



K

City of Orange, Proposed Charter for the City of Orange

Shall the proposed Charter for the City of Orange, establishing the City as a charter city under the California Constitution and providing the City’s governing document for municipal affairs, be adopted?

What your vote means

YES	NO
A “Yes” vote on Measure K approves the proposed Charter and authorizes the City of Orange to become a charter city.	A “No” vote on Measure K rejects the proposed Charter, and the City of Orange would remain a general law city governed by existing state law.

For and against

FOR	AGAINST
Kathy Tavoularis Orange City Councilmember	Carolyn Cavecche Mayor, City of Orange (Ret)
Jonathan Dumitru Councilmember	Ana Gutierrez
Chip Ahlswede Orange Parks Commissioner	Barry Resnick OUSD Trustee (Ret)
Sean Chavarria Chaplain	David Dufault Lt Commander US Navy (Ret)
	Adrienne Gladson AICP



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Full Text of Measure K
City of Orange

SIMPLE HOME RULE CHARTER

City of Orange, California

We, the people of the City of Orange, seeking to preserve local control, strengthen fiscal responsibility, protect taxpayer resources, and ensure that decisions affecting our community are made by the people closest to those decisions, do hereby adopt this Charter under the Constitution of the State of California.

It is our intent to establish a flexible Home Rule Charter that preserves the Council-Manager form of government, maintains transparency and accountability, protects public safety and neighborhood quality of life, and provides the City with greater authority over municipal affairs including contracting, procurement, elections, and local governance.

This Charter shall be interpreted broadly in favor of municipal self-governance and local control.

ARTICLE I
INCORPORATION AND POWERS

Section 100. Name

The City of Orange shall continue to be a municipal corporation under its present name of the “City of Orange.”

Section 101. Boundaries

The boundaries of the City shall continue as established unless changed in the manner authorized by law.

Section 102. Powers

The City shall have all powers possible for a Charter City under the Constitution and laws of the State of California, including the full power to make and enforce all laws and regulations with respect to municipal affairs.

The enumeration of powers in this Charter shall not be deemed exclusive and shall not restrict the authority of the City to govern local affairs.

Section 103. Continuation of Existing Laws

All lawful ordinances, resolutions, rules, regulations, contracts, rights, obligations, and liabilities existing at the time this Charter takes effect shall remain in full force unless modified pursuant to this Charter.

ARTICLE II
MUNICIPAL AFFAIRS AND GENERAL LAWS

Section 200. Municipal Affairs

The City of Orange has the power to make and enforce all laws respecting its municipal affairs as described by this Charter and established by the California Constitution, California statutes, and judicially defined law. This power is limited only as set forth in this Charter and the California Constitution.

Such powers are in addition to those granted or prescribed by applicable law for municipal corporations within the State of California. Each responsibility of governance set forth in this Charter is declared to be a municipal affair or concern.

The enumeration by this Charter of any particular power shall not constitute a limitation upon the City’s general grant of powers under applicable law.

Section 201. General Laws

In addition to the powers granted by this Charter and the California Constitution, the City has the power and authority to adopt, make, exercise, and enforce all legislation, laws, and regulations and to take all actions and exercise any and all rights, powers, and privileges allowed by law. To the fullest extent permitted by the California Constitution, in the event of a conflict regarding a municipal affair, the provisions of this Charter shall control.

Section 202. Enactment of Laws and Exercise of Authority

Elected and appointed officials who exercise the powers granted by this Charter are prohibited from favoring or unlawfully discriminating against persons based upon a legally protected classification.

When enacting laws pursuant to this Charter, the City Council shall include findings that such laws promote public health, safety, welfare, fiscal responsibility, and the long-term interests of the residents of the City of Orange.

Section 203. Land Use

Except as otherwise provided by ordinance of the City Council, the City shall continue to be governed by California law as it applies to general law cities with respect to land use matters, including without limitation General Plan consistency, zoning regulations, subdivision laws, and housing law compliance.

Section 204. Open Space Reserve Protection

Establishment of the Open Space Reserve.

