

Continued May 20, 1981

SPECIAL ELECTION
ORDERED TO
VOTE ON LODI
GREEN BELT
INITIATIVE

RES. NO. 81-54

City Clerk Reimche apprised the Council that on May 5, 1981, she received Initiative Petitions bearing approximately 4,000 signatures. Pursuant to Elections Code Section 3706 and 4009, from her prima facie examination of the petitions, she determined that the number of signatures equals or is in excess of the minimum number of signatures required which is 2,585 (not less than 15% of the registered voters according to the County Clerk's official report to the Secretary of State at the time the Notice of Intent was published).

The petitions have been examined by the County Clerk's office and from the records of registration, it has been determined that the petitions have been signed by the requisite number of voters.

According to the City Clerk, pursuant to Elections Code Section 4010, the legislative body shall either:

- a) Introduce the Ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented or
- b) Immediately order a Special Election to be held not less than 94 or more than 109 days after the date of the order, at which the Ordinance without alteration shall be submitted to a vote of the voters of the City.

Urging the Council to adopt the Ordinance without alteration was Ms. Beryl Georguson, 2223 Cochran Rd., Lodi. Urging the Council to order a Special Election pursuant to the Elections Code was Mr. Rod Rosa, 1620 Brandywine Court, Lodi.

Following the presentations by Ms. Georguson, and Mr. Rosa, Council, on motion of Councilman Katnich, Pinkerton second, adopted Resolution No. 81-54 ordering a Special Election to be held not less than 94 or more than 109 days from the date of this meeting, at which time, the Ordinance (Lodi Green Belt Initiative) shall be submitted to a vote of the voters of the City.

May 20, 1981

M E M O R A N D U M

TO: City Council
FROM: James A. McCarty, Mayor
SUBJECT: Green Belt Initiative

With your concurrence, I propose to allocate a time of 5 minutes or less to one spokesman for and one against the Green Belt Initiative.

I trust that there may be a number of speakers on the issue, but in respect to our regular business agenda, I suggest the aforementioned limit.

I further propose that if the issue finds its way to the political arena, which may lead to spirited debate, said meetings be conducted in areas other than the City Council Chambers.

Your sentiments on this issue are solicited.

JAMES A. MCCARTY
Mayor

JM:dg

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

FROM: THE CITY MANAGER'S OFFICE

DATE

May 15, 1981

NO.

SUBJECT:

Lodi Green Belt Initiative

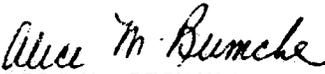
Please be advised that on May 5, 1981, the City Clerk received Initiative Petitions, a sample of which is attached, bearing approximately 4,000 signatures.

Pursuant to Elections Code Section 3706 and 4009, from my prima facie examination of the petition, I determined that the number of signatures equals or is in excess of the minimum number of signatures required which is 2,585 (Not less than 15% of the registered voters according to the County Clerk's official report to the Secretary of State at the time the Notice of Intent was published).

The petition has been examined by the County Clerk's office and from the records of registration, it has been determined that the petition has been signed by the requisite number of voters.

Pursuant to Elections Code Section 4010, the legislative body shall either:

- a) Introduce the Ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented or
- b) Immediately order a Special Election to be held not less than 94 or more than 109 days after the date of the order, at which the Ordinance without alteration shall be submitted to a vote of the voters of the City.


ALICE M. REIMCHE
City Clerk

Lodi Green Belt Initiative

Ron Stein

AN ORDINANCE ADOPTED BY THE INITIATIVE PROCESS TO PRESERVE PRINCIPAL AGRICULTURAL LAND BY DESIGNATING LAND IN A GREEN BELT AREA AND ESTABLISHING PROCEDURES TO ENSURE ORDERLY GROWTH.

