

RESOLUTION NO. 2018-49

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 6, 2018, 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 6, 2018, 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 6, 2018, for the purpose of submitting a Charter amendment.

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

MEASURE ____	Yes
REQUIRE VOTER APPROVAL PRIOR TO ISSUING OR INCURRING CERTAIN DEBT OBLIGATIONS Shall Newport Beach City Charter Section 1109 be amended to require at least fifty-five percent (55%) voter approval prior to issuing Certificates of Participation or Lease Revenue Bonds greater than fifty million dollars (\$50,000,000.00) to finance capital projects?	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.

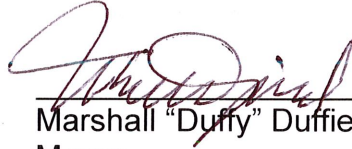
Section 8: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would 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 9: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 10: The City Council find 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.

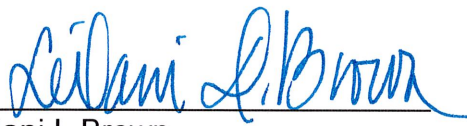
Section 11: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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



Marshall "Duffy" Duffield
Mayor

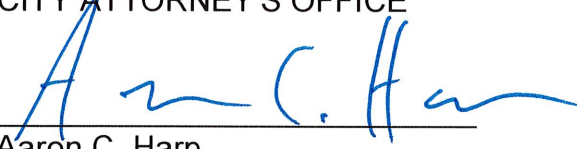
ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

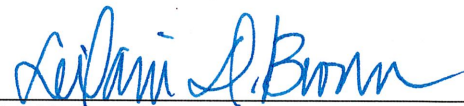
STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

}
}
}
} 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. 2018-49 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

