

July 3, 2014

City Council of the City of Costa Mesa  
Ballot Title/Question, Summary and Description Including  
Enumeration of Powers Pursuant to  
California Government Code § 34458.5

California Government Code section 34458.5 mandates that a proposal to adopt or amend a charter include a ballot description enumerating the new authorities established by the charter. The enumeration must include, but is not limited to, whether the city council will have the power to raise its own compensation and the compensation of other city officials authorized without voter approval.

Ballot Title/Question: Shall the City of Costa Mesa establish home rule by adopting the proposed charter as approved by the City Council?

Ballot Summary & Description

A vote in favor of Measure \_\_\_\_ changes the City of Costa Mesa (“City” or “Costa Mesa”) from a general law city to a charter city. If passed, Measure \_\_\_\_ will establish home rule so that the City controls *municipal affairs* as defined by the California Constitution and courts. The proposed charter, attached hereto, provides the full language set forth in its provisions. The following is a summary of those provisions.

**Preamble.** The preamble underscores several values that Costa Mesa residents seek in their local government--ethics, integrity, fiscal responsibility and transparency--and declares that the people of Costa Mesa, with the charter, are exercising "the privilege of retaining for the citizens the benefits of local government." The preamble also states that the charter must be adhered to in the strictest legal and moral sense by those who govern, and that fiscal responsibility in the use of public funds is essential to protect and serve Costa Mesa citizens.

**Section 100. Name of City.** Section 100 maintains the name of the City as the City of Costa Mesa.

**Section 102. Boundaries.** Section 102 maintains the City’s current boundaries as well as any portion subsequently annexed.

**Section 104. Powers.** Section 104 gives the City full authority over *municipal affairs* regardless of whether the charter addresses that particular issue.

**Section 200. Form of Government and Powers.** Section 200 establishes a Council-Manager form of government whereby the City Council will establish the policy of the City, and the Chief Executive Officer will carry out that policy.

**Section 202. Administrative Officers.** Section 202 limits the City Council's authority to appoint administrative officers to the office of Chief Executive Officer (City Manager) and City Attorney, whose qualifications, appointment and removal are in accordance with the general laws of the State of California.

**Section 300. Terms.** Section 300 creates a five (5) member City Council elected at large with the same staggered four (4) year terms that exist at the time the charter is adopted.

**Section 302. Qualifications.** Section 302 requires any elected officer to qualify for office in accordance with the general law of the State of California. Those qualifications include: U.S. citizenship, registered voter, minimum age requirement (18 years of age), minimum residency requirement (15 days prior to the election), and residency within the City throughout the elected officer's term of office.

**Section 304. Presiding Officer.** Section 304 requires the City Council, on the date of certification of the election results, to elect one of its members as presiding officer who shall also serve as Mayor along with electing another member as Mayor Pro Tempore. Section 304 provides a two (2) year term for the Mayor and Mayor Pro Tempore unless removed from his or her position prior to the term's end.

**Section 306. Council Member Compensation.** Section 306 mandates that the City follow general law. Under general law, as set forth in Government Code section 36516, the City Council may increase compensation by at most five percent (5%) for future city councils without voter approval.

**Section 308. Incompatible Offices.** Section 308 prohibits City Council members, committee members and commissioners from holding any other office or employment with the City during his or her term as City Council member. Section 308 also prohibits City Council members from employment within the City for a period of two (2) years following his or her term of office.

**Section 310. Procedure for Adopting Ordinances.** Section 310 mandates that the City continue to follow general law when adopting ordinances. By following general law, all proposed ordinances would be introduced, given first and second reading prior to adoption. Following adoption, the ordinance must be published within fifteen (15) days and would take effect thirty-days (30) thereafter.

**Section 400. Municipal Elections.** Section 400 requires municipal elections to be held in accordance with California Elections Code section 11001, et. seq.

**Section 402. Initiative, Referendum, Recall.** Section 402 mandates that the City continue to follow general law with respect to the initiative, referendum and recall of elective officers.

**Section 500. Budget Reserves.** Section 500 requires the City to maintain cash reserves for certain purposes. Section 500 provides examples that include: a major economic downturn, natural disaster or purchase of real property of importance to the community, as determined by a supermajority of the City Council. Section 500 also requires the City Council to review the appropriate amount of cash reserves at least every five (5) years.

**Section 600. Retirement Benefits.** Section 600 requires any increase in employee retirement benefits, other post-employment benefits, employer contributions for post-retirement benefits, including post-retirement health benefits, to be paid for by the City or for which the City is liable, subject to approval by a two-thirds (2/3) majority of the voters at a general election.

**Section 602. Civic Openness In Negotiations.** Section 602 codifies the Civic Openness In Negotiations Ordinance (“COIN”) as set forth in Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code and any amendments, modifications, or deletions into the charter. Section 602 requires the City Council to comply with Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act. In the event of repeal of Title 2, Chapter VI, Articles 1 and 2 of the Costa Mesa Municipal Code, the terms of those provisions as they exist at the time the charter is adopted or, as modified by court order, shall continue to be followed by future city councils when engaging in the meet and confer process pursuant to the Meyers-Milias-Brown Act.

**Section 700. Public Contracting.** Section 700 authorizes the City to follow the Uniform Construction Cost Accounting Act (“UCCAA”) while also giving the City discretion of opting out in the event of future changes. However, opting out of the UCCAA would not allow the City to dispense procedure for soliciting bids and following thresholds for formal or informal bidding.

**Section 702. Prevailing Wages.** Section 702 prohibits the payment of prevailing wages in public works contracts paid for solely with the City’s local funds and which are not a matter of statewide concern, unless payment of prevailing wages is compelled by the terms of the funding source.

**Section 800. Charter Review.** Section 800 requires the City Council to form a charter review committee every ten (10) years to review the existing charter and determine whether any amendments, modifications or repeal of its provisions are necessary. In addition to the ten (10) year review, Section 800 authorizes the City Council to appoint a charter review committee at any time and also allows voters the initiate a charter review with the signature of 2500 registered voters of the City.

**Section 802. Outsourcing.** Section 802 authorizes the City to outsource any services unless limited by the Constitution of the State of California or other applicable law. Section 802 also requires the City to periodically review its existing operations and services to consider whether said operations and/or a third party may perform services as, or more, efficiently and effectively. Finally, Section 802 requires any contract entered into, pursuant to this provision, to be ratified in accordance with the procedure set by the City Council.

**Section 804. General Plan Consistency.** Section 804 requires all zoning ordinances adopted to be consistent with the City's General Plan.

**Section 806. Construction and Interpretation.** Section 806 explains how the charter should be interpreted. It provides that except as provided by mandatory language in the charter, the language is intended to be permissive rather than limiting and shall be liberally and broadly construed in favor of the exercise of power to govern with respect to any matter which is a municipal affair.

**Section 808. Severability.** Section 808 provides that if any provision of the charter is invalidated or is otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

If the charter is approved by a majority of Costa Mesa voters, no changes can be made to it, without a majority vote of the people.