RESOLUTIONS

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RESOLUTION NO. 14 - 40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA PROPOSING A MEASURE FOR SUBMISSION TO THE VOTERS OF THE QUESTION WHETHER THE CITY OF COSTA MESA SHALL ESTABLISH HOME RULE BY ADOPTING THE PROPOSED CHARTER AS APPROVED BY THE CITY COUNCIL, ADDING THE MEASURE TO THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 AS CALLED BY RESOLUTION NO. 14-26, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE ESTABLISHED IN SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, pursuant to authority provided by Article XI of the Constitution, and Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Elections Code of the State of California, the City Council of the City of Costa Mesa desires to submit to the voters a proposed charter; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter to the voters; and

WHEREAS, on or about May 7, 2013, the City Council of the City of Costa Mesa, California, ("City Council") formed a 13-member Costa Mesa Charter Committee ("Charter Committee") for the purpose of drafting a proposed city charter; and

WHEREAS, on or about June 26, 2013, the Charter Committee held its first meeting, in accordance with the Ralph M. Brown Act, and identified the issues each Charter Committee member wanted to address in a charter; and

WHEREAS, the Charter Committee held approximately fifteen (15) meetings to develop ideas and language based on the issues it originally identified along with issues it considered during the process; and

WHEREAS, on or about March 18, 2013, a draft of the proposed charter prepared by the Charter Committee was presented to the City Council; and

WHEREAS, in accordance with California Government Code § 34458, on or about April 22, 2014, the City Council held a duly noticed public hearing whereby it received public comment and considered the proposed charter along with revisions; and

WHEREAS, on or about June 3, 2014, the City Council held its second duly noticed public hearing whereby it received additional public comment and revisions; and

WHEREAS, the City Council has determined that enactment of the proposed charter would be beneficial for the City of Costa Mesa and its residents by establishing "home rule" that gives the City of Costa Mesa ultimate say in all municipal affairs except as restricted by the proposed charter; and

WHEREAS, California Government Code § 34458 provides an alternative procedure to the process provided under the California Elections Code in which the City Council may submit the proposed charter to the qualified electors of the City; and

WHEREAS, the City Council wishes to submit to the voters of the City at the General Municipal Election to be held with the November 4, 2014 Statewide General Election the proposed charter; and

WHEREAS, the City Council of the City of Costa Mesa called a General Municipal Election to be held on November 4, 2014, as called by Resolution No. 14-26, adopted on May 20, 2014, for the purpose of the election of council members, and now wishes to submit to the voters at the same general election a question relating to the adoption of a proposed charter by the City; and

WHEREAS, the City Council of the City of Costa Mesa wishes to consolidate the General Municipal Election with the Statewide General Election to the same date and that within the city the precincts; polling places and election officers of the two elections be the same; the Orange County Registrar of Voters or other county election department of the County of Orange canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

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

SECTION 1. That pursuant to Article XI of the Constitution, and Title 4, Division 2, Chapter 3 of the Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the Elections Code of the State of California, the City of Costa Mesa requests the Board of Supervisors of the County of Orange consent and agree to consolidate the General Municipal Election with the Statewide General Election on Tuesday, November 4, 2014, for the purpose of submitting to the voters a question whether the City shall adopt the proposed charter establishing home rule as approved by the City Council;

SECTION 2. That a measure on the following question be proposed to the voters of Costa Mesa and added to the ballot for the General Municipal Election on November 4, 2014, as previously called by Resolution No. 14-26 on May 20, 2014:

Shall the City of Costa Mesa establish home rule by adopting the proposed charter as approved by the City Council?	YES
	NO

SECTION 3. This resolution and the proposed charter, including the full text of the proposed charter attached as Exhibit A along with all applicable documents including the ballot question and ballot summary shall be made available in print and for public examination by the City Clerk, in accordance with California Elections Code §§ 9223 and 9295.

SECTION 4. The election day when voters will decide whether the City of Costa Mesa shall adopt the proposed charter is Tuesday, November 4, 2014, pursuant to a separate resolution adopted by the City Council on May 20, 2014 calling a General Municipal Election.

SECTION 5. The Orange County Registrar of Voters or other county elections department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 6. The City of Costa Mesa requests the Board of Supervisors of the County of Orange issue instructions to the Orange County Registrar of Voters or other appropriate county elections department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. The City of Costa Mesa recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any such additional costs.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 9. Should any section, subsection, clause or provision of this resolution for any reason be held to be invalid, then the remainder of the resolution shall be deemed valid, it being hereby expressly declared that this resolution, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this resolution were declared invalid.

