



City of Huntington Beach

Charter Review Commission

ACTION MINUTES

Tues., Nov 17, 2009, 6:00 PM

I.

Roll Call: Jerry Bame, Ralph Bauer, Mark Bixby, Patrick Brenden, Shirley Dettloff, Dick Harlow, Gregory Hartnett, Marijo Johnson, Gary Kutscher, Joe Shaw, Ray Silver, Sharie Sneddon, Tim Stuart, Dave Sullivan, Shane Whiteside (Dettloff, Johnson, Kutscher, Shaw & Stuart absent, Harnett arrived after the roll call)

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 November 3 Commission meeting.

The minutes were amended to reflect that staff is to bring back to a subsequent Commission meeting the issue of campaign finance with recommendations.

A motion was made by Sneddon and seconded by Harlow to approve the minutes as amended. The motion was approved 10-0-5

IV. Presentation on the Council - City Manager/City Administrator Forms of Government – Raphe Sonenshein

No Action

V. Discussion and possible action on Charter Sections as follows:

- **Section 200 – Council – Administrator Form of Government**

A motion was made by Silver, seconded by Sullivan to change the form of government to Council-Manager and to change any reference to the City Administrator throughout the Charter to City Manager. The motion was approved 10-0-5

- **Section 400 – City Administrator, Composition, Term, Eligibility, & Removal**

A motion was made by Silver, seconded by Sneddon to clarify language in Section 400(d) to be consistent with current city practice. The motion was approved 10-0-5

- **Section 401 – City Administrator’s Powers & Duties**

Motion by Harlow, seconded by Bixby to remove the 2nd sentence under Section 401(a). The motion was approved 10-0-5.

Motion by Sullivan second by Bauer to

- Keep Section 401 (b) – (g) as is, and
- Remove from 401 (h) the wording "except those directly appointed by the City Council," and

- Add a new Section 401 (i) to read: “It shall be the duty of all department heads of the city, whether appointed or elected, to cooperate with and assist the city manager in administering the affairs of the city most efficiently, economically, and harmoniously, so far as may be consistent with their duties as prescribed by the law and ordinance of the city;” and
- Move the current Section 401 (i) to 401(j), and
- Add a new Section 401(k) to add language regarding the city manager’s authority to create and present items to be placed on the City Council agenda and to require that items to be placed on the agenda are filtered through the city manager’s office.

- **Section 402 – Acting City Administrator (Possibly Change Assistant City Administrator to Deputy City Administrator).**

A motion was made by Silver, seconded by Sullivan to amend Section 402 to remove the wording, “the Assistant City Administrator shall serve as Acting City Administrator. During any temporary absence or disability of both the City Administrator, and the Assistant City Administrator. This would leave the following:

“During any temporary absence or disability of the City Administrator, the City Administrator shall appoint one of the other officers or department heads of the city to serve as Acting City Administrator. In the event the City Administrator fails to make such appointment, such appointment shall be made by the City Council.”

The motion was approved 10-0-5.

- **Section 403 – Personnel - Describing the process for establishing other offices, officials, and employees of the city.**

A motion was made by Silver, seconded by Sullivan to delete the words “Assistant City Administrator,” and to delete the following portion of the second to the last sentence in Section 403:

“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 motion was approved 10-0-5.

- **Section 307 – Non-Interference with Administration**

No Action taken; to be left as is.

- **Section 404 – Retirement System**

No Action taken; to be left as is.

VI. Discussion Review of the Charter Commission Schedule to consider

- **Adding Tues., Dec. 8 for discussion on the elected department heads including qualifications and duties and**

Following discussion the Commission decided not to add the Dec. 8 date and move the above topics to the beginning of the Dec. 15 meeting for further discussion.

- **Adding Tues., March 30 to allow additional time for review of final recommendations.**

March 30 has tentatively been added to the Commission’s schedule

* 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.

VII. Commissioner Requests: Questions, comments, or suggestions for discussion at a subsequent meeting of the Commission

Commissioner Bixby noted that he had made a request of city staff to provide information on city owned tidelands. He is considering potentially recommending that city tidelands be included under Charter Section 612(c). Staff has advised that it could take 5-8 hours to research the boundaries of city owned tidelands. Following discussion staff is to return with GIS data on city owned tidelands.

VIII. Adjourn to the next regular meeting scheduled for Tuesday, Dec. 1 at 6 PM in the City Council Chamber.

Attachments: *

1. **Minutes from the Nov. 3 Meeting**
2. **City Administration dated Nov. 12, 2009 – Raphael Sonenshein**
3. **Matrix of Powers & Duties of City Managers in other Cities**
4. **Recommendations regarding changes to Section 307 & 401 of the City Charter from Commissioner Silver.**
5. **Letter from Paul Cook in support of changing the title of City Administrator to City Manager**
6. **Charter Commission Timeline**

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