

SECTION ONE

ELIGIBILITY OF CANDIDATES
(HBMC Chapter 2.04; City Charter Article III)

CITY COUNCIL POWERS AND DUTIES
(City Charter Sections 301-308)

EXPENSE ALLOWANCE/HEALTH INSURANCE
BENEFITS
(HBMC Chapter 2.28; Resolution No. 2006-79)

CITY CLERK POWERS AND DUTIES
(City Charter Section 310)

CITY TREASURER POWERS AND DUTIES
(City Charter Section 311)

CITY OF HUNTINGTON BEACH
CODE OF ETHICS

ELIGIBILITY OF CANDIDATES
(HBMC Chapter 2.04; City Charter Article III)

2.04.030 Residence and Registered Voter Requirements for Elective Officers

- A. No person is eligible to hold any elective office in the City of Huntington Beach unless that person was a resident and a registered voter of the City both at the time of assuming such office and at the time of issuance of nomination papers.
- B. No person shall be appointed to fill a vacancy in an elective office in the City unless that person is at the time of assuming such office a resident and a registered voter of the City.
- C. Any elective officer of the City, whether elected or appointed, shall at all times during his or her term of office be a resident and a registered voter of the City, and if during his or her term of office he or she moves his or her place of residence outside of the City limits or ceases to be a registered voter of the City, his or her office shall immediately become vacant. (1756-7/72, 2023-1/75, 2943-7/88)

CITY CHARTER ARTICLE III

Section 310. CITY CLERK. POWERS AND DUTIES.

To become and remain eligible for City Clerk, the person elected or appointed shall have a Bachelor's Degree in business, public administration, or a related field, and hold a certification as a Municipal Clerk or obtain such certification within the first three years in office.

Section 311. CITY TREASURER. POWERS AND DUTIES.

To become and remain eligible for City Treasurer, the person elected or appointed shall have a minimum of five years of financial and/or treasury experience, and have either:

A Master's Degree in accounting, finance, business, or public administration; or

A Bachelor's Degree in accounting, finance, business, or public administration with certification by the California Municipal Treasurer's Association, or their successor, within three years of election or appointment.

CITY COUNCIL POWERS AND DUTIES
City Charter Sections 301-308

Section 301. POWERS VESTED IN CITY COUNCIL.

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 302. COMPENSATION.

The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy-five Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense accounts therefor. In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amounts shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilpersons.

Section 303. MEETINGS AND LOCATION.

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month at such time as it shall fix by ordinance or resolution and 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 adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice 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 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 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 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 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.

(b) **Proceedings.** The City Council shall judge the qualification of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable. The City Council shall have control of all legal business and proceedings and all property of the legal department, and may employ other attorneys to take charge of or may contract for any prosecution, litigation or other legal matter or business.

(c) **Rules of Order.** The City Council shall establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

Section 305. PRESIDING OFFICER.

At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall have the primary but not the exclusive responsibility for interpreting the policies,

programs and needs of the City government to the people, and as occasion requires, may inform the people of any major change in policy or program; and shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

Section 306. MAYOR PRO TEMPORE.

The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability or at the Mayor's request.

Section 307. NON-INTERFERENCE WITH ADMINISTRATION.

Except as otherwise provided in this Charter, no member of the City Council shall order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in administrative service of the City, of any person to any office or employment, or removal therefrom. Except for the purpose of investigation and inquiry, the members of the City Council shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and no member of the City Council shall give orders to any subordinate of the City Manager, either publicly or privately.

No elected department head or staff of the Office of the elected department head shall be a member of the management negotiation team for the purposes of negotiations of memorandums of understanding with the employee bargaining units.

Section 308. OFFICIAL BONDS.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as the required separate bond would provide.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, the employee's superior officer or other officer or employee or the bond of the latter, unless such superior officer, or other officer or employee is a party to the act or omission, or has conspired in the wrongful act directly or indirectly causing the loss.

