

RESOLUTION No. 4408

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME FOR THE PLACEMENT OF A CHARTER AMENDMENT, WHICH WILL INCLUDE THE PROPOSED CITY NAME CHANGE FROM THE CITY OF PORT HUENEME TO THE CITY OF HUENEME BEACH, MEASURE ON THE BALLOT OF THE NOVEMBER 8, 2022 GENERAL ELECTION

WHEREAS, the City of Port Hueneme is a Charter City whose charter was adopted on or about December 5, 1996; and

WHEREAS, the City Council has held two public hearings on March 25, 2022 and April 25, 2022, respectively in compliance with Government Code sections 34458; to wit: each public hearing was noticed twenty-one days prior to the public hearing with thirty days elapsing between the two public hearings; and

WHEREAS, the date of this Resolution is twenty-one days from the last Public Hearing on April 25, 2022 in compliance with Government Code section 34458; and

WHEREAS, the City Council desires to give residents the option of choosing a City name that best corresponds to their respective values and best represents the interests of the residents; and

WHEREAS, pursuant to the authority provided by Section 3 of Article IX of the California Constitution and the laws of the State of California, the City Council desires to submit this proposed charter amendment and city name change to the voters at the November 8, 2022 general statewide election.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT HUENEME DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: the above recitals are true and correct and incorporated herein by this reference.

SECTION 2: The City Clerk is hereby directed to submit the ballot text to the Registrar of the County of Ventura for consolidation in the Statewide General Election on November 8, 2022 as follows:

PORT HUENEME CITY NAME CHANGE/CHARTER AMENDMENT MEASURE			
Shall the City of Port Hueneme change its name to the City of Hueneme Beach and amend its Charter to reflect the change of name?			
YES		NO	

SECTION 3: The text of the Proposed Charter Amendment to be submitted to the voters is attached hereto as "ATTACHMENT 1."

SECTION 4: That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 5: That by adopting this resolution, the City Council hereby approves the form of the attached Proposed Charter Amendment and City Name Change, and the submission of said question to the voters of the City at the November 8, 2022, General Statewide Election, such City Name Change and Charter Amendment to become effective on March 24, 2023 to coincide with the the City's 75th anniversary following the approval of a majority (50%+1) of the voters voting on the measure in the election.

SECTION 6: That pursuant to Section 9280 of the Elections Code of the State of California, the City Council directs the City Clerk to transmit a copy of the ballot measure to the Port Hueneme City Attorney. The City Attorney shall prepare an impartial analysis of the ballot measure, not to exceed five hundred (500) words in length, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by July 26, 2022, the date set by the Ventura County Elections Office of the Registrar of Voters for the filing of primary arguments.

SECTION 7: Due to the community interest in this issue, the City Council authorizes a process permitting a community submittal of the argument. Under Elections Code section 9282, staff recommends that a ballot argument on this Measure may only be submitted by an individual voter eligible to vote on the Measure, a bona fide association of citizens, or any combination of voters or associations. The City Council as a body or any individual members of the City Council are not authorized to file a written argument or any rebuttal argument for or against this Measure.

SECTION 8: That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of authors of an argument related to a measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors in accordance with Section 9285 of the Elections Code.

The rebuttal arguments shall be filed with the elections official, signed with the printed names and signatures of the authors submitting, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments are due to the Ventura County Elections Office of the Registrar of Voters on August 15, 2022.

SECTION 9: That the City Clerk is authorized, instructed and directed to coordinate with the Ventura County Elections Office of the Registrar of Voters 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 10: That in all particulars not recited in this resolution, the election shall be conducted as provided by law to be used at such election.

SECTION 11: That the City Clerk shall certify to the passage and adoption of this resolution, enter it into the book of original resolutions, and is hereby directed to file a certified copy of this resolution with the Ventura County Board of Supervisors and Elections Office of the Registrar of Voters.

SECTION 12: That the City Clerk and City Attorney are hereby authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Ventura County Clerk and/or the Elections Office of the Registrar of Voters.

