Ballot Measures-C

C City of Irvine, Requiring a 2/3 Vote of the City Council to Propose Taxes

Shall the measure amending the Irvine City Charter to require at least a two-thirds vote of the total City Council membership in order to place City Council sponsored general or special tax proposals on a ballot for voter consideration, be adopted?

What your vote means

YES	NO
A "Yes" vote is in favor of adopting this proposed Charter amendment measure.	A "No" vote is against adopting this measure.

For and against

FOR	AGAINST
Donald P. Wagner Mayor, City of Irvine Carrie O'Malley Chair, Irvine Taxpayers Association Jim Shute Irvine Finance Commissioner Bryan Starr President and CEO, Greater Irvine Chamber of Commerce Carolyn Cavecche CEO, Orange County Taxpayers Association	**No argument against this measure was submitted.**

Full Text of Measure C
City of Irvine

CITY COUNCIL ORDINANCE NO. 18-

AN ORDINANCE OF THE PEOPLE OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE CITY CHARTER OF THE CITY OF IRVINE TO REQUIRE A 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES

NOW, THEREFORE, the City Council of the City of Irvine, California DOES HEREBY ORDAIN as follows:

SECTION 1: Text of Charter Amendment. The City Charter of the City of Irvine is hereby amended as follows (underlining showing additions and strike-through showing deletions):

Section 904. City Council Sponsored Tax Proposals – 2/3 Vote Requirement.

Notwithstanding any conflicting provision of this Charter, no City Council sponsored proposal to impose, extend or increase a tax shall be presented at an election unless the ordinance or resolution proposing to impose, extend or increase such tax is approved by at least a two-thirds vote of the total members of the City Council. As used in this section, the term "tax" shall mean both a "general tax" and a "special tax" as defined in Article XIIIC, Section 1, subdivisions (a) and (d), respectively, of the California Constitution.

SECTION 2: Ballot Description. As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

CHARTER AMENDMENT (Section 904): This Charter Amendment measure would amend the City Charter to add Section 904. Proposed Section 904 would require any tax proposal sponsored by the City Council that imposes, extends or increases a tax to be approved by at least a two-thirds vote of the total membership of the City Council in order to be presented to the voters at an election, whereas presently only a majority vote of the City Council is required to place most tax measures on the ballot for voter consideration. The term "tax" in proposed Section 904 means both "general" and "special" taxes as defined in Article XIIIC of the California Constitution. A "general tax" is defined in the California Constitution as a tax imposed for general governmental purposes. A "special tax" is defined in the California Constitution as a tax imposed for specific purposes, including a tax imposed for a specific purpose which is placed into a general fund. This amendment does not give the City Council power to raise its compensation or that of other City officials without voter approval.

SECTION 3: Severability. It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment measure which can be given effect without the invalid provision or application.

SECTION 4: Effective Date. This Charter Amendment measure shall become effective in the manner allowed by law.

Impartial Analysis
City of Irvine
Measure C

This proposed Charter amendment measure was placed on the ballot by a vote of the Irvine City Council.

Background/Existing Law:

State law distinguishes between taxes for general governmental purposes (known as "general taxes") and taxes for specific governmental purposes (known as "special taxes"). Both types of taxes require voter approval. A City Council can propose a ballot measure for a new or increased tax. This is known as a "City Council sponsored tax measure."

The City of Irvine is a charter city. If Irvine were not a charter city, state law would require a vote of two-thirds of all members of the Irvine City Council in order to present a City Council sponsored general tax measure to the voters. However, as a charter city, a City Council sponsored general tax measure can be presented to the voters by a simple majority vote of the Irvine City Council.

State law does not have a similar two-thirds vote requirement for a City Council sponsored special tax measure. Instead, state law requires a simple majority vote of a City Council before a City Council sponsored special tax measure may be submitted to the voters.

This Charter Amendment Measure:

If approved by a majority of voters, this proposed Charter amendment measure would add Section 904 to the Irvine City Charter. Section 904 would require at least a two-thirds vote of all members of the Irvine City Council before any City Council sponsored tax measure may be placed on the ballot for voter consideration.

This proposed Charter amendment measure would only apply to City Council sponsored tax measures. It would not apply to a City Council action to place a citizen sponsored tax measure on the ballot.

The proposed Charter amendment would not alter constitutional requirements for voter approval of proposed tax measures.

Effect of this Charter Amendment Measure:

With regard to general taxes, this Charter amendment would align (i) the City of Irvine's procedures for placing City Council sponsored tax measures on the ballot with (ii) the procedures already applicable to non-charter cities (i.e., "general law cities") throughout the state.

With regard to special taxes, this Charter amendment would require at least a two-thirds vote of the total City Council membership in order to place a City Council sponsored tax measure on the ballot for voter consideration.

A "Yes" vote is in favor of adopting this proposed Charter amendment measure.

A "No" vote is against adopting this measure.

If a majority of voters vote "Yes" then this measure will take effect when it is filed with the Secretary of State.

Dated: March 6, 2018

s/ Jeffrey Melching, City Attorney

Ballot Measures-C

Argument in Favor of Measure C

Vote YES on Measure C to **close a loophole** in the City of Irvine Charter, which currently makes it easier for the City Council to propose raising taxes!

Measure C will protect Irvine taxpayers and close that loophole by amending the Irvine City Charter to require a two-thirds vote of the city council to put any new or expanded tax measure on the ballot.

This two-third vote is already required by the vast majority of cities in California ever since Howard Jarvis – the original author of Proposition 13 – also passed Proposition 62. In fact, it passed overwhelmingly in Irvine decades ago. However, the courts established a loophole in Prop 62 saying that it didn't apply to charter cities like Irvine.

Measure C closes that loophole and protects Irvine taxpayers by requiring 4 votes by the council, rather than a simple majority.

Passage of Measure C will finally ensure that Irvine is in full compliance with the taxpayer protections most California residents have enjoyed for decades.

Your support of this taxpayer protection measure is essential to keeping taxes low in the City of Irvine for generations to come.

Please vote YES on Measure C to close the higher taxes loophole. Thank you.

s/ Donald P. Wagner
Mayor, City of Irvine

s/ Carrie O'Malley
Chair, Irvine Taxpayers Association

s/ Jim Shute
Irvine Finance Commissioner

s/ Bryan Starr
President and CEO, Greater Irvine Chamber of Commerce

s/ Carolyn Cavecche
CEO, Orange County Taxpayers Association

No argument against this measure was submitted.