SECTION 11. The City Clerk is hereby directed to submit to the Orange County Registrar of Voters or other applicable elections official for the County of Orange, as part of the final charter proposal package, the proposed charter along with all applicable documents including the ballot summary and ballot question by the dates set forth by such elections official.

SECTION 12. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Orange County Registrar of Voters or other applicable county election department.

SECTION 13. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 1st day of July, 2014.

_____
James M. Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Brenda Green, City Clerk

_____
Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 14-40 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 1st day of July, 2014, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 2nd day of July, 2014.

_____
BRENDA GREEN, CITY CLERK

July 1, 2014

City Council of the City of Costa Mesa
Ballot Title/Question, Summary and Description Including Enumeration of Powers Pursuant to California Government Code § 34458.5

California Government Code § 34458.5 requires a proposal to adopt or amend a charter to include a ballot description with the enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will have the power to raise its own compensation and the compensation of other city officials without voter approval.

Ballot Title/Question: Shall the City of Costa Mesa establish home rule by adopting the proposed charter, as recommended by the Charter Committee and approved by the City Council?

Ballot Summary
A vote in favor of Measure ____ changes the City of Costa Mesa from a general law city to a charter city. If passed, Costa Mesa will establish home rule so that the City controls municipal affairs as defined by the California Constitution and courts. The proposed charter, attached hereto, provides details of each provision. The following is a summary of these provisions.

Preamble. The preamble underscores several values that Costa Mesa residents seek in their local government--ethics, integrity, fiscal responsibility and transparency--and declares that the people of Costa Mesa, with the charter, are exercising "the privilege of retaining for the citizens the benefits of local government." The preamble also states that the charter must be adhered to in the strictest legal and moral sense by those who govern, and that fiscal responsibility of public funds is essential to protect and serve Costa Mesa citizens.

Section 100. Name of City. Section 100 maintains the name of the city as the City of Costa Mesa.

Section 102. Boundaries. Section 102 maintains the boundaries that currently exist and any portion subsequently annexed.

Section 104. Powers. Section 104 gives the city full authority over municipal affairs regardless of whether the charter addresses that particular issue.

Section 200. Form of Government and Powers. Section 200 establishes a Council-Manager form of government whereby the City Council will establish the policy of the City, and the Chief Executive Officer will carry out that policy.

Section 202. Administrative Officers. Section 202 limits the City Council's appointment of administrative officers to the Chief Executive Officer (City Manager) and City Attorney, whose qualifications, appointment and removal shall be pursuant to the general laws of the State of California.

Section 300. Terms. Section 300 calls for a five (5) member City Council elected at large with a four (4) year term of office elected in staggered terms as exists at the time of the adoption of the charter.

Section 302. Presiding Officer. Section 302 requires the City Council, on the date of certification of the election results, to elect one of its members as presiding officer who shall also serve as Mayor. Additionally, the City Council, at the same time as electing the Mayor, shall elect one of its members as Mayor Pro Tempore. The Mayor and Mayor Pro Tempore shall serve a two (2) year term. However, since each serves at the pleasure of the City Council, each may be removed from his or her position prior to the term's end.

Section 304. Council Member Compensation. Section 304 requires the city to follow general law. Under general law, as set forth in GC Section 36516, the City Council may increase compensation for future city councils without voter approval with the maximum of 5%.

Section 306. Incompatible Offices. Section 306 prohibits City Council members from holding any other office or employment with the City during his or her term as City Council member. Section 306 also prohibits City Council members from being employed by the City for a period of two (2) years following the last date of service as an elected official on the City Council.

Section 400. Municipal Elections. Section 400 requires municipal elections shall be held in accordance with California Elections Code section 11001, et. seq.

Section 402. Initiative, Referendum, Recall. Under Section 402, the power of initiative, referendum and recall of elective officers are reserved to the electors of the City will continue to follow general law.

Section 500. Budget Reserves. Section 500 requires the City to maintain cash reserves for certain purpose and gives as examples a major economic downturn, natural disaster or purchase of real property of importance to the community, as determined by a supermajority of the City Council. Section 500 also requires the City Council shall review the appropriate amount of cash reserves for such purposes at least every five (5) years.

