



**Special Meeting of the Winters City Council
Winters City Hall, 318 First Street, via Teleconference (ZOOM)
Thursday, July 2, 2020**

To Join Zoom Meeting: <https://us02web.zoom.us/j/82158400796>

Meeting ID: 821 5840 0796

Or to Dial in by Phone:
1-669-900-6833

Members of the City Council

*Wade Cowan, Mayor
Bill Biasi, Mayor Pro-Tempore
Harold Anderson
Jesse Loren
Pierre Neu*

*John W. Donlevy, Jr., City Manager
Ethan Walsh, City Attorney
Tracy Jensen, City Clerk*

6:00 p.m. – Executive Session

AGENDA

Safe Harbor for Closed Session Pursuant to Government Code Section 54954.5

1. Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Anticipated Litigation (One Matter)

6:30 p.m. – Regular Session

AGENDA

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

A. None

DISCUSSION ITEMS

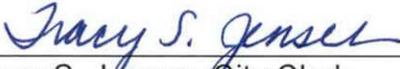
1. Acceptance of Elections Code 9212 Report and Consideration of Initiative Petition Amending the City of Winters General Plan to Establish an Urban Growth Boundary (pp. 4-33)

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the July 2, 2020 special meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on June 30, 2020, and made available to the public during normal business hours.



Tracy S. Jensen, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 794-6702. Agendas and staff reports are available on the city web page at www.cityofwinters.org/administrative/admin_council.htm

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

How to obtain City Council Agendas and Agenda Packets:

View on the internet: www.cityofwinters.org/administrative/admin_council.htm

Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.

Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

City Council agenda packets are available for review or copying at the following locations:

City Hall – Finance Office - 318 First Street

City Council meetings are streamed and can be viewed live at <http://www.cityofwinters.org/live-city-council-meetings/>. A recording of any streamed City Council meeting can be viewed at a later date at <http://www.cityofwinters.org/city-council-meeting-recordings/>.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: July 2, 2020
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Ethan Walsh, City Attorney
SUBJECT: Acceptance of Elections Code 9212 Report and Consideration of Initiative Petition Amending the City of Winters General Plan to Establish an Urban Growth Boundary

RECOMMENDATION:

Staff recommends the City Council (1) receive the report prepared by the City Attorney pursuant to Elections Code Section 9212 and (2) place the proposed Winters Urban Growth Boundary Initiative (the “Initiative”) on an upcoming ballot for consideration by the voters.

BACKGROUND:

On April 29, 2020, proponents of an initiative measure that would amend the City’s General Plan to establish an Urban Growth Boundary (the “Initiative Measure”) filed a signed petition containing 817 signatures with the City Clerk’s office. In compliance with the Elections Code, the City Clerk transmitted the signed petition to the Yolo County Registrar of Voters to determine whether the petition contained a sufficient number of valid signatures. The Registrar of Voters provided a verification certificate to the City Clerk on May 19, 2020. According to the County’s voter registration records, the City has 3,942 registered voters. In order to qualify for the ballot, the petition must be signed by 10% of the City’s registered voters, or not less than 395 registered voters. The Registrar of Voters verified 500 signatures, determined that 422 were sufficient, 77 were insufficient (1 was insufficient due to duplication), and did not verify the remaining 317 since the 395 signature threshold had already been reached.. Therefore, the Initiative Measure has obtained the required signatures to qualify for the ballot.

At the June 2, 2020 regular Council meeting, the City Council directed City staff to retain an outside consultant to prepare a report as is permitted by Elections Code Section 9212 analyzing the impacts of the Initiative Measure. The Council also appointed an ad hoc subcommittee of Mayor Cowan and Councilmember Neu to meet with representatives of Keep Winters Winters to discuss the Initiative Measure and related issues. At the June 16 regular Council meeting, the City Attorney provided an

update on the progress on the Elections Code Section 9212 report, and recommended that the City prepare a significantly abbreviated report, in order to reduce the expense associated with the preparation of the report. The 9212 report, which was prepared by the City Attorney and approved by KWW's attorney, is attached.

With the receipt of the 9212 report, the City Council must now decide whether to put the Initiative Measure on the ballot or adopt it without alteration. The City's options are outlined below.

DISCUSSION:

1. The Initiative Measure

As discussed at the June 2, 2020 Council meeting, the proposed Initiative Measure, if adopted, would amend the City of Winters General Plan ("General Plan") to establish an Urban Growth Boundary ("UGB") with boundaries that are contiguous with the current City limits. With the exception of an incorporated island of City land to the northwest of the City (the City's Wastewater Treatment Facility), this Measure changes the land use designation for lands outside the UGB that were designated as of March 4, 2020 to "Open Space." Development of lands outside the UGB would be restricted to the following uses:

- (1) public parks, public educational facilities (such as public schools and public colleges), and public wastewater, sewer, storm drain, and water recycling facilities;
- (2) agricultural and other open space uses consistent with both (1) the General Plan's "Open Space" land use designation and (2) the definition of "open-space lands" in the State Planning and Zoning law.

If adopted, the Measure provides that it could not be amended or repealed until November 3, 2050 without voter approval unless the proposed change qualifies as one of certain limited exceptions that the Winters City Council may approve. These limited exceptions allow the City Council to: make the UGB smaller; re-designate land uses outside the UGB consistent with the restrictions described above; amend the UGB where necessary to comply with state or federal housing laws when the City Council makes specified findings based on substantial evidence; reorganize or renumber General Plan provisions; and amend the UGB in order to prevent an unconstitutional taking of private property.

The measure further authorizes and directs the City to amend all ordinances, maps, plans and policies as soon as possible to be consistent with the measure. The City Council may take such action after a duly noticed public hearing.

2. Process for Consideration of the Initiative Measure

Now that the City has completed the 9212 Report, the City Council's options under the Elections Code section 9215 are as follows:

1. Adopt the Initiative Measure, without alteration, at this regular meeting, or within ten (10) days after this meeting.
2. Submit the Measure, without alteration, to the voters at the next regular municipal

- election occurring at least 88 days later.
3. Call a special election for consideration of a ballot measure, rather than considering the ballot measure at the City's next general election.

