



# *City of Huntington Beach*

## *Charter Review Commission*

### **AGENDA**

**Tues., Oct. 20, 2009, 6:00 PM**  
**City Hall, Room B-8**

- I. **Roll Call:** Bame, Bauer, Bixby, Brenden, Dettloff, Harlow, Hartnett, Johnson, Kutscher, Shaw, Silver, Sneddon, Stuart, Sullivan, Whiteside
- II. **Public Comments:**

An opportunity for the public to comment on any item of interest, either in general or specific to this agenda, that is within the subject matter or jurisdiction of the Commission. Comments will be limited to no more than 3 minutes. Speakers are encouraged to submit their comments in writing. Each Commission Member will receive a copy of all the submitted comments.
- III. **Approval of Minutes from the October 6 Commission meeting.**
- IV. **Overview of Elected Mayors and their Role – Raphe Sonenshein**
- V. **Discussion on the description of the Mayor’s role from the meeting of 10/06/09.**
- VI. **Discussion and possible action on making the position of Mayor being directly elected.**  
**(The following Sections of the Charter should be reviewed for potential changes as a result of the above discussion: 300, 302, 304, 305, & 306 )**
- VII. **Presentation on the other Three Elected Offices and the City Charter – Raphe Sonenshein**
- VIII. **Discussion and possible action on Section 300 and Section 310 as they relate to the office of the City Clerk.**
- IX. **Discussion and possible action on Section 300 and Section 311 as they relate to the office of the City Treasurer.**
- X. **Discussion and possible action on Section 300 and Section 309 as they relate to the office of the City Attorney.**
- XI. **Commissioner Requests: Questions, comments, or suggestions for discussion at a subsequent meeting of the Commission**

**XII. Adjourn to the next regular meeting scheduled for Tuesday, October 20 at 6 PM in Room B-8 of City Hall.**

**Attachments: \***

- 1. Minutes from the Oct. 6<sup>th</sup> Meeting**
- 2. Memo: Elected Mayors (10-14-09)- Raphael Sonenshein**
- 3. Memo: Limitations on the Directly Elected Mayor (10-16-09) – Raphael Sonenshein**
- 4. Article from the San Mateo Times on the Burlingame City Clerk's Office**
- 5. Information from Smarter Voter on Chula Vista's Proposition Q to amend their Charter to elect their City Attorney**
- 6. Matrix and Summary spreadsheet describing Mayors' Duties and Compensation for cities comparable in size or location to Huntington Beach.**
- 7. Information from the City Clerk – Joan Flynn**

**THE FOLLOWING INFORMATION WAS ALSO DISTRIBUTED PREVIOUSLY:**

- 8. Information from the City Treasurer – Shari Freidenrich**
- 9. Information from City Attorney - Jennifer McGrath**
- 10. Information & Recommendations Provided by Commissioner Bixby**

\* Material Related to the Charter Sections to be discussed and submitted prior to the posting of the agenda will be included in the Agenda Packet. Items received after posting of the agenda will be distributed at the Commission meeting as late communications.



# *City of Huntington Beach*

## *Charter Review Commission*

### **ACTION MINUTES**

**Tues., Oct. 6, 2009, 6:00 PM**

- **Roll Call:** Bame, Bauer, Bixby, Brenden, Dettloff, Harlow, Hartnett, Johnson, Kutscher, Shaw, Silver, Sneddon, Stuart, Sullivan, Whiteside

**(All present except for Harnett, Stuart, and Whiteside)**

- **Public Comments:**

An opportunity for the public to comment on any item of interest, either in general or specific to this agenda, that is within the subject matter or jurisdiction of the Commission. Comments will be limited to no more than 3 minutes. Speakers are encouraged to submit their comments in writing. Each Commission Member will receive a copy of all the submitted comments.

**Public Comments were received as follows:**

- **Derek Spalding spoke on including language in the City Charter on the prevailing wage. (He submitted his comments in writing.)**
- **David Rice spoke in support of including a section in the Charter requiring voter approval for any major amendment in the City's General Plan that would significantly increase the amount of traffic. (He submitted a copy of Newport Beach's Charter provision.)**
- **Linda Moon spoke in support of appointing the City Attorney. (She submitted her comments in writing.)**
- **Clem Dominquez spoke in opposition of directly electing the Mayor.**
- **Shari Freidenrich spoke in favor of maintaining an elected City Treasurer. (She submitted an "Overview of the Position.")**
- **Doug Mangione requested information regarding the venue for the public meeting to discuss a prevailing wage provision in the City Charter. [*The meeting on this issue is scheduled for Jan. 21, 2010 in the City Council Chambers.*]**
- **Keith Bohr spoke in support of directly electing the Mayor. (He submitted a written copy of his comments.)**

**Written comments in support of an elected City Attorney were submitted by Jennifer McGrath.**

**There were also other late communications as follows:**

- **Written comments in support of an elected City Attorney were submitted by Jennifer McGrath**
- **An Email from a citizen, Drew Kovacs, in support of a directly elected Mayor.**
- **A memo from Commissioner Silver providing his recommendations on Charter Sections 200, 307, and 400.**
- **A revised version of Raphe Sonenshein's PowerPoint presentation.**

- **PowerPoint presentation on Elected Official and the City Charter – Raphe Sonenshein**

Raphe made a presentation on the various relationships between the Mayor, Council and the City Manager/Administrator.

- **Discussion and possible Sections 300, 302, 304, 305, 306, 309, 310, 311, & 800 of the City Charter which relate to the city's elected offices. Potential action on the following:**
  - **Review Section 300 to consider changing the office of Mayor to directly elected**

Following a lengthy discussion on the proposal to directly elect the Mayor, a motion was made by Commissioner Silver and seconded by Commissioner Dettloff to direct staff to return to the Commission at the Oct. 20 meeting with language for a directly elected Mayor as follows:

1. The Mayor shall serve a 2-year term.
2. There shall be a maximum of 4 terms.
3. The Mayor shall serve as the official, primary representative and spokesperson for the city consistent with the adopted positions of the City Council.
4. The Mayor shall server as presiding officer of the City Council
5. The Mayor shall have no authority to interfere or inappropriately pressure the City Administrator to pursue or take any action.
6. The Mayor shall be automatically removed if he or she violates the above provision.
7. The Mayor shall lead discussions of the City Council on policy issues.

Commission Sneddon offered a substitute motion, seconded by Commission Shaw to take a strawvote of the Commission to determine whether to continue to consider the concept of a directly elected Mayor. On a vote of 7-5 3 (Shaw, Sneddon, Sullivan, Bauer, Bixby No) the Commission approved continuing consideration of directly electing the Mayor. (

The Commission then voted to approve the original motion 7-5-3 (Shaw, Bixby, Sullivan, Bauer, Sneddon No)

- **Review Section 302 to consider changing the compensation for the Mayor and Council**

Commissioner Bixby made a motion to add a provision to the City Charter to say that the annual changes in total compensation to the City Council not exceed the current \$175 monthly stipend plus the current expense allowance [set in the Municipal Code] with a maximum increase each year that is no more than the Consumer Price Index. The motion was seconded by Commissioner Dettloff. Following general discussion a substitute motion was made by Commissioner Bixby and seconded by Commissioner Silver to add a provision to the City Charter limiting the compensation for the Mayor and City Council. The motion failed 1-11-3 (Bixby Aye)

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**Chairman Harlow asked that staff bring back samples to the next meeting of language from other city charters regarding compensation for the Mayor and Council.**

- **Review Sections 304-305 for possible changes in the proceedings of the Council or the duties of the Presiding Officer**
- **Review Section 306 for any potential changes in the designation or duties of the Mayor Pro Tempore**
- **Review section 300 to consider changing the office of City Clerk from elected to appointed**
- **Review Section 310 for potential changes in the qualifications, powers, and duties of the City Clerk**
- **Review section 300 to consider changing the office of City Treasurer from elected to appointed**
- **Review Section 311 for potential changes in the qualifications, powers, and duties of the City Treasurer**
- **Review section 300 to consider changing the office of City Attorney from elected to appointed**
- **Review Section 309 for potential changes in the qualifications, powers, and duties of the City Attorney.**
- **Review Section 800 for potential changes that may be needed in transitioning the elective offices.**
- **Commissioner Requests: Questions, comments, or suggestions for discussion at a subsequent meeting of the Commission**
- **Adjourn to the next regular meeting scheduled for Tuesday, October 20 at 6 PM in Room B-8 of City Hall.**

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October 14, 2009

To: Huntington Beach Charter Reform Commissioners  
From: Raphael Sonenshein, Consultant  
Re: Elected Mayor

At the October 6<sup>th</sup> Commission meeting, Commissioners asked for more detail about the powers and roles of a directly elected mayor.

There are three types of mayors in California: the appointed mayor, the directly elected mayor, and the strong mayor. The strong mayor system, which is largely confined to the largest cities, has little in common with either of the first two alternatives.

The appointed mayor, which is the system used in Huntington Beach, vests in the city council the power to select the mayor. The Huntington Beach charter includes the following language about the mayor:

At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, may inform the people of any major change in policy or program; and shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

The directly elected mayor, which is used in 31% of California cities, and in 74% of the cities that I defined as Upper Middle (#9 through #35 in population, with HB as #20), does not require a significant change in language regarding powers. In fact, as you can see from the cities below that have a directly elected mayor, the powers are not significantly different than those in Huntington Beach. It would be hard to tell apart the charter description of mayoral powers in appointed mayor and directly elected mayor cities.

## Santa Barbara

The Mayor shall be the presiding officer at all meetings of the City Council and shall be included as a member of the City Council for all purposes under this Charter unless otherwise expressly provided. He shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council.

The City Council shall designate one (1) of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the absence or disability of the Mayor.

## Santa Ana

The mayor shall be a member of the City Council and shall preside over the meetings of the City Council. The mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the City Council, consistent with his office.

The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the City Council in the same election. In the event an incumbent City Council member other than the mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the City Council shall call a special election to fill the vacancy.

## Pasadena

The Mayor shall be nominated and elected by the voters of the City at large for a term of four years beginning with the municipal elections to be conducted in 1999. The Mayor shall be a voting member of the City Council and shall preside at meetings of the City Council. The Mayor shall act as chief executive of the City in performing all acts required to be performed under the laws of the State of California and this Charter. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process and by the Governor of the State for military purposes. The Mayor shall have a voice and vote in all proceedings of the City Council and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his or her office.

So what's the big deal about the directly elected mayor? The formal powers are not the important difference between the appointed and the directly elected mayor. Formal mayoral powers only become important when we move to the strong mayor, where there are

considerable changes in the mayor's formal power (e.g., veto of ordinances, preparing and submitting the budget, hiring and firing city department heads and the city administrator).

The big difference between the appointed and directly elected mayors can be found in the roles and expectations of the two types of mayors.

Once the mayor is directly elected, the roles and expectations for the mayor change dramatically. These changes are far more important than any alteration of formal powers, which are unlikely in any event.

An appointed mayor emerges from the city council. He or she has won an election, and in many cases has won citywide. He or she may not be the top vote getter, but has enough votes to make it onto the council. The council has the authority to appoint the mayor. While the council may choose to adopt a rotating system, the councilmembers also have the option to skip over one or more members for the mayoral post. Thus the mayor is accountable to the voters for becoming a councilmember, but he or she is accountable to the other councilmembers for becoming mayor.

Because the appointment of the mayor is an internal process of the council, it is unlikely to generate considerable public interest. The mayor will become a well known local public figure during the period of her or his mayoralty, but the roles and expectations for the mayor will be less than if the mayor had been directly elected.

A directly elected mayor is treated differently by decision makers outside the city. Others will follow the mayoral race, and will be aware that the person they are dealing with has won a tough and challenging election. This awareness elevates the importance of the directly elected mayor in the corridors of county, state, and even federal government. Decision makers outside the city make a practical distinction between an appointed and elected mayor in their dealings with the city's official leader. Outsiders make much less of a distinction between a directly elected mayor with few formal powers and a strong mayor. (For instance, when Pete Wilson was the directly elected mayor of San Diego under their old charter, he had few formal powers but he was a very influential statewide spokesman for the city's interests.)

A directly elected mayor will have been chosen by the voters in a more visible election than the typical council race. Much attention will be paid to controversial city issues during the campaign, and voters will weigh who is the best leader to represent them. The decision to vote for or against a mayoral candidate is quite different from the decision to vote for or against a council candidate. Expectations are created by the excitement of the mayoral campaign, and as a result the public expects the winning candidate to provide exceptional leadership. The public then "owns" the mayor in the same way that it "owns" the council, and in a way that it does not own an appointed mayor.

Those who work in the city government, particularly the city manager/administrator, will respond differently to a directly elected mayor than to an appointed mayor. Research on directly elected mayors in a council manager city has shown that cooperation between the mayor and the city manager is common. Because the mayor is expected to provide broad leadership to the city, those who manage the city government are aware that they should maintain a positive relationship.

City charters normally include a provision that mandates "non interference" by the mayor and council in the day-to-day operations of the city government. These provisions would look

roughly the same in cities that have appointed mayors and those that have directly elected mayors. I am not aware of any cities that have mandated automatic removal of mayors for such interference.

Naturally a wise mayor who is directly elected will maintain very close relationships with the city council, over which he or she presides and of which she or he remains a member. Only in the strong mayor system does the mayor become separate from the council.

Indeed, the roles and expectations for a directly elected mayor present a challenge to a city that has had appointed mayors only. Directly electing a mayor can be disconcerting in the short run. It elevates one person from the collective body of those who run for office to a post that the people expect to offer major leadership. In the appointed mayor system, one can become mayor simply by being elected to the council, and hopefully waiting one's turn. On the other hand, in a city that is polarized (quite unlike Huntington Beach) a majority of the council could permanently exclude the minority from the mayoralty.

The directly elected mayor system substitutes the voters for the city council in holding the mayor accountable. This is a considerable change for councilmembers who have been in the position to determine the success or failure of the mayor. And it also changes the relationship between the city manager/administrator and the mayor.

The dislocations that these changes represent can be weighed against the possible benefits of publicly visible, directly accountable leadership in the mayor's office and the hope that this role would be conducted cooperatively with the council and the city managers.

In conclusion, this is a difficult decision for the charter commission. It would be my advice to focus not on formal powers, which will not be any different for a directly elected mayor than for an appointed mayor, but rather on the dramatically different roles and expectations for a directly elected mayor. For both the pro and con side, these roles and expectations are really the heart of the matter.

October 16, 2009

To: Huntington Beach Charter Reform Commissioners  
From: Raphael Sonenshein, Consultant  
Subj: Limitations on a Directly Elected Mayor

At the October 6<sup>th</sup> Commission meeting, staff were asked to explore ways to set limits on a directly elected mayor. At least two possible concerns were mentioned: 1) that the mayor might interfere with the operations of city administration and 2) that the mayor might push for a stronger mayor system.

#### Operations of city administration

In the council manager system, there is a strict separation between elected officials and day-to-day administration. A standard feature of most charters is the “non-interference” clause to prevent elected officials from directing city staff. In theory, elected officials are supposed to set policies, and the city administrators carry them out. The council retains the authority to hire and remove the city manager/administrator, and proper procedure calls for the council to deal with the administration of the city through the manager/administrator.

Of course, in the daily world of government, elected officials push the boundaries. City managers/administrators learn how to deflect these efforts, sometimes bluntly and other times more subtly. In cases of severe overstepping, the city attorney is expected to step in and counsel the elected official to back off. In cases that go beyond that, the city attorney can indicate that there is a violation of the charter and can explore legal options. Because violation of the charter is a misdemeanor and not a felony, such action would be unlikely to lead to the removal of the elected official, but any kind of legal action can be damaging to the councilmember.

One could imagine an even more serious situation, in which, for instance, an elected official intervened in a city bidding process to steer a contract toward an ally or associate. This would undoubtedly violate more than the charter itself, and could lead to the kind of legal action that might lead to forfeiture of office. The district attorney, who can prosecute felonies, could initiate action.

In both the appointed mayor and the directly elected mayor systems (but not in the strong mayor system), there is no separation between the mayor and the council. As a result, every limitation that applies to the councilmembers applies to the mayor as well. In the strong mayor system, by contrast, the mayor is not prevented from directing

administration (either directly or through an appointed CAO), and the limitations on the mayor come from the council's ability to confirm appointments, to override vetoes, to vote on the budget, and to investigate executive departments.

Under the appointed mayor system currently used in Huntington Beach, the mayor is included along with the council in the prohibition against interference with city administration. An appointed mayor spends more time with the manager/administrator than the other councilmembers, but is no more empowered to direct the city staff than another councilmember.

My previous memo indicated that moving to a directly elected mayor does not add any formal powers to the mayor. Charter duties for directly elected mayors look quite similar to those for appointed mayors. The difference comes from the role of the directly elected mayor, which may carry broader community expectations than those for an appointed mayor.

A directly elected mayor is likely to be in very close contact on a regular basis with the manager/administrator, and by virtue of having won a visible, citywide election, the mayor may be more proactive in wanting things to be done a certain way.

One proposal might be to have the mayor automatically removed for violation of the non-interference rule. This would be quite unusual, in my experience. Because interference is a bit subjective, some neutral authority would be required to impose removal. The city attorney could be asked to play the role of judge, but this would be an awkward position for the attorney.

The manager/administrator, however, may benefit from charter language that restates the limitations on the directly elected mayor in directing city staff. When a city changes from one form to another, it is appropriate to place some language in the charter to that effect in order to clarify roles. While this lacks the punch of automatic removal, it certainly leaves no doubt about appropriate conduct.

There are several other limitations that are already in the charter or would be included in a charter with a directly elected mayor. The mayor would be subject to voter recall. In my view, a voter recall is more likely for a directly elected mayor than for an appointed mayor, who would be recalled as a councilmember. The visibility that enhances the role of the directly elected mayor might also make the mayor a more visible target for recall efforts. Also, if the mayor is convicted of (or if the Commission decides to add "pleads no contest to") a felony, removal would be automatic.

There are various other ways to design the directly elected mayor to prevent a "runaway" mayor. The mayor may or may not have a vote in council (or perhaps only break ties). Limitations can be placed on mayoral staff, or such staff could be placed under the control of the city manager/administrator.

### The possibility of moving to a strong mayor system

If the city adopted a directly elected mayor, would this simply be a way station on the road to a stronger mayor system?

Some cities have moved from the directly elected mayor to a strong mayor system. Those cities have tended to be very large and the change to a strong mayor system has taken place after many decades of experience with a directly elected mayor. For example, San Diego adopted a five year experiment with a strong mayor system (due to be reexamined by the voters next year) after many years with a directly elected mayor without strong powers.

