



CITY COUNCIL AGENDA REPORT

MEETING DATE: April 5, 2016

ITEM NUMBER: OB-2

SUBJECT: REVIEW OF AGENCY REPORT ON INITIATIVE PETITION QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING A NEW ORDINANCE; SUBMISSION OF AN INITIATIVE TO THE NOVEMBER 8, 2016 BALLOT

DATE: MARCH 25, 2016

FROM: CITY CLERK'S OFFICE; CITY ATTORNEY'S OFFICE

PRESENTATION BY: BRENDA GREEN, CITY CLERK;
TARQUIN PREZIOSI, DEPUTY CITY ATTORNEY

FOR FURTHER INFORMATION CONTACT: BRENDA GREEN, CITY CLERK, 714-754-5225

At the March 15, 2016 City Council meeting, the City Council ordered a report pursuant to Election Code section 9212 for one qualifying ballot initiative entitled, "An Initiative To Require Voter Approval On Certain Development Projects". The report is attached for City Council consideration (Attachment 3).

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the ordinance, without alteration; or
2. Order placement of the measure on the November 8, 2016 consolidated municipal election. Resolutions calling for a consolidated municipal election, and submission of the measure to the ballot, to be adopted at the June 7, 2016 City Council meeting; and
3. Consider providing Staff with direction as to the preparation of an alternative measure.

BACKGROUND:

The procedures for placing an initiative to enact an ordinance on the ballot are set forth in California Election Code sections 9200-9226.

On June 29, 2015 the City of Costa Mesa, City Clerk, received a voter initiative petition by its proponents (Proponents) "To Require Voter Approval On Certain Development Projects" (Attachment 1). As required by the California Elections Code, the City Attorney's Office provided a title and summary (Attachment 2).

The Proponents of the initiative published the Notice of Intent to Circulate and were legally permitted to circulate the petition June 17, 2015 to January 6, 2016. The petition required 4,995 valid signatures to qualify for the 2016 General Election ballot.

On January 4, 2016, the Proponents of the initiative petition filed the signed petitions. The City Clerk conducted a prima facie review and determined there was a sufficient number of signatures to proceed: 6908 total tally. On January 5, 2016, the petition was delivered to the County of Orange Registrar of Voters Office for signature verification. The Orange County Registrar of Voters examined the records of voter registration for the City of Costa Mesa and determined that the initiative petition had been signed by no less than 10 percent of City of Costa Mesa registered voters. Therefore the initiative petition was sufficient to be certified to the City Council.

On March 15, 2016 City Council accepted the Certification and ordered a report pursuant to Elections Code section 9212. Elections Code section 9212 ["Referral of proposed initiative measure to city agency for report"] provides that the City Council may refer the proposed initiative measure to any city agency or agencies for a report on any matter the City Council requests to be in the report. City staff has retained the services of Keyser Marston Associates, Inc. to prepare the Elections Code section 9212 report.

FISCAL REVIEW:

The estimated costs to add the initiative to the consolidated general election is \$10,000.00.

The estimated cost for Keyser Marston Associates, Inc. to prepare a financial analysis of the potential impact of the Initiative is \$28,000.00.

The estimated cost to retain outside counsel to prepare an alternative measure is between \$10,000.00 and \$20,000.00.

LEGAL REVIEW:

The City Attorney's office has reviewed this report and has approved it as to form and legal content.

TARQUIN PREZIOSI
Deputy City Attorney

BRENDA GREEN
City Clerk

RICHARD FRANCIS
Assistant CEO

- ATTACHMENTS:
1. [Petition](#)
 2. [Ballot Title & Summary](#)
 3. [Report](#)