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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE**
10

11 MARK BIXBY,
12
13 Petitioner,
14 v.

15 ROBIN ESTANISLAU, Huntington Beach
City Clerk; BOB PAGE, Orange County
16 Registrar of Voters,
17 Respondents.

18 THE CITY OF HUNTINGTON BEACH, a
19 Municipal Corporation,
20 Real Party in Interest.

Case No. 30-2023-0136664-CU-WM-NJC

Assigned for All Purposes to:
Hon. Craig L. Griffin, Dept. N17

**AMENDED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF (VERIFIED)**

IMMEDIATE ACTION REQUIRED
Election Law Matter Entitled to Calendar
Preference (Code Civ. Proc., § 35; Elections
Code, § 13314(a)(3))

Action Filed: November 22, 2023
Trial Date: None Set

21
22 Petitioner MARK BIXBY petitions this court for an alternative writ of mandate and a
23 peremptory writ of mandate, directed to Respondents ROBIN ESTANISLAU, Huntington Beach
24 City Clerk and BOB PAGE, Orange County Registrar of Voters, and by this verified petition alleges:
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1 Huntington Beach, which will include Charter Amendment Nos. 1 and 2, unless this Court issues
2 the requested relief.

3 4. Real party in interest THE CITY OF HUNTINGTON BEACH (the “City”) is a
4 municipal corporation. The Huntington Beach City Council (the “City Council”) is the governing
5 body of the City. Because the City Council adopted the resolution proposing the two Charter
6 Amendments at issue in this Petition, the City is the “person or official who authored the material
7 in question,” the City is therefore the real party in interest pursuant to Section 9295(b)(3) of the
8 Elections Code.

9
10 **BACKGROUND**

11 5. The City of Huntington Beach (the “City”) has called a Special Municipal Election
12 to be held on March 5, 2023. That special election includes a charter amendment that will
13 substantially burden the right to vote of Californians living within the City of Huntington Beach by
14 allowing the City to require voters to show some form of (yet to be determined) voter identification
15 before they vote.

16 6. Although charter cities like Huntington Beach have home rule authority over certain
17 local issues, including municipal elections. This authority, however, is not unlimited, and a charter
18 provision must yield to state law where, as here: (1) the provision conflicts with state law; (2) the
19 subject of the provision is a matter of statewide concern; and (3) the conflicting state law is narrowly
20 tailored and does not unnecessarily interfere with municipal governance. (*Jauregui v. City of*
21 *Palmdale* (2014) 226 Cal. App. 4th 781, 794-96 (2014); see also *City of Huntington Beach v.*
22 *Becerra* (2020) 44 Cal. App. 5th 243, 256 [holding that even issues listed in the California
23 Constitution as municipal affairs “must give way to inconsistent state laws addressing issues of
24 statewide concern”].)

25 7. First, a local voter ID law that imposes requirements on top of the statewide process
26 conflicts with the state’s detailed voter verification framework. (*City of Huntington Beach v.*
27 *Becerra, supra*, 44 Cal. App. 5th at p. 270 [“Charter city law is contradictory to state law when it is
28 inimical thereto”].) Second, it is well settled that voting rights and the integrity of local elections

1 are matters of statewide concern. (*Johnson v. Bradley* (1992) 4 Cal. 4th 389, 409 [holding that “the
2 integrity of the electoral process, at both the state and local level, is undoubtedly a statewide
3 concern”]; *Jauregui, supra*, 226 Cal. App. 4th at p. 799-801 [voting rights, including protections
4 against voting restrictions and vote dilution, are state interests “that go to the legitimacy of the
5 electoral process”].) Finally, the state’s conflicting provisions are narrowly tailored to enhance the
6 integrity of the electoral process and to ensure that eligible individuals can cast a ballot free of
7 unnecessary burdens.

8 8. In addition, a municipal voter ID law is a violation of the state Constitution. Under
9 the California Constitution, “[a] United States citizen 18 years of age and resident in this State may
10 vote.” (Cal. Const. Art. II, § 2, subd. (a).) The right to vote is not limited to statewide elections,
11 nor can the right be made contingent on additional burdens that local governments may seek impose.