The jump from the directly elected mayor to a strong mayor system is more than a shift in degree. It is a shift in basic design. The appointed mayor and the directly elected mayor have virtually the same powers, and they operate within the same basic council-manager system. They are together in one body, rather than separate. It is not an incremental step to go from the directly elected mayor to the strong mayor. There would have to be an explicit listing of powers (veto, appointment and removal of department heads, preparation of the budget), and it would likely be many years, if at all, before such an idea would emerge.

However, a directly elected mayor is likely to be ambitious to complete projects and plans that will validate the public's expectations of leadership. Such a mayor would undoubtedly seek to expand his or her ability to get things done. Most likely these efforts would involve informal coalition building and public outreach. Term limits and other limitations such as on numbers of staff members can prevent such a mayor from building a long term "machine" or other mechanism to generate excessive power.

Burlingame voters to decide whether to elect or appoint future city clerks

By Mike Rosenberg

San Mateo County Times

Posted: 10/13/2009 07:11:10 PM PDT

Updated: 10/13/2009 08:24:21 PM PDT

BURLINGAME – While choosing their City Council members this November, voters also will decide whether to elect future city clerks.

Measure I, if approved by a simple majority, would make the elected city clerk post an appointed position starting in December 2013. Voters have shot down the same measure in three previous elections.

The city clerk is elected to four-year terms and maintains city records, administers municipal elections, is responsible for revising the Burlingame conflict of interest code and fulfills other administrative duties.

City officials say 13 of the county's 20 cities now appoint their clerks, and the issue has proved uncontroversial in other communities such as San Carlos, which is also asking voters to make its clerk appointed this November. Yet officials and community leaders are lining up on both sides of the issue in Burlingame – Councilwoman Terry Nagel and former Mayor Joe Galligan even debated the issue at a recent public forum.

Four of the five City Council members, recent City Clerk Doris Mortenson and others say the position should be appointed, arguing it could save the city \$32,000 in election costs and ensure qualified candidates fill the post. Currently, any registered Burlingame voter can run for the seat, and Measure I advocates say that is troublesome, as city clerk duties continue to increase in complexity.

On the other hand, Vice Mayor Cathy Baylock, former Councilman Russ

Advertisement

Cohen, two former mayors and others say taking away the right to elect a city clerk would run counter to the ideals of American democracy. Elections are the only way to ensure the clerk is impartial and independent of council members and city department heads, allowing for checks and balances within City Hall, they contend.

Mike Rosenberg covers San Mateo, Burlingame, Belmont and transportation issues. Reach him at 650-348-4324.

San Diego County, CA

November 4, 2008 Election



## Proposition Q

### Elected City Attorney Amendment City of Chula Vista

Majority Approval Required

👍 Pass: 43017 / **58.84%** Yes votes ..... 30094 / **41.16%** No votes

**See Also:** [Index of all Propositions](#)

#### Results as of Jan 24 10:40am

Information shown below: [Impartial Analysis](#) | [Arguments](#) |

*Shall the Charter of the City of Chula Vista be amended to make the City Attorney an elected City Officer, sufficiently independent of the Council and other City officials?*

#### Impartial Analysis from the City Attorney

This proposition would amend Sections 500 and 503 of the City Charter to make the City Attorney an elected City officer. This proposition would also change the City Attorney's minimum qualifications, powers and compensation.

The Charter currently authorizes the City Council to appoint the City Attorney, establish the salary for the City Attorney and remove the City Attorney by majority vote. The Charter currently requires the City Attorney to be licensed to practice law in California and establishes the powers and duties of the City Attorney.

This proposition would make the City Attorney an elected rather than an appointed City officer. The City Attorney would be nominated and elected to a four-year term in the same manner and at the same election as members of the Council. The Council would establish the City Attorney's compensation, but such compensation could not be less than the median compensation of the city attorneys of the six California cities whose populations are closest to the City's population, provided that three are higher and three are lower. The City Attorney's compensation during a term could only be reduced in proportion to and as part of a general reduction of City salaries. The Council could only declare the City Attorney's Office vacant for specified reasons, and would be required to appoint or call an election to fill such a vacancy, as specified.

To qualify as City Attorney under this proposition, a person must be a United States citizen, a qualified elector, and a California resident, licensed to practice law in California for at least seven years prior to assuming office.

This proposition would also authorize the City Attorney to exercise

#### Local News and Analysis

ABC 10 News San Diego

- [Political Coverage](#)
- [NexGen Politics](#) - interactive election information

KPBS San Diego Public Broadcasting

- [Local and National Coverage](#)
- [San Diego City Election Coverage](#)

NBC San Diego

- [Local and National Politics](#)
- [Politically Speaking](#) - local coverage

San Diego Union Tribune

- [Attorney would be elected if plan OK'd](#) - 10/9/08

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discretion to commence or maintain legal proceedings, subject to Council's approval or ratification. It would delete a provision of the current Charter that authorizes the Council to control all City legal business and legal proceedings. The proposition provides that, in addition to the Council and other City officers, the City Attorney shall advise all City boards, commissions, and other City agencies and render written legal opinions when requested in writing. The City Attorney would be authorized to employ experts and, when empowered by Council, special legal counsel. When the City Attorney has a conflict of interest in litigation involving another City office, such other officer could retain special legal counsel at the City's expense, upon the City Attorney's recommendation and with Council approval. This proposition clarifies that the City Attorney may remove unclassified City Attorney appointed officers or employees. This proposition does not limit the Council's budgetary authority regarding City Attorney supervised officers and employees.

If this proposition is approved by a majority vote, the current City Attorney or successor would continue to be qualified to hold office under the current Charter and general laws until the next general election in June of 2010 and the first elected City Attorney would assume office for a four-year term commencing on the first Tuesday of December of 2010.

### Arguments For Proposition Q

Chula Vista is becoming a major city in California. Other major cities in the state have an elected City Attorney and Chula Vista residents deserve the same type of independent representation.

An independent City Attorney, chosen by the people, will be free to fight unethical behavior and corruption in city government and be independent of Mayoral or City Council influence.

It's time for an independent Chula Vista City Attorney to advise the City and act in the best interest of the public. Unlike San Diego, the elected Chula Vista City Attorney will need Council approval to initiate lawsuits.

An elected City Attorney would help stop the unethical behavior, corruption and back room deals, like these:

- May 2005, the appointed city attorney helps form the CVRC. Originally the mayor and City Council were members and most of them collected monthly stipends even though meetings were not held. The stipend payments were later reimbursed because of public

### Arguments Against Proposition Q

**Say NO to City Attorney Politics in Chula Vista - Vote No on Proposition Q**

Chula Vista's City Attorney should be a qualified, unbiased professional, not a politician. Our local City Attorney should not be influenced by politics and campaigning.

The City Attorney's responsibilities include giving impartial legal advice to our elected and city officials. That advice should be based on **what's best for the City and its residents**, not on a political agenda. We elect a Mayor and City Council to set policy, not the City Attorney.

When making decisions that shape the future of our city, we need a City Attorney whose only agenda is protecting the interests of the city and its residents.

We need to ensure that the City Attorney's only allegiance is to the City, and that fair, objective, and non-political advice are immune from special interests and political persuasion.

An elected City Attorney could cost taxpayers dearly,

pressure.

- May 2008, the appointed city attorney lets the city manager release a politically biased and unnecessary study prepared at taxpayer expense.
- July 2008, the appointed city attorney helps prepare a ballot measure to change the tax on utilities in Chula Vista. Drafted to sound like a tax decrease, the measure actually would have changed the definition of utilities to include new taxes.

August 2008, the appointed city attorney helps the city council meet behind closed doors concerning a controversial power plant expansion. No action was reported, but a letter sent two days later from the City Manager's office supports the proposed expansion.

These are examples of the unethical practices and back room deals going on at City Hall because the City Attorney is beholden to the City Council and Mayor for their job and salary.

The people need representation. Vote Yes on Proposition Q.

NORMA A. CAZARES Educator Past President, South Bay Forum	LARRY BREITFELDER President, Chula Vista Taxpayers Association
GERALD SCOTT Retired Naval Officer	THERESA B. ACERRO President, Southwest Chula Vista Civic Association
DELORES C. DEMPSEY President, Chula Vista Mobile Home Park Association	

**Rebuttal to Arguments For**

**Vote No on Proposition Q!**

Proposition Q will create more politicians and more politics! That's not good for Chula Vista.

Prop Q was initiated by **wealthy real estate landlord Earl Jentz**, who has already spent over \$600,000 on campaigns to influence our city. Under Prop Q, his wealth could elect a City Attorney of his choosing to carry out his political agenda.

by making meritless accusations and legal maneuvers without the consent of the City Council.

An elected City Attorney who has to deliver campaign speeches, solicit campaign contributions, and make promises when seeking votes could be pressured by politics and partisan fighting. A professional City Attorney advises the City Council, discusses proposed legal strategies with them, and does his or her job in the office, not in front of the camera.

**Proposition Q contains NO requirements, experience, or expertise in municipal law in order to run for City Attorney.**

Proposition Q will not increase accountability or reduce political influence.

It doesn't even require the City Attorney to live in Chula Vista.

It doesn't require that the City Attorney have experience in city laws, and . . . **it doesn't have term limits!**

Please join us and **Vote NO on Prop Q.**

It's a **big risk** and a **big mistake** for Chula Vista.

CHERYL COX Mayor, City of Chula Vista	JERRY R. RINDONE Deputy Mayor, City of Chula Vista
RUDY RAMIREZ Councilman, City of Chula Vista	LOURDES VALDEZ President, Chula Vista Chamber of Commerce

GREGORY A. STEIN  
Vice Chair & Treasurer, San Diego County Taxpayers Association

**Rebuttal to Arguments Against**

Is it a coincidence that the opponents of Proposition Q are the same people who stand to benefit from keeping the status quo, and who voted for hidden tax increases, deceptively advocating them as a tax decrease?

At the direction of city politicians, the **Appointed**

Prop Q will encourage unethical behavior and corruption, not fight it. An elected City Attorney can attack political opponents and protect allies instead of protecting our City's interests.

Big contributors would have a huge stake in electing a City Attorney favorable to their interests, making the City Attorney less independent.

Elected City Attorneys don't make for better decision-making! In San Diego, an elected City Attorney approved the Chargers ticket guarantee, approved pension underfunding, and wasted millions on politically motivated lawsuits.

Prop Q would allow an elected City Attorney to file lawsuits without prior Council approval.

Only 2% of California's cities have elected City Attorneys because most cities believe it doesn't work well.

We should NOT replace a competent professional municipal lawyer with someone who is simply good at running a political campaign.

Prop Q has NO residency requirements and NO term limits for the City Attorney. Currently, all Chula Vista elected officials must live in the City and they cannot serve more than two terms.

We need competent legal advice to keep Chula Vista moving forward.

We don't need more politics.

Protect Chula Vista taxpayers.

**Please Vote NO on Prop Q.**

CHERYL COX Mayor, City of Chula Vista  
JERRY R. RINDONE Deputy Mayor, City of Chula Vista

LOURDES VALDEZ, President  
JIM BIDDLE, Treasurer  
Chula Vista Taxpayers for Responsible Planning II of Commerce

GREGORY A. STEIN  
Vice Chair & Treasurer, San Diego County Taxpayers

Chula Vista City Attorney has:

- Repeatedly helped the Mayor and Council to hide business behind closed doors
- Worked against taxpayers this Summer, using deceptive language in an attempt to enact hidden tax increases
- Helped shelter inappropriate employee behavior
- Ignored public document requests until taken to court
- Helped the politicians to secretly aid developers and special interests at the expense of taxpayers

**It's time for a change!**

We need a watchdog that is not afraid to act in the best interest of the residents. A Chula Vista **Elected City Attorney** will be responsible to the voters, not the Mayor and Council.

Proposition Q will increase accountability and the City Attorney's ability to do what's best for the city and its residents.

Unlike San Diego, Chula Vista's elected City Attorney would be required to receive approval from the City Council to initiate lawsuits. The City Council would retain authority over spending - to protect taxpayers and ensure proper checks and balances.

The opponents of Proposition Q have no faith in our intelligence. We trust voters to elect a well-qualified City Attorney.

The real risk is failing to fix the broken system at City Hall.

Please join us and **Vote YES for Proposition Q**

LARRY BREITFELDER President,  
Chula Vista Taxpayers Association  
GERALD SCOTT Retired Naval Officer

NORMA A. CAZARES Educator Past President,  
South Bay Forum  
DELORES C. DEMPSEY President,  
Chula Vista Mobile Home Park Association

THERESA B. ACERRO

Association

President, Southwest Chula Vista Civic Association

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CITY	POPULATION	MAYOR	CHARTER	MAYOR'S POWERS	COMPENSATION
Anaheim	346,823	elected	charter	mayor serves as one of five council	Established by Ordinance
Chula Vista	231,305	elected	charter	mayor is a member of the council; no special powers; city manager administers	Mayor 60% of a Superior Court Judge. Council, 40% of the Mayor's Salary.
Escondido	143,389	elected		Not specified in Municipal Code (General Law)	2008 - Council \$1,244.24 monthly Mayor \$1,600 monthly to increase by ordinance.
Fontana	188,498	elected		mayor is a member of the council; no special powers; city manager administers	Pursuant to Section 36516, Council compensay is \$1,170.00 per month and in addition to this sum the mayor shall receive an additional \$500.00 per month Set by Ordinance.
Fremont	213,512	elected		mayor is a member of the council; city manager administers	Mayor \$2211 monthly & Council \$1407 set by Ord. + reimbursements.
Glendale	207,157		charter	traditional council-manager government	Set, and from time to time shall be changed, in accordance with the provisions of the Government Code
Huntington Beach	201,993		charter	<b>traditional council-manager government; council must approve removal of dept heads</b>	\$175 mo. by Charter plus expense allowance set by Muicipal Code 2.28 and tied to CPI
Irvine	209,806	elected	charter	mayor is on council; no special powers; city manager administers	Compensation set by Council with approval by the voters.
Modesto	209,936	elected	charter	mayor is on council; some limited powers similar to Stockton	Council Members \$24,000 & Mayor \$43,200.00. Set by Citizen Salary Setting Commission.
Moreno Valley	183,860			mayor is a member of the council; no special powers; city manager administers	Pursuant to Section 36516, Council Compensation has ben set at \$1,101 monthlty + reimbursements. Can be adjusted by resolution.
Oceanside	178,806	elected		presiding officer, ceremonial head, no special powers	All Council \$1644 + reimbursements. Adjustments by vote of Council take affect after at least one member begins a new term.
Orange	140,849	elected		mayor is a member of the council; no special powers; city manager administers	Increases based on State Dept. of Finance certified increases in population. 1989 Baseline \$820 monthly for Council
Oxnard	194,905	elected		mayor is a member of the council; no special powers; city manager administers	None specified in City Code
San Bernardino	205,493	elected	charter	full-time mayor appoints city manager; veto power. May not engage in other business	Mayor receives 50% of the Superior Court Jude as of 7/2002. Council Members recive \$600 monthly.
Santa Ana	353,184	elected	charter	mayor serves as one council member; no special powers; city manager administers	Citiy Council \$125 monthly, \$200 for the Mayor plus reimbursements.
Westminster	93,027	elected		Power and duties set by Government Code sections 40601-40605	Follow General Law and set by ordinance.

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<p><b>Anaheim</b></p>	<p>The elective officers of the City shall consist of a Mayor and four City Council members elected from the City at large and at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify. The term "City Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and four City Council members unless such other provision of this charter or other provision of law expressly provides to the contrary or unless such interpretation would be clearly contrary to the intent and context of such other provision.</p> <p>No person shall serve as Mayor or as member of the City Council for a combined period of more than eight consecutive years. For purposes of calculating consecutive years of service pursuant to the limitation of this section, consecutive periods of service as Mayor (other than periods where such person served concurrently as the Mayor and as a separately elected member of the City Council) shall be combined with consecutive periods of service as member of the City Council to determine the combined period of consecutive years of service which is subject to the limitation of this section. In addition, any period of service resulting from, or which (if the complete term of service were completed) could result from, an election or appointment which period of service commences less than two years following the date of completion of any prior period of service by such person shall be combined with such prior period of service for purposes of determining the combined period of consecutive years of service of such person for purposes of this section.</p>	<p>Mayor shall have the same rights, privileges, powers and duties as are held by members of the City Council and shall be regarded as a member of the City Council for all purposes except to the extent expressly inconsistent with any other provision of this Charter or other applicable law.</p> <p>The Mayor may make and second motions and shall have a voice and vote in all proceedings of the City Council. The Mayor shall be the official head of the City for ceremonial purposes. The Mayor shall have the primary, but not the exclusive, responsibility for communicating the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any major change in policy or program. The Mayor shall perform such other duties consistent with his or her office as may be prescribed</p>	<p>The members of the City Council, including the Mayor, shall receive as compensation for their services as such a monthly salary in such amount as established in accordance with, and limited by, the provisions of law applicable to the salaries of City Council members in general law cities as set forth in Section 36516 of the Government Code of the State of California or any successor provision thereto. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, members shall receive reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and Last Revised 4/30/2007 Page 8.adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their service as members of the City Council. <i>(Amended March 5, 1991, filed by Secretary of State April 18, 1991.)</i></p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<p><b>Chula Vista</b></p>	<p>No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Council or Mayor may not seek nomination and election to said offices of Council or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter. Any person elected in a special election for the balance of a regular term of Mayor and/or Council for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.</p>	<p>The Mayor shall be a member of the City Council and shall perform all the functions and have all of the powers and rights of a duly elected Councilmember. In addition to said powers and duties, the Mayor shall have the power and duty:</p> <ol style="list-style-type: none"> <li>(1) to report to the City Council annually and from time to time on the affairs of the City and to recommend for its consideration such matters as deemed expedient, and</li> <li>(2) to be the official head of the City for all political and ceremonial purposes and to be recognized by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for emergency purposes, and</li> <li>(3) in the time of public danger or emergency, the Mayor, with the consent of the Council, and for such period as the council may fix, to take command of the police, maintain order and enforce the law, and</li> <li>(4) to assume the primary, but not the exclusive responsibility, for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program. The Mayor may represent the City in any and all matters involving other governmental agencies, provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City of Chula Vista unless duly authorized or ratified by the City Council, and</li> <li>(5) to represent the City in all regional public agencies which require an elected City official, unless otherwise determined by the City Council, and</li> <li>(6) to supervise the operation of the</li> </ol>	<p>The four Councilmembers shall receive, as compensation for their services, forty percent (40%) of the salary of the Mayor. They shall receive reimbursement on order of the City Council for Council-authorized travel and other expenses when on official duty of the City. The City Council may also provide, by resolution, for the payment, to Councilmembers of an allowance of a sum certain per month to reimburse them for the additional demands and expenses made upon and incurred by them in serving as Councilmembers.</p> <p>The Mayor shall receive an annual salary equivalent to 66% of the salary of a Judge of the Superior Court of the State of California. The Mayor shall also receive reimbursement on order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, as reimbursement for the additional demands and expenses made upon and incurred by the Mayor.</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
		mayor/council office and personnel assigned thereto, and (7) to perform such other duties consistent with the office as may be prescribed by this Charter or delegated to the Mayor or imposed on the Mayor by the City Council if not inconsistent with the provisions of this Charter, and (8) to exercise the full-time function as Mayor of the City during the usual business hours that the offices of the City are open, and such other hours and times as shall be necessary to discharge in full the duties imposed upon the Mayor.	
<b>Fontana</b>	General Law City – Municipal Code does not specify	General Law City Municipal Code does not specify	<p>As allowed in Government Code § 36516, each member of the council shall receive as salary the sum of \$1,170.00 per month and in addition to this sum the mayor shall receive an additional \$500.00 per month in accordance with Government Code § 36516.1, which shall be payable at the same time and in the same manner as the salaries are paid to other officers and employees of the city.</p> <p>The salaries prescribed in this article are exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the city.</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<b>Fremont</b>	<p>No mayor who has served terms comprising eight consecutive years as mayor shall be qualified for further service in that office until he or she has a break in service in that office of at least four years.</p> <p>No councilmember who has served terms comprising eight consecutive years as a councilmember shall be qualified for further service in that office until he or she has a break in service in that office of at least four years.</p>	No special powers specified.	<p>Each member of the council other than the mayor shall receive a salary of one thousand four hundred and seven dollars per month.</p> <p>(b) The mayor shall receive a salary of two thousand two hundred eleven dollars per month.</p> <p>(c) The salaries of the mayor and council members shall be paid semi-monthly beginning November 6, 1996.</p> <p>(d) The mayor and council members shall receive a benefit of four hundred fifty dollars per month which may be applied to medical, dental, life insurance or other health and welfare benefits made available by the city to City of Fremont employees. Any unused portion of this four hundred fifty dollar benefit may not be carried over to a subsequent period and may not be paid out in cash to the mayor or council member at any time. All benefits would terminate with the elected official's term with the exception of retirement benefits.</p> <p>The salaries prescribed for councilmen [above] are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the city.</p>
<b>Glendale</b>	The officers of the City of Glendale shall be five (5) members of the council, a city assessor, a city tax collector, a city manager, a director of administrative services, a city clerk, a city treasurer, a city attorney, a director of public works, a city engineer, a maintenance services administrator, a building official, a chief of police and a fire chief.	Mayor Generally. Choose one (1) of its members as presiding officer, to be called mayor. The mayor shall preside over the sessions of the council, shall sign official documents when the signature of the council or mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations.	(a) Compensation and increase in compensation of council members. Compensation for council members is hereby set, and from time to time shall be changed, in accordance with the schedule and procedure for adjustment applicable to the City of Glendale set forth in the provisions of the Government Code relating to salaries of council members in

