

**FULL TEXT OF MEASURE V
CITY OF IRVINE**

CITY COUNCIL ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF IRVINE ESTABLISHING
POLICIES RELATING TO FISCAL TRANSPARENCY AND
REFORMS FOR THE ORANGE COUNTY GREAT PARK PROJECT**

The people of the City of Irvine do ordain as follows:

Section 1. Title. This Ordinance shall be known and referred to as the Orange County Great Park Fiscal Transparency and Reforms Act.

Section 2. Purpose. This Ordinance is adopted to establish certain policies relating to the Orange County Great Park project with regard to the governing structures and responsibilities of the City of Irvine and the Orange County Great Park Corporation; review and approval of contracts and expenditures relating to the development, operations, and maintenance of the Orange County Great Park; conduct of annual audits of expenditures on the Great Park; assurance of transparency through the implementation of whistleblower protections; and the composition of the Great Park Board of Directors.

Section 3. Recitals. It is found and declared that:

A. The City of Irvine ("City") owns and is responsible for the development of the Orange County Great Park.

B. The City authorized the formation of the Orange County Great Park Corporation as a "supporting organization" (pursuant to section 509(a)(3) of the United States Internal Revenue Code) to assist the City in the exercise of its powers to plan, develop, operate and maintain the Orange County Great Park.

C. The City has received, and will continue to receive over time, funds from a variety of services, including without limitation development agreement fees, adjacent landowner public benefit funds, financing district funds, Quimby Act funds, and funds related to redevelopment and redevelopment dissolution. These categories of funds, among others, may be used toward the planning, development, operation, and maintenance of the Orange County Great Park.

D. The Orange County Great Park Corporation Board of Directors currently consists of the five members of the Irvine City Council.

E. Employees serving the Orange County Great Park Corporation are employees of the City of Irvine, working within the City's organizational structure and functioning under the general direction and supervision of the City Manager.

F. It is important to ensure accountability, resource management and efficiency in the planning, design, construction, operation and maintenance of the Orange County Great Park.

Section 4. Appropriation, Expenditure of Funds, and Letting of Contracts for the Planning, Development, Operation, and Maintenance of the Orange County Great Park

A. The City of Irvine shall consider all contracts and property instruments relating to the Orange County Great Park and shall appropriate the allocation of funds. The City shall review and have final authority over all financial matters, including contracts for professional services, design, construction, operation and maintenance of the Orange County Great Park.

B. For so long as the Orange County Great Park Corporation continues to exist, prior to making any funding appropriation and/or approving any contract for an expenditure on or for the benefit of the Orange County Great Park, the City shall receive a recommendation with regard to such appropriation or expenditure from the Orange County Great Park Corporation Board of Directors.

C. For so long as the Orange County Great Park Corporation continues to exist, prior to approving any change that would increase spending on or for the benefit of the Orange County Great Park, the City shall receive a recommendation with regard to such increase from the Orange County Great Park Corporation Board of Directors,

D. As a prerequisite to the receipt of any funding for the planning, development, operation, and maintenance of the Orange County Great Park, the members of the Orange County Great Park Board of Directors, for so long as the Orange County Great Park Corporation continues to exist, must be solely and exclusively members of the Irvine City Council.

Section 5. Assuring Transparency In The Planning, Design, Operation, and Maintenance of the Orange County Great Park.

A. On an annual basis, the City shall, by way of contract with an accredited outside professional auditing firm, conduct an audit of all Great Park funds. A final audit report shall be prepared, made publicly available, and posted on the City of Irvine website.

B. To the extent not otherwise prohibited by State or Federal law, City and/or Great Park officials and employees shall not use or threaten to use any official authority or influence to discourage, restrain or interfere with or to effect a reprisal against any person, including but not limited to a City and/or Great Park official, employee, or vendor, for the purpose or with the intent of preventing such person from acting in good faith to report or otherwise bring to the attention of the City or other appropriate agency, office or department, any information that, if true, would constitute a gross waste, fraud, or abuse of Great Park funds or resources, a gross abuse of authority, a specified and substantial danger to public health or safety due to any act or omission of any City and/or Great Park official, employee, or vendor, or the use of a City and/or Great Park office or position or of City and/or Great Park resources for personal gain.

