



**STADIUM  
BALLOT MEASURES**

March 4, 2008  
Santa Clara City Council

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**DEFINING "BINDING"**

- Parameters for Negotiations – Not to Exceed
- Desired Outcomes – Final Approval Reserved
- Role of Good Faith and Ethics
- Politically Binding
- No Further Action Needed to Seal the Deal – CEQA Required

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**BINDING MEASURES – LEGAL ISSUES**

- Initiatives/Referenda Are Binding
  - City Must Act In Accordance with Language of Initiative/Referenda
  - Can Be Overturned By Later Initiatives or Referenda
- Advisory Measures Are Not Legally Binding, But May Be Politically Binding

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**TYPES OF BALLOT MEASURES**

- Initiative
- Referendum
- City Ballot Measures

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**INITIATIVES**

- Legislative Acts Not Reserved to Council
- Council-Sponsored Initiative
- Citizen-Sponsored Initiative (Petition Process)
  - Notice of Intent to Circulate Petition
  - Ballot Title/Summary
  - Publication/Posting
  - Signature Gathering/Verification
- City Council May Refer For Fiscal Analysis, General Plan Consistency, Land Use Analysis or "Other Matters"

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**INITIATIVES**

- Council Adopts or Submits to Voters
- Special Election: 15% of Voters and Requests; Outside 180 Days of Regular
- Regular Election: 10% of Voters (15% for Charter Amendment)
- Arguments/Impartial Analysis
- Conflicting Initiatives – Highest Number Votes

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### EFFECT OF CEQA

- CEQA – Environmental Review of "Projects"
- If City Places Measure on Ballot, Prior Completed CEQA Review Required if Measure Approves All or Part of Project
- Exceptions: Citizen Initiative, Advisory Measures; Measures That do Not Commit City to Project

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### REFERENDUM

- Legislative Acts Not Reserved To Council
- Petition Signed by 10% of Voters
- Filed with Clerk
- Valid Petition Requires Repeal of Legislative Act or Submission to Voters
- Election – 88 Days
- Vote Binding
- If Passes, Ordinance Takes Effect
- If Fails, No Similar Ordinance Within One (1) Year

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### INITIATIVE EXAMPLE

➤ Shall Ordinance No. 1636, entitled "An Ordinance of the City of Santa Clara, California, amending Article III (entitled "Card Rooms, Etc.," of Chapter Twenty-Two (entitled "Public Amusement") of "The Code of the City of Santa Clara, California" which will permit cardroom facilities," be adopted? (Measure E, Nov. 1992)

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### CITY BALLOT MEASURES

- Delegable Matters
- Majority Vote
- Advisory
- Binding – CEQA Review Required

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### REFERENDUM EXAMPLE

➤ Shall the City of Santa Clara adopt Resolution No. 07-7432, A Resolution of the City Council of the City of Santa Clara, California, Rezoning The Parcels Located At 90 N. Winchester Boulevard And Granting A Density Bonus For The Senior Housing Project For The Santa Clara Gardens Project?

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### INITIATIVE EXAMPLE

➤ Shall the Town of Los Gatos be required to construct and operate a skatepark for the free use of its citizens on its Miles Avenue property, generally conforming with plans and specifications approved by the Town, the one-time cost to design and construct not to exceed \$1,000,000, paid from existing Town funds, the annual operating cost not to exceed \$50,000, said costs to be reduced by any valuable contributions made by others? (Citizen-Sponsored, Feb. 2008)

## CITY BALLOT MEASURE - EXAMPLES

*Should the City of Menlo Park have the option of constructing sports fields, with necessary infrastructure, on not more than 17 acres of the 160 total acres at Bayfront Park, subject to obtaining all environmental clearances and regulatory agency approvals necessary to build the sports fields, using developer fees, user fees, donations, and other voter-approved parks and recreation funds?*

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## Questions?



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