ATTACHMENT 2

RESOLUTION NO. 16-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE ADOPTION OF A PROPOSED ORDINANCE REFERRED TO AS THE, "COSTA MESA MEASURE PROHIBITING ATHLETIC FIELDS AT FAIRVIEW PARK"

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, under the provisions of the laws relating to general-law cities in the State of California, a General Municipal Election shall be held on November 8, 2016; and

WHEREAS, the City Council desires to submit to the voters of the City, at a General Municipal Election to be held on November 8, 2016 a question referred to as the "Costa Mesa Measure Prohibiting Athletic Fields At Fairview Park";

WHEREAS, the City Council is authorized by the law of the State of California to submit the proposed ordinance to the voters;

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

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, the City Council calls and orders a General Municipal Election held in the City of Costa Mesa, California, on Tuesday, November 8, 2016.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Measure __: Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park	**Response**	**Vote**
Shall the Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park, which prohibits the development of Athletic Fields at Fairview Park unless approved by a vote of the people, and permits implementation of Passive Recreational Uses at Fairview Park including those identified in the Fairview Park Master Plan (such as playgrounds, picnic areas, bike trails, bus access ways, and viewing areas), be adopted?	Yes	
	No	

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached as Exhibit 1.

SECTION 4. The measure requires a majority 50% + 1 of the votes cast to pass.

SECTION 5. The ballots used at the election shall be in form and content as required by law.

SECTION 6. The City Council authorizes, instructs and directs the City Clerk to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia necessary in order to properly and lawfully conduct the election.

SECTION 7. The polls for the election shall open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall close, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

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

SECTION 9. Notice of the time and place of holding the election is given and the City Council authorizes, instructs and directs the City Clerk to give further or additional notice of the election in time, form and manner as required by law.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 11. The City Council authorizes the City Clerk to administer said election and the City shall pay all reasonable and actual election expenses upon presentation of a properly submitted bill.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Costa Mesa on this 12th day of July, 2016.

_____
Stephen M. Mensinger, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
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. 16-62 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 12th day of July, 2016, 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 13th day of July, 2016.

_____

BRENDA GREEN, CITY CLERK

Exhibit 1

COUNCIL SPONSORED INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Council for the City of Costa Mesa submits the following ordinance to the voters of the City for approval and enactment:

ORDINANCE NO. 2016 – XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, KNOWN AS THE COSTA MESA MEASURE PROHIBITING ATHLETIC FIELDS AT FAIRVIEW PARK WITHOUT VOTER APPROVAL

WHEREAS, an initiative known as An Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval (the "Initiative") has been submitted to the voters pursuant to Elections Code Section 9215; and

WHEREAS, the Initiative, if adopted would, among other things, (a) prohibit the City from installing restrooms, facilities, pathways, and other improvements that may be necessary to ensure that Fairview Park (the "Park) is fully accessible to the disabled community in compliance with the Americans With Disabilities Act ("ADA"); (b) prevent new community and educational programs and events from occurring at the Park; (c) preclude the City from altering the Park's hours of operation; (d) likely cause the loss of over $800,000 in grant funds from OCTA which were to be used to improve the Park's bicycle paths and the overall connectivity of such paths within the City; and finally, (e) prevent the City from implementing certain improvements such as playgrounds, picnic areas, parking lots, bus access ways, and viewing areas which are included in the Fairview Park Master Plan, without voter approval; and

WHEREAS, the City Council has determined that adoption of the Initiative is not in the best interests of the community and desires to submit a directly competing measure to the voters for consideration pursuant to Elections Code Section 9222; and

WHEREAS, the City Council has submitted the following measure (the "Measure") to the voters for said purpose; and

WHEREAS, the Measure, if adopted, would prohibit the construction of any athletic fields at Fairview Park without prior voter approval; and

WHEREAS, if adopted, the Measure would also allow for passive recreational uses to occur at the Park without voter approval so long as such uses are in compliance with State and Local Law; and

WHEREAS, the Measure, if adopted, would carry out the community's desire to prohibit athletic fields at the Park, while at the same time allowing for the implementation of the Fairview Park

Master Plan, the installation of ADA compliant trails and other facilities that will ensure the Park is accessible to all Costa Mesa residents, creation of additional educational and community programs, and implementation of other passive uses at the Park without voter approval.

THE PEOPLE OF THE CITY OF COSTA MESA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Name.

This ballot measure shall be known and may be cited as the "Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park" and shall be referred to herein as the "Measure."

SECTION 2: Purpose.

The purpose of this Measure is to directly compete with the Initiative, which proposes an amendment to the Municipal Code. The Measure, if adopted, would prohibit the construction or development of Athletic Fields, as defined herein, at Fairview Park without voter approval, and would allow Passive Recreational Uses, as defined herein, to occur at the Park without voter approval.

This Measure is intended to comprehensively regulate the same subject as the Initiative – that is, the uses and activities allowed at Fairview Park. If a majority of voters approve both the Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval and the Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval, the ballot measure with the higher percentage of the vote will control. Therefore, if both measures are approved and the Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval receives a higher percentage of the vote than the Initiative, none of the changes or additions proposed by the Initiative will be implemented.

SECTION 3. Definitions.

The term "Athletic Field" shall mean a piece or part of a piece of property that is developed, constructed, or otherwise improved for the purpose of facilitating organized outdoor team sports, including but not limited to lacrosse fields, baseball fields, soccer fields, football fields, or volleyball courts, but expressly not including pathways or trails which might have multiple purposes including bicycling, walking or running.

The term "Passive Recreational Uses" shall mean uses generally permitted by the City's Zoning Code in Institutional and Recreational Zoning Districts, and typically occurring in parks, except Athletic Fields, and shall include but not be limited to pathways, playgrounds, bicycle trails, viewing areas, and other similar improvements related to environmental, scenic, or recreational purposes.

SECTION 4. Athletic Fields Prohibited Without Voter Approval

By this Measure, the People of the City of Costa Mesa hereby amend the Municipal Code to prohibit the construction, development, or installation of all Athletic Fields at Fairview Park without prior voter approval. All Passive Recreational Uses, including but not limited to those

listed in the Fairview Park Master Plan shall be permitted without a vote of the people, subject to State and Local law.

SECTION 5. Rejection of An Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval

By this Measure, the People of the City of Costa Mesa hereby reject each and every change and addition to the Municipal Code proposed by the Initiative.

SECTION 6. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Effective Date

This ordinance shall take effect according to law ten days after certification of the election at which it is adopted.