Section 6. Effective Date. This Ordinance shall go into effect ten (10) days after the date on which the election results are declared by the City Council.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that determination of invalidity shall not affect other provisions or application of the Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF IRVINE
MEASURE V**

Ballot Measure Establishing Policies Relating To Fiscal Transparency And Reforms For The Orange County Great Park Project

This measure mandates specific City of Irvine ("City") policies relating to the Orange County Great Park ("Great Park"). If adopted, this measure would:

- Require that the City have final approval authority over all financial matters, contracts, property instruments and allocation of funds for the Great Park.
- Require an annual audit of all Great Park funds by an accredited, outside professional auditing firm, with a final report posted on the City website each year.
- Prohibit the spending of any funds for the Great Park until a recommendation regarding such spending has been provided to the City Council by the Orange County Great Park Corporation Board of Directors ("Corporation Board") and approval is given by the City Council.
- Prohibit contracts for an expenditure on or benefit to the Great Park until a recommendation regarding said expenditure has been provided to the City Council by the Corporation Board and approval is given by the City Council.
- Establish whistleblower protections for any Great Park or City staff member or vendor who brings to the attention of the City information about: potential waste, fraud, or abuse of Great Park funds; substantial dangers to public health or safety; or the use of official positions or resources for personal gain.
- Require that the Corporation Board consist solely and exclusively of members of the Irvine City Council.

If the Orange County Great Park Corporation ceases to exist as a separate legal entity, then recommendations from the Corporation Board, or any other prerequisites related to the Corporation Board, are not required. This measure does not mandate the continued existence of the Orange County Great Park Corporation as a separate legal entity.

Additionally, if funding for a Great Park item is approved by the City Council as part of the annual budget or other approval mechanism, the measure does not require subsequent Corporation Board or City Council review and approval. For example, if the City Council approves budget items for maintenance or events, the City may expend funds on matters that are within the scope of such budget items without further review or approval by the Corporation Board and City Council.

A "Yes" vote is in favor of adopting this measure. A "No" vote is against adopting this measure. If a majority of voters vote "Yes," then this measure will take effect ten days after the vote is declared by the City Council. This measure was placed on the ballot by the City Council.

Dated: July 29, 2014

s/ Todd Litfin
City Attorney

The above statement is an impartial analysis of Measure V. If you desire a copy of the ordinance or measure, please call the elections official's office at (949) 724-6205 and a copy will be mailed, emailed, or otherwise provided at no cost to you.

ARGUMENT IN FAVOR OF MEASURE V

“Orange County Great Park Fiscal Transparency and Reforms Act”

As your elected City Council, we are asking you to consider adopting Measure V which contains a number of important policies safeguarding fiscal accountability and transparency with respect to the finances and operations of the Great Park.

These items are being placed before you because if you, the voters, adopt them they will bind this and all future City Councils to adhere to them. The only way these policies will be able to be changed or ended would be bringing another measure to a public vote.

These proposed policies are broken down into two areas-fiscal accountability and fiscal responsibility.

FISCAL ACCOUNTABILITY

- The Great Park Board of Directors shall only be made up of the members of the Irvine City Council, thus assuring that governance of the Great Park is by your accountable, local elected officials.
- Before any funds can be appropriated or spent at the Great Park, they must be approved by the Great Park Board or City Council at a duly noticed public meeting.
- No spending may be increased, such as the modification of any contracts or budgets, without approval by the Great Park Board or City Council at a duly noticed public meeting.

FISCAL TRANSPARENCY

- An annual audit must be conducted of all Great Park funds. This audit must be conducted by an accredited outside professional auditing firm.
- Each year, the annual audit report shall be publicly available and posted on the City of Irvine website.
- “Whistleblower” protections – to prevent reprisals against any City and/or Great Park official, employee or vendor who brings forth information about potential waste, fraud or abuse – are put into place.

We hope that you will join with us in voting in support of Measure V, and locking into place these significant financial and operational safeguards.

s/ Steven S. Choi, Ph.D
Mayor

s/ Jeffrey Lalloway
Mayor Pro Tem

s/ Larry Agran
Councilmember

s/ Beth Krom
Councilmember

s/ Christina L. Shea
Councilwoman

No argument against this measure was submitted.