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
			general law cities. The compensation of council members may also be increased during the terms of their respective offices by vote of the electors.
<b>Huntington Beach</b>	<p>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.</p>	<p>At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, may inform the people of any major change in policy or program; and shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.</p>	<p>The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy-five Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense accounts therefor. In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amounts shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilmen.</p>
<b>Irvine</b>	<p>The City Council, hereinafter termed "Council," shall consist of a Mayor and four (4) Council members elected to office from the City at large in the manner provided in this Charter. The Mayor shall serve a term of two (2) years. No Mayor shall serve for more than two (2) consecutive full terms in office. Other than as set forth herein, eligibility for office, compensation, vacancies and the filling of vacancies shall be the same for the office of</p>	<p>The Mayor, in addition to serving as the presiding officer of the Council, shall have all of the rights, powers and duties of a Council member and shall be a member of the Council.</p>	<p>Compensation for Council member is hereby set, and from time to time shall be changed, in accordance with the provisions of the Government Code relating to salaries of Council members in general law cities. Such compensation may be increased or decreased other than as set forth above by an affirmative vote of a majority of the voters voting on the</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
	Mayor as provided for the office of Council member by this Charter. The term of office for a Council member shall be four (4) years.		proposition at any election.

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## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<b>Modesto</b>		<p>The Mayor shall be the President of the Council and shall preside at all its meetings and perform such other duties consistent with his office as may be imposed by the Council or by vote of the people. He shall be entitled to, and must vote, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes by the courts for the purpose of serving civil process, and by the Governor for military purposes. In the time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce laws.</p> <p>The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the Council during his presence. In the event of the absence of the Mayor, the Vice-Mayor shall sign ordinances as then adopted.</p>	<p>The annual salary of the Mayor shall be forty-three thousand two hundred dollars (\$43,200.00), pursuant to the recommendation of the Citizens' Salary Setting Commission. In accordance with Section 703 of the Charter, the Mayor's compensation and appropriate benefits shall be reviewed by the Citizens' Salary Setting Commission biannually, and a recommendation made to the City Council as to the appropriate compensation. The annual salary shall be payable from and after the operative date of the ordinance at the same time and in the same manner as the salaries are paid to other officers and employees of the City.</p> <p>The annual salary of each member of the City Council, except the Mayor, shall be twenty-four thousand dollars (\$24,000.00). In accordance with Section 703 of the Charter, the Councilmember's compensation and appropriate benefits shall be reviewed by the Citizens' Salary Setting Commission biannually, and a recommendation made to the City Council as to the appropriate compensation. The annual salary shall be payable from and after the operative date of the ordinance at the same time and in the same manner as the salaries are paid to other officers and employees of the City.</p>
<b>Moreno Valley</b>	General Law City - Not Specified in Municipal Code	General Law Dity - Not Specified in Municipal Code	<p>Pursuant to Section 36516 of the California Government Code, as amended, compensation shall be paid to each member of the city council in the amount set forth in the schedule of such section. More particularly, the amount of compensation to be paid monthly to each</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
			<p>member of the city council shall be in the sum of one thousand one hundred one dollars (\$1,101.00). The compensation prescribed herein is and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him or her in the performance of official duties for the city; and, accordingly, each member of the council shall receive reimbursement for such actual and necessary expenses incurred in the performance of official duties for the city, pursuant to the provisions of Section 36514.5 of the Government Code, as amended from time to time. Such reimbursement shall be as established by a policy resolution adopted by the city council.</p>

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## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<p><b>Oceanside</b></p>	<p>General Law City - Not Specified in Municipal Code</p>	<p>General Law Dity - Not Specified in Municipal Code</p>	<p>(a) <i>Salary.</i> From and after the commencement of the first regular pay period following the date established pursuant to subsection (b) the members of the city council shall receive a salary of one thousand six hundred forty-four dollars (\$1,644.00) permonth in accordance with the provisions of Section 36516 of the California Government Code.</p> <p>(b) <i>Adjustments.</i> The city council may by ordinance adjust the salary of its members pursuant to Government Code Section 36516 provided however that any adjustment to increase the salary shall become payable only on and after the date upon which one or more members of the council becomes eligible therefore by virtue of beginning a new term of office following the next succeeding general municipal election held in the city, and then all members of the council shall be entitled to the adjustment.</p> <p>(c) <i>Reimbursements.</i> The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by that member in the performance of official duties for the city.</p> <p>d) <i>Waiver.</i> Any member of the council may waive all or any part of their salary by filing a written notification of waiver with the city treasurer. The waiver may be rescinded at any time, but such rescission shall operate prospectively only. Any salary waived by a council member shall be placed into the general fund.</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
<p><b>Orange</b></p>	<p><b>Term and Powers set in the Municipal Code not the Charter</b></p> <p>No person shall serve more than three consecutive two-year terms as Mayor. No person who has served more than five consecutive years as Mayor, whether appointed or elected, may serve an additional consecutive term as Mayor</p>	<p><b>General Law City:</b></p> <p>GOV CODE <b>40601.</b> In the absence of the mayor, the mayor pro tempore shall exercise the powers granted in this chapter.</p> <p><b>40602</b> The mayor shall sign:</p> <ul style="list-style-type: none"> <li>(a) All warrants drawn on the city treasurer.</li> <li>(b) All written contracts and conveyances made or entered into by the city.</li> <li>(c) All instruments requiring the city seal.</li> </ul> <p>The legislative body may provide by ordinance that the instruments described in (a), (b) and (c) be signed by an officer other than the mayor.</p> <p><b>40603.</b> He may administer oaths and affirmations, take affidavits, and certify them under his hand.</p> <p><b>40604.</b> He may acknowledge the execution of all instruments executed by the city and required to be acknowledged.</p> <p><b>40605.</b> In general law cities where the office of mayor is an elective office pursuant to Article 5 (commencing with Section 34900) of Chapter 7 of Part 1 of Division 2 of Title 4, the mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.</p>	<p>2.08.020 Increase in Salaries.</p> <p>A. Upon certification of population increase by the State Department of Finance that the population of the City has increased in an amount which authorizes an increase in salaries, the City Council shall consider the effect of such population increase and shall determine whether to increase salaries of Councilmen to the extent permitted by any formula established by state law.</p> <p>B. Notwithstanding any Council compensation formula contained in the provisions of 36516 of the California Government Code or other State law, the Council hereby determines to study from time to time the compensation of Council members and shall from time to time determine whether to adjust the compensation of Council members to the extent authorized by State Law.</p> <p>C. In accordance with the authority of Subsection (C) of 36516 of the California Government Code, the City Council authorizes the compensation of Council members to be increased from its present level of \$600 per month to \$690 per month.</p> <p>D. Each member of the City Council shall receive the sum of \$690 a month. This salary is payable beginning January 27, 1989, and is payable at the same time and in the same manner as the salaries paid to each of the officers and employees of the City.</p> <p>E. Salaries exclusive of reimbursement. The salaries prescribed by this chapter are exclusive of, and in addition to, any other amount payable to a member of the</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
			<p>Council as reimbursement for actual and necessary expenses incurred by him in the performance of his official duties. (Ords. 44-88; 41-85; 41-84)</p> <p>2.08.030 Compensation.                      A. Each member of the Orange Redevelopment Agency shall receive the sum of \$120.00 a month, based on attendance at four meetings of the Agency each month. The salary shall be charged to the Redevelopment Agency as follows: 20% to Fund 910; 40% to Fund 920; and 40% to Fund 930.</p> <p>This compensation shall be payable beginning October 13, 1989, and is payable at the same time and in the same manner as the salaries paid to each of the Officers and employees of the City.</p>
<b>Oxnard</b>	General Law, none identified in City Code	General Law, not specified in their City Code	General Law, not specified in their City Code
<b>San Bernardino</b>	<p>There shall be elected at its general election in 1996 and every fourth year thereafter, four members of the Common Council, one each from the Third, Fifth, Sixth and Seventh Wards, who shall have been qualified electors and residents of their respective wards for at least thirty (30) consecutive days next preceding the date of filing of their nomination papers for the office and who shall be elected by the qualified electors of their respective wards, a City Attorney, City Clerk and City Treasurer elected at large who shall hold office for terms of four years from and after the first</p>	<p>The Office of Mayor shall be a full time position and the incumbent shall not engage in any business, professional or occupational activities which interfere with the discharge of the duties of such office. Effective January 1, 2003, the annual salary of the Mayor shall be set at fifty percent (50%) of the salary for a Superior Court Judge, County of San Bernardino, State of California, as of July 1, 2002, and shall thereafter be adjusted and implemented January 1 of each subsequent year at the</p>	<p>The Office of Mayor shall be a full time position and the incumbent shall not engage in any business, professional or occupational activities which interfere with the discharge of the duties of such office. Effective January 1, 2003, the annual salary of the Mayor shall be set at fifty percent (50%) of the salary for a Superior Court Judge, County of San Bernardino, State of California, as of July 1, 2002, and shall thereafter be adjusted and implemented January 1 of each</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
	<p>Monday in March and next succeeding their elections.</p> <p>There shall be elected at the general election in 1998 and every fourth year thereafter, a Mayor who shall be elected at large for a term of four years commencing on the first Monday in March next succeeding such election.</p>	<p>same fifty percent (50%) figure of the salary for said Superior Court Judge then in effect on said January 1 date.</p> <p>The Mayor shall preside at all meetings of the Common Council, but shall not be entitled to vote except in the event of a tie. In the absence of the Mayor from any Council meeting, the Common Council may choose one of their own number to preside over that meeting who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the Common Council, and with like effect as the Mayor would have had if present at this meeting, however, that member shall not have the ability to cast an additional vote in the event of a tie.</p>	<p>subsequent year at the same fifty percent (50%) figure of the salary for said Superior Court Judge then in effect on said January 1 date.</p> <p>The Council Members shall each receive an annual salary of six hundred dollars (\$600.00), payable monthly.</p>
<b>Santa Ana</b>	<p>The City Council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the mayor, shall serve a term of four (4) years. The term of each member shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until his or her successor is elected and qualified. Each office of councilmember shall be a separate office and, except for the mayor, one (1) of such offices shall be assigned to each of the wards of the City. Candidates for each office of councilmember other than the mayor shall be nominated from such ward by the electors of such ward and candidates for mayor shall be nominated by electors of the City, but all councilmembers shall be elected by the vote of the electors of the City at large.</p> <p>A person who has served three (3) consecutive terms of four (4) years each shall be eligible for</p>	<p>The mayor shall be a member of the City Council and shall preside over the meetings of the City Council. The mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the City Council, consistent with his office.</p> <p>The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the City Council in the same election. In the event an incumbent City Council member</p>	<p>Each member of the City Council shall receive as compensation for his or her services as such a monthly salary in the sum of one hundred and twenty-five dollars (\$125.00). The member elected to fill the office of mayor shall receive the additional amount of seventy-five dollars (\$75.00) for each month said member shall fill the office of mayor. Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council.</p> <p>Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official</p>

## CITY COMPARISONS

CITY	ELECTION & TERM	MAYOR'S DUTIES & POWERS	COMPENSATION
	<p>appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.</p>	<p>other than the mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the City Council shall call a special election to fill the vacancy.</p>	<p>minutes.</p>
<p><b>Westminster</b></p>	<p><b>General Law City</b>                      Pursuant to Section 36503.5, or any successor provision, of the California Government Code, the general municipal election for all elected city officers shall be consolidated with the statewide general election on the first Tuesday after the first Monday of November in each even-numbered year. There shall be an elected mayor, who shall serve a two-year term. There shall be four elected councilmembers, who shall each serve a four-year term. (Ord. 2362 § 4, 2003)</p>	<p><b>General Law City</b>                      Not specified in Municipal Code                      Mayor's powers are set under the state Government Code sections 40601-40605 (See the City of Orange above)</p>	<p>Each member of the city council shall receive a salary as required by ordinance in conformance with state law. (Ord. 2118 § 1, 1989; Ord. 1932 § 1, 1981; Ord. 1853 § 6, 1978: prior code § 2207)</p>

CALIFORNIA GOVERNMENT CODE: Council / Mayor Compensation

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

36515. The compensation of a city councilman appointed or elected to fill a vacancy is the same as that payable to the member whose office was vacated.

36516. (a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

- (1) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month;
- (2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month;
- (3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.
- (4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.
- (5) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.
- (6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.
  - (a) For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.
  - (b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.
  - (c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.
  - (d) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) to (c), inclusive. For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.
  - (e) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.
  - (f) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the Government Code may be provided with compensation in addition to that which he receives as a councilman. Such additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.



# City of Huntington Beach

2000 Main Street • Huntington Beach, CA 92648

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**OFFICE OF THE CITY CLERK**  
**JOAN L. FLYNN**  
**CITY CLERK**

## Description of Duties

**The City Clerk** is the local official for elections and working with the City Attorney monitors local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the city council takes action, the City Clerk ensures that actions are in compliance with all federal, state and local statutes and regulations and that all actions are properly executed, recorded, and archived.

**The statutes of the State of California** prescribe the basic functions and duties of the City Clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow.

**The Office of the City Clerk** is a service department within the municipal government upon which the City Council, all City departments, and the general public rely for information regarding the operations and legislative history of the City. The City Clerk serves as the liaison between the public and city council and provides related municipal services.

## Responsibilities

**As an Elections Official**, the City Clerk administers Federal, State and Local procedures through which local government representatives are selected. The Clerk assists candidates in meeting their legal responsibilities before, during and after an election. From Election pre-planning to certification of election results and filing of final campaign disclosure documents, the City Clerk manages the process which forms the foundation of our democratic system of government.

**As a Legislative Administrator**, the City Clerk plays a critical role in the decision-making process of the local legislature. As the key staff for Council meetings, the Clerk prepares the legislative Agenda, verifies legal notices have been posted or published, and completes the necessary arrangements to ensure an effective meeting. The Clerk is entrusted with the responsibility of recording the decisions which constitute the building blocks of our representative government.

**As a Records Manager**, the City Clerk oversees yet another legislative process; the preservation and protection of the public record. By statute, the Clerk is required to maintain and index the Minutes, Ordinances and Resolutions adopted by the legislative body. The City Clerk also ensures that other municipal records are readily accessible to the public. The public record under the conservatorship of the City Clerk provides fundamental integrity to the structure of our democracy.

