

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
NORTH JUSTICE CENTER**

MINUTE ORDER

DATE: 06/24/2026

TIME: 11:22:00 AM

DEPT: N14

JUDICIAL OFFICER PRESIDING: Julianne Bancroft

CLERK: C. Sanchez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: B. Espinosa

CASE NO: **30-2026-01559183-CU-JR-NJC** CASE INIT.DATE: 03/26/2026

CASE TITLE: **City of Newport Beach vs. Newport Beach Stewardship Association**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Judicial Review - Other

EVENT ID/DOCUMENT ID: 74886175

EVENT TYPE: Under Submission Ruling

APPEARANCES

There are no appearances by any party.

The Court, having taken the above-entitled matter under submission on 06/23/2026 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

This matter is before the court on a verified complaint for declaratory relief filed by the City of Newport Beach and Aaron C. Harp, its City Attorney (collectively the City) against the Newport Beach Stewardship Association and Marshall Duffield (collectively NBSA).

At issue is an initiative proposed by NBSA that would amend and make additions to the Newport Beach City Charter (the Charter). "The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." (Cal. Const., Art. II, § 8.) "Drafted in light of the theory that all power of government ultimately resides in the people," the [provision of the California Constitution encompassing the initiative power] speaks of the initiative . . . not as a right granted the people, but as a power reserved by them." (Associated Home Builders, Inc. v. City of Livermore (1976) 18 Cal.3d 582, 591.) It is "the duty of the courts to jealously guard this right of the people." (Ibid.) "[I]t has long been our judicial policy to apply a liberal construction to this power wherever it is challenged in order that the right be not improperly annulled. If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it." (Ibid.)

On December 23, 2025, the City Clerk received a Notice of Intention to Circulate Petition and a copy of the proposed ballot initiative entitled "Sunshine and Governmental Transparency Initiative" from NBSA. Ultimately, the City filed a verified complaint for declaratory relief asking the court to determine and declare "that the proposed Initiative constitutes an impermissible use of the initiative power and, if adopted, would be unconstitutional, invalid, and unenforceable." (ROA #2) The basis of the City's complaint was that the proposed initiative violates the single subject rule. (Additional issues regarding the City Attorney's obligation to prepare a ballot title and summary for the proposed initiative were previously addressed by this court. ROA #62) This court ordered the parties to file briefs on the issue of the constitutionality of the proposed initiative vis-a-vis the single subject rule. (ROA # 62) The parties did so,

and a hearing was held before this court on June 23, 2026.

At the hearing, the parties agreed that the City bears the burden of establishing the initiative violates the single subject rule. The appropriate standard by which this court must consider the constitutionality of the initiative is not quite as clear. In *Senate of the State of California v. Jones* (1999) 21 Cal.4th 1142, our Supreme Court held, “In view of the explicit language of the single-subject provision of the Constitution, which (to reiterate) specifies that an initiative embracing more than one subject ‘may not be submitted to the electors’ (art. II, § 8(d)), we conclude that when a court determines that the challengers to an initiative measure have demonstrated that there is a strong likelihood that the initiative violates the single-subject rule, it is appropriate to resolve the single-subject challenge prior to the election.” (Id. at p. 1154, emphasis added.) The parties here agree the “strong likelihood” of a violation means that the City must establish more than a preponderance, but need not establish a violation beyond a reasonable doubt.

The single subject rule derives from the California Constitution’s prohibition on any initiative measure “embracing more than one subject.” (Cal. Const., Art. II, § 8, subd. (d).) “[A]n initiative measure does not violate the single-subject requirement if, despite its varied collateral effects, all of its parts are ‘reasonably germane’ to each other,’ and to the general purpose or object of the initiative.” (Brosnahan v. Brown (1982) 32 Cal.3d 236, 245.) The rule “does not require that each of the provisions of a measure effectively interlock in a functional relationship.” (Legislature v. Eu (1991) 54 Cal.3d 492, 513.) Rather, it is sufficient that the initiative’s “various provisions are reasonably related to a common theme or purpose.” (Ibid.) The policy behind the single subject rule is to minimize confusion and avoid deception of the electorate. (Senate, supra, 21 Cal.4th at pp. 1156-1157; Brosnahan v. Eu (1982) 31 Cal.3d 1, 7.)