At the prior Council meeting and in the June 2 staff report, I informed the Council that my reading of the applicable statutes in the Elections Code require that if the Council does not adopt the Initiative Measure without alteration, the Council must place the Initiative Measure on the ballot for the March 2022 general municipal election. I have discussed this issue at length with KWW's attorney and researched the issue further. The applicable language in the law governing this issue is relatively new, and there is no published court cases interpreting the applicable law. While I continue to believe that my original reading of the applicable statutes is correct, there are credible arguments to be made that the Council could place the Initiative Measure on the November 2020 ballot under this fairly unique set of facts. Therefore, in light of the fact that there is not existing case law that fully settles this issue, and in light of the substantial public expectation that the Initiative Measure would be placed on the November 2020 ballot as indicated at the June 2, 2020 meeting, I am willing to allow the City Council to consider placing the Initiative Measure on the November 3, 2020 ballot, though I do not think the Council is obligated to do so. At the special meeting on July 2, the Council should therefore make the policy determination on whether to put the Initiative Measure on the November 2020 or March 2022 election.

The ad hoc committee has also had several meetings with representatives of KWW over the past 30 days, and will have the opportunity to report on their conversations at the meeting.

ALTERNATIVES:

As outlined above, the Council may consider options to (1) adopt the Initiative Measure without alteration within 10 days of this meeting; (2) place the Initiative Measure on the November 3, 2020 ballot, or (3) place the Initiative Measure on the March 8, 2022 ballot.

FISCAL IMPACT:

There would be no immediate cost associated with adopting the measure, though City staff cannot determine the potential fiscal impact of the Initiative Measure itself without preparing the impact report. County election officials have informed the City that the rough cost of placing a measure on the ballot would be \$11,700, though that is only an estimate, and that cost could change between now and the 2022 election based on a variety of factors.

Attachments: Initiative Measure
9212 Report
Resolution Placing Initiative Measure on the Ballot (date of election will be inserted based on direction of Council)

Bob Polkinghorn
842 Walnut Ln
Winters, CA 95694
bobpolky@gmail.com

March 4, 2020

Via Hand Delivery

Tracy Jensen
City Clerk
318 First St.
Winters, CA 95694

Re: Winters Urban Growth Boundary Initiative

Dear Ms. Jensen:

Enclosed for filing pursuant to the California Elections Code are an original and one copy of the following documents: (1) a Notice of Intention to Circulate Petition ("Notice"); (2) a proposed initiative measure for the City of Winters; and (3) an acknowledgment of Elections Code section 18650. Please file-stamp each page of the enclosed copies of these documents and return one copy to me. Three supporters of the proposed initiative have signed the Notice pursuant to Elections Code Section 9202.

Please ask the City Attorney to prepare a ballot title, preferably "Winters Urban Growth Boundary Initiative," and a summary of the initiative.

If you, the City Attorney, or any other City staff have any questions about any portion of the initiative, please do not hesitate to contact me. You may also contact our attorney, Catherine Engberg, of Shute, Mihaly & Weinberger LLP at (415) 552-7272 or engberg@smwlaw.com.

Thank you for your attention to this matter. Again, please call if you have any questions regarding this initiative.

Sincerely,



Bob Polkinghorn

Enclosures

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

CATHERINE C. ENGBERG
Attorney
Engberg@smwlaw.com

March 2, 2020

Via Overnight Delivery

Bill Lagatutta
26758 Via Robles
Winters, CA 95694

Re: Winters Urban Growth Boundary Initiative

Dear Bill:

Enclosed please find hard-copy packets containing the documents necessary for filing the Winters Urban Growth Boundary Initiative with the City Clerk. Please let me know if you have any questions.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Catherine C. Engberg

Enclosures:

Filing Checklist;

Cover letter to City Clerk requesting preparation of ballot title and summary;

2 copies of Final Initiative w/ Exhibits;

2 copies of Notice of Intent;

2 copies of Section 9608 Certifications

Checklist for Filing Initial Packet with the City Clerk:

- Final Initiative. (2 copies)**
- Signed Notice of Intent. (2 copies)**
- Request that ballot title and summary be prepared.**
- Certification by the proponents who signed the NOI that signatures will not be used for any other purpose than qualification of the measure. (2 copies)**
- Potential fee of up to \$200 (refundable if, w/in one year of filing the Initiative, the City Clerk certifies its sufficiency).**

SMW will provide you with a PDF of the final Initiative, the Notice of Intent, a cover letter including a request for preparation of ballot title and summary, and a copy of the required certification.

You should request that the City Clerk file-stamp each page of the extra copies of the Initiative, the Notice of Intent, and the certification, and return these file-stamped copies to you. You should verify that the returned copies are complete and that each page has been stamped. Please return these file-stamped copies to SMW.

Notice of Intent to Circulate Petition

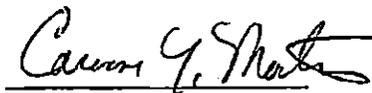
Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Winters for the purpose of adopting General Plan policies that establish an Urban Growth Boundary for the City through the year 2050.

A statement of reasons of the proposed action as contemplated in the petition is as follows:

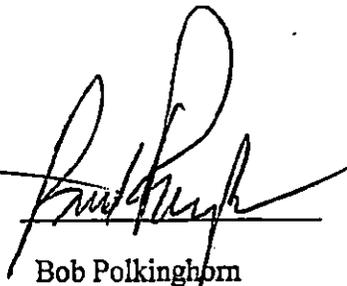
- To encourage efficient growth patterns and protect the City's quality of life by concentrating future development within City limits.
- To promote and protect continued agricultural and open space uses on lands outside of the Urban Growth Boundary.
- To allow the City to grow in a manner that fosters and protects the City's small-town character and rural identity while encouraging appropriate economic development in accordance with the City's unique local conditions.
- To promote sustainable job creation by encouraging infill development that will enhance and revitalize the Central Business District, guide growth in a compact manner, and foster neighborhood development.
- To safeguard the City's prosperity and fiscal health by avoiding premature investments in expensive new and expanded infrastructure and by ensuring that new growth in Winters will be planned in light of resource capacity constraints.
- To encourage the City to continue to meet its housing needs for all economic segments of the population, including low and moderate income households, by directing housing development into areas where services and infrastructure are more efficiently available.
- To promote stability in long-term planning for the City by establishing cornerstone policies in the General Plan that designate the geographic limits of long-term urban development and allow sufficient flexibility within those limits to respond to the City's changing needs over time.