EXPENSE ALLOWANCE/HEALTH INSURANCE BENEFITS

(HBMC Chapter 2.28; Resolution No. 2006-79)

2.28.010 Expense Allowance

- A. It is deemed reasonable and adequate that in reimbursement of the ordinary and routine expenses, losses and costs imposed upon them by virtue of their serving the City in their official capacity, each Council Member shall receive monthly, during their term of office, ***\$1,320.64** per month, and the Mayor shall receive ***\$1,852.08** per month, to be adjusted annually by the Consumer Price Index for All Urban Consumers, all items, 1982-84 equals 100, published by the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles/Anaheim/Riverside Metropolitan Area. Further, such expense allowance need not be accounted for by the recipient.
- B. In addition thereto, each member of the City Council, including the Mayor, shall be reimbursed pursuant to the City's Business Expense Policy for Council authorized travel and other expenses when on official duty upon submission of itemized expense account therefor. This section is intended to meet the requirements of Section 302 of the City Charter. Appropriations for the allowance and other expenses provided for herein shall be included in the annual budget approved by the City Council. (1346-9/67, 2079-8/76, 2566-8/82, 2997-5/89, 3956-9/12, 4044-3/15)

2.28.020 Health Insurance Benefits

Except as provided herein, each member of the City Council shall be offered all health insurance benefits (medical/dental/vision/life/add/ltd) which are granted, and in the future shall be granted, to the department heads of the City of Huntington Beach, and the cost of such health insurance benefits shall be included in the annual budget. Each Council Member shall be offered City-funded health insurance benefits (medical/dental/vision/life/add/ltd) for each Council Member only; no spouse or dependent coverage, and no cash-in-lieu thereof (medical opt-out) shall be offered to each Council Member. (2079-8/76, 3956-9/12, 4044-3/15)

**Current calculated benefit to date (June 8, 2016)*

RESOLUTION NO. 2006-79

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING A BUSINESS
EXPENSE POLICY FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, AB 1234 mandates the adoption of a business expense policy for elected and appointed officials; and

The City Council desires to establish an expense policy, as authorized by City Charter Section 401 and Minute Action of the City Council, for all elected and appointed officials of the City who attend approved meetings, schools, conferences, training programs, and seminars,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach that the Business Expense Policy shall be as follows:

BUSINESS EXPENSE POLICY:

1. POLICY

- 1.a. This policy shall apply to all elected and appointed officials of the City.
- 1.b. The City Administrator and / or the Director of Finance shall be responsible for the proper administration of this policy for all elected / appointed officials.
- 1.c. Any exceptions from this policy must have prior written approval of the City Council.

2. ALLOWED EXPENSES. Whenever possible, group rates shall be used.

2.1 Registration

- 2.1.a. Approved schools and training exercises specifically related to the functions and responsibilities of the elected / appointed official in his/her present job classification.
- 2.1.b. Approved participation in meetings that provide specific job-related information or input for City programs.
- 2.1.c. Approved participation in meetings that affect department or City programs so that the value to the City warrants attendance.
- 2.1.d. Attendance at non-budgeted meetings may be granted at the expense of the elected / appointed official provided the above criteria are met.
- 2.1.e. Registration fees normally payable in advance shall be obtained through the regular requisition and purchasing process.

2.2 Travel

2.2.a. Expense for local transportation shall be allowed when necessary to conduct City business.

2.2.b. Air travel at coach fare by the most direct route. Air transportation costs normally payable in advance shall be obtained through the regular requisition and purchasing process.

2.2.c. Car rental shall have prior approval by Administration and a City discount credit card shall be used.

2.2.d. Personal cars may be used, with prior approval of Administration, at the amount per mile as allowed by the most recent Internal Revenue Service Allowance, or the equivalent amount of round trip air coach by the most direct route for one passenger, whichever is the lesser amount.

2.2.e. Travel time, when allowed, will be based on the most cost-effective mode of travel. The approving authority shall make such determination.

2.3 Lodging

2.3.a. Lodging shall be obtained at the single room rate or at government rates when available. Government rates shall be requested on all lodging reservations.

2.3.b. Rates shall not be higher than any special rate offered for the meeting location.

2.3.c. Whenever practical, lodging shall be arranged and paid for by the City.

2.4. Miscellaneous Allowable Fees and Costs

2.4.a. Telephone expense shall be allowed for City business only.

2.4.b. Costs necessary for school or meeting supplies which cannot be obtained by the City prior to such school or meeting.

2.4.c. Costs of miscellaneous items may be allowed when it is specifically shown that such items were necessary to conduct City business.

2.4.d. All additional charges incurred shall be at the expense of the attending elected / appointed official.

