



# *City of Huntington Beach*

## *Charter Review Commission*

### **ACTION MINUTES**

**Tues., Jan. 05, 2010, 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  
*All present except Stuart*

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.

*Public Comments were received as follows:*

- *David Rice spoke in favor of adding a provision to the City Charter requiring a vote of the public on major General Plan amendments.*

III. **Approval of Minutes from the December 15 Commission meetings.**

*Motion Dettloff, second Kutscher to approve the minutes from the Dec. 15 meeting as submitted.*

IV. **Discussion on a request to add language regarding General Plan amendment to the Charter similar to that in Newport Beach Municipal Code 423 – Traffic Density.**

*Following discussion on the above request Commissioner Dettloff made a motion that major General Plan amendments should not be addressed in the City Charter. Her motion was seconded by Commissioner Bauer. She added that they are currently address through City Council policy, and they should continue to be addressed in that manner. Following further discussion, it was recommended that the recommendation from Rice be forwarded to the City Council as a policy consideration.*

*The motion carried 11-3-1 (Bixby, Shaw, & Sullivan No)*

V. **Discussion as requested on Section 607(b) 2 - Retirement Tax**

*At the Chair's request, the City Administrator provided information on the retirement tax. The retirement property will provide about \$4 million this year to the city. It's cost is about \$75 on a house evaluated at \$500,000. If the revenue from the tax is lost, the city will continue to have its retirement obligation.*

*Commissioner Sullivan made a motion to place before the voters repealing this section of the City Charter. The motion was seconded by Commissioner Silver. Following a presentation by Commissioner Silver, the motion was amended to add that it should not take effect until July of 2012. The motion carried 10-4-1 (Bixby, Shaw, Johnson, & Dettloff No)*

VI. **Under Article VII of the Charter - Campaign Finance**

*Commissioner Bixby had three recommendations for Campaign Reform:*

- *Add new charter section to provide safe harbor for prompt refund of improper campaign contributions*

\* 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.

- **Add new charter section to regulate surplus campaign funds**
- **Add new charter section to require electronic filing & Internet publication of Statements of Economic Interests and campaign finance disclosures from elected city officials**

**Commissioner Bauer offered a motion not to include them in the Charter. The motion was seconded by Commissioner Sneddon. The motion carried 12-2-1 (Bixby & Shaw No)**

**Commissioner Bauer made a motion to approve Commissioner Bixby's recommendation to include in the City Charter a requirement that the city council to determine at least once every 10 years whether charter review is warranted. The motion was seconded by Commissioner Sneddon. The motion carried 12-2-1 (Silver & Sullivan No)**

**Commissioner Bixby's recommendations included a prohibition of the use of eminent domain to transfer property from one private owner to another. After some discussion about current city law and practices, a motion was made by Commissioner Silver, seconded by Commissioner Bauer not to recommend this be added to the City Charter. The motion carried 9-5-1 (Hartnett, Bixby, Shaw, Brenden, & Sullivan No).**

**Commissioner Bixby's recommendations also included a Charter amendment to require that the use of the City's transient occupancy tax (TOT) to encourage neighborhood improvement districts by funding neighborhood capital improvements selected by residents appointed to a Neighborhood Improvement Program Committee. Following discussion about the current use of the TOT to encourage tourism a motion not to include this in the City Charter was made by Commissioner Silver and seconded by Commissioner Dettloff. The motion carried 13-1-1 (Bixby No).**

**There was also a recommendation by Commissioner Bixby to add to the City Charter a requirement that park in-lieu fees to be spent on parkland development whenever the per-capita park acreage ratio is below the requirement specified in the General Plan. Following discussion about current city practice and the General Plan requirements, Commissioner Bauer made a motion not to include this requirement in the City Charter. The motion was seconded by Commissioner Dettloff. The motion carried 12-2-1 (Shaw & Bixby No).**

**Commissioner Bixby recommended that the Commission consider adding city tideland to the requirements in Section 612 (Measure C) of the Charter. Commissioner Shaw made a motion to add city owned tidelands to this section of the Charter. City Attorney McGrath noted that the city could only identify as city owned tidelands a small area adjacent to the Huntington Beach Yacht Club. Commissioner Shaw withdrew his motion. Commissioner Bauer made a motion not to add city owned tidelands to this section of the Charter. The motion was seconded by Commissioner Sneddon and carried 13-1-1 (Bixby No).**

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

- **Recommendations from Commissioner Mark Bixby**

**Commissioner Shaw requested that the Commission receive the staff report on prevailing wage prior to the public meeting scheduled for Jan. 21.**

**Commissioner Bame expressed a concern about forwarding recommendations other than those related to the Charter to the City Council. He noted that the Commission's mandate was to provide recommendations for amending the Charter.**

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***After some discussion, it was agreed that recommendations other than charter amendments would be offered as a separate list which would be reviewed and approved by the Commission.***

**VIII. Adjourn to the next regular meeting scheduled for Thursday, Jan 21 at 6 PM in City Hall Room B 8.**

**Attachments: \***

- 1. Letter from Karen Jackle, President of Huntington Beach Tomorrow**
- 2. Memo from city staff on the city's General Plan Process**
- 3. Memo from city staff on the retirement property tax.**
- 4. Newport Beach Municipal Code 423**
- 5. H.B. Municipal Codes Section 2.07 – Campaign Reform**
- 6. Summary Report on recent amendments on Municipal Code. 2.07**
- 7. Sonenshein Memo dated Oct. 31 on Campaign Finance**
- 8. Matrix of other cities campaign finance law.**
- 9. Recommendations from Commissioner Bixby on Article VII of the City Charter**
- 10. Recommendations from Commissioner Bixby on additions to the City Charter**
- 11. Letter dated 09-14-09 from Ed Kerins regarding Section 607(b)2 of the Charter**
- 12. Information from David Rice on his request regarding the General Plan**
- 13. Minutes from the December 15 Meeting**

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