

**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt 1) Resolution Accepting Certificate of Sufficiency of Petition for the Water Rate Reduction Initiative Submitted by Jane Lea and Dawn Squires; and 2) Resolution to Place the Measure on the Ballot for the November 7, 2006, General Municipal Election

MEETING DATE: June 7, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt 1) resolution accepting Certificate of Sufficiency of Petition for the Water Rate Reduction Initiative submitted by Jane Lea and Dawn Squires; and 2) resolution to place the measure on the ballot for the November 7, 2006, General Municipal Election.

BACKGROUND INFORMATION: On February 10, 2006, Jane Lea and Dawn Squires filed an intention to circulate a petition, which was accompanied by the text of the initiative (*see Exhibit A to staff report*). On May 5, 2006, the petition was filed in the City Clerk's Office, and a prima facie check was conducted in accordance with Elections Code §9210. Subsequently, the San Joaquin County Registrar of Voters conducted a random sample examination of the petition and determined the projected number of valid signatures to be 4,020, which was more than the 2,967 (*i.e. 10% of the voters of the city*) required signatures to qualify. The Registrar's certification of the petition is attached as an exhibit to the City Council resolution accepting the Certificate of Sufficiency. In accordance with Elections Code §9114, the City Clerk hereby certifies the results of the examination to the City Council.

Elections Code §9215 states in part that if the initiative petition is signed by not less than 10 percent of the voters of the city, the legislative body shall do one of the following:

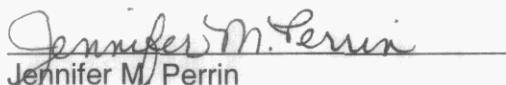
- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters. The election for a municipal initiative that qualifies pursuant to Section 9215 shall be held at the jurisdiction's next regular election.
- (c) Order a report at the regular meeting at which the certification of the petition is presented (*see Exhibit B to staff report*). When the report is presented to the legislative body, the legislative body shall order an election pursuant to subdivision (b).

APPROVED: 
Blair King, City Manager

Adopt 1) Resolution Accepting Certificate of Sufficiency of Petition for the Water Rate Reduction Initiative Submitted by Jane Lea and Dawn Squires; and 2) Resolution to Place the Measure on the Ballot for the November 7, 2006, General Municipal Election
June 7, 2006
Page Two

FISCAL IMPACT: \$900 was expended for the cost of petition signature examination by the San Joaquin County Registrar of Voters, and it is estimated to cost between \$5,000 to \$10,000 to place the measure on the November 7, 2006, ballot.

FUNDING: None required at this time – included in the proposed 2006-07 City Clerk budget.


Jennifer M Perrin
Interim City Clerk 

SJB/imp

Attachments

EXHIBIT A

WATER RATE REDUCTION INITIATIVE (Text of Proposed Ordinance)

AN ORDINANCE BROUGHT BY THE PEOPLE OF THE CITY OF LODI REPEALING RESOLUTION NO. 2005-203 OF THE LODI CITY COUNCIL “A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING WATER RATES” IN RESPONSE TO THE WATER UTILITY TAXATION IMPOSED UPON THE PEOPLE

Whereas regarding purpose.

Whereas the City of Lodi has a legal responsibility to promote the public health, safety, and trust of the residents of the city of Lodi and

Whereas the City of Lodi has instituted significant increases in water rates without sufficient public input for the purpose of cleaning up water contamination, the residents of the City of Lodi request the following ordinance to be placed on the next General Election ballot.

SECTION 1: The resolution No. 2005-203 of the Lodi City Council “A resolution of the Lodi City Council establishing water rates” shall be repealed.

SECTION 2: That the Levy of Charges imposed pursuant to section 13.08.010 of the Lodi Municipal Code shall be repealed.

SECTION 3: That after the date that this ordinance is approved by the voters, all funds collected under the authority of Resolution No. 2005-203 of the Lodi City Council shall be refunded to the rate payers of the City of Lodi in a reasonable and prompt time frame.

SECTION 4: This ordinance can only be repealed by a majority vote by the voters of the City of Lodi on a General Election ballot.

SECTION 5: This ordinance is effective the day approved by the voters of the City of Lodi.

