



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Betsy Dirks
District No. 1

Kollin Kosmicki
District No. 2
Vice Chair

Peter Hernandez
District No. 3
Chair

Bob Tiffany
District No. 4

Bea Gonzales
District No. 5

Item Number: 2.1

MEETING DATE: 08/09/2022

DEPARTMENT: COUNTY CLERK/RECORDER/ELECTIONS

AGENDA ITEM PREPARER: Francisco Diaz

DEPT HEAD/DIRECTOR: Joe Paul Gonzalez

SUBJECT:

COUNTY CLERK/AUDITOR/RECORDER/REGISTRAR OF VOTERS - J.P. GONZALEZ

Accept Certification of the Initiative Petition to amend the San Benito County General Plan Health and Safety Element Policy HS-6.9: Sensitive Uses Near Industrial Facilities and to Establish a 3.5-Mile Buffer Around Certain Facilities; Receive Elections Code 9111 report and summary presentation; and Adopt a resolution to either adopt the initiative measure without alteration, or submit the measure, without alteration, to the voters at the next regularly scheduled statewide election.

SBC FILE NUMBER: 285

RESOLUTION: 2022-84

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Certification of the Initiative Petition

On June 2, 2022, proponents presented and filed the Initiative Petition with a raw count of 5,096 signatures to amend the San Benito County General Plan Health and Safety Element Policy HS-6.9: Sensitive Uses Near Industrial Facilities and to Establish a 3.5-Mile Buffer Around Certain Facilities.

A county initiative petition is sufficient for certification by the elections official to the Board of Supervisors if is signed by voters registered in the county not less in number than 10 percent

of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition. That minimum number is 2,060.

Pursuant to Election Code Section 9115, a random sample of 500 signatures was verified, based on the 2 California Code of Regulations, Sections 20510 - 20540, the random sampling verification methodology. The statistical valid signatures are 3,750, which is 182.0% of the minimum required valid signatures necessary to qualify for election. The sample of the initiative statistically exceeds 110% of the required signatures, per Election Code Section 9115.

Elections Code 9111

On May 24, 2022 the Board of Supervisors ordered an Elections Code 9111 report for the initiative measure. The County contracted Economic & Planning Systems, Inc. to provide the report and and summary presentation.

Elections Code 9118

The Board of Supervisors shall do one of the following: a) Adopt the measure, without alteration; or b) Submit the measure, without alteration, to the voters pursuant to Section 1405 at the next statewide election occurring not less than 88 days after the date of the order of election (November 2022).

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

CONTRACT AND RFP HISTORY:

N/A

LAST CONTRACT AMOUNT OR N/A:

N/A

STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

No

BUDGET ADJUSTMENT NEEDED:

No

SOURCE OF FUNDING:

General Fund

UNFUNDED MANDATE:

Yes

SBC BUDGET LINE ITEM NUMBER:

101.20.1115.1000

CURRENT FY COST:

Measure Cost \$30k - \$40k

STAFF RECOMMENDATION:

1. Accept Certification of the Initiative Petition to amend the San Benito County General Plan Health and Safety Element Policy HS-6.9: Sensitive Uses Near Industrial Facilities and to Establish a 3.5-Mile Buffer Around Certain Facilities.
2. Receive Elections Code 9111 report and summary presentation.
3. The Board of Supervisors shall do one of the following: a) Adopt the measure, without

alteration; or b) Submit the measure, without alteration, to the voters pursuant to Section 1405 at the next statewide election occurring not less than 88 days after the date of the order of election (November 2022).

ATTACHMENTS:

[County Clerk Certification](#)

[Resolution_Calling_for_Election_on_Initiative_Measure rev 8-2-22](#)

[222078 Buffer 9111 Final Report](#)

[222078 Buffer 9111 Presentation Wide Format.pptx](#)

[222078 Buffer 9111 Presentation Wide Format.pdf](#)