Submitted March 4, 2020

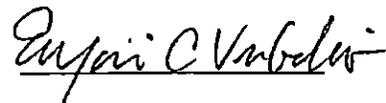
Signed By:



Corinne Y. Martinez



Bob Polkinghorn



Emarie C. VanGalio

To the Honorable Clerk of the City of Winters: We, the undersigned, registered and qualified voters of the City of Winters, hereby propose an initiative measure to amend the Winters General Plan. We petition you to submit this measure to the City Council of the City of Winters for adoption without change, or for submission of the measure to the voters of the City of Winters at the earliest election for which it qualifies. The measure provides as follows:

Winters Urban Growth Boundary Initiative

The people of the City of Winters do hereby ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

- A. **Purpose and effect:** This *Winters Urban Growth Boundary Initiative* (“Initiative”) promotes stability in long-term planning for the City of Winters by creating a cornerstone policy within the General Plan that establishes geographic limits for long-term development while allowing sufficient flexibility within those limits to respond to the City’s changing needs over time. This Initiative amends the City’s General Plan to establish an Urban Growth Boundary (“UGB”) for the City. The UGB is a boundary outside of which urban development will not be allowed, except for certain public facilities. Only uses consistent with the General Plan “Open Space” land use designation and certain provisions of Government Code section 65560(h) that define “Open-space land” are permitted outside the UGB. With certain limited exceptions where the City Council makes specific findings, this UGB may not be amended until November 3, 2050, except by a vote of the people.
- B. **Findings:** The people of the City of Winters find that this Initiative promotes the health, safety, welfare, and quality of life of the City’s residents, based upon the following:
1. **The City’s Small-Town Character and Rural Identity.** Incorporated in 1898, the City has long maintained its unique, small-town character by ensuring that development reflects the City’s strong relationship to its historic features. This Initiative promotes the City’s commitment to its small-town character by concentrating future development within existing City limits. This Initiative protects the City’s rural identity by ensuring that Winters remains bounded by natural open space and working agricultural lands that separate it from adjacent communities. At the same time, the Initiative promotes Winters’ economy by allowing appropriate economic development in accordance with the City’s unique local conditions.
 2. **The City’s Agricultural Heritage.** The City has a rich agricultural heritage, which remains a vital part of the local economy. This Initiative promotes the continued viability of agriculture and agri-tourism in the Winters area by protecting agricultural lands from urban encroachment and ensuring that agricultural lands remain a natural buffer between Winters and surrounding communities.
 3. **The City’s Open Spaces and Natural Environment.** The City is surrounded by working agricultural lands, as well as ranchlands, open spaces, and scenic areas. Protecting and maintaining the City’s natural open space resources—which include

creeks, meadows, hills, woodlands, and vistas—is necessary to preserve their watershed protection, habitat preservation, recreational, and aesthetic values.

4. **The City's Future Development.** The City's General Plan calls for compact, sequenced development to promote well-planned and efficient growth consistent with the limits imposed by the City's infrastructure. The Plan prioritizes commercial infill development in the Central Business District and calls for new development only where the capacity of public services is sufficient to accommodate that development. This Initiative will promote sustainable job creation by encouraging infill development that will enhance and revitalize the Central Business District, guide growth in a compact and efficient manner, and foster neighborhood development. This Initiative is designed to minimize traffic and reduce air pollution and greenhouse gas emissions.
5. **The City's Prosperity and Fiscal Health.** Winters residents wish to avoid premature investments in expensive new and expanded infrastructure. This Initiative will ensure that new growth in the City will be planned in light of resource capacity constraints. By encouraging infill development, the Initiative will ensure the efficient use of the City's existing infrastructure.
6. **The City's Housing Supply and the Provision of Affordable Housing.** The City's General Plan promotes efficient and affordable housing in Winters through measures that encourage mixed use development in the Central Business District, housing infill, and the construction of accessory units. The City's housing plan shows that land within the UGB can accommodate more than 400% of the residential units required to meet current State housing goals at all affordability levels. As a result, the land use and housing policies established in the General Plan, including policies relating to land already within the UGB, are sufficient to address the expected increase in the City's population. This Initiative will further encourage the City to continue to meet the housing needs of all economic segments of the population, including lower and moderate income households, by, among other things, directing housing development into areas where services and infrastructure can be provided more cost-effectively.
7. **The City's Water Needs.** The City is dependent on groundwater to meet its residents' water needs. It is critical that the City conserve its water supplies and protect its aquifers from overdraft. Infill development, such as that encouraged by this Initiative, promotes water conservation by reducing lot size and landscaping.
8. **No Effect on Lands Within the UGB.** This Initiative will not affect land use regulations or land use designations within the UGB, or the City Council's ability to change them.
9. **No Effect on County Land Use Designations Outside of the UGB.** The County of Yolo has land use regulatory control of the lands north of the UGB, and has designated those lands as "Agricultural Intensive." This Initiative will not affect those designations.
10. **Relationship to the Urban Limit Line.** As part of its May 19, 1992 adoption of the General Plan, the City adopted an Urban Limit Line. The General Plan Background Report, also adopted on May 19, 1992, provides that the Urban Limit Line is "[a]

boundary located to mark the outer limit beyond which urban development will not be allowed. It has the aim of discouraging urban sprawl by containing urban development during a specified period, and its location may be modified over time." General Plan Policy I.A.2. provides that the City "shall designate an Urban Limit Line delineating the area to be urbanized within the time frame of the General Plan and designed to accommodate a population of 12,500 by the year 2010." Notwithstanding these references to the Urban Limit Line, the City's current General Plan Land Use Diagram does not depict or reference the Urban Limit Line. Winters residents desire a compact and enforceable Urban Growth Boundary that will actually limit urban sprawl, encourage appropriate infill development, protect the open spaces and agricultural areas surrounding the City, and which may be modified only under certain conditions. This Initiative will accomplish those goals consistent with the General Plan's statements about the need for an Urban Limit Line.

11. **Exception to Voter Approval Requirement for Compliance with State and Federal Housing Law.** This Initiative allows the City Council to amend the location of the UGB and/or redesignate lands outside the UGB before November 3, 2050 only under certain limited circumstances, including where the City Council determines that doing so is necessary to comply with State or federal housing law. The City may invoke this exception only if it first makes certain factual findings, supported by substantial evidence. This exception protects the City by providing an "escape hatch" in the unlikely event that application of the UGB results in violation of a specific provision of State or federal law. It also protects the intent of the voters, by (i) ensuring that the UGB is consistent with State and federal housing law, and (ii) delineating the narrow circumstances under which the City Council may avoid the Initiative's voter approval requirement.

SECTION 2: GENERAL PLAN AMENDMENTS

This Initiative hereby amends the City of Winters General Plan ("General Plan"), as amended through March 4, 2020, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the City of Winters ("Submittal Date"). The amendments in subsections A and B of this Section 2 may be changed only by a vote of the people.

