



City of Huntington Beach

Charter Review Commission

ACTION MINUTES

Tues., Dec. 15, 2009, 6:00 PM

1. **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 Hartnett and Whiteside

2. 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:

- Kim Kramer on behalf of the Huntington Beach Downtown Residents Association requesting that the monetary trigger for a Measure C vote be variable based on the size of the park and that it not be raised above \$100,000.
- Joan Flynn in support of strengthen the qualifications for the position of City Clerk.

3. Approval of Minutes from the November 3 and December 1 Commission meetings.

Motion Dettloff, second Brenden to approve the minutes of Nov. 3 and December 1 as submitted. The motion carried 13-0-2.

4. Staff Presentation on Charter Section 612 Public Utilities and Parks and Beaches (Measure C) as Follow-up to the Dec. 1 Public Meeting.

City staff recommended:

1. No change in sale, lease, exchange or transfer of beach or park property,
2. No change in the restriction against improvements such as a golf course or driving range,
3. No change in the building size trigger of 3,000 square feet,
4. The addition of an exclusion for repair, replacement, and/or maintenance of sewer, water, and storm drain facilities, and
5. The addition of an exclusion for underground structures.

5. Discussion and possible action on Charter Section 612 Public Utilities and Parks and Beaches (Measure C)

Following some discussion Commissioner Silver made a motion, seconded by Commissioner Sneddon for staff to come back to the Commission with language for a recommendation to the City Council that they adopt a set of procedures to be followed in determining when a project exceeds the requirements triggering a Measure C vote. The motion carried 13-0-2.

Commissioner Dettloff made a motion, seconded by Commissioner Shaw to add the July 11 1994 minute action language to Section 612 of the City Charter. Following some discussion, Commissioner Dettloff withdrew her motion

* 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.

Following further discussion Commissioner Dettloff made a motion to have staff look at the current language in Section 612 and where appropriate take language from the July 11, 1994 minute action and add it to Section 612 of the Charter. Her second, Commissioner Shaw noted that those that spoke at the public meeting on Measure C had indicated that they wanted the minute action incorporated into the Charter. The motion carried 13-0-2.

Commissioner Bauer made a motion to include language in Charter Section 612 based on staff's recommendation to add an exclusion from a Measure C vote repair, replacement, and/or maintenance of sewer, water, and storm drain facilities within the a 3000 square foot limitation. The motion was seconded by Commission Sullivan. Following some discussion, the motion carried 12-1-2 (Shaw No)

Commissioner Sullivan made a motion, seconded by Commission Bauer to have staff return with language for inclusion in Charter Section 612 an exclusion from a Measure C vote for underground structures. The motion carried 13-0-2.

Commissioner Dettloff made a motion, seconded by Commissioner Brenden to instruct staff to come back with an appropriate monetary minimum for triggering a Measure C vote and a potential cost indexing method to keep it current in the future. The motion carried 13-0-2

Commissioner Bixby noted that a recent controversy over the location of a cell tower in a city park brought to light a potential loophole in Measure C when an applicant is requesting a site license as opposed to a lease to locate a structure in the park. To correct this he suggested language requiring a Measure C vote on any agreement that would result in a reduction in recreational opportunities. Following some discussion Commissioner Bixby made a motion, seconded by Commissioner Sullivan to ask staff to return with language to be incorporate in Section 612 that would require a Measure C vote before approval of any agreement that would allow a structure such as a cell tower to be constructed on city parkland or beaches.

Commissioner Silver made a motion, second by Commissioner Shaw to return with language for a recommendation to Council that a written notification be sent to residents within a specified perimeter whenever a project below the thresholds for a Measure C vote is going to be constructed in a city park.

Commissioner Bauer left the meeting.

