter Officers - City Attorney, Clerk, and Treasurer – who have specific duties prescribed in the Charter. Lastly, the City Manager appoints 9 Department Heads to oversee their specific areas of responsibility.

Together, Charter Officers and Department Heads assist the City Manager with administering the affairs of the City in the most efficient, fiscally responsible, and harmonious manner consistent with Council direction and all governing laws. (*Charter [200](#), [309-311](#), [401](#), [403](#)*)

B. City Council

The City Council acts as one body to make decisions in the public interest. All members are equal in the establishment of policies, voting, and other significant matters. Policy is established by a majority vote of the Council, unless otherwise required by law.

1) Duties

- a) Hold regular meetings at least twice each month; establish rules for the conduct of its proceedings. (*Charter [303](#), [304c](#)*)
- b) Oversee proceedings including: judge the qualification of its members, judge all election returns, administer oaths and affirmations in any investigation or proceeding pending before the Council; compel the attendance of witnesses; examine them under oath and compel the production of evidence before it; issue subpoenas; and maintain control of all legal business and proceedings and property of the legal department; employ other attorneys to take charge or contract any legal matter or business. (*Charter [304b](#)*)
- c) Except for the purpose of investigation and inquiry, the members of the City Council shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and no member of the City Council shall give orders to any subordinate of the City Manager, either publicly or privately. (*Charter [307](#)*)
- d) Manage employment and personnel matters related to the City Manager. In conjunction with the City Manager, manage the employment of the Chief of Police. (*Charter [401](#)*)
- e) By ordinance, maintain a comprehensive personnel system. Establish reasonable compensation and fringe benefits for City officials and employees. (*Charter [403](#)*)
- f) Establish boards, commissions, and committees (BCCs) deemed necessary for the orderly functioning of the City. Appoint individuals to applicable BCCs, which must report directly to the City Council. (*Charter [405](#)*)

- g) Adopt ordinances or resolutions to implement major policy decisions such as approving the operating budget, establishing fines and taxes, granting a franchise, issuing a bond, awarding major contracts. (*Charter [308](#), [604](#), [606](#), [611](#), [613](#), [615](#)*)
- h) Council Members occasionally request information directly from departments. This is allowed to expedite the exchange of information to Council Members. However, to meet the principal goals, objectives, and performance measures approved by the City Council, information requests must be differentiated from reports and studies. Reports and studies which take more than four hours to compile and prepare, require Council-approved direction to the City Manager. The City Manager in turn will direct the work to be done. (*AR [102](#)*)

C. Mayor and Mayor Pro Tem

1) Mayor's Duties

- a) Has the primary but not exclusive responsibility for interpreting the policies, programs, and needs of City government to the public; as needed, inform the public of any major change in policy or program. (*Charter [305](#)*)
- b) Serves as the Presiding Officer at Council meetings and as the official head of the City for all ceremonies. Issues proclamations, certificates, and awards. If the Mayor is unavailable, the Mayor Pro Tem or designee may sign these documents. (*Charter [305-306](#), AR [512](#)*)
- c) Signs all Council-approved ordinances, resolutions, contracts, and other documents requiring an official signature, except when the City Manager has been authorized by Council action to sign certain documents on the City's behalf. (*Charter [500](#), [613](#)*)
- d) Assigns Council Members to citizen-led Boards, Commissions, and Committees (BCCs) as Council Liaisons, to Council Committees, and to outside agencies for the upcoming calendar year. The Mayor solicits from Council a prioritized list of assignments that are of interest to them in early December and prepares a preliminary list of assignments for the City Council's review. The final [Council Liaison List](#) should be approved by the first meeting in January. (*Reso. [99-83](#)*)

2) Mayor Pro Tem's Duties

The Mayor Pro Tem will perform or assist with the duties of the Mayor during the Mayor's absence, disability, or at the Mayor's request. (*Charter [306](#)*)

3) Selection of Mayor and Mayor Pro Tem

The Mayor and Mayor Pro Tem serve at the pleasure of the City Council for a one-year term starting in December. Traditionally, the Council rotates the selection of Mayor and Mayor Pro Tem every year during the first regular Council Meeting in December. [Resolution No. 6320](#) lays out the selection procedures in detail.

If City Council wishes to diverge from these procedures, it must set aside Resolution No. 6320 and establish different procedures. Once implemented, the Resolution will be reinstated immediately thereafter.

IV. STANDARDS OF CONDUCT

A. Code of Ethics

In October 1993, the City Council adopted a [Code of Ethics](#) to establish a standard of conduct that will help ensure a “responsible, fair, and honest city government that operates in an atmosphere of respect and civility.” All elected officials, officers, employees, and members of BCCs are asked to sign a form to acknowledge receipt of the Code of Ethics.

In terms of enforcement, “any official found to be in violation of the Code of Ethics may be subject to censure by the City Council. Any member of an advisory board, commission, or committee found to be in violation may be subject to dismissal. In the case of an employee, appropriate action shall be taken by the City Manager or by an authorized designee.” (*Resos. [6524](#) and [6540](#)*)

B. Respectful Workplace

The City’s [Respectful Workplace Policy](#): (a) encourages open and constructive communication, increased engagement, and teamwork to maintain a positive, productive, and respectful environment in the City; and (b) discourages and does not tolerate behavior that offends, humiliates, intimidates, harasses, threatens, distresses, discriminates against, or intrudes upon any individual conducting business in the City. This policy applies to all workplaces, including the Council Chambers.

C. Standards of Conduct

1) City Council

- a) Attend all City Council meetings and start promptly. Be prepared to engage with Council, staff, and members of the public on each agenda item.
- b) Comply with the letter and spirit of all governing laws and policies applicable to the City.
- c) Honor the role of the Presiding Officer, who is tasked with preserving order, decorum, and fair and equitable treatment of all persons during meetings.
- d) All Council Members may speak and agree to disagree. Keep comments concise and on topic to provide opportunities for everyone to express themselves.
- e) In general, do not engage in personnel issues, unless it is placed on the closed session agenda or as otherwise appropriate concerning the City Manager or other City official appointed by the City Council. (*Charter [307](#), [401](#)*)
- f) Keep open communication with the public and offer opportunities to discuss issues with them.
- g) Do not make promises on behalf of the entire City Council, without Council approval.

2) Staff and Charter Officers

- a) Staff should provide City Council with information that is comprehensive, impartial, accurate, timely, and supported with documentation.
- b) Staff should recommend a course of action that is anticipated to improve the community, adheres to all laws and regulations, employs public funds responsibly, and supports the Strategic Plan and other approved policies.
- c) Executive Leadership Team (ELT) members, comprised of Charter Officers and Department Heads, must attend all Council meetings and be prepared to respectfully and thoroughly answer any questions from Council Members regarding their respective Requests for Council Action (RCAs).

3) Public

- a) While the City Council welcomes public involvement and supports and defends free speech, the City rejects comments from anyone that are discriminatory, defamatory, or otherwise not protected free speech. Those comments will not inform or be considered by the Council and may be cause for the Mayor to interrupt the speaker.
- b) The Presiding Officer or designee may warn that person that their behavior is disrupting the meeting and that their failure to stop may result in their removal. Disrupting means engaging in behavior that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. If they do not promptly stop, the Presiding Officer in consultation with the Sergeant-at-arms, City Manager, and City Attorney, may remove the person if they do not promptly cease their disruptive behavior per [California Government Code Section 54957.95](#) or take a recess to ensure the continued, orderly conduct of the meeting.
- c) No person may stand or sit in the aisles or block any doorways or other exits.
- d) Placards, signs, and posters may be brought into the Council Chambers unless they obstruct the view of other audience members. They must remain with the holder and cannot be placed in adjacent seats or common areas.