CALIFORNIA ELECTIONS CODE

9212. (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city 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 city 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 legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

RESOLUTION NO. 2006-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, ACCEPTING CERTIFICATE OF SUFFICIENCY OF
PETITION FOR THE WATER RATE REDUCTION INITIATIVE

WHEREAS, on May 5, 2006, the City Clerk's Office received an initiative petition from Jane Lea and Dawn Squires regarding water rate reduction; and

WHEREAS, said petition must contain 2,697 valid signatures, which is 10% of the voters in the City of Lodi as last officially reported by the county elections office to the Secretary of State effective at the time the notice, title, and summary of the initiative was published (March 7, 2006); and

WHEREAS, the San Joaquin County Registrar of Voters has conducted an examination of the petition and determined it to be sufficient. In accordance with Elections Code §9114, the City Clerk hereby certifies the results of the examination to the City Council as set forth in the attached Certificate of Sufficiency of Petition (marked Exhibit A).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby accepts the Certificate of Sufficiency for the initiative petition submitted by Jane Lea and Dawn Squires regarding water rate reduction.

Dated: June 7, 2006

I hereby certify that Resolution No. 2006-109 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 7, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, and Mounce
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Mayor Hitchcock
ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. PERRIN
Interim City Clerk



SAN JOAQUIN COUNTY
REGISTRAR OF VOTERS

RECEIVED

MAY 18 2006

DEBORAH S. HENCH
REGISTRAR OF VOTERS
209/468-3194
dhench@sjcrov.org

AUSTIN G ERDMAN
ASST REGISTRAR OF VOTERS
209/468-2898
aerdman@sjcrov.org

212 NORTH SAN JOAQUIN STREET
PO BOX 810
STOCKTON, CALIFORNIA 95201
209/468-2885
FAX 209/468-2889
www.sjcrov.org
TTY 209/953-1070

City Clerk
City of Lodi
REGISTRATION
209/468-2890
BUSINESS AND FINANCIAL
DISCLOSURE
209/468-8942
CANDIDATE SERVICES
209/468-3191
PRECINCT OPERATIONS
209/468-2892

May 15, 2006

Susan Blackston
City Clerk
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

EXHIBIT A

Dear Ms. Blackston:

Pursuant to your request, this office has completed the verification of signatures on the Water Rate Reduction Initiative Petition (City of Lodi), delivered to our office on May 8, 2006.

I hereby confirm the verification of the above named petition is as follows:

Number of signatures filed:	4,426
Number of signatures verified:	500
Number of signatures found sufficient	462

Based upon the random sample, the projected total of valid signatures is 4,020, which are more than 2,967*required signatures to pass based on sample. Therefore, the petition is certified as sufficient.

*Actual: 2,697

Sincerely,

DEBORAH S. HENCH
Registrar of Voters

DSH:ev

- 1151 Preschool For All Act
- 1154 Jessica's Law
- 1182 Transportation Funding Initiative
- 1185 Water Quality, Safety and Supply
- 1186 Waiting Parental Notification Initiative
- 1197 Tax on Cigarettes
- Lodi Sales Tax-Mar 2005
- Lodi Water Rate Reduction Initiative**
- Atkn Res. Inspection/Anti-Blight Ordinance

Petition Abbr: Lodi Water Rate Reduction Initiative

Petition Name: Water Rate Reduction Initiative

Status: In Process

District: City Of Lodi

Values			
Raw	4426	Sigs Found Valid in Sample	462
Sample	500	Sigs Withdrawn:	0
Num of Sigs	500	Dup Sigs Found:	1
Num Not Checked:	0	Other Invalid:	37
		Sigs Found Not Valid in Sample:	38
Calculations			
Percent Of Valid = Number Found Valid/Number in Sample			92.4%
Uncorrected Total Valid = Raw Count * Percent of Valid			4089
Duplicate Signature Factor = Raw Count/Sample Size			9
Dup Sig Weight = Dup Sig Factor * (Dup Sig Factor - 1)			70
Dup Sig Adjustment = Dup Sig Weight * Number of Dup Sigs			69
Total Valid Based on the Sample =			
Uncorrected Total Valid - Dup Sig Adjustment			4020
Results			
Total Valid Based on the Sample			4020
Required Valid			2697
Minimum Required (95%)			2562.15
Minimum Valid Required to Pass based on Sample (110%)			2966.7



