

City attorney legal advisory scope

1. Can the City Attorney's Office provide legal advice to the Finance Commission on questions related to city operations and business matters? Alternatively, may the provision of legal advice on city business be declined if requested by a Finance Commissioner?

Contract enforcement processes

2. Numerous city contracts appear to have been violated by a service provider, lessee, or concessionaire, and staff have been informed of these issues. Must all enforcement requests be routed through the City Council, or are there other available enforcement mechanisms?

Contract execution and signature validity

3. Several contracts executed by former Mayor Delgleize appear to bear a stamped signature rather than a wet (handwritten) signature. What issues, if any, are presented by the absence of a wet signature and the use of a stamped signature on service contracts for Public Works and other departments? Specifically, does the use of a stamped signature invalidate the contract? Please explain the legal reasoning. See appendix for a few examples.

Redaction of accounts payable information – samples in Appendix

4. After requesting invoices from a city vendor via the CPRA process, the invoices were provided, but the accounts payable chart-of-account information used to pay the invoices was redacted (see examples in appendix). Please explain the rationale for redacting the account information and the City Attorney's concerns regarding disclosure of this information.

Measure L (1996) and city charter section 612

5. Measure L (1996) and Charter Section 612 appear in the appendix of this document. Please address the following:
 - A. Current city staff have indicated they received approval from the City Attorney's Office in 2024 to lease concession stands in the Sports Complex to a private company. Please explain the legal basis for allowing the city to lease Sports Complex concessions to a third party in 2024, particularly in light of former City Attorney Gail Hutton's prior opinion in 2001 that Measure L did not authorize leasing any portion of the Sports Complex – see opinion in appendix.
 - B. Measure L authorizes the city to construct the Sports Complex. What is the legal basis for permitting a private party to fund and construct a large building within the Sports Complex facility, given the constraints of Section 612 of the City Charter and the contents of Measure L?
 - C. How was the city legally authorized to spend more than the \$1.5 million specified in Measure L for construction of the Sports Complex and any future additions or improvements, considering the restrictions in Section 612 of the City Charter?

Equestrian center concession and third-party operations

6. Equestrian Center:

- A. May the National Equestrian Center, as a city concessionaire, enter into agreements with third parties without city approval if those agreements authorize third parties to operate within the concession area?
- B. Are city-approved agreements required for any third party, company, or organization (not part of the National Equestrian Center) to operate within the concession area?
- C. What agreements are in place allowing third-parties separate from the current concessionaire to operate within the equestrian center?

7. Ownership of Assets at Equestrian Park and Subordination Agreement:

- o During the Finance Commission meeting in November, 2025, I asked Director Wysocki who owned all of the stuff (assets) including the Little Red Barn at the Equestrian Center. Director Wysocki replied that all assets at the equestrian center will be owned by the city at the end of the current concession agreement. I cannot find any reference to this concept in the current agreement or any amendments. Please review and let me know if the city does indeed own all the assets on the property (Stalls, rings, buildings, etc.) at the end of the current concession agreement in 2033. Here is a link to the concession agreement and amendments:
- o <https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5327889&searchid=6fa88e2e-ad4e-4d0c-ac43-63600add4120>
- o The city agreed to a subordination agreement in 2014 so the current concession operator could obtain an SBA loan. Please review the subordination agreement on page 3 in the link below and summarize in layman's terms the meaning of the subordination agreement and its effect on ownership of the assets located at the Equestrian Center at the end of the current concession agreement in 2033. See page 3 here
- o <https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5327889&searchid=6fa88e2e-ad4e-4d0c-ac43-63600add4120>

8. National Equestrian Center appears to have operation in areas outside the concession agreement area and on land set aside for our central park – Explanation please.

- o The Therapeutic Riding center and a riding ring appear to be located in central park outside of the equestrian center concession area in our central park. I have not been able to find any agreements with the city or authorization for the riding ring and therapeutic riding center occupying our central parklands. Staff is aware of this issue and has demurred on answering how the therapeutic riding center and the extra riding ring are allowed in our central park and outside the boundaries of the concession. Can you please look into this and determine if the therapeutic riding center and National Equestrian Centers, Inc have a legal right to use this land in our central park that appears to be outside of the current concession and if an agreement between the city and the therapeutic riding center exists.