TO THE CITY COUNCIL OF THE CITY OF LODI, STATE OF CALIFORNIA:

We, the undersigned, qualified voters of the City of Lodi, hereby, propose a City Ordinance and petition the City Council to pass this ordinance without alteration, or be submitted to a vote of the people of the City of Lodi:

1. It shall be the policy of the City of Lodi to protect land in the Green Belt area in order to preserve and protect agricultural land, preserve the scenic value of the area, protect wildlife habitat and natural resources and to protect the small city character of Lodi.
2. The Green Belt area shall be designated as the area between the outer limits of the incorporated city and the outer limits of the adopted sphere of influence at the adoption of this ordinance.
3. To affect the policy of the City of Lodi to protect land in the Green Belt area, non-agricultural development in the City of Lodi which lies adjacent to the Green Belt area shall be permitted only after a finding by the City Council that such non-agricultural development will not interfere with the continued productive use of agricultural land in the Green Belt area or that an adequate buffer or mitigation zone exists to assure continued productive use of agricultural land in the Green Belt area.
4. At the time of adoption of this ordinance, the Green Belt area shall be removed from the existing Land Use Element of the General Plan of the City of Lodi.
5. Before land in the Green Belt area can be annexed by the City of Lodi, an amendment to the City's Land Use Element of the General Plan must be made and approved by a majority of the people voting in a city-wide election.
6. Before any annexation proposal can be approved, the City Council must make the finding that the proposed annexation is contiguous to existing city boundaries and the projected demand from the proposed development in the area to be annexed will not exceed the service capacity of existing municipal utilities and services, the school district, and existing roadways.
7. Water, sewer, and electrical facilities shall not be expanded or extended until the City Council makes the finding that a proposed expansion or extension is consistent with the goals, policies and land use designations of the General Plan and this ordinance.
8. The City of Lodi may hold elections in consolidation with other scheduled elections in the City for the purpose of allowing voters to voice their opinions on amendments to the City's Land Use Element of the General Plan.
9. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in force and effect and to this extent the provisions of this ordinance are separable.

Iniciativa de la Zona Agrícola de Lodi

UNA ORDENANZA ADOPTADA POR EL PROCESO INICIATIVO PARA PRESERVAR LA TIERRA AGRICOLA PRINCIPAL POR DESIGNAR LA TIERRA EN UNA AREA DE LA ZONA AGRICOLA ESTABLECER PROCEDIMIENTOS PARA ASEGURAR EL DESARROLLO ORDENADO.

LA GENTE DE LA CIUDAD DE LODI, ESTADO DE CALIFORNIA, ORDENAN LO SIGUIENTE:

1. Será la regla de la ciudad de Lodi de proteger la tierra en la área de la Zona Agrícola para preservar y proteger la tierra agrícola, preservar el valor escénico de la área, proteger la habitación de la fauna y los recursos naturales, y para proteger el carácter de un pueblo pequeño de Lodi.
2. La área de la Zona Agrícola será designada como la área entre los límites exteriores de la ciudad incorporada y de los límites exteriores de la esfera adoptada de influencia al adoptar esta ordenanza.
3. Para afectar la regla de la ciudad de Lodi de proteger la tierra en la área de la Zona Agrícola, el desarrollo que no sea agrícola en la ciudad de Lodi que está al lado de la área de la Zona Agrícola se permitirá solamente después que indague la Mesa del Consejo que tal desarrollo no agrícola no se interponga con el uso productivo continuo de la tierra agrícola en la Zona Agrícola o que una zona mitigadora adecuada exista para asegurar uso productivo continuo de tierra agrícola en la área de la Zona Agrícola.
4. Al adoptar esta ordenanza, la área de la Zona Agrícola se quitará del existente Elemento del Uno de Tierra del Plan General de la ciudad de Lodi.
5. Antes que la tierra en la área de la Zona Agrícola pueda ser anexada por la ciudad de Lodi, tiene que hacerse una enmienda al Elemento de Uso de Tierra del Plan General de la ciudad y tiene que ser aprobada por la mayoría de la gente que vote en una elección municipal general.
6. Antes que cualquier propuesta de anexión pueda ser aprobada, la Mesa del Consejo de la ciudad tiene que resolver que la anexión propuesta sea contigua a los límites de la ciudad que existan y la demanda proyectada del desarrollo propuesto en la área para ser anexada no será en exceso de la capacidad de servicio de las utilidades y servicios municipales, el distrito escolar, y caminos existentes.
7. Facilidades del agua, del albanal y la electricidad no serán extendidas hasta que la Mesa de Consejo resuelva que una expansión propuesta sea consistente con los objetivos, reglas y designaciones para el uso de tierra del Plan General y esta ordenanza.
8. La ciudad de Lodi puede tener elecciones en conjunto con otras elecciones proyectadas en la ciudad por el propósito de dejar a los votantes expresar sus opiniones sobre las enmiendas al Elemento de Uso de la tierra del Plan General de la Ciudad.
9. Si cualquier porción de esta ordenanza será después determinada ser inválida, todas las porciones que queden de esta ordenanza quedarán en fuerza plena y efecto pleno, y a este punto las provisiones de esta ordenanza son separables.