12 9. Restrictions on the right to vote are subjected to strict scrutiny. (*Thompson v. Mellon*
13 (1973) 9 Cal.3d 96, 99, fn. 2.) The governmental agency bears the burden of establishing both that
14 it has a compelling interest which justifies the law and that the restrictions are narrowly tailored to
15 avoid any unnecessary intrusion on into those fundamental rights. (*Ibid.*) Here, the City has no
16 compelling interest to justify such a measure, no factual predicate to seek to restrict the right to vote,
17 nor has its vague charter amendment been narrowly tailored to avoid any such intrusion into the
18 fundamental right to vote.

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FACTUAL BACKGROUND

10. On October 17, 2023, a divided Huntington Beach City Council adopted Resolution
No. 2023-42, to call a special election for the City of Huntington Beach (the “City”) for March 5,
2024. Under the resolution, the special municipal election would include ballot measures for three
charter amendments.

1 11. Charter Amendment No. 1 purports to allow the City to require “Voter
2 Identification” of voters in City elections.¹

3 12. Charter Amendment No. 2 purports to limit the types of flags that can be displayed
4 on City property.

5 13. Based on information and belief, the City Attorney was directed to file an impartial
6 analysis of Charter Amendment Nos. 1 and 2, and certain members of the City Council were
7 authorized to file arguments for and against, and rebuttal arguments for and against, Charter
8 Amendment Nos. 1 and 2.

9 14. Based on information and belief, the City Attorney’s impartial analysis and the
10 arguments in support of and in opposition to Charter Amendment Nos. 1 and 2 were due to
11 Respondent Estanislau on Wednesday, November 1 , 2023. Based on information and belief, the
12 rebuttal arguments for and against Charter Amendment Nos. 1 and 2 were due to Respondent
13 Estanislau on November 13, 2023. On November 14, 2023, Resolution No. 2023-42 and the
14 aforementioned election materials, were made available for public examination, commencing the
15 10-day period of review pursuant to Section 9295 of the Elections Code.

16 15. A true and correct copy of Resolution No. 2023-42, is attached hereto as **Exhibit A**.
17 Based on information and belief, Exhibit A was sent to Petitioner’s counsel by a member of
18 Respondent Estanislau’s staff on Friday, November 17, 2023. In addition, a copy of Exhibit A
19 appeared on the City of Huntington Beach’s Election Information website, at
20 https://www.huntingtonbeachca.gov/government/elected_officials/city_clerk/election_voter_info,
21 until at least Monday, November 20, 2023. The resolution is signed by Huntington Beach Mayor
22 Tony Strickland, with signatures by the Huntington Beach City Manager as having “reviewed and
23 approved” and “initiated and approved” the resolution, and a signature by a representative for the
24 Huntington Beach City Attorney’s office as “approved as to form.” The resolution is consecutively
25

26 ¹ As a practical matter, this would necessarily include general and statewide elections, since general
27 municipal elections are “held in the City on the first Tuesday after the first Monday in November in
28 each even-numbered year,” (Huntington Beach City Charter, § 700), the same date as statewide
General Elections (Elec. Code, §§ 1001, 1200.)

1 paginated. The last page is an attestation by Respondent Estanislau, reciting the roll call vote and
2 attesting that the resolution was adopted by the City Council.

3 16. Exhibit A does not contain the charter amendment language for Charter Amendment
4 No. 1 or Charter Amendment No. 2, as required by Section 9223 of the Elections Code.

5 17. Based on information and belief, a member of Respondent Estanislau’s staff sent to
6 Petitioner’s counsel another document, purporting to be Resolution No. 2023-42, a true and correct
7 copy of which is attached hereto on **Exhibit B**. According to Respondent Estanislau’s staff, Exhibit
8 B is a “corrected” version of Resolution 2023-42, which had been “revised due to a clerical
9 oversight,” without any intervening action by the City Council. Exhibit B differs materially from
10 Resolution No. 2023-42, as reflected in in Exhibit A. Exhibit B contains a new page 5, which does
11 contain the charter amendment language for Charter Amendment No. 1 and Charter Amendment
12 No. 2.

13
14 **CHARTER AMENDMENT NO. 1 VIOLATES STATE LAW**
15 **AND EXCEEDS THE CITY’S AUTHORITY**

16 18. The City’s proposal to require voter identification at the polls squarely conflicts with
17 state law and is invalid, notwithstanding a charter city’s “home rule” authority to legislate on
18 municipal affairs. (See, e.g, *Cal. Federal Savings & Loan Assn. v. City of Los Angeles* (1991) 54
19 Cal.3d 1; *Jauregui, supra*, 226 Cal.App.4th 781; *City of Huntington Beach v. Becerra, supra*, 44
20 Cal.App.5th 243.)

