



City of Huntington Beach

File #: 22-530

MEETING DATE: 6/21/2022

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sean Joyce, Interim City Manager

VIA: Sean Joyce, Interim City Manager

PREPARED BY: Catherine Jun, Assistant to the City Manager

Subject:

Consider placing Charter amendments on ballot measures for voter approval during the November 2022 General Elections; recognize the completion of the Charter Revision Committee's scope of work and dissolve the Committee accordingly

Statement of Issue:

The Charter Revision Committee ("Committee") recommended several Charter amendments during a June 7, 2022 joint study session with the City Council. Based on the feedback received during the study session, staff recommends placing 13 of the Committee's amendments on two separate ballot measures for voter approval during the November 2022 General Elections. Staff also requests consideration on five additional amendments that were suggested by individual City Council Members or City representatives.

Financial Impact:

The cost to place a ballot measure on the November 2022 General Elections will rely on several factors including the number of pages required to present each ballot measure at approximately \$8,500 for every 2 pages. Secondary expenses such as the total number of entities participating in the elections and ancillary expenses such as postage, printing, and other forms of cost recovery are to be determined. Given the variability of the costs (which will depend on the actions taken tonight), the City has set aside up to \$200,000 in General Fund business unit 10040101.

Recommended Action:

- A) Approve one or more Charter amendments for placement on a ballot measure for voter approval during the November 8, 2022 General Election; and,
- B) Direct staff to prepare and return ballot measure language and all other materials required for submittal to the County for City Council consideration; and,
- C) Recognize the Committee's work and dissolve the Committee per HBMC 2.100.010.

Alternative Action(s):

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

Analysis:

Per Section 804 of the Charter, City Council formed the Charter Revision Committee ("Committee") in August

2021 to review the Charter and propose amendments as needed. The Committee recommended 18 Charter amendments to the City Council at a June 7, 2022 joint study session. Based on the feedback received during the study session, staff recommends placing 13 of the 18 amendments on two separate ballot measures for voter approval during the November 2022 General Elections. Five additional amendments suggested by Council Members and City representatives are also listed below for further consideration.

It should be noted that the City Council does not have the ability to unilaterally approve Charter amendments. Rather, the City Council may choose to place measures on a ballot for Huntington Beach voters to decide whether to approve and incorporate them into the City Charter.

TABLE 1: Proposed Ballot Measure 1 - Administrative Processes

Ballot Measure 1 incorporates each of the Committee's Phase 1 recommendations, which involve improving syntax, replacing outdated language and making minor clarifications. The Measure also incorporates two Phase 2 items involving more substantial changes specific to administrative processes. Given the Committee's strong support for these items, staff proposes combining them into one measure. *The amended language for each recommendation has been incorporated into a proposed Charter (see Attachment 2).*

Section	Section Title	Recommendation
303(c) 400(d) 801(e)	Various	Use gender neutral terms. Replace pronouns such as "he" with "person" or the title being referred to.
312(c)	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.
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.
303(d)	Meetings and Location - Open Meetings	Replace the unused phrase "executive sessions" with the commonly used phrase "closed sessions".
303(a)	Meetings and Location - Regular Meetings	Syntax adjustments to clarify the process of adjourning Council meetings.
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.
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).
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.
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.

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.
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.

TABLE 2: Proposed Ballot Measure 2 - Roles and Responsibilities

Proposed Ballot Measure 2 combines two Phase 2 recommendations from the Committee related to the minimum qualifications for the City Attorney, Clerk and Treasurer positions. Since they address issues related to roles and responsibilities as opposed to administrative processes, staff recommends placing them on a separate ballot measure. *The amended language for each recommendation has been incorporated into a proposed Charter (see Att. 2).*

Section	Section Title	Recommendation
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.
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.

TABLE 3: Other Charter Amendments Proposed by the Committee

Remaining amendments proposed by the Committee are listed below for consideration. *Please note that these recommendations have not been incorporated into the proposed, redlined Charter (Att. 2).*

Section	Section Title	Recommendation
300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Clerk and Treasurer from elected to appointed roles.
300	City Council, Attorney, Clerk and Treasurer. Terms	Convert the City Attorney from an elected to an appointed role.
300	City Council, Attorney, Clerk and Treasurer. Terms	If the City Attorney position remains elected, set term limits similar to City Council term limits.
304(b)	Quorums, Proceedings & 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. Amended and restated in Table 4 under Sections 304(b), 309, and 310.

309	City Attorney. Powers & 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. Amended and restated in Table 4 under Sections 304(b), 309, and 310.
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TABLE 4: For Consideration - Suggested Amendments

Additional amendments have been suggested by individual City Council Members or City representatives for consideration. *Each recommendation below has been incorporated into a proposed Charter (see Att. 2).*

Section	Section Title	Recommendation	Suggested Ballot Location
306	Mayor Pro Tempore	Replace the title "Mayor Pro Tempore" with "Vice Mayor" which may be considered a more contemporary title.	Ballot No. 1 Administrative
303(a)	Regular Meetings	Add a provision allowing the City Council to cancel a regularly scheduled meeting as needed.	Ballot No. 1 Administrative
300	City Council, Attorney, Clerk and Treasurer Terms	Limit City Council members to a set number of full terms - whether consecutive or non-consecutive.	Ballot No. 2 Roles and Responsibilities
304(b) 309 310 (new section added)	Quorums, Proceedings & Rules of Order - Proceedings City Attorney. Powers and Duties Attorney-Client Relationship	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.	Ballot No. 2 Roles and Responsibilities
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.	Ballot No. 2 Roles and Responsibilities

Assuming that the Committee's service concluded after the June 7, 2022 Joint Study Session, City Council

may wish to recognize the Committee Members for their service to the Charter review process and dissolve the Committee thereafter, per HBMC 2.100.010 (Operating Policy for Boards and Commissions; Establishment).

Environmental Status:

Not applicable.

Strategic Plan Goal:

Non Applicable - Administrative Item

Attachment(s):

1. Charter Revision Committee's Final Report (May 12, 2022)
2. Proposed 2022 City Charter