



Monterey County

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Board Report

Legistar File Number: 16-659

June 01, 2016

Introduced: 5/18/2016

Version: 1

Current Status: Agenda Ready

Matter Type: General Agenda Item

Consider:

1. Adopting the Initiative "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" as the County's Ordinance and General Plan Amendments; or
2. Setting for Adoption the Initiative as the County's Ordinance and General Plan Amendments at the June 7th Board meeting; or
3. Ordering impact reports to facilitate the decision whether the County should adopt the ordinance or refer the matter for vote at the next scheduled election; and
4. Directing the County Auditor to prepare reports and a fiscal impact statement consistent with Elections Code 9160(c) for placement on the ballot.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Consider the Initiative "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" and

1. Order staff to cause preparation of reports under Elections Code Section 9111 to facilitate the Board's decision whether the County should adopt the ordinance or refer the matter for vote at the next scheduled election.
2. Direct the County Auditor to prepare reports and a fiscal impact statement consistent with Elections Code 9160(c) for placement on the ballot.

SUMMARY/DISCUSSION:

As you know, an initiative was submitted to the Elections Department to limit and prohibit oil drilling and extraction in Monterey County. Text of the petition is attached. This initiative would amend the General Plan and our zoning ordinances. Pursuant to the Elections Code, County Counsel prepared a Ballot Title and Summary that was included on the petition for circulation. Ballot Title and Summary attached.

At the June 1, 2016 meeting, the Board will receive the County Registrar's Certification of the Results of the Examination of Signatures for the petition. Within 10 days of the meeting in which the Board accepts the Registrar's certification of signatures on any initiative, the Elections Code provides the Board options to either: 1) adopt the initiative as its own ordinance; 2) place it on the next election ballot; or 3) order impact reports. Under Elections Code Section 9111, these impact reports can also be ordered at any time prior to the Board taking action on the initiative petition. On March 17, 2016, pursuant to this authority and in an

effort to be proactive, the Board directed County Counsel to cause preparation of these impact reports. The report topics can range from fiscal impacts, land use, ability to attract business and "any other matters" requested by the Board. As noted, if desired the Board may request that additional subjects be studied. Please let us know if you want other subjects studied. At this time, the Office of Economic Development is coordinating the economic impact analysis and the Resource Management Agency is handling the land use impact analysis. These reports should aid the Board in its decisions, aid the public if it comes to a vote and aid County Counsel in the preparation of the Impartial Analysis for the ballot.

Pursuant to Elections Code 9111, these impact reports would be presented to the Board at your meeting of June 28, 2016. At that time, you would again consider whether to adopt the initiative or place it on the November ballot.

Because the Board already directed County Counsel to cause preparation of impact reports, we recommend the Board confirm that prior direction at this time to remain consistent with the Elections Code.

Under Elections Code Section 9160, County Counsel "shall" prepare an impartial analysis and the Board may "direct" the Auditor to prepare a Fiscal Impact Statement. In an effort to provide voters with as much information as possible, we recommend that the Board direct the Auditor to perform the tasks and prepare a fiscal impact statement under Elections code Section 9160(c). County Counsel's Impartial Analysis and the Auditor's Fiscal Impact Statement would be placed on the ballot.

OTHER AGENCY INVOLVEMENT:

We are coordinating with the CAO, RMA and Economic Development on the impact reports.

FINANCING:

The costs associated with preparation of impact reports is still being determined. At this time, \$29,000 has been identified in the Elections Office FY 15/16 Budget.

Prepared by:

Approved by:

Charles J. McKee
County Counsel

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County Counsel

Attachments:

Petition
Full Text of Initiative
Title & summary