21 19. Under state law, identifying information, as well as other specified information, is
22 required when registering to vote and must be validated by elections officials. (Elec. Code, §§ 2188,
23 subd. (b), 2196, subd. (a)(7); Cal. Code Regs. tit. 2, §§ 19073, 20107.) An applicant must certify to
24 the truth and correctness of the content of the application, under penalty of perjury. (Elec. Code,
25 § 2188, subd. (e).) An individual who registers to vote knowing that they are ineligible to do so is
26 subject to criminal penalties. (Elec. Code, § 18100.)

27 20. The Elections Code further provides that, at the time of voting, a registered voter
28 wishing to vote in person need only provide their name and address; no further identification is

1 required. (Elec. Code, § 14216, subd. (a).) The Elections Code also sets forth a detailed process
2 for resolving questions of voter identity or eligibility at the polls. A voter’s identity or eligibility to
3 vote may be questioned only by an election worker, only on narrow grounds, and only with evidence
4 constituting probable cause to justify such a challenge. (*Id.*, § 14240.) A challenged voter need
5 only take a sworn oath of affirmation to remedy the challenge. (*Id.*, §§ 14243, 14244, 14245,
6 14246.) All doubts are to be resolved in favor of the challenged voter. (*Id.*, § 14251.)²

7 21. This framework strikes a careful balance: it guards the ballot box against ineligible
8 and/or fraudulent voters, while at the same time simplifying and facilitating the process of voting so
9 as to avoid suppressing turnout and disenfranchising qualified voters. It also makes clear that the
10 job of local elections officials is to supervise voting at the polls, not to take over voter-eligibility
11 functions performed by the county registrar and the Secretary of State.

12 22. Charter Amendment No. 1 would destroy this careful balance by placing the onus on
13 the voter to establish their identity and right to vote with some form of identification at the time they
14 cast their ballot. By requiring additional documentation to establish a voter’s identity and eligibility
15 to vote at the time of voting—a higher standard of proof than set out in the Elections Code—Charter
16 Amendment No. 1 conflicts with state law. Indeed, Charter Amendment No. 1 would arguably
17 constitute “mass, indiscriminate, and groundless challenging of voters,” in violation of Elections
18 Code section 18543.

19 23. Notably, these provisions of state law are also in conformity with the state’s plans to
20 implement the Help America Vote Act (“HAVA”), Pub. L. No. 107-252, 116 Stat. 1666 (2002),
21 codified at 52 U.S.C. §§ 20901-21145. HAVA was an election integrity and voting rights act
22 adopted by Congress and signed by President Bush in 2002 in response to the numerous problems
23 in the 2000 Presidential Election in Florida. HAVA sets federal standards for voting equipment,
24 voter registration databases, and verification of voter identification, and provides federal funding
25 for voting technology and administration. The Secretary of State administers the state’s
26

27 _____
28 ² As additional protections to the integrity of elections, any person who illegally casts a ballot is
subject to criminal prosecution. (Elec. Code, § 18500.)

1 implementation and ongoing compliance with HAVA. (See [https://www.sos.ca.gov/elections/help-](https://www.sos.ca.gov/elections/help-america-vote-act)
2 [america-vote-act.](https://www.sos.ca.gov/elections/help-america-vote-act))

3 24. The state laws outlined above address a matter of statewide concern: ensuring the
4 fundamental right to vote without imposing unnecessary obstacles that may reduce voter
5 participation or disproportionately burden low-income voters, racial and ethnic minorities, the
6 elderly, or people with disabilities, ensuring the state’s compliance with federal mandates, and
7 maintaining the state’s eligibility for federal funding for election administration. Courts have long
8 recognized that protecting the integrity of the electoral process, at both the state and local level, is a
9 matter of statewide concern (*Jauregui, supra*, 226 Cal.App.4th at p. 801), as is “the protection of
10 the constitutional rights of California residents.” (*City of Huntington Beach v. Becerra, supra*, 44
11 Cal.App.5th at p. 275.)