A. General Plan Land Use Diagram Amendments:

The General Plan Land Use Diagram, attached as Exhibit A for informational purposes only, is hereby amended to include an Urban Growth Boundary ("UGB"), established in the location indicated on the diagram attached as Exhibit B. Although the UGB is in places coterminous with the City Limit, the two lines are independent of one another in legal significance and purpose.

As shown on the diagram attached as Exhibit B, the General Plan Land Use Diagram is further amended to designate as "Open Space" lands outside of the UGB that were previously designated as of the Submittal Date, with the exception of the incorporated island of City land to the northwest of the City, beyond the UGB, which retains its Public / Quasi-Public designation.

Except for the location of the UGB and the designation of certain lands outside the UGB as "Open Space," the information depicted on Exhibit B is provided for informational purposes only and is not readopted by this Initiative.

B. General Plan Text Amendments:

Text to be inserted in the General Plan is indicated in bold type. The General Plan is hereby amended to add the following new Policies:

1. On Page II-2 of the General Plan, add the following Policies I.A.12., I.A.13., and I.A.14. below existing Policy I.A.11.:

Policy I.A.12.

Creation of Urban Growth Boundary. In 2020, the people of the City of Winters approved the Winters Urban Growth Boundary Initiative, which created an Urban Growth Boundary ("UGB") to protect the unique character of the City of Winters and the agriculture and open space character of the surrounding areas. The UGB is a line beyond which urban development is not allowed. Except for public parks, public educational facilities (such as public schools and public colleges), and public wastewater, sewer, storm drain, and water recycling facilities, only uses consistent with both (1) the General Plan "Open Space" land use designation as this designation existed on March 4, 2020¹; and (2) the uses of "Open-space land" as set forth in Government Code section 65560, subsections (h), (h)(1), (h)(2), (h)(3), and (h)(4), in effect on March 4, 2020², are allowed outside the UGB.

¹ Open Space (OS): "This designation provides for agricultural uses, recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the open space purposes of this designation. The FAR shall not exceed 0.05. The precise location of the boundary of the Open Space designation along Putah and Dry Creeks shall be determined by the City in conjunction with individual project proposals based on creek setback requirements and site-specific conditions."

² Government Code section 65560(h): " 'Open-space land' means any parcel or area of land or water that is devoted to an open-space use as defined in this section, and that is designated on a local, regional, or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources, including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, (footnote continued on next page)

The City of Winter's UGB reflects a commitment to direct future growth within the City's existing urban areas in order to prevent urban sprawl into the agriculturally and environmentally important areas surrounding the City. The UGB protects the health, safety, welfare, and quality of life of the City's residents by concentrating future residential, commercial, and industrial growth in areas already served by urban services. The UGB complements General Plan policies encouraging infill development and supporting a thriving Central Business District. The policies implementing the UGB allow sufficient flexibility within its limits to respond to the City's changing needs over time.

Policy I.A.13.

Implementation of Urban Growth Boundary. Until November 3, 2050, the following General Plan provisions, as adopted by the Winters Urban Growth Boundary Initiative, may not be amended or repealed except by a vote of the people: Policy I.A.12., Policy I.A.13., and Policy I.A.14.

(a) Until November 3, 2050, lands outside the UGB as shown on the Land Use Diagram may be redesignated, and the location of the UGB depicted on the General Plan Land Use Diagram may be amended, only by a vote of the people, or by the City Council pursuant to the procedures set forth in subsections (b) and (c) below.

(b) The City Council may, if it deems it to be in the public interest, amend the location of the UGB depicted on the General Plan Land Use Diagram, provided that the amended boundary is within or coextensive with the limits of the UGB as established by the Winters Urban Growth Boundary Initiative. The City Council may, if it deems it to be in the public interest, redesignate lands outside the UGB, provided that the new designation allows only uses consistent with both: (1) the General Plan "Open Space" land use designation as this designation existed on March 4, 2020; and (2) the uses of

estuaries, marshes, rivers, and streams that are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality."

“Open-space land” as set forth in Government Code section 65560, subsections (h), (h)(1), (h)(2), (h)(3), and (h)(4), in effect on March 4, 2020.

(c) The City Council may amend the location of the UGB located on the General Plan Land Use Diagram and/or redesignate lands outside the UGB, if the City Council determines that doing so is necessary to comply with State or federal law regarding the provision of housing for all segments of the community. The City Council may do so only if it first makes each of the following findings based on substantial evidence:

(1) A specific provision of State or federal law requires the City to accommodate the housing that will be permitted by the amendment;

(2) The amendment permits no greater density than that necessary to accommodate the required housing;

(3) An alternative site that is within the UGB is not available to satisfy the specific State or federal housing law; and

(4) The land proposed to be brought within the UGB is as close as feasible to (i) the existing UGB, and (ii) available water and sewer connections.

(d) After November 3, 2050, this Policy I.A.13. shall have no further force and effect, and the City Council, if it deems it in the public interest, may amend the General Plan Land Use Diagram, the location of the UGB, and other General Plan provisions addressed by this Policy I.A.13. in accordance with State law without a vote of the people. However, unless and until the City Council makes any such amendment, the UGB shall remain in place and Policy I.A.12. shall retain its full force and effect.

(e) The City shall not take any action that is inconsistent with Policy I.A.12., Policy I.A.13., or Policy I.A.14. of the General Plan.

Policy I.A.14.

No Effect on Existing Facilities.

(a) Nothing in the Winters Urban Growth Boundary Initiative is intended to prohibit the City from providing urban services, including sewer services, to the El Rio Villa Housing Development, located at 63 Shams Way.

(b) Notwithstanding the fact that a portion of the City's Wastewater Treatment Facility is located on an incorporated island to the northwest of the City beyond the UGB, nothing in the Winters Urban Growth Boundary Initiative is intended to prohibit or otherwise affect the City's operation of its Wastewater Treatment Facility.

C. **General Plan Conforming Amendments:** The General Plan is further amended as set forth below in this Section 2.C in order to promote internal consistency among the various sections of the General Plan. Text to be inserted in the General Plan is indicated in bold type. Text to be deleted from the General Plan is indicated in ~~strikeout~~ type. Text in standard type currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan, in a manner consistent with Policies I.A.12., I.A.13., and I.A.14. of the General Plan.

