

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SAN BENITO CALLING A SPECIAL ELECTION AND  
CONSOLIDATING IT WITH THE MARCH 3, 2020 STATEWIDE PRIMARY  
ELECTION FOR THE PURPOSE OF ENABLING THE VOTERS OF SAN BENITO  
COUNTY TO APPROVE OR REJECT ORDINANCE NO. 991**

**WHEREAS**, Ordinance No. 991 was duly passed and adopted by the San Benito County Board of Supervisors on September 24, 2019; and,

**WHEREAS**, Ordinance No. 991 amended current San Benito County Code by amending Sections 25.05.001, 25.03.002, and 25.16.001 and amending Chapter 25.16 to add Article IV "Regional Commercial (C-3) District", thus creating the zoning text for Regional Commercial (C-3) zoning districts;

**WHEREAS**, pursuant to California Government Code section 25123, Ordinance 991 does not become effective until 30 days after its adoption; and

**WHEREAS**, pursuant to Elections Code § 9144, a referendum petition against Ordinance No. 991 was circulated within San Benito County and submitted to the Clerk of the Board and subsequently filed with the San Benito County Clerk/Registrar of Voters on October 23, 2019, which was prior to the effective date of Ordinance No. 991; and

**WHEREAS**, the referendum petition against Ordinance No. 991 has been certified by the County Clerk/Registrar of Voters as containing verified signatures of registered voters equal in number to at least ten percent of the entire vote cast in San Benito County for all candidates for Governor at the last gubernatorial election pursuant to Elections Code sections 9144, 9145, and 9146 (the "Certificate of Sufficiency"); and

**WHEREAS**, the County Clerk/Registrar of Voters presented the Certificate of Sufficiency to the Board of Supervisors at its regular meeting on November 19, 2019, which was received and ordered filed by the Board of Supervisors at that meeting; and

**WHEREAS**, pursuant to Elections Code sections 9145 and 9146, the Board of Supervisors is required to take one of the following actions:

Adopt an ordinance that repeals Ordinance No. 991; or

Adopt a resolution calling for an election and placing Ordinance No. 991 on the ballot for either the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order, both for the purpose of enabling the voters of San Benito County to approve or reject Ordinance 991; or

**WHEREAS**, it is in the best interests of the County of San Benito and its citizens to call an election and place Ordinance No. 991 on the ballot for the March 3, 2020 Statewide Primary Election.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of San Benito, State of California, pursuant to the provisions of Elections Code section 9145, hereby orders and proclaims that Ordinance No. 991 shall be submitted to the voters of the County of San Benito at the Statewide Primary Election to be held and conducted on the 3rd day of March, 2020. The manner of holding the election and the procedure for voting for and against the question presented shall be as set forth in the Elections Code for a general election.

**BE IT FURTHER RESOLVED** that the County Clerk/Registrar of Voters is directed to assign an appropriate letter to this measure in a manner consistent with Elections Code section 13116.

**BE IT FURTHER RESOLVED** that, in accordance with section 13120 of the Elections Code, the following measure shall be submitted to the voters of San Benito County as a measure on the ballot at said statewide primary election, and that the County Clerk/Registrar of Voters be, and hereby is, instructed to place the same on the ballot at said election in the following form:

Shall Ordinance No. 991, An Ordinance of the Board of Supervisors of the County of San Benito Amending the San Benito County Code to add text relating to the "Regional Commercial (C-3) District" be adopted?

YES

NO

**BE IT FURTHER RESOLVED** that the text of Ordinance 991 of the proposed measure to be submitted to the voters is attached as Exhibit "A".

**BE IT FURTHER RESOLVED** that the entire text of Ordinance No. 991 shall not be printed in the voter information section of the sample ballot and, instead, pursuant to Elections Code section 9160, there shall be printed immediately below the County Counsel's impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at 831-636-4016 and a copy will be mailed at no cost to you."

Pursuant to Elections Code section 9160, the County Clerk/Registrar of Voters may, at her discretion, add the following message.

"You may also access the full text of the measure on the County Web site at the following Web site address, [www.sbcvote.us](http://www.sbcvote.us)."

The County Clerk/Registrar of Voters may additionally alter the above message to specify a direct link to the full text if located on a webpage other than [www.sbcvote.us](http://www.sbcvote.us)

**BE IT FURTHER RESOLVED** that Elections Code sections 9160, *et seq.*, shall apply to this election.

**BE IT FURTHER RESOLVED** that the impartial analysis by the County Counsel in the form required by Elections Code section 9160 (b) shall be prepared and filed with the County Clerk/Registrar of Voters on a date to be determined by the County Clerk/Registrar of Voters pursuant to Elections Code section 9163.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby directs the County Auditor to review the measure and determine if the substance of the county ballot measure, if adopted, would affect the revenues or expenditures of the county, and thereafter to prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted.

**BE IT FURTHER RESOLVED** that this Proclamation of Election is hereby issued for said election and the measure to be voted on in accordance with the terms hereinabove stated.

**BE IT FURTHER RESOLVED.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided for by law.

**DULY PASSED AND ADOPTED** this 19th day of November, 2019 by the Board of Supervisors of the County of San Benito by the following vote:

AYES: Supervisor(s)  
NOES: Supervisor(s)  
ABSENT: Supervisor(s)  
ABSTAIN: Supervisor(s)

By: \_\_\_\_\_  
Mark Medina, Chair

ATTEST:  
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM  
Barbara Thompson, County Counsel

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



EXHIBIT “A”