## California Elected City Clerks

1. Alturas	45. Fairfield	89. Placerville
2. Angeles Camp	46. Fillmore	90. Pleasant Hill
3. Antioch	47. Firebaugh	91. Plymouth
4. Arcadia	48. Fontana	92. Portola
5. Arroyo Grande	49. Galt	93. Rancho Cucamonga
6. Atascadero	50. Gardena	94. Red Bluff
7. Atwater	51. Glendale	95. Redding
8. Auburn	52. Guadalupe	96. Redlands
9. Azusa	53. Hawthorne	97. Redondo Beach
10. Baldwin Park	54. Hermosa Beach	98. Rialto
11. Banning	<b>55. Huntington Beach</b>	99. San Anselmo
12. Barstow	56. Imperial	100. San Bernardino
13. Beaumont	57. Indio	101. San Bruno
14. Belmont	58. Inglewood	102. San Carlos
15. Benicia	59. Lone	<b>103. San Clemente</b>
16. Blyth	60. Isleton	104. San Gabriel
17. Brawley	61. Jackson	105. San Pablo
18. Burbank	62. La Mesa	106. Santa Clara
19. Calexico	<b>63. Laguna Beach</b>	107. Santa Maria
20. Calipatria	64. Lawndale	108. Santa Paula
21. Campbell	65. Loomis	<b>109. Seal Beach</b>
22. Carlsbad	66. Los Banos	110. Sierra Madre
23. Carson	67. Loyalton	111. Signal Hill
24. Cathedral City	68. Lynwood	112. Sonora
25. Ceres	69. Maricopa	113. South Gate
26. Clearlake	70. Martinez	114. South Lake Tahoe
27. Cloverdale	71. Maywood	115. South Pasadena
28. Coachella	72. Monrovia	116. South San
29. Coalinga	73. Montebello	Francisco
30. Colton	74. Monterey Park	117. Suisun City
31. Colusa	75. Morgan Hill	118. Sutter Creek
32. Compton	76. Mount Shasta	119. Taft
33. Concord	77. National City	120. Tehachapi
34. Corning	78. Oakdale	121. Tehama
35. Covina	79. Oceanside	122. Torrance
36. Crescent City	80. Ojai	123. Tracy
37. Daly City	81. Ontario	<b>124. Tustin</b>
38. Dorris	<b>82. Orange</b>	125. Vacaville
39. Dunsmuir	83. Orland	126. Wasco
40. El Centro	84. Oxnard	127. West Covina
41. El Monte	85. Paso Robles	128. Westmorland
42. El Segundo	86. Perris	129. Williams
43. Exeter	87. Pittsburg	130. Winters
44. Fairfax	<b>88. Placentia</b>	131. Yreka
		132. Yuba City

**Orange County Cities are in bold type**



## CITY CLERK

Class Code:  
0017

CITY OF HUNTINGTON BEACH  
Established Date: Jul 1, 1986  
Revision Date: Nov 11, 2007

### **SALARY RANGE**

\$64.80 - \$80.28 Hourly  
\$5,184.00 - \$6,422.31 Biweekly  
\$11,232.00 - \$13,915.00 Monthly  
\$134,784.00 - \$166,980.00 Annually

### **DESCRIPTION:** **DUTIES SUMMARY**

The City Clerk is responsible for recording and maintaining a full and true record of all proceedings of the City Council in books that shall bear appropriate title and be devoted to such purpose. Conducts annexations and city elections. Administers oaths and takes affidavits and depositions pertaining to the affairs and business of the City.

### **DISTINGUISHING CHARACTERISTICS**

### **EXAMPLES OF ESSENTIAL DUTIES:**

Prepares minutes for each City Council meeting and certifies to their authenticity and correctness. Maintain separate books, in which shall be recorded respective all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a corrected copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with the Charter. Maintain separate records of all properly indexed and open to public inspection when not in actual use. Acts as custodian of the City Seal. Administers oaths or affirmations, takes affidavits and depositions pertaining to the affairs and business of the city and certifies copies of official records. Acts as ex officio assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of general laws of the State relative to the assessment of property and the collection of city taxes by county officers, or unless the City Council by ordinance provides otherwise. Conducts all city elections which includes providing for polling places and advising candidates of the requirements of State election laws. Interprets City Council and administrative policies and procedures to the public and city employees. Performs other duties consistent with the City Charter as may be required by ordinance or resolution of the City Council. Performs other related duties.

The preceding duties have been provided as examples of the essential types of work performed by positions within this job classification. The City, at its discretion, may add, modify, change or rescind work assignments as needed.

### **TYPICAL QUALIFICATIONS:**

Any combination of education, training, and experience that would likely provide the knowledge, skills, and abilities to successfully perform in the position is qualifying.

#### **Knowledge of:**

#### **Ability to:**

#### **Education:**

A typical combination includes:

**Experience:** Three (3) years of relevant work experience which demonstrates record management skills and practice of administrative procedures.

**License:** Valid California Driver License.

**PHYSICAL TASK & ENVIRONMENTAL CONDITIONS:**

Work involves detailed concentration for long periods of time in a modified office environment and sitting for extended periods. Employee accommodations for physical or mental disabilities will be considered on a case-by-case basis.

**LICENSES & CERTIFICATIONS:**

Valid California Driver License.

# City Treasurer – City of Huntington Beach

## Overview of the Position

Charter Review Commission Meeting October 20, 2009

# Overview of the Position

- History
- Duties and Responsibilities/Public impacts
- Oversight on Treasurer position
- Innovative Public services

# History

Position is a Charter Officer for City since 1909

- Over 37% of cities have elected Treasurers, currently the highest percentage of any elected office in State, next highest % is Clerk at 31%
- Treasurer is an office in all general law cities and almost without exception in chartered cities
- State law mirrors charter section 311 duties and also names Treasurer as investing officer for surplus funds
- Administrative position versus Legislating position
  - Clerk and Treasurer can't have term limits in General Law cities under current State law

# Duties and Responsibilities

Duties which directly benefit and impact the public financially

- Protection of Public Funds
  - By State Law, Charter and Municipal Code
- Collection of Public Funds
  - By Charter and Municipal Code
- Disbursement of Public Funds
  - By Charter

# Duties and Responsibilities

- **Protection of Public Funds**

- Investment of Public Funds

- Treasurer is responsible for all investing activities, provides monthly report to Council to approve and directly accountable to public for investing results
    - Allowed investments are established by State Law and Investment Policy (approved by Council)
    - Focused on Objectives: Safety, Liquidity, then Yield in investment selection and investment returns - independent from City pressures for revenue and investment selections

# Duties and Responsibilities

- **Protection of Public Funds**

- Receipt, Deposit and Custody of Public Funds

- Directly accountable to public for the receipt of all public funds (over 750,000 cashiering transactions annually for over \$300 million).
    - Treasurer ensures that proper internal controls are in place so that funds received from the public are deposited timely and accurately. The position is an independent check and balance for the public and the City. The Finance Department does all reconciliations checking the work of the Treasurer
    - Treasurer ensures that funds placed with the City for safekeeping are in approved financial institutions to protect any public funds from loss
    - Treasurer is custodian for all cash & performance bonds & assures that these are released back to vendors/individuals timely, once approved for release by Council/Department

# Duties and Responsibilities

- **Collection of Public Funds**

- Receive and collect all taxes, assessments, fees and other revenues
  - Monthly contact with over 50,000 Huntington Beach Households from Utility statements and miscellaneous receivables invoices (False alarms, Fire inspections, Hazmat Spills, Public property damage, liens, Civil Citations, etc). When a citizen perceives there is a problem with receiving/processing payments for their bill timely, they call the Treasurer
  - Contact is daily via in-person, telephone calls, customer letters, receipt of checks and remittance stubs, website payments, AutoPay applications, e-mails, Pipeline requests, eBill requests
  - Treasurer provides high level of customer service and listens to customers and makes changes in processes and payment options as needed

# Duties and Responsibilities

- **Collection of Public Funds cont.**
  - Treasurer collects all funds using various tools and may write-off uncollectible items requiring various approval levels
    - An elected Treasurer is an impartial mediator in billing disputes, ensures policy is consistently applied to all customers and input is received both from City and customer before making collection decisions
    - Ensure that if City erred in process, that is considered in any decision
    - Treasurer handles many of these every month ensuring that the public gets a voice on billing disputes and then updates processes, as warranted, to ensure integrity and equality of system and maintenance of high customer service levels

# Duties and Responsibilities

- **Collection of Public Funds cont.**
  - Responsible for deciding payment options & payment technology to implement and costs to public, if any
  - Treasurer currently offers on-line & IVR payments by credit card (soon by eCheck) with no cost for Utility services and certain miscellaneous receivables
  - Treasurer offers AutoPay for Utilities services at no cost
  - Over 45% of Utility customers receipts are processed electronically at no cost to customer from City
  - Many cities only offer on-line payment only with a added convenience fee or don't offer on-line payments yet
  - Treasurer has requested additional technology to offer add'l payment options to continue to improve service to the public

# Duties and Responsibilities

- **Disbursement of Public Funds**
  - Treasurer pays out funds after ensuring disbursements have all proper approvals
  - Treasurer processes over 60,000 checks annually including 60% of them electronically
    - Treasurer interacts closely with vendors requesting that they receive payments electronically and has an application on-line for this feature. Technology to allow for e-mailed remittances to be able to “Go Green” completely on payments is pending.
    - Treasurer works closely with bank to prevent fraud on the City’s bank accounts using a variety of protections
  - Treasurer ensures that the City has the liquidity to make payments
  - Treasurer’s goal is to get all funds to proper payee, and not escheat any funds

# Oversight of Treasurer

- City Council appoints a member to the Investment Advisory Board to provide oversight to Treasurer and Council
  - Annual Report required by Investment Advisory Board
    - Board reviews monthly reports prior to being provided to Council
- City's Financial Audit by an External Auditor
  - Separate Management Report of any Material Weaknesses
- The Finance Dept reconciles all accounts providing an additional check and balance on the Treasurer
- Investment Policy requires monthly investment reporting to Council, Administrator & Director of Finance
- Investment Delegation annually by City Council to Treasurer when Council approves Investment Policy
- Deputy City Treasurer qualifications in job specification
  - Similar to Appointed Treasurer qualifications in Cities

# Innovative Public Services

- Treasurer Website is exclusively to provide customer service to the public (including customers and vendors), features include:
  - Payment options and description of various City services
  - Investment Report Monthly and Investment Policy
  - Unclaimed checks information annually
  - Tax Receipts Charts (major revenues of City)
  - AutoPay Utility program & application
  - eBill Utility program
  - Municipal Statement Inserts
  - Vendor ACH Application
- Public outreach at various City events
  - Promote cost effective “Green” receipt and disbursement options

**To: Honorable Commissioners of the Charter Review Commission**

**From: Jennifer McGrath, City Attorney**

**Date: October 6, 2009**

**RE: My statement to the Orange County Register dated 9/10/09**

I strongly believe the elected offices of City Attorney, City Clerk and City Treasurer should remain elected. As independently elected officials, each position is immune from inappropriate pressure and can better protect the community and the General Fund by establishing checks and balances with the policymakers. Both the Clerk and Treasurer have been elected positions for nearly 100 years. The City Attorney has been an elected position for over 40 years.

Currently, all three elected officials are accountable to the electorate. Dilution of the right of the people to vote does not lead to better government. Under the current system, the City Clerk ensures transparency and the availability of the public records that belong to the citizens. The City Treasurer is able to receive and invest monies on behalf of the City to ensure the best possible return on investment and protection from inappropriate use of funds. And lastly, the City Attorney provides objective legal advice to avoid illegal or improper decisions.

None of the previous Charter Review Commissions have recommended that the City Attorney become appointed. No initiative from the public has ever raised this issue either. Ironically, the only people that have placed this issue on previous ballots are current and/or former council-members. Lastly, each time the voters were given an opportunity to make the City Attorney position appointed, the voters have rejected the opportunity.

As for the City Attorney specifically, over 55% of the voters in the State of California are represented by an elected City Attorney. As of November 2008, the following Cities have elected City Attorneys: Albany, Chula Vista, Compton, Huntington Beach, Long Beach, Los Angeles, Oakland, Redondo Beach, San Bernardino, San Diego, San Francisco and San Rafael. In fact, the voters of the Chula Vista elected to create an elected City Attorney as recently as November 2008. The ballot argument supporting the Chula Vista measure stated that "An independent City Attorney, chosen by the people, will be free to fight unethical behavior and corruption in city government and be independent of Mayoral or City Council influence."

## **COMMISSIONER BIXBY'S PROPOSALS:**

**Attached is information submitted by Commissioner Mark Bixby that relates to the Charter Sections scheduled for the Commission's October 6 Meeting.**

**The Charter Sections scheduled for October 6 are: 300, 302, 304, 305, 306, 309, 310, 311, & 800 which relate to the city's elected offices**

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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**SUBMITTED TO:** HB Charter Review Commission

**SUBMITTED BY:** Mark D. Bixby, Charter Review Commissioner *MDB*

**SUBJECT:** Amend charter section 300 (City Council, Attorney, Clerk and Treasurer Terms) to provide for appointed attorney and treasurer, but to retain an elected clerk.

**Statement of Issue:** Convert certain elected officers to appointed.

**Recommended Action: Motion to:**

Amend Huntington Beach charter section 300 as follows:

- Change city attorney to be appointed or removed by the city administrator subject to approval by the city council under existing charter section 401(a) but also subject to recall by a vote of the electors
- Change city treasurer to be appointed or removed by the city administrator subject to approval by the city council under existing charter section 401(a) but also subject to recall by a vote of the electors
- Keep city clerk as an elected officer
- Structure the charter revision ballot to split off all elected-to-appointed changes as separate ballot items

**Analysis:**

The city attorney and the city treasurer both serve city hall nearly exclusively rather than the public and thus should be converted from elected to appointed positions.

The city clerk however has evolved critically important public-facing responsibilities in addition to serving as council record keeper and so should remain an elected position answerable to the public served by the clerk. During the 10 years I have lived in Huntington Beach, the city clerk has been the biggest driver of municipal transparency and provides some of the best public customer

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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service of any city department. Key public-facing responsibilities of the city clerk currently include:

- Creation and distribution of city council agendas that surpass most other cities for detail and quality.
- Creation and distribution of city council minutes essential for retaining historical perspective.
- Internet publication of council agendas, minutes, audio, and video.
- Collection and distribution of campaign finance disclosure statements, and partial Internet publication of these statements.
- Collection and distribution of economic interest statements.
- Internet publication of nearly the entire city clerk historical record archive via the SIRE system.
- Serves as an impartial election official, with an unbiased approach to the candidacy process.
- Serves as an impartial office for individuals to file claims against the city, and for the serving of summons.
- Conducts public outreach efforts centering on education as to the public's right to access their records, election information, and voter registration.

Furthermore, the city clerk's department is willing to assist other city departments in migrating to the SIRE electronic document management system, which offers the possibility of even greater transparency to benefit the public.

If the city clerk were appointed rather than elected, changing priorities at city hall could be imposed on the city clerk resulting in lessened transparency that would be harmful to the public. The inherent politics of appointed positions could also result in reduced impartiality. Whereas if the city clerk continues to be an elected official, the clerk would have to answer directly to the public at election time for any lapses in transparency or impartiality. The public's leverage at election time is the last defense on behalf of transparency and impartiality. Thus it is my strong preference that the city clerk remains elected.

An examination of city election history from 1913 to present (see attached) shows that the topic of converting the elected attorney, clerk, and treasurer to appointed positions keeps coming up again and again and again. A sampling of associated ballot arguments (see attached) shows that the current and former councilmembers

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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at the time were often highly split over these measures. And every time these measures are submitted to the electors, they go down to defeat:

- Measures to convert the attorney have been defeated 7 times
- Measures to convert the clerk have been defeated 4 times
- Measures to convert the treasurer have been defeated 5 times

Clearly Huntington Beach voters have their minds set on this issue. And it is my opinion that the current extreme antipathy towards state and national politicians makes it extremely unlikely that the voters will change their minds in 2010 and relinquish electoral control over these three city offices.

So what should be done to improve the chances of success if the charter review commission (and the city council) wants to move forward with these conversions?

One idea that should be considered is that even though these may be converted to appointed positions, the public should be given the right of recall to still be able to exercise control if an appointment turned out badly. This was actually done in the 11/05/1968 election measure to convert the attorney to appointed, but still it was defeated. But this may simply have been due to voter fatigue, since just seven months earlier on 04/09/1968 there was yet another election at which the appointed attorney, clerk, and treasurer all went down to defeat. And four years earlier on 11/03/1964 yet another appointed attorney measure went down to defeat. So I suspect the voters were just tired and didn't want to deal with it any more.

My recommendation to the commission is that any conversions to appointed positions try again by making them subject to recall by the people in order to increase the chances for adoption.

But even providing for recall may not be enough to convert these positions to appointed, given the long electoral history of defeats. Including these conversions within a single charter revision measure that replaces the entire charter could likely prove to be a "poison pill" that would doom the entire charter revision to defeat.

Fortunately the historical record provides a solution for avoiding the "poison pill" problem. The 1978 charter revision effort largely revised the entire charter. But in recognition of the controversial nature of several amendments, including

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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converting the attorney, clerk, and treasurer to appointed, the ballot for the 06/06/1978 election (see attached) was very cleverly organized. The main measure on the ballot was for replacing the entire charter except for the controversial sections amended in subsequent measures on the same ballot. This proved to be a wise decision, because the main measure passed to revise nearly the entire charter, and all but one of the controversial auxiliary measures went down to defeat.

I strongly recommend that the commission adopt a similar ballot strategy for any controversial issues if possible.