The purpose of the initiative proposed by NBSA is “to provide more transparency and accountability to the City of Newport Beach (“City”) leadership and governance by amending and adding various provisions to the Charter of the City of Newport Beach (City Charter).” (ROA #82, Harp Decl., Ex. A, p. , p. 1, § 2(A); ROA #84, Dhillon Decl., Ex. A, p. 7, § 2(A).)

Although they are not dispositive, the length of an initiative and the number of different subject matters contained within it are relevant to the court’s determination of whether it violates the single subject rule, in that those factors may cause the initiative to be excessively general or confusing. (California Trial Lawyers Association v. Eu (1988) 200 Cal.App.3d 351; Chemical Specialists Manufacturers Assn., Inc. v. Deukmejian (1991) 227 Cal.App.3d 663.) It is undisputed that the text of NBSA’s proposed initiative contains 16,826 words and that it would add 15,229 words to the City’s Charter, which currently has 16,296 words. (ROA # 78, Ihrke Decl., ¶2.) The proposed initiative would add 38 new sections to the Charter. (ROA # 78, Ihrke Decl., ¶2.)

According to the City Attorney, the initiative proposes amendments to the City Charter that relate to: (1) access to public meetings, (2) maintenance and disclosure of records, (3) the City’s spending and revenue collection authority, (4) regulating lobbyists having business with the City, and (5) the scope of power and authority of the City Attorney and City Attorney’s Office. (ROA #82, Harp Decl., ¶ 5) In its briefing and at oral argument, the City identified specific provisions of the initiative it contends are not consistent with the purposes of transparency and accountability, and therefore cause the initiative to violate the single subject rule. These provisions are sections 409.60(b), 409.62, 409.63(c), 409.70, 409.72, and 409.74. Having reviewed all of the initiative’s provisions, with specific focus on the provisions identified by the City, the court finds that, although the initiative addresses different aspects of the City’s governance, all of its provisions are reasonably germane and functionally related to the common theme or purpose of governmental transparency and accountability. (See *Fair Political Practices Commission v. Superior Court* (1979) 25 Cal.3d 33, 37-43 [ballot initiative of more than 20,000 words and addressing four separate substantive subjects did not violate the single subject rule].)

The court finds the cases cited by the City in support of its arguments to be factually distinguishable. (See *Harbor v. Deukmejian* (1987) 43 Cal.3d 1078, 1099-1100 [bill addressing disparate topics such as state parks concession contracts and appointment of veterans’ homes as guardians of veterans’ estates

violated single subject rule]; California Trial Lawyers v Eu (1988) 200 Cal.App.3d 351, 359 [section permitting campaign contributions by insurers was not germane to voter initiative's purpose of reducing insurance costs]; Chemical Specialties Manufacturers Assn. v. Deukmejian (1991) 227 Cal.App.3d 663, 671-672 [Truth in Advertising initiative violated single subject rule by addressing unrelated issues including household toxic products, nursing homes, and apartheid].)

Based on all the foregoing, the court finds that the City has failed to establish that the initiative proposed by NBSA violates the single subject rule. Therefore, the court denies the City's request for declaratory relief, and orders NBSA to submit a proposed judgment to the court.

The court GRANTS the City's request for judicial notice, exhibits A and B, but does not find the San Francisco Sunshine Ordinance relevant here because it was not challenged under the single subject rule. The court SUSTAINS the City's objection to the Dhillon declaration, page 3, lines 3-5, on grounds of foundation and/or hearsay. However, as the court stated at the hearing, whether or how many signatures have been gathered on the initiative is not relevant to the decision whether the initiative violates the single subject rule.

The court reiterates its comments made at the hearing, to the effect that counsel are to be commended for the quality of their briefing and oral argument, and for their professionalism and civility throughout these proceedings.

Court orders Clerk to give notice.