1. The second full paragraph on page I-1 of Part I, Land Use/Circulation Diagrams and Standards, is amended as follows:

The *Land Use Diagram* (inserted separately) depicts proposed land use for Winters within the Urban Limit Line through the year 2010. **The Winters Urban Growth Boundary Initiative, adopted by voters in 2020, created an Urban Growth Boundary, a line beyond which urban development is not allowed, with limited exceptions for certain public facilities. The Urban Growth Boundary is also depicted on the Land Use Diagram, and, as a general rule, may not be amended until November 3, 2050 without a vote of the people.** The boundary lines between most land use designations are delineated as specifically as possible, generally following parcel lines. In the case of future parks and schools, however, the locations shown on the Land Use Diagram are conceptual, not parcel specific.

2. Policy I.A.2., on page II-1 of Section I, Land Use, is amended as follows:

The City shall designate an Urban Limit Line delineating the area to be urbanized within the time frame of the General Plan and designed to accommodate a population of 12,500 by the year 2010. **In 2020, the voters adopted the Winters Urban Growth Boundary Initiative, which created an Urban Growth Boundary, a line beyond which urban development is not allowed, with limited exceptions for certain public facilities. As a general rule, the Urban Growth Boundary may not be amended until November 3, 2050 without a vote of the people.**

3. Policy I.A.10., on page II-2 of Section I, Land Use, is amended as follows:

~~The City shall designate land adjacent to the Urban Limit Line in the northwest part of Winters as Urban Study Area for future consideration of incorporated development. (See Figure II-2.) [Intentionally Omitted]~~

4. Implementation Program II.3., on page II-13 of Section II, Housing, is deleted as follows:

~~The City shall work with property owners and developers in the preparation and processing of master development plans and specific plans for unincorporated areas and in the expeditions annexation of such lands.~~

5. Policy VI.B.1., on page II-45 of Section VI, Natural Resources, is amended as follows:

The City shall support the continuation of agricultural and related uses on lands within the Urban Limit Line designated for urban uses until urban development is imminent, provided that any such development must be consistent with the Winters Urban Growth Boundary Initiative, adopted by voters in 2020.

6. Policy VI.B.3., on page II-46 of Section VI, Natural Resources, is amended as follows:

~~Along the northern and western portion of the Urban Limit Line a~~New residential development that abuts designated and active agricultural land shall incorporate buffers to minimize agricultural-residential conflicts and nuisance problems. The size of the buffer zone shall be determined by the type of agricultural activities involved. The buffer zone may consist of open space, recreational uses, landscaped areas, streets or other non-intensive uses.

7. Implementation Program VI.11., on page II-53 of Section VI, Natural Resources, is amended as follows:

The City shall prepare guidelines for the type and width of buffers between new residential developments and active agricultural uses ~~outside the Urban Limit Line~~ to be used in the review of subdivision proposals.

SECTION 3: IMPLEMENTATION

- A. **Effective Date:** "Effective Date" means the date that the Initiative became effective pursuant to State law.
- B. **City of Winters General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the City of Winters General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Winters General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Municipal Code or of any other City of Winters ordinance or resolution that are inconsistent with the provisions adopted by this Initiative shall not be applied or enforced in a manner inconsistent with this Initiative.
- C. **Interim Amendments:** The City of Winters General Plan in effect on the Submittal Date as amended by this Initiative comprises an integrated, internally consistent, and compatible statement of policies for the City of Winters. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General

Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.

- D. **Other City Plans, Ordinances, and Policies:** The City of Winters is hereby authorized and directed to amend the City of Winters General Plan and other ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan and other City plans, ordinances, and policies.
- E. **Reorganization:** The General Plan may be reorganized or updated, or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 2.A and 2.B of this Initiative shall remain in the General Plan through at least November 3, 2050, unless earlier repealed or amended by vote of the people of the City of Winters.
- F. **Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- G. **Exemptions:** The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California. Should any application of the Initiative effect an unconstitutional taking of private property, an exemption is permitted only to the minimum extent necessary to avoid such a taking. Likewise, this Initiative shall not apply to any development project or ongoing activity that has obtained, as of the Effective Date of the Initiative, a vested right pursuant to State law.

SECTION 4: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme to establish an Urban Growth Boundary for the City of Winters. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses the existence or location of an Urban Growth Boundary for the City of Winters, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other City of Winters measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 4, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 5: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose.

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and County laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 6: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by a vote of the people of the City of Winters.

Exhibits:

Exhibit A: City of Winters General Plan Land Use Diagram

Exhibit B: City of Winters General Plan Land Use Diagram (as amended by the *Winters Urban Growth Boundary Initiative*, showing location of UGB and designation of lands outside of the UGB)

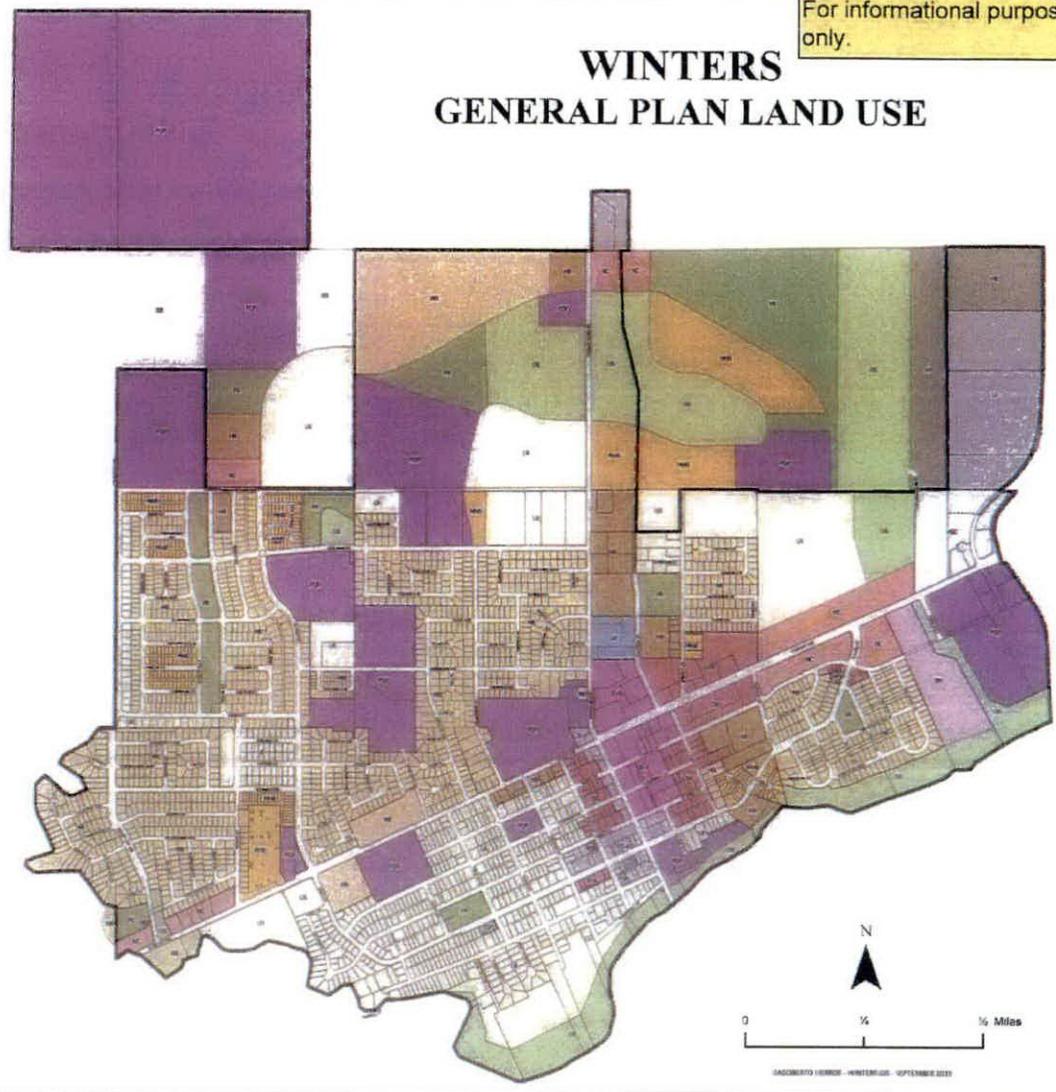
Exhibit A
For informational purposes only.