The Open Space Reserve is hereby established to preserve the City’s significant open space lands, parks, hillsides, canyons, creek corridors, wildlife



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habitat, scenic vistas, equestrian character, trails, and other natural resources for the benefit of present and future generations. The Open Space Reserve shall consist of all real property designated by ordinance or resolution of the City Council as part of the Open Space Reserve, together with any property thereafter so designated.

Permitted Uses.

Property within the Open Space Reserve shall be maintained and used exclusively for open space preservation, passive recreation, parks, trails, equestrian uses, habitat restoration, conservation, watershed protection, wildlife protection, educational uses, agriculture, grazing, public safety, public utilities, flood control facilities, and other public improvements or uses that are compatible with and preserve the property's natural, scenic, recreational, environmental, or rural character.

Prohibited Uses.

The City shall not approve, construct, permit, lease, sell, transfer, redesignate, subdivide, or otherwise authorize any residential, commercial, industrial, or mixed-use development within the Open Space Reserve that is inconsistent with the purposes of this Section. This prohibition includes, but is not limited to, single-family residential, multifamily residential, mixed-use residential, affordable housing, supportive housing, transitional housing, accessory dwelling units, mobile homes, or any other form of residential development.

Removal from the Open Space Reserve.

No property included within the Open Space Reserve may be removed from the Reserve, redesignated for another use, sold, exchanged, leased for an inconsistent purpose, or otherwise disposed of unless first approved by a majority of the electors voting on the measure at a regularly scheduled municipal election.

Consistency Finding.

Before approving any improvement or use within the Open Space Reserve, the City Council shall find that the proposed action is consistent with the purposes of this Section and will not materially impair the natural, scenic, recreational, environmental, or conservation value of the property.

Emergency and Maintenance Activities.

Nothing in this Section shall prohibit emergency response activities or the repair, maintenance, replacement, or improvement of existing public facilities, trails, utilities, flood control facilities, or other public infrastructure, provided such activities are reasonably necessary to protect public health, safety, welfare, or the long-term stewardship of the Open Space Reserve.

Replacement Open Space.

If the electors approve the removal of property from the Open Space Reserve, the City Council shall, to the maximum extent feasible, acquire or permanently preserve replacement open space of equal or greater public, recreational, environmental, or conservation value.

Permanent Protection.

The restrictions contained in this Section shall run with the land. This Section may be amended or repealed only by a majority vote of the electors of the City of Orange voting on the measure at a regularly scheduled municipal election.

**ARTICLE III
FORM OF GOVERNMENT**

Section 300. Council-Manager Form of Government

The municipal government established by this Charter shall be known as the Council-Manager form of government.

Section 301. Powers Vested in City Council

All powers of the City shall be vested in the City Council except as otherwise provided by this Charter or by law.

**ARTICLE IV
CITY COUNCIL**

Section 400. Composition

The City Council shall consist of the Mayor and the number of Council Members established by ordinance.

The Mayor and Council Members shall be elected in the manner established by ordinance and in compliance with applicable state and federal law.

If district-based elections are utilized, the City Council shall establish and adjust district boundaries as required by law.

The manner of election, district boundaries, terms of office, qualifications, vacancies, and related election procedures shall be established by ordinance.

Section 401. Mayor

The Mayor shall serve as the presiding officer of the City Council and shall have all rights, powers, and duties of a Council Member.

Section 402. Mayor Pro Tempore



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Section 11

The City Council shall annually select one of its members to serve as Mayor Pro Tempore.

Section 403. Eligibility

No person shall be eligible to hold the office of Mayor unless he or she is, and has been for at least thirty (30) days immediately preceding the filing of nomination papers or appointment, a registered voter and resident of the City.

No person shall be eligible to hold the office of Council Member unless he or she is, and has been for at least thirty (30) days immediately preceding the filing of nomination papers or appointment, a legally registered voter and resident of the City and, if elected by district, a registered voter and resident of the district from which he or she seeks election or appointment.

Each elected Mayor and Council Member shall remain a registered voter and resident of the City, and each Council Member elected by district shall remain a registered voter and resident of the district represented, throughout the term of office. Loss of any required qualification shall create a vacancy in accordance with applicable law.

No creation of a district or change to district boundaries shall terminate the term of any Council Member elected prior to such change.

