



Agenda Date: 9/27/2005
Agenda Placement: 9A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Brandi Periera, PARALEGAL , 251-1090
SUBJECT: Adopting a Resolution ordering an election that will enable the voters of Napa County to approve or reject the "Fair Payment for Public Benefit Act" initiative.

RECOMMENDATION

County Counsel requests consideration and adoption of a resolution ordering an election and consolidating it with the June 6, 2006 statewide primary election for the purpose of enabling the voters of Napa County to approve or reject the "Fair Payment for Public Benefit Act" initiative.

EXECUTIVE SUMMARY

On or about August 4, 2005 the Registrar of Voters determined that the "Fair Payment for Public Benefit Act" initiative had been signed by the requisite number of voters. On August 9, 2005 the Registrar of Voters advised the Board of Supervisors of his determination and on that same date the Board ordered the preparation of a report pursuant to Elections Code section 9111.

On September 6, 2005, at a special meeting of the Board, the Board of Supervisors accepted the report and determined that the most appropriate manner in which to proceed would be to submit the initiative ordinance, without alteration, to the voters. Staff was directed to return to the Board on September 27, 2005 with a Resolution that would order an election for the purpose of enabling the voters to approve or reject the "Fair Payment for Public Benefit Act" initiative on June 6, 2006.

The Board should review the ballot question found on page 4 of the Resolution, make any revisions to the ballot question it deems appropriate, and then adopt the attached Resolution which will result in a special election being held and consolidated with the June 6, 2006 statewide primary election.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Adoption of a Resolution ordering an election relating to an initiative that qualified for the ballot pursuant to Elections Code 9116 or 9118 is a ministerial action which is exempt from CEQA (14 CCR 15268; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165).

BACKGROUND AND DISCUSSION

On or about August 4, 2005 the Registrar of Voters determined that the "Fair Payment for Public Benefit Act" initiative had been signed by the requisite number of voters. On August 9, 2005 the Registrar of Voters advised the Board of Supervisors of his determination and on that same date the Board ordered the preparation of a report pursuant to Elections Code section 9111.

On September 6, 2005, at a special meeting of the Board, the Board of Supervisors accepted the report. Following acceptance of the report the Board was required to do one of the following:

- (a) Adopt the initiative ordinance, without alteration, not later than September 16, 2005; or
- (b) Submit the initiative ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405 (i.e. at the next statewide election occurring not less than 88 days from September 6, 2005).

The Board determined that the most appropriate manner in which to proceed would be to submit the initiative ordinance, without alteration, to the voters. Staff was directed to return to the Board on September 27, 2005 with a Resolution that would order an election for the purpose of enabling the voters to approve or reject the "Fair Payment for Public Benefit Act" initiative on June 6, 2006.

The Board should review the ballot question found on page 4 of the Resolution, make any revisions to the ballot question it deems appropriate, and then adopt the attached Resolution which will result in a special election being held and consolidated with the June 6, 2006 statewide primary election.

SUPPORTING DOCUMENTS

A . Resolution Calling Election- Fair Payment Initiative

CEO Recommendation: Approve

Reviewed By: Lynn Perez