WINTERS GENERAL PLAN LAND USE

Land Use Designations

-  NC Neighborhood Commercial
-  CBD Central Business District
-  D-A Downtown A
-  D-B Downtown B
-  OF Office
-  BP Business/Industrial Park
-  HSC Highway Service Commercial
-  LI Light Industrial
-  HI Heavy Industrial
-  LR Low Density Residential
-  MR Medium Density Residential
-  MHR Medium/High Density Residential
-  HR High Density Residential
-  RR Rural Residential
-  PQP Public/Quasi-Public
-  PR Parks and Recreation
-  OS Open Space
-  AG Agriculture
-  CITY LIMITS



LAGOMARCO HERRIG - WINTERS.GIS - SEPTEMBER 2023



WINTERS GENERAL PLAN LAND USE

Land Use Designations

- NC Neighborhood Commercial
 - CBD Central Business District
 - D-A Downtown A
 - D-B Downtown B
 - OF Office
 - BP Business/Industrial Park
 - HSC Highway Service Commercial
 - LI Light Industrial
 - HI Heavy Industrial
 - LR Low Density Residential
 - MR Medium Density Residential
 - MHR Medium/High Density Residential
 - HR High Density Residential
 - RR Rural Residential
 - PQP Public/Quasi-Public
 - PR Parks and Recreation
 - OS Open Space
 - AG Agriculture
- CITY LIMITS
- - - URBAN GROWTH BOUNDARY

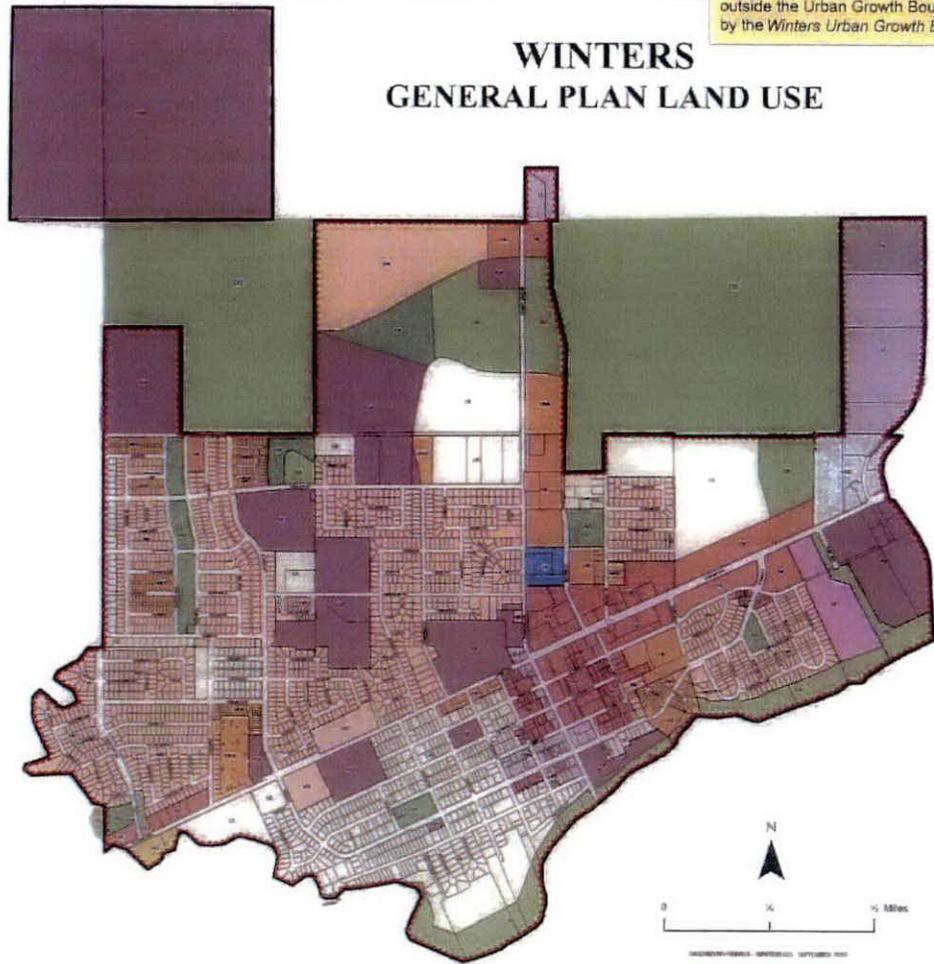
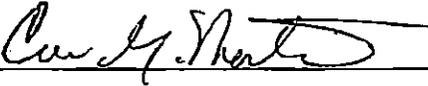


Exhibit B

This Land Use Diagram shows the location of the Urban Growth Boundary and the designation of lands outside the Urban Growth Boundary as established by the Winters Urban Growth Boundary Initiative.

