



**CITY OF HUNTINGTON BEACH  
INTERDEPARTMENTAL COMMUNICATION**

**TO:** Michael Gates, City Attorney

**FROM:** Robin Estanislau, City Clerk *RE*

**DATE:** April 17, 2024

**SUBJECT:** CITY CLERK'S TRANSMITTAL OF NOTICE OF INTENTION TO CIRCULATE PETITION AND REQUEST FOR BALLOT TITLE AND SUMMARY FOR A PROPOSED MEASURE TO REPEAL ORDINANCE NO. 4318 ADDING CHAPTER 2.66 TO THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO THE COMMUNITY-PARENT GUARDIAN REVIEW BOARD FOR REVIEW OF PROCUREMENT OF CHILDREN'S LIBRARY MATERIAL

Pursuant to California Elections Code §9105, please return a ballot title and summary of the attached proposed measure within fifteen (15) days (by Thursday, May 2, 2024), for the City Clerk's Office to provide to the proponents, Catherine Ryder, Bonnie Gruttadauria and Lucinda Mroch.

**Attachments:**

1. Notice of Intention to Circulate Petition (signed by proponents Ryder, Gruttadauria and Mroch)
2. Proposed Ballot Initiative (Uncodified Text of Proposed Ballot Initiative (HBMC Chapter 2.66 of Title 2 stricken; proposed new Section 2.30.090 of Title 2)
3. Request That Ballot Title And Summary Be Prepared (signed by proponents Ryder, Gruttadauria and Mroch)
4. Proponent Statement of Acknowledgment (duplicates signed by proponents Ryder, Gruttadauria and Mroch)

**c:** Honorable Mayor and City Council Members  
Eric Parra, Interim City Manager  
Executive Team

## NOTICE OF INTENTION TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Huntington Beach for the purpose of qualifying for the ballot an initiative to repeal Ordinance 4318.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

Parents should decide what their own children should read, not what my children should read. We seek the repeal of this ordinance that creates a committee of twenty-one parents or guardians reviewing all of the children's books (Ages 0-17) in our library and all new materials being acquired. The committee then makes a determination as to whether or not these materials are allowed to be purchased and included in our libraries. This appears to us to be a book banning committee and committees that ban books are un-American. The parents/guardians appointed to this highly political committee are not required to have any training or expertise in reviewing some 6200 books and other materials our libraries acquire annually. The ordinance has been sloppily drafted and <sup>could</sup> result in destroying the Huntington Beach Public Library. It is a disservice to the library's mission that "welcomes, empowers and enriches our community by providing innovative and traditional services that inspire and encourage transformation and growth." One member of this committee could stall the purchase of all materials entering the children's and young adult sections of our library for up to a year. The decisions of this board would be final and unappealable even to the City Council. We believe that this is by design. This ordinance is designed to destroy our beloved public library and we believe it should be repealed.

*Catherine Ryder*

Catherine Ryder  
19882 Felcliff Lane  
Huntington Beach, CA 92649

*Bonnie Gruttadauria*

Bonnie Gruttadauria  
518 Alondra  
Huntington Beach, CA 92646

*Lucinda Mroch*

Lucinda Mroch  
10282 Halawa Drive  
Huntington Beach, CA 92646

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**PROPOSED BALLOT INITIATIVE**

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**Text of the Proposed Ballot Initiative**

Chapter 2.66 of Title 2 of the Huntington Beach Municipal Code is stricken. A new Chapter 2

~~Chapter 2.66 COMMUNITY PARENT GUARDIAN REVIEW BOARD PROCUREMENT FOR CHILDREN'S LIBRARY MATERIALS~~

~~2.66.010 Established~~

~~There is hereby established a new Community Parent Guardian Review Board for Procurement of Children's Library Materials (hereinafter referred to in this Chapter as the "Board") which shall be a decision-making body pursuant to Huntington Beach Charter Section 405.~~

~~2.66.020 Definitions~~

~~For the purpose of this Chapter, the following definitions apply:~~

~~"Children" means persons under the age of eighteen (18) years old.~~

~~"Children's Books" means any book, literary work, or other material, whether in hard copy or electronic, intended for anyone under the age of 18 or intended to be placed in the Children's Section(s) within any of the City Libraries or intended for Children's access.~~

~~"Community Standards" means the Board's determinations regarding whether books are acceptable for Children's access, including books that may contain Sexual Content or Sexual References.~~

