

RESOLUTION NO. 2018-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE CITY MEASURE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 9285

WHEREAS, pursuant to California Elections Code Section 9282(b) the City Council and other interested parties are authorized to submit arguments for and against the City's proposed ballot measures; and

WHEREAS, pursuant to California Elections Code Section 9285 the City Council, by majority vote, is authorized to adopt provisions to provide for the filing of rebuttal arguments for direct arguments submitted under California Elections Code Section 9282(b).

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

Section 1: Pursuant to California Elections Code Section 9285(a)(1), 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 measure 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 upon receiving the arguments.

Pursuant to California Elections Code Section 9285, 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 two hundred fifty (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 (5) authors.

The rebuttal argument(s) 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 ten (10) calendar days after the final date for filing direct arguments. The rebuttal argument(s) shall be accompanied by the "Form of Statement to be Filed by Author(s) or Argument."

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.

Section 2: All previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

Section 3: The rebuttal provisions provided within Section 1 shall apply only to the General Municipal Election to be held on Tuesday, November 6, 2018.

Section 4: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 7: 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.

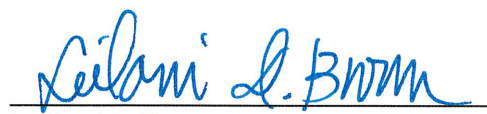
Section 8: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

PASSED, APPROVED AND ADOPTED this 26th day of June, 2018.

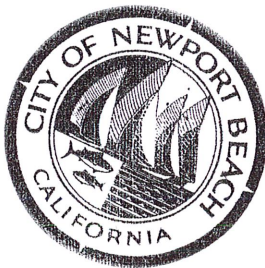


Marshall "Duffy" Duffield
Mayor


ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

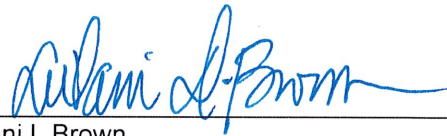
STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH }

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; the foregoing resolution, being Resolution No. 2018-51 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 26th day of June, 2018; and the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Kevin Muldoon, Council Member Diane Dixon, Council Member Scott Peotter, Council Member Brad Avery, Mayor Pro Tem Will O'Neill, Mayor Duffy Duffield
NAYS: Council Member Herdman

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of June, 2018.



Leilani I. Brown
City Clerk
Newport Beach, California

