

CITY COUNCIL ORDINANCE NO. 14-04  
(Approved by the Voters on November 4, 2014)

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.

ADOPTED by the vote of the people of the City of Irvine on November 4, 2014 at a General Municipal Election as certified by the City Council of the City of Irvine on the 9th day of December, 2014, and becomes effective 10 days thereafter on December 19, 2014.

  
MAYOR OF THE CITY OF IRVINE

ATTEST:

  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) SS  
CITY OF IRVINE                    )

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was adopted by the voters of the City of Irvine as an initiative measure at an election held on November 4, 2014, as certified by the City Council of the City of Irvine on the 9th day of December, 2014, and that the ordinance becomes effective 10 days thereafter on December 19, 2014.

  
CITY CLERK OF THE CITY OF IRVINE