

Text in **blue** = proposed additions - Text with ~~double strike-outs~~ = proposed deletions

EXHIBIT 1 Charter Amendment Measure No. 1

Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS. The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify. Subject to the provisions of this Charter, the members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. **Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022,** four members of the City Council shall be elected at the general municipal election held in ~~1966~~ **2022**, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in ~~1968~~ **2024**, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term. Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. **Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2022,** a City Clerk and City Treasurer shall be elected at the general municipal election held in ~~1968~~ **2024**, and each fourth year thereafter. A City Attorney shall be elected in ~~1966~~ **2022**, and each fourth year thereafter.

The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first ~~Monday~~ **regular City Council meeting** following the certification of the election. Ties in voting among candidates for office shall be settled by ~~the casting of lots~~ **random drawing process conducted by the City Manager during the first regular City Council meeting following the certification.**

If no candidate meets the qualifications for office of the City Clerk, City Treasurer, or City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

Section 303. MEETINGS AND LOCATION.

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month, **unless it lacks a quorum or is canceled by the Mayor or a majority of City Council Members,** at such time as it shall fix by ordinance or resolution and may adjourn ~~or re-adjourn~~ any regular meeting to a date and hour certain which shall be specified in the order of adjournment. ~~and when so adjourned~~ **Each re-adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings.** If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

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(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 **or current technology** to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally, ~~or~~ by mail **or by current technology** 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 actually present at the meeting at the time it convenes. 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 Pro Tem in the Mayor's absence 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.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if ~~he~~ **the Mayor** should fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to ~~executive~~ **closed** sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally, ~~or~~ by mail **or by current technology** to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.

Section 311. CITY TREASURER. POWERS AND DUTIES.

(d) Prepare and submit to the ~~Director of Finance~~ **Chief Financial Officer** monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.

Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.

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(c) **Replacement.** In the event ~~if~~ **the City Council** shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term.

Section 400. CITY MANAGER. COMPOSITION, TERM, ELIGIBILITY, REMOVAL.

(d) **Removal.** The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Manager shall be furnished with a written notice stating the Council's intentions and, if requested by the City Manager, the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of the intended removal, the City Council may suspend the City Manager from duty, but ~~his~~ **the City Manager's** compensation shall continue until removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Section 601. ANNUAL BUDGET, PREPARATION BY THE CITY MANAGER. At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the ~~Director of Finance~~ **Chief Financial Officer**, estimates of the department's, board's or commission's revenue and expenditures for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

Section 604. ANNUAL BUDGET. FURTHER CONSIDERATION AND ADOPTION. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, ~~Director of Finance~~ **Chief Financial Officer**, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

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Section 612. PUBLIC UTILITIES AND PARKS AND BEACHES.

- (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; ~~;~~ **or**
 - (7) **to the replacement of existing equipment or infrastructure that does not exceed its current footprint or height by more than 10% and also maintains its current use.**

Section 801. DEFINITIONS. Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Huntington Beach and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Huntington Beach.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.
- ~~(e) The masculine includes the feminine and the feminine includes the masculine.~~
- ~~(e)~~ (e) The singular includes the plural and the plural the singular.
- ~~(f)~~ (f) "Person" includes firm and corporation.

Section 804. CHARTER REVIEW. The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years **from the most recent formal Charter review conducted by a Charter Revision Commission, City Council, or City staff.**

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EXHIBIT 2 Charter Amendment Measure No. 2

Section 306. ~~MAYOR PRO TEMPORE~~ VICE MAYOR. The City Council shall also designate one of its members as **Vice** Mayor ~~Pro Tempore~~, who shall serve in such capacity at the pleasure of the City Council. The **Vice** Mayor ~~Pro Tempore~~ shall perform the duties of the Mayor during the Mayor's absence or disability or at the Mayor's request.

Section 309. CITY ATTORNEY. POWERS AND DUTIES. To become and remain eligible for City Attorney the person elected or appointed shall have graduated from a law school ~~accredited by the American Bar Association~~, be an attorney at law, duly licensed as such under the laws of the State of California, shall have been engaged in the practice of law in this State for at least five years prior to their election or appointment. The City Attorney shall have the power and may be required to:

Section 310. CITY CLERK. POWERS AND DUTIES. To become and remain eligible for City Clerk, the person elected or appointed shall, **at the time of filing one's candidacy for election or application for appointment**, have a Bachelor's Degree in business, public administration, or a related field, and hold a certification as a Municipal Clerk ~~or obtain such certification within the first three years in office~~. The City Clerk shall have the power and shall be required to:

Section 311. CITY TREASURER. POWERS AND DUTIES. To become and remain eligible for City Treasurer, the person elected or appointed shall, **at the time of filing one's candidacy for election or application for appointment**, have a minimum of five years of financial and/or treasury experience, and have either:

A Master's Degree in accounting, finance, business, or public administration; or

A Bachelor's Degree in accounting, finance, business, or public administration with certification by the California Municipal Treasurer's Association, or their successor, within three years of election or appointment.