ARTICLE V TERM LIMITS

Section 500. Mayor

No person shall serve as Mayor for more than two four-year terms in a lifetime.

Section 501. Council Members

No person shall serve as a member of the City Council for more than three four-year terms in a lifetime.

Section 502. Partial Terms

Service of more than two years of an unexpired term shall be considered a full term for purposes of term limits.

Section 503. Application of Term Limits

Pursuant to California Government Code Section 36502, the term limits established by this Article shall apply prospectively from the effective date of this Charter.

Service as Mayor or Council Member completed before the effective date of this Charter shall not be counted for purposes of calculating the term limits established by this Article.

No term being served on the effective date of this Charter shall be shortened or terminated by the adoption of this Article.

Only terms of office commencing after the effective date of this Charter shall count toward the term limits established by this Article.

ARTICLE VI MUNICIPAL AFFAIRS, PROCUREMENT, AND LOCAL CONTROL

Section 600. Procurement and Contracting

The City shall have full authority over municipal contracting procedures, public works procurement, bidding thresholds, design-build authority, best-value procurement, alternative project delivery methods, professional services selection, and all other contracting methods allowed to Charter Cities under the California Constitution, including authority to establish exemptions from state public contracting statutes where permitted to charter cities.

Such procedures may be established, modified, or waived by ordinance or resolution of the City Council where permitted by law.

Section 601. Prevailing Wage

The City Council may establish by ordinance the procedures applicable to public works contracting and prevailing wage requirements for municipal affairs consistent with constitutional authority and applicable law.

Nothing in this section shall be construed to prohibit the City from applying state prevailing wage requirements where required by law or where determined by the City Council to be in the public interest.

Section 602. Eminent Domain

The City may not exercise the power of eminent domain to acquire private property for conveyance to another private party without the owner's consent, except where necessary for mitigation of impacts caused by a public project or for the development, operation, or maintenance of facilities owned or operated by the City.

Section 603. Protection of Private Property Rights

Except as otherwise required by the California Constitution or applicable state or federal law, the City shall not adopt, impose, or enforce any ordinance, resolution, regulation, or other legislative or administrative action that establishes mandatory controls on the price, rent, or other financial consideration



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payable in connection with the sale, lease, rental, exchange, or other transfer of privately owned residential real property.

Nothing in this Section shall be construed to:

- (a) Limit the City's authority to regulate land use, zoning, planning, subdivision, development standards, or building regulations;
- (b) Limit the City's authority to enter into voluntary development agreements, affordable housing agreements, or other contractual arrangements authorized by law;
- (c) Prohibit the City from implementing or enforcing requirements expressly mandated by state or federal law;
- (d) Affect the City's authority to acquire, own, lease, sell, or dispose of property or to exercise the power of eminent domain as otherwise authorized by this Charter or applicable law;
- (e) Apply to any dwelling unit or accommodation in any hotel, motel, or other facility when the transient occupancy of that dwelling unit or accommodation is subject to a transient occupancy tax.

Any provision of the Orange Municipal Code inconsistent with this Section is repealed to the extent of such inconsistency.

Section 604. Sales of City Assets

Pursuant to Government Code Section 37350, the City may purchase, lease, receive, hold, and dispose of real and personal property for the common benefit consistent with all notice, hearing, and voter approval requirements required by law.

Section 605. Public Utilities

Pursuant to applicable law, the City Council may sell and dispose of any public utility owned by the City, subject to all requirements of state law and voter approval where required.

Section 606. Liberal Construction

This Charter shall be liberally construed in favor of the exercise of authority by the City over municipal affairs.

The powers granted by this Charter are intended to be permissive rather than restrictive, and the enumeration of any specific power shall not be construed as limiting the general authority of the City to govern local affairs.

ARTICLE VII VACANCIES IN OFFICE

Section 700. Permanent Vacancy

In the event of a vacancy in an elected office, as defined by California Government Code Section 1770, the City Council shall fill the vacancy by appointment within sixty (60) days or call a special election in accordance with applicable law.

The person appointed or elected to fill the vacancy shall serve the remainder of the unexpired term.

