

Esparza, Patty

From: Fikes, Cathy
Sent: Friday, June 17, 2022 10:27 AM
To: Agenda Alerts
Subject: FW: Next City Council meeting

Importance: High

From: Gary Tarkington <garytarkington@msn.com>
Sent: Friday, June 17, 2022 8:40 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Next City Council meeting
Importance: High

I am asking YOU to VOTE NO on any amendments to our City Charter! WE DON'T WANT IT!!!
Ann Tarkington
Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 6-21-2022

Agenda Item No.: 23 (#22-530)
ADMIN ITEM



Recommended Charter Amendments for Voter Approval at November Elections

City Council Meeting
June 21, 2022

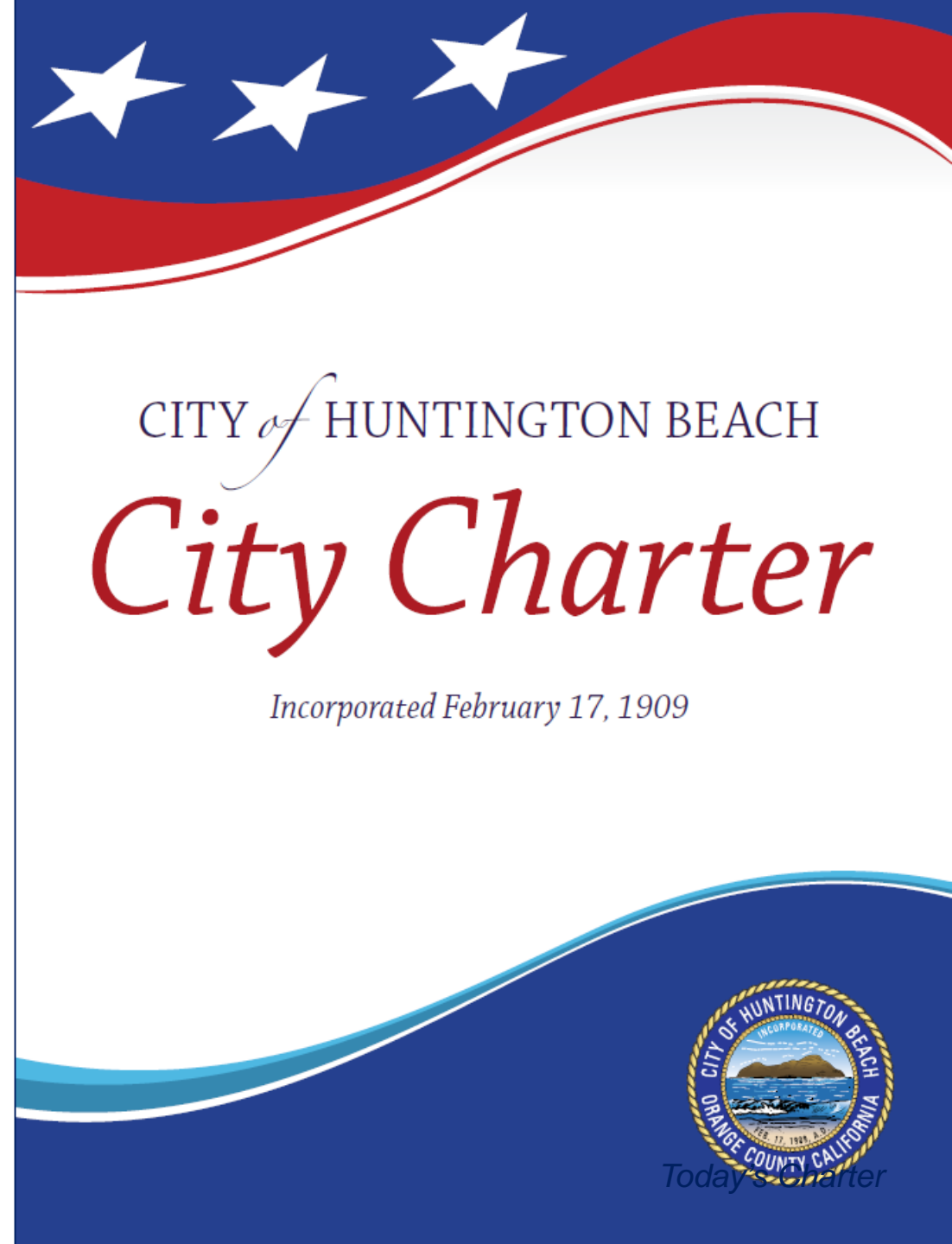
Background

- The first recognized Huntington Beach Charter was established in the 1930s. Since then, it has been amended several times to reflect the evolving priorities of our community.
- All Charter amendments must be approved by a majority of voters to be implemented.
- The City Council does not unilaterally approve amendments. They can only place them on a ballot for voter consideration.



Today

- Per Charter Section 804, the City Council must determine whether to convene a Charter review committee at least once every 10 years.
- 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 a citizen-led Charter Revision Committee to take up this work again.



Outcome

- At a June 7 Joint Study Session, the Committee recommended 18 Charter amendments to the City Council.
- Based on the discussion from the study session, staff recommends placing 13 of the 18 amendments on two separate ballot measures for voter approval at the November 2022 General Elections.
- Staff will also present five additional amendments suggested by individual City representatives.



