


# CITY OF HUNTINGTON BEACH

## Inter-Office Memo

TO: Robin Estanislau, City Clerk

FROM: Travis Hopkins, Assistant City Manager 

CC: Michael Gates, City Attorney

DATE: November 16, 2021

SUBJECT: Supplemental to City Council Item # 21-863

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For the City Council meeting tonight, there are three items that we would like to update regarding the Agenda Item # 21-863:

1. Introduction Ordinance No. 4240 (page 2) and Legislative Draft should be amended as below.

2.102.030 (Reserved)

### **2.102.030 Advisers and Assistants to the Board**

~~The Environment and Sustainability Board may request the City Manager to provide provide information and such assistance as may be helpful and desirable to make the purposes of the Board.~~

2. Introduction Ordinance No. 4244 and Legislative Draft should be amended as below. The Huntington Beach Municipal Code Chapter 2.100.085 should be deleted in its entirety and Chapter 2.100.060 stays unchanged.

### **2.100.085 Attendance**

~~Any person appointed to any City board, commission, or committee shall automatically vacate the office upon a fifth unexcused absence during a calendar year or upon more than three consecutive unexcused absences at any time during the term of office. Upon request of the absent member, each board, commission, or committee shall have the authority to determine whether an absence is excused. The appointing authority shall appoint a successor to fill the vacancy.~~

### **2.100.060 Service Limitation**

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 11/16/2021

Agenda Item No.: 25 (21-863)

No person shall serve on more than one board or commission at any one time. No person shall serve more than two consecutive terms on any one board or commission, and no person who has been a member for more than two years of a term to which some other person was appointed a member shall be appointed to the same board or commission for more than one further consecutive term. No person who has served two consecutive terms on any one board or commission shall be eligible for reappointment to the same board or commission within 30 days of the expiration of the person's most recent term.

3. We found a typo / discrepancy on the title of the ordinance on the Recommendation G. To match with the attached ordinance No.4241 document, it should read the following:

G) Approve for Introduction Ordinance No. 4241, " An Ordinance of the City Council of the City of Huntington Beach repealing the Huntington Beach Municipal Code Chapter 2.64 and 2.84 and adding a new chapter 2.64 titled Community **and Library** Services Commission;" and or,

Should you have any questions, please contact our office. The original copies will be sent to you shortly before the Council meeting. Thank you.

**Attachments:**

1. Ordinance No. 4240 (Page 2) with Legislative Draft HBMC Chapter 2.102
2. Ordinance No. 4244 with Legislative Draft HBMC Chapter 2.100

SECTION 4. Section 2.102.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.102.030 (Reserved)**

SECTION 5. Section 2.102.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.102.040 General Duties**

The Environmental and Sustainability Board may:

- A. Provide advice and monitor the City's comprehensive Sustainability Master Plan that incorporates water and energy conservation, resource recovery/waste management, renewable/recycle products, air quality, mobility and other pertinent issues that affect the overall sustainability, economic, ecological and social environments of Huntington Beach.
- B. Perform such other duties as may from time to time be properly assigned or delegated to it by the City Council.

SECTION 6. Section 2.102.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.102.050 Bylaws**

The Board may establish bylaws and amendments thereto, subject to prior submission to and approval by the City Council.

SECTION 7. Section 2.102.060 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.102.060 Operating Policies**

Except as otherwise provided in this Chapter, the Board shall conform to the operating policies for Boards and Commissions as set forth in Chapter 2.100 of this Code.

SECTION 8. This Ordinance shall become effective immediately 30 days after its adoption.



## **LEGISLATIVE DRAFT**

### **HBMC CHAPTER 2.102**

#### **Chapter 2.102 ENVIRONMENTAL & SUSTAINABILITY BOARD**

##### **2.102.010 Established**

There is hereby created for ~~the~~ The City of Huntington Beach hereby creates the Huntington Beach Environmental & Sustainability Board hereinafter referred to as the Environmental & Sustainability Board.