## **Attachment(s):**

- City elections summary (1913 to present)
- 06/06/1978 ballot measures
- 06/06/1978 ballot arguments
- 11/06/1984 ballot arguments
- 03/26/1996 ballot arguments

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **City Election Summary**

**1913 to Present**

<b>Election</b>	<b>Type</b>	<b>Result</b>	<b>Summary</b>
7/15/1913	proposition	adopted	park/music/advertising tax
4/13/1914	proposition	adopted	board of trustees meeting pay
12/28/1915	proposition	adopted	bonded debt limit
4/10/1922	proposition	adopted	board of trustees monthly pay
8/21/1922	proposition	defeated	ordinance 209 amendment
4/12/1926	proposition	adopted	ordinance 209 amendment establishing business & residential districts
11/16/1926	proposition	adopted	ordinance 209 amendment
4/9/1928	proposition	adopted	city council monthly pay
4/14/1930	proposition	defeated	business district boundary change
4/14/1936	proposition	adopted	exceed 5% limit to construct a beach pavilion
4/14/1936	proposition	defeated	construct a beach bowl
4/14/1936	proposition	defeated	civil service for police & fire
4/14/1936	proposition	adopted	municipal water system
11/3/1936	initiative	canvass missing	business licensing
4/29/1937	proposition	adopted	charter adoption
4/29/1937	proposition	defeated	council districting
8/3/1937	proposition	adopted	elected city judge & city attorney
8/3/1937	proposition	adopted	elected police chief
4/12/1938	proposition	adopted	park construction debt
9/27/1939	proposition	defeated	municipal water system debt
11/21/1939	proposition	adopted	charter amendment to create board of education
4/14/1942	proposition	adopted	charter amendment - city council meetings
4/14/1942	proposition	adopted	charter amendment - appointee qualifications
4/14/1942	proposition	adopted	charter amendment - vacancy appointments
4/14/1942	proposition	adopted	charter amendment - public works contracting
4/14/1942	proposition	adopted	charter amendment - special taxes
4/14/1942	initiative	defeated	close dance halls between midnight and 8AM (resolution 898)
4/9/1946	proposition	adopted	charter amendment - public works contracting
4/13/1948	proposition	defeated	charter amendment - council-manager form of government
4/13/1948	proposition	adopted	charter amendment - general law
4/13/1948	proposition	adopted	charter amendment - canvassing
4/13/1948	proposition	adopted	charter amendment - city council meetings
4/13/1948	proposition	adopted	charter amendment - ordinance publication
4/13/1948	proposition	adopted	charter amendment - mayor vacancy
4/13/1948	proposition	adopted	charter amendment - public works contracting
4/13/1948	proposition	adopted	charter amendment - special taxes
4/13/1948	proposition	adopted	charter amendment - franchises
11/2/1948	proposition	defeated	charter amendment - department of public service
11/2/1948	proposition	adopted	charter amendment - appointed city judge
11/2/1948	proposition	adopted	repeal ordinance 396 (business license tax)
9/14/1954	proposition	adopted	water bond
4/8/1958	proposition	defeated	city council monthly pay
4/8/1958	proposition	defeated	appointed chief of police
4/8/1958	proposition	defeated	appointed city attorney
6/9/1959	referendum	defeated	ordinance 706 (zoning plan) [defeat of a referendum means the ordinance was not adopted]

4/10/1962	proposition	adopted	city council monthly pay
4/30/1963	proposition	adopted	water bond
11/3/1964	proposition	defeated	charter amendment - appointed city attorney
11/3/1964	proposition	defeated	charter amendment - appointed police chief
8/10/1965	proposition	defeated	charter amendment - districting and elected mayor
1/11/1966	proposition	adopted	new charter
4/9/1968	proposition	defeated	charter amendment - appointed city attorney
4/9/1968	proposition	defeated	charter amendment - appointed city treasurer
4/9/1968	proposition	defeated	charter amendment - appointed city clerk
11/5/1968	proposition	defeated	park bond
11/5/1968	proposition	defeated	library bond
11/5/1968	proposition	defeated	charter amendment - appointed city attorney with recall
6/3/1969	proposition	adopted	park bond
11/3/1970	proposition	defeated	charter amendment - elected mayor
11/3/1970	proposition	adopted	charter amendment - public works contracting
11/3/1970	proposition	adopted	charter amendment - general obligation bonds
11/3/1970	proposition	adopted	charter amendment - elections
6/6/1972	proposition	adopted	water fluoridation
6/6/1972	proposition	defeated	charter amendment - compensation for city council, city clerk, city treasurer
11/6/1973	proposition	defeated	charter amendment - appointed city attorney
11/6/1973	proposition	defeated	charter amendment - appointed city clerk
11/6/1973	proposition	defeated	charter amendment - appointed city treasurer
11/5/1974	proposition	canvass missing	replace real property transfer tax with monthly trash charge and increased utilities tax
5/27/1975	proposition	adopted	charter amendment - real property transfer tax to require voter approval
11/2/1976	proposition	adopted	charter amendment - city council 3/4 vote required to levy tax or fee (takes precedence due to larger number of votes received)
11/2/1976	proposition	adopted	charter amendment - city council 5 votes required to enact tax or revenue raising measure
6/6/1978	proposition	adopted	new charter
6/6/1978	proposition	adopted	charter amendment - city council term limits
6/6/1978	proposition	defeated	charter amendment - city council compensation
6/6/1978	proposition	defeated	charter amendment - appointed city attorney
6/6/1978	proposition	defeated	charter amendment - appointed city clerk
6/6/1978	proposition	defeated	charter amendment - appointed city treasurer
6/3/1980	advisory	canvass missing	shall the state dedicate 2 cents of the 6 cent sales tax for local agencies?
11/2/1982	proposition	adopted	charter amendment - consolidate municipal general election with statewide elections in November
11/6/1984	proposition	defeated	charter amendment - remove term limits
11/6/1984	proposition	defeated	charter amendment - appointed city clerk
11/6/1984	proposition	defeated	charter amendment - appointed city treasurer
11/6/1984	proposition	adopted	charter amendment - city clerk additional minimum qualifications
11/6/1984	proposition	adopted	charter amendment - city treasurer additional minimum qualifications
11/8/1988	initiative	defeated	Citizen's Sensible Growth and Traffic Control Initiative
11/6/1990	initiative	adopted	charter amendment - Measure C park protections (takes precedence due to larger number of votes received)
11/6/1990	proposition	adopted	charter amendment - park/beach sale restrictions
3/26/1996	proposition	defeated	charter amendment - appointed city treasurer
3/26/1996	proposition	defeated	charter amendment - appointed city attorney
3/26/1996	advisory	defeated	park/beach/sports/senior parcel tax
11/5/1996	advisory	defeated	sports-related parcel tax

11/5/1996	proposition	defeated	Murdy Park enhancements
11/5/1996	proposition	adopted	Huntington Central Park sports complex
3/7/2000	initiative	defeated	build houses instead of WalMart at Crest View School site
3/7/2000	advisory	adopted	use WalMart sales tax to fund sports and other activities
11/7/2000	proposition	defeated	power plants (AES) to pay utility tax
11/7/2000	advisory	adopted	utility taxes paid by power plants to fund infrastructure improvements
3/5/2002	initiative	adopted	charter amendment - forbid rent control
3/5/2002	proposition	adopted	charter amendment - establish infrastructure fund
3/5/2002	advisory	adopted	power plant utility taxes directed to infrastructure fund
3/5/2002	proposition	defeated	repeal the Gas Tax exclusion for electric power plants
3/2/2004	initiative	defeated	charter amendment - city council districts
11/7/2006	proposition	adopted	senior center

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **06/06/1978 Ballot Measures**

RESOLUTION NO. 4603

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON JUNE 6, 1978 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY MEASURES CONCERNING A REVISED CHARTER AND CONSOLIDATING SAID ELECTION WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON SAID DATE

The City Council of the City of Huntington Beach does hereby resolve, declare, determine and order as follows:

SECTION 1. That a special election be held and the same is hereby called to be held in said city on June 6, 1978, for the purpose of submitting to the qualified voters of said city a proposition to appear on the ballot as follows:

Rest of page not used.

MEASURES SUBMITTED TO VOTE OF VOTERS

PROPOSED CHARTER AMENDMENTS

A	Shall the existing charter, with the exception of the provisions mentioned in Propositions B through F on this ballot, of the City of Huntington Beach be repealed and in place thereof shall the proposed charter provisions approved by the City Council on January 30, 1978, be adopted?	YES		
		NO		

B	Shall Section 500 of the existing city charter be amended to provide that no person shall be elected to the Council for more than two consecutive terms?	YES		
		NO		

C	Shall Section 502 of the existing city charter be amended to provide that the compensation for the Mayor and the City Council members be set in accordance with a sliding scale based upon the population of the city so that compensation may vary from a minimum of \$400 per month to a maximum of \$600 per month, and further providing for reimbursement of certain specified expenses in addition to such monthly compensation?	YES		
		NO		

D	Shall Sections 500 and 703 of the existing city charter, which now provide for the election of the City Attorney by the qualified voters of	YES		
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the city at large, be amended to provide that the City Attorney be appointed by the City Administrator with the approval of the City Council?	NO		
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E	Shall Sections 500 and 704 of the existing city charter, which now provide for the election of the City Clerk by the qualified voters of the city at large, be amended to provide that the City Clerk be appointed by the City Administrator with the approval of the City Council?	YES		
		NO		

F	Shall Sections 500 and 705 of the existing city charter, which now provide for the election of the City Treasurer by the qualified voters of the city at large, be amended to provide that the City Treasurer be appointed by the City Administrator with the approval of the City Council?	YES		
		NO		

additional notice of said election in time, form and manner as required by law.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution; shall enter the same in the book of original resolutions of said city; and shall make a minute passage and adoption thereof in the records of the proceedings of the City Council of said city, in the minutes of the meeting at which the same is passed and adopted.

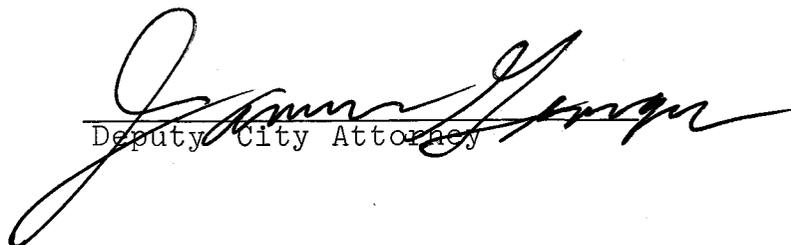
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at an adjourned regular meeting held on the 13th day of March, 1978.

  
\_\_\_\_\_  
Mayor Pro Tempore

ATTEST:

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

APPROVED AS TO FORM:

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

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Asst. City Administrator

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, ALICIA M. WENTWORTH, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council at a regular adjourned meeting thereof held on the 13th day of March, 19 78, by the following vote:

AYES: Councilmen:  
Bartlett, Coen, Gibbs, Shenkman

NOES: Councilmen:  
Siebert

ABSENT: Councilmen:  
Wieder, Pattinson

*Alicia M. Wentworth*

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **06/06/1978 Ballot Arguments**

## ARGUMENT IN FAVOR OF PROPOSITION F

As part of our report to the City Council, the Charter Revision Committee recommended that the City Charter be amended to increase the monthly compensation of Members of the City Council from \$175.00 to \$400.00 and to eliminate the past practice of fixed monthly expense repayments of \$125.00 per month which was established by Ordinance. Our committee felt that an increase in the compensation was warranted by (1) the increase in the time now required by the work of the members of the city council, and (2) a 92.3% increase in the cost of living since the charter provision on compensation was last amended in 1966. The city has grown from a population of 40,000 to over 160,000 today. The council members are now virtually required by their workload to function in the same manner as a board of directors would manage a large corporation, with a \$53,000,000 budget, 2,171 employees and administering a substantial number of projects funded by Federal, State and other governmental agencies.

In order to provide that the council member's compensation could be increased as the duties and demands of the position increase, our Committee felt that tying the compensation to the increase in population size was a good compromise between unlimited authority to set salaries by the council itself and a fixed salary too low to attract qualified candidates for the council.

Our Committee believed the council members should be reimbursed for their legitimate out-of-pocket expenses incurred while on city business. The amendment would permit reimbursement for actual expenditures upon presentation of the appropriate vouchers.

The Charter Revision Committee recommends a "Yes" vote on Proposition F.

HAROLD S. BAUMAN  
Chairman, Charter Revision Committee

## ARGUMENT AGAINST PROPOSITION F

(None Filed)

## PROPOSITION G

Section 500. CITY COUNCIL, ATTORNEYCLERK AND TREASURER. TERMS. The elective officers of the City shall consist of a City Council of seven members, a City Clerk, and 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 five 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, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

Subject to the provisions of this Charter, the City Clerk, and 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. A City Clerk and City Treasurer shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. ~~A City Attorney shall be elected in April, 1966, and each fourth year thereafter.~~

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

Section 703-1. CITY ATTORNEY. There shall be a City Attorney appointed by the City Administrator with the approval of the City Council.

Section 703-2. CITY ATTORNEY. POWERS AND DUTIES. ~~To become and remain eligible for City Attorney the person elected or appointed shall be an attorney at law, duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law in this State for at least three years prior to his election or appointment.~~ The City Attorney shall have the ~~power~~responsibility 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;
- (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 city employment or by reason of official capacity;
- (d) Attend all regular meetings of the City Council, unless excused, and give 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 the form of all contracts made by and all bonds and insurance given to the City, endorsing approval thereon in writing;
- (f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto;
- (g) Devote such time to the duties of the 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;
- (i) Surrender ~~to his successor~~ all books, papers, files, and documents pertaining to the City's affairs to a duly qualified successor.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
OF PROPOSITION G**

The existing City Charter provides for the election of the City Attorney by the qualified voters of the City at large. The proposed amendment would provide for the appointment of the City Attorney by the City Administrator with the approval of the City Council.

<b>G</b>	Shall Sections 500 and 703 of the existing city charter, which now provide for the election of the City Attorney by the qualified voters of the city at large, be amended to provide that the City Attorney be appointed by the City Administrator with the approval of the City Council?	<b>YES</b>	
		<b>NO</b>	

## ARGUMENT IN FAVOR OF PROPOSITION G

Efficient government requires a YES vote on Proposition G. The City Charter should be amended to provide for the appointment, rather than the election, of the City Attorney to ensure that the most highly qualified applicant gets the job.

The City of Huntington Beach has a council-administrator form of government. This system combines the political leadership of elected officials in the City Council with the managerial experience of the City Administrator. The Council sets policy and hires the Administrator and supervises his performance; the Administrator recruits and hires the City's staff, and carries out the Council's policies.

The City Attorney is a department head responsible for giving legal advice to the City Administrator and City Council; this position should, therefore, be appointed by the City Administrator with Council approval, through merit system procedures (advertising, applications, interviews) as are other department heads. The City Attorney is not a policy making position and should not be an elected official. Only through the appointment procedure can the City be assured of having a competent legal advisor. The vast majority of City Attorneys in California are appointed; Huntington Beach is one of the few cities left in California to have this outdated elective office.

An election does not measure an attorney's technical knowledge or competence; it only measures his ability to run a successful campaign. In addition, an election gives the incumbent four years of "tenure" in which he cannot be dismissed for incompetence, as can other appointed employees when cause is shown.

In conclusion, it is in the best interests of the taxpayers of Huntington Beach to vote YES on Proposition G so that the most highly qualified attorney will be giving legal advice to your government officials.

City Council:

ALVIN M. COEN  
TED W. BARTLETT

RON SHENKMAN  
NORMA BRANDEL GIBBS

## REBUTTAL TO ARGUMENT AGAINST PROPOSITION G

Proposition G: City Attorney

The City Attorney is NOT a "watchdog." His purpose is to provide legal advice to your City officials. You elect the City Council to represent you and be the "watchdog" of governmental affairs, not the City Attorney.

It is impossible for a City Attorney to be a "rubber stamp." He cannot be told to write a legal opinion supporting a particular point of view; the law and legal precedents are fact and cannot be changed. The Council does not want a biased report when it requests a legal opinion; the Council wants the truth so the City will not end up in court with costly lawsuits.

The Council does NOT want a "yes man" as City Attorney. The Council only wants to ensure that the Attorney will be capable of giving good, sound, correct legal advice to the Council and staff.

All City offices are open to the public, whether the department head is appointed or elected. The City Council wants it that way and State law requires that it be that way.

Of the 417 incorporated cities in California, less than 10 still have elected City Attorneys. Let's modernize our City and make sure we have an expert City Attorney. Vote YES on Proposition G.

Councilman ALVIN M. COEN  
Councilman TED W. BARTLETT  
Councilman RON SHENKMAN  
Councilwoman NORMA BRANDEL GIBBS

## ARGUMENT AGAINST PROPOSITION G

\*This proposition was soundly trounced at the polls FOUR times because you knew it was bad. Why is the city council trying again?

\*You have the RIGHT to elect your City Attorney. An elected City Attorney is responsible to the people, but if the city council is allowed to appoint its own "yes man" or "yes woman," it would disrupt our American system of checks and balances, and invite abuse of power.

\*The City Attorney is the WATCHDOG. Is it reasonable to have the watchdog controlled by those he is watching?

\*Do you want another bureaucrat? An elected City Attorney is responsible and responsive to you, the electorate. An appointed City Attorney becomes a bureaucrat, loyal and responsible to the city council. He becomes a RUBBER STAMP for the council. Is that what you want?

\*The City Attorney must be INDEPENDENT in order to give OBJECTIVE legal advice to the council. If he is the PUPPET of the council, he may only give the advice the council wants to hear. And that may NOT be in the peoples' best interest!

\*An elected City Attorney keeps an OPEN OFFICE. He is always concerned with your inquiries and problems. His door will always be open to you. If the City Attorney is an appointed bureaucrat, he will not have time for you.

\*The city council wants a CLOSED city hall. It wants CONTROL of the City Attorney as well as the City Treasurer and City Clerk you now have.

VOTE NO TO THIS FIFTH ATTEMPT TO REMOVE YOUR RIGHT TO VOTE FOR A RESPONSIVE CITY ATTORNEY.

KEEP THE HUNTINGTON BEACH OFFICE OF CITY ATTORNEY ELECTIVE.

VOTE NO ON PROPOSITION G.

COMMITTEE TO PRESERVE AND  
PROTECT ELECTED GOVERNMENT

WARREN G. HALL  
ROBERT L. SMITH  
DECATUR DILDAY  
MARY ARLEEN MATHEIS  
DON P. BONFA

## REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION G

DON'T BE DECEIVED.

VOTE "NO" ON PROPOSITION G.

Eighteen months ago, the City Council appointed seven men and women, all volunteers, to a Charter Revision Committee. The Committee was charged with the responsibility of drafting a new Charter which would be submitted to the voters for adoption.

The Committee worked diligently for one year. They studied the elected versus appointed City Attorney issue in depth and their final recommendation was to retain the City Attorney as an elected official. The Committee's reasons were:

1. To guarantee the independence and objectivity of the City Attorney;
2. Because they understood the need for the City Attorney to act as a check and balance to the City Council as a means of protecting the rights of the people; and
3. To preserve an independent voice in the city hall who could stand up for the people against possible arbitrary and illegal actions of the City Council.

When the Committee's recommendations came before the Council, it took the Council thirty seconds to reject the Committee's proposal.

Why??

Because the City Council wants to control the City Attorney and make him their "rubber stamp." If this happens, you will lose the protection you now have by an independent and uncontrolled City Attorney, and you will have gained another appointed bureaucrat.

DON'T BE DECEIVED.

VOTE "NO" ON PROPOSITION G.

COMMITTEE TO PRESERVE AND  
PROTECT ELECTED GOVERNMENT

ROBERT L. SMITH  
MARY AILEEN MATHEIS  
WARREN G. HALL  
DECATUR DILDAY  
DON P. BONFA

## PROPOSITION H

Section 500. 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~~ 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 five 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, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

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. A ~~City Clerk~~ City Treasurer shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 1966, and each fourth year thereafter.

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

Section 704-1. CITY CLERK. There shall be a City Clerk appointed by the City Administrator with the approval of the City Council.

Section 704-2. CITY CLERK. POWERS AND DUTIES. The City Clerk shall have the power and shall be required to:

(a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate title and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Maintain separate records of all written contracts and official bonds;

(d) Keep all books and records ~~in his possession~~ properly indexed and open to public inspection when not in actual use;

(e) Be the custodian of the Seal of the City;

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(g) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of city taxes by county officers, or unless the City Council by ordinance provides otherwise;

(h) ~~Have charge~~ Be responsible for the conduct of all city elections;

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

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

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
OF PROPOSITION H**

The existing City Charter provides for the election of the City Clerk by the qualified voters of the City at large. The proposed amendment would provide for the appointment of the City Clerk by the City Administrator with the approval of the City Council.

<b>H</b> Shall Sections 500 and 704 of the existing city charter, which now provide for the election of the City Clerk by the qualified voters of the city at large, be amended to provide that the City Clerk be appointed by the City Administrator with the approval of the City Council?	<b>YES</b>	
	<b>NO</b>	

**ARGUMENT IN FAVOR OF PROPOSITION H**

Again, the best way to ensure that a competent individual holds the position is to vote YES on Proposition H which would require that the City Clerk be appointed rather than elected.

