

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

SUBMITTED TO: HB Charter Review Commission

SUBMITTED BY: Mark D. Bixby, Charter Review Commissioner *MDB*

SUBJECT: Amend charter section 501 (Emergency Ordinances) to provide for the automatic repeal of emergency ordinances.

Statement of Issue: Improve transparency and accountability by automatically repealing emergency ordinances.

Recommended Action: Motion to:

Amend Huntington Beach charter section 501 as follows:

Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be adopted in the manner provided in Section 500 except that such emergency ordinance may be introduced, enacted and adopted at one and the same regular or special meeting and shall take effect immediately upon adoption if passed by at least five affirmative votes.

Emergency ordinances automatically shall be repealed as of the 61st day following the date on which it was adopted, but such automatic repeal shall not prevent reenactment of the ordinance in the manner specified in this Charter if the emergency still exists, or:

- 1) Repealed or replaced by adoption of another ordinance in the manner specified in this Charter; or
- 2) Repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Alternative Action(s):

Increase the automatic repeal trigger to 90 or 120 days.

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

Analysis:

Emergency ordinances by their urgent nature may require adoption without normal public visibility. It is the expectation of residents that city officials will work to minimize the duration of the emergency and expeditiously work to return to a normal situation.

This charter amendment improves transparency and accountability by requiring all emergency ordinances to auto-repeal after a fixed period. If the emergency still exists, the council may simply re-adopt the ordinance. The re-adoption process will cause the public to be aware the emergency is still ongoing, and the public may use the re-adoption process to hold the city council accountable for their handling of the emergency.

References:

- Lindsay charter section 3.10(C) – <http://www.bixby.org/charter/charters/Lindsay.pdf>