(Government Code Section [SB1100-Open Meetings: Orderly Conduct](#); [54953.5](#), [54957.95](#), AR [924](#))

4) Enforcement

The Chief of Police will assign one or more Sergeant-at-Arms to all City Council meetings. The Sergeant-at-Arms should carry out all instructions given by the Presiding Officer or their designee (with consultation with the City Manager and City Attorney, as needed) for maintaining order and decorum at meetings.

V. MEETING TYPES

A. Regular Meetings

Regular meetings are held on the first and third Tuesdays of every month and typically begin with Study and Closed Sessions (as needed) at 4:00 P.M. The Regular meetings typically follow at 6:00 P.M. The Council Meeting schedule is subject to change and is set by the City Manager, in conjunction with the Mayor, Mayor Pro Tem, and City Clerk. Meetings may be cancelled if a quorum is not met. If a regular meeting falls on a holiday, the meeting will be held on the next business day. (*Charter [303a](#), [304a](#)*)

1) Study Sessions

Study Sessions provide an informal setting to encourage in-depth discussion and gauge opinions or preferences on the issue at hand. City Council typically do not take formal votes in Study Session, particularly without a formal Request for Council Action that includes recommended actions.

2) Closed Sessions

Closed Sessions are the only part of a Council meeting that the public cannot attend. State law permits closed sessions in limited circumstances to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the City or compromise the privacy interests of employees.

a) Closed Session Exceptions

- i. Pending, threatened, existing, or initiation of litigation.
- ii. Public employment issues involving the appointment, employment, evaluation, discipline, or dismissal of a public employee or to hear complaints and charges brought against the employee.
- iii. Labor negotiations
- iv. Real estate negotiations
- v. Threat to the security of the public or public facilities
- vi. Certain other matters as defined in the Brown Act

b) Attendees and Confidentiality

- i. Closed sessions may only involve members of the City Council, City Attorney or designee, City Manager, City Clerk, and support staff/consultants who are necessary to present and discuss the item. All materials and discussions must be kept in strict confidentiality by every individual in attendance, until the matter is publicly disclosed.
- Per [Section 310](#) of the HB Charter, the City Clerk or designee must attend each closed session meeting, record the topics and decisions made, and sign the minutes. The City Attorney's Office will then maintain a closed session minute book consistent with the provisions of [California Government Code Section 54957.2](#) and the City's Records Retention Policy. These action minutes are not a public record subject to inspection and must be kept confidential.
 - The action minutes are only available to members of the City Council who voted and were not conflicted out of the closed session item. If there has been a violation of Government Code Sections 54950 through 54962 that is alleged to have occurred in

closed session, the action minutes can be made available to a court of general jurisdiction in which the City lies.

c) *Other*

- i. Members of the public must be allowed the opportunity to comment before the convening of closed session.
- ii. The Council must publicly report any reportable action taken during closed session and the vote or abstention of every member present. Reports are typically made orally during Regular Session, under the Closed Session Report given by the City Attorney. ([Government Code 54956.7 through 54957 and Sections 54957.6 and 54957.8, AR 115](#))

3) Regular Sessions

Regular Session meetings are fully opened to the public and carry the bulk of City Council business that ranges from routine consent calendar items to public hearings. Additional details are available in Section VI.

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 to each member of the City Council and to a local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail 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 present at the meeting at the time it convenes. ([Charter 303b](#))

C. Emergency Meetings

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 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. ([Charter 303b](#))

D. Adjourned Meetings

Any meeting of the City Council may be adjourned by majority vote to a later date, place, and time, if no adjournment is for a period beyond the next regular meeting. The Clerk must post the order of adjournment at the Civic Center within 24 hours of adjournment. Furthermore, no meeting may continue past 11:00 P.M. without a majority vote of the City Council. ([Resolution No. 2015-46, Charter 303a](#))

VI. MEETING AGENDAS

A. Agenda Process

The City Manager's Office accepts all agenda item requests and finalizes the Council meeting agendas, in consultation with the Mayor, Mayor Pro Tem, City Clerk, and City Attorney.

1) Requesting an Agenda Item

a) *For Study Session and Regular Session Items*

- i. Charter officers and Department Directors may submit Study and Regular Session items to the City Manager via Legistar for review and acceptance. Afterwards, items are forwarded to the City Clerk for final review and placement on the agenda.

b) *For Closed Session Items*

- i. Upon determination by a department that a closed session is needed to discuss matters permitted under the Brown Act, Department Heads will request the City Attorney to prepare the appropriate memorandum to agendize it. Also, a brief description of the item that will appear on the Closed Session agenda will be provided. (AR [115](#))

c) *For Council Member Items (also known as H-Items)*

- i. Up to 3 Council Members may author and submit H-Items that direct the City Manager and staff to provide research or implement a policy.
 - o The City Manager's Office will log each Council Member Request approved by the City Council and work with the appropriate departments to implement them.

2) Agenda Routing

- a) The review and approval process of each agenda item is referred to as the routing process and must be completed in accordance with the Agenda Deadline Schedule.
- b) Per [Administrative Regulation 106](#), Department Heads are responsible for submitting agenda items, which include a comprehensive RCA and required attachments.
- c) The agenda process includes a bi-weekly meeting to review the upcoming Council agenda. This meeting is typically held on the Monday prior to the agenda posting date and is led by the City Manager and includes the Mayor, Mayor Pro Tem, and Executive Leadership Team.
- d) The City Manager is then responsible for overseeing the routing process, by which the Finance Department, the City Manager's Office, and the City Attorney's Office review, modify (as needed), and approve each agenda item for content, accuracy, form, and legality.

3) Agenda Posting

- a) After the routing process is complete, the agenda item is forwarded to the City Clerk's Office for additional review and final placement on the agenda.

- b) The Brown Act requires all regular Council Meeting agendas be posted at least 72 hours prior to the meeting dates and times. The City typically posts agendas on the Wednesday prior to the meeting, or 6 days (approximately 144 hours) in advance.
- c) Per Administrative Regulation [607](#), the City Clerk's Office distributes the agenda packet to City Council (via iLegislate) and also posts it publicly at the Civic Center and City's website.
- d) The City Clerk must not accept any agenda item or revised agenda item after the deadlines established by law. (AR [106](#) and [607](#))

B. Agenda Documents

Actionable items on a Council agenda are generally comprised of a Request for Council Action (RCA) prepared by staff; in other cities, an RCA is referred to as a staff report that should include a fair and balanced assessment of a potential policy, program, or issue, as well as a recommended action, alternate action, and consideration of no action.

1) Request for Council Action (RCA)

Per Administrative Regulation [106](#), a complete RCA accompanies all actionable items on a Council agenda and should include the following:

- a) Subject - A brief summary of the request.
- b) Statement of Issue - Succinctly describes the issue and the matter that needs to be decided.
- c) Financial Impact - The potential cost related to the action and whether it has been budgeted or requires new funding.
- d) Recommended and Alternative Actions - The recommended course of action related to the agenda item. An alternative action and potential impacts (if any) are also included.
- e) Analysis - The rationale for the recommended action that includes background and factors to consider, including deadlines for actions and operational impacts to the City.
- f) Environmental Status - If the action requested includes development or construction of the project, its environmental impact must be identified. (AR [202](#))
- g) Strategic Plan Goal - Identifies the Strategic Plan Goal and Strategy that the RCA satisfies.
- h) Attachments (may include one or more of the following)
 - i. Ordinances - A law adopted by the City Council that typically has broad applicability, significant impact, and extended duration. Ordinances are required when adding to or amending the Municipal Code or the Zoning and Subdivision ordinance. Actions such as adopting budgets, levying taxes, establishing fines or other penalties, granting a franchise, and conducting municipal elections require ordinances. Furthermore, proposed ordinances require special noticing procedures and two readings across two separate meetings to be considered for adoption by Council; ordinances must be approved by at least four Council Members and signed by the Mayor. Ordinances are effective 30 days after adoption, with few exceptions.
 - ii. Emergency Ordinances - Declared by Council to be necessary for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its

urgency. Emergency ordinances may be introduced, enacted, and adopted during just one regular, special, or emergency meeting; they also take effect immediately upon adoption if it is approved by at least five affirmative votes. Emergency ordinances expire automatically after 120 days, and Council may vote to extend it.