6. Discussion and possible action on Article III of the City Charter.

- **Section 300 - Elective offices and their terms**

Motion Brenden, second Johnson to add the following language to Section 300 of the Charter: If no candidate who meets the qualifications shall be elected to the office of 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. The motion carried 12-0-3

- **Section 309 - City Attorney - Powers and Duties**

Motion Sneddon, second Johnson to incorporate the qualifications for the City Attorney as identified in the recommendations from Chairman Harlow, Vice Chair Dettloff and staff with the addition of 3 years of Municipal law experience and a change in Section (j) so it reads as follows:

* 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.

Cooperate with and assist the city manager in carrying out the manager's responsibilities in administering the affairs of the city most efficiently, economically, and harmoniously, consistent with his or her duties as prescribed by law, the City Charter, and ordinances of the city.

- **Section 310 - City Clerk - Powers and Duties**

Motion by Commissioner Sneddon, 2nd by Commission Johnson to incorporate the qualifications into Section 310 of the Charter as identified in the recommendations from Chairman Harlow, Vice Chair Dettloff and staff with a change in the language in (j) so it reads as follows:

Cooperate with and assist the city manager in carrying out the manager's responsibilities in administering the affairs of the city most efficiently, economically, and harmoniously, consistent with his or her duties as prescribed by law, the City Charter, and ordinances of the city.

- **Section 311 - City Treasurer - Powers and Duties**

Motion Sneddon, second Shaw to amend Section 311 to incorporate the qualifications for the City Treasurer as recommended in the memo from Shari Freidenrich and the add a new section (d) to read as follows:

Cooperate with and assist the city manager in carrying out the manager's responsibilities in administering the affairs of the city most efficiently, economically, and harmoniously, consistent with his or her duties as prescribed by law, the City Charter, and ordinances of the city.

- 7. Commissioner Requests: Questions, comments, or suggestions for discussion at a subsequent meeting of the Commission**
- 8. Adjourn to the next regular meeting scheduled for Tuesday, Jan 5 at 6 PM in City Hall Room B 8.**

* 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*

LATE COMMUNICATIONS 12/01/2009:

1. Letter from Kim Kramer dated on Measure C
2. City Staff's PowerPoint presentation on Measure C
Revised on 12-15-09
3. Memo from Human Resources Director, Michele Carr dated dated
Dec. 8 identifying Potential Qualifications for the City Clerk, City
Attorney, & City Treasurer
4. Memo from City Treasure, Shari Freidenrich, dated 12-15-09

HUNTINGTON BEACH DOWNTOWN RESIDENTS ASSOCIATION

Correspondence
412 Olive Avenue, Suite 616
Huntington Beach, CA 92648
714.374.3295 FAX 3297

December 11, 2009

Charter Review Commission
City of Huntington Beach
2000 Beach Boulevard
Huntington Beach, CA 92648

Dear Charter Review Commissioners,

As you know, the intent of Measure C is to protect our parks and to allow the voters of Huntington Beach to have the final voice regarding any development of public parkland that exceeds a construction cost of \$100,000.

The limit of \$100,000 however applies to all parks of all sizes which seems to be inequitable.

Please consider that a \$100,000 development project at Central Park (346 acres) might very well go unnoticed, while a \$100,000 development project at a smaller park such as Manning Park (2.37 acres) would most likely cause significant impact to the park and the surrounding community.

As such, the HBDRA would ask that you consider a pro-rated system that allows the current \$100,000 limit to be adjusted based on the size of the park. This would strengthen the intent of Measure C by allowing the voters to have a greater voice in any proposed development of public parkland. There are currently 72 public parks in Huntington Beach; attached to this letter is a list of the parks ranked by size. The smallest park is 0.22 acres, the largest park is 346.33 acres and the average size park is 10.5 acres.

Below is one possible formula for a pro-rated dollar limit to trigger a city-wide referendum by the voters of Huntington Beach. We encourage the Charter Review Commission to review this pro-rated concept and determine a formula that best serves the needs of the residents of Huntington Beach. The formula below is only one such example for your consideration:

Dollar Limit	Park Size	No of Parks
\$ 100,000	>or = 10.0 acres	13
\$ 50,000	> or = 2.5 and < 10.0	33
\$ 25,000	< 2.5	25

It is interesting to note that during our efforts to save Triangle Park from development, there was at least one City Council member who privately and publically expressed disregard for Triangle Park proclaiming it to be nothing more than a small patch of grass suitable only for dogs. Triangle Park is 1.0 acres and there are nine parks smaller.