Brown Act communications among commissioners

1. May commissioners distribute information directly to all members of the Finance Commission between meetings so that commissioners have time to review materials that will be presented?

Presentation materials during finance commission meetings

1. A recent request to present a PowerPoint during a Finance Commission meeting was denied on the grounds that the presentation had not been reviewed by staff, with City legal staff cited as the basis for the decision. Please confirm whether this reflects guidance from your office and explain the rationale. What are the potential consequences if a commissioner disregards this directive?

Appendix

Section 612. PUBLIC UTILITIES AND PARKS AND BEACHES

a) No public utility or park or beach or portion thereof now or hereafter owned or operated by the City shall be sold, leased, exchanged or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

b) No golf course, driving range, road, building over three thousand square feet in floor area nor structure costing more than \$161,000.00 may be built on or in any park or beach or portion thereof now or hereafter owned or operated by the City unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted after the appropriate environmental assessment, conceptual cost estimate, and reasonable project description has been completed and widely disseminated to the public. Effective January 1, 2011, and each year thereafter, the maximum cost will be adjusted by the Consumer Price Index for the Los Angeles-Riverside-Orange County area.

c) Section 612(a) and 612(b) shall not apply;

1) to libraries or piers;

2) to any lease, franchise, concession agreement or other contract where;

- the contract is to perform an act or provide a service in a public park or beach

AND

- such act was being performed or service provided at the same location prior to January 1, 1989

AND

- the proposed lease, franchise, concession agreement or other contract would not increase the amount of parkland or beach dedicated to or used by the party performing such act or providing such service.

3) to above ground public works utility structures under 3,000 square feet;

4) to underground public works utility structures if park or beach use is not impeded;

5) to any public works construction, maintenance or repair mandated by state or federal law that does not negatively impact recreational opportunities; or

6) to renewable energy projects that do not negatively impact recreational opportunities.

d) If any section, subsection, part, subpart, paragraph, clause or phrase of this amendment, or any amendment or revision of this amendment, is for any reason held to be invalid or unconstitutional, the remaining sections, subsections, parts, subparts, paragraphs, clauses or phrases shall not be affected but shall remain in full force and effect.

Measure L – 1996

The image below is from our city archive of records and is believed to be true representation of a portion of the ballot in 1996 containing Measure L. Measure L has been cited as the basis of building the Sports Complex at an initial cost of over \$20 million and leasing the Concessions to a private company in 2024.

Ballot image below from page 55 at this link in the city archive

<https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5336345&page=65&searchid=c3a87f2a-70a5-4f35-a6ec-a6777bfde32b>

OFFICIAL BALLOT

GENERAL ELECTION

COUNTY OF ORANGE

November 5, 1996

This ballot stub shall be torn off by precinct board member and handed to the voter.

MEASURES SUBMITTED TO VOTE OF VOTERS

STATE

214 HEALTH CARE. CONSUMER PROTECTION. INITIATIVE STATUTE. Regulates health care businesses. Prohibits discouraging health care professionals from informing patients or advocating treatment. Requires health care businesses to establish criteria for payment and facility staffing. Fiscal Impact: Increased state and local government costs for existing health programs and benefits, probably in the tens to hundreds of millions of dollars annually.

Yes	+
No	+

215 MEDICAL USE OF MARIJUANA. INITIATIVE STATUTE. Exempts from criminal laws patients and defined caregivers who possess or cultivate marijuana for medical treatment recommended by a physician. Provides physicians who recommend use shall not be punished. Fiscal Impact: Probably no significant fiscal impact on state and local governments.

Yes	+
No	+

216 HEALTH CARE. CONSUMER PROTECTION. TAXES ON CORPORATE RESTRUCTURING. INITIATIVE STATUTE. Regulates health care businesses. Prohibits discouraging health care professionals from informing patients. Prohibits conditioning coverage on arbitration agreement. Establishes nonprofit consumer advocate. Imposes taxes on corporate restructuring. Fiscal Impact: New tax revenues, potentially hundreds of millions of dollars annually, to fund specified health care. Additional state and local government costs for existing health programs and benefits, probably tens to hundreds of millions of dollars annually.