12 25. The City has not identified any factual basis for Charter Amendment No. 1, much
13 less a basis supported by uniquely local concerns. State law already requires prospective voters to
14 verify their identity—at the registration stage. It also sets forth a detailed process for resolving
15 disputes over a voter’s identity or eligibility at the polls, and contains ample provisions for dealing
16 with rare cases of fraudulent or otherwise illegal voting. Falsified, unsubstantiated, and purely
17 hypothetical concerns about voter fraud, or concerns that state law does not strike an appropriate
18 balance in this area, are insufficient to justify Charter Amendment No. 1.

19
20 **CHARTER AMENDMENT NO. 1 RESULTS IN DISCRIMINATION AGAINST SENIOR**
21 **CITIZENS, VOTERS WITH DISABILITIES, AND MINORITIES.**

22 26. In addition to the Charter Amendment being beyond what is constitutionally allowed,
23 voter ID laws discriminate against minorities, senior citizens, and voters with disabilities. Research
24 over the past decade consistently shows that, when implemented, voter ID laws reduce turnout for
25 individuals without proper identification, and those voters are disproportionately members of these
26 protected groups. (See, e.g., *The Impacts of Voter Suppression on Communities of Color*, Brennan
27 Center for Justice (Jan. 10, 2022), [https://www.brennancenter.org/our-work/research-](https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color)
28 [reports/impact-voter-suppression-communities-color](https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color) [collecting studies]; Vanessa M. Perez, Ph.D.,

1 Americans with Photo ID: A Breakdown of Demographic Characteristics, Project Vote (Feb. 2015),
2 [https://www.projectvote.org/wp-content/uploads/2015/06/AMERICANS-WITH-PHOTO-ID-](https://www.projectvote.org/wp-content/uploads/2015/06/AMERICANS-WITH-PHOTO-ID-Research-Memo-February-2015.pdf)
3 [Research-Memo-February-2015.pdf](https://www.projectvote.org/wp-content/uploads/2015/06/AMERICANS-WITH-PHOTO-ID-Research-Memo-February-2015.pdf) [finding that voters of color and low-income individuals are
4 less likely to have photo ID]; Impact of Voter ID Laws on People with Disabilities, Vote Riders
5 (Oct. 2019), <https://www.voteriders.org/impact-of-voter-id-laws-on-people-with-disabilities/>
6 [citing studies showing that the elderly and voters with disabilities are less likely to have photo ID].)

7 **CHARTER AMENDMENT NO. 1 FAILS THE STRICT SCRUTINY TEST**

8 27. Charter Amendment No. 1 substantially and severely burdens the fundamental right
9 to vote by restricting the ability to cast a regular ballot to only those who possess voter ID that the
10 City may find acceptable. This creates an unnecessary obstacle to the voting for the population of
11 Californians living in Huntington Beach who lack an acceptable form of photo ID, and by requiring
12 civic organizations to expend and divert resources educating their members and the public about the
13 new Voter ID Restrictions.

14 28. Because the Voter ID Restrictions impose a severe, substantial, and heavy burden on
15 fundamental right to vote protected by the California Constitution, they are subject to strict scrutiny.
16 These restrictions cannot satisfy any level of judicial scrutiny, however, as they are neither necessary
17 nor narrowly tailored to advance any compelling local interest.

18 **THE SPECIAL ELECTION FOR CHARTER AMENDMENT**

19 **NOS. 1 AND 2 VIOLATES THE ELECTIONS CODE**

20 29. Finally, the City has failed the basic requirements of the Elections Code in calling
21 and administering the election for Charter Amendment Nos. 1 and 2.

22 30. Pursuant Section 9223 of the Elections Code, “[w]henever any . . . measure is
23 required by this article to be submitted to the voters of a city at any election, the elections official .
24 . . shall cause the . . . measure to be printed. A copy of the ordinance or measure shall be made
25 available to any voter upon request.” Here, the text of Charter Amendment Nos. 1 and 2 were never
26 made available until at least November 21, 2023, on the second-to-last business day of the public
27 examination period required by statute. (Elec. Code, § 9295.) Upon request by Petitioner’s counsel,
28 Respondent Estanislau’s office provided the election information that did not have the measure’s

1 language, and only provided “corrected” copies with the language of the measure several days later.
2 For more than a month after Resolution No. 2023-42 was adopted, voters did not have access to the
3 measure language that was to be submitted, even while insiders wrote the impartial analysis and the
4 arguments and rebuttals for and against the measures.