SIGNER: PLEASE FILL IN ALL INFORMATION BY HAND IN INK.

Use only ball point pens. Do not use felt tip pens. No ditto marks. No abbreviations.

ALL SIGNERS OF THIS PETITION MUST BE REGISTERED IN SAN JOAQUIN COUNTY.

THIS COLUMN FOR OFFICIAL USE ONLY

SIGNATURE AS REGISTERED

ADDRESS AS REGISTERED (No Rural Routes or P.O. Box)

PRINT YOUR NAME AS REGISTERED

CITY

ZIP

Code:

CLERK'S CERTIFICATE TO INITIATIVE PETITION

I, Alice M. Reinche, City Clerk of the City of Lodi, California do hereby certify:

That the LODI GREEN BELT INITIATIVE was filed with this office on May 5, 1981.

That said petition consists of 133 sections;

That following examination by the City Clerk and the Registrar of Voter/County Clerk of the County of San Joaquin it has been determined that each section contains signatures purporting to be the signatures of qualified electors of this county;

That attached to this petition at the time it was filed was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition:

That the affiant stated his or her own qualifications, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the pronponent filed this petition it has been verified to contain the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination it has been determined the following facts are hereby attested to pertaining to this petition:

1. Number of unverified signatures filed pronponent (raw count)	4,000
2. Number of petitions verified	82
3. Number of signatures verified	2,860
a. Number of signatures found SUFFICIENT	2,627
b. Number of signatures found NOT SUFFICIENT	233

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 13th day of May, 1981.

Alice M. Reinche
ALICE M. REINCHE
City Clerk
City of Lodi, California

RESOLUTION NO. 81-54

RESOLUTION CALLING FOR A SPECIAL ELECTION

WHEREAS, a petition has been received by the City Council of the City of Lodi requesting that the following Ordinance be submitted immediately to a vote of the people at a Special Election:

"The People of the City of Lodi, California do ordain as follows:

1. It shall be the policy of the City of Lodi to protect land in the Green Belt area in order to preserve and protect agricultural land, preserve the scenic value of the area, protect wildlife habitat and natural resources and to protect the small city character of Lodi.
2. The Green Belt area shall be designated as the area between the outer limits of the incorporated city and the outer limits of the adopted sphere of influence at the adoption of this ordinance.
3. To affect the policy of the City of Lodi to protect land in the Green Belt area, non-agricultural development in the City of Lodi which lies adjacent to the Green Belt area shall be permitted only after a finding by the City Council that such non-agricultural development will not interfere with the continued productive use of agricultural land in the Green Belt area or that an adequate buffer or mitigation zone exists to assure continued productive use of agricultural land in the Green Belt area.
4. At the time of adoption of this ordinance, the Green Belt area shall be removed from the existing Land Use Element of the General Plan of the City of Lodi.
5. Before land in the Green Belt area can be annexed by the City of Lodi, an amendment to the City's Land use Element of the General Plan must be made and approved by a majority of the people voting in a city-wide election.
6. Before any annexation proposal can be approved, the City Council must make the finding that the proposed annexation is contiguous to existing city boundaries and the projected demand from the proposed development in the area to be annexed will not exceed the service capacity of existing municipal utilities and services, the school district, and existing roadways.
7. Water, sewer, and electrical facilities shall not be expanded or extended until the City Council makes the finding that a proposed expansion or extension is consistent with the goals, policies and land use designations of the General Plan and this ordinance.
8. The City of Lodi may hold elections in consolidation with other scheduled elections in the City for the purpose of allowing voters to voice their opinions on amendments to the City's Land Use Element of the General Plan.
9. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in force and effect and to this extend the provisions of this ordinance are seperable. "