Petition Result Breakdown

odi Water Rate Reduction Initiative
ater Rate Reduction Initiative

Signatures Required	2697		
Raw Count	4,426		
Sample Size	500		
Sigs Checked	500	<i>Percent of Sigs Checked</i>	<i>Percent of Sample Size</i>
Sigs Not Checked	0		0.0 %
Sigs Valid	462	92.4 %	92.4 %
Sigs Invalid	38	7.6 %	7.6 %
<i>Duplicated</i>	1	0.0 %	0.2 %
<i>Non-duplicate Invalids</i>	37	7.0 %	7.4 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	462	92.4 %
NotReg	Not Registered	16	3.2 %
OutOfDist	Out of District	6	1.2 %
Duplicate	Signed more than once	1	0.2 %
RegDiffAdd	Registered at a Different Address	6	1.2 %
Declncmp	Declaration Incomplete	8	1.6 %
PrintedSig	Printed Signature	1	0.2 %

RESOLUTION NO. 2006-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY,
NOVEMBER 7, 2006, FOR THE SUBMISSION OF A PROPOSED ORDINANCE

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the legislative body of the City of Lodi, California, signed by more than 10 percent of the number of registered voters of the City to submit a proposed ordinance relating to water rate reduction; and

WHEREAS, the San Joaquin County Registrar of Voters examined the records of registration and ascertained that the petition is signed by the requisite number of voters and has so certified; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is ordered to be held in the City of Lodi, California, on Tuesday, November 7, 2006, a General Municipal Election for the purpose of submitting the following proposed ordinance:

Shall the ordinance rescinding Resolution No. 2005-203 entitled, "A Resolution of the Lodi City Council establishing water rates" be passed?	Yes
	No

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A.

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed, and directed 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.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 7, 2006

I hereby certify that Resolution No. 2006-110 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 7, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, and Mounce
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Mayor Hitchcock
ABSTAIN: COUNCIL MEMBERS – None



JENNIFER M. PERRIN
Interim City Clerk

EXHIBIT A

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Whereas regarding purpose.

Whereas the City of Lodi has a legal responsibility to promote the public health, safety, and trust of the residents of the city of Lodi and

Whereas the City of Lodi has instituted significant increases in water rates without sufficient public input for the purpose of cleaning up water contamination, the residents of the City of Lodi request the following ordinance to be placed on the next General Election ballot.

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SECTION 4: This ordinance can only be repealed by a majority vote by the voters of the City of Lodi on a General Election ballot.

SECTION 5: This ordinance is effective the day approved by the voters of the City of Lodi.

CITY OF LODI



BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

June 2, 2006

Jane Lea
1931 Holly Drive
Lodi, CA 95242

JUNE 7, 2006, REGULAR CITY COUNCIL MEETING **Issues relating to the Water Rate Reduction Initiative**

This is to notify you that at the City Council meeting of June 7, 2006, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider the following items.

- K-2 Adopt resolution accepting Certificate of Sufficiency of Petition for the Water Rate Reduction Initiative submitted by Jane Lea and Dawn Squires; and adopt resolution to place the measure on the ballot for the November 7, 2006, General Municipal Election (CLK)
- K-3 Adopt resolution setting priorities for filing written arguments regarding Fire and Facilities Sales Tax and Water Rate Reduction measures scheduled for the November 7, 2006, General Municipal Election and directing the City Attorney to prepare an impartial analysis (CLK)

Enclosed is a copy of the June 7, 2006, City Council agenda and the staff reports related to the above items. Should you wish to speak on these matters, please submit a "Request to Speak" card (*available in the Carnegie Forum*) to the City Clerk prior to the opening of the meeting.

Should you have any questions, please contact me at 333-6702.


Jennifer M Perrin
Interim City Clerk

JMP

Enclosure

CITY OF LODI



CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

June 8, 2006

BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY COUNCIL
SUSAN HITCHCOCK,
Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

Deborah Hensch
Registrar of Voters
P.O. Box 810
Stockton, CA 95201

RE: NOVEMBER 7, 2006, GENERAL MUNICIPAL ELECTION

Attached please find certified copies of the following resolutions pertaining to the November 7, 2006, General Municipal Election, which were adopted by the Lodi City Council at its June 7, 2006, regular meeting:

- Resolution accepting Certificate of Sufficiency of Petition for the Water Rate Reduction initiative; and
- Resolution giving notice of the holding of a general municipal election on Tuesday, November 7, 2006, for the submission of a proposed ordinance (regarding the Water Rate Reduction initiative); and
- Resolution setting priorities for filing written arguments regarding City measures and directing the City Attorney to prepare an impartial analysis (for the Fire and Facilities Sales Tax and Water Rate Reduction initiatives).

Should you have any questions regarding this matter, please feel free to give me a call.

Sincerely,


Jennifer M. Perrin
Interim City Clerk

JMP
Enclosures

cc: San Joaquin County Board of Supervisors (+ encl.)