SECTION 13: The Council directs that the full text of the Measure not be printed in the Voter Information Guide due to length and cost of printing, that it instead be placed on the City's website and that it be made available from the City Clerk without cost to anyone requesting a copy of the full Measure in accordance with the provisions of the Election Code section 9280, which reads in relevant part as follows:

If the entire text of the measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you.”

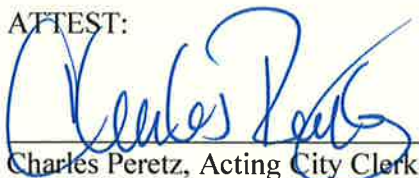
The City Attorney is directed to include the foregoing language and the address of the City's website at the conclusion of the impartial analysis.

PASSED AND ADOPTED by the City Council of City of Port Hueneme, on the 16th day of May, 2022, by the following vote:



Richard Rollins, Mayor

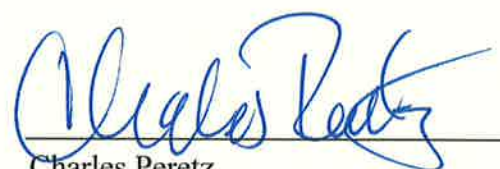
ATTEST:


Charles Peretz, Acting City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF VENTURA)

I, Charles Peretz, Acting City Clerk of the City of Port Hueneme, California, do hereby certify that the foregoing Resolution No. 4408 was duly adopted at the Regular meeting of the City Council on the 16th day of May, 2022, by the following vote:

AYES: Gama, Perez, Martinez, Rollins
NOES: Hernandez
ABSENT: None
ABSTAIN: None



Charles Peretz
Acting City Clerk

ATTACHMENT 1

PROPOSED

AMENDED CONSTITUTIONAL HOME RULE CHARTER

OF THE

CITY OF ~~PORT~~HUENEME BEACH, CALIFORNIA

JUNE 12, 1996

AS AMENDED BY THE VOTERS

NOVEMBER , 2022

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AMENDED CONSTITUTIONAL HOME RULE CHARTER
OF THE
CITY OF PORT HUENEME BEACH, CALIFORNIA

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FINAL DRAFT
PROPOSED AMENDED CHARTER OF THE CITY OF PORT HUENEME BEACH,
CALIFORNIA
~~June 12, 1996~~May 16, 2022

Preamble:

The citizens of the City of ~~Port~~Hueneme Beach do enact and establish this Charter to secure the greatest degree of home rule possible for all citizens of the City, to preserve and enhance the quality of life for the citizens of ~~Port~~Hueneme Beach, their children, their neighbors, their businesses and inslutions, and their posterity.

It is the further intent of the citizens of the City of ~~Port~~Hueneme Beach to secure that degree of governance which assures economic and fiscal independence to the fullest extent possible under the United States and California Constitutions, so as to promote the public health, safety and welfare of all citizens of the City.

ARTICLE I

POWERS AND DUTIES OF THE CITY

Section 1.1 Municipal Affairs

The City may make and enforce all ordinances, resolutions, rules and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter, the United States and California Constitutions and laws, and decisions of the courts with competent jurisdiction. As regards municipal affairs and all powers granted herein and hereby, this Charter shall superseded all laws inconsistent therewith.

Section 1.2 Powers of the City

The City shall have all powers possible for a city to have under the United States and California Constitutions and laws as fully and as completely as though those powers were specifically enumerated in this Charter.

Section 1.3 General Law Powers

Nothing in this Charter shall be construed to prevent or restrict the City from exercising any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the General Laws of the State of California. In addition to all powers provided for by this Charter, The City shall have all powers now or hereafter given to General Law cities in California, which powers are hereby declared to be possessed by the City.

Section 1.4 Intergovernmental Powers

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or their wise, with any one or more states or any agency of California, or any governmental jurisdictions or non-profit corporations thereof, or the United States or any of its agencies.

Section 1.5 Utilities and Enterprises

The City shall have the power to acquire, engage in and to manage any and all utilities and enterprises which the City Council shall deem appropriate for a public purpose.