WHEREAS, said petition has been certified by the City Clerk of the City of Lodi as containing sufficient signatures of qualified registered voters of the City of Lodi to require action by the City Council pursuant to State of California Election Code Section 4010.

WHEREAS, in accordance with provisions of Section 4010 of the Elections Code of the State of California, the City Council shall either:

- a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented, or
- b) Immediately order a Special Election to be held not less than 94 or more than 109 days after the date of the order, at which the Ordinance without alteration shall be submitted to a vote of the voters of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby call a Special Election to be held not less than 94 nor more than 109 days from this date to vote on the proposed ordinance heretofore set forth.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Lodi, does hereby set the date of the subject Special Election to be Tuesday, August 25, 1981.

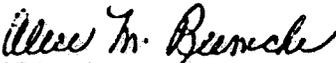
Dated: May 20, 1981

I hereby certify that Resolution No. 81-54 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 20, 1981 by the following vote:

Ayes: Councilmen - Hughes, Katnich, Murphy, Pinkerton, and McCarty

Noes: Councilmen - None

Absent: Councilmen - None


ALICE M. REIMCHE
City Clerk

NOTICE OF ELECTION

Notice is Hereby Given that a Special Municipal Election will be held in the City of Lodi on Tuesday, the 25th day of August, 1981 to vote on the following measure:

The people of the City of Lodi, California do ordain as follows:

1. It shall be the policy of the City of Lodi to protect land in the Green Belt area in order to preserve and protect agricultural land, preserve the scenic value of the area, protect wildlife habitat and natural resources and to protect the small city character of Lodi.
2. The Green Belt area shall be designated as the area between the outer limits of the incorporated city and the outer limits of the adopted sphere of influence at the adoption of this ordinance.
3. To affect the policy of the City of Lodi to protect land in the Green Belt area, non-agricultural development in the City of Lodi which lies adjacent to the Green Belt area shall be permitted only after a finding by the City Council that such non-agricultural development will not interfere with the continued productive use of agricultural

land in the Green Belt area or that an adequate buffer or mitigation zone exists to assure continued productive use of agricultural land in the Green Belt area.

4. At the time of adoption of this ordinance, the Green Belt area shall be removed from the existing Land Use Element of the General Plan of the City of Lodi.
5. Before land in the Green Belt area can be annexed by the City of Lodi, an amendment to the City's Land Use Element of the General Plan must be made and approved by a majority of the people voting in a city-wide election.
6. Before any annexation proposal can be approved, the City Council must make the finding that the proposed annexation is contiguous to existing city boundaries and the projected demand from the proposed development in the area to be annexed will not exceed the service capacity of existing municipal utilities and services, the school district, and existing roadways.
7. Water, sewer, and electrical facilities shall not be expanded or extended until the City Council makes the finding that a proposed expansion or extension is consistent with the

goals, policies and land use designations of the General Plan and this ordinance.

8. The City of Lodi may hold elections in consolidation with other scheduled elections in the City for the purpose of allowing voters to voice their opinions on amendments to the City's Land Use Element of the General Plan.
9. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in force and effect and to this extent the provisions of this ordinance are seperable.

The polls will be open between the hours of 7:00 o'clock a.m. to 8:00 o'clock p.m.

DEADLINE FOR FILING ARGUMENT

Arguments for and against the measure are to be submitted to the City Clerk on or before 5:00 p.m. on June 26, 1981.

Arguments shall not exceed 300 words in length and shall be accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted.

