



Agenda Date: 2/7/2006
Agenda Placement: 9B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Robert Westmeyer, County Counsel, 259-8245
SUBJECT: Discussion and Possible Action Regarding filing Arguments For or Against the "Fair Payment For Public Benefit" & "Read and Understand" initiatives.

RECOMMENDATION

County Counsel requests discussion and possible action regarding the following:

1. Direct staff to prepare an argument for or against either or both of the following initiatives for adoption by the Board of Supervisors on or before March 14, 2006: I. "Read and Understand" Initiative (Measure Z); II. "Fair Payment For Public Benefit" Initiative (Measure A); or
2. Authorize a member or members of the Board to prepare and file an argument for or against either or both of these initiatives.

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 by the Board, or by any member or members of the Board authorized by the Board, may not exceed 300 words in length and has priority over any 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 are ignored.

The deadline, which cannot be extended, to submit arguments for or against either or both of the above referenced initiatives is 5:00 p.m. Friday, March 17, 2006. The final Board meeting prior to that date is Tuesday, March 14, 2006. The Board does not meet February 14th or 21st. Therefore final action by the Board would have to occur on February 28, 2006, March 7, 2006 or March 14, 2006 relating to this matter for it to be timely unless the Board called a special meeting between March 15th and 17th.

FISCAL IMPACT

Is there a Fiscal Impact? No

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 and has priority over any 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 are ignored. These first five signatures are included in the Official Ballot Materials. Thus, the Registrar of Voters is not permitted to pick and choose among the signatures submitted if there are more than five.

The ballot question for the Read and Understand initiative reads as follows:

Shall Napa County Ordinance No. 05-01 be adopted? (Requires each County Supervisor to read and understand each ordinance, regulation or resolution he/she votes to adopt and to certify in writing that he/she has thoroughly read the ordinance, regulation or resolution and thoroughly understands the impacts the ordinance, regulation or resolution may have on the citizens of Napa County).

The ballot question for the Fair Payment For Public Benefit initiative reads as follows:

Shall Napa County Ordinance No. 05-02 be adopted? (Requires Napa County to do one of the following whenever the Board of Supervisors adopts a new land use restriction: (1) compensate owners of real property for any established decrease in property value resulting from the restriction; or (2) eliminate the adverse impact on property value by rescinding or permanently waiving the restriction; or (3) agree with the property owner to a compromise solution).

If the Board wishes to develop an argument for or against either or both of the above initiatives it has two choices:

- a. The Board may direct staff to prepare an argument for or against either or both of the above referenced initiatives to be presented to and adopted by the Board at its February 28, 2006, March 7, 2006 or March 14, 2006, meetings; or
- b. The Board may authorize any member or members of the Board to prepare and file an argument for or against either or both of the above referenced initiatives to be filed on or before March 17th.

As noted above, any such argument has priority over any other argument that may be submitted.

The deadline, which cannot be extended, to submit arguments for or against either of the above referenced initiatives is 5:00 p.m. Friday, March 17, 2006. The final Board meeting prior to that date is Tuesday, March 14,

2006. The Board does not meet February 14th or 21st. Therefore final action by the Board would have to occur on February 28, 2006, March 7, 2006 or March 14, 2006 relating to this matter for it to be timely unless a special meeting was called on March 15th, 16th or 17th.

Copies of the relevant sections of the Elections Code are attached.

SUPPORTING DOCUMENTS

A . Elections Code Provisions

CEO Recommendation: Approve

Reviewed By: Maiko Klieman