- iii. Resolutions – A formal expression of opinion, an adopted policy or legal action by the City Council that often deals with limited duration or special matters, such as taking certain actions, adopting this Manual or personnel policies. Adoption requires a single vote of Council and takes effect immediately. Per Charter Section 502, the Council may act by resolution or minute order in all actions that are not required by the Charter to be taken by ordinance.
- iv. Contracts/Agreement (with exhibits, if applicable) – Contracts for services, goods, professional and expert services, and public works projects that exceed a certain dollar threshold require City Council approval. Prior to being added to an agenda, contracts must be reviewed and approved as to form by the City Attorney, and the contractor should provide a signature and any required certificates of insurance, before the Council considers the item at a meeting.
- v. Tract Map, Location Map and/or Other Exhibits – A location map and/or parcel map showing the affected location, as detailed in the RCA.
- vi. Subleases, Third Party Agreements, Etc. – Any legal documents partnering with another entity. Must be approved as to form by the City Attorney.
- vii. Public Works Documents – Plans and specifications for the proposed construction of a capital improvement project (CIP); maintenance impact statement detailing the cost and staffing impacts of a new CIP, bonds from contractors, bid packages, etc.
- viii. Request for Proposals or Qualifications – Formal solicitation for bids and qualifications from firms that have the ability to complete the specified project or program. These Requests typically accompany contracts that are awarded to the winning proposer.
- ix. Presentations – PowerPoint decks that may be used by staff to present the RCA to Council. All decks for Consent Calendar, Administrative, and Public Hearing items must be submitted in Legistar by the agenda deadline.

2) Minutes

Written minutes, upon approval of the Council, are the official, permanent record of the City. Minutes are prepared and distributed by the City Clerk in a timely manner. Minutes are not verbatim but provide detail on major discussion points and decisions made. The official minutes are posted on the [City's website](#) and accessible to the public.

VII. MEETING PROCEDURES

A. Parliamentary

The parliamentarian advises the Presiding Officer (generally, the Mayor) in responding to points of order and addressing the general conduct of the meeting according to the rules. This is an advisory and consultative role appointed by the City Council; parliamentary law gives to the Presiding Officer the power to rule on questions of order or to answer parliamentary inquiries. Traditionally, the City Attorney or designee serves as the parliamentarian and decides questions of order per the rules in this Manual and the latest version of Robert's Rules of Order.

B. Conducting the Meeting

City Council agendas have a typical sequencing that begins with ceremonial matters and transitions to items that require deliberation and action. Any Council Member may make a motion to reorder the structure as the need arises. A typical agenda sequence for a Council Meeting is below:

1) Call to Order

- a) The Presiding Officer (generally the Mayor or designee) will take the chair and call the meeting to order. In the absence of the Mayor and Mayor Pro Tem, the City Clerk will call the meeting to order, and a Presiding Officer will be appointed among seated Council Members. Upon the arrival of the Mayor or the Mayor Pro Tem, the appointed Council Member will relinquish the chair after concluding the business presently before them.
- b) There are instances in which the Call to Order may start later than expected, particularly when the prior session requires more time to conclude or based on other extenuating circumstances.

2) Roll Call

- a) The City Clerk must conduct the roll call and record the Council Members physically present.
- b) A roll call may determine a quorum, which is required to hold a meeting and conduct business. A quorum is defined as a simple majority of the City Council (4). If the Council has three or fewer present, the meeting is adjourned. If the Council began with a quorum, it could also lose it, if sufficient Council Members leave. (*Charter [304](#)*)
- c) Council Members are expected to attend all regular, emergency, and special meetings. However, if a Council Member knows in advance that they will be absent, the Council Member should give written notice to the Mayor, City Manager, and City Clerk as soon as possible. The City Clerk will announce the Council Member's absence during the roll call, and the Council may determine if it is excused.
- d) Excused absences are typically limited to the following circumstances, but are left to the Council to make the final determination:
 - i. Death in the family; personal illness or illness of an immediate family member
 - ii. Council-related business
 - iii. Required work-related duties

- iv. Emergencies
 - v. Parental leave
 - vi. Religious or cultural holidays
- e) If a Council Member misses all regular Council meetings for 30 consecutive days following the last regular Council meeting that he or she attended, the seat will become vacant unless the Council Member's absence was permitted by the City Council. This permission must be in the official minutes. (*Charter [312\(b\)](#)*)

3) Council Member Comments (*during the opening of Study/Closed Sessions only*)

Council Members may voluntarily make brief announcements for up to 3-minutes. Council may not discuss or take any action on these communications.

4) Pledge of Allegiance

The Mayor will call on individual Council Members to lead the Pledge of Allegiance.

5) Invocation

- a) The invocation is intended to recognize the role that freedom of religion has played in the history of the country and the contribution that religious groups make to the quality of life in the community. They are not intended to promote, exclude, or disparage any religious beliefs.
- b) Per an [H-Item from December 10, 2003](#) (authored by former Mayor Cathy Green), the current Mayor has the prerogative to determine whether or not City Council meetings should open with an invocation.
- c) Traditionally, the outgoing Mayor has had the discretion to select an invocation leader for his/her final Council meeting as Mayor, typically held on the first Tuesday in December.

6) Closed Session Report

Per the Brown Act, the City Council must reconvene the Council meeting after a closed session and publicly state any reportable closed session actions and vote taken, which will be reported by the City Attorney. (*Government Code [Section 54957.1](#)*)

7) Announcement of Supplemental Communications

- a) Members of the public unable to participate in the meeting but interested in communicating with the City Council on agenda items are encouraged to submit a supplemental communication via email at supplementalcomm@surfcity-hb.org. Supplemental communications are public record, and if they are related to an agenda item and received by 9:00 AM on the day of the meeting, they will be distributed to the City Council prior to the start of the meeting, posted to the City website, and announced, but not read, prior to the beginning of Public Comments.
- b) Communications received after the 9:00 AM deadline will be incorporated into the administrative record after the Council meeting.

8) Public Comments

The City provides opportunities for the public to address the City Council on any item agendized under study and/or closed session. The regular meeting at 6:00pm also provides for public comment on both agendized and non-agendized matters within the City's jurisdiction.

a) Signing Up for Public Comments

- i. Signs-up for Request to Speak will begin in person 30 minutes prior to the start of study, closed, and regular meeting sessions, whichever comes first. Sign-ups will be accepted until the commencement of the public comment period.
- ii. Individuals will be called by the City Clerk to speak at the appropriate time, based on the order in which they submitted their Request to Speak form.

b) Providing Public Comments

- i. Each speaker has up to three (3) minutes to provide public comment, unless the Presiding Officer determines that the volume of speakers warrants reducing the time.
- ii. The City Clerk is responsible for maintaining the time for each speaker. Either the City Clerk or the Presiding Officer may inform the speaker when their speaking time has expired.
- iii. All speakers are encouraged, but not required to identify themselves by name.
- iv. Speakers may not donate any part of his or her time to another speaker.
- v. All speakers should address the City Council as a whole, rather than individual Council Members or staff.
- vi. Public comments for public hearing items take place when it is time to consider them, but after the staff presentation on it has been made.

