



Legislation Text

File #: 2023-1083, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): County Clerk-Recorder-Assessor

Staff Name and Phone Number: Deva Marie Proto, (707) 565-1877

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Accepting Certificate of Sufficiency for the Improved and Enhanced Local Fire Protection, Paramedic Services, and Disaster Response Initiative and Sales Tax Petition

Recommended Action:

- A) Accept the certificate of sufficiency for the Improved and Enhanced Local Fire Protection, Paramedic Services, and Disaster Response Initiative and Sales Tax Petition
- B) Take one of two allowable actions pursuant to California Elections Code (EC) § 9118:
 - i. Submit the ordinance, without alteration, to the voters.
 - ii. Order a report on the impacts of the proposed 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 Improved and Enhanced Local Fire Protection, Paramedic Services, and Disaster Response Initiative and Sales Tax Petition, and then take one of the two allowable actions available under EC § 9118:

- Submit the ordinance, without alteration, to the voters.
- Order a report on the impacts of the proposed ordinance.

Discussion:

General Overview of County Initiative Process

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

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

Per EC § 9115, when the proponents file petition signatures with the elections official, they must be checked for validity. If the petition contains more than 500 signatures, the elections official has 30 days from the date the petition is filed (excluding weekends and County holidays) to conduct a check of a three percent random sample of signatures. If the sample shows the number of valid signatures to be between 95 and 110 percent of the number of such signatures needed, the elections official has 60 days from the date the petition was filed (excluding weekends and County holidays) to conduct a full check of the signatures.

Per EC § 9115, once signature checking is complete, the elections official shall notify the initiative proponents of the results. Moreover, if the petition is found sufficient, EC § 9118 requires the elections official to submit a certificate of sufficiency showing the results of the examination of the signatures to the BOS at its next regular meeting. The BOS can then either place the ordinance on the ballot pursuant to EC § 1405, or order a report to be presented to the BOS within 30 days (per Article XIII C § 2(d) of the California Constitution, a third option - adopting the ordinance outright - does not apply in this case because the ordinance is a tax measures). If the petition is found insufficient, no further action shall be taken.

Notice of Intention

On June 9, 2023, proponents of a half-cent transactions and use tax (a.k.a. sales tax) to fund wildfire prevention, preparedness, and response services in Sonoma County filed with the Sonoma County Registrar of Voters Office (ROV) a notice of intention to circulate an initiative petition along with the full text of the proposed ordinance and a \$200 filing fee.

Ballot Title and Summary; Legal Notice

On June 12, 2023, the ROV formally requested that County Counsel send back a ballot title and summary within 14 days. On June 14, 2023, County Counsel did so. The title that County Counsel assigned to the initiative was, "Improved and Enhanced Local Fire Protection, Paramedic Services, and Disaster Response Initiative Petition." The ROV in turn furnished the initiative proponents with the ballot title and summary and informed them that they would need to collect 19,746 valid signatures in order for the petition to be deemed sufficient (this number was derived by taking ten percent of 197,454 - which was the number of voters in Sonoma County who voted for governor in the November 8, 2022, General Election). ROV also made sure proponents understood that they could only begin collecting signatures after publishing the ballot title and summary and notice of intention in a newspaper of general circulation, and providing proof of such publication to the ROV. Proponents did so on June 30, 2023.

Initiative Petition

On July 27, 2023, measure proponents filed at the ROV what they estimated to be 28,970 signatures on 1,365 sections. Over the next week, ROV staff carefully reviewed and entered each petition section and the number of signatures it contained into the County's election management system (DFM Associates' EIMS), finding that there were actually 28,990 signatures on 1,366 sections.

On August 14, 2023, the ROV utilized EIMS to randomly generate a sample of 870 signatures to check (three percent of the total filed signatures). On August 29, 2023, the ROV completed the random sample check, finding 705 of the 870 signatures to be valid and 165 invalid. There were no duplicate signatures in the sample. The election management system estimated that, based on the percentage of signatures found to be valid in the random sample, approximately 23,492 of all the signatures at large were valid, or 119 percent of

the 19,746 required. Since this number was greater than 110 percent, the petition was deemed sufficient.

Options for Action

The County Clerk-Recorder-Assessor-Registrar of Voters is required to certify the results of the examination of the petition signatures to the BOS at the next regularly scheduled board meeting. In addition, the BOS must also take one of two actions*:

- Submit the initiative, without alteration, to go before the voters:
 - At the next statewide election occurring more than 88 days from today. This would be the March 5, 2024, Presidential Primary Election
 - At a special election to be held between 88 and 103 days from today. This would be between December 9, 2023, and December 24, 2023. The ROV advises against this option because of the increased cost and dramatically lower turnout likely to occur during a one-time special election.
 - If the BOS selects this option, County Counsel will return to the BOS on either September 19, 2023, or September 26, 2023, with a formal resolution calling the election on the date requested by the BOS.
- 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)):
 1. Its fiscal impact.
 2. 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.
 3. 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.
 4. 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.
 5. Its impact on the community's ability to attract and retain business and employment.
 6. Its impact on the uses of vacant parcels of land.
 7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 8. 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 October 12, 2023. Note that the last regularly scheduled BOS meeting before this date is on October 3, 2023. After hearing the report, the BOS would have only one option - to submit the initiative, without alteration, to the voters (using the same procedure set forth in the first bullet point above).

*When a county initiative petition is found to be sufficient, the BOS typically has a third option -- which is to directly adopt the ordinance without alteration (i.e., not put it before the voters) without alteration at the same regular meeting at which the certificate of sufficiency is presented or within 10 days thereafter. However, since this initiative petition is a tax measure, Article XIII C § 2(d) of the California Constitution precludes this option ("No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate").

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. 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 May 18, 2021, the BOS accepted a certificate of sufficiency for the recall of District Attorney Jill Ravitch (Item #1A). On May 25, 2021, the BOS passed a resolution calling a special election to be held on September 14, 2021, for the recall of District Attorney Jill Ravitch (Item #3, Resolution #21-0220). While this was regarding a countywide recall petition, not a countywide initiative petition, the process for the BOS to accept a certificate of sufficiency for both have many similarities.
- On April 26, 2016, the BOS accepted a certificate of sufficiency for the Sonoma County Transgenic Contamination Prevention Ordinance initiative petition (Item #29), and ordered a report on the potential impacts 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 calling an election to be held on November 8, 2016, for voters to weigh in on the measure (Item #49, Resolution #16-0227).

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 | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

Due to the fact that no office up for election this November had sufficient candidates file to trigger an election (and the fact that no jurisdiction filed a measure), there will be no election this November. As a result, ROV has sufficient appropriations already budgeted to cover the cost of placing a countywide measure on the ballot for the March 5, 2024, Presidential Primary Election.

| 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 and Summary
- Full Text of Proposed Ordinance

Related Items "On File" with the Clerk of the Board:

N/A