Section 1.6 Franchises

The City Council shall have the power by ordinance to provide for the acquisition, development, operation and management of any public utility, and by ordinance may grant a franchise to utilize the public streets, rights-of-way and air rights by any public utility, enterprise or activity not owned by the City.

Section 1.7 Debt Financing

The City Council may issue all manner of securities and incur all manner of indebtedness, provided, however, general obligation debt of the City shall at no time exceed ten percent of the assessed valuation of all taxable property within the City.

Section 1.8 Residual Powers

The citizens of the City of ~~Port~~-Hueneme Beach hereby reserve to themselves through their City government all residual powers as may be available to them under and by virtue of the United States and California Constitutions.

Section 1.9 Purchasing and Contracting

- A. Purchasing. The City Council shall by ordinance provide for a purchasing system assuring a maximum of competition for the lowest price consistent with a stated level of quality. The City Council, however, may provide exceptions to such competitive processes when the City desires to secure copyrighted or patented products or specialized professional services.
- B. Contracting. The City Council by ordinance shall provide for a contracting system and may adopt prevailing wage, geographies boundaries and other guidelines and restrictions, including local bidding preference, governing public works and other City contracts.

Section 1.10 Revenue Reductions and Mandates

The City Council shall have the power to avoid and to oppose any reduction in the amount of revenue provided to the City by any higher level of government. Further, the City Council shall have the power to order the non-performance of any service or activity mandated on the City by any higher level of government until such time as a court of competent jurisdiction orders that the City shall accept such revenue reduction or perform such mandated service or activity, or until such revenues are adequate to perform such service shall be provided by the mandating government.

Section 1.11 Balanced Revenue System

The City Council shall have the power and duty by ordinance and resolution to maintain a revenue structure adequate to meet all City financial requirements necessary for the execution of such programs and projects as may be determined by the Council. The City revenue structure shall include fees, taxes, utility and enterprise charges, and assessments insofar as the City Council is legally permitted, to comply with the judicially-determined requirements and definitions of the California Constitution as it now exists or may be amended.

Section 1.12 Duties and Responsibilities of the City

The City Council shall budget and make provision for City services, activities, programs and facilities as it deems appropriate in the best interests of public health, safety, welfare and the quality of life, and shall provide information to the public relative to the activities of the City.

Section 1.13 Liberal Interpretation

The provisions of this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

ARTICLE II

ORGANIZATION AND GOVERNANCE

Section 2.1 Boundaries of the City

The boundaries of the City shall be as now established, and may be changed as provided by law, by this Charter, or by ordinance.

Section 2.2 Form of Government

The organizations form of government under which the City shall operate shall be that which is commonly known as "The Council- Manager Plan."

Section 2.3 Governing Body

The City shall have a City Council composed of five Councilmembers, elected by the voters of the City for four year terms, as provided by ordinance. The City Council shall be the legislative and governing body of the City. One member of the City Council shall be elected and serve at the pleasure of the City Council as the Mayor. A second member of the City Council shall be selected by the City Council and shall serve at the pleasure of the City Council as Mayor Pro Tempore.

Section 2.4 Elections

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code governing municipal election.

Section 2.5 Exercise of City Council Powers

The City Council shall exercise its powers in accordance with appropriate laws and this Charter.

Section 2.6 Budget, Financial Report and Audit

The City Council by ordinance shall provide for the preparation, presentation to the City Council, and administration of the operating and capital improvement budgets by the City Manager; the preparation and presentation of annual financial reports; and the provision of an annual audit of all City financial transactions and records.

Section 2.7 City Manager

- A. Creation. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint the person who it believes to be best qualified with specific reference to experience in, and knowledge of accepted practice in respect to the duties of the office as set forth in this Charter and in an ordinance establishing the duties of the City Manager. The City Manager shall serve at the pleasure of the City Council.
- B. Duties. The appointment, removal, authority and duties of the City Manager shall be as established by ordinance, including the Manager's appointment, control and supervision of all appointed officers and employees.

