



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 4/16/2024

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Clerk-Recorder-Assessor-Registrar of Voters
Staff Name and Phone Number: Deva Marie Proto, (707) 565-1877
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Accepting Certificate of Sufficiency for Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition

Recommended Action:

- A) Accept the certificate of sufficiency for the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition.
- B) Take one of three allowable actions pursuant to California Elections Code (EC) § 9118:
 - 1. Adopt the ordinance.
 - 2. Submit the ordinance to the voters.
 - 3. Order a report on the ordinance.

Executive Summary:

This item requests that the Sonoma County Board of Supervisors (BOS) accept the certificate of sufficiency showing the results of the examination of the signatures on the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition.

A random sample of 1,115 signatures of the 37,183 submitted were checked. Of these, 902 were found to be valid. Extrapolating from this result, approximately 25,765 total signatures were estimated to be valid, or 130.5% of the 19,746 required. Since this percentage was greater than 110%, the petition was deemed sufficient without having to conduct a full check.

Once the certificate of sufficiency is accepted, the Board must take one of three allowable actions under EC § 9118: (1) adopt the ordinance (2) submit the ordinance to the voters, or (3) order a report on the ordinance.

Discussion:

General Overview of County Initiative Process

EC § 9103 provides that proponents of a county initiative petition must file a notice of intention to circulate such a petition with the county elections official along with the full text of the proposed ordinance and a filing fee not to exceed \$200. In response, EC § 9105 states that the elections official shall promptly send a copy of the notice of intention and full text of the ordinance to the county counsel, and the county counsel shall in turn send back a ballot title/summary to the elections official within 15 days. The elections official must then provide initiative proponents with a copy of the ballot title/summary.

EC § 9110 gives proponents 180 days from the day they receive the ballot title/summary from the elections official to collect signatures. The number of valid signatures required to qualify the initiative for the ballot is 10% of the votes cast in the county for all candidates for governor in the last gubernatorial election. Before proponents can begin collecting signatures, EC § 9108 requires that they publish the ballot title/summary and notice of intention in a newspaper of general circulation. Furthermore, proponents must provide proof of such publication to the elections official.

Per EC § 9115, when proponents file petition signatures with the elections official, the elections official has 30 days (excluding weekends and holidays) to check the signatures for validity. For petitions having 500 or fewer signatures, all signatures must be checked. For petitions having more than 500 signatures, the elections official may conduct a check of a random sample of either 500 signatures or 3% of the total signatures submitted (whichever number is greater). There are three potential outcomes of this sample check:

- 1) If less than 95% of the signatures are found to be valid, the petition is declared insufficient.
- 2) If more than 110% of the signatures are found to be valid, the petition is declared sufficient.
- 3) If between 95% and 110% of the signatures are found to be valid, the elections official is granted an additional 30 days (for a total of 60 days from the date the petition was filed, excluding weekends and holidays) to conduct a full check of the signatures.

Per EC § 9115, once signature checking (random and/or full) is complete, the elections official shall notify proponents of the results. If the petition is found insufficient, no further action is required. If the petition is found sufficient, EC § 9118 requires the elections official to submit a certificate of sufficiency with a breakdown of the results of the signature examination to the BOS at its next regular meeting. The BOS then has three options:

- 1) Adopt the ordinance outright.
- 2) Place the ordinance on the ballot pursuant to EC § 1405.
- 3) Order a report on the impacts of the ordinance to be presented to the BOS within 30 days.

Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition

- **Notice of Intention**

On August 21, 2023, proponents of an ordinance to phase out existing and prohibit future Concentrated Animal Feeding Operations (CAFOs) in most unincorporated areas of Sonoma County filed a notice of intention to circulate an initiative petition along with the full text of the proposed ordinance and a \$200 filing fee with the county elections official at the Sonoma County Registrar of Voters Office (ROV).

- **Ballot Title/Summary and Legal Notice**

On August 21, 2023, the ROV formally requested that County Counsel provide a ballot title/summary of the proposed ordinance within 15 days. County Counsel did so on September 5, 2023. The ROV in turn furnished the ballot title/summary to proponents and informed them that they had to collect 19,746 valid signatures (10% of the 197,454 votes cast for governor in the November 8, 2022, General Election) and submit them within 180 days of acknowledging receipt of the ballot title/summary in order for the petition to be found to be sufficient. ROV further informed proponents that they could only begin collecting signatures after publishing the notice of intention and ballot title/summary in a newspaper of general circulation.

On September 7, 2023, proponents acknowledged receipt of the ballot title/summary, thereby setting the

signature deadline as March 5, 2024. Proponents also informed the ROV that they intended to publish the notice of intention and ballot title/summary in *The Press Democrat* on September 9, 2023. On September 11, 2023, proponents provided official proof of publication that they did so.

- **Initiative Petition**

On March 4, 2024, proponents filed what they estimated to be 37,168 raw signatures on 961 petition sections. The ROV accepted the petition and began carefully reviewing each section and inputting the number of signatures on it into the election management system utilized by the county, DFM Associates' EIMS. The ROV ultimately counted 37,183 raw signatures on 961 sections.