5 31. Moreover, a substantial question of fact exists as to whether Exhibit B is actually
6 Resolution No. 2023-42. Exhibit A, which was publicly available for at least one month, was signed
7 by the Mayor, the City Manager, and the City Attorney. It was consecutively paginated and included
8 an attestation by Respondent Estanislau as to its authenticity. The contention that four different city
9 officials signed it, only to discovery a month later that this critical election document was incorrect,
10 seems dubious at best. Moreover, having signed and attested to the document, even if in error,
11 Exhibit A became prima facie evidence of the City Council’s action. Respondent Estanislau cannot
12 now, with no further action by the City Council, declare that a different document was in fact
13 Resolution No. 2023-42, and was the document signed by the Mayor, the City Manager, and the
14 City Attorney.

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PRE-ELECTION REVIEW AND REMOVAL OF
UNCONSTITUTIONAL BALLOT MEASURES IS APPROPRIATE

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18 32. Pre-election review by the courts of unconstitutional ballot measures are appropriate.
19 (*AFL v. Eu* (1984) 36 Cal.3d 687, 695-697 [citing *Brosnahan v. Eu* (1982) 31 Cal.3d 1, 5 (Mosk, J.,
20 concurring and dissenting)].) In both *AFL v. Eu, supra*, and *Legislature v. Deukmejian* (1983) 34
21 Cal.3d 658, 666, the Supreme Court endorsed the standards set out by Justice Mosk for when ballot
22 measures should be removed from the ballot.

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If it is determined that the electorate does not have the power to adopt
the proposal in the first instance or that it fails to comply with the
procedures required by law to qualify for the ballot, the measure must
be excluded from the ballot.

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Thus, for example, election officials have been ordered not to place
initiative and referendum proposals on the ballot on the ground that

1 the electorate did not have the power to enact them since they were
2 not legislative in character (e.g., *Simpson v. Hite* (1950) 36 Cal.2d
3 125, 129-134 []; *Fishman v. City of Palo Alto* (1978) 86 Cal. App.3d
4 506, 511-512 []; cf. *Farley v. Healey* (1967) 67 Cal.2d 325, 328-329
5 []), the subject matter was not a municipal affair (e.g., *Riedman v.*
6 *Brison* (1933) 217 Cal. 383, 387 []; *Mervynne v. Acker* (1961) 189
7 Cal. App.2d 558, 565-566 []), or the proposal amounted to a revision
8 of the Constitution rather than an amendment thereto (*McFadden v.*
9 *Jordan* (1948) 32 Cal.2d 330, 349-351 []).

10 (*Brosnahan, supra*, 31 Cal.3d at p. 6 [Mosk, J. [emphasis added].])

11 The presence of an invalid measure on the ballot steals attention, time
12 and money from the numerous valid propositions on the same ballot.
13 It will confuse some voters and frustrate others, and an ultimate
14 decision that the measure is invalid, coming after the voters have
15 voted in favor of the measure, tends to denigrate the legitimate use of
16 the initiative procedure.

17 (*AFL v. Eu, supra*, 36 Cal.3d at p. 697.)

18 33. As set forth above, the City has no authority to restrict the right to vote enshrined in
19 the state constitution. The eligibility of voters and the integrity of elections are not mere municipal
20 matters, over which the City has authority, but statewide matters that touch on constitutional rights.
21 “Here [] the challenge goes to the power of the electorate to adopt the proposal in the first instance.
22 This challenge does not require even a cursory examination of the substance of the initiative itself.
23 The question raised is, in a sense, jurisdictional.” (*Legislature v. Deukmejian, supra*, 34 Cal.3d at
24 p. 667.)

25 34. Furthermore, the City has violated the Elections Code in attempting to place on the
26 ballot both Charter Amendments Nos. 1 and 2 by failing to properly adopt the charter amendment
27 language and failing to properly post the charter amendment language for public examination as
28 required by the Elections Code.

1 the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags,
2 the Olympic Flag during the Summer Olympic Games, and any other flag if
3 authorized by a unanimous vote of the City Council, be approved?”).

4 38. For the reasons set forth above, Charter Amendment Nos. 1 and 2 violate the
5 California Constitution, violate the California Elections Code, are matters of statewide concern that
6 are preempted by state law, and/or violate the procedures for holding elections for charter
7 amendments as set forth in the Elections Code. Accordingly, Charter Amendment Nos. 1 and 2 are
8 “inconsistent with the requirements of” the Elections Code, and should be stricken from the March
9 5, 2024, Huntington Beach Special Municipal Election ballot.