Section 600. Retirement Benefits. Section 600 requires any increase in employee retirement benefits, other post-employment benefits, employer contributions for post-retirement benefits, including post-retirement health benefits, to be paid for by the City or for which the City is liable subject to approval by a two-thirds (2/3) majority of the voters at a general election.

Section 602. Civic Openness In Negotiations. Section 602 codifies Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code and any amendments, modifications, or deletions into the charter. Section 602 requires the City Council to comply with Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act. In the event of repeal of Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code, the terms of those provisions as they exist at the time the charter is adopted or, as modified by court order, shall continue to be followed by future city council when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act.

Section 700. Public Contracting. Section 700 authorizes the City to follow the UCCAA while also giving the City discretion of opting out in the event of future changes. However, opting out of the UCCAA would not allow the City to dispense procedure for soliciting bids and following thresholds for bidding.

Section 702. Prevailing Wages. Section 702 prohibits the payment of prevailing wages in public works contracts paid for solely with the City's local funds and which are not a matter of statewide concern, unless payment of prevailing wages is compelled by the terms of the funding source.

Section 800. Charter Review. Section 800 requires the City Council to form a charter review committee every ten (10) years to review the existing Charter and determine whether any amendments, modifications or repeal of its provisions are necessary. In addition to the ten (10) year review, Section 800 authorizes the City Council to appoint a charter review committee at any time and also allows voters the initiate a charter review with the signature of 2500 registered voters of the City.

Section 802. Outsourcing. Section 802 authorizes the City to outsource any services unless limited by the Constitution of the State of California or other applicable law. Section 802 also requires the City to periodically review its existing operations and services to consider whether said operations and/or a third party may perform services as or more efficiently and effectively. Finally, Section 802 requires any contract entered into, pursuant to this provision, to be ratified in accordance with the procedure set by the City Council.

Section 804. General Plan Consistency. Section 804 requires all zoning ordinances adopted to be consistent with the City's General Plan.

Section 806. Construction and Interpretation. Section 806 explains that except as provided by mandatory language in the charter, the language is intended to be permissive rather than limiting and shall be liberally and broadly construed in favor of the exercise of power to govern with respect to any matter which is a municipal affair.

Section 808. Severability. Section 808 provides that if any provision of the charter is invalidated or is otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

If the Charter is approved by a majority vote of the people, no changes can be made to the Charter without a majority vote of the people.

CHARTER
OF THE
CITY OF COSTA MESA

Preamble.

Article I. Incorporation and Powers.
Section 100. Name of City.
Section 102. Boundaries.
Section 104. Powers.

Article II. Form of Government.
Section 200. Form of Government and Powers.
Section 202. Administrative Officers.

Article III. Elected Officers.
Section 300. Terms.
Section 302. Presiding Officer.
Section 304. Council Member Compensation.
Section 306. Incompatible Offices.

Article IV. Elections.
Section 400. Municipal Elections.
Section 402. Initiative, Referendum, Recall.

Article V. Finance.
Section 500. Budget Reserves.

Article VI. Personnel.
Section 600. Retirement Benefits.
Section 602. Civic Openness In Negotiations.

Article VII. Public Contracting.
Section 700. Public Contracting.
Section 702. Prevailing Wages.

Article VIII. Miscellaneous.
Section 800. Charter Review.
Section 802. Outsourcing.
Section 804. General Plan Consistency.
Section 806. Construction and Interpretation.
Section 808. Severability.

PREAMBLE

We, the people of the City of Costa Mesa, State of California, believe ethics and integrity, fiscal responsibility, and transparency are essential for confidence in government, are the foundation of public trust, and just governance is built upon these values. By enacting this Charter as the fundamental law of the City under the Constitution of the State of California, we do hereby exercise the privilege of retaining for the citizens the benefits of local government, by enacting the laws and procedures set forth herein pertaining to the governance and operation of the City.

It is incumbent upon those who govern and make decisions for and on behalf of the City to abide legally and morally by the provisions of this Charter, in its strictest sense, in order to ensure the continued success and well-being of our fair City.

The City recognizes that without fiscal responsibility for public funds, including the maintenance of substantial reserves, it cannot serve and protect the interests of its Citizens. As such the City will hold these principles as its primary function and obligation.

ARTICLE I.
INCORPORATION AND POWERS

Section 100. Name of City.
The City of Costa Mesa shall be known as the City of Costa Mesa.

Section 102. Boundaries.
The City of Costa Mesa's boundaries shall include the area within its existing boundaries and any portion hereinafter annexed.