c) City's Ability to Respond to Public Comments

- i. Consistent with the Brown Act, public comment periods should not serve as back-and-forth discussions between the public speaker and City officials.
- ii. No action or discussion may be taken on any non-agenda item. However, California Government Code [section 54954.2\(a\)\(3\)](#) permits Council Members or staff to briefly respond to statements or questions posed by public comment speakers in the following manner:
 - On their own initiative or in response to questions from the public, ask questions for clarification, make a brief announcement, or make a brief report on his/her activities.
 - Provide a reference to staff or other resources for information.
 - Request staff to report back to the Council at a subsequent meeting concerning any matter.
 - Direct staff to place a matter of business on a future agenda.
- iii. If the Speaker addresses a question to a specific Council Member, that question should go through the Presiding Officer, who may respond or pause to allow another Council Member to ask to be recognized.
- iv. If the Speaker is commenting on a non-agendized item, the City Council must not discuss or take any action on the item per the Brown Act. Instead, Council Members may request to place the non-agendized item on a future agenda for discussion.

d) *Conduct During Public Comments*

While the City Council welcomes public involvement and free speech, it rejects comments from anyone that are discriminatory, defamatory, or otherwise not protected speech. Those comments will not inform or be considered by the City Council and may be cause for the Presiding Officer to interrupt the public speaker. Such public comments will not be consented to or otherwise adopted by the City Council in its discussions and findings for any matter during the meeting.

9) Council Committee Appointment Announcements

Council Members may make brief announcements on any individual appointments made to a board, committee, or commission (BCC); they may not discuss or take any action on these announcements.

10) AB1234 Reporting

Per AB 1234 (Government Code Section 53232.3(d)) Council Members who attend a meeting, conference, or similar event at the expense of the City must provide a brief report of the meeting, conference, or similar event during the next regular City Council meeting.

11) Openness in Negotiations Disclosures

Council Members must publicly disclose any meetings or communications with City employee associations related to the negotiations of labor agreements. Disclosures must be made by the next regular City Council Meeting.

12) Reports by the City Manager, City Attorney, City Clerk, and/or City Treasurer

These Charter Officers may provide an update on a program, policy, or issue within their scope of work. These items are updates only and are not considered to be actionable.

13) Consent Calendar

- a) The City Manager places routine or standard business items that do not always need lengthy deliberation on the Consent Calendar. These items will be acted upon with one motion and vote. Typical consent calendar items may include the final reading and adoption of ordinances and resolutions, agreements, minor budgetary adjustments, reports of operations, etc.
- b) Council Members may pull Consent Calendar items for separate discussion and action. The Clerk will read into the record the title and number of each pulled item, which will be considered after the Council acts on the remainder of the Consent Calendar.
- c) Council Members should inform the City Manager before noon on the day of a Council meeting with any item they may wish to pull in addition to any questions they may wish to ask of staff. This practice allows the City Manager to notify staff that may need to be present at the Council meeting and prepare informed answers.

14) Public Hearings

- a) Public hearings are formal meetings for receiving public testimony and input on a significant matter that may be implemented in the City. At other times, public hearings are mandated by local, state, or federal law and are intended to invite a greater level of public input as well as

discussion by the Council. Typical items include land use projects and adoption of the City's annual operating budget.

- b) The Presiding Officer begins by opening the Public Hearing and requesting presentations from staff, applicants, and appellants involved in the matter under discussion. Each presentation is followed by Council Member questions, if any. Afterwards, the Presiding Officer will open the hearing to public comments. Following the close of public comments, the City Council may engage in deliberation, followed by a motion and vote.
- c) At times, the City Council may require an additional meeting to consider the Public Hearing item. To do so, the Council must vote to continue the item to a set date. If it is continued without a set date, additional public noticing requirements may be necessary.

15) Administrative Items

- a) Administrative items include major initiatives, policies, or programs presented by staff to City Council for in-depth deliberation and action. These items typically begin with a presentation from staff followed by Council deliberation, a motion, and vote.

16) H-Items (also known as Council Member Items)

H-Items are requests for various programs, policies, ordinances, resolutions, and/or funding for a specific initiative. Since agenda items, including Council Member Requests, can take a considerable amount of staff time to implement, the City Manager will first work with the requesting Council Member(s) to conduct an initial assessment of the Request that includes:

- a) Steps required to implement (i.e. research, outreach, request for proposals, legal review, etc.)
- b) Staff time and other resources
- c) Funding needs
- d) Timeline
- e) Alignment with Strategic Plan

Up to 3 Council Members may jointly author a Council Member request. The City Manager will review it with the Council Member(s) to finalize the request with as much pertinent detail as possible, so that the Council is able to make an informed decision. Among other considerations, the ability to schedule new Council Member Requests will also depend on the nature of the item itself, other agenda subjects that are already scheduled, and the amount of time available in a Council meeting.

17) Adjournment

Following the conclusion of all items, the Presiding Officer will invite a motion to adjourn the meeting, noting the date and time of the next scheduled regular meeting.

C. Discussion Rules

Discussion rules ensure that every Council Member has a reasonable and equal opportunity to be heard before a final decision is made.

1) Order of Discussion

- a) After the Presiding Officer announces the agenda item and invites the appropriate staff member to provide a report and recommendation, he or she opens the floor for City Council discussion.
- b) Each Council Member may have an opportunity to speak on an agenda item, both prior to and after a motion is made. Following comments by all Council Members who wish to speak, the Presiding Officer may provide additional rounds of comments for each Member, as needed.

2) Obtaining the Floor

- a) Any Council Member wishing to ask technical questions or engage in discussion should make a request to obtain the floor.
- b) Upon being recognized, the Council Member may hold the floor until completion of their remarks or until the Presiding Officer withdraws the recognition.
- c) With the concurrence of the Presiding Officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

3) Interruptions

- a) Once a Council Member has the floor, another Council Member may not interrupt except to make a point of order (made when a Member believes the Council Rule of Order and Procedure are being violated). In such a circumstance, the Council Member holding the floor will cease speaking until the point of order is resolved.

4) Discussion

- a) It is the duty of the Presiding Officer to keep the subject clearly before the Council Members, to rule out irrelevant discussion, to restate the question whenever necessary, and to ensure proper decorum and respectful discourse between Council Members throughout discussion.
- b) A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak.

5) Tabling Procedure

- a) Tabling an item stops discussion and causes a vote to postpone the item indefinitely or to a specified time and date.
- b) There are several ways to table an item, and each one applies to a specific circumstance and desired outcome. They include Postpone to a Certain Time/Definitely, Postpone Indefinitely, Lay on the Table, and Objection to the Consideration of a Question. For guidance on how to utilize them properly, please contact the City Manager's Office for a detailed overview or refer to Robert's Rules.

6) Right of Protest

- a) Any Council Member has the right to express dissent from, or protest to, or comment upon, any action of the City Council. This expression must be done in a professional manner and when he or she has properly obtained the floor.

7) **Calling for the Question**

- a) The purpose of calling for the question is to disallow further debate and put the issue to an immediate vote. A Council Member may move to “call for the question” on an item being considered. The motion requires a second, is no longer debatable, and must pass by a two-thirds vote. If the motion carries, the item is no longer debatable, and the Council must vote.

D. Motions

Motions serve as vehicles to making decisions. The Mayor or Council Members may call for a motion on any agenda item. However, the Presiding Officer will facilitate the motion making process.

