



## City of Huntington Beach, Charter Amendment Measure No. 3

Shall proposed Charter Amendment No. 3 to: commencing in 2026, require the City to adopt a two-year budget; update the procedures to cancel a regular City Council meeting; update the process to fill a City Council vacancy; and amend outdated phrases, syntax, dates, pronouns, and titles be approved?

### What your vote means

YES	NO
A "yes" vote on this measure would approve these changes to the City Charter.	A "no" vote on this measure would not approve them.

### For and against

FOR	AGAINST
Tony Strickland Mayor	Dan Kalmick Councilmember  Natalie Moser Councilmember  Rhonda Bolton Councilmember



# Ballot Measures-C

## Full Text of Measure C City of Huntington Beach

### EXHIBIT A CHARTER AMENDMENT MEASURES PROPOSED ADDITIONS SHOWN AS UNDERLINED PROPOSED DELETIONS SHOWN AS ~~STRIKETHROUGH~~

#### Charter Amendment Measure No. 3

**Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS.** The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify. Subject to the provisions of this Charter, the members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2024, four members of the City Council shall be elected at the general municipal election held in ~~1966~~ 2022, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in ~~1968~~ 2024, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term. Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. Consistent with the staggered election process established in the new Charter in 1966 and reaffirmed in 2024, a City Clerk and City Treasurer shall be elected at the general municipal election held in ~~1968~~ 2024, and each fourth year thereafter. A City Attorney shall be elected in ~~1966~~ 2022, and each fourth year thereafter.

The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first ~~Monday~~ regular City Council meeting following the certification of the election. Ties in voting among candidates for office shall be settled by ~~the casting of lots~~ random drawing process conducted by the City Manager during the first regular City Council meeting following the certification.

If no candidate meets the qualifications for office of the City Clerk, City Treasurer, or City Attorney, the City Council shall fill that position by appointment until the next municipal general election in which a qualified candidate is elected.

#### Section 303. MEETINGS AND LOCATION.

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month, unless it lacks a quorum or is canceled by the Mayor or a majority of City Council Members, at such time as it shall fix by ordinance or resolution. ~~In no event shall the City Council meet less than once each month, and The City Council may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment, and when so adjourned Each re-adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings.~~ If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice or current technology to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally, ~~or~~ by mail or by current technology at least twenty-four hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written notice files a written waiver of notice with the City Clerk, it may be dispensed with. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the time it convenes. In the event of an emergency affecting the public peace, health or safety, a special meeting may be called as provided in this section with less than twenty-four hours written notice by the Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if ~~he~~ the Mayor should fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to ~~executive~~ closed sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

(e) **Dissemination of Information.** The City Council shall adopt rules to ensure thorough and timely dissemination of information via current technology by resolution.

#### Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally, ~~or~~ by mail or by current technology to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.



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## Section 311. CITY TREASURER. POWERS AND DUTIES.

(d) Prepare and submit to the ~~Director of Finance~~ Chief Financial Officer monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.

## Section 312. VACANCIES, FORFEITURES AND REPLACEMENT.

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council with at least four affirmative votes.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, the office shall become vacant. If an elected City officer pleads guilty or no contest to or is convicted of a felony or any crime of moral turpitude, or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City Government.

(c) **Replacement.** In the event ~~the City Council~~ shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term. If the City Council fills the vacancy by appointment, such appointee shall hold office until an election to fill the remainder of the unexpired term at the next general municipal election. Should the appointment occur after the filing deadline for the next general municipal election, the seat shall be deemed vacant upon the certification of the general municipal election, and the vacancy shall be filled in accordance with Sections 312(a) and 312(c).

## Section 400. CITY MANAGER. COMPOSITION, TERM, ELIGIBILITY, REMOVAL.

(d) **Removal.** The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Manager shall be furnished with a written notice stating the Council's intentions and, if requested by the City Manager, the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of the intended removal, the City Council may suspend the City Manager from duty, but ~~his~~ the City Manager's compensation shall continue until removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

## Section 401. POWERS AND DUTIES.

(b) Prepare the budget ~~annually~~ as required by this Charter, submit it to the City Council, and be responsible for its administration upon adoption.

## Section 601. ~~BIENNIAL ANNUAL~~ BUDGET, PREPARATION BY THE CITY MANAGER.

At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the ~~Director of Finance~~ Chief Financial Officer, estimates of the department's, board's or commission's revenue and expenditures for the ensuing two fiscal years, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

## Section 602. ~~BIENNIAL ANNUAL~~ BUDGET. SUBMISSION TO THE CITY COUNCIL.

The City Manager shall submit the proposed budget to the City Council at least thirty days prior to the beginning of each even numbered fiscal year beginning in 2026. After reviewing the proposed budget and making such revisions as it may deem advisable, the City Council shall hold a public hearing thereon at least fifteen days prior to the beginning of each even numbered fiscal year and shall cause to be published a notice thereof not less than ten days prior to said hearing. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

## Section 603. ~~BIENNIAL ANNUAL~~ BUDGET. PUBLIC HEARING.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

## Section 604. ~~BIENNIAL ANNUAL~~ BUDGET. FURTHER CONSIDERATION AND ADOPTION.

At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing two fiscal years. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, ~~Director of Finance~~ Chief Financial Officer, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

## Section 605. ~~BIENNIAL ANNUAL~~ BUDGET APPROPRIATIONS.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to



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the several departments, offices and agencies for the respective objects and purposes therein named; provided, however, that the City Manager may transfer funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the second fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative vote of at least a majority of the total members of the City Council.

**Section 801. DEFINITIONS.** Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Huntington Beach and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Huntington Beach.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.
- ~~(e) The masculine includes the feminine and the feminine includes the masculine.~~
- (f e) The singular includes the plural and the plural the singular.
- ~~(g f)~~ "Person" includes firm and corporation.

**Section 804. CHARTER REVIEW.** The City Council shall determine if there is a need to convene a citizen's Charter Review Commission to conduct a review of the City Charter no less frequently than every ten years from the most recent formal Charter review conducted by a Charter Revision Commission, City Council, or City staff.

**Impartial Analysis  
City of Huntington Beach  
Measure C**

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE 3

This proposed Charter amendment, if adopted, would amend the Charter both substantively and non-substantively. The first substantive amendment by this ballot measure changes several sections of the Charter to require the City to adopt a biennial (two-year) budget, instead of an annual (one-year) budget.

The second substantive amendment is to Charter Section 303(a) which currently requires City Council to hold regular meetings at least twice a month. If adopted, the Charter would be amended to allow for the Mayor or a majority of Council to cancel regular City Council meetings, but in no event will the City Council meet less than once per month.

The third substantive amendment is to Charter Section 312, related to City Council vacancies. Currently, a person appointed by the City Council to fill a Council vacancy serves the remainder of the unexpired term. If adopted, this measure would require that the appointee hold office only until an election to fill the remainder of the unexpired term, at the next general municipal election.

Additional proposed amendments to several Charter Sections are non-substantive, meaning amendments to clarify or update language in the Charter regarding outdated phrases, syntax, dates, pronouns and titles. For example, changes to Section 300 would update the election years for elected officials and makes clear that in the event of a tie vote during an election, a random drawing will occur. Changes to Section 303 would update the Charter to allow the use of "current technology" to distribute notices, change the words "executive session" to "closed session" because closed session is the current statutory term, as well as clarify the process of adjourning City Council meetings. Changes to Sections 303(c), 312(c), 400(d), and 801(e) would replace pronouns "he" or "it" with "person" or the title being referred to, and changes to Sections 311(d), 601, and 604 would replace "Director of Finance" with the updated title of "Chief Financial Officer." An amendment to Section 804 would clarify when the City Council must determine whether to convene a citizen's Charter Review Commission.

A "yes" vote on this measure would approve these changes to the City Charter. A "no" vote on this measure would not approve them.

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

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## Argument in Favor of Measure C

This Charter Amendment Measure would help the City of Huntington Beach operate more efficiently and effectively for our residents and taxpayers.

Moving to a two-year budget process gives residents more transparency of the City's long term planning and spending, and gives the City more time to adequately debate and account for priorities that go into the budget. What's more, it gives city departments greater stability with less annual up and down budget fluctuations. And a two-year budget offers long term opportunities to increase efficiencies, prevent wasteful spending, and prepare for periods of growth or change. In all, it helps us better manage your City.

