



## **L** City of Huntington Beach, Charter Amendment Measure 1

Shall proposed Charter Amendment Measure 1 to: amend outdated phrases, syntax, dates, pronouns, titles, and procedures to clarify City processes; exempt from Section 612 replacement of existing equipment and infrastructure if it maintains its current use and does not exceed its footprint or height by more than 10% and construction of restrooms, in parks and beaches; and require the City to consider Charter reviews at least once every decade following the last review, be approved?

### What your vote means

YES	NO
A "yes" vote for Measure L will approve the proposed Charter Amendment as set forth in the measure.	A "no" vote for Measure L opposes the amendment to the Charter.

### For and against

FOR	AGAINST
Dan Kalmick Councilmember  Mike Posey Mayor Pro Tem	Erik Peterson Councilmember



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## Full Text of Measure L City of Huntington Beach

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

### 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.

(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 **Vice Mayor** ~~Pro Tem~~ in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and **Vice 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 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



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absence or disability or at the Mayor’s request.

**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.**

(c) **Replacement.** In the event ~~it~~ **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.

**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; ~~;~~
  - (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; or**
  - (8) to the construction of restroom facilities.**

**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,



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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)~~ The singular includes the plural and the plural the singular.
- ~~(g-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.**

### Impartial Analysis City of Huntington Beach Measure L

This proposed Charter amendment, if adopted, would amend the Charter both substantively and non-substantively. Huntington Beach is a Charter City which is authorized by the State Constitution to determine how it exercises its local land use authority. The first substantive amendment by this ballot measure updates Charter Section 612(c) (known as Measure C), which is a citywide voter approved initiative that prohibits certain construction on parks or beaches in order to preserve open space. The proposed amendment would modify Measure C to allow the City to construct restrooms or the replacement of existing equipment or infrastructure within the current footprint or height by no more than 10% without the consent of voters through a City election.

The second substantive amendment is to Charter Section 303(a) which currently requires City Council to hold regular meetings at least twice a month. If amended, the Charter would allow for the Mayor or a majority of Council to cancel regular City Council meetings.

Additional proposed amendments to Charter Sections 300, 303, 304, 306, 311, 312, 400, 601, 604, 801 are non-substantive, meaning amendments to clarify or update language in the Charter regarding outdated phrases, syntax, dates, pronouns and titles. For example, Section 300 updates the election years for elected officials and makes clear that in the event of a tie vote during an election, a random drawing will occur. Section 303 updates the Charter to allow the use of "current technology" to distribute notices, changes the words "executive session" to "closed session" because closed session is the current vernacular as well as clarify the process of adjourning City Council meetings. 303(c) 312(c) 400(d) and 801(e) replace pronouns "he" or "it" with "person" or the title being referred to and 311(d) 601, 604 replaces "Director of Finance" with the updated title of "Chief Financial Officer" and 306 replaces the title "Mayor Pro Tempore" with "Vice Mayor" to better describe the position and role. Proposed amendments to Charter Section 804 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.

This Measure was placed on the ballot by the City Council.



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## Argument in Favor of Measure L

As time marches on, inevitable anachronisms arise in the Charter. In the last few charter updates, we removed the terms “telegram” and “facsimile” as means of communications; this update is no different. This measure updates 10 categorical items that adjust syntax, technologies, outdated phrases that are no longer used in government, and replaces an arcane Latin term “Mayor Pro Tempore” with Vice Mayor; an easily understood term for second in charge.

This amendment also updates “Measure C” so that we can continue to improve our parks and beaches with minor updates including adding and upgrading restrooms without the costly citywide vote to do so. With our Parks Maintenance Master Plan in full effect and a budget surplus two years running, it is essential that we can modernize and maintain our parks nimbly and in the spirit of Measure C – “Save our Parks.”

And finally, this Measure requires the City Council to consider (but not be required to update) a formal review of the Charter every 10 years.

This Measure is a simple, straight forward clean up Measure that updates the Charter to the Huntington Beach that exists in 2022 and beyond.

s/ Dan Kalmick  
Councilmember

s/ Mike Posey  
Mayor Pro Tem

## Rebuttal to Argument in Favor of Measure L

Adding politically correct language to our City Charter does NOT make the City run better. By the Councilmembers proponents’ own terms, these proposed amendments are completely unnecessary. Frankly, these changes reflect the zeal of the current City Council majority to modify and reform City government wherever it can and WHERE NO REFORM IS NEEDED. This is the classic - “solution in search of a problem.” In particular, giving City Council MORE POWER to usurp the will of the voters and make unilateral Measure C decisions about development in our open park space only deprives the community of its vote. Measure C was, and still is, a VOTER-IMPOSED CONTROL to prevent City Council from allowing development on our precious open park spaces. The changes proposed in this Amendment to the Charter would open the door for abuse of Measure C and increased development in our parks. In addition, City Council is supposed be accessible and accountable to the residents of the City. Allowing City Council to eliminate and/or cancel regular Council Meetings on a whim causes voters to have less access to, and less transparency from, their City government. Fewer Council Meetings means less access, transparency and accountability. This proposed Amendment makes changes to the City Charter that might be in the best interests of City Council by giving City Council MORE POWER but these changes are NOT in the best interests of the residents of Huntington Beach. Vote NO.

s/ Erik Peterson  
Huntington Beach City Council Member



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## Argument Against Measure L

## Rebuttal to Argument Against Measure L

### Measure 1: General Updates

Vote NO on this measure to amend the City Charter. This amendment will: (1) Modernize the language and make it more politically correct which does nothing to improve life in our City; (2) Remove the requirement that City Council hold regular meetings twice per month by adding a clause that allows the Mayor and/or City Council to CANCEL REGULAR meetings WITHOUT NOTICE or cause. The City Charter was written to provide voters with access and transparency to City government. This change does neither. (3) Updates the current Measure C provision, which provides that any proposed development or expansion of open park space throughout the City be approved by the voters prior to any such development or current facilities expansion taking place. Currently, voters are in charge of deciding what infrastructure changes they want to see on open park space. This amendment wants to change that and GIVE CITY COUNCIL the POWER to decide CHANGES and updates to OPEN PARK SPACE WITHOUT consulting the VOTERS. Vote NO on this measure.

s/ Erik Peterson  
Councilmember

The last three mayors have been women, but our Charter refers to the role as "he" when referencing the Mayor. This is about having our daughters know that they are not going to be excluded from participating in our Democracy. The opponents of this measure dismiss this as being "politically correct." Far from it. This measure cleans up simple syntax and modernizes the language of the Charter so that it's easy to understand, accurate and inclusive.

Second, being able to cancel a regular meeting during the middle of summer and towards the holidays, at the end of the year always requires the City to jump through unnecessary hoops. This Measure is about being MOST transparent by not having meetings in the dead of summer or on Christmas Eve.

And finally, would you want to spend \$1million for a special election to approve a bathroom at your local park? We trust our excellent Community Services Department to do what's right. The current Charter already exempts most infrastructure improvements but since its inception we've asked voters to make small modifications while still protecting our parks and beaches from DEVELOPMENT. The opponents are willfully misleading the voters when speaking about infrastructure: this Measure only allows for basic infrastructure like restrooms or replacing playground equipment.

We ask for your support for this commonsense cleanup to the Charter.

The undersigned proponent(s) or author(s) of the Rebuttal to Argument Against Charter Amendment Measure 1 at the General Municipal Election for the City of Huntington Beach to be held on November 8, 2022, hereby states that such argument is true and correct to the best of their knowledge and belief.

s/ Dan Kalmick  
Councilmember

s/ Mike Posey  
Mayor Pro Tempore