~~"Sexual Content" is any content of a sexual nature, whether in the form of written text, or in the form of graphic depictions such as photos, drawings, cartoons, images, etc., for example, textual or graphic content including sex, sexual organs, sex acts, relationships of sexual nature, or sexual relations in any form.~~

~~"Sexual Reference" is any reference of a sexual nature, whether in the form of written text, or in the form of graphic depictions such as photos, drawings, cartoons, images, etc., for example, textual or graphic references to sex, sexual organs, sex acts, relationships of sexual nature, or sexual relations in any form.~~

~~2.66.030 Purpose~~

~~The Board shall serve as a decision-making authority to the City to ensure that books that Children have access to in City Libraries meet the City's Community Standards for material acceptable for Children's access, including books that may contain Sexual Content or Sexual References, before such Children's Books are purchased by the City prior to placement in circulation or made accessible to Children without parental consent.~~

~~Additionally, the Board may nominate Children's Books currently in circulation for review by the Board for determination of whether those Children's Books meet the Community Standards for~~



~~material acceptable for Children's access, or whether those books require parental consent and are to be placed in the Adult Section of the City's Library.~~

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#### ~~2.66.040 Composition~~

~~A. The Board shall consist of up to twenty-one members. Each City Council Member shall appoint up to three members of the Board to serve the same term as the City Council Member until their successors are elected and qualified.~~

~~B. The service limitation contained in Section 2.100.060, which does not allow a person to serve on more than one Board or Commission at any one time shall not be applied to this Board due to its large membership, possible difficulty recruiting members, and limited scope of duties. Subject to California Government Code Section 1099, no Member may simultaneously hold two incompatible public offices.~~

#### ~~2.66.050 Operating Policies~~

~~Except as otherwise provided in this Chapter, the Board shall conform to the operating policies for Boards and Commissions as set forth in Chapter 2.100 of this Code.~~

#### ~~2.66.060 Election and Officers~~

~~The Board shall elect from its appointed members a Chairperson and Vice Chairperson at the first regular meeting of the calendar year and such officers shall serve for one year and until their successors are elected and qualified. The Chairperson and Vice Chairperson may make and second motions and shall have a voice and vote in all proceedings of the Board. No Chairperson or Vice Chairperson may serve consecutive years in the same role.~~

#### ~~2.66.070 Secretary~~

~~The Director of Community & Library Services, or his or her designee, shall serve in a nonvoting capacity as Secretary to the Board and shall prepare and retain permanent minutes of the Board meetings approved by the Board per the City's Record Retention Policy.~~

#### ~~2.66.080 Meetings~~

~~The Board shall meet at least twice each calendar year, and more if deemed necessary by the Director of Community & Library Services. As a "Brown Act" Board, the Meetings shall be conducted consistent with the provisions of the Brown Act. Roberts' Rules of Order (current edition) shall govern the procedure of the meetings of the Board unless inconsistent with other provisions of this Chapter. As requires, the City Attorney and or his or her designee shall give legal advice to the Board regarding compliance with laws.~~

#### ~~2.66.090 Quorum~~

~~A. At any meeting of the Board, a simple majority of the current existing membership shall constitute a quorum for the transaction of business.~~

~~B. In the event there is no quorum at a meeting, the Chair shall adjourn said meeting or shall adjourn to a date certain.~~

#### ~~2.66.100 Funding~~

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All budget and expenses by the Board shall be managed in a predetermined account(s) by the City, subject to City purchasing and contracting policies and procedures. The Board and their staff liaison may determine and request an annual budget for the purchase of Children's Books to review. After review, all efforts will be made to sell or donate non-approved Children's Books to libraries outside the City of Huntington Beach.

#### 2.66.110 Duties

A. Review all Children's Books proposed for procurement by the City to determine by majority vote, in the Board's sole discretion, if such Children's Books meet the Community Standards of acceptance for the City of Huntington Beach to be placed in City Libraries. Make Recommendations for Children's Books that meet the Community Standards of acceptance to be purchased by the City, and/or to be accessible to Children without parental consent. The Board shall be provided a budget and ability to procure advance copies of Children's Books or Children's Books reviews as required for Board review. Any Children's Book may be nominated to be reviewed again after one year has passed from a previous decision by the Board.

B. The Director of Community & Library Services or his or her designee will submit a list of Children's Books intended for purchase at least 45 days before the date of any Board meeting. Any Board Member may nominate any number of Children's Books from the list for review. If a Children's Book is nominated for review, it shall not be purchased by the City for Library circulation unless first approved by the Board. Once nominated, a Children's Book must be reviewed within one year of nomination. If a Children's Book is not nominated for review within 90 days from the submittal of the intended purchase list or reviewed by the Board within one year of nomination, it will be considered approved for purchase by the Board.