Section 104. Powers.
The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. In the event of any conflict, this Charter shall control over the general laws of the State of California as to municipal affairs.

ARTICLE II.
FORM OF GOVERNMENT

Section 200. Form of Government and Powers.
The municipal government established by this Charter shall be known as the Council-Manager form of government. The City Council will establish the policy of the City, and the Chief Executive Officer will carry out that policy.

Section 202. Administrative Officers.
The only two administrative officers of the City who will be appointed by the City Council are the Chief Executive Officer (City Manager) and the City Attorney, whose qualifications, appointment and removal shall be pursuant to the general laws of the State of California. No other administrative officer position shall be created which may be directly appointed by the City Council.

ARTICLE III.
ELECTIVE OFFICERS

Section 300. Terms.
The elective officers of the City shall consist of a City Council of five (5) Members elected at large. The term of office shall be four (4) years. The Council Members' terms shall be staggered in the manner existing at the time of the adoption of this Charter.

Section 302. Presiding Officer.
On the date of any meeting of the City Council at which the Council receives the certification of the results of any general or special municipal election at which any member of the City Council is elected, the City Council, after swearing in and qualifying any newly elected member, shall elect one of its members as presiding officer, who shall have the title of Mayor. The City Council, at the same time as electing the Mayor, shall elect one of its members as Mayor Pro Tempore. The term of service for both the Mayor and Mayor Pro Tempore shall be two (2) years. Both the Mayor and Mayor Pro Tempore shall serve in such capacity at the pleasure of the City Council.

Section 304. Council Member Compensation.
The salary of the Council Members shall be limited in accordance with California Government Code section 36515 as it hereafter may be amended.

Section 306. Incompatible Offices.
The members of the City Council shall not be eligible to hold any other office or employment with the City during the period of their terms of service. The members of the City Council shall not be eligible to hold any employment with the City for a period of two (2) years following the last date of service as an elected official on the City Council.

ARTICLE IV.
ELECTIONS

Section 400. Municipal Elections. Municipal elections shall be held in accordance with California Elections Code section 11001, et. seq.

Section 402. Initiative, Referendum, Recall. The power of initiative, referendum and recall of elective officers are reserved to the electors of the City, and these powers shall be exercised in accordance with the general law of the State of California.

ARTICLE V.
FINANCE

Section 500. Budget Reserves.
The City shall maintain cash reserves for the purpose of funding significant or unexpected events or opportunities. Such events could include a major economic downturn, natural disaster or purchase of real property of importance to the community, as determined by a supermajority of the City Council. The City Council shall review the appropriate amount of cash reserves for such purposes at least every five (5) years.

ARTICLE VI.
PERSONNEL

Section 600. Retirement Benefits.
On or after the effective date of this Charter, except for any increase previously authorized in a valid and binding memorandum of understanding or contract, no employee or officer of the City shall receive an increase in employee retirement benefits, other post-employment benefits, employer contributions for post-retirement benefits, including post-retirement health benefits, to be paid for by the City or for which the City is liable without approval by a two-thirds (2/3) majority of the voters at a general election.

Section 602. Civic Openness In Negotiations.
Civic openness during labor negotiations being essential to good government, Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code governing labor negotiations and any amendments, modifications, or deletions thereto are hereby adopted by reference. The City Council shall comply with Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act. In the event that Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code shall hereafter be repealed, the terms of those provisions as they exist at the adoption of this Charter, except as same may be modified by court order, shall continue to be followed by the City Council when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act.

ARTICLE VII.
PUBLIC CONTRACTING

Section 700. Public Contracting.
The Public Services Department may utilize the informal bidding procedures and cost thresholds set forth in the Uniform Construction Cost Accounting Act, as the procedures and cost thresholds may be modified every five (5) years by the Uniform Construction Cost Accounting Commission. Notwithstanding the foregoing, the City shall not be obligated to comply with any provision of the Uniform Construction Cost Accounting Act, including but not limited to, future changes which relate to matters other than solicitation of bids and thresholds for informal bidding.

Section 702. Prevailing Wages.
The City shall not require the payment of prevailing wages in public works contracts paid for solely with the City's local funds and which are not a matter of statewide concern, unless payment of prevailing wages is compelled by the terms of the funding source.

ARTICLE VIII.
MISCELLANEOUS

Section 800. Charter Review.
Every ten (10) years, the City Council shall form a Charter Review Committee to review the existing Charter and determine whether any amendments, modifications or repeal of its provisions are necessary. The City Council may, at its discretion, appoint a Charter Review Committee at any time. A Charter Review process can also be initiated by a petition signed by 2500 registered voters of the City.