ELECTIONS CODE § 9608 CERTIFICATION

I, Corrine Y. Martinez, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

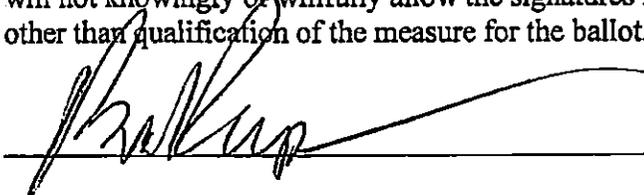


(Signature of Proponent)

Dated this 3 day of March, 2020

ELECTIONS CODE § 9608 CERTIFICATION

I, Bob Polkinghorn, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

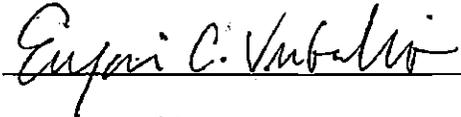
A handwritten signature in black ink, appearing to read 'Bob Polkinghorn', is written over a horizontal line. The signature is cursive and extends to the right of the line.

(Signature of Proponent)

Dated this 3 day of MARCH, 2020

ELECTIONS CODE § 9608 CERTIFICATION

I, Emarie C. VanGallo, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

 _____

(Signature of Proponent)

Dated this 3 day of MARCH, 2020

1215215.2

City of Winters
Elections Code Section 9212 Report
on the Winters Urban Growth Boundary Initiative

The City of Winters (“City”) received a signed petition for the Winters Urban Growth Boundary Initiative (the “Initiative”) and the City Clerk, in conjunction with the Registrar of Voters for Yolo County, confirmed that the initiative received sufficient signatures to either be placed on a future ballot, or adopted by the City Council without change. At its June 2, 2020 meeting, the City Council directed the City to prepare a report pursuant to Elections Code Section 9212 that would address the following issues:

- The Initiative’s fiscal impact
- Its effect on the internal consistency of the City’s General Plan, including the housing element, the consistency between planning and zoning, and the limitations on City actions under Section 65008 and Chapters 4.2 and 4.3 of the Government Code, which generally relate to housing production and requirements that protect against housing discrimination
- Its effect on the use of land, the impact on the availability and location of housing, and the ability of the City 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

The following report provides a summary of the Initiative and briefly addresses each of the potential impacts listed above.

Summary of Initiative

The Initiative would amend the City’s General Plan to establish an Urban Growth Boundary (“UGB”), which is coterminous with the current City boundaries. The Initiative provides that urban development is not allowed beyond the UGB. Except for public parks, public educational facilities, and public wastewater, sewer, storm drain and water recycling facilities, only uses that are consistent with the City’s General Plan “Open Space” land use designation and the uses for “Open-space land” as defined in Government Code section 65560 would be allowed outside the UGB. The Initiative would also amend the General Plan’s Land Use Diagram to designate those properties located outside of the City limits but within the City’s planning area as “Open Space”, with the exception of an incorporated island of land to the northwest of the City where the City’s

wastewater treatment facility is located. That property would retain its current “Public/Quasi-Public” designation.

The UGB could not be amended until November 3, 2050 to extend the line beyond the City limits without a vote of the people, unless the City Council determines based on substantial evidence that an expansion of the UGB is necessary to comply with State or federal law regarding the provision of housing for all segments of the community. The Initiative also makes a number text amendments to the General Plan to account for the establishment of the UGB and provide internal consistency in the document.

Elections Code Section 9212 Report on Impacts

1. Fiscal Impact of Initiative

The Initiative provides that urban development cannot occur beyond the UGB without a vote of the people to expand the boundaries of the UGB. This would mean that an additional approval would be required (voter approval) in order for any urban development to move forward outside of the City’s existing boundaries. A portion of the land outside of the UGB, and the existing City limits, is currently designated for urban development in the City’s general plan, and if the UGB remains in place any development of that land could not move forward without voter approval. However, there are no pending development proposals for those properties outside the City limits, and in order for a project outside the limits to move forward, those properties would have to go through an extensive entitlement process and be annexed into the City. Therefore the timing and scope of development of those properties located outside the UGB is speculative at this point in time.

New development outside the City limits would bring new tax revenue to the City and potentially bring a larger customer base for local businesses, which could enhance the tax revenue received by the City from local businesses. However, the City would also have increased expenses in providing infrastructure and services to the new development. Without a better sense of the type and intensity of development that may occur outside City limits absent the UGB, it is extremely difficult to quantify the fiscal impact that the UGB may have in the City, especially in the timeframe allowed for this 9212 report and with the resources available to complete this report. Therefore, while there would be a fiscal impact that would result from establishing the UGB, it would be extremely speculative to predict what that that impact would ultimately be, and this report therefore does not specifically quantify that impact.

2. Initiative’s effect on the internal consistency of the City’s General Plan, housing element and the consistency between planning and zoning

The Initiative establishes the UGB as an amendment to the General Plan, and makes other amendments to the text of the General Plan to ensure internal consistency within the document. Based on a review of the Initiative language, it appears to make the necessary changes to the language of the General Plan to ensure internal consistency of the document after establishment of the UGB. There are a number of plans that have been adopted by the City to implement the General Plan, such as the Circulation Master Plan, the Moody Slough Subbasin Drainage Report, Water Master Plan and Wastewater Master Plan that assume development will eventually in those areas

that are within the City's planning area, but outside of the UGB. If the Initiative passes, those plans would need to be updated as some point to account for the UGB, but they are not directly part of the General Plan, so they do not create an internal inconsistency in the General Plan.

The UGB is coterminous with the City's existing boundaries. While the City may create land use designations for properties outside the City limits, the City does not establish zoning for those properties. Because the UGB does not affect any properties within the City limits, it does not affect the City's zoning, or the consistency between the General Plan and the City's zoning.

3. *The Initiative's effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs*

By establishing the UGB, the Initiative ensures that land located outside the City limits will remain in open space uses, with certain limited exceptions unless the voters approve other development. Therefore, the Initiative will affect those properties located outside the City limits but within the City's planning area by ensuring that they will remain as open space through at least 2050, unless the voters subsequently move the UGB.

