



**OFFICE OF CITY COUNCIL MEMBERS
TOM FIGG AND JIM HENSLEY
NEWS RELEASE**
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CHARTER AMENDMENT A FRAMEWORK FOR BETTER GOVERNMENT

(PORT HUENEME, CA) As Charles Dickens wrote in *A Tale of Two Cities*: "it was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the season of Light, it was the season of Darkness..." Since the General Election of November 2014, Port Hueneme has undergone circumstances that mirror those written by Dickens, vacillating between the euphoria of reinstating the Boys and Girls Club to the despair of a team building exercise that failed miserably.

Despite the change in Council membership from the last General Election (or perhaps because of it), prevailing public sentiment is that the Council has become wholly ineffective. Meanwhile, financial problems persist, employee morale suffers, utility rates increase and liability claims mount. Much like the City's recurring budget deficit, we now have structural political dysfunction. Assessing blame is not what matters; what's important is to provide constructive solutions.

Given these dynamics, a comprehensive amendment of the City's Charter (the equivalent of a local constitution) has been drafted for the community to consider. With the public's input, we hope to introduce this ballot measure at the earliest possible date. Most importantly, we want to fully engage the community and thoroughly vet the issues before placing the matter on the ballot. With that introduction, below is a summary of the major features we're suggesting.

Term Limits: *A maximum of three consecutive four-year terms is proposed. After three terms, an individual must wait at least four years (the equivalent of one term of office) before running again for City Council. If elected after that period of wait, that individual would be entitled to another three-consecutive term limit.*

Mayoral Appointments: *No Councilmember shall be eligible for appointment to the position of Mayor in any year such member is eligible for re-election. In addition, no member of the City Council shall be eligible for appointment as Mayor or Mayor Pro Tempore more than once during each four-year term of office except by an affirmative vote by no less than four Council members.*

Council Assignments: *Appointments to external committees, commissions and boards shall be conducted annually in December of every year. No member of the City Council shall be eligible to serve more than two consecutive years on the same advisory body except by an affirmative vote by no less than four Council members.*

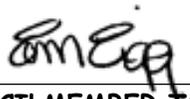
Financial Management: *The Council shall be provided with expenditure reports by which to gauge financial performance no less frequently than once a quarter. Annual budget documents shall provide for greater detail on cost accounting, discretionary appropriations, employee compensation and the assessment of Council goals to actual results.*

Staff Accountability: *Each annual budget shall provide: (i) measureable objectives for each operating department and their relationship to strategic goals established by the City Council; (ii) an assessment of departmental outcomes compared against stated objectives from the previous fiscal year; and (iii) corrective measures to reconcile objectives with actual accomplishments.*

Civic Engagement: *An ad hoc Financial Oversight Committee and Civic Advisory Commission (each with representatives of the general public, key City staff and community stakeholders) shall be established to provide an independent assessment of the City's financial health and provide recommendations on matters of community-wide importance.*

Open Government: *The Council shall be obligated to promote civic engagement and operational transparency through all reasonable means including periodic townhall sessions off-site of City Hall, audio/video broadcasting of public meetings, advanced agenda distribution, limits on closed meeting sessions, and similar such measures.*

A complete copy of the proposed Charter Amendment is available for review at tomfigg.com. We welcome and encourage your feedback. Please mail or send you comments to: tfigg@roadrunner.com, P.O. Box 1226, Port Hueneme, CA 93044-1226 or hensleyjim@outlook.com, P.O. Box 333, Port Hueneme, CA 93044-0333. We also intend to reach out to the community and elicit your views through informal meetings and presentations. We look forward to hearing from you.



COUNCILMEMBER TOM FIGG



COUNCILMEMBER JIM HENSLEY

ATTACHMENT: PROPOSED CHARTER AMENDMENT (April 11, 2016)

CITY OF PORT HUENEME

AMENDMENT OF THE CITY OF PORT HUENEME CHARTER AS A BALLOT MEASURE FOR NOVEMBER 2016 JOR LATER DATE TO BE DETERMINED]

Shall the Charter of the City of Port Hueneme be amended by imposing limits on elective office for City Council members to a maximum of three consecutive four-year terms, prohibiting a Councilmember from being appointed Mayor in a year of their re-election, limiting the number of times a Councilmember may serve as Mayor or Mayor Pro Tempore during their term of office, establishing protocols for City Council appointments to external governmental bodies, instituting financial policies that promote best management practices and public disclosure, fostering civic engagement, and promoting transparency in government affairs.

Section 2.3 Governing Body

A. Composition. 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 selected 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.

B. Mayoral Appointments. Commencing November 2, 2016: (i) no member of the City Council shall be eligible for appointment to the position of Mayor in any year during which that member's term of office is due to expire and such member is eligible for re-election; and (ii) no member of the City Council shall be eligible for appointment to the position of Mayor or Mayor Pro Tempore more than once during their four-year term of office without an affirmative vote of no less than four Councilmembers.

C. Annual Reorganization. At its first regularly scheduled meeting in December of each year, the City Council shall: (i) reorganize and select one of its members as Mayor, and one of its members as Mayor Pro Tempore; and (ii) make appointments to external committees, commissions and boards. All members of the City Council shall be given the opportunity to serve on external bodies and no member of the City Council shall be eligible to serve more than two consecutive years on any single committee, commission or board.

D. Term Limits.

- 1. Three Term Maximum.** Commencing November 2, 2016, Councilmembers shall be eligible to serve no more than three consecutive four-year terms of office. An individual who serves three such consecutive terms of office shall be required to wait at least four years from the expiration of their third consecutive term before again seeking election to the City Council and then a new three consecutive term limit shall apply. A partial term served in office of more than two years shall count as a full four-year term for purposes of computing the term limitation.
- 2. Term Limit Applicability.** The limitation on consecutive terms shall apply to and include previous terms served by current Councilmembers prior to November 2, 2016. Should an incumbent Councilmember be re-elected on November 2, 2016, who has served two or more terms prior to November 2, 2016, such person shall be entitled to serve one additional four-year term, and at the end of such term, shall thereafter be required to wait at least four years before again seeking election to the City Council and then a new three consecutive term limit will apply.

Section 2.6 Financial Management

A. Budget, Financial Report and Audit. The City Council by ordinance shall provide for: (i) the preparation, presentation to the City Council, and administration of the operating and capital improvement budgets by the City Manager; (ii) the preparation and presentation of quarterly expenditure reports, annual financial reports; and the provision of an annual audits of all City financial transactions and records; and (iii) the adoption and periodic updating of fiscal policies relevant to budget preparation, reserve requirements, and investment guidelines that incorporate best management practices.

B. Budget Documentation.

- 1. Council Goals.** Each annual budget shall be accompanied by strategic goals and priorities established by the City Council. The goals and priorities shall: (i) be formulated by the City Council at the earliest regularly scheduled meeting date following issuance of the second quarter expenditure report, but in no event later than January 31st of each year; (ii) be subject to a duly noticed public hearing prior to adoption; and (iii) be used to guide the budgetary process in the forthcoming fiscal year.
- 2. Budget Letter.** Each annual budget shall be accompanied by a transmittal letter from the City Manager to the City Council that provides: (i) a detailed accounting of the City's current financial condition; (ii) an explanation for significant changes in revenues and expenditures between budgetary periods; (iii) an assessment of the document's compliance with adopted fiscal policies and strategic goals established by the City Council; and (iv) an overarching strategy to achieve a sustainable financial future.

3. Cost Accounting. Each annual budget shall provide a comparison of revenues, expenditures and personnel between the past and forthcoming fiscal year, expressed both numerically and by percentage changes, for all operating departments, revenue funds and capital improvements. All significant changes shall be explained in the Budget Letter along with corrective measures, as appropriate.

4. Disclosure Categories. Each annual budget shall provide line item detail for each operating department, comparing past actuals with current proposals, regarding: (i) legal fees, litigation expenses and outside counsel; (ii) travel, conferences, training, and dues/memberships; (iii) contract services with information on scope and purpose; (iv) programs administered by each operating department; and (v) financial support provided to external organizations.

5. Performance Assessment. Each annual budget shall provide: (i) measureable objectives and initiatives for each operating department and their relationship to strategic goals established by the City Council; (ii) an assessment of departmental outcomes compared against stated objectives from the previous fiscal year; and (iii) corrective measures to reconcile departmental objectives with actual accomplishments from the previous fiscal year.

6. Employee Compensation. Each annual budget shall provide detailed schedules of compensation for all employees: (i) itemizing salary, benefits, and overtime for the past and forthcoming fiscal year; (ii) displaying actual compensation received compared to adopted salary schedules; and (iii) comparing total compensation to the average for comparable positions throughout Ventura County and separately for cities within the County of similar size.

7. Unfunded Liabilities. Each annual budget shall: (i) account for and quantify all unfunded liabilities that potentially affect the City's near and long-term financial well-being including outstanding claims, unresolved litigation, pension obligations and all other matters for which there is significant financial exposure; and (ii) provide a budgetary strategy for addressing such liabilities.

C. Financial Oversight Committee. The City Council by ordinance shall provide for establishment of an ad hoc Financial Oversight Committee consisting of the City Manager, Finance Director, and a minimum of three at-large citizen representatives with expertise in financial accounting. The Committee shall meet as necessary to: (i) review the various reports, documents and policies described in Paragraph A above; and (ii) provide recommendations to the City Council prior to these matters being presented to, or considered by, the Council.