Section 802. Outsourcing.
The City may enter into a contract for any services unless limited by the Constitution of the State of California or other applicable law. The City shall periodically review its existing operations and services to consider whether said operations and/or services may be performed as or more efficiently and effectively by a third party. Any contract entered into, pursuant to this provision, shall be ratified in accordance with the procedure set by the City Council.

Section 804. General Plan Consistency.
All zoning ordinances adopted shall be consistent with the general plan.

Section 806. Construction and Interpretation.
Except as provided by mandatory language in this Charter, the language contained in this Charter is intended to be permissive rather than limiting and shall be liberally and broadly construed in favor of the exercise of power to govern with respect to any matter which is a municipal affair.

Section 808. Severability.
If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

RESOLUTION NO. 14 - 41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Costa Mesa, California, on November 4, 2014, at which there will be submitted to the voters the following Measure:

Shall the City of Costa Mesa establish home rule by adopting the proposed charter as approved by the City Council?	**YES**
	NO

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

SECTION 1. The City Council authorizes any and all members of the City Council to file written arguments(s) In Favor or Against, not exceeding 300 words, regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until 5:00 p.m. on July 11, 2014 after which no arguments for or against the City measure may be submitted to the City Clerk.

The 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 who is the author of the argument. An argument may not be signed by more than five authors. If more than five authors provide a signature to the rebuttal, then only the signatures of the first five authors shall be printed to the exclusion of the excess signatures. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument (Attachment 1). The arguments shall be filed, as stated above, by July 11, 2014, 5:00 p.m.

If more than one argument for or against the Measure is submitted to the City Clerk, the City Clerk shall select one of the arguments for printing and distribution to the voters, according to the following preference and priority, in the order named:

(a) The City Council, or member or members of the City Council.
(b) The individual voter, or bona fide associations of citizens, or combination of voters and associations, who are the bona fide sponsors, proponents, or opponents of the measure.
(c) Bona fide associations of citizens.
(d) Individual voters who are eligible to vote on the measure.

SECTION 2. No City funds or resources shall be spent in connection with any councilmember's writing of ballot arguments as described herein.

SECTION 3. The City Clerk shall make the selected arguments for and against the City Measure available for public examination in accordance with the provisions of California Elections Code Section 9295.

SECTION 4. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure **not exceeding 500 words** showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Measure __. If you desire a copy of the measure, please call the City Clerk's office at 714-754-5225 and a copy will be mailed at no cost to you." The impartial analysis shall be filed with the City Clerk by July 11, 2014, 5:00 p.m.

SECTION 5. That the City Clerk is hereby directed to submit to the elections official of the County of Orange, as part of the final charter proposal package, the direct arguments and impartial analysis, as described herein, by the deadlines set forth by such elections official.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON July 1, 2014.

_____
James M. Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Brenda Green, City Clerk

_____
Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 14-41 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 1st day of July, 2014, 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 2nd day of July, 2014.

_____
BRENDA GREEN, CITY CLERK

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 General Municipal election for the City of Costa Mesa to be held on November 4, 2014, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ 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 __".

RESOLUTION NO. 14 - 42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER SUBMITTED AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014

WHEREAS, the City Council of the City of Costa Mesa called a General Municipal Election to be held on November 4, 2014 for the purpose of submitting to the voters a ballot measure relating to the Proposed Charter, as follows:

Shall the City of Costa Mesa establish home rule by adopting the proposed charter as approved by the City Council?	**YES**
	NO

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**. If more than five authors provide a signature to the rebuttal, then only the signatures of the first five authors shall be printed to the exclusion of the excess signatures.

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 (Attachment 1). The rebuttal arguments shall be filed by July 21, 2014, 5:00 p.m.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

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 November 4, 2014, and shall then be repealed.

SECTION 4. That the City Clerk is hereby directed to submit the rebuttal arguments, as described herein, in compliance with State law and to perform all duties required of the elections official for the City of Costa Mesa.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON July 1, 2014.

_____
James M. Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Brenda Green, City Clerk

_____
Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 14-42 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 1st day of July, 2014, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 2nd day of July, 2014.

_____
BRENDA GREEN, CITY CLERK

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 General Municipal election for the City of Costa Mesa to be held on November 4, 2014, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ Date_____

Print Name_____ Signature_____

Title_____ 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 __".