



Monterey County

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Board Report

Legistar File Number: 16-866

July 12, 2016

Introduced: 7/5/2016

Current Status: Draft

Version: 1

Matter Type: General Agenda Item

Consider Adopting a Resolution to:

- a. Call for the election on the citizen's 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 part of the County's Ordinances and General Plan Amendments;
- b. Order consolidation with the Statewide General Election on November 8, 2016; and
- c. Approve the Ballot Question pursuant to Elections Code section 13119.

..Report

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Call for the election on the citizen's 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 part of the County's Ordinance and General Plan Amendments.
- b. Order consolidation with the Statewide General Election on November 8, 2016.
- c. Approve the Ballot Question pursuant to Elections Code section 13119.

SUMMARY/DISCUSSION:

This report is part 1 of the response to Board Referral No. 2016.05 received by your Board on June 28, 2016 regarding a citizen's initiative impacting oil and gas drilling operations. Part 2 is in a separate report.

The initiative was submitted to the Elections Department to limit oil drilling and associated wastewater operations in Monterey County. This initiative would amend the County's General Plan, Local Plans and zoning ordinances. The initiative petition was drafted by the group Protect Monterey County. State law requires that County Counsel draft a Ballot Title and Summary for inclusion on the petition during signature gathering. The petition, Ballot Title and Summary, in the form circulated for signature gathering, are attached hereto as Attachment 3. On June 1, 2016 your Board received the County Registrar's Certification of the Results of the Examination of Signatures for the petition, qualifying the measure for the ballot. (See endnote 1).

After an initiative qualifies for the ballot, there are succeeding procedures that are designed to place the measure on the ballot and provide informational material to the electorate. Placing the initiative on the ballot requires the Board to "call" for the election and to "consolidate" the measure with the Statewide November election. Also required is the drafting of a ballot question.

On June 28, 2016, the Board received a referral to request that staff draft for Board consideration a resolution (see Attachment 2) calling for and consolidating the election, approving the ballot question (see Attachment No. 1) and directing the Auditor-Controller to prepare a fiscal impact statement (see Referral response part 2 in a separate Board Report on this item). At this time, we recommend that your Board adopt a resolution approving the ballot question submitted by County Counsel as well as calling and consolidating the election.

Finally, a significant amount of information for and against the Initiative will be presented to the public and may be part of the voter guide, such as ballot arguments. Elected officials may voice support or opposition and even author the ballot arguments. Elections Code section 9162 allows the Board of Supervisors to designate one or more Supervisors to sign either an argument in favor or against the initiative, and their respective rebuttal arguments, on behalf of the Board. Individual Supervisors may also choose to sign. This action is not mandatory, and the Board may decline to authorize signatures. Please be aware that public money shall not be used to endorse or oppose a ballot measure, except for cost of the election. Public money, however, may be spent on neutral educational materials and presentations.

OTHER AGENCY INVOLVEMENT:

This report was coordinated with the Registrar of Voters.

FINANCING:

The costs associated with preparation of any impact reports will be financed by FY 16/17 budget appropriations.

Prepared by:

Approved by:

Charles J. McKee
County Counsel

Charles J. McKee
County Counsel

Attachments: Ballot Question
 Fiscal Impact Statement
 Resolution
 Initiative Petition

¹ Under Elections Code 9118, at the meeting in which the Registrar certifies the signature gathering, the Board was required to take one of 3 possible actions: 1) Adopt the Initiative; 2) Place Initiative on the ballot OR; 3) Request EC 9111 impact reports. The Board selected option 2.