Yes	+
No	+

217 TOP INCOME TAX BRACKETS. REINSTATEMENT. REVENUES TO LOCAL AGENCIES. INITIATIVE STATUTE. Retroactively reinstates highest tax rates on taxpayers with taxable income over \$115,000 and \$230,000 (current estimates) and joint taxpayers with taxable incomes over \$230,000 and \$460,000 (current estimates). Allocates revenue from those rates to local agencies. Fiscal Impact: Annual increase in state personal income tax revenues of about \$700 million, with about half the revenues allocated to schools and half to other local governments.

Yes	+
No	+

218 VOTER APPROVAL FOR LOCAL GOVERNMENT TAXES. LIMITATIONS ON FEES. AS-

Yes	+
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I HAVE VOTED—HAVE YOU?

COUNTY OF ORANGE

A Shall Section 1-2-9, which would establish a consecutive term limitation of two (2) consecutive four (4) year terms for the office of member of the Board of Supervisors, be added to the Codified Ordinances of Orange County?

Yes	+
No	+

CITY OF HUNTINGTON BEACH

J ADVISORY VOTE ONLY. Should the City of Huntington Beach construct: a sports field on an undeveloped portion of Huntington Central Park; athletic field lighting at high schools; a public gymnasium at Murdy Community Center; and fund youth sports field grants by establishing a ten year citywide assessment district for a total of \$11.5 million at a maximum annual cost of: \$24 per single family residence; \$10 per multi-family unit; and \$5 per business and mobile home unit?

Yes	+
No	+

K Shall the City of Huntington Beach at a cost of \$1.83 million construct a gymnasium and related improvements, and reconfigure existing parking at Murdy Community Center, east of Goldenwest Street, south of Norma Drive, to provide youth, adult and senior exercise classes, basketball, volleyball and other recreation/sports activities?

Yes	+
No	+

L Shall the City of Huntington Beach at a cost of \$1.5 million construct lighted soccer and softball fields, a roller hockey and snack bar concession, parking, restrooms, and related improvements in an undeveloped portion of Huntington Central Park, south of Talbert Avenue and east of Goldenwest Street, on property that was formerly a landfill and mushroom farm?

Yes	+
No	+

Vote Count – Measure L 1996 – passed with an affirmative vote of 50.2% and 284 votes of 68,924 total cast

The following is the vote count of Measure L in 1996 showing passage that can be found at the following link

https://elections.cdn.sos.ca.gov/county-city-school-district-election-results/city_report_1996.pdf

From page 16 at the link above:

The screenshot tallies the vote and the first column of votes is votes approving the measure

Measure L - won by 284 votes out of 68,924 votes cast

Total Votes – 68,924

Votes in Favor – 34,604

Votes opposed (not shown – calculated) – 34,320

Difference between Yes and No votes – 284 votes

Huntington Beach	3/26/96	Measure EE	Charter Amendment	Governance: Personnel/Offices	16,287	37,043	44.0%	Fail
		Measure FF	Charter Amendment	Governance: Personnel/Offices	14,082	36,916	38.1%	Fail
		Measure GG	Advisory	Environment: Parks/Recreation	17,829	38,264	46.6%	Fail
	11/5/96	Measure J	Advisory	Governance: Contracting	32,064	68,824	46.6%	Fail
		Measure K	Ordinance	Environment: Parks/Recreation	33,059	68,786	48.1%	Fail
		Measure L	Ordinance	Environment: Parks/Recreation	34,604	68,924	50.2%	Pass

From page 35 at the link above:

TABLE 1.2 TEXT FOR CITY BALLOT MEASURES BY COUNTY, 1996

ORANGE	11/5/96	Huntington Beach	Measure J	Fail
ADVISORY VOTE ONLY. Should the City of Huntington Beach construct: a sports field on an undeveloped portion of Huntington Central Park; athletic field lighting at high schools; a public gymnasium at Murdy Community Center; and fund youth sports field grants by establishing a ten year citywide assessment district for a total of \$11.5 million at a maximum annual cost of \$24 per single family residence; \$10 per multi-family unit; and \$5 per business and mobile home unit?				
ORANGE	11/5/96	Huntington Beach	Measure K	Fail
Shall the City of Huntington Beach at a cost of \$1.83 million construct a gymnasium and related improvements and reconfigure existing parking at Murdy Community Center, east of Goldenwest Street, south of Norma Drive, to provide youth, adult and senior exercise classes, basketball, volleyball and other recreation/sports activities?				
ORANGE	11/5/96	Huntington Beach	Measure L	Pass
Shall the City of Huntington Beach at a cost of \$1.5 million construct lighted soccer and softball fields, a roller hockey and snack bar concession, parking, restrooms, and related improvements in an undeveloped portion of Huntington Central Park, south of Taibert Avenue and east of Goldenwest Street, on property that was formerly a landfill and mushroom farm?				

Unredacted Invoice

INVOICE #102021A

MCS

Municipal Contract Solutions LLC

2904 Blaisdell Ave
Redondo Beach CA 90278
310-922-0499

October 6, 2021

P.O. Number: 20694-OC

BILL TO:

City of Huntington Beach
P.O. Box 190
Huntington Beach CA 92648

FOR:

Monthly Janitorial Service for
Worthy Park and Huntington
Beach Park Sports Complex

DESCRIPTION

AMOUNT

Provide Janitorial Service @ Worthy Park and Huntington Beach
Sports Complex

\$2,125.00

SUBTOTAL \$2,125.00

TAX RATE 0.00%

OTHER

TOTAL \$2,125.00

Make all checks payable to MCS Municipal Contract Solutions LLC. If you have any questions concerning this invoice, contact John Fallon, 310-922-0499, johnfallon@municipalcontractsolutions.com

THANK YOU FOR YOUR BUSINESS!

OP/OD/OJ/OW#	21918
Supplier #	120291
Order Co #	0100
2-way or 3-way	
Account #	1045343.64500
Approved	
PV #	
Batch #	

Redacted Invoice

INVOICE #92025-Parks

MCS

Municipal Contract Solutions LLC

2904 Blaisdell Ave
Redondo Beach CA 90278
310-922-0499

September 4, 2025

P.O. Number: 25861-OC

BILL TO:

City of Huntington Beach
2000 Main Street
Huntington Beach CA 92648

FOR:

Janitorial, trash pick up and
powerwashing services
throughout the city

DESCRIPTION

AMOUNT

Central Park	\$17,334.46
Marina Park	\$1,013.65
Sunset Beach	\$6,745.47
Sunset Beach Day Porter & Janitorial	\$7,619.09
Sand Tilling Playgrounds	\$5,413.10
Sports Complex	\$3,344.00
Worthy Park	\$522.50
Pressure Washing	\$8,151.00

TAX RATE \$0.00

TOTAL \$50,143.27

Make all checks payable to MCS Municipal Contract Solutions LLC. If you have any questions concerning this invoice, contact John Fallon, 310-922-0499, johnfallon@municipalcontractsolutions.com

THANK YOU FOR YOUR BUSINESS!

City Attorney - Gail Hutton - Opinion on Leasing in Sports Complex

Page 48 - 2/08/2001

<https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5336345&page=65&searchid=c3a87f2a-70a5-4f35-a6ec-a6777bfde32b>

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further voter approval is required if the project subsequently goes over budget.

4. Further Voter Approval Is Required for Lease Approval.

Although Measure L provided voter approval of the construction of the Sports Complex, it did not provide similar approval of the lease of the site to a concessionaire for operation of the Complex. We previously addressed this issue in our opinion dated March 4, 1999 (**Attachment 5**).

Measure L expressly authorized the construction of a "roller hockey and snack bar concession." Consistent with our previous opinion regarding the lease of the entire site, we conclude that Measure L did not provide authorization for the lease of a portion of the site.

5

p.4-2001 memo Sports Complex
rs 2000-1207

Section 612(a) specifically provides that "No public utility or park or beach or portion thereof now or hereafter owned or operated by the City shall be sold, leased, exchanged or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or specific election at which such proposition is submitted."

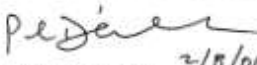
This language requires that the sale, lease, exchange or other transfer or disposition be specifically submitted to the voters for their approval. Measure L did not ask the voters to approve any such lease; rather, it asked the voters to approve the construction of the Sports Complex.

