

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE R**

City of Irvine

Orange County Great Park Ratification and Implementation Act

This ballot measure, if adopted by the City's voters, would ratify and implement certain City Council-approved policies relating to the Orange County Great Park project. More specifically, this ballot measure seeks the voters' affirmation of the following matters:

1. The governing structures and responsibilities of the City of Irvine and the Orange County Great Park Corporation. For example,
 - The City should exercise final authority over land use, financing district bonds, contracts, funding and other financial matters, and property interests relating to the Great Park.
 - The Corporation Board of Directors should propose Great Park use policies, ensure the implementation of policy guidelines and principles, provide direction and oversight for planning, design and construction of the park, and oversee construction of the park.
2. Funding and construction, operations and maintenance considerations. For example,
 - Revenues and expenditures for the development of the Great Park should be managed by the City in a separate fund.
 - City General Funds should not be used for the planning, construction, operation or maintenance of the Great Park, with limited exceptions for normal public safety services and public roads.
 - The operation and maintenance of the Great Park should be based on self-sustaining budgets.
 - Determinations regarding Great Park operations, programs and maintenance should be made prior to completion of final design.
3. Major policies and programs. For example,
 - Commitment to the identification, establishment and effectuation of highest standards and best practices for the design, construction, operation and maintenance of the Great Park.
 - The construction and the operation of the Great Park balloon project and the associated Preview Park, without charge to the general public for the use and enjoyment of their essential features. Sponsors of special events are responsible to compensate the City.
 - Preparation of feasibility studies for various "priority projects" that are identified in the ballot measure. While each project may be analyzed, there is no obligation to construct a particular project without further public review and approval.
 - The agreement between the City and the Irvine Redevelopment Agency loaning funds to the Redevelopment Agency for the acquisition of property.

In order to preserve the City's flexibility and its ability to adapt to future changed circumstances, the provisions of the ballot measure will expire in four years, although the City Council by majority vote may extend the provisions or any of them.

Finally, the ability to amend or repeal the provisions of the ballot measure while they remain in effect are limited. If adopted, the provisions contained in the ballot measure could be subsequently amended by a four-fifths vote of the City Council, but only to the extent such amendments further or expand the intent and objectives of the measure. Otherwise, all other amendments or any proposed repeal of the measure must be approved by the voters to be effective.

s/ Philip D. Kohn
City Attorney

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