1) **Basic Motion**

- a) After the initial round of discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered, it must be seconded. Once a motion has been properly made and seconded, it must be stated by the Presiding Officer or the City Clerk before the Presiding Officer opens the floor for deliberation, offering the first opportunity to speak to the Council Member who made the motion, and then to any Council Member recognized by the Presiding Officer. Once the motion has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed.
- b) If a motion clearly contains two or more divisible parts, any Council Member may request the Presiding Officer to divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

2) **Motion to Amend**

- a) If a Council Member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend takes the basic motion that is before the body and seeks to change it in some way. This motion would require a formal second to move it forward.
- b) In contrast, a “friendly amendment” is a change to a motion that is supported by both Council Members who made the initial motion and seconded it. Therefore, the friendly amendment is incorporated automatically into the motion without a formal move to amend.

3) **Substitute Motion**

- a) If a Council Member wishes to entirely replace the basic motion that is before the Council and submit a new motion, they must move a substitute motion, and receive a second.

4) **Multiple Motions**

- a) If there are multiple motions on the floor, votes should begin with the last motion that was made (typically a substitute motion). If it is approved, votes on the previous motions would not be taken. If it is not approved, the Presiding Officer will conduct a deliberation and vote on the preceding motion and so forth.
- b) There may only be up to 1 original motion and 2 substitute motions on the floor at any time.

5) **Withdrawing a Motion**

- a) A motion may be withdrawn by the mover with the consent of the second and in the absence of objection from any other Council Member.

6) Motion to Reconsider

- a) Only a Council Member who voted on the prevailing side of an original motion can make a motion to reconsider it; any Council Member may second, regardless of his/her vote.
- b) After a motion to reconsider is approved, the City Council can revisit the original motion, discuss it further, and vote on it again.
- c) The motion to reconsider can only be made at the same meeting that the original motion was voted on. The only exception is in the case of a meeting in which it takes place over a series of days; in that event, the motion to reconsider can also be made on the next succeeding day in which the Council meeting is held.
- d) The vote required to adopt a motion to reconsider shall be a simple majority of Council Members present and voting, except that such motion shall require four (4) affirmative votes to reconsider any motion which required four (4) affirmative votes for adoption.

7) All Other Matters

The City will refer to the latest edition of Robert's Rules of Order (www.rulesonline.com) for all other matters related to managing motions.

E. Voting

1) Voting Procedures

- a) The vote on all motions will be by roll call and recorded by electronic or other means necessary to record the vote. Votes upon being called for by the City Clerk include a "Yes/Aye" for an affirmative vote; "No/Nay" for a negative vote; and "Abstain" for an abstention (which are most common when there is a personal conflict of interest regarding the item being voted on.)
 - i. While it is the duty of Council Members to vote, one can abstain if they feel it is needed. Abstentions most commonly arise when a Council Member has a conflict of interest on the matter that is being voted upon. Abstentions are counted and noted, but not as a "Yes/Aye" or "No/Nay" vote.
- b) In most cases, the affirmative votes of the majority of seated Council Members will be required to act on an agenda item or adopt an ordinance, resolution, or motion.
- c) There are some exceptions in which a 2/3 majority is required to act on an agenda item, including placing a tax measure on a general election ballot.
- d) If the question contains two or more divisible propositions, the Presiding Officer may, at the request of any Council Member, divide the question (also called a "split vote"). For example: (1) waive further reading of an ordinance (requests unanimous vote) and (2) adopt.

2) Conflict of Interest

- a) A Council Member must not vote on an agenda item if he or she has a conflict of interest (i.e. financial conflict, property ownership within a proposed area that will be affected). That Council

Member must openly state an abstention and publicly identify the conflict before recusing him or herself and leaving the dais during discussion or voting.

- b) However, the Council Member may remain on the dais for Consent Calendar items, if the member abstains from voting on the conflicted item before the Consent Calendar is voted on in 1 motion.
- c) More details on Conflicts of Interest are available in Section IX – Conflicts of Interest.

3) Tie Votes

If a vote results in a tie, the motion fails and may be continued on the agenda of the next regular meeting unless the City Council specifically provides otherwise. One exception to this rule involves tie votes on appellate matters regarding a motion to sustain the lower body's decision sustains the decision of the lower body. (See Item 5 below.)

4) Changing Votes

A member may change his or her vote only if he or she makes a timely request to do so immediately following the announcement of the vote by the City Council and prior to the time that the next item of business is taken up.

5) 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 Zoning Administrator 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 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:
 - i. First, the motion to modify requires four (4) affirmative votes.
 - ii. 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.
 - iii. A motion to overrule the decision of the lower body, as modified, requires four (4) affirmative votes. If there are less than four affirmative votes, the decision of the lower body, as modified, is deemed sustained without further vote.
 - iv. If a motion to modify fails, the next motion is either to sustain or to overrule the subordinate body.

6) Other Actions

In all situations where a City Council action under the express provisions of the City Charter or ordinances shall or may be by resolution, a "minute action" of the Council 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. Minute actions require the affirmative votes of a majority of Council Members present and voting. (*Charter [502](#)*)

VIII. MEETING ACCESS

A. Meeting Rooms

All meeting rooms are in the Lower Level of City Hall at 2000 Main Street, Huntington Beach, CA 92648. ADA Access to these Meeting Rooms is available by calling the elevator from the City Hall Lobby (first floor) or utilizing the access ramp that leads from the top of the Civic Center Amphitheater down to the Lower Level.

1) Council Chambers

Study session, regular session, special and emergency meetings are traditionally held in the Council Chambers, barring any circumstances that prevent the Chambers from being used or warrant a different meeting space to better facilitate an agenda item (i.e. strategic planning workshops).

2) Caucus Room

Closed session is typically held in the Caucus Room, located in a conference room behind the Chambers.

3) Conference Rooms B7 and B8 (Lower Level)

If the Council Chamber nears capacity, Conference Rooms B7 and B8 will be opened to accommodate more attendees. The Rooms face the Chambers but are also equipped with video and audio equipment to improve meeting visibility and sound.

4) Other Locations

In the past, the City Council has held certain meetings off-site or at different times and may continue this practice, as long as they follow Brown Act requirements.

B. ADA Access

In accordance with the Americans with Disabilities Act (ADA), services are available to members of the community who require special assistance to participate in public meetings. If any individual requires special assistance, 48-hour prior notification will enable the City to make reasonable arrangements for an assisted listening device (ALD) for the hearing impaired, American Sign Language interpreters, a reader during the meeting, and/or large print agendas. Individuals should call the City Clerk's Office at (714) 536-5227 for more information.

C. Council Chamber Capacity

Council Chamber attendance is limited to the posted seating capacity to ensure ADA and Fire safety access. The Sergeant-at-Arms, in conjunction with the Fire Department, will appropriately regulate entrance to the Council Chambers when the capacity is likely to be exceeded. When City Council is in session, members

of the public shall not remain standing in the seating area or aisles of the Chambers. Sitting on the floor is not permitted.

If the City Manager anticipates that public attendance for a meeting will be substantially greater than the capacity of the Council Chambers and there is insufficient time to secure the City Council's approval to hold the meeting at an alternate facility, the City Manager, or designee, will arrange to move the meeting. The change of meeting site will be announced by the most rapid means of communication available at the time.

D. Broadcasted Meetings

Members of the public who are unable to attend Council meetings in person may watch on cable and online platforms both live and on demand:

Outlet	Airing Location
HBTB Channel 3	Channel 3 (for Spectrum and Frontier Customers)
HBTB Online	bit.ly/SurfCityTV
Agenda & Minutes Library	https://huntingtonbeach.legistar.com/Calendar.aspx
YouTube	www.youtube.com/cityofhb
Facebook	www.facebook.com/cityofhb
X (formerly Twitter)	www.X.com/cityofhbpio

E. Meeting Notifications

The City is committed to keeping the public informed about upcoming meetings and agenda items. Notifications about meetings are posted in various locations including:

- 1) <https://huntingtonbeach.legistar.com/calendar.aspx>
- 2) Bulletin boards located outside the Council Chamber doors
- 3) City's social media platforms (www.huntingtonbeachca.gov/social-media)

IX. CONFLICTS OF INTEREST

A. Overview

Guidelines regarding conflicts of interest are in place to ensure that Council Member actions are fair and taken in the public interest. Any time a Council Member believes a potential for conflict of interest may exist, he or she is encouraged to consult with the Fair Political Practices Commission (FPPC) for guidance. Violations may result in significant penalties.

