

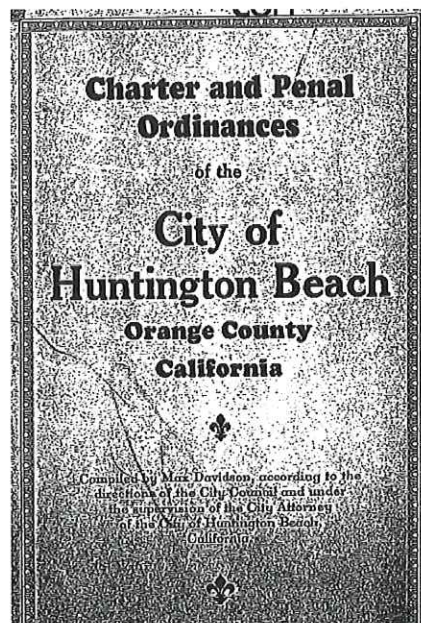


# Charter Revision Committee Recommendations

Joint Study Session with City Council  
June 7, 2022

## History - Charter

- The first Huntington Beach City Charter was established in 1909, when the City was incorporated.
- Since then, it has been amended several times to reflect the evolving priorities of our government and community.
- All Charter amendments must first be approved by the voters.



1909 Charter (printed in 1930)

SUPPLEMENTAL  
COMMUNICATION

Meeting Date: 6/7/22

Agenda Item No.: 1/22-479) Study Session

## History - Committees

- Per Charter Section 804, the City Council is required to determine at least once every 10 years if it should convene a Charter review committee.
- The Charter was last amended with the help of a citizen-led committee in 2010 and reviewed by a staff-led committee in 2019.
- In August 2021, the City Council formed the 2021-22 Charter Revision Committee to take up this work again.



CITY of HUNTINGTON BEACH  
*City Charter*

*Incorporated February 17, 1909*



*Today's Charter*

## 2021-22 Charter Revision Committee

- A 7-member Committee was appointed by City Council.
- Convened on December 3 and continued to meet the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of every month until May 12.
- Facilitated by Chair Damon Mircheff, Vice Chair Charles CJ Ray, staff liaison Catherine Jun, and Charter consultant Dr. Raphael Sonenshein, who also consulted on the 2010 Charter Committee.

#	2021-2022 Charter Revision Committee Members	Appointing City Council Member
1	Damon Mircheff (Chair)	Natalie Moser
2	Charles CJ Ray (Vice Chair)	Mike Posey
3	Cynthia Benton	Rhonda Bolton
4	Casey McKeon	Erik Peterson
5	Scott Miller	Dan Kalmick
6	Leonie Mulvihill	Kim Carr
7	Dianne Thompson	Barbara Delgleize



## Committee Goals

- ❑ Address Charter-specific issues to promote good governance, government accountability, transparency, and representation of residents and taxpayers.
- ❑ Seek consensus to identify the most salient issues; propose straightforward and flexible amendments to address them.
- ❑ Establish elected and/or appointed officials with the appropriate authority, tools, and flexibility to effectively serve people that live, work, visit, and do business in Huntington Beach.
- ❑ Work in a manner that is efficient, effective, and economical for the Huntington Beach community.

## The Process

The Committee focused primarily on identifying and deliberating on Charter issues to promote transparency, efficiency and inclusivity. The process was evenly applied across every analysis and led to decisions reflective of the Committee's diverse viewpoints.



## The Process

- The Committee identified 13 Phase 1 items and 12 Phase 2 items.
- The Committee recommends 18 amendments to City Council.
- Recommendations approved by City Council could be placed on the November 8, 2022 General Election ballot for voter approval.
- To place items on the November ballot, the City must submit ballot materials to the Orange County Registrar's Office by August 12.



## Phase 1 Recommendations

Items that may require changes involving syntax, outdated language, minor clarifications and changes.