HUNTINGTON BEACH DOWNTOWN RESIDENTS ASSOCIATION

Correspondence
412 Olive Avenue, Suite 616
Huntington Beach, CA 92648
714.374.3295 FAX 3297

ITEM TWO:

With respect to the Measure C limit of \$100,000, there has been some discussion of adjusting that figure upward due to factors relating to cost of living and inflation. There has also been sentiment expressed by many to keep the limit as is.

The HBDRA would favor keeping the limit at \$100,000 with the understanding that:

- 1) This limit has served the city well since 1990 and there seems to be no demand from the residents of Huntington Beach to change it.
- 2) If we are to err in this judgment, it would be preferable to err on the side of the residents and thereby strengthen Measure C, rather than increase the limit and inadvertently weaken Measure C.

ITEM THREE:

There is currently a restriction in Measure C that excludes libraries and thereby allows library expansions to have unfettered development on public parkland. This provision was originally included in Measure C because of specific development proposals for the Central Library which are no longer applicable. Currently, if a library expansion includes the development of public parkland, then the HBDRA would support a referendum by the voters of Huntington Beach under the provisions of Measure C.

We respectfully ask the Charter Review Commission to consider our three proposals and amend Measure C accordingly. If you have any questions, please feel free to contact me at 714.374.3295 or by e-mail at kim@e-mailcom.com.

Respectfully submitted,



Kim Kramer
Executive Director
Huntington Beach Downtown Residents Association (HBDRA)

HUNTINGTON BEACH DOWNTOWN RESIDENTS ASSOCIATION

Correspondence
412 Olive Avenue, Suite 616
Huntington Beach, CA 92648
714.374.3295 FAX 3297

Huntington Beach Public Parks Ranked by Size

PARK NAME	ACRES	ADDRESS
Prince Park	.22	3282 Venture Drive
French Park	.33	3483 Venture Drive
Tarbox Park	.44	16601 Wellington Circle
Davenport Beach	.45	4031 Davenport Drive
Humboldt Beach	.45	4141 Humboldt Drive
Bailey Park	.56	6782 Morning Tide Drive
Finley Park	.56	6782 Evening Hill Drive
Booster Park	.75	16861 Baruna Lane
Trinidad Park	.75	3601 Sagamore Drive
Triangle Park	1.0	525 Main Street
Oak View Center Park	1.31	17261 Oak Lane
Robinwood Park	1.44	5172 McFadden Avenue
Bushard Park	1.97	9691 Warburton Drive
Franklin Park	1.97	14422 Hammon Lane
Bauer Park	2.0	21401 Newland Street
Helme Park	2.0	18591 Chapel Lane
Perry Park	2.03	8172 Deauville Drive
Lake View Park	2.15	17461 Zeider Lane
College View Park	2.18	16281 Redlands Drive
Pleasant View Park	2.2	16692 Landau Lane
Manning Park	2.37	307 Delaware Street
Moffett Park	2.38	8800 Burlcrest Drive
Sowers Park	2.38	9272 Indianapolis Avenue
Golden View Park	2.4	17251 Golden View Lane
Sun View Park	2.45	16192 Sher Lane
Schroeder Park	2.48	15151 Columbia Lane
Burke Park	2.5	9700 Levee Drive
Drew Park	2.6	20252 Cape Cottage Lane
Lamb Park	2.6	10151 Yorktown Avenue
Arevalos Park	2.62	10441 Shalom Drive
Marine View Park	2.64	17442 Frans Lane
Eader Park	2.68	9281 Banning Avenue
Bolsa View Park	2.7	5653 Brighton Drive
Conrad Park	2.71	3612 Aquarius Drive
Lark View Park	2.74	17200 Pinehurst Lane
Hawes Park	2.75	9682 Yellowstone Drive
Clegg-Stacey Park	2.78	6311 Larchwood Drive