B. Training

The City Attorney's Office will provide in-depth trainings on Conflicts of Interest, the Political Reform Act (PRA), Government Code Section 1090, Code of Ethics, and Election Activities, annually in January. Additional trainings for City Council are listed in Section X – Other Council Business.

C. Political Reform Act (PRA), Government Code Section 81000 et seq.

- 1) The PRA prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a disqualifying financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify oneself from acting on or participating in the decision.
- 2) Charter [Section 313](#) and the PRA require the City to adopt and implement a Conflict of Interest code, which must be regularly updated. The code is available under [Resolution No. 2023-01](#). Key points include:
 - a) The incorporation of CA Code of Regulations [Section 18730](#), which provides the rules for disqualification procedures, reporting financial interests, and references the current gift limit.
 - b) A comprehensive list of all designated officials and employees within the City who make governmental decisions based on the positions they hold and must disclose their financial interests as specified in the code.
 - c) Designated officials and employees must file a statement of economic interest (Form 700) within 30 days of taking office, annually thereafter, and upon leaving office.
 - i. All designated filers must file Form 700 information electronically through NetFile, the City's online portal certified by the FPPC to accept Form 700 and FPPC campaign disclosure documents. The City Clerk's office administers the NetFile application and keeps in contact with all new and existing filers to provide account information, alert filers of deadlines, and assist them with navigational issues. The filer portal is located at <https://netfile.com/Filer>. The City Clerk will record and make these statements available for public inspection.
 - ii. The Fair Political Practices Commission (FPPC) is responsible to provide public officials with answers to questions on their Form 700. Frequently asked questions and an online advice system can be accessed at www.fppc.ca.gov/Form700.html.

- d) A list of disclosure categories based on an individual's duties and responsibilities within the City as well as the types of interests that must be disclosed publicly. Examples of interests include investments, business positions, sources of income including gifts, loans and travel payments, and real property interests.
 - e) Exclusions to the Code and guidance on disqualifying oneself in the presence of a conflict of interest.
- 3) An overview of Conflicts of Interest under the PRA is available on the [FPPC's website](#).

D. Government Code Section 1090

[Government Code Section 1090](#) prohibits an officer, employee, or agency from participating in making (i.e. approve, discuss, plan, negate, and solicit bids) government contracts in which the official or employee within the agency has a financial interest. Section 1090 applies to virtually all state and local officers, employees, and multimember bodies, whether elected or appointed, at both the state and local level.

For more information, review this quick guide to Section 1090 on the FPPC website:
www.fppc.ca.gov/learn/section-1090.html

E. Conflict of Interest Maps

Form 700 information is used by City staff to create a conflict of interest map for each public official who is responsible to make policy decisions for the City.

- 1) The City Clerk's Office will provide the maps to City Council Members, so they may determine whether a conflict of interest exists in any matter coming before the City Council Member as a direct result of the individual's property proximity to a proposed project.
- 2) Real property in which the public official has an economic interest will be deemed "directly involved" where the realty is either the subject of the government action or is located within 500 feet of the real property that is the subject of the governmental action. Real property is the "subject of government action" in any of the following contexts: zoning; rezoning; annexation; de-annexation; land use entitlement; license; permit; taxes; fees; and public improvements (e.g., streets, water, sewer, etc.). ([FPPC § 18704.2](#).)

F. Political Activities

The role of the City is to provide fair, impartial, and accurate facts about election items. This is also the role of City employees, elected officials, and appointed officials when they are working in their official capacities. Doing so is imperative to safeguarding the public's trust in government.

- 1) The City may place measures on a ballot, provide impartial analyses, and adopt official positions through Council action. However, the City and its employees, elected officials, and appointed officials - when they are working in their official capacities - may not advocate for or against any measures or candidates for elected positions. Public funds, resources, and staff time must also not be used to influence voters.

- 2) However, City employees, elected and appointed officials may engage in such activities on their own time and with their own resources. Those who choose to do so must follow a few simple, but important rules of thumb. Additional details are available in our [Guide to Election Activities Brochure](#) or www.fppc.ca.gov.

G. Statewide Ballot Propositions

Per [Resolution 4344](#), the City Council may not take a position, either in favor or against, with respect to any statewide ballot proposition.

H. Participation with Outside Groups

1) Conferences and Similar Meetings

- a) At any conference or other such meeting where the City is represented by one or more members of the City Council, the following guidelines shall be followed per [Resolution 4366](#).
 - i. Whenever possible, Councilpersons shall represent the City as “instructed delegates by majority vote of the City Council.”
 - ii. In the event no prior instructions or directions have been given, a poll shall be taken of the delegates attending such conference, or other such meeting, so that any vote or action taken by such Councilpersons shall reflect the wishes of a majority of delegates.
- b) Additional guidelines include:
 - i. Members of the Council should avoid discussion or comment on City matters at conferences or other such meetings or on social media, other than as part of the scheduled program. Discussions where four or more City Council Members are present could inadvertently create a “serial meeting” of a majority of the members of the Council in violation of the Brown Act.
 - ii. Each Council Member has a travel budget used for expenses when attending conferences or training as detailed in Section X – Other Council Business.

I. Nepotism

The City Council, City Manager, Department Director, or any officer with appointive powers must not appoint to a salaried City position:

- a. a relative by blood or marriage within a third degree to any Council Member; or
- b. a relative by blood or marriage within a third degree to a City Manager, Department Director, or any officer with appointive powers

This provision shall not affect the employment or promotional status of a person who has attained a salaried position with the City prior to the existence of a situation contemplated in this Charter section;

however, Council members or officers with appointive powers in such a situation shall disqualify themselves from all decisions affecting the employment and promotion status of such person. (Charter [313](#))

J. Levine Act (Government Code, Section 84308)

[Section 84308](#) prohibits City Council and other public officials from taking part in an entitlement for use proceeding if the official has received a campaign contribution exceeding \$250 from a party/participant in the proceeding within the past 12 months. An official is also prohibited from accepting, soliciting, or directing a contribution exceeding \$250 from a party or participant while a proceeding is pending and for 12 months after a final decision. In certain instances, an official may avoid violating this section by returning contributions in excess of \$250. Additional information is on www.fppc.ca.gov.

K. Rules for Gifts and Honoraria (Government Code Section 89503)

The Political Reform Act imposes limits on gifts, prohibits honoraria payments, and imposes limits and other restrictions on the receipt of travel payments received by:

- a) Local elected officers and other local officials specified in Government Code Section 87200.2 excluding judges; and
- b) Designated employees of local government agencies (i.e., individuals required to file statements of economic interests under a local agency's conflict of interest code); and
- c) Candidates for any of these offices or positions and judicial candidates. (Sections 89502 and 89503.)

The Act also imposes limits and other restrictions on personal loans received by certain local officials. The gift limit increased to \$590 for calendar years 2023 and 2024.

For additional information on Gifts, Honoraria, Travel Payments and Loans, please visit the FPPC's website: <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/gifts-and-honoraria.html>

X. OTHER COUNCIL BUSINESS

A. Required Trainings and City Policies

1) Ethics Training (State Mandated)

In addition to the Code of Ethics ("Code"), each Council Member is required by State law ([AB 1234](#) and [Gov't Code Sec. 53235](#)) to receive at least 2-hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

- a) The City Clerk's Office will work with Council to receive their training module and provide instructions to complete their requirements. This Office will ensure compliance with this training requirement.
- b) Council Members who complete the required training must submit their certificate of completion to the City Clerk's Office per the City's Record Retention Policy.
- c) In January of each year, the Council reviews and affirms the Code during a regular meeting. The Code must also be reviewed annually by all employees and BCCs.

