

**RESOLUTION NO. 2015-293**

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2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,  
3 CALIFORNIA, IMMEDIATELY ORDERING A SPECIAL ELECTION TO BE  
4 HELD PURSUANT TO ELECTIONS CODE SECTIONS 1410 AND 9237  
5 ON TUESDAY, FEBRUARY 23, 2016, A DATE SET BY THE CITY  
6 COUNCIL THAT IS MORE THAN 88 DAYS FROM THE DATE OF THE  
7 ORDER TO HOLD A SPECIAL ELECTION PURSUANT TO ELECTIONS  
8 CODE SECTION 9241, AT WHICH TIME ORDINANCE NO. CS-283  
9 ADOPTING THE AGUA HEDIONDA SOUTH SHORE SPECIFIC PLAN  
10 SHALL BE SUBMITTED TO A VOTE OF THE REGISTERED VOTERS OF  
11 THE CITY OF CARLSBAD  
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13 WHEREAS, subsequent to the August 25, 2015 City Council decision to adopt the Agua  
14 Hedionda South Shore Specific Plan (Ordinance No. CS-283 ("Ordinance")), a citizen-led  
15 referendum petition was initiated. The referendum petition is entitled, "Referendum against  
16 an Ordinance Passed by the Carlsbad City Council Ordinance No. CS-283;" and  
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18 WHEREAS, the proponents of the referendum, Citizens for North County, circulated  
19 the referendum petition for signatures within the thirty days following the adoption of the  
20 Ordinance. On September 24, 2015, the referendum petition was filed with the Carlsbad City  
21 Clerk. The City Clerk completed a prima facie review of the petition and delivered the  
22 petition to the San Diego County Registrar of Voters on September 25, 2015; and  
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24 WHEREAS, the County of San Diego Registrar of Voters received the filed petition  
25 and, from the records of voter registration, reviewed it to ascertain whether the petition was  
26 signed by the requisite number of registered voters in the City of Carlsbad. On October 27,  
27 2015, the Registrar of Voters completed its review and delivered a certificate of the results  
28 to the Carlsbad City Clerk. The certification indicated that the Registrar of Voters had  
verified the referendum petition as sufficient under the provisions of Elections Code sections  
9239 and 9240, and that it was signed by at least 10% of the registered (6,523 signatures)

1 voters of the City of Carlsbad pursuant to Elections Code section 9237. Elections Code  
2 sections 9240 and 9114 provide that the City Clerk shall certify the results of the review of  
3 the County of San Diego Registrar of Voters examination to the City Council at its next  
4 regular meeting; and

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6 WHEREAS, on November 3, 2015, the City Council adopted Resolution No. 2015-276  
7 certifying the results of the Registrar of Voters sufficiency examination of the referendum  
8 petition filed against the Agua Hedionda South Shore Specific Plan Ordinance (CS-283). The  
9 effect of the certification is that Ordinance No. CS-283 is now suspended and the City  
10 Council's adoption of Ordinance No. CS-283 no longer has any legal effect; and

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12 WHEREAS, pursuant to Elections Code Section 9237, the City Council as the legislative  
13 body is required to either repeal the Ordinance or submit it to the registered voters of the  
14 City of Carlsbad for their consideration; and,

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16 WHEREAS, the City Council has reconsidered the Ordinance including options of repeal;  
17 placement before the voters on a special election date; and placement before the voters on  
18 the next regular municipal election date for the City of Carlsbad. Under Elections Code  
19 Section 1410, any election set must be more than eighty-eight (88) days after the election is  
20 ordered; and

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22 WHEREAS, the City Council has determined to place the referendum on a Special  
23 Election ballot on Tuesday, February 23, 2016 and hereby requests the County of San Diego  
24 Registrar of Voters to conduct the election; and

25  
26 WHEREAS, the City Council hereby authorizes the City Clerk and City staff to take all  
27 steps necessary to assist in the placement of the referendum question before the Carlsbad  
28 voters on Tuesday, February 23, 2016 on a Special Election Ballot.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad,  
2 California, as follows:

3 SECTION 1. That the above recitations are true and correct.

4 SECTION 2. That pursuant to the requirements of Elections Code Section 13120 and  
5 other applicable provisions of the Elections Code, there is called and ordered to be held in  
6 the City of Carlsbad, California, on Tuesday, February 23, 2016, a Special Municipal Election  
7 for the purpose of submitting the following question:  
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10 Shall Ordinance No. CS-283 of the Carlsbad City Council 11 adopting the Agua Hedionda South Shore Specific Plan (203.4 12 acres east of the I-5 freeway between the Agua Hedionda 13 Lagoon and Cannon Road), which designates 21.6 acres of 14 additional open space, for a total of 176.7 acres of open 15 space for public access, preservation of natural habitat, and 16 agriculture, along with development of 585,000 square feet 17 of visitor-serving commercial uses on 26.7 acres be adopted?	Yes <input type="checkbox"/>
	No <input type="checkbox"/>

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19 SECTION 3. That the complete text of the ordinance submitted to the voters is  
20 incorporated herein by reference. Said Ordinance shall be on file with the City Clerk and a  
21 copy shall be forwarded, at no cost, to any voter requesting a full text of the Ordinance,  
22 pursuant to Elections Code 9280.

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24 SECTION 4. That the ballots used at the election shall be in form and content as  
25 required by law.

26 SECTION 5. That the City Clerk is authorized, instructed and directed through the  
27 County of San Diego Registrar of Voters to procure and furnish any and all official ballots,  
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1 notices, printed matter and all supplies, equipment and paraphernalia that may be necessary  
2 in order to properly and lawfully conduct the election.

3 SECTION 6: That the city shall reimburse the County of San Diego Registrar of Voters  
4 for reasonable and actual election services performed when the work is completed and upon  
5 presentation to the City of a properly approved bill.  
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7 SECTION 7: That the polls shall be open on the day of election between the hours  
8 that the governing body determines, but not less than eight consecutive hours. The hours of  
9 opening and closing the polls shall be specified in the notice of election, or shall otherwise be  
10 the same as provided for general elections. Before the precinct board receives any ballots, it  
11 shall cause it to be proclaimed aloud at the place of election that the polls are open,  
12 pursuant to Election Code Section 10242, except as provided in Election Code Section 14401.  
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14 SECTION 8: That in all particulars not recited in this resolution, the election shall be  
15 held and conducted as provided by law for holding municipal elections.

16 SECTION 9: That notice of the time and place of holding the election is given and the  
17 City Clerk is authorized, instructed and directed to give further or additional notice of the  
18 election, in time, form and manner as required by law.  
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20 SECTION 10: That the City Clerk shall certify to the passage and adoption of this  
21 resolution and enter it into the book of original resolutions.

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PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad, California on the 17<sup>th</sup> day of November 2015, by the following vote to wit:

AYES: Hall, Blackburn, Schumacher, Wood, Packard.

NOES: None.

ABSENT: None.



Matt Hall, Mayor

ATTEST:



Barbara Engleson, City Clerk