Section 2.13 Government Transparency

A. Council Protocols. The City Council, by resolution and with an affirmative vote of no less than four Council members, shall adopt and periodically amend protocols governing its conduct, the roles and relationships between elected members and appointed staff, and procedural issues that facilitate decision making. Any protocols existing as of November 2, 2016, and all subsequent amendments thereafter, shall conform to the provisions of this Charter.

B. Council Meetings.

1. Regular Meetings. Regularly scheduled meetings of the City Council shall be conducted on such days and times that are established by resolution. To provide sufficient time for the Council and general public to review items scheduled for consideration, meeting agendas and staff materials shall be made available a minimum of five calendar days before each regularly scheduled meeting.

2. Special Meetings. Special meetings of the Council may be called when necessary and noticed in accordance with law. Except or unless such meetings constitute an immediate urgency such that public health, safety or welfare is threatened as determined by the City Attorney, agendas and staff materials for special meetings shall be made available to the Council and general public in the same time and manner required for regularly scheduled meetings.

C. Civic Engagement.

1. Council Meetings. All regular and special meetings of the City Council shall provide opportunity for the public to comment. For items not otherwise on the agenda, the opportunity to comment shall be provided during open forum at the beginning and at end of each such meeting. Each public member wishing to speak shall be provided a minimum of three minutes to address the Council, and a minimum of thirty minutes shall be allotted for public comments during each portion of the agenda designated for open forum.

2. Public Comments. All public inquires relevant to matters of the City received during open forum shall be addressed either at the meeting when such matters are posed or at the next regularly scheduled meeting of the City Council. The timing of responses to public comments shall be dictated by open meeting laws of the State with guidance provided by the City Attorney. Public comments that constitute a matter of opinion or raise questions unrelated to the City shall not require a response.

3. Community Accessibility. The City shall affirmatively further efforts to inform and engage the community through all reasonably available and affordable means including, but not limited to: (i) audio recording, digital taping, television broadcasting and website posting of all City Council meetings; (ii) periodic town hall meetings conducted off-premises of City Hall; and (iii) noticed public hearings on all financial documents described in Section 2.6, Paragraph A above.

4. Advisory Commission. The City Council by ordinance shall provide for establishment of an ad hoc Civic Advisory Commission comprised of representatives of the Oxnard Harbor District, Hueneme School District, U.S. Navy, Port Hueneme Chamber of Commerce (collectively, the “Community Partners”) and a minimum of three at-large citizen appointments. The Commission shall meet as necessary to review, evaluate and provide recommendations on matters described below.

(a) Interagency Matters. Before the City Council acts upon any matter having a potentially significant impact upon the Port of Hueneme, Naval Base Ventura County, public schools and facilities, or the business community at large, such matters shall first be referred to the Commission for a report and recommendation. In the event of uncertainty, the City Attorney shall determine whether such matters fall within the purview of the Commission.

(b) Revenue Matters. Before the City Council acts upon any matter entailing an increase in fees charged for services (including utility rates) or any financial levy that requires a vote of the people of Port Hueneme under applicable law, such matters shall first be referred to the Commission for a report and recommendation. Fees charged for services expressly encompass all levies that are otherwise exempt from the voting requirements of Article XIII C of the California Constitution.

(c) Assigned Tasks. At the discretion of the City Council, upon a majority vote of its members, the Council may enlist the Advisory Commission to review, evaluate and provide a report on any matter for which the Council seeks a recommendation. In regard both to Interagency Matters and Assigned Tasks, the City Manager shall provide staff support to the Committee as necessary and appropriate for the Committee to perform its assigned duties.

(d) Impact Defined. As used herein, significant impact means an adverse change in physical conditions, regulatory requirements or financial circumstances which could substantially disrupt, interfere with or jeopardize the ability of the Community Partners to perform their respective functions.

D. Closed Sessions.

- 1. General Provisions.** The City Council may meet in closed session to privately discuss matters allowed by law including personnel, litigation and real property negotiations. Closed sessions shall not be used to: (i) discuss or suppress information that is a matter of public information; or (ii) preclude Council members from discussing issues of general public interest in open session. Confidential communications by and between the City Manager, City Attorney and City Council shall be subject to the same limitations.

- 2. Mandatory Reporting.** Except or unless public urgency requires otherwise, closed sessions of the City Council shall be conducted before regular or special meetings. At the end of each closed session and prior to commencement of regular or special meetings of the Council, the City Attorney shall publicly report and disclose the following: (i) the general scope of discussions conducted; (ii) actions taken by the Council, if any; and (iii) objections, if any, raised by specific Council members as to compliance with open meeting laws of the State. All such declarations shall be reflected in the City Council meeting minutes.