



# Monterey County

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## Board Report

Legistar File Number: 16-597

May 17, 2016

**Introduced:** 5/11/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

Refer the “Initiative to Prohibit Fracking and Oil and Natural Gas Well Stimulation Treatments, Prohibit Oil and Natural Gas Wastewater Injection and Impoundment, and Limit New Oil and Natural Gas Operations in Unincorporated Monterey County” to County Counsel with direction to cause the preparation of appropriate impact studies on the initiative pursuant to Elections Code section 9111.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Refer the “Initiative to Prohibit Fracking and Oil and Natural Gas Well Stimulation Treatments, Prohibit Oil and Natural Gas Wastewater Injection and Impoundment, and Limit New Oil and Natural Gas Operations in Unincorporated Monterey County” to County Counsel with direction to cause the preparation of appropriate impact studies on the initiative pursuant to Elections Code section 9111.

### SUMMARY:

Section 9111 of the Elections Code allows the Board of Supervisors to refer to any County agency an initiative for the purpose of having studies prepared assessing the impact of the initiative, if adopted, on a variety of issues. The proponents of the “Initiative to Prohibit Fracking and Oil and Natural Gas Well Stimulation Treatments, Prohibit Oil and Natural Gas Wastewater Injection and Impoundment, and Limit New Oil and Natural Gas Operations in Unincorporated Monterey County” have announced that sufficient signatures have been gathered to cause the Board of Supervisors to either adopt the initiative or submit it to the electorate. It is therefore appropriate for the Board to refer the initiative to County Counsel for the preparation of relevant impact studies.

### DISCUSSION:

The “Initiative to Prohibit Fracking and Oil and Natural Gas Well Stimulation Treatments, Prohibit Oil and Natural Gas Wastewater Injection and Impoundment, and Limit New Oil and Natural Gas Operations in Unincorporated Monterey County” has been circulated for signatures in Monterey County. The proponents of the initiative have announced that they believe enough signatures have been gathered to cause the Board of Supervisors to consider adopting its provisions or to submit the matter to the electorate. The Registrar of Voters is in the signature verification/certification process, and it is anticipated that a report to the Board by the Registrar on whether the initiative is certified will be made within 30 working days of May 4, 2016. If the Registrar certifies to the Board that the petition is sufficient the Board must either: 1) adopt the initiative within ten (10) days of the Registrar’s presentation; 2) depending on the number of verified signatures, call a special election or place the matter on the next general election; or 3) order one or more impact studies as described in Elections Code section 9111. (Due to the timing of the upcoming general election in November, even if the initiative qualifies for a

special election it may be consolidated with the general election in November.)

Elections Code section 9111 authorizes the Board to refer an initiative, as early as the circulation period, but no later than the time the Registrar presents the initiative, to any County agency for the purpose of preparing certain studies. The studies would analyze the impact of the initiative, if adopted, on a variety of issues, including fiscal impact, consistency with the General Plan, effect on land use, impact of funding for infrastructure, impact on the ability to attract and retain business and employment, impact on agricultural lands and open space, and any other matters the Board deems appropriate. If the Board requests the preparation of such studies at the time the Registrar certifies the petition to the Board the studies must be completed and presented to the Board no later than 30 days thereafter, and time for the Board to act on the initiative is delayed until ten (10) days after that presentation. The Board has requested such studies regarding other initiatives in the past, and, due to the time that may be required to complete them, it is recommended that the Board start the process at this time.

The referral is to County Counsel who would contract with one or more appropriate firms to conduct the studies. It is recommended that County Counsel be authorized to determine which studies are appropriate for this particular initiative. The Board would still have the discretion to either call for the completion of the studies upon certification of the initiative, or proceed directly to either adopt the initiative or submit it to the electorate.

OTHER AGENCY INVOLVEMENT:

The CAO's Office concurs in the recommendation.

FINANCING:

It is anticipated that initial funding will not exceed \$100,000; therefore Board approval is not required. Initial funding will come from the anticipated year-end budget surplus in the elections department (approximately \$29,000) but additional funding will need to be identified for the next fiscal year.

Prepared by:

Approved by:

Leslie J. Girard                      Date  
Chief Assistant County Counsel

Charles J. McKee                      Date  
County Counsel

Attachments:

[None]