Charter Section	Section Title	Recommendation	Final Vote
<b>Syntax and Language Updates</b>			
1 303, 400, 801	(Various)	Use gender neutral terms. Replace pronouns such as "he" with "person" or the title being referred to.	7-0
2 300	City Council, Attorney, Clerk and Treasurer. Terms	Replace outdated phrases ("casting lots") with modern ones ("random drawing process") and establish a clearer process and timeframe to resolve ties in voting for elected positions.	7-0
3 303(a)	Meetings and Location – Regular Meetings	Syntax adjustments to clarify the process of adjourning Council meetings.	7-0
4 303(d)	Meetings and Location – Open Meetings	Replace outdated phrases ("executive sessions") with modern ones that are used regularly ("closed sessions").	7-0
5 311, 601 604	(Various)	Replace references to "Director of Finance" with the updated title of "Chief Financial Officer" which aligns with City's Organizational Chart.	7-0
6 312	Vacancies, Forfeitures and Replacement	A minor wording change to clarify the pronoun "it" by replacing it with "City Council", which is the entity that the pronoun is referring to.	7-0

## Phase 1 Recommendations

Items that may require changes involving syntax, outdated language, minor clarifications and changes.

Charter Section	Section Title	Recommendation	Final Vote	
Minor Clarifications and Changes to City Processes				
7	300	City Council, Attorney, Clerk and Treasurer. Terms	Reset the initial election years for elected officials (currently 1966 and 1968) to be more contemporary (2022 and 2024).	7-0
8	303(b)	Meetings and Location – Special Meetings	Add the use of "current technology" as one of several ways to distribute meeting notices to City Council.	7-0
	304	Quorums, Proceedings and Rules of Order - Quorum		
9	804	Charter Review	Require the Council to consider convening a Charter Review Commission at least every ten years, a time interval that resets after the last review conducted by a Committee, Council or staff.	7-0

## Phase 2 Recommendations

Items that may require more substantial changes to City policies, roles, and responsibilities.

Charter Section	Section Title	Recommendation	Final Vote	
Substantial Clarifications and Changes to City Processes (Various)				
10	312	Vacancies, Forfeitures and Replacement	Require at least 4 affirmative votes for Council to fill a Council vacancy. Establish that appointees may only hold office until the next general municipal election is held to fill the remainder of the unexpired term for that position.	6-1
11	612	Public Utilities and Parks and Beaches	Add an exemption to this provision by allowing the replacement of existing equipment or infrastructure without triggering a Measure C vote. The replacement must not exceed the current footprint or height by more than 10% and must maintain its current use.	7-0



## Phase 2 Recommendations

Items that may require more substantial changes to City policies, roles, and responsibilities.

Charter Section	Section Title	Recommendation	Final Vote	
Substantial Clarifications and Changes to City Roles (Elected Positions)				
12	300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Clerk and Treasurer positions into appointed roles.	5-2
13	300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Attorney position into an appointed role.	5-2
14	300	City Council, Attorney, Clerk and Treasurer. Terms	If the City Attorney position remains elected, set term limits similar to City Council term limits.	4-3

## Phase 2 Recommendations

Items that may require more substantial changes to City policies, roles, and responsibilities.

Charter Section	Section Title	Recommendation	Final Vote	
Substantial Clarifications and Changes to City Responsibilities				
15	304	Quorums, Proceedings and Rules of Order – Proceedings	Clarifies that all disagreements between the Council and Attorney regarding the presence of a conflict of interest in legal matters will be decided by the Council.	6-1
16	309	City Attorney. Powers and Duties	Requires the City Attorney to have at least 10 years of experience practicing law in California prior to their election or appointment.	6-1
17	309	City Attorney. Powers and Duties	Clarifies and adds duties for the City Attorney: maintain all records in compliance with applicable laws; provide advice related to the Municipal Code and applicable laws; recuse oneself when there may be a conflict of interest. Also reiterates that the Council has control over all legal business and may employ other attorneys in the event of a City Attorney conflict.	6-1
18	310	City Clerk. Powers & Duties	Requires minimum qualifications for the Clerk and Treasurer to be met at the time of filing one's candidacy for election or application for appointment.	6-1
	311	City Treasurer. Powers and Duties		



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