3. PER DIEM ALLOWANCE

3.1.a. Per Diem will be allowed in lieu of A detailed accounting of expenses. This will ordinarily be forty-five dollars (\$45) for each full day during the travel period. On official business authorized by the City Council, Councilmembers shall be allowed, in lieu of detailed accounting, a per diem of fifty dollars (\$50). It is recognized that certain cities (e.g. New York) are "high cost" areas. Accordingly, a supplemental allowance of up to twenty dollars (\$20) per

day for a total of sixty-five dollars (\$65) may be allowed if approved by the City Administrator in advance. Per diem for the following cities shall be as indicated: New York \$65; Washington D.C. \$65; San Francisco \$65; Monterey \$55, Palm Springs \$55.

3.1.b. The per diem requirements shall be 1) for days actually spent on City business; 2) for programmed days of a conference meeting, and 3) for time spent in travel (limited to the shortest travel time available).

3.1.c. Separate reimbursement will not be made for items identified as being covered by the per diem allowance. Per diem expense will include, but not be limited to, the following items:

1) Meals purchased during the inclusive dates of the trip.
2) Tips and gratuities of reasonable amounts for meals, hotels and transportation purposes.

3) Miscellaneous items of expense otherwise unclassified will be included in this category. Personal items and entertainment, unless such entertainment is necessary to conduct City business, will be included under this category and will not be reimbursed if in excess of per diem allowance.

4) Exceptions: Per diem allowance will not apply to official travel for meetings, conferences and conventions which: a) do not require an overnight or out-of-town attendance; b) takes place within the County of Orange limits; and c) one day meetings, conferences and conventions which are within commuting distance will not be allowed per diem allowance but will be subject to reimbursement based on reasonable, actual and itemized expenses for purposes listed in this paragraph.

4. ADVANCES.

Request for advances should be submitted for approval at least ten (10) days prior to departure. The approving authority may grant one hundred percent (100%) of the approved estimate of expenses. Advances shall be paid in accordance with procedures established by the Finance Director. In no case shall any money be advanced for expenses to be incurred by any person other than the authorized elected / appointed official.

5. RECORDS

Records of expenses as outlined above shall be maintained on a City form. The elected / appointed official shall provide itemized expense receipts on prescribed forms for the following:

5.1.a. All travel for which tickets must be purchased, lodging, parking; all meals; all other expenses for which receipts can be obtained.

5.1.b. Date, amount, purpose and reason for failure to furnish receipt(s) shall itemize all expenses for which receipts cannot be obtained.

5.1.c. All expenses, with or without accompanying receipt, shall be reported on the appropriate City form, approved for such purposes. Expense reports shall be submitted to the approving authority within ten (10) working days upon return. Any elected / appointed official who fails to comply with this provision shall forfeit his/her right to future advances.

5.1.d. The elected / appointed officials shall be responsible for all personal record keeping which may be necessary to meet Internal Revenue Service requirements relative to his or her taxes.

5.1.e. Elected / appointed officials shall comply with this policy and insure that all requests are approved in advance and proper reports and receipts are submitted.

6. BROWN ACT MEETINGS

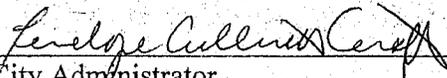
Elected / appointed officials shall report on any Brown Act meeting attended at the expense of the City / Agency at the next regular meeting of the legislative body.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 18th day of December, 2006.



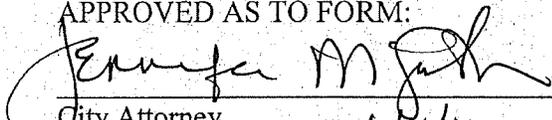
Mayor

REVIEWED AND APPROVED:



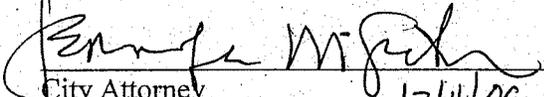
City Administrator

APPROVED AS TO FORM:



City Attorney 12/4/06

INITIATED AND APPROVED:

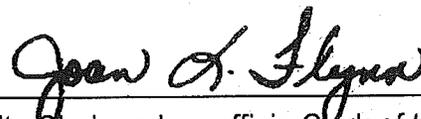


City Attorney 12/4/06

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

I, JOAN L. FLYNN 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 an **regular** meeting thereof held on the **18th day of December, 2006** by the following vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, Hardy
NOES: None
ABSENT: None
ABSTAIN: None



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

CITY CLERK POWERS AND DUTIES

(City Charter Section 310)

Section 310. CITY CLERK. POWERS AND DUTIES.

