

RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR (1) THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES, (2) THE SUBMISSION TO THE VOTERS AN ADVISORY MEASURE ON WHETHER TO HIRE A THIRD-PARTY CONTRACTOR TO OPERATE THE HUNTINGTON BEACH PUBLIC LIBRARY AS PROPOSED IN RCA # 24-194 ADOPTED BY THE CITY COUNCIL ON MARCH 19, 2024, AND (3) THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO CITY CHARTER AMENDMENTS.

WHEREAS, pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34458) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California and under the provisions of the laws relating to Charter cities in the State of California, a General Municipal Election shall be held on November 5, 2024 for the Municipal Officers; and

WHEREAS, on March 19, 2024, the City Council, by a 4-3 vote (Bolton, Kalmick, Moser voting “No”) , approved Request for City Council Action (“RCA”) # 24-197 authorizing City staff to “issue a Request for Proposals [“RFP”] for Managed Library Services for the Huntington Beach Public Library and return to City Council with an agreement for consideration;” and

WHEREAS, “privatization” or “outsourcing” public library operation or management represents a monumental change to a City institution that has existed for more than a century without any assertion that the library does not serve the City’s residents well, and the library is the most heavily utilized, public-facing portion of the City Government; and

WHEREAS, there has been no demonstration that the library's current operation or management is inefficient, wasteful, or not cost-effective, and no evidence has been presented to the public demonstrating that outsourcing library operation or management to a third party would generate significant cost savings for the City; and

WHEREAS, over the last dozen months, the City has documented more than a thousand pieces of correspondence from residents, and City Council members have had dozens, if not hundreds, of other conversations with concerned residents and stakeholders, nearly all of which object to outsourcing or privatizing the City's public library; and

WHEREAS, the library's significance to the community, and the magnitude of the change presented by library management outsourcing warrants giving the city's voters an opportunity to weigh in on the Council's direction to staff in RCA # 24-197 and work on issuing an RFP should be suspended until voters have spoken; and

WHEREAS, for the same reasons, going forward, if a future City Council contemplates library privatization or other wholesale changes in the library's management structure or operation, approval of such a proposal should require a vote of the people; and

WHEREAS, the City Council desires to submit to the voters at the General Municipal Election an advisory Measure on whether to hire a third-party contractor to operate the Huntington Beach Public Library as proposed in RCA # 24-194 adopted by the City Council on March 19, 2024, or any future similar proposal; and

WHEREAS, the City Council desires to submit to the voters at the General Municipal Election a question relating to city Charter amendments; and

WHEREAS, the City Manager should suspend work on RCA #24-194 until the people have spoken on these issues; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed advisory Measure to the voters; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed Charter amendment to the voters,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to Charter Cities, and pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34458) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, there is called and ordered to be held in the City of Huntington Beach, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing three Members of the City Council for the full term of four years.

SECTION 2. That the City Council pursuant to its right and authority, also does order submitted to the voters at the General Municipal Election the following Measure:

" Huntington Beach Public Library Privatization/Outsourcing Advisory Measure: Shall the City contract with a third-party to manage and/or operate the Huntington Beach Public Library, as proposed in Request for Council Action # 24-194 adopted by the City Council on March 19, 2024 or any other future, similar proposal?"	Yes
	No

SECTION 3. That the City Council pursuant to its right and authority, also does order submitted to the voters at the General Municipal Election the following question relating to a City Charter amendment:

"Shall the proposed Charter Amendment to: require a majority vote of the City Council and a majority vote of the electors of Huntington Beach to approve any proposal that would change the wholesale management of the library, and/or any proposal to operate the library with a private contractor that would employ library staff to achieve cost savings, be approved?"	Yes
	No

SECTION 4. That the complete text of the Charter Amendments submitted to the voters is attached as Exhibit A.

SECTION 5. That the vote requirement for the advisory Measures to pass is a majority (50%+ 1), and that the vote requirement for the Charter Amendment to pass is a majority (50%+ 1), of the votes cast.

SECTION 6. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 7. That the City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. That the polls (vote centers) for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until 8 o'clock p.m. of the same day when the polls (vote centers) shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election,

in time, form and manner as required by law.

SECTION 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 12. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 13. The City Council directs the City Manager to suspend work on RCA #24-194 upon adoption of this Resolution 2024-__ ; directs that the City not issue an RFP or negotiate a contract as described in RCA# 24-194; and directs that no privatization, outsourcing or other similar wholesale change in the management structure of the City's library system shall take place unless and until the voters approve such an action by answering affirmatively the advisory Measure described herein or authorizing such action in accordance with the Charter amendment described herein.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the __ day of _____,2024.

Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

City Manager

City Attorney

EXHIBIT A
CHARTER AMENDMENT MEASURES
PROPOSED ADDITIONS SHOWN AS UNDERLINED
PROPOSED DELETIONS SHOWN AS STRIKETHROUGH

Charter Amendment Measure

Section 612A. PUBLIC LIBRARY

No public library now or hereafter owned or operated by the City shall be operated or managed by a private contractor that employs library staff to achieve cost savings and/or any proposal to that would change the wholesale management of library unless authorized by the affirmative vote 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 proposal is submitted.