

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT THE SPECIAL MUNICIPAL ELECTION.

WHEREAS, the City Council of the City of Costa Mesa called a Special Municipal Election to be held on June 5, 2012 for the purpose of submitting to the voters a ballot measure relating to the Proposed Charter, as follows:

Shall the City of Costa Mesa adopt the Proposed Charter?	Y E S
	N O

WHEREAS, § 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. 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 which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition 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 the authors of an argument relating to a city 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.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, 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 shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument, and Authorization For Signer, if applicable (Attachment 1).

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The City Clerk shall refer to the “Handbook for Submitting Ballot Arguments and Rebuttal Arguments for Countywide Measures” (Orange County Registrar of Voters, 2008) as a guide, where applicable and where not in conflict with the California Elections Code, in disposing of her duties relating to the filing of rebuttal arguments.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on June 5, 2012, and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED this 6th day of March, 2012.

Gary Monahan, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12-__ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6th day of March, 2012, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of March, 2012.

JULIE FOLCIK, CITY CLERK

(SEAL)

Attachment 1

**FORM OF STATEMENT TO BE FILED BY
AUTHORS OF ARGUMENTS**

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent (s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot proposition (name or number) at the Special Municipal election for the City of Costa Mesa to be held on June 5, 2012, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Sign Name	Print Name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Editor's Notes:

All Authors must print his/her name **and sign this form** (EC 9600)
AND
Print his/her name **and sign the Argument itself** (EC 9283)
AND
Print his/her name **and sign the Rebuttal Argument itself** (EC 9285)

Further, pursuant to Election Code § **9282**, printed arguments submitted to the voters shall be titled either "Argument In Favor Of Measure ___" or "Argument Against Measure ___".

Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure ___" or "Rebuttal to Argument Against Measure ___".

Attachment 1

Authorization for Signers of Rebuttal Arguments

To be completed by the author(s) of the Direct Argument

The undersigned author(s) of the argument _____ In Favor of OR _____ Against Measure _____ at the Special Municipal Election to be held on June 5, 2012 authorize(s) the following individual(s) to sign the Rebuttal Argument in the following manner:

- 1. _____ to sign in addition to / instead of _____ Date _____
print name of Rebuttal Argument Signor print name of Rebuttal Argument author
- 2. _____ to sign in addition to / instead of _____ Date _____
print name of Rebuttal Argument Signor print name of Rebuttal Argument author
- 3. _____ to sign in addition to / instead of _____ Date _____
print name of Rebuttal Argument Signor print name of Rebuttal Argument author
- 4. _____ to sign in addition to / instead of _____ Date _____
print name of Rebuttal Argument Signor print name of Rebuttal Argument author
- 5. _____ to sign in addition to / instead of _____ Date _____
print name of Rebuttal Argument Signor print name of Rebuttal Argument author

Signature of Rebuttal Argument Author (s) Date _____

Signature of Rebuttal Argument Author (s) Date _____

Signature of Rebuttal Argument Author (s) Date _____

Signature of Rebuttal Argument Author (s) Date _____

Signature of Rebuttal Argument Author (s) Date _____