C. The Board may also recommend that Children's Books currently in circulation at City Libraries be subject to the same Board review process on a case-by-case basis. Any Board Member may submit a recommendation form that a Children's Book currently in circulation be reviewed by the Board. Should the Board find that a Children's Book currently in circulation does not meet Community Standards for Children's access without parental notification, it shall be placed in the Adult Section and subject to parental and/or guardian consent before either Children obtain access or the book is checked out by anyone under the age of 18.

D. All Board Members present must review the Children's Book(s) before it may be subject to a Board vote.

E. The Board must vote whether a Children's Book meets the Community Standards before the Board may vote on procurement/placement.

F. If a proposed Children's Book proposed by the Director for procurement and not yet placed in circulation is reviewed and then rejected by the Board, the Board must place findings in the record and complete the Library Materials Review Form, which shall be placed in the minutes by the Secretary in detail as to the reasons the Board determined the proposed Children's Book did not meet the Community Standards or is unfit for placement in the Library.

G. All decisions by the Board are final and non-appealable.



~~H. A list of all Children's Books voted on by the Board, including the nomination and voting date, shall be displayed on the City's website on the Board's web page.~~

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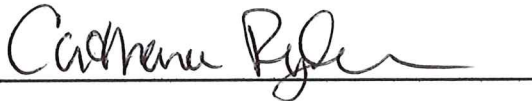
A new Section 2.30.090 of Title 2 of the Huntington beach Municipal Code is added to read as follows:

**2.30.900. Selection and Use of Library Materials**

***Director and Library Services shall establish policies for the selection and use of library materials, provided that such policies adopt the following requirements :***

- A. The Library serves as a center for voluntary inquiry and the dissemination of information and ideas.***
- B. Library materials shall not be excluded from the library collection because of the origin, background, or views of those contributing to the creation of the materials, or because of the topic addressed by the materials or the views expressed in the materials.***
- C. Library materials should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole.***
- D. The public has the right to receive access to a range of social, political, aesthetic, moral, and other ideas and experiences.***

Proponents



Catherine Ryder  
19882 Felcliff Lane  
Huntington Beach, CA 92646



Bonnie Gruttadauria  
518 Alondra  
Huntington Beach, CA 92646



Lucinda Mroch  
10282 Halawa  
Huntington Beach, CA 92646

**REQUEST THAT BALLOT TITLE AND SUMMARY BE PREPARED**

CITY OF HUNTINGTON BEACH  
PROPOSED BALLOT INITIATIVE

DATED: April 17, 2024

TO ROBIN ESTANISLAU, HUNTINGTON BEACH CITY CLERK

The undersigned Proponents of a proposed ballot initiative to repeal City Ordinance 4318, a copy of which has been filed with the City Clerk, and which is attached hereto, hereby request that a ballot title and summary of the measure be prepared in accordance with Section 9203 of the Elections Code.

Proponents



Catherine Ryder  
19882 Felcliff lane  
Huntington Beach, CA 92646



Bonnie Gruttadauria  
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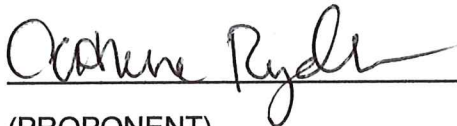
**PROPONENT STATEMENT OF ACKNOWLEDGEMENT**

CITY OF HUNTINGTON BEACH

PROPOSED BALLOT INITIATIVE

I, Catherine Ryder, acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

A handwritten signature in cursive script, appearing to read "Catherine Ryder", is written over a horizontal line.

(PROPONENT)

Dated this 17th day of April, 2024

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**PROPONENT STATEMENT OF ACKNOWLEDGEMENT**

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I, Bonnie Gruttadauria, acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



(PROPONENT)

Dated this 17th day of April, 2024

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I, Lucinda Mroch, acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

A handwritten signature in black ink, appearing to read "Lucinda Mroch", is written over a horizontal line.

(PROPONENT)

Dated this 17th day of April, 2024

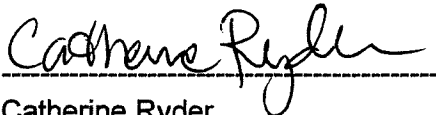
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