2) Sexual Harassment Prevention Training and Education (State Mandated)

State law (AB 1661) requires all City officials in California to complete at least 2-hours of sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials.

- a) Training includes federal and state statutes outlawing sexual harassment, solutions available to victims, and "practical examples" to teach officials how to prevent sexual harassment, discrimination, and retaliation in the workplace.
- b) City Council members must take this training within the first six months of taking office and renew at least once every two years. Attendance is aligned with the City's commitment to always preventing inappropriate conduct and creating a work environment that is safe, respectful, and free of any types of harassment, discrimination, and retaliation.
- c) The City Clerk's Office will work with Council Members to receive their training module and provide instructions to complete their requirements. This Office will also ensure compliance with this training requirement.
- d) Administrative Regulation [922](#) Anti-Harassment, Discrimination, and Retaliation Policy provides additional details.

3) Additional Required Training

The City is committed to providing Council Members with all other trainings they may need to engage in Council business. The following trainings will be coordinated by the City Manager's Office, following the swearing in of new Council Members. These trainings are listed and scheduled on the Master Meeting Calendar maintained by the City Clerk's Office:

- a) *Led by the City Attorney's Office*
 - City Charter
 - Brown Act

- Municipal Code
- California Public Records Act
- Code of Ethics
- Understanding Collective Bargaining
- Roles and responsibilities of the City Attorney's Office
- Levine Act
- Common legal matters
- Administrative Regulations (only those that apply to the City Attorney's Office)

b) Led by the City Manager's Office

- New City Council Onboarding, Orientation, and Dais Training
- Administrative Regulations

c) Led by Various Departments or Agencies

- Elections Activities (City Clerk's Office)
- Records Retention Policy and California Public Records Act (City Clerk's Office)
- Financial policies and fiduciary responsibilities (Finance)
- Media and crisis communications (City Manager's Office – Office of Communications)

4) Other Required City Policies

All City Officials are required to review and adhere to these additional City policies:

- Code of Ethics - [Conflict of Interest Code - Statement of Economic Interest](#)
- [Administrative Regulation 102 – Council Requests](#)
- [Administrative Regulation 301 – Official Travel and Other Business Expenses Policy](#)
- [Administrative Regulation 509 – Social Media Policy for Elected & Appointed Officials](#)
- [Administrative Regulation 511 – Ticket Distribution and Disclosure Policy](#)
- [Administrative Regulation 512 – Procedures for Proclamations and Certificates](#)
- [Administrative Regulation 605 – Email and Computing Resource Use](#)
- [Administrative Regulation 607 – Digital Agendas and Due Process](#)
- [Administrative Regulation 921 – Equal Employment Opportunity Policy](#)
- [Administrative Regulation 922 – Anti-Harassment, Discrimination & Retaliation Policy](#)
- [Administrative Regulation 923 – Violence in the Workplace policy](#)

B. California Public Records Act (CPRA)

The CPRA was passed by the California Legislature in 1968 and requires that government records be disclosed to the public, upon request, unless there are privacy and/or public safety exemptions, which would prevent doing so. The term “public records” encompasses a wide array of materials including handwritten, typed, printed, scanned, photographed, copied, emailed, faxed, recorded (sound and video), online content, some content on personal devices, and others. Public records must be retained for a period, depending on the type of material and its purpose, in order to help comply with the detailed requirements of the CPRA. The records retention schedule is overseen by the City Clerk's Office who also coordinates the submittal of CPRA documents.

C. Council Communications with the Public

Providing multiple channels for the public to communicate with the City Council is critical to conducting the people's business.

1) Email and MyHB

- a) Members of the public may communicate with all seven Council Members with one email sent to City.Council@surfcity-hb.org or to "All Council Members" via the MyHB app. These emails are automatically forwarded to the select staff members of the City Manager's Office who will:
 - Forward the email to the appropriate department to prepare a response on the Council's behalf, within 48 hours. When the response is finalized, the staff member will forward it to the sender and cc: the entire City Council, so they are aware it has been addressed.
 - The City's internal protocol regarding processing citizen inquiries and appointments to the City Council and City Manager is addressed in the Council Communications Workflow.

2) Telephone or In Person

Members of the public may schedule a meeting with City Council Members by calling the City Council Office at (714) 536-5553 or visiting in person at 2000 Main Street, 4th Floor.

D. Media Relations

The Office of Communications utilizes a wide array of media platforms, coordinates community events, manages the City's branding, and works with the media to inform the community about the City Council's policy decisions, upcoming programs and events, emergency situations, and more.

1) Communicating with the Press

The Office of Communications is the City's point of contact for all media agencies and will provide agencies with relevant details about any Council-approved policy/program as well as operational matters and emergent situations that require immediate responses. If requested, the Office will work primarily with the Mayor to provide a statement reflective of the entire Council's decision. The Office may also reach out to staff who can serve as subject matter experts.

If individual Council Members receive a request for a statement or interview, they should notify the Office of Communications, which monitors all requests and can be relied upon to provide the Council Member with factual details. There is no obligation for a Council Member to provide a statement. However, if one was provided that is different than the Council's decision, or if one is provided prior to a City Council decision, it should be attributed to the Council Member as an individual, and not the City.

2) Online Platforms

The Office of Communications manages the content uploaded to the City's social media platforms across multiple departments that include [Instagram](#), [X \(formerly Twitter\)](#), [Facebook](#), [Next Door](#), and

[YouTube](#). The Office also oversees the development and management of content on the City's main website, www.huntingtonbeachca.gov, as well as other ancillary websites.

E. Social Media Policy for Elected and Appointed Officials

The City regards social media as a useful tool to communicate and engage with its citizens. The purpose of this policy, memorialized under [Administrative Regulation 509](#), is to establish a formal process for the use of social media by individual elected and appointed City officials.

F. Legislative Positions

1) Intergovernmental Relations Committee (IRC)

- a) The Intergovernmental Relations Committee (IRC) prepares an annual Legislative Platform and reviews recommendations from staff and other agencies on the need for the City to take a position on legislation pending before either the State or Federal governments. Any recommendations approved by the IRC are taken to the City Council for approval, per [Administrative Regulation 803](#).
- b) The Mayor is authorized to send letters stating the approved City Council position on the specified legislation on behalf of the City to the legislators.
- c) However, when legislation is moving quickly and requires decisive action, the chair of the IRC, with approval from the Mayor and the City Manager, can take a position on behalf of the City. If the Mayor is unavailable, the Mayor Pro Tem may act on the Mayor's behalf. If the Mayor is a member of the IRC, then the chair of the IRC and the Mayor Pro Tem, and the City Manager would make the decision. This position will subsequently be brought to the IRC and Council.
- d) The IRC is also responsible for preliminary review of the City's funding priorities and for working with State and Federal legislators and the City's lobbyists to seek funding. To that end, the Mayor and/or the IRC chair may travel to Washington D.C. and Sacramento each year.

G. Appeal of Planning Decisions

- 1) A City Council member may appeal a decision of the Community Development Director, Design Review Board, Planning Commission, or Zoning Administrator. The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal. ([HBZSO §248.28](#))
- 2) The City Council member appealing the decision is not disqualified by that action from participating in the appeal hearing and the deliberations nor from voting as a member of the reviewing body. ([HBZSO §248.28](#))
- 3) The time limit for filing the appeal is ten (10) calendar days after the decision. The appeal must specify in detail the reasons for the appeal, and the hearing is limited to the specific reasons.

