

RESOLUTION 2021-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS REQUESTING SUBMISSION TO THE VOTERS OF A LOCAL BALLOT MEASURE TITLED "OPPOSITION TO THE FORT ORD REGIONAL TRAIL AND GREENWAY (FORTAG) PROJECT RUNNING THROUGH THE CITY OF DEL REY OAKS" FOR INCLUSION ON THE JUNE 7, 2022, CONSOLIDATED ELECTION BALLOT

WHEREAS, on July 1, 2021, the Proponent of the FORTAG Ballot Initiative filed a Notice of Intention; and,

WHEREAS, on September 8, 2021, the Proponent delivered to the City Clerk 415 petition signatures supporting the ballot initiative; and,

WHEREAS, on September 16, 2021, the Deputy City Clerk submitted signatures to the Monterey County Elections Department for validation; and,

WHEREAS, on September 28, 2021, the Monterey County Registrar of Voters verified that a sufficient number of signatures were submitted to qualify the initiative for placement on a ballot; and,

WHEREAS, at the October 26, 2021, City Council meeting the Council directed the City Manager to create a 9212 Report and approved the Certificate of Sufficiency; and,

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and,

WHEREAS, the City Council requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and the City shall reimburse the county in full for the services performed upon presentation of a bill pursuant to Elections Code Section 10002; and,

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and,

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and,

WHEREAS, pursuant to California Elections Code Section 9280, whenever a city measure qualifies for a place on the ballot, the City Council may direct the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure; and,

WHEREAS, based on all the information presented to it, both written and oral, the City Council finds that under CEQA Guidelines sections 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this action does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, as follows:

SECTION 1. The foregoing Recitals are true and correct and are hereby adopted by the City Council.

SECTION 2. Pursuant to California Constitution Article XIII C, Section 2; California Government Code section 53724; California Elections Code section 9222; the City Council of the City of Del Rey Oaks hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would prohibit the approval of tunnels under Highway 218 for access to the Frog Pond Wetland Preserve, and to limit the placement of formal bicycle and recreational trails to certain parts of the city. This measure shall be designated by letter by the Monterey County Elections Department.

SECTION 3. The City Clerk is hereby ordered and directed to cause said proposed ordinance and notice of election to be published in accordance with the provisions of the California State Elections Code.

SECTION 4. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.

SECTION 5. The measure shall pass only if a majority of those casting a vote on the measure vote "yes."

SECTION 6. The official ballot to be used at said election shall conform to the provisions of the laws of the State of California with relation thereto.

SECTION 7. The City Attorney shall prepare an impartial analysis of the ballot measure not to exceed five hundred words in length showing the effect of the measure on the existing law and the operation of the measure.

SECTION 8. The City requests and authorizes the Registrar of Voters to consolidate this election with the established election on June 7, 2022, for the ease and the convenience of the registered voters and to take advantage of any cost savings possible by such consolidation.

SECTION 9. The City Clerk may request the assistance of the County of Monterey Elections Department in regard to said election, as the City Clerk deems necessary, and the City shall pay the incurred cost of such assistance.

SECTION 10. Written arguments, no longer than three hundred words, in favor of or in opposition to said measure may be submitted to the City Clerk no later than March 11, 2022.

SECTION 11. The City Clerk is hereby authorized and directed, in a manner consistent with the California Elections Code, to cause notice of the measure to be published in a newspaper of general circulation. The City Clerk may request that the County of Monterey Elections Department prepare and publish the required notice.

SECTION 12. The election on the measure set forth in this Resolution shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars not described in this Resolution, the election shall be held as prescribed in the Elections Code of the State of California. The Registrar of Voters of the County of Monterey is authorized to canvas the returns of that election with respect to the vote cast in the City of Del Rey Oaks and certify the results to the City Council. At the next regular meeting of the City Council occurring after the returns of the election have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

SECTION 13. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's costs of placing the measure on the election ballot.

SECTION 14. If any provision of this Resolution, or any provision of the measure authorized by this Resolution, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SECTION 15. This resolution shall become effective immediately following passage and adoption.

