

## **RESOLUTION NO. 2016-70**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403 FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT**

**WHEREAS**, pursuant to authority provided by Article XI of the California Constitution, Title 4, Division 2, Chapter 2 of the California Government Code and Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the California Elections Code, the City Council of the City of Newport Beach is authorized to submit a proposed Charter Amendment to the voters;

**WHEREAS**, the City Council of the City of Newport Beach, California, called a General Municipal Election to be held on Tuesday, November 8, 2016, for the purpose of submitting a proposed Charter Amendment to the voters;

**WHEREAS**, California Elections Code Sections 10400 *et seq.* authorize a municipality to consolidate its election with a statewide election to be held on the same day; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same; the County Election Department of the County of Orange canvass the returns of the General Municipal Election; and the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General election on Tuesday, November 8, 2016, for the purpose of submitting a Charter amendment.

**Section 2:** That a measure is to appear on the ballot as follows:

MEASURE ____	
<b>Require 5 of 7 Votes of the City Council to Propose Taxes</b>  Shall Section 1115 be added to the Newport Beach City Charter to require at least five votes of the total City Council membership in order to place City Council sponsored general or special tax proposals on a ballot for voter consideration?	Yes
	No

**Section 3:** The County Election 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 4:** The Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 5:** The City of Newport Beach recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**Section 6:** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Orange.

**Section 7:** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Section 8:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

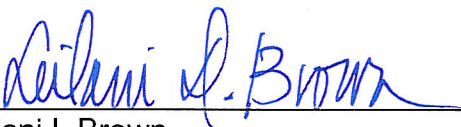
**Section 9:** This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of August, 2016.



Diane B. Dixon  
Mayor

ATTEST:



Leilani I. Brown  
City Clerk



STATE OF CALIFORNIA                    }  
COUNTY OF ORANGE                   }  
CITY OF NEWPORT BEACH               }       ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2016-70 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9<sup>th</sup> day of August, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES:   Council Member Peotter, Council Member Duffield, Council Member Selich,  
          Council Member Petros, Mayor Pro Tem Muldoon, Mayor Dixon  
NAYS:   None  
ABSTAIN: Council Member Curry

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10<sup>th</sup> day of August, 2016.



\_\_\_\_\_  
Leilani I. Brown, MMC  
City Clerk  
Newport Beach, California

(Seal)