Section 2.8 City Organization and Activities

The City Council shall by ordinance provide for the administrative organization and procedures of the City. The City Council shall make policy for the City and, additionally, shall be responsible to the people of the City for, but not limited to, the following duties and responsibilities:

- A. Governance. Considering ordinances and resolutions and adopting those which it determines to be necessary for the governance, proper administration and adequate financing of the City;
- B. Oversight. Providing oversight of the City Manager and all municipal activities under his/her purview.
- C. Legal Execution. Carrying out all provisions of this Charter, ordinances and applicable State and federal laws;
- D. Reviews. Conducting such reviews and taking such actions as may be required for the effective governance and financing of the City;
- E. Other Duties. Performing such other duties as may be assigned to the City Council by State law, ordinance or resolution.

Section 2.9 Annual Expenditures

The City Council by ordinance shall provide for an integrated budgetary accounting and finance system which shall be based on the principle that the total of expenditures for each established City fund for each fiscal year shall not exceed the total of estimated revenues plus carried forward fund balance and appropriated reserves, plus any capital financing made available for each such established City fund.

Section 2.10 Conflicts of Interest

The City Council shall provide by ordinance and City Policy that all applicable law prohibiting the use of public office and employment for private gain is applicable to all City officers and employees, and to assure compliance with the laws of the State of California regarding conflicts of interest or employment.

ARTICLE III

GENERAL PROVISIONS AND TRANSITION

Section 3.1 Violations

The City Council by ordinance shall categorize and provide for penalties and misdemeanors and infractions within the general laws. Further, the City Council shall provide for fines, penalties, enforcement of City ordinances, infractions and regulations, and for willful violations of this Charter.

Sections 3.2 Amendment

This Charter may be amended by a vote of the people as provided by law.

Section 3.3 Transition

All City ordinances, resolutions, rules, regulations and agreements which are in force and not in conflict with this Charter when this Charter and/or any amendments thereto becomes effective shall remain in effect until repealed, modified or amended.

Section 3.4 Continuity

- A. Rights. The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by the City on the effective date of this Charter and/or any amendments thereto, and shall be subject to all its debts, obligations and liabilities.
- B. Officers and Employees. On the effective date of this Charter and/or any amendments thereto all present officers and employees of the City shall retain their respective offices and employment until their successors are selected and qualified, as provided by ordinance.

Section 3.5 Severability

If any provision of this Charter and/or any amendments thereto ~~are~~ held to be invalid, the other provisions of this Charter or any amendments shall not be affected thereby. If the application of this Charter and/or any amendments thereto, or any of ~~its~~ their provisions to any person or circumstance is held invalid, the application of this Charter or any amendments and ~~their~~ their provisions or circumstances shall not be affected thereby.

END OF CHARTER TEXT

PARTICIPANT SIGNATURES ON NEXT PAGE

ADOPTED BY THE VOTERS OF THE CITY OF ~~PORT~~-HUENEME BEACH ON THE _____
_____ DAY OF NOVEMBER, 19962022.

Mayor, City of ~~Port~~-Hueneme Beach
~~Dr. Robert E. Turner~~Rich Rollins

ATTEST:

City Clerk, City of ~~Port~~-Hueneme Beach

FILED AND CHAPTERED BY THE CALIFORNIA SECRETARY OF STATEMENT, AND
EFFECTIVE ON THE _____ DAY OF _____, 19962022.

PROPOSED AND SUBMITTED BY THE CITY COUNCIL
OF THE
CITY OF ~~PORT~~-HUENEME BEACH, CALIFORNIA
FOR VOTER APPROVAL

On this 16th day of May, 19962022

~~Dr. Robert Turner~~Rich Rollins, Mayor
~~Volante~~Bobby Martinez, Mayor Pro Tem

Anthony

~~Orvene Carpenter~~Laura Hernandez, Councilmember
~~Sharkey~~Steven Gama, Councilmember

Jonathan

~~Misty Perez~~Tony Young, Councilmember