

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: June 19, 2024

To: Mayor and Town Council
From: Irene Camacho-Werby, Town Clerk / Public Information Officer
Jose Sanchez, Town Attorney
Subject: Certificate of Sufficiency for Voter Initiative to Amend Title XI of the Town's Municipal Code to Allow the Town Council to Approve Agreements for Solid Waste Collection Services for a Term Longer Than Ten Years and Without Competitive Bidding and Options related to the Initiative, Including Adoption of a Resolution to Submit the Initiative to Town Voters at the General Municipal Election on the November 5, 2024

Recommendation to Council:

1. Receive, file, and accept the Certificate of Sufficiency of Petition Signatures from the County of Sonoma Registrar of Voters for the Citizen Initiative.
2. Consider the following with regard to the Initiative:
Adopt a resolution calling for submission to Town voters at the November 5, 2024, General Municipal Election, of an Initiative Allowing the Town Council to Approve Agreements for Solid Waste Collection Services for a Term Longer Than Ten Years and Without Competitive Bidding. The resolution includes a proposed ballot question, authorized the filing of ballot arguments, and direction to the Town Attorney to prepare an impartial analysis of the Initiative.

Strategic Plan Element:

The recommended action supports the goal of Organizational Effectiveness. Goal Statement: Achieve a high performing organization by nurturing an engaged workforce committed to a shared vision of public service.

Background:

Proposed Citizen Initiative

On March 27, 2024, the Town Clerk's Office received a Notice of Intention (NOI) (Attachment 2) to circulate a petition related to the Town's requirement to competitively bid its solid waste collection franchise agreement at least every 10 years. The initiative proponents are: Linda Garth, Alissa Johnson, and Jo Timmsen; all residents and registered voters of the Town of Windsor, as verified by the County of Sonoma Registrar of Voters (ROV).

According to the text of the NOI, its purpose would allow "the Town to either initiate a competitive procurement process for waste services or not-whichever is in the best interest of the Town. This proposal would repeal the Refuse, Recycling and Composting Competitive Bid Ordinance and replace it with the proposed Waste Collection Services Act of 2024, and will produce the following outcomes: a) maintain Town control over the provision of waste services, ensuring compliance and accountability; b) allow the Town to either initiate a competitive procurement process for waste services or not-whichever is in the best interest of the Town; c) ensure stabilized rates through the ability always to choose the path that produces the highest value for Town residents and businesses; d) ensure continuity of services

and regulatory compliance; e) eliminate unnecessary disruptions to residents and businesses in Windsor.”

As required by Elections Code §9203(b), the proponents were provided the Town Attorney’s ballot title and summary for their proposed initiative within 15 days of filing their proposed initiative. Prior to circulation of petition, the proponents published their NOI in The Press Democrat (April 17, 2024, edition), an adjudicated newspaper of general circulation (Elections Code §9205).

On May 20, 2024, signatures totaling 2,484 were submitted to the Town Clerk’s Office to conduct a prima facie review. Elections Code §9215, requires that the petition is signed by not less than 10 percent (10%) of the voters in the Town of Windsor in order to seek qualification. The last report by the Secretary of State dated February 2024, showed 16,778 Registered Voters for the Town of Windsor, making the minimum required petition signatures equal to or greater than 1,678.

Following the prima facie review, all 2,484 signatures were delivered to the ROV to complete signature examination and verification. As allowed by Elections Code §9115, a random count of 500 signatures were pulled for verification. Based on the County's random count, it was determined that the signatures required to call for the submission of this item to the voters have been met.

Current Windsor Municipal Code Title XI Solid Waste Management – Competitive Bid Requirements: On November 5, 1996, the voters of Windsor approved Measure S, requiring the Town’s refuse, recycling and compost collection agreements be subject to competitive bidding and shall not exceed a term of ten (10) years, including any extension periods.

Voter approval is required to amend voter-approved initiatives. Typically, Council would have four options: 1) directly adopt the ordinance, without alteration, at its regular meeting where certification of the petition is presented; 2) submit the Initiative to the voters at the next regular municipal election occurring at least 88 days later; 3) submit the Measure to the voters at a special municipal election occurring on a Tuesday between 88 and 103 days after the Town Council calls the election; or 4) order a report that discusses the initiative’s impact on a range of municipal matters (referred to as a “9212 report” because it is authorized by Elections Code section 9212). Because this Initiative proposes to amend a voter-approved action, the recommendation to Council is to consider option (2). Option (3), a special election, is also available but likely to be substantially more expensive.

The proposed resolution sets in motion option (2). It calls an election on the Initiative, to be held on November 5, 2024; submits the question to the voters at that election; requests that County of Sonoma conduct the election on behalf of the Town; directs the Town Attorney to prepare an impartial analysis of the measure; and sets deadlines for arguments and rebuttals.

Estimated Election Costs

Sonoma County has been officially designated a bilingual county due to the results of census data. All ballots for all elections will be printed in both English and Spanish. Additionally, all the voter information guides that include instructions, measures, arguments, etc., will also be printed in both English and Spanish. Staff are utilizing the cost estimates provided by the Sonoma County Registrar of Voters for the Town of Windsor.

Discussion:

The petition has been found to be sufficient, therefore the Town Clerk is presenting the certification of the results of the examination to the Town Council.

The Town Council, an elected body, has a duty to consider initiatives under their jurisdiction and

authority. The Council's options for this petition are:

- a. Submit the petition as a Measure to the voters at the next regular municipal election occurring at least 88 days later. The next regular municipal election upon which this Measure can be placed will be November 5, 2024. Its cost would be estimated up to \$55,000; or
- b. Submit the Measure to the voters at a special municipal election occurring on a Tuesday between 88 and 103 days after the Town Council calls the election. Its cost would be estimated up to \$160,000; or
- c. Order the preparation of a report pursuant to Elections Code Section 9212

Fiscal Impact:

This is a citizen initiative. Elections funds have been allocated for the November 5, 2024, General Municipal Election for three (3) elected Council seats. A budget amendment may be required following the total cost of the election with an added ballot measure.

Environmental Review:

The recommended action is not subject to review under the California Environmental Quality Act (CEQA).

Attachment(s):

1. Resolution with Exhibit
2. Town Attorney Title and Summary for Initiative
3. Notice of Intent to Circulate
4. County Certificate of Sufficiency
5. 1996 Measure S - XX Competitive Bidding for Town Refuse-Recycling and Composting

Prepared by:

Irene Camacho-Werby
Town Clerk / Public Information Officer

Reviewed by:

Jose Sanchez
Town Attorney

Recommended by:

Jon Davis
Town Manager