10 39. Petitioner has no plain, speedy or adequate alternative remedy to the issuance of a
11 writ of mandate. Unless the writ of mandate is immediately granted the election will occur prior to
12 the hearing of this matter, and the voters will suffer injury.

13 40. Issuance of the writ at this time will not substantially interfere with the conduct of
14 the election.

15 **SECOND CAUSE OF ACTION**

16 **(Declaratory Relief, Code Civ. Proc., § 1060)**

17 41. Petitioner repeats and re-alleges paragraphs 1 through 40, as if fully set forth herein.

18 42. A present and actual controversy exists as to whether Charter Amendment Nos. 1
19 and 2 are constitutional, lawfully proposed or adopted, or enforceable.

20 43. Petitioner has no plain, speedy and adequate remedy by law other than this action.

21 44. Plaintiff respectfully requests that this court issue a declaration that Charter
22 Amendment Nos. 1 and 2 are unconstitutional, unlawfully, or otherwise unenforceable.

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24 WHEREFORE petitioner prays as follows:

25 1. That the court issue an alternative writ, and then a peremptory writ of mandate under
26 the seal of this court commanding Respondents to remove Charter Amendment No. 1 from the
27 March 5, 2024, Huntington Beach Special Municipal Election ballot;

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1 2. That the court issue an alternative writ, and then a peremptory writ of mandate under
2 the seal of this court commanding Respondents to remove Charter Amendment No. 2 from the
3 March 5, 2024, Huntington Beach Special Municipal Election ballot;

4 3. That the Court issue a declaration that Charter Amendment Nos. 1 is
5 unconstitutional, unlawful, or otherwise unenforceable, and enjoin its enforcement;

6 4. That the Court issue a declaration that Charter Amendment Nos. 2 is
7 unconstitutional, unlawful, or otherwise unenforceable, and enjoin its enforcement;

8 5. That the Court award costs of suit, to the extent permitted under law;

9 6. That the Court award Petitioner attorneys' fees to the extent permitted under law;

10 7. That the Court order such other and further relief as the court may deem just and
11 proper.

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13 DATED: December 18, 2023

BROWER LAW GROUP, APC

14
15 By: 
16 Lee K. Fink

17 Attorneys for Petitioner

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EXHIBIT A

EXHIBIT A

RESOLUTION NO. 2023-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO CITY CHARTER AMENDMENTS.

WHEREAS, pursuant to authority provided by the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, and under the provisions of the laws relating to Charter cities in the State of California, the City Council desires to hold a Special Municipal Election on March 5, 2024 to submit to the voters three questions relating to City Charter amendments; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment(s) to the voters,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to Charter Cities, and pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, there is called and ordered to be held in the City of Huntington Beach, California, on Tuesday, March 5, 2024, a Special Municipal Election for the purpose of submitting to the voters the following questions relating to City Charter amendments:

| | |
|---|-----|
| <p>“Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City: may require Voter Identification for elections; provide more in-person voting locations; and monitor ballot drop-boxes, be approved?”</p> | Yes |
| | No |
| <p>“Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?”</p> | Yes |
| | No |
| <p>“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?”</p> | Yes |
| | No |

SECTION 2. That the complete text of the Charter Amendments submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls (vote centers) for the election shall be open at seven o'clock

a.m. of the day of the election and shall remain open continuously from that time until 8 o'clock p.m. of the same day when the polls (vote centers) shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

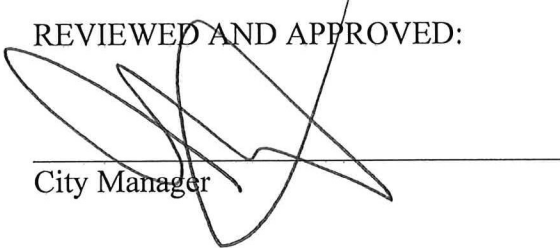
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PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 17th day of October, 2023.



Mayor

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:



City Manager

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.

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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.

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(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.

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 ~~if~~ 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 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.

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

I, ROBIN ESTANISLAU, 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 at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **October 17, 2023** by the following vote:

AYES: Van Der Mark, Strickland, McKeon, Burns
NOES: Kalmick, Moser, Bolton
ABSENT: None
RECUSE: None



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

EXHIBIT B

EXHIBIT B

RESOLUTION NO. 2023-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO CITY CHARTER AMENDMENTS.

WHEREAS, pursuant to authority provided by the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, and under the provisions of the laws relating to Charter cities in the State of California, the City Council desires to hold a Special Municipal Election on March 5, 2024 to submit to the voters three questions relating to City Charter amendments; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment(s) to the voters,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to Charter Cities, and pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, there is called and ordered to be held in the City of Huntington Beach, California, on Tuesday, March 5, 2024, a Special Municipal Election for the purpose of submitting to the voters the following questions relating to City Charter amendments:

| | |
|---|-----|
| <p>“Shall proposed Charter Amendment No. 1, which provides that commencing in 2026, for all municipal elections, the City: may require Voter Identification for elections; provide more in-person voting locations; and monitor ballot drop-boxes, be approved?”</p> | Yes |
| | No |
| <p>“Shall proposed Charter Amendment No. 2, which provides that the only flags to be displayed by the City on City property are the United States Flag, the State of California Flag, the County of Orange Flag, the City of Huntington Beach Flag, the POW-MIA Flag, the six Armed Forces Flags, the Olympic Flag during the Summer Olympic Games, and any other flag if authorized by a unanimous vote of the City Council, be approved?”</p> | Yes |
| | No |
| <p>“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?”</p> | Yes |
| | No |

SECTION 2. That the complete text of the Charter Amendments submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls (vote centers) for the election shall be open at seven o'clock

a.m. of the day of the election and shall remain open continuously from that time until 8 o'clock p.m. of the same day when the polls (vote centers) shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

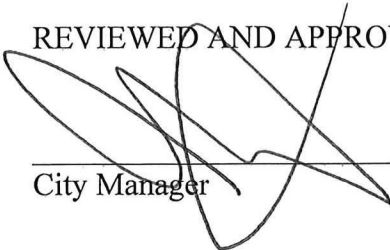
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PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 17th day of October, 2023.



Mayor

REVIEWED AND APPROVED:



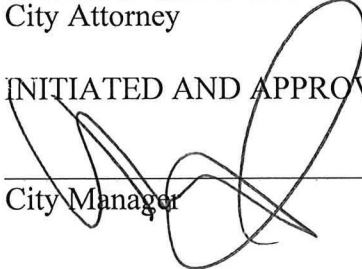
City Manager

APPROVED AS TO FORM:



*A*_____
City Attorney

INITIATED AND APPROVED:



City Manager

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

Charter Amendment Measure No. 1

Section 702. PROCEDURE FOR HOLDING ELECTIONS.

All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. In the event of such conflict, the provisions of this Charter shall control and prevail, in accordance with Section 103 of this Charter.

Section 705. SPECIAL PROVISIONS RELATING TO MUNICIPAL ELECTIONS

As in Section 300, the City Charter shall determine the term of the City's elective officers, the length of term, and the election cycle in which the election for those offices occur for the City's elective officers.

(a) Beginning in 2026, for all municipal elections:

(1) "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.

(2) The City may verify the eligibility of Electors by voter identification.

(3) The City may provide at least 20 Americans with Disabilities Act compliant voting locations for in-person voting dispersed evenly throughout the City, in addition to any City facility voting locations.

(4) The City may monitor ballot drop boxes located within the City for compliance with all applicable laws.

Charter Amendment Measure No. 2

SECTION 806. DISPLAY OF FLAGS.

Except as otherwise provided herein, the City shall only fly or display at or on any of the City's properties the following flags: the American flag, the POW/MIA flag, the State of California flag, the Huntington Beach City flag, the County of Orange flag, or any of the flags of the six branches of service: the Army, Navy, Air Force, Coast Guard, Marine Corps, and Space Force. During the Summer Olympic Games, the Mayor is authorized to order the display of the official Olympic flags for four weeks prior to the dates of the games, and for up to two weeks thereafter. The City may display any other flag in addition to those already enumerated, but only if authorized by a unanimous vote of all members of the City Council.

Charter Amendment Measure No. 3

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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 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.

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

I, ROBIN ESTANISLAU, 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 at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **October 17, 2023** by the following vote:

AYES: Van Der Mark, Strickland, McKeon, Burns
NOES: Kalmick, Moser, Bolton
ABSENT: None
RECUSE: None



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

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VERIFICATION

I have read the foregoing AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF (VERIFIED) and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 18, 2023.

Mark Bixby

Print Name of Signatory

Mark D. Bixby

Signature