

# REPORT

To the Honorable Mayor and City Council  
From the City Clerk and City Attorney

August 5, 2004

**Subject**

Consideration and action regarding petition for referendum of Ordinance No. 1130-332, (Marina Shores) rezoning property located at Peninsula Marina, Pete's Harbor, Uccelli Road and Bair Road

**Recommendation**

Provide direction as necessary

**Background**

On June 28, 2004, the City Council adopted three ordinances related to the Marina Shores Village Residential/Commercial Project.

On July 27, 2004, a referendum petition was filed in the City Clerk's Office to repeal Redwood City Zoning Ordinance 1130-332, adopted on June 28, 2004, to rezone property located at the Peninsula Marina, Pete's Harbor, Uccelli Road and Bair Island. The power of the referendum is reserved to the people of the State by Article 2, Section 9 of the California Constitution. The statutory authority is found in California Elections Code section 9235, et seq.

Elections Code section 9235 provides that no city ordinance shall become effective until 30 days from its final passage. If a valid referendum petition is filed within the 30-day period, then the newly enacted ordinance the petition is seeking to repeal is suspended and does not become effective and may not be implemented until and unless it is approved by a majority of the voters. The referendum power is subject to constitutional and statutory exceptions that do not apply in this case.

For a petition to be valid, it must be timely filed, bear the signatures of ten percent (10%) of the registered voters of the city, and be in proper form. The official number of registered voters of the City of Redwood City based on the last report sent to the Secretary of State is 32,088. The minimum number of signatures needed to qualify at 10% is 3209. If the petition on its face is signed by the requisite number of voters, the City Clerk then has thirty (30) days to examine the validity of all or a random sample of the signatures on the petition. The referendum petition, which included 563 sections and 3967 signatures (prima facie), was determined to be valid and filed.

On July 28, 2004, the referendum petition was delivered to the San Mateo County Elections Office with a written request for both a random and complete signature verification of all 563 sections within 30 working days. Upon certification of a referendum petition, the City Council may either repeal the ordinance or submit the ordinance to the voters. The City Council may also choose to submit the ordinance to the voters without a petition.

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The alternatives presented to the City Council are as follows:

Alternative 1

If the San Mateo County Chief Elections Officer determines that less than 3209 valid signatures have been obtained for a referendum on Ordinance No. 1130-332 (Marina Shores), the city council is not required to take any action and Ordinance No. 1130-332 shall be recognized as having taken effect as of July 29, 2004.

Alternative 2

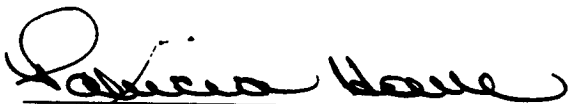
If the San Mateo County Chief Elections Officer determines that more than 3209 valid signatures have been obtained for a referendum on Ordinance No. 1130-332 (Marina Shores), the City Council may proceed under the California Elections Code and direct the City Clerk to return at its next regular meeting to certify the results of the petition for referendum. At said meeting (August 9, 2004) of the City Council, the Council shall either

- A. repeal Ordinance No. 1130-332; or
- B. submit the ordinance to the voters at the next regular election or a special election called for that purpose occurring not less than 88 days after the order of the City Council. As the next available date for holding an election is less than 88 days, the city council may not order the matter placed on the November 2, 2004 state-wide general election ballot.

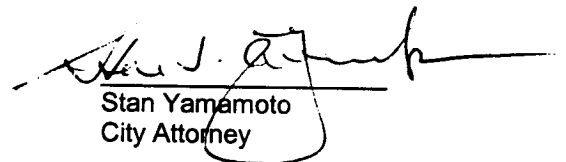
Alternative 3

Irrespective of whether the San Mateo County Chief Elections Officer determines that more or less than 3209 valid signatures have been obtained for a referendum on Ordinance No. 1130-332 (Marina Shores), the City Council may proceed unilaterally to submit Ordinance No. 1130-332 to the voters. If the desire of the City Council is to place the ordinance before the electorate on November 2, 2004, then no later than August 6, 2004, the City Council must adopt a resolution(s):

- A. Calling a special election of the City of Redwood City for November 2, 2004 for the submission of a referendum to the voters;
- B. Requesting that the San Mateo County Board of Supervisors consolidate said special election with the state-wide general election to be held on November 2, 2004;
- C. Requesting that pursuant to written agreement, San Mateo County furnish such election services as may be required to conduct said special election;
- D. Set forth the ballot measure to be voted upon by the electorate of the City of Redwood City;
- E. Direct that any primary or rebuttal arguments with respect to the ballot measure be filed with the City Clerk in accordance with the Presidential General Election Calendar established by the San Mateo County Chief Elections Officer; and
- F. Direct the City Attorney's Office to prepare and submit an impartial analysis of Ordinance No. 1130-332 (Marina Shores) in accordance with the above-described Presidential General Election Calendar.



Patricia Howe  
City Clerk



Stan Yamamoto  
City Attorney