

**IMPARTIAL ANALYSIS BY CITY ATTORNEY  
CITY OF NEWPORT BEACH  
MEASURE EE**

If adopted by a majority of the voters, this City-sponsored measure would add to, amend or repeal sections within the City's Charter. Specifically, a "yes" vote would: (1) prohibit the City from taking any action that would result in the installation of red light cameras or other automated traffic enforcement systems in the City of Newport Beach (except toll roads) without subsequent Charter Amendment approved by the voters of Newport Beach; (2) expand the prohibition on the Council, department heads, officers, board members and commissioners from having a financial interest in contracts/sales/transactions to committee members and align conflict of interest provisions/exceptions with State law; (3) require regular Council meetings be held at City Hall and allow one regular Council meeting in August and December; (4) make verbal roll call votes of the Council discretionary; (5) allow subsections of ordinances to be amended and for ordinance adoption at any Council meeting; (6) require most administrative offices be located at the City Hall site on Avocado Avenue and simplify the location description of City Hall; (7) require the City Manager to maintain a centralized purchasing system, appoint an officer/department head to serve as a temporary manager during brief absences of the City Manager, and notify the Council of the temporary manager's identity; (8) remove the requirement that the City Manager sit at the Council table during deliberations; (9) remove the requirement that City Manager compensation be set by ordinance/resolution; (10) clarify that the City pays the City Manager's bond premium; (11) authorize the City Attorney to attend all City meetings; (12) authorize City officers/employees to delegate duties to deputies; (13) authorize the Council to create boards/commissions by resolution, establish a board/commission member's initial term at board/commission formation, and allow appointment of a person to a vacant position for the unexpired term plus a full term; (14) allow boards/commissions flexibility to meet as business dictates; (15) remove budget preparation duties from boards/commissions; (16) remove the requirement that the Planning Commission make recommendations regarding individual public works projects/rehabilitation of blighted areas and that the Parks, Beaches, and Recreation Commission consider/make recommendations regarding the annual budget; (17) consolidate Charter sections for Council compensation/reimbursement while maintaining the amounts received by Council for their service at existing levels; (18) repeal obsolete Charter sections; (19) clarify Charter and State Constitution limitations on Council powers and the process for Charter amendments; (20) require the City's annual audit report be available within 270 days after the end of the fiscal year and for summary publication thereof; (21) clarify the Council's authority to authorize employees to execute contracts; (22) prohibit class action claims; (23) add gender neutral language; (24) remove duplicative language and require compliance with the Brown Act; and (25) align the City's incompatible office provisions with State law.

If this measure is approved the proposed changes will be incorporated into the Charter. If this measure is defeated the Charter will remain without change.

**The above statement is an impartial analysis of Measure EE. If you 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](http://www.newportbeachca.gov) for a copy.**

Date: August 21, 2012

THE CITY ATTORNEY'S OFFICE

s/ Aaron C. Harp  
City Attorney