The City's current housing element addresses the City's regional housing needs allocation ("RHNA") as established by the Sacramento Area Council of Governments ("SACOG"). Pursuant to State housing element law, the City is required to designate land within the City for the development of housing that is equal to the City's "fair share" of the Sacramento region's housing needs. The City has designated sufficient land within the City limits to account for its fair share of regional housing needs based on its current RHNA numbers. Therefore the UGB does not affect the City's current housing element. In future years if the Initiative were to pass, the City may be compelled to increase the density of future residential development within existing City limits in order to satisfy its future RHNA obligations, since it would be unable to allow for urban development outside the UGB without voter approval. This also could be increasingly difficult over time, as vacant properties within the City limits develop, if they develop in the near term at lower densities. However, the City could choose to increase the density within the City even if the UGB were not in place, as this Council or future city councils may prefer to focus housing on properties within the City limits. In addition, the Initiative contains an exception that would allow the City Council to amend the location of the UGB to comply with RHNA requirements if makes certain findings, including that sites within the UGB are not available. It would be extremely difficult to predict these future land use patterns, especially in the timeframe and with the resources available for this report. Without knowing what our future RHNA obligation will be, or what the preferences of future Councils will be, it is speculative to predict how the UGB will affect the City's ability to satisfy its obligations under the State housing element law.

4. *Initiative's impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space.*

The Initiative will not have an immediate impact on funding for infrastructure, because the properties outside the UGB are located outside the City limits and the City does not currently have any development proposals for these properties. Many of the City's infrastructure plans do assume that portions of the property outside the UGB will eventually be developed with urban uses, and that those properties will contribute to the cost of the City's overall infrastructure, and the location

of much of this infrastructure is based on that eventual build out. If those properties outside of the City limits remain as open space through 2050, that will affect the City's funding for infrastructure, but it will also affect the demands on the City's infrastructure. It is therefore speculative to predict the net impact on the City's infrastructure without a better understanding of the development that would occur within the City's planning area if the UGB were not adopted.

5. *Its impact on the community's ability to attract and retain business and employment.*

It would be extremely difficult to determine the Initiative's impacts on the attraction and retention of businesses and employment. If the lands outside the UGB were to develop in part with new residential development, that may bring a larger potential customer base for existing and future businesses in the City, helping to attract and/or retain businesses in the City. Further, if properties in the planning area but outside the UGB were developed for commercial or industrial uses, that may create more available space to attract or retain business and employment. However, if the UGB is established the properties outside its boundary may remain or be placed into agricultural use, retaining or creating agricultural business and jobs. Additionally, the establishment of a UGB may increase demand for housing in the City, increasing property values, which could attract other types of businesses to the City. However, it would be extremely difficult to predict the specific impacts that the Initiative would have on the attraction or retention of businesses, without more specific information on the types of development that would occur in these areas, if the UGB is not established.

6. *Initiative's impact on the uses of vacant parcels of land*

The Initiative would ensure that the lands located within the City's planning area but outside the UGB would either remain in their current use, or be converted to other non-urban uses as described in the Initiative, unless the voters determine otherwise. It would not directly affect the uses of vacant parcels of land within the City limits. The Initiative may, over the long term, change the growth patterns within the City and thereby affect the use of vacant parcels within the City, but it would be difficult to specifically quantify that impact at this point.

7. *Initiative's impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization*

The initiative would ensure that lands located outside the UGB would remain in agricultural or other open space uses through at least 2050, absent voter approval to move the UGB. The Initiative would not have an immediate impact on traffic congestion, existing business districts or developed areas designated for revitalization, because there are not current proposals for development outside the City limits. Over time, the anticipated growth patterns for the City could change if the UGB is adopted, which could affect the City's existing business districts, traffic congestion within the City and revitalization of existing areas within the City. However, at this point it would be difficult to predict what those impacts would be, particularly in the amount of time allotted for this 9212 report, and the resources available to complete the report.

RESOLUTION NO. 2020-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION
ON TUESDAY, _____, 20__, FOR THE SUBMISSION OF A
PROPOSED MEASURE AMENDING THE CITY OF WINTERS GENERAL
PLAN, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF
YOLO TO CONSOLIDATE SAID ELECTION PURSUANT TO SECTION 10403
OF THE CALIFORNIA ELECTIONS CODE AND SETTING RULES FOR
ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID MEASURE**

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Winters, signed by more than ten percent (10%) of the number of registered voters of the City, to submit to the qualified electors a proposed measure amending the City of Winters General Plan to establish an Urban Growth Boundary and, Through November 3 2050, to prohibit urban development outside of that boundary, subject to certain exceptions; and

WHEREAS, the City Clerk/Elections Official examined the records of registration and ascertained that, pursuant to California Elections Code Section 9215, the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the measure; and

WHEREAS, the City Council is therefore authorized and directed by statute to submit the proposed measure to the voters; and

WHEREAS, the City Council desires to place the measure on the ballot for the March 8, 2022 General Municipal Election; and

WHEREAS, the City Council also desires to request that the election for this measure be consolidated with the Statewide Primary Election also to be held on March 8, 2022; and

WHEREAS, pursuant to California Elections Code Section 9285 and 9286, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the measure described herein; and

WHEREAS, the specific terms of the measure/General Plan amendment are attached hereto as Exhibit "A" and by this reference made an operative part hereof.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Winters as follows:

SECTION 1. That pursuant to the requirements of California Elections Code Section 9215 any other applicable requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Winters on Tuesday,

_____, 20___, a General Municipal Election for the purpose of submitting the following proposed measure/General Plan amendment:

Shall an initiative measure amending the City of Winters General Plan to establish an Urban Growth Boundary, and through November 3 2050 to prohibit urban development outside of that boundary, subject to certain exceptions, be adopted?	Yes
	No

SECTION 2. That the text of the measure submitted to the voters attached hereto as Exhibit A is hereby submitted to the voters; and

SECTION 3. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Yolo is hereby requested to consent and agree to the consolidation of said election with the Statewide Primary Election on Tuesday, _____, 20___; and

SECTION 4. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used; and

SECTION 5. That the City of Winters recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs; and

SECTION 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Yolo Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election; and

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law. Voters shall vote yes or no; and

SECTION 9. That the consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California; and

SECTION 10. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Yolo.

SECTION 11. Direct Arguments and Impartial Analysis.

A. Direct Arguments in favor of or against the measure shall be prepared and filed with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and any other applicable provisions of law.

B. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the

effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of direct arguments. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information guide of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the election official’s office at _____ and a copy will be mailed at no cost to you.”**

SECTION 12. Rebuttals. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the direct arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the direct argument in favor of the measure to the authors of the direct argument against, and copies of the direct argument against to the authors of the direct argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 13. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

SECTION 14. This resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Winters at a meeting thereof on the 2nd day of July, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Wade Cowan, Mayor

Attest:

Tracy S. Jensen, City Clerk