



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: November 7, 2023
ITEM #: I.9
SUBJECT: Ballot Argument Concerning Measure M - Funding and Construction of the Lower Cache Creek Flood Risk Management Project on the March 5, 2023 Ballot

Recommended Action: Staff recommends that the City Council establish a council subcommittee and appoint Mayor Pro Tempore Garcia Cadena and Councilmember Stallard as committee members to prepare the ballot argument for Measure M concerning the Lower Cache Creek Flood Risk Management Project on the March 5, 2023 ballot.

Staff Contact:

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Fiscal Impact:

None at this time.

Background:

At its October 17, 2023 meeting, the City Council adopted Resolution No. 8167 placing a Measure on the Consolidated Statewide Presidential Primary Election Ballot of March 5, 2024 Amending Section 8.12.010 of Chapter 8.12 of the Woodland Municipal Code. If approved, the measure would authorize the City to accept a federal and state contribution of at least \$300,000,000 or 99% of the total project costs and to further authorize the construction of the Lower Cache Creek Flood Risk Management Project. The Resolution has been submitted to the Clerk of the Yolo County Board of Supervisors and the Yolo County Registrar of Voters and the Registrar of Voters has confirmed receipt and assigned the letter **M** for the City's measure.

The California Elections Code sets rules and deadlines for filing of written arguments and rebuttals regarding city measures that will appear in the voter information guide. Consistent with California Elections Code Section 9282, the following may write an argument for or against the measure:

- (i) the City Council or any member(s) of the City Council,
- (ii) any individual voter eligible to vote on the above measure,
- (iii) a bona fide association of such citizens or
- (iv) any combination of voters and associations.

The deadline to submit primary arguments is set for November 21, 2023 at 5:00 p.m. Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Discussion:

Staff is recommending the Council, as the City's legislative body, submit an argument regarding the local measure pursuant to the law cited above.

To do so, staff asks the Council to appoint a subcommittee of two members to draft and file the argument, subject to the following procedures:

- The argument should be written by the individual Councilmember or the subcommittee members *privately*, without using public work time or public resources to avoid the potential of prohibited government-funded advocacy. Therefore, City staff, the City Attorney's Office and other consultants may not draft or consult on the argument at public expense.
- When complete, the argument should be filed directly with the City Clerk as required by the Elections Code and the Resolution. It should not be returned for full Council discussion as that would be using a publicly funded meeting to write a partisan argument for or against the measure.
- The authors of the argument would have the opportunity to write a 250-word rebuttal to the opposite-side argument regarding the measure. The rebuttal will be due December 1, 2023 at 5:00 p.m. and must be written and filed in the same way as the argument.

Staff's recommendation includes the appointment of Mayor Pro Tempore Garcia-Cadena and Councilmember Stallard to serve as the subcommittee members. Mayor Pro Tempore Garcia-Cadena represents District 3, which contains the largest number of parcels, and most number of residential households, affected by the flood plain. Councilmember Stallard has had the most experience and history in working to bring a solution for flood protection for Woodland.

Alternatively, the Council can decide not to submit an argument regarding the measure in the name of the City Council. In that case, no action would be necessary on this item. Staff notes that individual City Councilmembers could still submit arguments and rebuttals for or against the measure like any other Woodland voter, subject to the applicable rules and deadlines.



Ken Hiatt
City Manager

Attachments:

None