Notwithstanding the California Elections Code, a person appointed to fill a vacancy who seeks election to the same office in a subsequent general municipal election shall not be required to use the word "Appointed" in conjunction with the title of that City office as part of the ballot designation filed in the nomination documents.

Section 701. Temporary Vacancy, Suspension, and Ethical Misconduct

Pending trial or formal proceedings, the City Council may, by a three-fourths vote of the full City Council, suspend any elected or appointed officer against whom felony criminal proceedings have formally commenced, or where formal judicial or administrative proceedings involving corruption, fraud, abuse of office, official misconduct, or violations of ethics and conflict-of-interest laws are pending and suspension is authorized by applicable law.

By a majority vote of the full City Council, the City Council may terminate the suspension at any time and restore the officer to office.

The suspension shall automatically terminate, and the officer shall be restored to office, upon acquittal, dismissal of charges by the prosecuting authority, dismissal of charges by a court of competent jurisdiction, or final resolution of the matter without disqualification from office. In the event of a hung jury, the City Council may, by a three-fourths vote of the full City Council, extend the suspension unless the prosecuting authority confirms that charges will not be refiled. Nothing in this section shall authorize removal from office except where disqualification occurs by operation of law, including conviction of specified crimes, judicial findings of official misconduct, or violations of ethics and conflict-of-interest laws where removal is authorized by applicable law.

The City Council may adopt by ordinance additional procedures consistent with due process, applicable law, and this Charter.

Any action taken pursuant to this section shall be subject to review by the City Attorney and shall be consistent with all applicable provisions of state law.



**ARTICLE VIII
FISCAL RESPONSIBILITY**

Section 800. Fiscal Policy

The City shall be managed in a fiscally prudent manner that promotes long-term financial sustainability, responsible stewardship of public resources, and the preservation of the City's financial capacity to provide essential municipal services to both current and future residents. In exercising its fiscal authority, the City Council shall strive to maintain the City's financial integrity while investing in public infrastructure, community priorities, and other long-term municipal needs.

Section 801. Balanced Budget

The City Council shall adopt a balanced budget each fiscal year.

Nothing in this Section shall prohibit the appropriation or expenditure of accumulated reserves, dedicated funds, grants, impact fees, or other legally available revenues for capital improvements, infrastructure, equipment, or other one-time expenditures under a pay-as-you-go financing strategy, even if total expenditures exceed total revenues in a particular fiscal year, provided the City's ongoing operating budget remains balanced.

Section 802. Independent Audit

An independent annual audit shall be conducted and presented to the City Council and made available to the public.

Section 803. Fiscal Priorities for Additional General Fund Revenues

To promote the long-term fiscal sustainability of the City, the City Council shall give priority to the use of additional recurring General Fund revenues for the following purposes:

- (a) Reducing unfunded pension and other post-employment benefit liabilities;
- (b) Repairing, replacing, and maintaining public infrastructure and capital assets;
- (c) Reducing outstanding debt and other long-term financial obligations of the City;
- (d) Replenishing and maintaining prudent financial reserves; and
- (e) Funding one-time capital improvements, equipment, technology, and other non-recurring investments that improve the City's long-term financial condition.

Nothing in this Section shall prohibit the City Council from appropriating revenues for essential municipal services or other lawful governmental purposes, provided the City's operating budget remains balanced in accordance with this Charter.

**ARTICLE IX
LEGAL PROVISIONS**

Section 900. Violations

A violation of this Charter or any ordinance of the City shall be subject to an administrative citation and/or misdemeanor in accordance with this Charter and the Orange Municipal Code.

Section 901. Amendment

Amendments to this Charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California and applicable law.

Section 902. Definitions

"City" means the City of Orange.

"Open Space Reserve" means those City-owned properties designated by ordinance or resolution of the City Council pursuant to Section 204.

"Shall" is mandatory and "may" is permissive.

Section 903. Severability

If any provision of this Charter, or its application to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions or applications of this Charter that can be given effect without the invalid provision or application. To this end, the provisions of this Charter are declared to be severable.

Section 904. Effective Date

This Charter shall take effect upon voter approval and filing with the Secretary of State as required by law.