PASSED AND ADOPTED this 16th day of November, 2021, by the following vote:

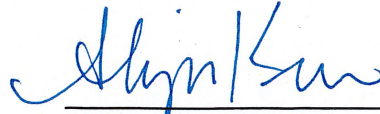
AYES: Council Member Gaglioti, Council Member Donaldson, Vice Mayor Lintell and Mayor Kerr

NOES: None

ABSENT: None

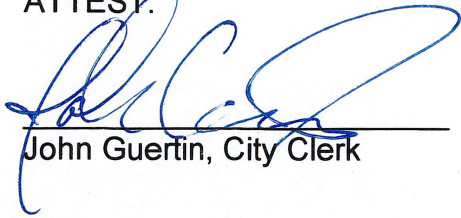
ABSTAIN: Council Member Shirley

SIGNED:



Alison Kerr, Mayor

ATTEST:



John Guertin, City Clerk

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MONTEREY COUNTY
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MONTEREY COUNTY

Resolution No. 2022-04

2022 MAR -7 PM 2:37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS
AMENDING RESOLUTION NO. 2021-29 TO INCLUDE THE FULL TEXT OF THE
INITIATIVE PETITION ENTITLED "OPPOSITION TO THE FORT ORD
RECREATIONAL TRAIL AND GREENWAY (FORTAG) PROJECT THROUGH THE
CITY OF DEL REY OAKS," WHICH IS TO BE SUBMITTED TO THE VOTERS AT THE
JUNE 7, 2022 STATEWIDE ELECTION.**

WHEREAS, an initiative petition entitled "Opposition to the Fort Ord Recreational Trail and Greenway (FORTAG) Project through the City of Del Rey Oaks" (Initiative) was submitted to the City's Election Official on July 1, 2021; and,

WHEREAS, on September 28, 2021, the Monterey County Registrar of Voters verified that a sufficient number of signatures were submitted to qualify the Initiative for placement on the ballot; and

WHEREAS, the City's Elections Official, certified the petition and presented the results thereof to the City Council at its October 26, 2021, meeting; and

WHEREAS, at its November 16, 2021, meeting, the City Council Approved Resolution 2021-29: calling a Special Election; placing the Initiative on the ballot; requesting the Monterey County Registrar of Voters consolidate the City's Special Election with the June 7, 2022, statewide election; and requesting the Monterey County Elections Department conduct the election; and

WHEREAS, the City Council herein presents the full text of the Initiative, verbatim, for placement on the ballot for the Special Election to occur in conjunction with the statewide June 7, 2022, statewide election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That Resolution No. 2021-29 is hereby amended to include the following verbatim text of the Initiative as shown in SECTION 2 and Exhibit A, below.

SECTION 2. That the City Council submits to the voters at said Special Election the following ballot question:

Shall the City of Del Rey Oaks be prohibited from agreeing to or constructing any tunnel, including the one proposed by FORTAG under Highway 218 for access to the Frog Pond Wetland Preserve, and be limited to the use of Highway 218, General Jim Moore Blvd. and South Boundary Rd. for the construction or routing of any formal bike trails, or recreation trails within the City of Del Rey Oaks unless otherwise approved by the voters?	YES
	NO

SECTION 3. That all other provisions of Resolution No. 2021-29 remain unchanged.

SECTION 4. That the Monterey County Elections Department is requested to not print the attached full measure text in the voter information guide but instead send a copy to voters upon request at the cost of the City of Del Rey Oaks (EC §§ 9160). In addition, the full text will be available at the following website address: **<https://www.delreyoaks.org/community/page/june-7-2022-primary-election>**.

PASSED AND ADOPTED by the City of Del Rey Oaks this 22nd day of February, 2022, by the following vote:

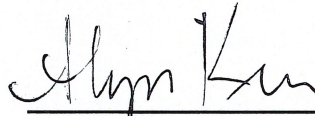
AYES: Council Member Lintell, Council Member Donaldson, Vice Mayor Gaglioti and Mayor Kerr

NOES: None

ABSTENTIONS: Council Member Shirley

ABSENT: None

SIGNED:



Alison Kerr, Mayor

ATTEST:


John Guertin, City Clerk

RECEIVED
REGISTER OF VOTERS
MONTEREY COUNTY
2022 MAR -7 PM 2:37