



Ballot Measures-MM

MM

City of Newport Beach, Require 5 of 7 Votes of The City Council to Propose Taxes

Shall Section 1115 be added to the Newport Beach City Charter to require at least five votes of the total City Council membership in order to place City Council sponsored general or special tax proposals on a ballot for voter consideration?

What your vote means

YES	NO
A "Yes" vote is a vote in favor of adding Section 1115 to the City's Charter.	A "No" vote will reject the proposed amendment to the City Charter, leaving the City Charter in its present form.

For and against

FOR	AGAINST
<p>Carolyn Cavecche CEO, Orange County Taxpayers Association</p> <p>Diane B. Dixon Mayor</p> <p>Kevin Muldoon Mayor Pro Tem</p> <p>Scott Peotter Newport Beach Councilman</p> <p>Will O'Neill Finance Committeeman</p>	<p>Bob McCaffrey Residents for Reform, Volunteer Chairman</p>



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Full Text of Measure MM City of Newport Beach

SECTION 1: TEXT OF AMENDMENT TO NEWPORT BEACH CITY CHARTER

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

Section 1115. City Council Sponsored Tax Proposals – 5 of 7 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 five (5) of seven (7) votes 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 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 1115): This Charter Amendment measure would amend the City Charter to add Section 1115. Proposed Section 1115 would require any tax proposal sponsored by the City Council that imposes, extends or increases a tax to be approved by at least five (5) of seven (7) votes of the City Council 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 1115 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 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: CONFLICTING MEASURES

In the event this Charter Amendment measure and another measure or measures relating to City Council vote approval requirements for the matters described herein shall appear on the same general municipal election ballot, the other measure or measures shall be deemed to be in conflict with this Charter Amendment measure. In the event that this Charter Amendment measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

If this Charter Amendment measure is approved by the voters but superseded in whole or in part by any other conflicting measure approved by the voters at the same election, and such other conflicting measure is later found held invalid, this measure shall be self-executing and given full force and effect.

SECTION 5: EFFECTIVE DATE

This Charter Amendment measure shall become effective in the manner allowed by law.

Impartial Analysis City of Newport Beach Measure MM

Under California law, all City-sponsored proposals to impose, extend or increase a tax must be approved by the City Council prior to submission of the tax proposal to the voters. This City-sponsored measure would add a new section to the City’s Charter increasing the number of City Council Member votes needed to submit a City-sponsored tax proposal to the voters. Specifically, if Section 1115 is added to the City’s Charter, an affirmative vote of at least five (5) of seven (7) City Council Members would be required prior to submitting a City-sponsored proposal to the voters to impose, extend, or increase a tax.

The proposed measure requires approval of a majority of voters. A “yes” vote is a vote in favor of adding Section 1115 to the City’s Charter. A “no” vote will reject the proposed amendment to the City Charter, leaving the City Charter in its present form.

The above statement is an impartial analysis of Measure MM. If you wish to read the full text of the measure, or desire a copy of the measure, please call the City Clerk’s Office at (949) 644-3005 and a copy will be provided, mailed or E-mailed at no cost to you, or you can visit www.newportbeachca.gov/2016election for a copy.

s/ Aaron C. Harp
City Attorney



Argument in Favor of Measure MM

Vote YES on The Taxpayer Protection Act to **close the loophole** in the Newport Beach City Charter that makes it easier for the City Council to propose raising taxes!

The Taxpayer Protection Act will require a two-thirds vote by the Council to put any tax on the ballot, which is already required by a large majority of cities in California ever since Howard Jarvis– the author of Proposition 13 – also passed Proposition 62. In fact, it passed overwhelmingly in Newport Beach decades ago. However, the courts established a loophole in Prop. 62 saying it didn't apply to charter cities like Newport Beach.

The Taxpayer Protection Act closes that loophole by requiring five votes by the Council, rather than a simple majority.

Passage of The Taxpayer Protection Act is the first step towards complete taxpayer protection, with the debt side of Prop 13 to come before Newport Beach voters in 2018.

Passage of The Taxpayer Protection Act closes a long-standing loophole in the city's charter and finally ensures that Newport Beach is in full compliance with the taxpayer protections most California residents have enjoyed for decades.

Your support of The Taxpayer Protection Act is essential to keeping taxes low in the City of Newport Beach for generations to come.

Please vote Yes on The Taxpayer Protection Act to close the higher taxes loophole. Thank you.

s/ Carolyn Cavecche
CEO, Orange County Taxpayers Association

s/ Diane B. Dixon
Mayor

s/ Kevin Muldoon
Mayor Pro Tem

s/ Scott Peotter
Newport Beach Councilman

s/ Will O'Neill
Finance Committeeman



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Argument Against Measure MM

Rebuttal to Argument Against Measure MM

Residents for Reform is against Measure MM because it does not go far enough. We urge a No on MM vote.

Residents for Reform is a bona fide association of Newport Beach citizens that seeks to protect Newport Beach taxpayers.

Mayor Pro Tem Kevin Muldoon proposed an amendment to Measure MM to include a citywide vote in order for the city to use Certificates of Participation (COP's) or lease revenue bonds.

Councilman Keith Curry and Council candidate Jeff Herdman, who publicly spoke against the peoples' right to vote on COP's, demanded the amendment not be included in Measure MM.

COP's and lease revenue bonds are used by politicians to circumvent Proposition 13 by incurring debt without a vote.

In 2005, the local activist group Greenlight supported a charter amendment that would have required voter approval before the city was authorized to borrow to finance the construction of public improvements. It did not qualify for the 2006 ballot. As a result, Keith Curry and the Council were able to use COP's and obligated taxpayers for over \$200 million in debt service to pay for the Civic Center, without asking the voters of Newport Beach.

Voters should have a say in debt incurred by our city. Measure MM should have included a popular vote of the people requirement for COP's and lease revenue bonds, just like Proposition 13.

Vote NO on Measure MM and send a message to Curry and Herdman that the City of Newport Beach has too much debt!

No on MM because it does not include a provision to prohibit politicians from piling on more debt without our vote.

s/ Bob McCaffrey
Residents for Reform, Volunteer Chairman

Residents for Reform is correct to be concerned about a city council attempting to raise taxes and borrow money without a vote of the people. Measure MM, the Taxpayer Protection Act, is the first step to protect Newport Beach taxpayers.

The Taxpayer Protection Act makes it more difficult for City Council members to place a tax increase on the ballot.

The Taxpayer Protection Act is intended to close the loophole in the Newport Beach City Charter that makes it easier for a city council to propose raising taxes.

In fact, this was already voted on and passed by the taxpayers of Newport Beach decades ago, but because the courts established a loophole for charter cities it didn't apply to Newport Beach.

Jon Coupal, President of the Howard Jarvis Taxpayers Association agrees, "This measure closes that loophole for the City of Newport Beach by requiring, as mandated by Proposition 62, that local taxes receive a two-thirds vote of the governing body as a necessary condition prior to being place on the ballot."

A yes vote on Measure MM will require five votes by the council, rather than a simple majority, and is the first step towards complete taxpayers' protection.

Your support of Measure MM is essential to keeping taxes low in the City of Newport Beach and finally ensures that Newport Beach is in full compliance with the taxpayer protections most California residents have enjoyed for decades.

Vote Yes on Measure MM and Close the Higher Taxes Loophole.

s/ Carolyn Cavecche
CEO, Orange County Taxpayers Association

s/ Diane B. Dixon
Mayor

s/ Kevin Muldoon
Mayor Pro Tem

s/ Scott Peotter
Newport Beach City Councilman

s/ Will O'Neill
Finance Committeeman