HUNTINGTON BEACH DOWNTOWN RESIDENTS ASSOCIATION

Correspondence
412 Olive Avenue, Suite 616
Huntington Beach, CA 92648
714.374.3295 FAX 3297

Huntington Beach Public Parks Ranked by Size

PARK NAME	ACRES	ADDRESS
Haven View Park	2.91	16081 Waikiki Lane
Glen View Park	2.94	6721 Glen Drive
Farquhar Park	2.95	951 Main Street
Seeley Park	3.37	8711 Surfcrest Drive
Harbor View Park	3.44	16600 Saybrook Lane
Circle View Park	3.47	6261 Hooker Drive
Lambert Park	3.47	18021 Newland Street
Pattinson Park	3.51	6200 Palm Avenue
Newland Park	3.61	19702 Topeka Lane
Seabridge Park	3.7	16252 Countess Drive
Green Park	4.01	7421 Seagate Drive
Lake Park	4.14	1035 11th Street
Wieder Park	4.81	16662 Lynn Lane
Hope View Park	4.9	17622 Flintstone Lane
Le Bard Park	4.99	20461 Craimer Lane
Terry Park	5.44	7701 Taylor Drive
Talbert Park	5.67	19222 Magnolia Street
McCallen Park	5.81	2309 Delaware Street
Discovery Well Park	6.6	6720 Summit Street
Gibbs Park	6.83	16641 Graham Street
Wardlow Park	8.3	19761 Magnolia Street
Marina Park	9.34	5562 Cross Drive
Irby Park	10.8	6770 Ruth Drive
Greer Park	11.08	6900 McFadden Avenue
Carr Park	11.21	16532 Springdale Street
Gisler Park	11.73	21141 Strathmoor Lane
Worthy Community Park	11.84	1831 17th Street
Baca	14.35	7329 Sherwood Lane
Murdy Park	16.16	7000 Norma Drive
Langenbeck Park	17.02	8721 Suncoral Drive
Bluff Top Park	19.7	2201 Pacific Coast Highway
Bartlett Park	27.13	19822 Beach Boulevard
Edison Park	39.13	21377 Magnolia Street
OC Regional Park (Wieder)	45.72	19251 Seapoint Street
Huntington Central Park	346.33	6741 Central Park Drive



**CITY OF HUNTINGTON BEACH
INTER-DEPARTMENTAL COMMUNICATION
HUMAN RESOURCES**

TO: FRED WILSON, CITY ADMINISTRATOR

FROM: MICHELE CARR, DIRECTOR OF HUMAN RESOURCES

SUBJECT: EDUCATION/EXPERIENCE REQUIREMENTS FOR CITY ATTORNEY, CITY CLERK, AND CITY TREASURER

DATE: DECEMBER 8, 2009

A review of the information on the minimum experience/education requirements for the above referenced positions collected from fourteen (14) Orange County cities revealed the following:

City Attorney

The consensus for the requirements of the City Attorney position was a jurist doctorate (J.D.) degree and experience ranging from five (5) to eight (8) years practicing law. Active membership in the State Bar of California was a license/certification requirement.

City Clerk

The requirements for City Clerk position varied from a high school diploma to a bachelor's degree. Experience working in a City Clerk's office or performing similar work was the primary qualifier. The number of years experience ranged from four (4) to eight (8), with most requiring supervisory experience. A Certified Municipal Clerk (CMC) designation, and a Notary Public license was either required or highly desirable.

City Treasurer

For some of the cities, the treasury function was a responsibility of the Finance Director or equivalent. The majority of the cities required a bachelor's degree in a related field (i.e. finance, accounting, business or public administration). For some cities a master's degree was cited as a desirable qualification. The experience for this position ranged from four (4) to eight (8) years at a management level in finance. Only three cities sought designation as a certified public accountant or equivalent.

