



City of Huntington Beach

File #: 24-465

MEETING DATE: 7/8/2024

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Eric G. Parra, Interim City Manager

VIA: Travis K. Hopkins, Assistant City Manager

PREPARED BY: Jane Chung, Assistant to the City Manager
Jennifer Carey, Acting Deputy City Manager

Subject:

Consider the Submission of One Charter Amendment Ballot Measure for Voter Approval for the November 5, 2024, General Election and the Adoption of Resolution Nos. 2024-38, 2024-39, and 2024-40

Statement of Issue:

On July 2, 2024, the City Council voted to place one Charter amendment ballot measure for voter approval on the November 5, 2024, General Election. The City Attorney's Office has since prepared the following Resolutions, which contain the proposed amendment to the City Charter, ballot question, and exhibit for final consideration by the City Council.

1. Resolution 2024-38 - A Resolution of the City Council of the City of Huntington Beach, California, Ordering the Submission to the Qualified Electors of the City a Certain Charter Amendment Measure Relating to Environmental Protection at the November 5, 2024, General Municipal Election as Called by Resolution 2024-34
2. Resolution 2024-39 - A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare Impartial Analysis of the Measure to be Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 5, 2024
3. Resolution 2024-40 - A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for a City Measure Submitted at Municipal Elections

To place this measure on the ballot, the City Council must vote to approve or amend the proposed ballot question and exhibit available in Resolution No. 2024-38; set priorities for written arguments and rebuttal arguments in Resolutions Nos. 2024-39 and 2024-40; and adopt all three resolutions.

Following adoption, the City Attorney's Office will prepare an impartial analysis for the measure per Resolution 2024-39. Furthermore, the City Clerk's Office will gather the written arguments and rebuttals for the measure and all other required election material for submittal to the OC Registrar of Voters (ROV) by their filing deadlines.

Financial Impact:

The estimated additional cost to place one Charter amendment measure on the November 5, 2024 General Election ballot is \$10,000, bringing the total estimated cost for the November 5, 2024 General Municipal Election to \$310,000.

Funds to cover this amount are budgeted in FY 2024/25 Election Account No. 10010201.69505.

Recommended Action:

A) Consider the proposed Charter amendment ballot measure, ballot language, and exhibits for placement on the November 5, 2024, General Municipal Election ballot for voter approval; and

B) Adopt Resolution No. 2024-38, "A Resolution of the City Council of the City of Huntington Beach, California, Ordering the Submission to the Qualified Electors of the City a Certain Charter Amendment Measure Relating to Environmental Protection at the November 5, 2024, General Municipal Election as Called by Resolution 2024-34;" and

C) Adopt Resolution No. 2023-39, "A Resolution of the City Council of the City of Huntington Beach, California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare Impartial Analysis of the Measure to be Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 5, 2024;" and

D) Adopt Resolution No. 2024-40, "A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for a City Measure Submitted at Municipal Elections."

Alternative Action(s):

Do not approve one or more recommended actions and direct staff accordingly.

Analysis:

On July 2, 2024, Mayor Van Der Mark, Mayor Pro Term Burns, and Council Member McKeon submitted a Council Member Item to place on the November 5, 2024 ballot a proposed Charter Amendment stating that "No City initiated general plan amendment or zoning change may be approved by the City where the related environmental review (EIR) finds the same proposed general plan update or zoning change presents 'significant and unavoidable' negative impacts to the environment, without first receiving approval by a vote of the people." The proposed Charter amendment should include language to the effect of "City Planning and Zoning is a local, 'municipal affair,' beyond the reach of State control or interference; and City Planning and Zoning is a local activity reserved for the City and its people, and not the State." The City Council directed staff to

bring back a proposed November 2024 ballot initiative within thirty (30) days for City Council approval.

The proposed ballot measure language and Resolution were developed by the City Attorney’s Office. If approved this language will be placed before the voters.

Proposed Ballot Language for Consideration (max 75 words):

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| “Shall proposed Charter Amendment No. 1, which would amend the City Charter to state that City Planning and Zoning is a local, municipal affair, and require voter approval of City initiated general plan amendments or zoning changes when such items present significant and unavoidable negative impacts to the environment, be approved?” | YES |
| | NO |

Redlined Charter text with the proposed amendment will be attached to the ballot measure language (see Attachment 4) to help voters visualize and better comprehend this change.

Following adoption of the Resolution, the City will prepare an impartial analysis for the measure and gather arguments and rebuttals. Please note the following timelines for all items to be submitted to the City Clerk’s Office, should the Council approve the recommended action today:

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| Timeline for Impartial Analysis and Written Arguments: | July 8, 2024 - July 22, 2024 |
| Timeline for Rebuttal Arguments: | July 22, 2024 - August 1, 2024 |

Environmental Status:

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Strategic Plan Goal:

Non Applicable - Administrative Item

For details, visit www.huntingtonbeachca.gov/strategicplan <<http://www.huntingtonbeachca.gov/strategicplan>>.

Attachment(s):

1. Resolution 2024-38 - A Resolution of the City Council of the City of Huntington Beach, California, Ordering the Submission to the Qualified Electors of the City a Certain Charter Amendment Measure Relating to Environmental Protection at the November 5, 2024, General Municipal Election as Called by Resolution 2024-34
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California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare Impartial Analysis of the Measure to be Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 5, 2024

3. Resolution 2024-40 - A Resolution of the City Council of the City of Huntington Beach, California, Providing for the Filing of Rebuttal Arguments for a City Measure Submitted at Municipal Elections
4. Redline of Proposed Charter Amendment
5. July 2, 2024, Council Member Item 24-479
6. Presentation