



DATE: June 24, 2020

TO: Honorable Mayor and City Councilmembers

FROM: City Clerk Department

SUBJECT: **ADOPTION OF RESOLUTIONS PLACING THE REFERENDUM PETITION PROTESTING ORDINANCE NO. 19-OR0729-1 BEFORE THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020**

**SYNOPSIS**

Staff recommends that the City Council adopt three resolutions related to the General Municipal Election to be held on November 3, 2020: 1) calling and giving notice of the General Municipal Election to be held on Tuesday, November 3, 2020, for the referendum petition protesting Ordinance No.19-OR0729-1; 2) requesting the San Diego County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2020, pursuant to Section 10403 of the Election Code; and 3) setting priorities for filing written argument(s), providing for the filing of rebuttal arguments and directing the City Attorney to prepare an impartial analysis.

**BACKGROUND**

On November 6, 2019, the City Council conducted a public hearing and introduced an ordinance of the City of Oceanside, California amending the Zoning Map Designation from Agricultural (A) to Planned Development (PD) and amending the Zoning District / Land Use Designation Consistency Matrix of Article 2 of the 1992 Zoning Ordinance (Z16-00005) to support the North River Farms Project, located on North River Road in the northeastern portion of the City.

On November 20, 2019, the City Council adopted Ordinance No. 19-OR0729-1.

On December 20, 2019, the Proponents of the Referendum against Ordinance No. 19-OR0729-1, filed the referendum petitions with the City Clerk's Office.

On December 23, 2019, the City of Oceanside requested that the San Diego County of Registrar of Voters Office (ROV) conduct a verification of three percent of the signatures

selected at random (a minimum of 500 signatures) from the petition in accordance with California Elections Code Section 9115.

On January 24, 2020, the City received the results of the random sampling from the ROV projecting 9,587 estimated valid signatures. Based on the results of the random sample, the Registrar of Voters determined that the projected number of valid signatures on the referendum petition falls between 95% and 110% of the required number of signatures.

On January 28, 2020, the City requested that the ROV conduct a full count of the signatures on the referendum petitions in accordance with California Elections Code Section 9115(b).

On March 19, 2020, the City received the results of a full count of the signatures on the referendum petitions; it was determined that the number of valid signatures required for the petition was sufficient.

On March 25, 2020, the City Council certified that the referendum petition protesting Ordinance No.19-OR0729-1 is sufficient and recommended submitting the ordinance to the voters at a regular municipal election on November 3, 2020.

***Ballot Measure Arguments/Rebuttals***

Pursuant to Elections Code Section 9282(b), for measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure. An argument shall not exceed 300 words in length. The draft resolution attached as Attachment 3 does not authorize the City Council to prepare a written argument for or against the measure. If the City Council does wish to file a written argument for or against the measure, this portion of the resolution can be added. In the event that the proponents or the City choose not to submit an argument, and multiple arguments are submitted within the time prescribed, arguments will be accepted in the following priority order, as dictated by EC Section 9287.

First Priority: The legislative body, or member or members of the legislative body authorized by that body.

Second Priority: The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

Third Priority: Bona fide associations of citizens.

Fourth Priority: Individual voters who are eligible to vote on the measure.

Pursuant to Elections Code Section 9285 (a)(2) the author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument shall not exceed 250 words.

***Impartial Analysis***

Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure.

**ANALYSIS**

In accordance with the requirements of the California Elections Code, the initial step in the election process is for the governing body of the City to adopt a resolution calling the election. Additionally, the California Elections Code requires that the governing body adopt a resolution requesting the San Diego County Board of Supervisors to consolidate this election with the Statewide General Municipal Election and another resolution adopting certain regulations.

**FISCAL IMPACT**

The estimated cost of \$80,000-\$100,000 will be charged to Elections and Political Reporting account 120123101.5305. Funding for the election in the amount of \$171,700 has been programmed in the FY 2020-21 budget. Therefore, sufficient funds will be available.

**CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

**RECOMMENDATION**

Staff recommends that the City Council adopt three resolutions related to the General Municipal Election to be held on November 3, 2020: 1) calling and giving notice of the General Municipal Election to be held on Tuesday, November 3, 2020, for the referendum petition protesting Ordinance No.19-OR0729-1; 2) requesting the San Diego County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2020, pursuant to Section 10403 of the Election Code; and 3) setting priorities for filing written argument(s), providing for the filing of rebuttal arguments and directing the City Attorney to prepare an impartial analysis.

PREPARED BY:



Zeb Navarro  
City Clerk

SUBMITTED BY:



Deanna Lorson  
City Manager

REVIEWED BY:

Jane McPherson, Financial Services Director



ATTACHMENT:

1. Resolution: Calling Election
2. Resolution: County Services – Consolidation
3. Resolution: Written Arguments, Rebuttal Arguments, and City Attorney's Impartial Analysis

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020, FOR THE SUBMISSION OF A PROPOSED ORDINANCE.

WHEREAS, the City Council of Oceanside on November 20, 2019, adopted Ordinance No. 19-OR0729-1, amending the Zoning Map Designation from Agricultural (A) to Planned Development (PD) and amending the Zoning District/Land Use Designation Consistency Matrix of Article 2 of the 1992 Zoning Ordinance (Z16-00005) to support the North River Farms Project, located on North River Road in the northeastern portion of the City; and

WHEREAS, the ordinance was published as required by law; and

WHEREAS, pursuant to the authority provide by Division 9, Chapter 3, Article 2 (commencing at Section 9235) of the Election Code of the State of California, a petition has been filed with the City Clerk of the City of Oceanside signed by more than 10% of the registered voters of the city to repeal the ordinance or submit it to a vote of the voters; and

WHEREAS, the City Clerk utilized the services of the San Diego County Registrar of Voters to examine the signatures to verify the sufficiency, and the Registrar of Voters has ascertained that the petition is signed by the requisite number of voters and has so certified; and

WHEREAS, the City Council at their meeting of March 25, 2020, did not vote in favor of the repeal of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of Oceanside, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting the following proposed ordinance:

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Shall Ordinance No. 19-OR0729-1, rezoning approximately 176.6 acres in northeastern Oceanside to implement the North River Farms project, be adopted? The current zoning is Agricultural, potentially allowing 2.5-acre minimum residential lots. Ordinance No. 19-OR0729-1 changes the zoning to Planned Development to accommodate the North River Farms project, approved by the City Council, including up to 585 homes, a 24.9-acre commercial village, 68.1 acres of agriculture, and 17 acres of parks/open space.	YES
	NO

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A. A copy of the ordinance will be available on the City's webpage, and a copy may be provided upon request at no cost to the requester.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the San Diego County Registrar of Voters is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the consolidated election.

SECTION 6. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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2 SECTION 8. That notice of the time and place of holding the election is given and the  
3 City Clerk is authorized, instructed and directed to give further or additional notice of the  
4 election, in time, form and manner as required by law.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
6 this 24<sup>th</sup> day of June, 2020, by the following vote:

7 AYES:

8 NAYS:

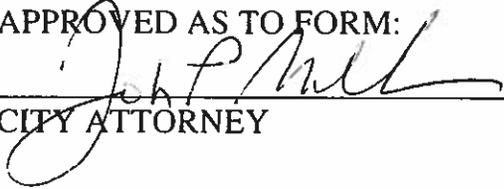
9 ABSENT:

10 ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

12 APPROVED AS TO FORM:

ATTEST:

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14 CITY ATTORNEY

CITY CLERK

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Oceanside has called a General Municipal Election to be held in the City of Oceanside, California, on Tuesday, November 3, 2020 for the submission of a proposed ordinance; and

WHEREAS, the City Clerk utilized the services of the San Diego County Registrar of Voters to examine the signatures to verify the sufficiency, and the Registrar of Voters has ascertained that the petition is signed by the requisite number of voters and has so certified; and

WHEREAS, the City Council of the City of Oceanside has elected to submit the proposed ordinance, without alteration, to the voters at a General Municipal Election; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that the City precincts, polling places and election officers of the two elections be the same; that the Registrar of Voters canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of San Diego County is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of submitting an ordinance to the voters.