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Impartial Analysis
City of Orange
Measure K

The City Council of the City of Orange is submitting Measure K to the voters for consideration at the November 3, 2026 General Municipal Election. If approved by a majority of the voters, Measure K would adopt the proposed Charter for the City of Orange, changing the City from a general law city to a charter city pursuant to Article XI of the California Constitution. The Charter would become the City's governing document upon voter approval and filing with the California Secretary of State.

As a general law city, Orange is governed primarily by state law. As a charter city, Orange would continue to be subject to the United States Constitution, the California Constitution, and state law on matters of statewide concern, but would have authority over municipal affairs.

The proposed Charter would retain the City's Council-Manager form of government and continue governance by an elected Mayor and City Council. It would establish lifetime term limits of two four-year terms for Mayor and three four-year terms for Council Members. These term limits would apply prospectively and would not count terms served before the Charter becomes effective. The Charter also provides that election procedures, district boundaries, qualifications for office, and related election matters will continue to be governed by ordinance and applicable law.

The proposed Charter would permit the City to exercise the authority available to charter cities over municipal contracting and procurement procedures, to the extent permitted by law. It would establish an Open Space Reserve consisting of City-owned properties designated by the City Council and would require voter approval before property may be removed from the Reserve or used for purposes inconsistent with the Charter. The Charter also includes provisions regarding eminent domain, protection of private property rights, vacancies in office, fiscal management, balanced budgets, annual independent audits, and priorities for the use of additional recurring General Fund revenues.

If approved, the Charter would supersede conflicting provisions of general law with respect to municipal affairs to the extent authorized by the California Constitution. On matters of statewide concern, state law would continue to govern. Existing ordinances, resolutions, contracts, rights, obligations, and liabilities would remain in effect unless modified in accordance with the Charter or applicable law.

A "Yes" vote on Measure K approves the proposed Charter and authorizes the City of Orange to become a charter city.

A "No" vote on Measure K rejects the proposed Charter, and the City of Orange would remain a general law city governed by existing state law.

s/ Nathalie Adourian
City Attorney



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Argument in Favor of Measure K

REBUILD ORANGE: STRONGER FINANCES. SAFER NEIGHBORHOODS. A BETTER FUTURE.

Measure K ensures that <u>Orange voters have the final say on important matters</u> in our city through a charter:
Establishes an Open Space Reserve to protect Orange’s parks, hillsides, canyons, creek corridors, wildlife habitat, scenic vistas, equestrian character, trails, and other natural resources, and no property can ever be removed from the Open Space Reserve without a vote of the people
Protects private property from being seized by the City government to give to another private property owner
Permanently requires that Orange adopts a balanced budget and conducts an independent annual audit even if Sacramento removes that requirement
Creates a procedure to suspend City of Orange officials who have been indicted for a felony or for whom legal proceedings have begun for corruption, fraud, abuse of office, official misconduct, ethical violations, or conflict of interest violations

Some Measure K opponents will use scare tactics about charter cities. The reality is **many different Orange County cities are charter cities**. They are conservative, progressive, moderate, large, medium, small, wealthy, middle class, and working class:

- Anaheim
- Buena Park
- Cypress
- Huntington Beach
- Irvine
- Los Alamitos
- Newport Beach
- Placentia
- Santa Ana
- Seal Beach

Indeed, **over 120 California cities are charter cities** from Palo Alto to Bakersfield, San Diego to Fresno, Victorville to Los Angeles, Berkeley to Norco, Eureka to Long Beach, and Modesto to Napa.

Measure K also imposes **lifetime term limits on Orange Mayors and Councilmembers**. Half of Orange’s current City Council are former Councilmembers who came back to City Hall. **The President of the United States, Governor of California, State Legislature, Villa Park City Council, and even Orange Unified School District have lifetime term limits**, so why should Orange be any different? Once Orange politicians serve their term limit, they should leave City Hall, not go on a merry-go-round on and off the City Council.

Vote Yes on Measure K.

s/ Kathy Tavoularis
Orange City Councilmember

s/ Jonathan Dumitru
Councilmember

s/ Chip Ahlswede
Orange Parks Commissioner

s/ Sean Chavarria
Chaplain

Rebuttal to Argument in Favor of Measure K

Orange voters need to ask themselves **ONE** question. Is this the City Council you want to be in power until 2040? If the answer is no, **Vote No on Measure K!**

Measure K is about giving a handful of politicians more time in power while **distracting from real issues** that need to be solved.