##### **2.102.020 Composition**

A. The Environmental & Sustainability Board shall consist of ~~not more than nine~~ seven voting members, to include five individuals all appointed by the City Council, plus two City Council liaisons. The City Council shall serve as chair and vice chair of the Board, unless the City Council liaison delegates the position to another Board member. All members shall be residents of the City of Huntington Beach, and over one-half of the members shall be registered voters of the City of Huntington Beach. All members shall serve without compensation, and none shall hold any office or employment in the City government.

B. The members shall serve a term of four years. Members shall have a term starting July 1st and expiring June 30th, and present members shall continue in office until June 30th of the year of expiration of term. Each member shall serve his or her term unless removed, or until his or her successor is qualified and appointed. If vacancies shall occur otherwise than by expiration of term, they shall be filled by appointments for the unexpired portion of the term. Notwithstanding any other provision of this Municipal Code, there shall be no limit on the number of consecutive terms a boardmember may serve.

##### **2.102.030 Removal of Members (Reserved)**

Any member of the Environmental Board, including the chairperson, shall be subject to removal by motion of the City Council adopted by at least four affirmative votes. The membership of any member of the Environmental Board shall be vacated if such member absents him or herself from three consecutive regular meetings of the Environmental Board, unless by permission of such Environmental Board, or ceases to continue to comply with the requirements of new members as to residence and/or voter registration.

##### **2.102.040 Advisers and Assistants to Environmental Board General Duties**

The Environmental Board may request the City staff to provide information, and subject to approval of the City Manager, such assistance as may be helpful and desirable to effectuate the purposes of the Environmental Board. The Environmental Board may have as many ex-officio members, without the power to vote, as may be appointed by the City Council. The Environmental Board may make investigations and employ persons, subject to the approval of the City Council, as it may deem necessary to perform its duties and functions.

ORDINANCE NO. 4244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 2.100

WHEREAS, the City Council established an Ad-hoc Committee in March 2021 to perform an assessment of the duties, priorities, current relevancy, and overall framework of the City's Boards, Commissions, and Committees, as well as providing recommendations to streamline any overlapping functions for consideration by the City Council.

WHEREAS, the City Council wishes to modify provisions applicable to the City's Boards, Commissions and Committees.

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Chapter 2.100.010 is hereby amended as follows:

**2.100.010 Establishment**

All advisory boards and commissions shall be established or dissolved by ordinance. Committees may be established or dissolved by resolution or Council action.

SECTION 2. Section 2.100.020 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.020 Definitions**

**Board.** A body of members appointed pursuant to Huntington Beach Charter Section 405 to serve in a continuing advisory capacity to the City Council in a specific area, except for such boards which have decision making authority pursuant to the particular establishing ordinance creating such a board;

**Commission.** A body of members appointed pursuant to Huntington Beach Charter Section 405 which may have decision making authority in those activities delegated to them by the City Council

**Committee.** A body of members appointed pursuant to the Huntington Beach Charter Section 405 to advise City Council on a particular subject for a limited amount of time.

**Standing Council Committee.** A standing committee created by Council action in response to an ongoing issue. Standing Council Committees are made up of Council members only (three or less) with support from a staff liaison. This Committee is subject to the Ralph M. Brown Act.

**Ad Hoc Council Committee.** A temporary committee created by Council action in response to an issue that is limited in scope and duration. Ad hoc Council Committees are made up of Council members only (three or less) with staff support.



**Council Liaison.** Council members assigned by the Mayor to serve as the liaison to a specific advisory board.

SECTION 3. Section 2.100.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.040 Staff Liaison**

The City shall assign a staff liaison to each board and commission.

SECTION 4. Section 2.100.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.050 Eligibility**

Unless otherwise specified, all members of boards and commissions shall be residents and electors of the City of Huntington Beach.

