



CITY OF

NEWPORT BEACH

City Council Staff Report

August 18, 2026
Agenda Item No. 2

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Proposed Ballot Questions for Three Citizen-Sponsored Charter
Amendment Initiatives

ABSTRACT:

Under the ordinary statutory process, a city council is not required to negotiate or reach agreement with an initiative proponent regarding the wording of a local ballot question. After a petition is found sufficient and an election is called, Elections Code section 10403 assigns the City Council responsibility for adopting a consolidation resolution setting forth the exact form of the question as it will appear on the ballot. The ballot statement must also comply with Elections Code section 13119, including the requirement that it provide a true and impartial synopsis stated in nonargumentative language.

Recently, the Orange County Superior Court issued orders requiring the City Council to consider and approve proposed ballot questions before resolving legal issues as to whether the proponents complied with the Elections Code and before the Registrar of Voters has determined whether any of the three petitions contains sufficient valid signatures to qualify for the ballot. The proposed questions are therefore presented for City Council consideration in compliance with those orders.

RECOMMENDATION:

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Determine that this action is being taken to comply with the court's orders and does not: (1) determine that the proponents complied with the Elections Code posting and publication requirements; (2) determine that any initiative petition contains sufficient valid signatures; (3) call an election or place any measure on a ballot; (4) request consolidation of an election; or (5) waive the City of Newport Beach's positions concerning timing, procedure, or authority as set forth in its motion for reconsideration; and

c) Approve the following proposed ballot questions, which will be presented to the City Council for the election-related actions at a regular City Council meeting if the measures

qualify for the ballot: (1) Public Meetings, Records, Oversight, and Enforcement Initiative: "Shall the measure amending the City of Newport Beach Charter to establish new Charter requirements governing public meetings, public records, government oversight, and enforcement, be adopted?"; (2) Lifetime City Council Term Limit Initiative: "Shall the measure amending the City of Newport Beach Charter to impose a lifetime two-term limit on City Council service, for a maximum of eight years of service on the City Council, regardless of any break in service, be adopted?"; and (3) District-Only Voting Initiative: "Shall the measure amending the City of Newport Beach Charter to require that City Council members be elected by voters residing within the district the Council member represents, instead of by all City of Newport Beach voters, be adopted?"

DISCUSSION:

July 17, 2026 - Court Order

In *City of Newport Beach v. Newport Beach Stewardship Association*, Orange County Superior Court case No. 30-2026-01559183-CU-JR-NJC, the Court ordered the City of Newport Beach (City) to transmit the signatures for the Public Meetings, Records, Oversight, and Enforcement; Lifetime City Council Term Limit; and District-Only Voting initiatives to the Registrar of Voters by the close of business on July 17, 2026. Questions concerning compliance with applicable publication requirements and the validity of the submitted signatures remain pending (Attachments A through C).

The order also provided: "The City is to work cooperatively with NBSA to form the ballot questions for the initiatives that are at issue. By the date of the hearing in this matter below (08/19/2026), the parties are ordered to have agreed on the ballot questions."

Motion for Reconsideration

On July 27, 2026, the City moved for reconsideration or, alternatively, clarification of the July 17, 2026, order. The motion explained that Newport Beach Charter section 1003 makes the Elections Code's procedures applicable to the City to the extent they do not conflict with the Charter. The motion set forth the City's position that:

- The publication and posting issues should be resolved before the signatures are treated as valid under the Elections Code.
- The Registrar must also determine whether each petition contains the required number of valid signatures.
- If a petition does not have the requisite number of valid signatures, and is therefore determined to be insufficient, no further action is to be taken.
- If a petition is found to be sufficient, the results are certified to the City Council at its next regular meeting.

- For a consolidated election, the City Council's resolution to consolidate the election must state the exact form of the ballot question and must be adopted and filed at the same time as the action calling the election.
- Council action must occur at a duly noticed, open public meeting in compliance with the Brown Act.

Based thereon, the City asked the Court to clarify that, although legal counsel would cooperate in drafting proposed questions to be presented to the City Council, the final form would be adopted by the City Council at a regular meeting after the statutory prerequisites have been satisfied.

August 3, 2026 - Court Order

At the August 3 status conference, the Court advanced the hearing on and denied the motion for reconsideration. The Court ordered that the July 17, 2026, order remain in full force and effect and stated: "The order includes the City of Newport Beach by and through the City Council on behalf of the City of Newport Beach." The Court further directed that the arguments for and against the measures be ready by August 25, 2026, for Council review together with the agreed-upon questions.

Statutory Framework for Adopting Ballot Questions

The cited Elections Code provisions do not require the City Council and initiative proponents to reach a negotiated agreement on a ballot question. Elections Code section 10403 assigns the City's governing board responsibility for adopting a resolution setting forth the exact form of the question. Elections Code section 13119 requires each question to be true and impartial and to provide a nonargumentative synopsis. Proponents may advocate for wording and may challenge wording they believe is unlawful, but their agreement is not identified in these provisions as a prerequisite to Council adoption.

Current Status of the Statutory Process

To date, the court has not ruled on whether the proponents complied with the initiative publication requirements, and the Registrar has not determined whether any of the three initiative petitions contains the required number of valid signatures. Accordingly, no petition has yet reached the stage at which the City Clerk would certify sufficiency to the Council, and the City Council has not called an election for any of the three initiatives.

Under the ordinary statutory process, the Council would consider the exact form of a ballot question at the duly noticed public meeting at which it calls the election and requests consolidation. Section 10403(b) provides that the consolidation resolution is to be adopted and filed at the same time as the ordinance, resolution or order calling the election. Approval of the proposed questions at this stage therefore precedes the usual statutory sequence and is presented in response to the court's orders.

Limited Purpose of the Requested Action

The requested approval is presented based on the August 3 order, which confirms that the July 17 agreement requirement applies to the City through the City Council. Council approval at this meeting will allow the City to comply with the court's directive while preserving the distinction between this interim action and the statutory election process. If the Court or Registrar later determines that a petition's signatures are insufficient, no further action will be taken on that petition. If one or more petitions are determined sufficient, staff will return with the certifications and the election actions required by law, including any resolution calling the election, requesting consolidation, and setting forth the exact form of each ballot question. Today's approval does not commit the Council to take any future action unless and until that action is required or permitted by law.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed in accordance with the Brown Act at least 24 hours before the special meeting at which the City Council will consider the item.

ATTACHMENTS:

Attachment A - Public Meetings, Records, Oversight, and Enforcement Initiative

Attachment B - Lifetime City Council Term Limit Initiative

Attachment C - District-Only Voting