Outcome

- Assuming the Committee's work was completed after the study session, City Council may wish to acknowledge their service and dissolve the Committee per HBMC 2.100.010.



Proposed Ballot Measure 1

Charter Amendments to improve wording, make minor clarifications, and modify administrative processes.

#	Section	Section Title	Recommendation
1	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).
2	300	City Council, Attorney, Clerk and Treasurer. Terms	Replace the outdated phrase “casting lots” with the commonly frequently used phrase “random drawing process” and established a clearer process and timeframe to resolve ties in voting for elected positions.
3	303(d)	Meetings and Location – Open Meetings	Replace the unused phrase “executive sessions” with the commonly used phrase “closed sessions”.
4	303(a)	Meetings and Location – Regular Meetings	Syntax adjustments to clarify the process of adjourning City Council meetings.
5	303(b) 304(a)	Meetings and Location – Special Meetings Quorums, Proceedings and Rules of Order - Quorum	Add the use of “current technology” as one of several ways to distribute meeting notices to City Council Members.
6	303(c) 400(d) 801(e)	Various	Use gender neutral terms. Replace pronouns such as “he” with “person” or the title being referred to.

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Proposed Ballot Measure 1 (continued)

Charter Amendments to improve wording, make minor clarifications, and modify administrative processes.

#	Section	Section Title	Recommendation
7	311(d) 601 604	Various	Replace references to “Director of Finance” with the updated title of “Chief Financial Officer” which aligns with City’s Organizational Chart.
8	312(c)	Vacancies, Forfeitures and Replacement	Clarify the pronoun “it” by replacing it with “City Council”, which is the entity that the pronoun is referring to.
9	312(a) 312(c)	Vacancies, Forfeitures and Replacement	Require at least 4 affirmative votes for City Council to fill a Council vacancy. Establish that appointees may only hold office until the next general municipal election to vote in a replacement to fill the remainder of the unexpired term for that position.
10	612(c)	Public Utilities and Parks and Beaches	Add an exemption to this provision known as Measure C by allowing the replacement of existing equipment or infrastructure without triggering a citywide vote. The replacement must not exceed the current footprint or height by more than 10% and must keep its current use.
11	804	Charter Review	Require City Council to consider a Charter review at least every ten years, starting after the last review conducted by a Committee, Council or staff.

Proposed Ballot Measure 2

Charter Amendments to clarify the roles and responsibilities of the City Attorney, Clerk and Treasurer

#	Section	Section Title	Recommendation
1	309	City Attorney. Powers & Duties	Requires the City Attorney to have at least 10 years of experience practicing law in California prior to their election or appointment.
2	310 311	City Clerk. Powers & Duties City Treasurer. 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.

Remaining Amendments Proposed by the Committee

Listed below for further consideration

#	Section	Section Title	Recommendation
1	300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Clerk and Treasurer from elected to appointed roles.
2	300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Attorney from an elected to an appointed role.
3	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	304(b)	Quorums, Proceedings & Rules of Order –Proceedings	<p>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.</p> <p><i>Amended and restated in Table 4 under Sections 304(b), 309, and 310.</i></p>
5	309	City Attorney. Powers & Duties	<p>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.</p> <p><i>Amended and restated in Table 4 under Sections 304(b), 309, and 310.</i></p>

Suggested Amendments from City Representatives

Additional amendments suggested by various City representatives for consideration

#	Section	Section Title	Recommendation
1	306	Mayor Pro Tempore	Replace the title “Mayor Pro Tempore” with “Vice Mayor” which may be considered a more contemporary title.
2	303(a)	Regular Meetings	Add a provision allowing the City Council to cancel a regularly scheduled meeting as needed.
3	300	City Council, Attorney, Clerk and Treasurer Terms	Limit City Council members to a set number of full terms – whether consecutive or non-consecutive.
4	311(d)	City Treasurer. Powers and Duties	The City Treasurer noted that the responsibility listed under subsection (d) was transferred to the Finance Department several years ago, when the City Treasurer role transitioned from a full-time to part-time position. The Treasurer suggests removing this responsibility from her list of duties.

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Suggested Amendments from City Representatives (Continued)

Additional amendments suggested by various City representatives for consideration

#	Section	Section Title	Recommendation
5	304(b)	Quorums, Proceedings & Rules of Order –Proceedings	Amends Sections 304(b) and 309 and adds a new Section 310 that clearly establishes the attorney-client relationship, in which the City Council (client) has control over all litigation and legal business of the City and may contract with other attorneys in certain circumstances including in the event of a conflict of interest for the City Attorney. The City Attorney would manage all legal matters and litigation, subject to City Council direction and will follow certain procedures including keeping records of all actions and proceedings, complying with requests for info from the Council and City Manager, and providing advice related to compliance with the Charter, HBMC and applicable laws.
	309	City Attorney. Powers and Duties	
	310 (<i>new section added</i>)	Attorney-Client Relationship	

Recommended Actions

- ☐ Approve one or more recommended Charter amendments for placement on a ballot measure for voter approval during the Nov. 8 General Elections; and
- ☐ Direct staff to prepare ballot measure materials required for County submittal for City Council consideration; and
- ☐ Recognize the Committee's work and dissolve the Committee per HBMC 2.100.010.



Recommended Charter Amendments for Voter Approval at November Elections

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June 21, 2022