SECTION 5. Section 2.100.065 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.065 Duration of Terms**

Unless otherwise specified, or removed, members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be four years, staggered so that the majority of terms shall end in odd-numbered years following the election of four council members and remainder of the term shall end in odd-numbered years following the election of three council members.

SECTION 6. Section 2.100.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.070 Statements of Economic Interests**

Every person appointed to a Board, Commission or Committee listed in the City's Conflict of Interest Code shall file a statement of economic interests with the City Clerk. Statements of economic interests shall be filed within 30 days of taking office and annually thereafter, and upon leaving office. Any such person who fails to file a statement of economic interests as provided in this section may be required to vacate the office.

SECTION 7. Section 2.100.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.080 Employment Limitation**

No person serving on any board or commission shall hold any full or part-time paid office or employment in the Huntington Beach personnel system while so serving, unless otherwise specified.

SECTION 8. Section 2.100.85 of the Huntington Beach Municipal Code is hereby deleted in its entirety.

SECTION 9. Section 2.100.090 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.090 Attendance**

Persons appointed to any City Board, Commission or Committee are required to attend regular and/or special meetings. Upon request to be absent, in writing, each advisory body shall have the authority to determine whether an absence is excused.

Members with unexcused absences greater than one third of the scheduled meetings during a calendar year or miss more than two consecutive unexcused absences shall automatically vacate the office.

The appointing authority shall appoint a successor to fill the vacancy for the unexpired remaining term.

SECTION 10. Section 2.100.100 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.100 Removal of Members**

Members may be appointed and positions maintained by individual or majority of City Council.

SECTION 11. Section 2.100.110 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**2.100.110 Open Meetings**

All meetings of Boards, Commissions and Committees shall be subject to the public per the Ralph M. Brown Act (Government Code Section 54950) including requirement that meeting be open to the public.

SECTION 12. Section 2.100.120 of the Huntington Beach Municipal Code is hereby added to read as follows:

**2.100.120 Records**

Records (e.g. meeting agendas, minutes, and staff reports) of the boards and commissions, and committees shall be retained per the City's Records Retention Guideline.

SECTION 13. Section 2.100.130 of the Huntington Beach Municipal Code is hereby added to read as follows:

**2.100.130 Rules**

Each board and commission may adopt such bylaws and rules as may be necessary or convenient for the conduct of its business, subject to approval of the City Council.

SECTION 14. Section 2.100.140 of the Huntington Beach Municipal Code is hereby added to read as follows:

**2.100.140 Applicability**

This chapter shall apply to all boards and commissions.

SECTION 15. This Ordinance shall become effective immediately 30 days after its adoption.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

INITIATED AND APPROVED:

  
\_\_\_\_\_  
City Manager



**LEGISLATIVE DRAFT**  
**HBMC CHAPTER 2.100**

**Chapter 2.100 Establishment**

**2.100.010 Established**

All advisory boards and commissions shall be established or dissolved by ordinance. Committees may be established or resolved by resolution or Council action. ~~The enabling document may establish the duration, manner of appointment, term of office, and powers and duties.~~

**2.102.020 Composition Definitions**

**Board.** A body of members appointed pursuant to Huntington Beach Charter Section 405 to serve in a continuing advisory capacity to the City Council, in a specific area, except for such boards which have decision making authority pursuant to the particular establishing ordinance creating such board;

**Commission.** A body of members appointed pursuant to Huntington Beach Charter Section 405 which may have decision making authority in those activities delegated to them by the City Council;

**Committee.** A body of members appointed pursuant to Huntington Beach Charter Section 405 ~~on an ad hoc basis to advise the City Council on particular matters.~~ To advise City Council on particular subject for a limited amount of time.

**Standing Council Committee.** A standing committee created by Council action in response to an ongoing issue. Standing Council Committees are made up of Council members only (three or less) with support from a staff liaison. This Committee is subject to the Ralph M. Brown Act.

**Ad Hoc Council Committee.** A temporary committee created by Council action in response to an issue that is limited in scope and duration. Ad hoc Council Committees are made up of Council members only (three or less) with staff support.