The City Clerk is responsible for maintaining the official records of the City and is not in a policy making position. As a department head, the City Clerk should be appointed by the City Administrator with Council approval, through merit system procedures (advertising, applications, interviews) as are other department heads. Only through the appointment procedure can the City be assured of having a competent City Clerk.

The current City Clerk supports the change from elected to appointed because she feels a state wide search for the most highly qualified candidate is the only efficient way of ensuring that the position is filled by a competent, experienced individual. When the position is filled by election, "applicants" are limited to registered voters in Huntington Beach, very few of whom have any experience in this field. An elected City Clerk who is not able to handle the job cannot be dismissed, as can other City employees.

The creation and maintenance of public records would be handled no differently under an appointed clerk, but Huntington Beach residents would be assured that a competent City Clerk would be in charge. More than two-thirds of the City Clerks in Orange County are appointed officials.

In addition, by State law the City Clerk is responsible for conducting elections, and it puts the incumbent Clerk in a somewhat awkward position to be managing the election and running for office at the same time.

If you want to make sure that the records of the City are maintained properly and that elections are run properly, vote YES on Proposition H.

City Council:

ALVIN M COEN  
TED W. BARTLETT

RON SHENKMAN  
NORMA BRANDEL GIBBS

## ARGUMENT AGAINST PROPOSITION H

The City Clerk must remain elected.

For the fourth time in ten years you, the people, are being asked to make your City Clerk just another bureaucrat.

It has been turned down by you voters the previous three times and we think you should make it four times.

Why should you turn it down the fourth time?

1. Your elected City Clerk knows who the boss is and knows that information in that office must be readily available to you the public — NO SECRETS OR "LOST" INFORMATION.
2. Your elected City Clerk will always run an open, efficient office and conduct elections on a straight forward basis, impervious to council or administration pressures.
3. Your elected City Clerk must come to you every four years for reelection. An appointed Clerk is a lifetime bureaucrat.

The really big question here is why the administrators and city councils keep on trying to get the Clerk made appointive and erode away your precious few remaining elective officials still responsive only to the people. They want the last measure of control left to you — the elected Clerk, Attorney and Treasurer.

For the fourth time in ten years, say NO to this attempt to make the Clerk's office appointed.

VOTE NO ON CHARTER AMENDMENT PROPOSITION H.

COMMITTEE TO PRESERVE AND  
PROTECT ELECTED GOVERNMENT  
WARREN G. HALL  
ROBERT L. SMITH  
DECATUR DILDAY  
MARY ARLEEN MATHEIS  
DON P. BONFA

## PROPOSITION J

Section 500. CITY COUNCIL, ATTORNEY, AND 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 five 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, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

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. A City Clerk ~~and City Treasurer~~ shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 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 his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 705-1. CITY TREASURER. There shall be a City Treasurer appointed by the City Administrator with the approval of the City Council.

Section 705-2. **CITY TREASURER. POWERS AND DUTIES.** The City Treasurer shall have the ~~power~~responsibility 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 Government, 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 his the City Treasurer's 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 Administrator, be selected by the bidding process 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;~~

(b) Countersign all city checks;

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

(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 Administrator and City Council.~~

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

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

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
OF PROPOSITION J**

The existing City Charter provides for the election of the City Treasurer by the qualified voters of the City at large. The proposed amendment would provide for the appointment of the City Treasurer by the City Administrator with the approval of the City Council.

J	Shall Sections 500 and 705 of the existing city charter, which now provide for the election of the City Treasurer by the qualified voters of the city at large, be amended to provide that the City Treasurer be appointed by the City Administrator with the approval of the City Council?	YES	
		NO	

## ARGUMENT IN FAVOR OF PROPOSITION J

Our Council-Administrator plan of government provides that Council members shall be elected to represent the public and make policy while the City Administrator hires staff and carries out the Council's policies. Since the City Treasurer is not a policy-making position, a YES vote on Proposition J will ensure that the position of City Treasurer be filled by appointment of the most highly qualified candidate. Appointment to the position will be made by the City Administrator with Council approval, through merit system procedures (advertising, applications, interviews) as are other department heads. Only through the appointment procedure can the City of Huntington Beach be assured of having a competent City Treasurer.

The current City Treasurer is highly qualified for the position, but the possibility exists that a person could be elected to the office with little or no knowledge of financial matters. An elected City Treasurer has "tenure" for four years and cannot be dismissed for incompetence. By providing that the Treasurer be appointed as other department heads are, we can be assured that the position will be filled by a person with expertise in this field.

One of the reasons for having a City Treasurer is to make sure there is a system of checks and balances. This system will still exist if the office is made appointive. Many City Treasurers in the State are appointed and they are just as effective in being a "watchdog" of City finances. In many cases, appointed Treasurers are probably more effective because the person filling the position has been chosen through merit system procedures and has the necessary expertise.

In keeping with the policy that all department heads should be appointed to ensure that a well qualified person holds the position, we urge a YES vote on Proposition J.

City Council:

ALVIN M COEN  
TED W. BARTLETT

RON SHENKMAN  
NORMA BRANDEL GIBBS

## ARGUMENT AGAINST PROPOSITON J

### The Treasurer must remain elected.

This is the fourth time in the past ten years that you, the people, have been asked to make your City Treasurer just another appointed bureaucrat. You have already turned it down the previous three times.

Why do we ask you to turn it down again?

1. Your elected Treasurer knows he has to work for your interest — reviewing expenditures and earning maximum interest with your money.
2. Your elected Treasurer will always be responsive to your inquiries and problems within the city.
3. Your elected Treasurer will enforce the rules as he knows he must be accountable to you every four years.

NOTE: The big question here is why the administrations and city councils continue to try to get you to erode and give away some of the few remaining responsive elected officials you still have in your city. They want the control of the Treasurer as well as the City Clerk and City Attorney that you now have.

Vote NO to this fourth attempt to remove your right to vote for a responsive City Treasurer.

An elected official is responsive to you — an appointed official must answer only to the city council and to council-appointed administration.

Keep the Huntington Beach City Treasurer elective. Vote No on Charter Amendment Proposition J.

COMMITTEE TO PRESERVE AND  
PROTECT ELECTED GOVERNMENT  
DON P. BONFA  
WARREN G. HALL  
ROBERT L. SMITH  
DECATUR DILDAY  
MARY ARLEEN MATHEIS

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **11/06/1984 Ballot Arguments**

**E** Shall existing City Charter Section 310 be repealed, and Sections 300 and 403, which provide for an elected City Clerk, be amended to permit the appointment of the City Clerk by the City Administrator, subject to approval of the City Council, with duties and powers prescribed by ordinance?

<b>YES</b>	
<b>NO</b>	

**MEASURE E**  
**PROPOSED CHARTER AMENDMENT**

The Charter of the City of Huntington Beach is hereby amended by repealing section 310, and amending sections 300 and 403 to read as follows:

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 five 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, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 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.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

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. A ~~City Clerk~~ and City Treasurer shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 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 his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 3 ~~CITY CLERK, POWERS AND DUTIES~~ The City clerk shall have the power and shall be required to:

(a) ~~Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose.~~

(b) ~~Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.~~

(c) ~~Maintain separate records of all written contracts and official bonds.~~

(d) ~~Keep all books and records in his possession properly indexed and open to public inspection when not in actual use.~~

(e) ~~Be the custodian of the seal of the City.~~

(f) ~~Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.~~

(g) ~~Be ex officio Assessor, unless the City Council, has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.~~

(h) ~~Have charge of all City elections.~~

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

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

Section 403. PERSONNEL. In addition to the City Council, a City Clerk, a City Treasurer, a City Attorney and City Administrator, the officers and employees of the City shall consist of such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution. The City Council shall establish such reasonable compensation and fringe benefits as are appropriate by ordinance or resolution for such officers, officials and employees except as herein provided.

The City Council shall maintain by ordinance a comprehensive personnel system for the City. The City Administrator, Assistant City Administrator and any officers designated as elective by the Charter shall be exempt. The system shall consist of the establishment of minimum standards of employment and qualifications for the various classes of employment and procedures to be followed in advancement, demotion, suspension and discharge of employees included within the system, as the City Council shall determine to be for the best interest of the public service. The ordinance shall designate the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of appointive officers and employees included within the system, provided, however, that once included within the system, no officer or employee shall be withdrawn therefrom (unless the office or position is actually abolished or eliminated) without the approval of such withdrawal at a regular or special election by a majority of the voters voting on such proposition. The system shall comply with all other provisions of this Charter.

**CITY ATTORNEY'S IMPARTIAL  
ANALYSIS OF MEASURE E**

The existing City Charter provides for the election of the City Clerk by the qualified voters of the City at large. The proposed amendment would provide for the appointment of the City Clerk by the City Administrator with the approval of the City Council with duties and powers prescribed by ordinance.

## GUMENT IN FAVOR OF MEASURE E

The City Clerk's position has been an elected position since we were a small beach community. Since the early part of this century, business affairs have become vastly more technical and complicated. Today, the Clerk must be professionally competent in order to serve the public satisfactorily.

The City Clerk's position is responsible for keeping official records; this includes records of City Council actions, ordinances, resolutions, and official minutes. This position serves the City Council who is elected by you. The responsibility of the Clerk is clerical in nature. It is important that the Clerk be a true professional with proper skills in the area of record retention and retrieval. To ensure that the residents' expectations for excellence are achieved, it is imperative that the individual who holds the position possesses those skills and knowledge to do the job. Continuing the practice of an elected official could shortchange the citizenry by electing someone who may not have the proper qualifications or skills. Once elected into the position an individual can rest easy knowing that their next evaluation is four years away at the next election. In the meantime, the City Clerk could easily run a poor or mediocre operation being responsible to no one. Elections are costly and raising political war chests should not be a Clerk's duty!

An appointed Clerk enables the City Council and Administrator to test for professional and skilled management in the Clerk's operation. An appointed Clerk is subject to evaluation and scrutiny by the City Administrator and the City Council on a regular basis.

Let's bring Huntington Beach into the 1980's by voting for an appointed City Clerk position based upon sound business-like practices and demand that the individual possesses the necessary skills to do the job. Vote yes!

DON MacALLISTER  
Councilman  
City of Huntington Beach

## **REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE E**

The public has always voted to keep the City Clerk elected. The fact that only nine City Clerk's have been elected in 75 years says a lot for the elected profession.

In the State of California, 50% of the 426 City Clerks are elected, including cities both large and small.

In keeping your City clerk elected, the City clerk is first obligated to the public and acts to maintain proper integrity in keeping records available.

A City Clerk in Huntington Beach has never been elected by having to raise political war chests, but on merit alone.

By having well trained personnel in the City Clerk's Office, the electorate is assured that qualified persons are capable of fulfilling the City Clerk's responsibilities as set forth in the City Charter.

Protect your right to elect your City Clerk.

Vote NO on Measure E.

**ALICIA M. WENTWORTH**  
City Clerk

## **ARGUMENT AGAINST MEASURE E**

The City Clerk in Huntington Beach has been an elected position since the incorporation of the City of 1909. In 75 years, there have been a total of 9 City Clerks.

The measure has been put on the ballot to be made appointive not less than four times in the past years and soundly voted down each time by the electorate.

The one conflict that formerly existed is that of conducting the elections which has been eliminated by the electorates' vote to consolidate with the County in November of even numbered years. The County voting precincts are used and tabulation is conducted and certified by the County.

Your Elected City Clerk is responsible for maintaining the official records of the City and is not in a policy making position. The creation and maintenance of public records would be handled by your Elected City Clerk and Huntington Beach residents would be assured that a competent City Clerk would be in charge.

Your Elected City Clerk will always run an open, efficient office on a straight forward basis, impervious to internal pressures.

Your Elected City clerk must come to you every four years for reelection. The information in the City Clerk's Office must be readily available to you — The Voting Public.

**VOTE NO ON MEASURE E**

**ALICIA M. WENTWORTH**  
Your City Clerk with  
23 years Experience

Shall existing City Charter Section 311 be repealed, and Sections 300 and 403, which provide for an elected City Treasurer, be amended to permit the appointment of the City Treasurer by the City Administrator, subject to approval of the City Council, with duties and powers prescribed by ordinance?

**YES**

**NO**

**MEASURE F  
PROPOSED CHARTER AMENDMENT**

The Charter of the City of Huntington Beach is hereby amended by repealing Section 311, and amending Sections 300 and 403 to read as follows:

**Section 300. CITY COUNCIL, ATTORNEY, AND 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 five 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, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 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.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City council for the remainder of the terms expiring in April, 1970.

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. A City Clerk ~~and City Treasurer~~ shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 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 his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Sect. 311. City Treasurer, Powers and duties. 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 his 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 Administrator, 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.

(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 Administrator and City Council.

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

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

SECTION 403. PERSONNEL. In addition to the City Council, a City Clerk, a City Treasurer, a City Attorney and City Administrator, the officers and employees of the City shall consist of such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution. The City Council shall establish such reasonable compensation and fringe benefits as are appropriate by ordinance or resolution for such offices, officials and employees except as herein provided.

The City Council shall maintain by ordinance a comprehensive personnel system for the City. The City Administrator, Assistant City Administrator and any officers designated as elective by the Charter shall be exempt. The system shall consist of the establishment of minimum standards of employment and qualifications for the various classes of employment and procedures to be followed in advancement, demotion, suspension and discharge of employees included within the system, as the City Council shall determine to be for the best interest of the

public service. Tordinance shall designate the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of appointive officers and employees included within the system, provided, however, that once included within the system, no officer or employee shall be withdrawn therefrom (unless the office or position is actually abolished or eliminated) without the approval of such withdrawal at a regular or special election by a majority of the voters voting on such proposition. The system shall comply with all other provisions of this Charter.

**CITY ATTORNEY'S IMPARTIAL  
ANALYSIS OF MEASURE F**

The existing City Charter provides for the election of the City Treasurer by the qualified voters of the City at large. The proposed amendment would provide for the appointment of the City Treasurer by the City Administrator with the approval of the City Council with duties and powers prescribed by ordinance.

## ARGUMENT IN FAVOR OF MEASURE F

The elected City Treasurer's position is a holdover from the days when our city was a much smaller and less complex beach community. Today, we are the 10th largest California city with annual revenues which run into \$10's of millions. Technology has had major impacts. It is the responsibility of the Treasurer to invest public monies to yield the highest return on our tax dollars. Investment practices in the public sector are complex and important. Such responsibility needs to be entrusted to a person knowledgeable and experienced in fiscal affairs and not left to someone who, by chance, may get elected. He should not be obligated to anyone except the public. Elections cost money, and this position should be free of such obligations. Spokespersons for keeping the position elected may say that not having an elected Treasurer would remove the control of the public. Don't be fooled! This is definitely not the case. The voters do have direct control of the municipal government through their City Council who have the responsibility to ensure that community affairs are managed properly. The City Council is ultimately responsible to see that individuals are employed who possess the professional knowledge and experience necessary to manage the investments of the city for the public and not for anyone's individual political whims which could cost the city millions. The question that must be asked is, "Do we take the risk of electing someone with little experience and training to be responsible for investing our tax dollars?" Other department heads are appointed, and our city operates professionally and business like. I urge each voter to seriously consider making the Treasurer's position an appointed position responsible to the City Administrator and to your elected City Council. Protect the taxpayers' monies. Vote yes!

DON MacALLISTER  
Councilman  
City of Huntington Beach

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE F

The election of Public Fund Treasurers works in California.

Huntington Beach is in good company.

The Treasurer of California is elected.

The Treasurer of San Francisco is Elected.

The Treasurer of Orange County is Elected.

The Treasurers of 112 California cities are Elected, including:

Alameda

Baldwin Park

Burbank

Corona

Glendale

Huntington Beach

Inglewood

National City

Orange

Oxnard

San Bernardino

West Covina

and 100 more.

Earlier this year the Treasurer of San Jose lost approximately \$170,000,000 by gambling in the Bond Futures Market. He was appointed and was fired along with the Finance Director and Deputy City Administrator and there are threats of recall against the City Council. City Council control doesn't always work, even when they are full time, let alone just meeting two night a month.

Vote NO and keep Huntington Beach's Treasurer elected.

WARREN HALL  
City Treasurer

**ARGUMENT AGAINST MEASURE F**

You the people want your City Treasurer elected.

This is the 5th time in the past 16 years that you the voters have been asked to make the City Treasurer appointive, not elected.

You are asked to turn it down again as you have 4 times before.

Why?

Your elected City Treasurer knows he has to work for your interest, reviewing expenditures and earning maximum interest with your available tax funds.

Your elected City Treasurer is responsive to your inquiries and problems with the City.

Your elected City Treasurer enforces the rules, because he must face you for re-election every 4 years, instead of having a "lifetime, safe job."

A question for you to answer for yourself; why do the City Councils and City Administrators continuously try to get you to eliminate the elected City Treasurer position?

Vote "NO" on this fifth attempt to remove your right to vote for a responsive elected City Treasurer.

**WARREN G. HALL**  
Your Responsive City Treasurer  
for over 16 years

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **03/26/1996 Ballot Arguments**

# SAMPLE BALLOT

**E**

## OFFICIAL BALLOT

NONPARTISAN BALLOT  
**COUNTY OF ORANGE**

March 26, 1996

This ballot stub shall be torn off by precinct board member and handed to the voter.

### MEASURES SUBMITTED TO VOTE OF VOTERS

#### STATE

**202** **ATTORNEYS' CONTINGENT FEES. LIMITS. INITIATIVE STATUTE.** Limits plaintiff's contingency fee arrangements in tort cases. Requires demand be made against defendants and permits prompt settlement offer response. If accepted, limits fees to 15% of offer. If not accepted, larger fees can be collected only on amounts in excess of prompt settlement offer. Fiscal Impact: Unknown net fiscal impact on state and local governments.

Yes	+
No	+

**203** **PUBLIC EDUCATION FACILITIES BOND ACT OF 1996.** This three billion dollar school construction bond would help upgrade and construct classrooms, libraries, and other needed facilities in California's public schools, community colleges, and state universities. Funds will be used to make current classrooms safer in the event of earthquakes, equip classrooms for the computer technology of the 21st century, reduce class size and meet enrollment growth. These bonds may be used only for approved school construction projects.

Yes	+
No	+

#### COUNTY OF ORANGE

**S** **INITIATIVE TO AMEND GENERAL PLAN: MARINE CORPS AIR STATION EL TORO.** Shall the initiative measure entitled 'The El Toro Responsible Economic Development Initiative,' which would repeal Measure A, abolish the El Toro Airport Citizens Advisory Commission, and which states the highest and best civilian use for Marine Corps Air Station El Toro is not a civilian airport, be approved?