This measure also prevents future City Councils from taking away the rights of voters to choose their elected leaders, by ensuring no Council Member is ever appointed to more than a 2-year term. Under this Charter Amendment Measure, all future Council appointments would last only up until the next regularly scheduled election. And, this Charter Amendment Measure contains some administrative clean-up language on issues such as City Council meeting dates, and procedures to cancel a meeting. All items are meant to help us best manage the City of Huntington Beach.

Join us, vote YES on Charter Amendment Measure 3.

s/ Tony Strickland  
Mayor

## Rebuttal to Argument in Favor of Measure C

As then-Councilmember Erik Peterson continued in his Opposition when this Charter amendment proposal was made in 2022:

"Adding politically correct language to our City Charter does NOT make the City run better. ... Frankly, these changes reflect the zeal of the current City Council majority to modify and reform City government wherever it can and WHERE NO REFORM IS NEEDED. This is the classic - "solution in search of a problem." ... In addition, City Council is supposed be accessible and accountable to the residents of the City. Allowing City Council to eliminate and/or cancel regular Council Meetings on a whim causes voters to have less access to, and less transparency from, their City government. Fewer Council Meetings means less access, transparency and accountability."

We would add, the two-year budget was not thoroughly analyzed and its true impacts will not be known until 2026. This ballot measure cost \$500,000 to be placed on the March election, it doesn't go into effect until 2026. Why not place it on the November ballot for 10% of the cost?

Do not reward this Council Majority for being fiscally irresponsible, hypocritical, and overly political. City Council is supposed to be non-partisan and solve the City's **real** problems: homelessness, e-bikes, unfunded liabilities, and infrastructure.

Vote NO on Measure C.

s/ Dan Kalmick  
City Council Member

s/ Natalie Moser  
City Council Member

s/ Rhonda Bolton  
City Council Member



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## Argument Against Measure C

## Rebuttal to Argument Against Measure C

This measure is effectively the same language this City Council Majority ran **against** in November of 2022 and now they've placed it on the ballot as if it's a "new idea." Below is the argument against the same ballot language by then Councilmember Erik Peterson:

"Vote NO on this measure to amend the City Charter. This amendment will: (1) Modernize the language and make it more politically correct which does nothing to improve life in our City; (2) Remove the requirement that City Council hold regular meetings twice per month by adding a clause that allows the Mayor and/or City Council to CANCEL REGULAR meetings WITHOUT NOTICE or cause. The City Charter was written to provide voters with access and transparency to City government. This change does neither."

"... the only way to depoliticize the process for the filling of the vacant City Council seat is to conduct a Special Election so that the people can vote for a candidate to fill that vacant seat. This proposed Amendment makes changes to the City Charter that might be in the best interests of City Council by giving City Council MORE POWER but these changes are NOT in the best interests of the residents of Huntington Beach. Vote NO."

s/ Dan Kalmick  
Councilmember

s/ Natalie Moser  
Councilmember

s/ Rhonda Bolton  
Councilmember

The hypocrisy demonstrated in opponents' arguments against Measure 3 is simply staggering.

In one argument, they demonstrate perfectly for the voters of Huntington Beach how much they care more about politics than people. And how truth comes second to trying to win.

Ultra-liberals Rhonda Bolton, Dan Kalmick, and Natalie Moser begin their argument: "This measure is effectively the same language" as a measure from two years ago. They then proceed to cherry-pick a piece of an argument against that measure from two years ago.

What they don't tell you is that all three of Bolton, Kalmick, and Moser supported what they now oppose. If this were just a rehash of something they all supported, why aren't they now joining with the majority of the Huntington Beach City Council to support this Measure?

A textbook definition of hypocrisy in action.

The simple answer is that Measure 3 is different from two years ago. And it is a shame that opponents to good governance have to, again, lie to voters, to try to get their way.

Don't be fooled.

This measure makes it easier for residents to see how the City is planning to allocate resources long term, and will create a more focused and stable budget and root out waste in government spending.

Please join Mayor Tony Strickland, Mayor Pro Tem Gracey Van Der Mark, Councilmember Casey McKeon, Councilmember Pat Burns, and City Attorney Michael Gates in supporting Measure 3 for Huntington Beach.

For more information, please visit: [www.yesonhbcharter.com](http://www.yesonhbcharter.com)

s/ Tony Strickland  
Mayor