The ROV then utilized EIMS to randomly generate a sample of 3% of the 37,183 signatures to check. This came out to 1,115 signatures. On March 26, 2024, the ROV completed the check of the random sample, finding 902 signatures to be valid and 213 invalid. Of those that were invalid, 4 were found to be duplicates. Based on these results, EIMS estimated that approximately 25,765 total signatures were valid, or 130.5% of the 19,746 required. Since this number was greater than 110%, the petition was deemed sufficient without needing to conduct a full check.

The ROV notified proponents of the sufficiency of their petition on March 27, 2024, and is now submitting a certificate of sufficiency with a breakdown of the results of the signature examination to the BOS for further action at its next regularly scheduled meeting.

- **Options for Action**

The BOS must now take one of three actions:

- 1) Adopt the ordinance, without alteration, at today's meeting or within 10 days of today's meeting.
- 2) Submit the ordinance, without alteration, to go before the voters at either:
 - a. The next statewide election occurring more than 88 days from today, which is the November 5, 2024, Presidential General Election.
 - b. A special election to be held prior to the next statewide election but 88 to 103 days from the date of the order of the election. This would probably mean holding a special election in late August or early/mid-September. The ROV advises against this option because of the increased cost (see "Narrative Explanation of Fiscal Impacts" below) and lower anticipated turnout.

In either case, if the BOS chooses to submit the ordinance before the voters, County Counsel will draft a formal resolution calling an election on the date requested that will need to be voted on by the BOS at a future meeting.

- 3) Request another county agency (or agencies) produce a report on the impact(s) of the measure, including any or all of the following (taken verbatim from EC § 9111(a)):
 - Its fiscal impact
 - Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with section 65915) of Division 1 of Title 7 of the Government Code
 - Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs
 - Its impact on funding for infrastructure of all types, including, but not limited to, transportation,

schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

- Its impact on the community's ability to attract and retain business and employment.
- Its impact on the uses of vacant parcels of land.
- Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- Any other matters the Board of Supervisors request to be in the report.

The report would need to be presented to the BOS within 30 days, or by May 16, 2024. Note that the last regularly scheduled BOS meeting before this date is on May 14, 2024. After hearing the report, the BOS would then have to either adopt the ordinance without alteration within 10 days or place it before the voters (as described in options 1 and 2 above, respectively).

- **Retention of Records**

Per EC § 17200, the ROV is required to preserve and retain the physical petition sections until eight months after the certification of the results of the election for which the petition qualifies. Assuming the November 5, 2024, Presidential General Election, is certified in early December, that would mean keeping the petition until early August 2025. Since the petition was found to be sufficient by the ROV, it is not deemed a public record and is therefore not subject to public inspection. (Government Code § 7924.110(a)(1)).

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

- On January 9, 2024, the BOS accepted a certificate of sufficiency for the Sonoma County Child Care and Children's Health Initiative and Sales Tax Petition (Item #4A). On February 6, 2024, the BOS passed a resolution (Item #3, Resolution #24-0035) submitting the petition to go before the voters and be consolidated with the November 5, 2024, Presidential General Election.
- On September 12, 2023, the BOS accepted a certificate of sufficiency for the Improved and Enhanced Local Fire Protection, Paramedic Services, and Disaster Response Initiative and Sales Tax Petition (Item #56). On September 26, 2024, the BOS passed a resolution (Item #10, Resolution #23-0474) submitting the petition to go before the voters and be consolidated with the March 5, 2024, Presidential Primary Election.
- On April 26, 2016, the BOS accepted a certificate of sufficiency for the Sonoma County Transgenic Contamination Prevention Ordinance Petition (Item #29) and ordered a report on the potential impacts of the ordinance on the County to be prepared by the University of California Cooperative Extension (UCCE). On May 24, 2016, the BOS received the UCCE report and passed a resolution (Item #49, Resolution #16-0227) submitting the petition to go before the voters and be consolidated with the November 8, 2016, Consolidated General Election.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The current estimated cost to place the proposed measure on the ballot for the November 5, 2024, Presidential General Election, ranges from \$375,441 to \$1,126,324 (\$2.25 to \$3.75 per voter). Since election costs are shared across jurisdictions, this cost will decrease as more items are added to the November ballot. Note that there is already another countywide initiative petition (Sonoma County Child Care and Children’s Health Initiative and Sales Tax Petition) appearing on the November ballot.

The estimated cost to hold a special countywide election would be \$675,754 to \$1,501,765 (\$2.25 to \$5.00 per voter). The county would bear all costs related to the election.

The November 5, 2024 Presidential General Election will be budgeted for as part of the regular 2024-2025 budget development process, and will include appropriations to cover the cost of placing a countywide measure on the ballot.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Certificate of Sufficiency
- Petition Results Breakdown
- Ballot Title/Summary

Agenda Date: 4/16/2024

- Full Text of Proposed Ordinance

Related Items “On File” with the Clerk of the Board:

N/A