Yes	+
No	+

**T** **MEASURE TO ADOPT ORANGE COUNTY PROPOSED CHARTER.** Shall the measure entitled 'Orange County Proposed Charter' which would result in Orange County becoming a charter county be adopted?

Yes	+
No	+

**U** **MEASURE TO AMEND THE ORANGE COUNTY PROPOSED CHARTER TO INCREASE MEMBERS OF BOARD OF SUPERVISORS FROM FIVE TO NINE.** Shall the measure entitled 'Proposed Amendment To Orange County Proposed Charter To Increase Members of Board of Supervisors From Five To Nine' be adopted?

Yes	+
No	+

30-E801

**E**

VOTE BOTH SIDES

I HAVE VOTED—HAVE YOU?

### CITY OF HUNTINGTON BEACH

**EE** Shall proposed Charter Amendment No. 1, amending Sections 300 and 311 of the Charter of the City of Huntington Beach changing the City Treasurer from an elective office to a position screened by a citizens' committee and appointed by the City Administrator with the approval of the City Council, be approved?

Yes	+
No	+

**FF** Shall proposed Charter Amendment No. 2, amending Sections 300 and 309 of the Charter of the City of Huntington Beach changing the City Attorney from an elective office to a position screened by a citizens' committee and appointed by the City Administrator with the approval of the City Council, be approved?

Yes	+
No	+

**GG** **ADVISORY VOTE ONLY.** Should City of Huntington Beach acquire, develop, improve, maintain sports fields for soccer, football, softball, baseball, and other sports; replace restrooms, bicycle/pedestrian trails, lighting, and showers on city beach; acquire senior center site; develop swim complex; and improve neighborhood parks and tot lots by establishing a citywide assessment district not to exceed thirty years or a cost of: \$12 annually per mobile home unit; \$24 annually per apartment unit; \$36 annually per residential, commercial and industrial unit?

Yes	+
No	+

30-E806

**E**

VOTE BOTH SIDES



FULL TEXT OF MEASURE EE  
CITY OF HUNTINGTON BEACH

PROPOSED CHARTER AMENDMENT NO. 1

Section 300 of the Charter of the City of Huntington Beach is hereby amended to read as follows:

Section 300. CITY COUNCIL, ATTORNEY, AND 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. A 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 his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 311 of the Charter of the City of Huntington Beach is hereby amended to read as follows:

Section 311. CITY TREASURER. POWERS AND DUTIES. **The City Treasurer shall be appointed or removed by the City Administrator, with the approval of the City Council, pursuant to Section 401(a) of the City Charter.** 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 his or her 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 Administrator, 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.
- (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 Administrator and City Council.
- (e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

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

The minimum qualifications for the position of City Treasurer shall be a combination of education and experience in an area relative to fiscal management: **to include the following:**

1. **Bachelor's degree in Business Administration, Accounting, Public Administration, or a related field;**

2. **Six years professional experience in government or private sector financial management, to include responsibility for the investment and protection of funds;**
3. **Extensive management experience in making the receipt, disbursement, banking, protection and custody of funds, securities and financial investments.**

The selection process for the City Treasurer shall include the following:

Applicants for City Treasurer shall be reviewed by a screening committee at least one half of which shall be made up of citizens who are registered voters in the City of Huntington Beach and the balance of the committee shall be persons with current municipal investment experience.

The City Administrator shall appoint the Treasurer from candidates recommended by the screening committee, subject to approval by a majority vote of the City Council.



**IMPARTIAL ANALYSIS BY CITY ATTORNEY  
MEASURE EE**

If adopted by a majority of the voters voting in the election, this measure would amend the Huntington Beach City Charter to provide for the appointment of the City Treasurer, rather than for his or her election, as is the current practice.

The measure would, if adopted, provide for the appointment of the Treasurer by the City Administrator, after applicants for the position are screened by a committee, at least half of which are registered voters of the City of Huntington Beach, with the remaining members being persons with current municipal investment experience. The City Administrator would be required to appoint the Treasurer from candidates recommended by the screening committee. The appointment is subject to approval by a majority of the members of the full City Council.

Similarly, the Treasurer could be removed by the City Administrator with the approval of a majority of the City Council.

In addition, the measure would, if adopted, add additional qualifications for the City Treasurer. The Charter currently requires a combination of education and experience in an area relative to fiscal management. If adopted the Treasurer would also be required to have a Bachelor's degree in Business Administration, Accounting, Public Administration, or a related field; have six years professional experience in government or private sector financial management, including responsibility for the investment and protection of funds; and extensive management experience in making the receipt, disbursement, banking, protection and custody of funds, securities and financial investments.

If adopted, the appointed City Treasurer would not be required to be an elector and resident of the City of Huntington Beach, as is currently required.

Under the City Charter, the current City Treasurer would serve the remainder of his term, regardless of whether the measure is approved.

**ARGUMENT IN FAVOR OF MEASURE EE**

**As your former elected City Treasurers for the past 27 years, we recommend the position be changed from elected to appointed. The position requires professional, technical and managerial skills that cannot be properly evaluated in the elective process.**

The Orange County bankruptcy highlighted the need for accountability and authority at the executive level. By making the position appointed, the City Administrator will have executive responsibility for this key function, as he does for other key departments.

City government needs to run effectively and efficiently. Departments need to work together as a team, with the City Administrator, to accomplish the goals established by the City Council. This is not the way the City of Huntington Beach is organized. No private sector business would organize this way. To be responsible you must have authority.

Appointment of the City Treasurer would be similar to filling other department head positions. This would include professional recruitment; **screening by a citizens board**; selection by the City Administrator; and approval by the City Council.

A key advantage of this process is that the pool of candidates is expanded nationwide. The screening process can verify that candidates skills and experience are applicable to Huntington Beach.

**The office will continue as a reviewer of financial transactions; collector of funds; and manager of investments. Its independence will remain by charter and by law. Only the selection of Treasurer is being changed.**

Outside auditors, advisory boards, concerned citizens, employees and City Council will review actions and operations for their correctness.

The performance of departments and managers need to be evaluated by someone familiar with the daily operation and work product. This is not easily done by the voters every four years.

**Make government more effective; more efficient; more professional; and more accountable by changing this position from elected to appointed.**

s/ Warren Hall  
Former Treasurer 1968-1987

s/ Don Watson  
Former Treasurer 1987-1995

**NO ARGUMENT AGAINST THIS MEASURE  
WAS SUBMITTED**



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FULL TEXT OF MEASURE FF  
CITY OF HUNTINGTON BEACH

PROPOSED CHARTER AMENDMENT NO. 2

Section 300 of the Charter of the City of Huntington Beach is hereby amended to read as follows:

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, and 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, and 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. A 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, and the City Treasurer and the City Attorney shall commence on the first Monday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 309 of the Charter of the City of Huntington Beach is hereby amended to read as follows:

Section 309. CITY ATTORNEY. POWERS AND DUTIES. **The City Attorney shall be appointed or removed by the City Administrator, with the approval of the City Council, pursuant to Section 401(a) of the City Charter.** To become and remain eligible for City Attorney the person elected or appointed shall be an attorney at law, duly licensed as such under the laws of the State of California, and shall have **six (6) years of increasingly responsible experience in municipal or government law and have been engaged in the practice of law in this State for at least three years prior to his or her 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.
- (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 his employment or by reason of his official capacity.
- (d) Attend all regular meetings of the City Council, unless excused, and give his or her 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 the form of all contracts made by and all bonds and insurance given to the City, endorsing his or her approval thereon in writing.
- (f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.
- (g) Devote such time to the duties of the his 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.
- (i) Surrender to his or her successor all books, papers, files, and documents pertaining to the City's affairs.

**The selection process for the City Attorney shall include the following:**

**Applicants for City Attorney shall be reviewed by a screening committee at least one half of which shall be made up of citizens who are registered voters in the City of Huntington Beach and the balance of the committee shall be persons with current municipal legal experience.**

**The City Administrator shall appoint the City Attorney from candidates reviewed by the screening committee, subject to approval by a majority vote of the City Council.**

Section 2. The City Council hereby finds and determines that although proposed Charter Amendment No. 1 and proposed Charter Amendment No. 2 are to be separately voted upon, and although each amends Section 300 of the Charter of the City of Huntington Beach in a different manner, they are not inconsistent, and should they both be approved by the electors, the proposition with the greater number of affirmative votes shall not supersede the other proposition, but instead Section 300 shall be amended to read as follows:

Section 300. CITY COUNCIL, ATTORNEY, AND CLERK AND TREASURER. TERMS. The elective officers of the City shall consist of a City Council of seven members, and 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 his or her respective terms and the qualification of their his or her successors. A 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, and the City Clerk, the City Treasurer and the City Attorney shall commence on the first Monday following his or her election. Ties in voting among candidates for office shall be settled by the casting of lots.

IMPARTIAL ANALYSIS BY CITY CLERK  
MEASURE FF

The existing City Charter provides that the City Attorney shall be elected by the voters.

The proposed City Charter amendment would change the City Attorney from an elective office to an appointed department head.

The City Attorney would be appointed, promoted, demoted, suspended or removed by the City Administrator. A City Attorney could not be appointed or removed until the City Administrator had first reviewed such appointment or removal with the City Council and had received approval for such appointment or removal by a majority vote of the full City Council.

The proposed City Charter amendment would add a requirement of six years of increasingly responsible experience in municipal or government law.

The proposed City Charter amendment would require that the selection process for City Attorney shall include the provision that applicants for City Attorney shall be reviewed by a screening committee. The proposed amendment does not provide how such members are to be chosen or provide the number of persons who shall serve on such committee. At least one half of the members shall be made up of citizens who are registered voters in the City of Huntington Beach. The balance of the committee shall be persons with current municipal legal experience but need not necessarily be citizens or registered voters in the City of Huntington Beach.

The proposed City Charter amendment would require that the City Administrator shall appoint the City Attorney from candidates reviewed by the screening committee, subject to approval by a majority vote of the full City Council.

The proposed City Charter amendment requires the screening committee to review candidates but does not require the screening committee to make recommendations for the appointment.



**ARGUMENT IN FAVOR OF MEASURE FF**

**THE CITY ATTORNEY OF HUNTINGTON BEACH SHOULD BE APPOINTED RATHER THAN ELECTED.**

Did you know that 407 of 417 California cities appoint rather than elect City Attorneys?

Selection on merit! Accountability! No campaign financing!

**Currently we are unable to select the most qualified person for City Attorney.**

Candidates for elected City Attorney must live in Huntington Beach, greatly limiting selection. An appointed City Attorney could live outside Huntington Beach. Many more qualified candidates will be available from which to choose.

**Neither municipal nor government law experience is a job requirement for an elected City Attorney.**

The minimum experience required is only three years of law practice in California in any field. In contrast, an appointed City Attorney would need six years of increasingly responsible experience in municipal or government law.

**An appointed City Attorney selected by in-depth investigation rather than by special interest campaign financing makes the most sense.**

A screening committee of citizens and experts shall examine the qualifications of each applicant for appointment. The City Administrator with the approval of the City Council will then appoint the City Attorney.

**An elected City Attorney is not accountable to the City Council or City Administrator.**

Lack of accountability fueled Orange County's bankruptcy debacle. You wouldn't manage your own affairs or run your business without accountability. Why run Huntington Beach that way?

**Holding the job of appointed City Attorney will require acceptable job performance.**

Failing that, the City Administrator, with the approval of the City Council, can remove the City Attorney.

**Voters will have control.**

An appointed City Attorney will be accountable to the City Administrator in contrast to being unaccountable to anyone in City government. The City Council appoints and removes the City Administrator. Every two years the voters elect City Council members.

**Vote for higher standards.**

**We need the best. Vote YES.**

The Huntington Beach Good Government Committee

- s/ Tom Livengood, Co-Chair
- s/ Grace Winchell, Co-Chair and Former Mayor
- s/ Alvin Coen, Former Mayor
- s/ Ruth Finley, Former Mayor
- s/ Norma Brandel Gibbs, Former Mayor

**REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE FF**

The proponents of Measure FF have forgotten that it is the voters, not the bureaucrats, who reform government. Your access to City Hall is through the doors of your elected officials. Relinquish your elected City Attorney and you forfeit your access to, and the independence of, your City Attorney.

Every suggestion that the proponents of Measure FF seek to secure could be accomplished without surrendering our elected City Attorney. The City Council has the power to hire outside attorneys for legal work. The City Council has the power to seek a charter amendment to increase the necessary qualifications of any office holder. But most importantly, City Council members have the power, and the duty, to alert the public to perceived problems with any elected official. We who oppose Measure FF remind you that no current elected official is a signatory to ballot arguments in favor of Measure FF.

Appointed City Attorneys and Treasurers have no better track record than elected City Attorneys or Treasurers, they are just more expensive. As the Los Angeles Times recently reported, the appointed Treasurer of L.A. County is being singled out as the "chief architect" of that county's financial woes. Contrary to what the proponents of Measure FF would have you believe, the financial woes of government are not the exclusive domain of elected officials.

The needed re-engineering of our City's bureaucracy does not include relinquishment of your right to vote for crucial city officials. Vote NO on Measure FF.

- s/ Debbie Cook, Save Our Parks
- s/ David P. Garofalo, Councilman, City of Huntington Beach
- s/ Gail Hutton, City Attorney, City of Huntington Beach
- s/ Kathy Van Der Pol, V.P., major local bank
- s/ Dave Sullivan, Mayor, City of Huntington Beach

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## ARGUMENT AGAINST MEASURE FF

There are only three individuals at city hall who offer independent oversight of the activities of BOTH the City Council and the City Administrator: the City Attorney, City Clerk, and City Treasurer. Proposed Measure FF is the sixth attempt to eliminate that oversight by changing the elected City Attorney to an appointed City Attorney. The voters of Huntington Beach have consistently and overwhelmingly voted against appointed cronies.

Proponents of Measure FF confuse the personality of the office holder with the potential of that office. The potential of an elected City Attorney is impartiality and independence, without fear of job retaliation. The potential of an appointed City Attorney is no better than that of a rubber stamp.

The proponents of Measure FF think they are in pursuit of "good government" but are rather in pursuit of easy government. The result would be to silence independent thinking inside city hall thus making it easier to accomplish the agenda of the bureaucrats rather than the agenda of the majority of voters. If the City Attorney is answerable to the bureaucracy, rather than the voter, then legal opinions will be issued with a predetermined bias.

Some of the proponents of this measure want an appointed City Attorney so they can always get the legal opinions that they want.

In 1990, the citizen group "Save Our Parks" led the Measure C Charter Amendment which successfully defended city-owned parks and beaches. Had our City not had an independent City Attorney and City Clerk, the measure would have been blocked through legal maneuvering and the withholding of information.

The dynamic mix of a democratic form of government requires a healthy dose of independence. Keep your independence, vote NO on Measure FF.

s/ Debbie Cook  
Save Our Parks

s/ David P. Garofalo  
Newspaper Publisher  
Huntington Beach City Council Member

s/ Gail Hutton  
City Attorney  
City of Huntington Beach

s/ Kathy Van Der Pol  
Vice President  
Major Local Bank

s/ Dave Sullivan  
Orthodontist  
Mayor  
City of Huntington Beach

## REBUTTAL TO ARGUMENT AGAINST MEASURE FF

The so-called independence of the elected city attorney is a myth. The controlling factor is getting elected and re-elected!

In the devastating Orange County bankruptcy, we saw how integrity and the courage to make difficult decisions can fall victim to the need to get elected.

A position that should be filled by the most qualified person, chosen after a wide search and with thorough assessment and screening, is caught up in the campaign financing and special interests of the political arena. The City Attorney must be free of political pressures, experienced in municipal law, and qualified to manage the Huntington Beach legal department with efficiency and economy.

Because the average voter has little contact with the operation of the Huntington Beach legal department, assessing an incumbent's performance is difficult. Even faced with obvious incompetence, the voters must wait four years for an election or go through the difficult process of recall.

This charter change is directed at future appointments and tightens the selection process by:

- increasing the required years of experience in municipal law
- drawing applicants from a pool of qualified attorneys that is not limited by geographic boundaries
- establishing a citizen review committee

The appointment of the City Attorney must be ratified by a majority vote of the full City Council. YOU elect the City Council.

Campaign signs, expensive mailings and powerful political cronies do not guarantee the best choice. Take politics out of the City Attorney selection. Vote YES for appointment of the most qualified City Attorney.

s/ Ralph Bauer, Councilmember and Retired Businessman  
s/ Tom Livengood, Co-Chairman The Huntington Beach  
Good Government Committee

s/ Steve Gullage, President Huntington Beach  
Mobile Home Owners Association

s/ Shirley S. Dettloff, Councilmember and Small Business Owner  
s/ Mark Porter, Former Planning Commissioner and  
Business Manager



# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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**SUBMITTED TO:** HB Charter Review Commission

**SUBMITTED BY:** Mark D. Bixby, Charter Review Commissioner *MDB*

**SUBJECT:** Amend section 302 (Compensation) regarding compensation of councilmembers.

**Statement of Issue:** Increase transparency and accountability as well as reduce self-interest by making councilmember compensation conform more closely to California Government Code pertaining to general law cities.

**Recommended Action: Motion to:**

Amend Huntington Beach charter section 302 as follows:

~~The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy five Dollars per month. Compensation for the members of the City Council shall be established by ordinance in accordance with provisions of Section 36516 the State of California Government Code as such provisions now exist or may thereafter be amended. Total compensation amounts in effect at the time this charter is adopted shall remain in effect until changed by subsequent ordinance pursuant to this charter section. The mayor shall be paid additional compensation of no greater than thirty-five percent of councilmember compensation. Compensation changes enacted by ordinance shall not apply to councilmembers during their terms of office.~~ In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense accounts therefor. ~~In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amounts shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilmen.~~

**Alternative Action(s):**

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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- Increase or decrease the mayoral compensation differential (35% is the current differential as computed below in the analysis)
- Alter the general law 5% increase limit to be no greater than CPI.
- Remove the grandfather clause and reset total compensation to some new value.
- Use some percentage of household income to automatically index council compensation and/or to set a compensation ceiling.

## Analysis:

Charter section 302 currently provides for a direct councilmember salary of \$175 per month, plus reimbursement for itemized official expenses, plus an expense allowance that is “deemed to be reimbursement to them of other routine and ordinary expenses”. This latter expense allowance does not require itemized reimbursement requests, and is paid unconditionally to councilmembers regardless of their actual expenses. The relevant municipal code section elaborates:

**2.28.010 Expense allowance.** It is deemed reasonable and adequate that in reimbursement of the ordinary and routine expenses, losses and costs imposed upon them by virtue of their serving the city in their official capacity, each Council Member shall receive monthly, during his term of office the sum of \$698 per month, and the mayor shall receive the sum of \$936 per month, such sums to be adjusted annually by the consumer price index for all urban consumers, all items, 1982-84 equals 100, published by the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles/Anaheim/ Riverside Metropolitan Area. Further, such expense allowance need not be accounted for by the recipient.