H. General Office Administration

1) Office, Parking, and Dais Assignments

The Mayor will have the discretion to assign parking stalls, dais seats, and offices for each Council Member and Charter Officer. Public Works staff will install parking signs for everyone following the swearing in ceremony. The Council's Administrative Assistant will coordinate with all outgoing and incoming Council Members to assist with any needs related to moving offices.

2) Compensation

[Charter Section 302](#) authorizes the following compensation to Council Members for their services:

a) *Monthly Salary*

Council Members receive a monthly salary of \$175.

b) *Expense Allowance*

Per [Municipal Code 2.28.010](#), each Council Member receives a monthly expense allowance for ordinary and routine expenses while serving on the Council. The amount of this monthly allowance is codified in Municipal Code 2.28.010 and is adjusted annually by the Consumer Price Index.

c) *Reimbursements for Council Authorized Travel & Other Business Expenses*

- Also codified in [Municipal Code 2.28.010](#), all City Council Members will be reimbursed for authorized travel and other expenses when on official duty.
- The Administrative Assistant to the City Council will also verify each year the amount budgeted for authorized travel, and guidelines for use of funds can be found in [Administrative Regulation 301](#). A per diem allowance is available for each full day of out-of-town travel (beyond a 50-mile radius from the City) to a conference or training, and/or on official business authorized by the Council. If/when a Council Member depletes allocated travel funds, additional travel may be funded by another Council Member who still has travel funds available.
- While the Mayor Pro Tem and each City Council Member receive equal shares of the travel budget in a given fiscal year, the Mayor receives an additional 20% to fully engage in his/her role as the ceremonial head of the City during the first half of the year. When the Mayor Pro Tem assumes the role of Mayor in December, his or her travel budget will be increased by 20% during the second half of the fiscal year.

d) *Health Insurance Benefits*

Per [Municipal Code 2.28.020](#), Council Members are offered medical, dental, vision, life, long-term disability, and accidental death insurance. Council Members may add their dependent at an additional monthly premium cost.

I. Ceremonial Observances

1) Oath of Office Ceremony (1st Meeting in December)

The outgoing Mayor, City Manager, City Clerk, Public Affairs Manager, and Administrative Assistant will coordinate to prepare a light meeting agenda that focuses on the Oath of Office ceremony. This has traditionally included:

- a) Selection of the new Mayor and Mayor Pro Tem.
- b) Incoming Mayor presenting a special "Ultimate Surfer" statue to the outgoing Mayor for his or her service.
- c) Outgoing Mayor presenting a gavel with a wooden case to the incoming Mayor
- d) Gifts, if the outgoing Mayor so chooses, to present to Council Members, City Manager, and elected officials
- e) An opportunity for the outgoing and incoming Mayor to provide speeches to memorialize the transition.

2) Passing of Former or Current Elected Officials

If a former or current Elected Official passes away, the City will take the following steps to ensure that his or her service with the City is honored.

- a) At the end of a Council Meeting, allow seated Council Members to make closing remarks that recognize the official's passing and honor his/her life and contributions to the community. Adjourn the meeting in his or her memory.
- b) The Office of Communications will issue a brief statement acknowledging the passing and noting high-level accomplishments.
- c) The City Council Office will send flowers and a message from staff to the family of the official.
- d) The City Manager will order flags to be lowered to half-staff to honor the passing of any official who is currently seated. Flags will remain at half-staff for up to 10 calendar days.

XI. BOARDS, COMMISSIONS, AND COMMITTEES (BCC)

A. Structure of BCCs

There are nearly 30 Boards, Commissions, and Committees (BCCs) led by citizen appointees as well as Council Members. Each BCC advises City Council as one body. With some exceptions, it is each BCC's job to understand the issues within their scope and potentially make recommendations to the Council.

Like the City Council, BCCs are subject to the Brown Act. They must post all meeting agendas at least 72 hours in advance and have a quorum to conduct business. Parliamentary procedures and Robert's Rules of Order also guide BCC meetings. Additional guidance is available in the BCC Manual.

B. Roles and Responsibilities

1) BCC Members

The Huntington Beach Municipal Code (HBMC) and/or other governing documents (e.g. resolutions, bylaws) specifies the duties and responsibilities of each BCC.

2) Council Liaisons

Several BCCs are assigned two (2) Council liaisons who are the first line of communication to the Council. Council Liaisons also recommend filling vacancies in the BCCs (except those that are Individually Appointed) for Council approval. Lastly, please note that Council liaisons are not a voting member unless stated otherwise in the Municipal Code. For more information about the roles of Council liaisons, please refer to [Resolution No. 99-84](#)

3) Staff Liaisons

Staff Liaisons are the conduit between BCCs and the City Council, providing professional guidance and administrative support to help BCCs accomplish their objectives. Staff responsibilities include:

- a) Prepare and post BCC agenda packet material and meeting notices.
- b) Assist the Chair with meeting protocol as necessary.
- c) Maintain the BCC's webpage on the City's website.
- d) Maintain official records including member documents and meeting minutes.
- e) Facilitate communications with the BCC, Department Head, City Manager or City Council to keep everyone informed about the BCC's work.
- f) Provide research and report, as needed.
- g) Present BCC recommendations to the City Council, as needed.

4) City Clerk's Office

The City Clerk's Office maintains the Maddy Act Local Appointment list, BCC-related records, and public records requests. For some BCCs, the City Clerk is the filing officer for Fair Political Practices Commission (FPPC) Form 700 Statements of Economic Interests as required by City and State laws.

C. Communications with City Council

BCC members may speak to City Council members individually but cannot speak or act on behalf of that body unless the body reaches the decision with a majority vote in a public meeting.

BCCs can request the Staff Liaison to assist with composing correspondence or any material to Council. It should be specified whether it is for information only or recommends action. Such requests should be made as a collective action of that body, not individual requests/opinions. However, it is also recommended that the Council Liaisons first be advised in advance of any communication to the City Council. Some BCCs may submit an annual report of their activities to the City Council and shall make other reports as the Council shall deem necessary and proper by working with the Staff Liaison.

D. Appointment and Removal Procedure

1) BCC Member Appointment

BCC members are appointed by individual City Council Members or two Council Liaisons, depending on the structure of the group. Members must be U.S. citizens and residents/electors of the City during the appointment process and term.

When a vacancy occurs, they will be posted at City facilities and advertised on the City website. Interested individuals can submit an online application on the City's [Boards and Commissions webpage](#), and an active file of qualified applicants will be maintained by the City. With support from the Staff Liaison, Council Liaisons evaluate applications and put forth a recommendation to the entire City Council for approval. As desired by Council Liaisons, interviews will be scheduled as part of the appointment process; for more information, please refer to Administrative Regulation [111](#).

2) BCC Composition and Terms

The composition of BCCs (number of members and the structure) vary from group to group. Each BCC's composition is laid out in its respective sections in [HBMC Title 2](#) (Administration and Personnel) and/or their bylaws.

To afford the maximum opportunity for citizen service, no person shall be eligible for appointment for more than two (2) consecutive, four (4) year terms, exclusive of a prior appointment to fill an expired term that is less than 2 years. Appointees shall serve on only one (1) standing BCC at any given time.

Members may voluntarily resign from the Board at any time. Such members should submit a formal letter/notice of resignation to the Council/Staff Liaisons or the City Council. In such a case, or any other vacancies for whatever cause, successors are to be appointed by the City Council, for the unexpired term of the office.

3) BCC Member Removal

BCC Members may be appointed and positions maintained by individual or majority of City Council. ([HBMC 2.100.100](#))



CONTACT US



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"Committed to Responsive and Exceptional Public Service for All."