



# Ballot Measures-U

## U

### City of Anaheim, Require 2/3 Vote of the City Council to Propose Taxes

Shall Section 1208.1 be added to the Anaheim City Charter to require at least a two-thirds vote 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 in favor of adopting this proposed Charter amendment measure.	A "No" vote is against adopting this measure.

#### For and against

FOR	AGAINST
<p>Lucille Kring Mayor Pro Tem, City of Anaheim</p> <p>Curt Pringle former Anaheim Mayor/OC Taxpayers Board Member</p> <p>Joseph Karaki Anaheim Chamber Board Member</p> <p>Mitch Caldwell Anaheim City Planning Commissioner</p> <p>Jess A. Carbajal Anaheim Sister City Commissioner</p>	<p>No argument was filed against Measure U</p>



# Ballot Measures-U

## Full Text of Measure U City of Anaheim

### Require 2/3 Vote of the City Council to Propose Taxes

#### Section 1: TEXT OF AMENDMENT 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 1208.1. City Council Sponsored Tax Proposals – 2/3 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 a two-thirds vote of the total members 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 XIII C, 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 1208.1): This Charter Amendment measure would amend the City Charter to add Section 1208.1. Proposed Section 1208.1 would require any tax proposal sponsored by the City Council that imposes, extends or increases a tax to be approved by at least a two-thirds vote of the total membership of the City Council in order 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 1208.1 means both "general" and "special" taxes as defined in Article XIII C 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 4: 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 5: CONFLICTING MEASURES

In the event that 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 6: EFFECTIVE DATE.

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



# Ballot Measures-U

## Impartial Analysis City of Anaheim Measure U

### Require 2/3 Vote of the City Council to Propose Taxes

This proposed Charter Amendment measure was placed on the ballot by a vote of the Anaheim City Council.

#### Background/Existing Law:

The City of Anaheim is a charter city. Statutory law applicable to general law cities (which does not apply to a charter city such as Anaheim) provides that a proposal to impose a general tax must be approved by a two-thirds vote of all members of a city council in order to be presented to the voters at an election. There is no similar vote requirement for a city council to present a special tax to the voters (i.e., state law only requires a majority vote of a city council to present a special tax to the voters). A general tax is a tax imposed for general governmental purposes. A special tax is a tax imposed for specific governmental purposes.

#### This Charter Amendment Measure:

If approved by a majority of voters, this proposed Charter amendment measure would add Section 1208.1 to the Anaheim City Charter to require at least a two-thirds vote of the total City Council membership in order to place a City Council sponsored proposal to impose, extend or increase a tax on the ballot for voter consideration. This proposed Charter amendment would apply to both general and special tax proposals.

This proposed Charter amendment measure would only apply to City Council sponsored tax proposals; it would not apply to the Council's action to place a citizen sponsored tax petition on the ballot. In addition, this proposed Charter amendment would not alter constitutional requirements for voter approval of proposed tax measures.

#### Effect of this Charter Amendment Measure:

This proposed measure would amend the Anaheim City Charter to add Section 1208.1 to require at least a two-thirds vote of the total City Council membership in order to place a City Council sponsored proposal to impose, extend or increase a tax on the ballot for voter consideration. Absent such an amendment, a majority vote of the total membership of the City Council would be required to place a ballot measure proposing a tax before the voters.

A "Yes" vote is in favor of adopting this proposed Charter amendment measure. A "No" vote is against adopting this measure. If a majority of voters vote "Yes" then this measure will take effect when it is filed with the Secretary of State.

Dated: July 18, 2016

s/ Kristin A. Pelletier  
Acting City Attorney, City of Anaheim

**The above statement is an impartial analysis of Measure U. If you desire a copy of the measure, please call the election official's office at (714) 765-5166 and a copy will be mailed, emailed, or provided at no cost to you. You can also visit [www.anaheim.net/elections](http://www.anaheim.net/elections) for a copy.**

Ballot Measures-U**Argument in Favor of Measure U**

We need to pass Measure U to close a loophole in the Anaheim City Charter which currently makes it easier for the City Council to raise taxes!

This measure, the **Anaheim Taxpayer Protection Act**, closes that loophole by amending Anaheim's city charter to require a two-thirds vote of the city council to put any new or expanded tax measure on the ballot.

This two-third vote is already required by the vast majority of cities in California ever since Howard Jarvis – the original author of Proposition 13 – also passed Proposition 62.

But the courts established a loophole in Prop. 62 for cities like Anaheim, making us exempt from Prop. 62. That loophole puts Anaheim at risk and makes it easier to raise taxes!

**Measure U closes that loophole!**

Anaheim is moving to a seven-member city council beginning with the 2016 election, and the **Anaheim Taxpayer Protection Act** will require five votes, rather than a simple majority, to put tax increases on the ballot.

Passage of Measure U will close a long-standing loophole in the city's charter and finally ensure Anaheim is in full compliance with the taxpayer protections most California residents have enjoyed for decades.

Many cities neighboring Anaheim have increased taxes and cut services.

Meanwhile, Anaheim has come out of the great recession stronger with a balanced budget, restored cash reserves, significant increases in police and fire, and major investments in neighborhoods - *all without raising taxes*. We need to keep the momentum on economic growth and avoid the pitfalls of funding services through increased fees and taxes.

A broad coalition is supporting the **Anaheim Taxpayer Protection Act**, including the Anaheim Chamber of Commerce, Anaheim Neighborhood Association, Orange County Taxpayers Association, Orange County Business Council, Association of California Cities-Orange County, Hispanic 100, and the Lincoln Club of Orange County.

Your support of this measure is essential to keeping taxes low in the City of Anaheim for generations to come.

Please vote Yes on Measure U to close the higher taxes loophole!

s/ Lucille Kring  
Mayor Pro Tem, City of Anaheim

s/ Curt Pringle  
former Anaheim Mayor/OC Taxpayers Board Member

s/ Joseph Karaki  
Anaheim Chamber Board Member

s/ Mitch Caldwell  
Anaheim City Planning Commissioner

s/ Jess A. Carbajal  
Anaheim Sister City Commissioner

**No argument against this measure was submitted.**