SECTION 2. That the election shall be held in all respects as if there were only one election and only one form of ballot shall be used, and that the Registrar of Voters is authorized to canvass the returns of the General Municipal Election at the proper time.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Oceanside recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for its reasonable share of these costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of San Diego County.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 24<sup>th</sup> day of June, 2020, by the following vote:

AYES:

NAYS:

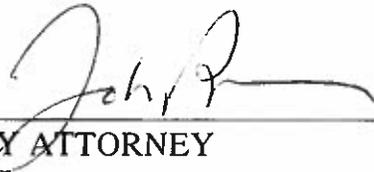
ABSENT:

ABSTAIN:

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MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

ATTEST:

  
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CITY ATTORNEY

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CITY CLERK

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a General Municipal Election is to be held in the City of Oceanside, California, on November 3, 2020, at which there will be submitted to the voters the following measure:

Shall Ordinance No. 19-OR0729-1, rezoning approximately 176.6 acres in northeastern Oceanside to implement the North River Farms project, be adopted? The current zoning is Agricultural, potentially allowing 2.5-acre minimum residential lots. Ordinance No. 19-OR0729-1 changes the zoning to Planned Development to accommodate the North River Farms project, approved by the City Council, including up to 585 homes, a 24.9-acre commercial village, 68.1 acres of agriculture, and 17 acres of parks/open space.	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Elections Code section 9282 (c), a written argument shall not exceed 300 words, and shall be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The argument may be changed or withdrawn until and including the date fixed by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument supplied by the City Clerk.

1 SECTION 2. That pursuant to Section 9285 of the Elections Code of the State of  
2 California, when the elections official has selected the arguments for and against the measure,  
3 which will be printed and distributed to the voters, the Elections Official shall send a copy of an  
4 argument in favor of the proposition to the authors of any argument against the measure and a  
5 copy of an argument against the measure to the authors of any argument in favor of the measure  
6 immediately upon receiving the arguments.

7 The author or a majority of the authors of an argument relating to a city measure may  
8 prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any  
9 other person or persons to prepare, submit, or sign the rebuttal argument.

10 A rebuttal argument may not be signed by more than five individuals.

11 The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s)  
12 and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the  
13 name of the organization, and the printed name and signature of at least one of its principal  
14 officers, not more than 10 days after the final date for filing direct arguments. The rebuttal  
15 arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of  
16 Argument as supplied by the City Clerk.

17 Rebuttal arguments shall be printed in the same manner as the direct arguments. Each  
18 rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

19 SECTION 3: That the provisions of Section 2 shall apply only to the election to be held  
20 on November 3, 2020 related to the above entitled initiative, and shall then be repealed.

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1 SECTION 4. That the City Council directs the City Clerk to transmit a copy of the above  
2 referenced ordinance to the City Attorney. Pursuant to California Elections Code Section 9280,  
3 the City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words  
4 showing the effect of the measure on the existing law and the operation of the measure.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this  
6 24<sup>th</sup> day of June, 2020, by the following vote:

7 AYES:

8 NAYS:

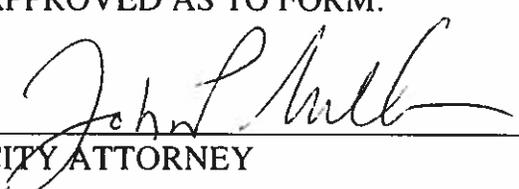
9 ABSENT:

10 ABSTAIN:

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12 MAYOR OF THE CITY OF OCEANSIDE

13 APPROVED AS TO FORM:

14 ATTEST:

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16 CITY ATTORNEY

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CITY CLERK

## **PUBLIC COMMENTS:**

All timely received public comments (*written and/or telephonic comments*) for this item can be accessed by clicking the following link:

<https://app.box.com/s/dkqf81zz4ubkixsazbdhxs06bm76gv55>