

RESOLUTION NO. 2015 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016 AND ORDERING THE SUBMISSION OF A PROPOSED AMENDMENT TO THE CITY CHARTER TO THE ELECTORS OF SAID CITY AT SAID ELECTION (MEASURE NO. ___ – REQUIRE 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES, AKA "THE ANAHEIM TAXPAYER PROTECTION ACT")

WHEREAS, pursuant to authority provided by Section 3 of Article XI of the Constitution of the State of California, Section 1300 of the Anaheim City Charter, and Section 1415(a)(2) of the Elections Code of the State of California, the City Council of the City of Anaheim desires to submit to the qualified electors of said City a proposed amendment to the Charter that increases the vote requirement necessary for the City Council to present to the voters most City Council sponsored proposals that impose, increase or extend a tax, from the current majority vote (in most cases) to a two-thirds vote of the total membership of the City Council; and

WHEREAS, the City Council of the City of Anaheim is authorized by the California Constitution, Section 1300 of the Anaheim City Charter, and by state statute to submit said proposed amendments to the Anaheim City Charter to the qualified electors of said City at a general municipal election to be held the same date as the November 8, 2016 statewide general election; and

WHEREAS, under the provisions of Article XIII, Section 1300, of the Charter of the City of Anaheim, a general municipal election shall be held on November 8, 2016 for the election of municipal officers and for such other purposes as the City Council may prescribe, to wit the placement of amendments to the City Charter;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1.

That, pursuant to Section 3 of Article XI of the California Constitution, Section 1300 of the Anaheim City Charter and Section 1415(a)(2) of the Elections Code of the State of California, there is called and ordered to be held in the City of Anaheim on Tuesday, November 8, 2016, a general municipal election for the purpose of submitting the following proposed Charter Amendment measure to the qualified voters of the City:

The full text of the proposed Charter Amendment measure (with additions to and deletions from the current Charter text indicated thereon) is set forth on Attachment No. 1 attached hereto and incorporated herein by this reference as if set forth in full.

Said proposed Charter Amendment measure shall appear upon the ballots for said

municipal election in substantially the following form:

MEASURE -- REQUIRE 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES. Shall Section 1208.1 be added to the Anaheim 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?	Yes	
	No	

SECTION 2.

That the ballots to be used at November 8, 2016 election shall be in a form and content required by law.

SECTION 3.

That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4.

That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 5.

That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6.

That the notice of the time and place of holding the election is hereby given and the City Clerk is hereby authorized, instructed and directed to give further or additional notice of the election, in such time, form and manner as required by law.

SECTION 7.

That City staff are authorized and instructed to return to the City Council at a later date with resolutions augmenting this resolution to order on the ballot the election of municipal officers, requesting that the Orange County Board of Supervisors consolidate the general municipal

election called in this resolution with the statewide general election held on November 8, 2016, authorizing the filing and establishing priority of ballot arguments, authorizing the filing of rebuttal arguments and ordering that the City Attorney prepare an impartial analysis; such resolutions shall be presented to the City Council in time sufficient under statute to timely request consolidation and take the respective actions.

SECTION 8.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this ____ day of _____, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By _____
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM
106940

Attachment No. 1

Full text of proposed Charter Amendment measure is on the following pages

Attachment No. 1 to City Council Resolution Regarding
Charter Amendment to
Require 2/3 Vote of the City Council to Propose Taxes

CHARTER AMENDMENT MEASURE NO. ____

Section 1: TITLE

This Charter Amendment shall be known as the "Anaheim Taxpayer Protection Act."

Section 2: TEXT OF AMENDMENT TO ANAHEIM CITY CHARTER.

The City Charter of the City of Anaheim is hereby amended as follows (underlining showing additions and ~~strike-through~~ showing deletions):

Section 1208.1. 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 XIIC, Section 1, subdivisions (a) and (d), respectively, of the California Constitution.

Section 3: 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 1208.1): This Charter Amendment measure would amend the City Charter to add Section 1208.1. Proposed Section 1208.1 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 1208.1 means both "general" and "special" taxes as defined in Article XIIC 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 4: 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.