RESOLUTION 2018-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR CALLING FOR AN ELECTION AND ORDERING THE SUBMISSION OF A MEASURE AMENDING THE DEL MAR CITY CHARTER TO THE QUALIFIED VOTERS OF THE CITY; REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO CONSOLIDATE THE ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, AND THAT ELECTION SERVICES BE PROVIDED BY THE SAN DIEGO COUNTY REGISTRAR OF VOTERS; AND SETTING THE BALLOT LANGUAGE

WHEREAS, the City of Del Mar ("City") desires greater local control regarding land use and zoning as provided for by State law; and

WHEREAS, Article XI, section 3(a) of the California Constitution requires that an election be held to adopt, amend or revise a city charter; and

WHEREAS, Government Code section 34458 requires that the City Council hold at least two public hearings prior to submitting any proposed charter amendment to the voters; and

WHEREAS, the City held public hearings on its proposal to amend the charter to provide it greater local control with respect to land use and zoning matters on May 7th and June 18th, 2018; and

WHEREAS, a regularly scheduled general election for members of the City Council has been established for the date of November 6, 2018; and

WHEREAS, the City Council desires to consolidate the election on the charter amendment with the regularly scheduled election for members of the City Council; and

WHEREAS, this Resolution approves and proposes to the electorate the adoption of an amendment to the City Charter (specifically, sections 201 and 202) which, if approved, would establish greater local control regarding land use and zoning where provided for by State law; and

WHEREAS, the City Council finds that submission of the City Charter Amendment to the voters will not result in a direct or reasonably foreseeable indirect physical change in the environment, and that under CEQA Guidelines sections 15060(c)(2) & (3) and 15378 (b)(2) & (4), this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). Pursuant to CEQA Guidelines section 15378(b)(2), the City Charter Amendment is not a project pursuant to CEQA.
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Del Mar that:

SECTION 1. Pursuant to its right, power and authority under the laws of the State of California and the City of Del Mar Municipal Code, the City of Del Mar hereby calls an election at which it shall submit to the qualified voters of the City a measure that, if approved, would amend the City Charter. This measure shall be designated by letter by the San Diego County Registrar of Voters. Pursuant to Elections Code section 10400, et seq., the election for this measure shall be consolidated with the previously established election to be conducted on November 6, 2018.

SECTION 2. The measure that shall appear on the ballot shall be incorporated by reference and printed in the voter pamphlet as follows:

PROPOSED CHARTER AMENDMENT

The portions of the Del Mar charter to be added are underlined and the portions to be deleted are printed in strike-out type.

Article II – Powers of City

Section 201. Subject to general laws. General Laws.
Except as otherwise expressly provided in this Charter, the City shall be subject to and governed by the general laws of the State, as now and hereafter existing, relating to cities organized under said general laws, and shall have and may exercise all the rights, powers and privileges and be subject to all the restrictions, limitations and procedures granted or imposed by said general laws upon such general law cities. The City shall act consistently with the City’s General Plan (Community Plan).

The City of Del Mar reserves all rights, including the right of home rule, to exercise the maximum local control allowed by the California Constitution over local affairs. While the City shall act consistently with the City’s General Plan (Community Plan), this reservation of home rule authority includes, but is not limited to, all other land use and zoning matters as follows:

a. Any Specific Plans
b. Zoning
c. Subdivisions
d. The City’s Local Coastal Program
e. Housing and the implementation of the City’s Housing Element
f. Any other land use regulation applicable to the City
SECTION 3. The proposed City Charter Amendment shall be submitted to the voters on the ballot in the form of the following question:

<table>
<thead>
<tr>
<th>City of Del Mar</th>
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<tr>
<td>Shall the measure amending the City Charter of the City of Del Mar (Sections 201 and 202), to establish greater local control regarding land use and zoning where consistent with the City’s General Plan (Community Plan) and where provided by State law, be adopted?</td>
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<tr>
<td>YES</td>
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<tr>
<td>NO</td>
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</tbody>
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SECTION 4. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. That the City Clerk is authorized, instructed and directed to procure and furnish any and all election materials that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the City requests for this measure to be treated by the County of San Diego pursuant to Resolution No. 2018-30 approved on June 4, 2018, wherein the City: requested that the County agree to consolidate the General Municipal Election with the Statewide General election; requested that the Registrar of Voters of the County of San Diego canvass the returns and hold the election as if it were only one election with one form of ballot; requested that the Board of Supervisors issue instructions to the Registrar of Voters to take any and all steps for the holding of the consolidated election; and agreed to reimburse the County for any additional costs to consolidate the election.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
SECTION 10. That the City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the ballot.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 16th day of July 2018.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Bevane, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Ashley Jones, Administrative Services Director of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 2018-45, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 16th day of July 2018, by the following vote:

AYES: Mayor Worden, Deputy Mayor Druker, Council Members Haviland, Park, and Sinnott
NOES: None
ABSENT: None
ABSTAIN: None

Ashley Jones, Administrative Services Director/City Clerk
City of Del Mar