The City Treasurer shall have the power and shall be required to:

(a) Receive on behalf of the City all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal governments, or from any court, or from any office, department or agency of the City.

(b) Have and keep custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit or cause to be deposited all funds coming into their hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Pay out moneys only on proper orders or warrants in the manner provided for in this Charter.

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~~(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.~~

(de) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

(ef) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

The City Treasurer may, subject to the approval of the City Council, appoint such deputy or deputies to assist them or act for them, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council **with at least four affirmative votes.**

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, the office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event ~~if~~ **the City Council** shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term. **If the City Council fills the vacancy by appointment, such appointee shall hold office until an election to fill the remainder of the unexpired term at the next general municipal election. Should the appointment occur after the filing deadline for the next general municipal election, the seat shall be deemed vacant upon the certification of the general municipal election, and the vacancy shall be filled in accordance with Sections 312(a) and 312(c).**

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EXHIBIT 3

Charter Amendment Measure No. 3

Section 300. CITY COUNCIL AND ATTORNEY, ~~CLERK AND TREASURER~~. TERMS. The elective officers of the City shall consist of a City Council of seven members, ~~a City Clerk, a City Treasurer~~ and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify. Subject to the provisions of this Charter, the members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. Four members of the City Council shall be elected at the general municipal election held in 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in 1968, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term. Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. ~~City Clerk and City Treasurer shall be elected at the general municipal election held in 1968, and each fourth year thereafter.~~ A City Attorney shall be elected in 1966, and each fourth year thereafter.

The term of each member of the City Council, ~~the City Clerk, the City Treasurer~~ and the City Attorney shall commence on the first Monday following the certification of the election. Ties in voting among candidates for office shall be settled by the casting of lots.

If no candidate meets the qualifications for office of the ~~City Clerk, City Treasurer, or~~ City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

EXHIBIT 4

Charter Amendment Measure No. 4

Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.

(b) **Proceedings.** The City Council shall judge the qualification of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable. ~~The City Council shall have control of all legal business and proceedings and all property of the legal department, and may employ other attorneys to take charge of or may contract for any prosecution, litigation or other legal matter or business.~~

Section 309. CITY ATTORNEY. POWERS AND DUTIES. To become and remain eligible for City Attorney the person elected or appointed shall have graduated from a law school accredited by the American Bar Association, be an attorney at law, duly licensed as such under the laws of the State of California, shall have been engaged in the practice of law in this State for at least five years prior to their election or appointment. The City Attorney shall have the power and may be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices, **except as otherwise provided in this Charter.**
- (b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.
- (c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or is a party for any act arising out of their employment or by reason of their official capacity, **except as otherwise provided in this Charter.**
- (d) Attend all regular meetings of the City Council, unless excused, and give their advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.
- (e) Approve in writing the form of all contracts made by and all bonds and insurance given to the City.
- (f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.
- (g) Devote such time to the duties of their office and at such place as may be specified by the City Council.
- (h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary, **except as otherwise provided in this Charter.**

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- (i) **Maintain the records of their office in compliance with all City policies and applicable law, and** surrender to their successor all books, papers, files, and documents pertaining to the City's affairs.
- (j) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.
- (k) Provide advice related to compliance with the City Charter, **the Municipal Code, and applicable laws** to all elected and appointed officials of the City.

Section 310. ATTORNEY-CLIENT RELATIONSHIP.

(a) **Pursuant to the California Rules of Professional Conduct, the civil client of the City Attorney is the municipal corporation, the City of Huntington Beach. The City Council shall have control of all litigation of the City, to the extent that the relationship between attorney and client permits or authorizes such control by the client. The City Attorney shall manage all litigation and legal matters of the City in accordance with this Section, subject to client direction by the City Council, and subject to the City Attorney's duty to act in the best interests of the City and to conform to applicable law and ethical and legal obligations. The City Council shall control the assertion and waiver of the attorney-client privilege. The City Council may direct the City Attorney or the City Manager to contract with other attorneys to take charge of any prosecution, litigation, or other legal matter or business in any of the following circumstances:**

(1) **At the request of the City Attorney; or**

(2) **On its own initiative:**

(A) **in the event of a conflict of interest for the City Attorney or their office under applicable law or the California Rules of Professional Conduct;**

(B) **in the event that a legal matter directly involves or relates to the City Attorney, their office, or staff in a way that is materially different than the impact of the matter on other City Departments.**

(b) **The City Council shall have client control of all legal business and proceedings and all property of the legal department. The City Attorney shall keep records of all actions and proceedings in which the City or any officer, employee, Board, or Commission is an interested party, and copies of all written opinions given by the City Attorney's office. The City Attorney shall comply with all direction and requests for information from members of the City Council and the City Manager, and shall report to the City Council on the status and progress of litigation on a regular basis and upon reasonable request.**