Therefore, we believe that additional authorization is required to lease of a portion of the site to a concessionaire. Much as a specific lease must be presented to the City Council for approval, it must also be presented to the voters for approval as well.

CONCLUSION

For the reasons stated herein, the approval of Measure L by the voters provided sufficient authorization to construct the Sports Complex under Charter Section 612. It did not, however, provide similar authorization to lease a portion of the site to a third party concessionaire.

If you have any further questions, please contact me at your earliest convenience.


GAIL HUTTON 2/8/01
City Attorney

cc: Hon. Mayor and City Council-members
Ray Silver, City Administrator
William Workman, Asst. City Administrator

Attachments: 1. Excerpts from Sample Ballot for November 6, 1990 Election
2. Excerpts from Sample Ballot for November 5, 1996 Election
3. Sports Complex RCA dated December 18, 2000
4. Sports Complex Legal Opinion dated April 14, 1998
5. Sports Complex Legal Opinion dated March 4, 1999

"Stamped" Signature on contracts

The following signatures on contracts by the former mayor Delgleize appear to be stamped and not a "wet" signature

Page 21 at this document in city archive

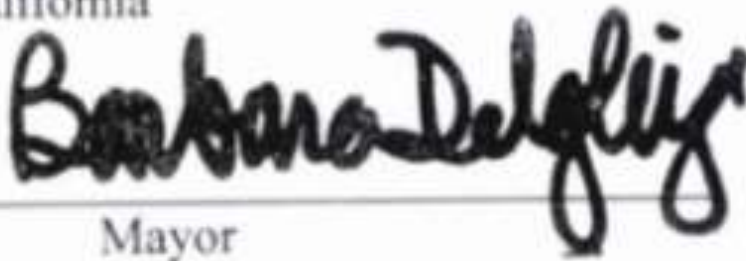
<https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5779260&searchid=cc66ab52-8ada-419e-a724-7bceb42beba6>

35. Effective Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their authorized officers. This Agreement shall be effective on the date of its approval by the Mayor. This Agreement shall expire when terminated as provided herein.

CONTRACTOR HBSC PARTNERS, LLC	CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California
By: 	
Print name Matt O'Leary	Mayor
ITS: (circle one) Chairman/President/ Vice President	INITIATED AND APPROVED:
AND	
By: 	Director of Community & Library Services
Print name Ryan Gale	
ITS: (circle one) Secretary/Chief Financial Officer/Asst. Secretary-Treasurer	APPROVED AS TO FORM:
	
	City Attorney NW
	REVIEWED AND APPROVED:
	

CITY OF HUNTINGTON BEACH, a
municipal corporation of the State of
California


Mayor

INITIATED AND APPROVED:



<https://records.huntingtonbeachca.gov/WebLink/DocView.aspx?id=5687517&dbid=0&repo=COHB&searchid=127eccf4-07de-4b39-a01b-09d3ad724973>

29. EFFECTIVE DATE

This Agreement shall be effective on the date of its approval by the City Council.

This Agreement shall expire when terminated as provided herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their authorized officers.

CONSULTANT,

NUVIS

COMPANY NAME

By: _____

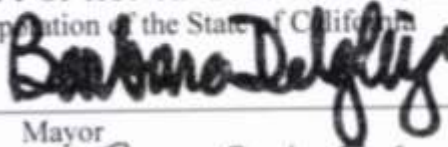
print name

ITS: (circle one) Chairman/President/Vice President

AND

By: _____

CITY OF HUNTINGTON BEACH, a municipal
corporation of the State of California



Mayor



City Clerk

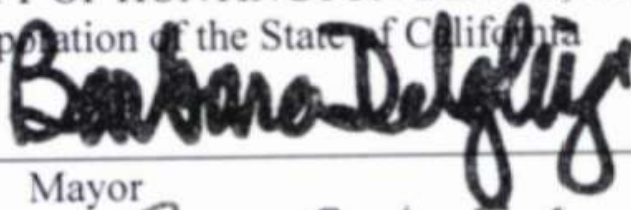
2/9/22 BS

INITIATED AND APPROVED:



Director of Community & Library Services

CITY OF HUNTINGTON BEACH, a municipal
corporation of the State of California



Mayor



City Clerk

2/9/22 BS