To become and remain eligible for City Clerk, the person elected or appointed shall have a Bachelor's Degree in business, public administration, or a related field, and hold a certification as a Municipal Clerk or obtain such certification within the first three years in office. The City Clerk shall have the power and shall be required to:

- (a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in records that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain separate records, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.
- (c) Maintain separate records of all written contracts and official bonds.
- (d) Keep all records in their possession properly indexed and open to public inspection when not in actual use.
- (e) Be the custodian of the seal of the City.
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.
- (g) Be ex officio Assessor, unless the City Council, has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.
- (h) Have charge of all City elections.
- (i) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.
- (j) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

The City Clerk may, subject to the approval of the City Council, appoint such deputy or deputies to assist them or act for them, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

CITY TREASURER POWERS AND DUTIES

(City Charter Section 311)

Section 311. CITY TREASURER. POWERS AND DUTIES.

To become and remain eligible for City Treasurer, the person elected or appointed shall have a minimum of five years of financial and/or treasury experience, and have either:

A Master's Degree in accounting, finance, business, or public administration; or

A Bachelor's Degree in accounting, finance, business, or public administration with certification by the California Municipal Treasurer's Association, or their successor, within three years of election or appointment.

The City Treasurer shall have the power and shall be required to:

- (a) Receive on behalf of the City all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal governments, or from any court, or from any office, department or agency of the City.
- (b) Have and keep custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit or cause to be deposited all funds coming into their hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.
- (c) Pay out moneys only on proper orders or warrants in the manner provided for in this Charter.
- (d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager and City Council.
- (e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.
- (f) Assist and cooperate with the City Manager consistent with Section 403 of the City Charter.

The City Treasurer may, subject to the approval of the City Council, appoint such deputy or deputies to assist them or act for them, at such salaries or compensation as the Council may by ordinance or resolution prescribe.



City of Huntington Beach Code of Ethics

Preamble

The citizens of the City of Huntington Beach are entitled to responsible, fair and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Huntington Beach City Council, adopts this code to:

1. Describe the standards of behavior to which its leaders and staff aspire.
2. Provide an ongoing source of guidance to elected leaders, city officials and staff in their day-to-day service to the city.
3. Promote and maintain a culture of ethics.

Pledge

On February 16, 2010, the City Council of the City of Huntington Beach adopted a Code of Ethics, which applies to all City elected or appointed officials, city employees, and members of its boards, commissions, committees, and task forces and requires the following pledge:

Code of Ethics

Responsibility

- I understand that the community expects me to serve with dignity and respect, as well as be an agent of the democratic process.
- I avoid actions that might cause the public to question my independent judgment.
- I do not use my office or the resources of the city for personal or political gain.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its citizens.

Fairness

- I promote consistency, equity and non-discrimination in public agency decision-making.
- I make decisions based on the merits of an issue, including research and facts.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.

Respect

- I treat my fellow city officials, staff, commission members and the public with patience, courtesy, civility, and respect, even when we disagree on what is best for the community and its citizens.

Honesty

- I am honest with all elected officials, staff, commission members, boards, the public and others.
- I am prepared to make decisions when necessary for the public's best interest, whether those decisions are popular or not.
- I take responsibility for my actions, even when it is uncomfortable to do so.



ACKNOWLEDGEMENT PROCESS FOR THE CITY OF HUNTINGTON BEACH CODE OF ETHICS

- **All current elected and appointed city officials including current members of all city boards, commissions, committees, and task forces, and all current city employees will be given a copy of the newly adopted City Code of Ethics following its adoption on February 16, 2010 and asked to sign an acknowledgement form at that time.**

THEREAFTER:

- **All elected officials of the city will be given a copy of the City Code of Ethics and asked to sign an acknowledgement form at the time of their swearing in.**
- **All new employees of the city will be given a copy of the City Code of Ethics and asked to sign an acknowledgement form as part of their new employee orientation.**
- **Each new member of a city board, commission, committee, or task force will be given a copy of the City Code of Ethics and asked to sign an acknowledgement form at their first meeting.**



**CITY OF HUNTINGTON BEACH
CODE OF ETHICS**

ACKNOWLEDGEMENT OF RECEIPT FORM

Name _____
(Please type or print first & last name)

Title _____

Board/Department _____

Date _____

Signature _____