The Lodi City Council, in action taken at its regular meeting of May 20, 1981 adopted provisions for allowing rebuttal for this election.

Dated: May 25, 1981

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

A G R E E M E N T

THIS AGREEMENT, made this 20th day of May, 1981, between the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California, hereinafter called "COUNTY", and the City of Lodi, a municipal corporation, hereinafter called "CITY".

W I T N E S S E T H :

WHEREAS, the City desires to hold a Special Initiative Election on August 25, 1981 and make use of certain services, facilities, and equipment of the Registration-Election Department of the County and to pay the County for such use pursuant to the provisions of Section 22003 of the Elections Code;

NOW, THEREFORE, it is hereby agreed as follows:

1. The County agrees that the Registration-Election Department shall do the following things for the City:
 - (a) Furnish the City Council of the City, upon request of the City Clerk, with as many copies as may be needed of the index of registration for each precinct contained in whole or part within the area embraced by the City of Lodi, up to and including thirty (30) days prior to the election.
 - (b) Furnish maps showing all precincts embraced in whole or part by the City of Lodi.
 - (c) Address and mail voters pamphlet, absentee voter information containing sample ballots and any other election materials required to be mailed to the voters.
 - (d) Prepare list of number of registered voters in each precinct.
 - (e) Prepare index to precinct consolidation as to polling places.
 - (f) Prepare labels for sample ballots, and registration data for official ballots.
 - (g) Check and package official ballots for consolidated precincts.
 - (h) Package election supplies for delivery to precinct inspectors, provide election booths, ballot boxes, chairs, tables, and etc. for delivery to polling places, it being understood that pickup, delivery and return will be made by the City.

(i) Perform such other services as may be requested by the

City Clerk

2. The City agrees to pay the County for all services, facilities and equipment furnished by the County to the City in connection with said Special Initiative Election immediately upon receipt by the City of a statement from the Registration-Election Department setting forth the actual cost to the County for services, facilities, supplies and equipment so furnished. The County will endeavor to keep all expenses at a minimum.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

COUNTY OF SAN JOAQUIN, a political subdivision of the State of California

By _____
Chairman

Board of Supervisors

"COUNTY"

ATTEST: JORETTA J. HAYDE
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By _____ (Seal)
Deputy Clerk

APPROVED AS TO FORM:

GERALD A. SHERWIN, County Counsel

Deputy County Counsel

CITY OF Lodi, a municipal corporation

By _____
Mayor

"CITY"

James C. McCarte

ATTEST:

Alice M. Ganche

City Clerk

APPROVED AS TO FORM:

Ron Stein

City Attorney

RESOLUTION NO. 81-55

RESOLUTION PROVIDING FOR REBUTTAL ARGUMENT TO BE PLACED
ON THE BALLOT FOR THE AUGUST 25, 1981 SPECIAL ELECTION

WHEREAS, Section 4015.5 of the Elections Code of the State of California sets forth the provision that not later than the day on which the legislative body calls an election, the legislative body, by a majority vote, may adopt provisions allowing for rebuttal argument.

WHEREAS, following the adoption of such provisions, if the legislative body submits an argument against the ordinance, it shall immediately send copies of the argument to the persons filing the initiative petition. The persons filing the initiative petition may prepare and submit a rebuttal argument not exceeding 250 words. The legislative body may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words. The rebuttal arguments shall be filed with the clerk not more than 10 days after the final date for filing direct arguments. 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.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby adopt provisions allowing for rebuttal argument.

NOW, THEREFORE, BE IT FURTHER RESOLVED that pursuant to Section 4015.5 of the Elections Code of the State of California, these provisions shall apply at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accord with the procedures set forth in the Elections Code of the State of California.

Dated: May 20, 1981

Page No. 2

I hereby certify that Resolution No. 81-55 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 20, 1981 by the following vote:

Ayes: Councilmen - Hughes, Katnich, Murphy, Pinkerton, and McCarty

Noes: Councilmen - None

Absent: Councilmen - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk