

Attachment No. 1 to City Council Resolution re Increase of Council Members to Six

CHARTER AMENDMENT MEASURE __

Section 1: TEXT OF AMENDMENTS 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 500. CITY COUNCIL. TERMS.

The Commencing with the general municipal election of November 2016, the elective officers of the City shall consist of a Mayor and ~~four~~six City Council members elected from the City at large and at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify. The term "City Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and ~~four~~ City Council members unless such other provision of this charter or other provision of law expressly provides to the contrary or unless such interpretation would be clearly contrary to the intent and context of such other provision.

The Mayor and members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. ~~The Mayor and two members of the City Council shall be elected at the general municipal election held in November, 1994, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in November, 1996, and~~The Mayor shall be elected at the general municipal election held in November 2014, and each fourth year thereafter. Four members of the City Council (comprised of two seats up for election and two newly created seats) shall be elected at the general municipal election held in November 2016. Notwithstanding the term of office specified in the first paragraph of this Section 500, at the City Council meeting where these four members are sworn in, the City Council shall select by casting of lots one member elected at the November 2016 general election to hold office for a term of two years and until his or her successor qualifies; the remaining three members shall serve for a term of four years and until their successors qualify. Thereafter, the three City Council members elected at the November 2016 election to four-year terms shall be elected at the general municipal election each fourth year thereafter. The other three members of the City Council shall be elected at the general municipal election held in November 2018 and each fourth year thereafter.

Ties in voting among candidates for office, including the office of the Mayor, shall be settled by the casting of lots.

Section 507 SPECIAL MEETINGS.

A special meeting may be called at any time by the Mayor, or by ~~three~~four members of the City Council, by written notice to each member of the City Council and to each local newspaper

of general circulation, radio or television station requesting notice in writing. Such notice must be delivered at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 508 PLACE OF MEETINGS.

Except to the extent otherwise required or permitted by law, all meetings shall be held in the Council Chambers of the City Hall, or in such place within the City to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if he or she should fail to act, by three-four members of the City Council.

Section 511 ADOPTION OF ORDINANCES AND RESOLUTIONS.

With the sole exception of emergency ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless the City Council has adopted a motion at such meeting waiving the reading in full of all ordinances or resolutions adopted at such meeting, or the reading in full of the specific ordinance or resolution is waived by a motion duly adopted by the City Council, except that emergency ordinances shall either be read in full or the full text of such emergency ordinance shall be made available to the public for review prior to its adoption in compliance with the preceding sentence by either (i) a statement on the printed agenda of the City Council meeting at which the emergency ordinance is to be adopted indicating that a copy of the full text of the proposed ordinance is available for public review in the City Clerk's Office, or (ii) whether or not such ordinance appears on the printed agenda of the meeting at which it will be adopted, by publicly announcing at the City Council meeting at which the emergency ordinance is to be adopted that the full text of the emergency ordinance is available for public review and by posting a copy of the full text of the emergency ordinance at or near the entrance of the City Council chambers or otherwise making the full text of the emergency ordinance available to the public prior to its adoption. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least ~~three-four~~ members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by the affirmative votes of at least four-~~fifths of the total members of the City Council~~-affirmative votes.

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 AMENDMENTS (Sections 500, 507, 508, 511):

INCREASE COUNCIL MEMBERS TO SIX: This Charter Amendment measure would amend the City Charter to increase the number of City Council members from four (plus the Mayor) to six (plus the Mayor); provide for election to fill newly created Council seats and thereafter stagger Council terms so that every two years, three of the Council members stand for election; and amend the City Charter to reflect the increase in Council membership in various provisions where there is a Council decision or action requiring a specified number of Council member votes. This amendment does not give the City Council power to raise its compensation or that of other City officials without voter approval.

Section 3: COMPETING MEASURES, COMPLEMENTARY MEASURES.

If any other measure or measures related to the issue of the method of election of City Council members (including, without limitation, methods consisting of at-large election of Council members, election of Council members from residency districts by the entire City at large, or election of Council members from residency districts only by voters of that district) and/or the size of the City Council appear on the same ballot as this Charter Amendment measure, then it is the intent of the voters that the following shall apply:

(a) This Charter Amendment measure shall not be deemed to conflict with any measure or measures changing the method by which members of the City Council of the City of Anaheim are elected (for example, a measure amending the Charter to change the method of electing City Council members from at-large to election of Council members from residency districts by the entire City at large, or election of Council members from residency districts only by voters of that district) that may be approved by a majority of the voters voting on such measure or measures at the same election. If this Charter Amendment measure and a measure changing the method by which members of the City Council are elected are approved by a majority of the voters voting at the same election, then this Charter Amendment measure shall be deemed to be complementary to the other measure and both this Charter Amendment and such other measure shall take effect. In such case, and if a measure to change the method of electing City Council

members from election at-large to election from residency districts only by voters of that district was proposed by the City Council pursuant to Elections Code section 9255(b)(1) and adopted by the voters, then the voters hereby direct that the City Attorney and City Clerk take ministerial action to implement conforming language to the City Charter provisions affected by the approval of this Charter Amendment and such measure to change the method of electing City Council members from election at-large to election from residency districts only by voters of that district, so that said Charter provisions are consistent with language in a document entitled "Conforming Language Prepared by City Attorney" attached as "Attachment No. 2" to the February 4, 2014 City Attorney staff report presented to the City Council for the resolution ordering the placement of this Charter Amendment on the ballot, which attachment provides conforming language for the two Charter amendment measures as those measures affect Charter Section 500.

(b) In the event that this Charter Amendment measure and another measure or measures increasing the number of members of the City Council of the City of Anaheim are approved by a majority of the voters voting at the same election, and this Charter Amendment measure receives a greater number of affirmative votes than any other such measure or measures increasing the number of members of the City Council, then such measure or measures shall be deemed to be in conflict with this Charter Amendment measure, this Charter Amendment measure shall control in its entirety, and said other measure or measures increasing the number of members of the City Council shall be rendered void and without any legal effect.

(c) Notwithstanding (a), in the event that this Charter Amendment measure increasing the number of City Council members and another measure or measures both (1) increasing the number of members of the City Council of the City of Anaheim and (2) changing the method by which members of the City Council of the City of Anaheim are elected are approved by a majority of the voters voting at the same election, and this Charter Amendment measure receives a greater number of affirmative votes than any other such measure or measures both (1) increasing the number of members of the City Council of the City of Anaheim and (2) changing the method by which members of the City Council are elected, then such other measure or measures shall be deemed to be in conflict with this Charter Amendment measure, this Charter Amendment measure shall control in its entirety, and said other measure or measures shall be rendered void and without any legal effect.

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.