**Council Liaison.** Council members assigned by the Mayor to serve as the liaison to a specific advisory board.

**2.100.040-Staff Liaison**

The City shall assign a staff liaison to each board and commission.

**2.100.050 Staff Liaison and Residency Eligibility**

~~Unless otherwise specified, each board or commission is to be assigned one staff liaison specified by the City Council. All members of boards and commissions shall be residents and electors of the City of Huntington Beach.~~ all members of boards and commissions shall be residents and electors of the City of Huntington Beach.

**2.100.065 Statements of Economic Interests Duration of Terms**

~~Every person appointed to a board, commission, or committee designated by the City Council resolution adopting the City's Conflict of Interest Code, shall file a statement of economic interests with the City Clerk on forms provided by the City Clerk. Statements of economic interests shall be filed upon taking office, annually no later than 30 days after the date specified by law, and upon leaving office. Any such person who fails to file a statement of economic interests as provided in this section shall automatically vacate the office.~~ Unless otherwise specified, or removed, members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies.

Unless otherwise specified, terms of members of boards and commissions shall be four years, staggered so that the majority of terms shall end in odd-numbered years following the election of four council members and remainder of the term shall end in odd-numbered years following the election of three council members.

#### **2.100.070 Employment Limitation Statements of Economic Interests**

No person serving on any board or commission shall hold any full or part time paid office or employment in the Huntington Beach personnel system while so serving, unless otherwise specified. Every person appointed to a Board, Commission or Committee listed in the City's Conflict of Interest Code shall file a statement of economic interests with the City Clerk. Statements of economic interests shall be filed within 30 days of taking office and annually thereafter, and upon leaving office. Any such person who fails to file a statement of economic interests as provided in this section may be required to vacate the office.

#### **2.100.080 Duration of Terms Employment Limitation**

Members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be four years, staggered so that the majority of terms shall end in odd-numbered years following the election of four councilmembers and remainder of the terms shall end in odd-numbered years following the election of three councilmembers. No person serving on any board or commission shall hold any full or part-time paid office or employment in the Huntington Beach personnel system while so serving, unless otherwise specified.

#### **2.100.085 Attendance**

Any person appointed to any City board, commission, or committee shall automatically vacate the office upon a fifth unexcused absence during a calendar year or upon more than three consecutive unexcused absences at any time during the term of office. Upon request of the absent member, each board, commission, or committee shall have the authority to determine whether an absence is excused. The appointing authority shall appoint a successor to fill the vacancy.

#### **2.100.090 Opening Meetings Attendance**

All meetings of boards and commissions shall be open to the public unless subject to the closed session exceptions contained in the Ralph M. Brown Act ([Government Code](#) Section 54950).

Persons appointed to any City Board, Commission or Committee are required to attend regular and/or special meetings. Upon request to be absent, in writing, each advisory body shall have the authority to determine whether an absence is excused.

Members with unexcused absences greater than one third of the scheduled meetings during a calendar year or miss more than two consecutive unexcused absences shall automatically vacate the office.

The appointing authority shall appoint a successor to fill the vacancy for the unexpired remaining term.



#### **2.100.100 Rules Removal of Members**

Each board and commission may adopt such bylaws and rules as may be necessary or convenient for the conduct of its business, subject to approval of the City Council. Members may be appointed and positions maintained by individual or majority of City Council.

#### **2.100.110 Applicability Open Meetings**

This chapter shall apply to all boards and commissions, unless an ordinance enacted after the date of this section establishes different requirements. All meetings of Boards, Commissions and Committees shall be subject to the public per the Ralph M. Brown Act (Government Code Section 54950) including requirement that meeting be open to the public.

#### **2.100.120 Records**

Records (e.g. meeting agendas, minutes, and staff reports) of the boards and commissions, and committees shall be retained per the City's Records Retention Guideline.

#### **2.100.130 Rules**

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