RECOMMENDATION

The minimum qualifications for the **City Attorney** position should be a jurist doctorate (J.D.) degree with a minimum of five (5) years management level experience as a municipal law attorney. Three (3) years supervisory experience is desirable. Current, active membership in the State Bar of California is required.

The **City Clerk** position is a department head. Minimum education required should be a bachelor's degree in public administration, business administration, management or a related field. A minimum of five (5) years related experience with three (3) years

supervisory experience. A Certified Municipal Clerk designation and a Notary Public license are required within two (2) years of appointment.

The qualifications for **City Treasurer** are somewhat similar to that of Finance Director. A master's degree in accounting, finance, business or public administration, and five (5) years responsible financial experience, preferably in a federal, state, county or local government agency. Three (3) years supervisory experience required.

A bachelor's degree and certification as a Certified Public Accountant (CPA) or Certified Professional Finance Officer (CPFO) or Certified California Municipal Treasurer (CCMT) or Certified Government Financial Manager (CGFM) may substitute for the master's degree requirement.

City of Huntington Beach City Charter



Charter Review Section 612

Measure C

December 15, 2009

History of Section 612

- Charter amendment in 1990 ballot measure

CITY OF HUNTINGTON BEACH

C Should the City of Huntington Beach City Charter be amended to require that no City park or beach may be sold, leased, exchanged or transferred or improved with a golf course, driving range, road, building over 3,000 square feet in floor area, nor structure costing more than \$100,000 without the affirmative votes of at least a majority of the total membership of its City Council and of the electors voting on such proposition at a general or special election?

YES	+
NO	+

Basic Elements of Measure C

THAT REQUIRE PUBLIC VOTE

- Sale, lease, exchange, or transfer of beach or park property
- Golf course, driving range, or road
- 3,000+ S.F. building
- \$100,000+ structure

**Breakdown of
Charter Section 612/Measure C
Components
with
Recommendation**

1. Sale, Lease, Exchange, or Transfer of Beach or Park Property

- NO CHANGE RECOMMENDED

2. Improve w/ Golf Course, Driving Range, or Road

- NO CHANGE RECOMMENDED

3. Building Over 3,000 S.F. in Floor Area

- NO CHANGE RECOMMENDED

4. Structure: Costing \$100,000+

\$100,000 threshold

- ❖ \$100,000 cost in 1990 extrapolates to \$179,000 in 2009 using the Construction Cost Index

RECOMMENDATION: the Construction Cost Index be used to update the threshold to equivalent amount today of \$179,000 and also add language to adjust the threshold amount annually per the CCI.

4. Structure: continued....

RECOMMENDATIONS:

- From a city wide maintenance perspective, exclude repair, replacement and/or maintenance of sewer, water, and storm drain facilities
- Measure C relates to open space and parkland, therefore exclude underground structures

CHARTER SECTION 612

Measure C

Open Discussion and Questions



CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION
OFFICE OF THE CITY TREASURER

TO: Charter Commission Members
CC: Fred Wilson, City Administrator
FROM: Shari L. Freidenrich, CPA, City Treasurer *SF*
DATE: December 15, 2009

SUBJECT: CITY TREASURER QUALIFICATIONS

I have been working with Administration on the qualifications for City Treasurer and my recommendation, which is just slightly different from Administration's recommendation, is as follows:

Current Charter:

The minimum qualifications for the position of City Treasurer shall be a combination of education and experience in an area relative to fiscal management. (Charter Amendment 12/7/84)

Proposed Charter changes:

The minimum qualifications for the position of City Treasurer shall be a master's degree in accounting, finance, business or public administration. A minimum of five (5) years of financial and treasury experience with three (3) years of supervisory experience required, preferably a Certified Public Accountant (CPA).

A bachelor's degree and certification as a CPA or a bachelor's degree and either of the following certifications (which are to be attained within two (2) years of election) may substitute for the master's degree requirement.

- Certified California Municipal Treasurer (CCMT)
- Certified Professional Finance Officer (CPFO)
- Certified Public Funds Investment Manager (CPFIM)
- Certified Government Financial Manager (CGFM)