



Agenda Date: 2/26/2008  
Agenda Placement: 10A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Sora O'Doherty, Paralegal - 251-1090  
**SUBJECT:** Discussion and Possible Action Regarding filing Arguments For or Against the Responsible Growth Initiative

---

### **RECOMMENDATION**

County Counsel requests discussion and possible action regarding the following:

1. Direct staff to prepare an argument for or against the Responsible Growth Initiative for adoption by the Board of Supervisors on or before March 14, 2008; or
2. Authorize a member or members of the Board to prepare and file an argument for or against the Responsible Growth Initiative.

### **EXECUTIVE SUMMARY**

Elections Code section 9162 specifies that the Board of Supervisors, or any member or members of the Board authorized by the Board, may file a written argument for or against any county measure. Any argument submitted may not exceed 300 words in length. Any argument submitted by the Board has priority over any other arguments that may be submitted. If the Board chooses not to submit an argument, but authorizes an individual member or members of the Board to file an argument, that argument has priority over other arguments that may be submitted.

The maximum number of signatures that are permitted to appear following an argument for or against an initiative measure is five. Any additional signatures following the first five signatures are ignored.

The deadline, which cannot be extended, to submit arguments for or against the Responsible Growth Initiative is 4:30 p.m. Friday, March 14, 2008. The final Board meeting prior to that date is Tuesday, March 11, 2008. Therefore final action by the Board will have to occur on March 4, 2008 or March 11, 2008 relating to this matter for it to be timely unless the Board calls a special meeting for March 12th or 13th.

**PROCEDURAL REQUIREMENTS**

1. Chair announces the agenda item.
2. Staff reports on the item.
3. Questions by the Board.
4. Chair invites public comments.
5. Member makes a motion.
6. Different member seconds the motion.
7. Board discussion and debate on the motion.
8. Chair calls for the vote.
9. If roll call vote requested by member, Clerk calls the roll.
10. Chair announces the result of the vote.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Napa County General Fund
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	If the Board wishes to file an argument staff time will be needed to develop an argument for submission to the Board for review and possible adoption. If the Board simply authorizes members of the Board to file there will be no county expense involved.
Is the general fund affected?	Yes
Future fiscal impact:	None
Consequences if not approved:	An argument will need to be filed by Board members or others with no guarantee of priority.
Additional Information:	None

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Elections Code section 9162 specifies that the Board of Supervisors, or any member or members of the Board authorized by the Board, may file a written argument for or against any county measure. Any argument submitted by the Board, or any member or members of the Board authorized by the Board, may not exceed 300 words in length. Section 9 of the Elections Code explains how words must be counted to ensure compliance with Elections Code section 9162. See Sections 9 and 9162 which are attached to this agenda item.

Section 9166 provides that any argument submitted by the Board has priority over any other arguments that may be submitted. If the Board chooses not to submit an argument, but authorizes an individual member or members of the Board to file an argument, Section 9166 provides that any such argument has priority over other arguments that may be submitted. See Section 9166 which is attached to this agenda item.

Section 9164 identifies the manner in which arguments are to be submitted. Note that the maximum number of signatures that are permitted to appear following an argument for or against an initiative measure in the official ballot materials is five. Therefore, the sixth and subsequent signatures, if included when filing the Argument with the Registrar of Voters, are ignored when the Official Ballot Materials are prepared. The Registrar of Voters is not permitted to pick and choose among the signatures submitted if there are more than five. See Section 9164 which is attached to this agenda item.

The ballot question for the Responsible Growth Initiative (the RGI) reads as follows:

Shall Napa County Ordinance No. 08-02 be adopted? (Prohibits amendment of following provisions of Napa County General Plan/County Code without a vote of the people: (i) limits annual new residential development to 1% of county's housing stock (currently 114 units), (ii) requires 15% of residential developments to qualify as affordable housing, (iii) limits the height of single family residences to 35 feet, (iv) reduces minimum length of affordable housing guarantees from 40 to 10 years.)

If the Board wishes to develop an argument for or against the RGI it has two choices:

- a. The Board may direct staff to prepare an argument for or against the RGI to be presented to and adopted by the Board at its March 4, 2008 or March 11, 2008, meetings; or
- b. The Board may authorize a member or members of the Board to prepare and file an argument for or against the RGI to be filed with the Registrar of Voters on or before 4:30 p.m. on March 14th.

The deadline, which cannot be extended, to submit arguments for or against the Initiative is 4:30 p.m. Friday, March 14, 2008. The final Board meeting prior to that date is Tuesday, March 11, 2008. If the Board wishes to file an argument, final action by the Board would have to occur on March 4, 2008 or March 11, 2008 relating to this matter for it to be timely unless a special meeting was called on March 12th or 13th.

If the Board wishes to authorize a member or members of the Board to prepare and file an argument for or against the RGI it is recommended that it do so on February 26, 2008.

## **SUPPORTING DOCUMENTS**

### **A . Election Code Provisions Relating to Filing Arguments For or Against**

CEO Recommendation: Approve

Reviewed By: Maiko Klieman