Depending on the city’s budget situation, the CPI increase isn’t always applied. According to the City Council Member Information Handbook, the expense allowance rates for FY 2008/09 are \$1,354.45 per month for councilmembers and \$1899.49 per month for the mayor. These rates were reduced by 10% in the adopted FY 2009/10 budget, to \$1,219.01 per month for councilmembers and \$1,709.54 for the mayor.

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Given that this expense allowance is paid without regard to actual expenses, it should be considered a second salary. Therefore total councilmember salary is currently \$1,394.01 per month or \$16,728.12 per year, and total mayoral salary is currently \$1,884.54 per month or \$22,614.48 per year. The mayoral total is approximately 35% greater than the councilmember total.

This second salary setup has been in effect at least since the adoption of the 1966 charter (I have not checked farther back than that). The current charter section 302 language survives nearly unchanged (except for pluralizing “amount”) from the city council portion of the corresponding 1966 charter section:

Section 502. Compensation. The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy-Five Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense account therefor. In addition, members shall receive such reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilmen.

The City Clerk and City Treasurer shall each receive a compensation for their services as such to be fixed by ordinance, which compensation for such services shall not be increased or diminished after their election or during their respective terms of office.

The first expense allowance ordinance provided for by the 1966 charter was ordinance 1346 adopted on 09/05/1967 which created a non-itemized expense allowance of \$125 per month for councilmembers and the mayor.

On 06/06/1972, a charter amendment was submitted to the voters to alter councilmember compensation to follow general law, but it went down to crushing defeat by a 3-1 margin:

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 10/06/2009, 10/20/2009

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502. COMPENSATION. Compensation for members of the City Council, City Clerk, and City Treasurer, shall be paid as in general law cities in the State of California in accordance with the provisions of Sections 36515, 36516 and 36517 of the Government Code of the State of California as the same now exist or hereafter may be amended. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense account therefor. In addition, members shall receive such reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilmen.

Ordinance 2079 was adopted on 07/19/1976 which kept the non-itemized expense allowance at \$125 per month, but clarified that additional itemized expense reimbursements were allowed, and provided department head fringe benefits for councilmembers and the mayor.

On 06/06/1978, another charter amendment was submitted to the voters to alter councilmember compensation, but it also went down to defeat, this time by an approximate 3-2 margin (sorry, the detailed charter language eludes me on this one, so the ballot summary will have to do):

Shall Section 502 of the existing city charter be amended to provide that the compensation for the Mayor and the City Council members be set in accordance with a sliding scale based upon the population of the city so that compensation may vary from a minimum of \$400 per month to a maximum of \$600 per month, and further providing for reimbursement of certain specified expenses in addition to such monthly compensation?

Ordinance 2566 was adopted on 07/19/1982 which raised the allowance to \$290 per month for councilmembers and \$390 per month for the mayor, and pegged future increases to 75% of inflation. Note that this was right at the end of the “stagflation” era which featured several years of abnormally high inflation (the highest inflation in the past 50 years).

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

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Ordinance 2997 was adopted on 05/01/1989 and raised the allowance to \$698 per month for councilmembers and \$936 per month for the mayor, and changed the indexing to 100% of inflation as measured by CPI-U for the Los Angeles / Anaheim / Riverside metropolitan area. This was the most recent modification to HBMC 2.28.010.

My survey of the council compensation practices of all California charter cities reveals that the vast majority of such cities rely on general law in whole or in part when setting compensation. 10 cities including Huntington Beach provide for “deemed reimbursement” expense allowances (aka second salaries) established by ordinance, and 8 cities (some of California’s biggest cities) use special commissions to set compensation.

There are a smattering of alternative compensation schemes, ranging from token salaries (\$1 per month by the city of Needles), to nominal salaries of a few hundred dollars per month, to salaries indexed to CPI, to salaries indexed to judges’ salaries. One of the most intriguing alternative schemes is to tie compensation to area household income. Inglewood (Article V, Section 4) reset their councilmember salaries to be no greater than the average household income of Los Angeles County as determined by the U.S. Census. Santa Barbara (Section 502) pegs their councilmember and mayor salaries to 80% and 100% respectively of the annual Area Median Income of Santa Barbara County as determined by the U.S. Department of Housing and Urban Development.

The key elements of general law compensation from Government Code Section 36516 are:

- Population-based compensation ceilings.
- The council may increase compensation beyond these ceilings by submitting a measure to the electors for their approval.
- The council may by ordinance increase compensation beyond these ceilings by not more than 5% per year since the previous adjustment.
- Ordinances that provide for automatic future compensation increases are prohibited.

It is my opinion that Government Code Section 36516 is an improvement over current city practice, and so my recommended action uses Section 36516 as the

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template. However, since our current councilmember compensation is way over the Section 36516 ceiling for our population size, my proposal grandfathers in the current compensation amounts. Given the current state of the economy, plus strong antipathy towards politicians at the national and state levels, I feel that the new charter should not immediately increase councilmember compensation beyond current levels (any such increase could very well turn into a “poison pill” that would cause the new charter to be defeated at the polls). I also feel that a salary decrease is not warranted either, since the city budget has so far managed to avoid staff salary cuts despite a very challenging fiscal environment. So my goal is to stay compensation-neutral.

Following general law on compensation still allows the city council direct control over compensation, as long as the year-to-year increases don't exceed 5%. Anything greater than 5% will require voter approval, which provides for accountability.

My recommended action recognizes the extra responsibilities of the mayor compared to the rest of the council, and allows the current compensation differential to continue.

Self-interest is reduced by preventing compensation increases from taking effect during a councilmember's term. If you are going to vote yourself a compensation increase by ordinance, you won't benefit from it unless you win re-election; this applies to mayoral compensation as well. Note that if the council wishes to increase compensation immediately, such a measure can be put to the electors for approval.

Transparency is increased by doing away with the “deemed reimbursement” expense allowance. As implemented by Huntington Beach and the other cities, these unitemized reimbursements are really nothing more than a loophole to get around charter compensation limits. I would much rather see forthright, upfront discussions about councilmember compensation in Huntington Beach.

One alternative action worth further discussion is whether or not to use some percentage of household income to index council compensation or to set a hard compensation ceiling. Such an index or ceiling would in effect constitute private sector style “pay for performance”. If the council manages the city in such a way that the local economy grows and salaries increase, then the council should deserve

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increased pay for a job well done. On the other hand, if the council makes poor decisions that harm the local economy through impeding economic growth or only growing low-wage service sector jobs, then the council should see their own pay reduced.

Of course, household income is subject to larger economic factors well beyond the council's control, but having council compensation tied to the larger economy would allow the council to demonstrate empathy with city residents who are subject to the same economic forces.

One problem with indexing to household income is the availability of reliable, current data. U.S. Census American Community Survey (ACS) data lags behind by one to two years (2008 is the most recent year that is currently available), and U.S. HUD data does not appear to be collected at the city level for Huntington Beach. So finding up-to-date city-level data may be difficult based on a few hours of web searching that I did. Thus council compensation tied to household income would tend to lag a bit behind the events that impacted household income.

Since the voters have defeated compensation charter amendments twice before, it would be undesirable to have compensation act as a "poison pill" that would prevent adoption of other charter reforms.

Fortunately the historical record provides a solution for avoiding the "poison pill" problem. The 1978 charter revision effort largely revised the entire charter. But in recognition of the controversial nature of several amendments, including council compensation, the ballot for the 06/06/1978 election was very cleverly organized. The main measure on the ballot was for replacing the entire charter except for the controversial sections amended in subsequent measures on the same ballot. This proved to be a wise decision, because the main measure passed to revise nearly the entire charter, and all but one of the controversial auxiliary measures went down to defeat.

I strongly recommend that the commission adopt a similar ballot strategy for any controversial issues if possible.

## **References:**

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

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- Inglewood charter -  
[http://www.cityofinglewood.org/depts/cityclerks/city\\_charter.asp](http://www.cityofinglewood.org/depts/cityclerks/city_charter.asp)
- Santa Barbara charter -  
<http://www.santabarbaraca.gov/Government/Ordinances/Charter/>

## **Attachments:**

- California Government Code Section 36516
- City of Huntington Beach ordinances 1346, 2079, 2566, 2997

# REQUEST FOR CHARTER REVIEW COMMISSION ACTION

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## California Government Code Section 36516

36516. (a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(1) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month;

(2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month;

(3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(5) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

(d) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) to (c), inclusive. For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty

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dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(e) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

(f) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

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## **Huntington Beach Ordinance 1346**

ORDINANCE No. 1346

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH; AMENDING THE HUNTINGTON BEACH ORDINANCE CODE BY ADDING CHAPTER 11, ARTICLE 111 AND SECTION 1111 RELATING TO EXPENSE ALLOWANCE FOR CITY COUNCILMEN.

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

Section 1. That Chapter 11 is hereby added to the Huntington Beach Ordinance Code to read in words and figures as follows:

CHAPTER 11

COUNCIL

Section 2. That Article 111 is hereby added to the Huntington Beach Ordinance Code to read in words and figures as follows:

ARTICLE 111

COMPENSATION

Section 3. That Section 1111 is hereby added to Article 111 of the Huntington Beach Ordinance Code to read in words and figures as follows:

Section 1111. Expense Allowance for City Councilmen. There shall be allowed to each member of the City Council the sum of One Hundred Twenty-five Dollars (\$125.00) per month. Said allowance is authorized to reimburse said members of the City Council for expense of attending meetings, traveling to and from their usual place of business to said meetings, traveling to and from property under consideration for action by the City Council, and all other expenses of their duties as Council-

men. The expense authorized hereunder need not be accounted for by the recipients, but no other expenses shall be allowed except upon specific authorization therefor by the City Council.

Section 4, The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published by one insertion in the Huntington Beach News, a weekly newspaper, printed, published and circulated in the City of Huntington Beach, California, and thirty (30) days after the adoption thereof, the same shall take effect and be in force.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach, at a regular meeting held on the 5th day of September, 1967.

Donald D. Shipley  
Mayor

ATTEST:

Paul C. Jones  
City Clerk

APPROVED AS TO FORM:

Lou Ann Marshall  
LOU ANN MARSHALL,  
Asst. City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, PAUL C. JONES, the duly elected, qualified, and acting City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 21st day of August, 1967, and was again read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 5th day of September, 1967, and was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council.

AYES: Councilmen:

Coen, Bartlett, Gisler, Green, Shipley

NOES: Councilmen:

None

ABSENT: Councilmen:

Kaufman, Stewart

Paul C. Jones  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

I, PAUL C. JONES, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that this ordinance has been published in the Huntington Beach News on September 7, 1967.  
In accordance with the City Charter of said City.  
Ernestina D. Faber City Clerk  
Deputy City Clerk

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **Huntington Beach Ordinance 2079**

ORDINANCE NO. 2079

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE  
BY AMENDING SECTION 2.28.010 THEREOF AND ADDING  
SECTION 2.28.020 THERETO, PERTAINING TO EXPENSE  
ALLOWANCE AND FRINGE BENEFITS OF COUNCIL MEMBERS

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

SECTION 1. The Huntington Beach Municipal Code is hereby  
amended by amending Section 2.28.010 to read as follows:

2.28.010 Expense Allowance. It is deemed reasonable and  
adequate that in reimbursement of the ordinary and routine  
expenses, losses and costs imposed upon them by virtue of their  
serving the city in their official capacity, each council  
member, including the mayor, shall receive monthly, during  
their term of office, the below-listed amount as an expense  
allowance, which allowance need not be accounted for by the  
recipients:

Each Council Member, including Mayor \$125

In addition thereto, each member of the city council,  
including the mayor, shall receive reimbursement on order of  
the city council for council-authorized traveling and other  
expenses when on official duty upon submission of itemized  
expense account therefor. A summary listing of such itemized  
expenses for each month shall be presented to the council for  
approval at the first regular meeting of the following month.  
This section is intended to meet the requirements of Section  
502 of the City Charter.

SECTION 2. The Huntington Beach Municipal Code is hereby  
amended by adding Section 2.28.020 thereto to read as follows:

2.28.020 Fringe benefits. Each member of the city council  
shall receive all fringe benefits which are granted, and in the  
future shall be granted, to the department heads of the City  
of Huntington Beach, and the cost of such fringe benefits shall  
be included in the annual budget.

SECTION 3. This ordinance shall take effect thirty days  
after its adoption. The City Clerk shall certify to the pas-  
sage of this ordinance and cause same to be published within

fifteen days after adoption in the Huntington Beach News, a weekly newspaper of general circulation, printed and published in Huntington Beach, California.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of July, 1976.

*Harriet M. Weaver*

\_\_\_\_\_  
Mayor

ATTEST:

*Alicia M. Wentworth*

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

APPROVED AS TO CONTENT:

*Floyd H. Balato*  
\_\_\_\_\_  
City Administrator

APPROVED AS TO FORM:

*D. P. Boy*  
\_\_\_\_\_  
City Attorney

APPROVED BY INITIATING DEPARTMENT:

*Floyd H. Balato*  
\_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, ALICIA M. WENTWORTH, the duly elected, qualified City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 6 day of July 1976, and was again read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 19 day of July, 1976, and was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council.

AYES: Councilmen:  
Bartlett, Pattinaon, Coen, Gibbs, Siebert, Shenkman, Wieder

NOES: Councilmen:  
None

ABSENT: Councilmen:  
None

*Alicia M. Wentworth*

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California

I, Alicia M. Wentworth CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that this ordinance has been published in the Huntington Beach News on July 22, 1976. In accordance with the City Charter of said City.  
ALICIA M. WENTWORTH  
*Stephanie Blasergane*  
City Clerk  
Deputy City Clerk

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

**MEETING DATE(S): 10/06/2009, 10/20/2009**

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## **Huntington Beach Ordinance 2566**

1276

ORDINANCE NO. 2566

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE  
BY AMENDING SECTION 2.28.010 RELATING TO EX-  
PENSE ALLOWANCES FOR CITY COUNCILPERSONS

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

SECTION 1. The Huntington Beach Municipal Code is hereby  
amended by amending section 2.28.010 to read as follows:

2.28.010 Expense allowance. It is deemed reasonable and  
adequate that in reimbursement of the ordinary and routine ex-  
penses, losses and costs imposed upon them by virtue of their  
serving the city in their official capacity, each council mem-  
ber shall receive monthly, during his term of office the sum of  
\$290 per month, and the mayor shall receive the sum of \$390 per  
month, such sums to be adjusted annually at 75 percent of the  
consumer price index for the previous year. Further, such  
expense allowance need not be accounted for by the recipient.

In addition thereto, each member of the city council, in-  
cluding the mayor, shall receive reimbursement on order of the  
city council for council-authorized travel and other expenses  
when on official duty upon submission of itemized expense account  
therefor, and pursuant to administrative regulations pertaining  
to the payment thereof. A summary listing of such itemized ex-  
penses for each month shall be presented to the council for ap-  
proval at the first regular meeting of the following month. This  
section is intended to meet the requirements of section 302  
of the city Charter. Appropriations for the allowance and other  
expenses provided for herein shall be included in the annual bud-  
get, approved by the city council.

SECTION 2. This ordinance shall take effect thirty 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 19th  
day of July, 1982.



Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



City Clerk



Acting City Attorney

INITIATED AND APPROVED:



City Administrator

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, ALICIA M. WENTWORTH, the duly elected, qualified City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 6th day of July 19 82, and was again read to said City Council at a regular \_\_\_\_\_ meeting thereof held on the 19th day of July, 19 82, and was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council.

AYES: Councilmen:  
Pattinson, Thomas, MacAllister, Bailey, Kelly

NOES: Councilmen:  
Finley

ABSENT: Councilmen:  
Mandic

*Alicia M. Wentworth*  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

I, Alicia M. Wentworth CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Independent on July 29, 1982 in accordance with the City Charter of said City.  
Alicia M. Wentworth  
City Clerk  
Ja Smith  
Deputy City Clerk

# **REQUEST FOR CHARTER REVIEW COMMISSION ACTION**

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## **Huntington Beach Ordinance 2997**

ORDINANCE NO. 2997

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE  
BY AMENDING SECTION 2.28.010 RELATING TO  
EXPENSE ALLOWANCES FOR CITY COUNCILPERSONS

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

SECTION 1. The Huntington Beach Municipal Code is hereby amended by amending section 2.28.010 to read as follows:

2.28.010 Expense allowance. It is deemed reasonable and adequate that in reimbursement of the ordinary and routine expenses, losses and costs imposed upon them by virtue of their serving the city in their official capacity, each council member shall receive monthly, during his term of office the sum of \$698 per month, and the mayor shall receive the sum of \$936 per month, such sums to be adjusted annually by the consumer price index for all urban consumers, all items, 1982-84 equals 100, published by the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles/Anaheim/Riverside Metropolitan Area. Further, such expense allowance need not be accounted for by the recipient.

In addition thereto, each member of the city council, including the mayor, shall be reimbursed pursuant to the city's business expense policy for council authorized travel and other expenses when on official duty upon submission of itemized expense account therefor. This section is intended to meet the requirements of section 302 of the city Charter. Appropriations for the allowance and other expenses provided for herein

shall be included in the annual budget approved by the city council.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

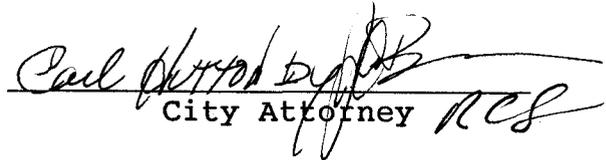
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of May, 1989.

  
Mayor

ATTEST:

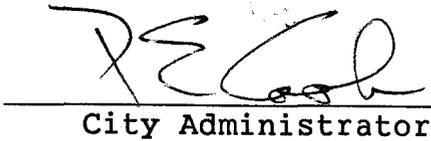
APPROVED AS TO FORM:

  
City Clerk

  
City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

  
City Administrator

\_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting therof held on the 17th day of April 1989, and was again read to said City Council at a regular meeting therof held on the 1st day of May, 1989, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Councilmembers:  
MacAllister, Bannister, Mays, Silva, Erskine

NOES: Councilmembers:  
Green, Winchell

ABSENT: Councilmembers:  
None

I, Connie Brockway, CITY Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council do hereby certify that a synopsis of this ordinance was published in the Daily Pilot on May 8, 1989 in accordance with the City Charter of said City.  
Connie Brockway  
City Clerk  
Maybrie L. Etcherson  
Deputy City Clerk

Connie Brockway  
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California