Don’t be misled by the four weak arguments for Measure K, most can be put into effect under the existing law.

Charter Cities only have control over a small list of municipal matters, state and federal mandates still exist. Measure K was never about giving residents more say. There was no independent Citizens Charter Commission.

As to lifetime term limits in this charter, it allows anyone who has ever served on the city council the ability to serve an additional 12 years before the ban even takes effect. It is hypocritical for members of the city council who voted for this charter to state that there’s a problem with politicians getting on and off the council merry-go-ground, when 3 of the 4 yes votes to put this charter on the ballot are the ones doing just that.

You voted for term limits once. Don’t let a handful of politicians take that vote away from you now.

Vote **NO** on extending term limits for the current city council.

Vote **NO** on becoming like the charter cities of San Francisco, Los Angeles, Oakland.

VOTE NO on Measure K.

s/ Carolyn Cavecche
Former Orange Mayor

s/ Ana Gutierrez

s/ Barry Resnick
Former OUSD Trustee

s/ Adrienne Gladson
Former Planning Commissioner



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Argument Against Measure K

There is only one reason Measure K is on the ballot. It is a power grab that allows the current City Council to reset and extend their terms in office, plus stay longer than currently allowed. Measure K's title should be "Term Limit Extension Measure".

82% of Orange voters approved the current city council term limits. Measure K not only overturns what voters overwhelmingly put into place, it disguises a **50% increase in City Council Member terms** as a "local control" measure, allows sitting council members and the mayor to effectively start over with a free pass on years already served, and stay an additional 12 years. If approved, we could see outcomes where incumbents remain in power until 2040.

Claims that moving Orange to a charter city will restore local control are just not true. Moving to a charter city structure with a rushed and false local control narrative can come at the expense of citizen oversight and accountability. This can lead to abuses of power and decision-making that prioritizes special interests over those of the community.

Becoming a charter city **will not** eliminate the requirement to uphold state housing requirements.

Becoming a charter city will make it easier for the city council to impose local taxes.

Becoming a charter city historically increases city legal costs, which could result in higher taxes and reduced public services.

Measure K was placed on the ballot by a tight 4-3 vote of the city council and was written without input of a dedicated, independent citizens' charter commission. Having the independent oversight of a citizens' commission would have at least ensured the rules were written by residents of Orange, free from any conflicts of interest.

Vote No on extending term limits for the current city council.

Vote No on Measure K

s/ Carolyn Cavecche
Mayor, City of Orange (Ret)

s/ Ana Gutierrez

s/ Barry Resnick
OUSD Trustee (Ret)

s/ David Dufault
Lt Commander US Navy (Ret)

s/ Adrienne Gladson
AICP

Rebuttal to Argument Against Measure K

The opponents against Measure K focus primarily on one item in the entire charter. They fail to tell you their complaint is with the **only method to get lifetime term limits in Orange**: California law does not allow lifetime term limits to be imposed retroactively. You don't need to take our word for it: look up Government Code §36502(b).

The term limits proposed in Measure K are identical to the term limits that apply to the California State Legislature and the Orange Unified School District.

The opponents aren't able to make many arguments against the merits of Measure K, so they resorted to frivolous claims:

- Strawman arguments about state housing requirements that have *nothing to do with the charter*.
- Claims it will be easier for the City Council to impose local taxes, which is not true because the State Constitution is clear: *only you the voters can impose local taxes*.
- Unfounded allegations about increased city legal costs but they're *unable to cite any evidence* of this.

The **opponent politicians are stuck in the ways of the past** that Orange voters have moved on from.

- One opponent: **rejected by voters three times** in the past eight years.
- One opponent: first elected to City office over **a quarter of a century ago**.
- One opponent: left the school board nearly **a third of a century ago**.
- One opponent: didn't disclose she's a **current elected official and could remain at City Hall until 2036 under existing term limits**.

Rebuild Orange: Vote Yes on K.

s/ Kathy Tavoularis
Orange City Councilmember

s/ Jon Dumitru
Orange City Councilmember