



Agenda Item No. 18.

Staff Report

Date: September 12, 2019

To: Mayor Brekhus and Councilmembers

From: Joe Chinn, Town Manager

Subject: Discussion of Branson School Initiative Petition Process and Possible Direction to Staff to Prepare an Elections Code 9212 Report on the Initiative Measure

Recommendation

Town Council discussion of the Branson School Initiative Petition Process and possible direction to staff to prepare an Elections Code 9212 Report on the initiative measure.

Background and discussion

Branson School has filed with the Town of Ross an initiative petition entitled "Support for Community Schools Initiative." The proposed initiative seeks to amend the 1978 adopted ballot measure that capped Branson student enrollment at 320 by increasing the student enrollment cap at up to 420 students. In order for this to happen, the initiative has to be placed on a ballot to be voted on by the voters of Ross. Branson is seeking to place the initiative/measure on the ballot at the March 3, 2020 election.

The process to place a measure on the ballot contains numerous steps. Branson representatives circulated the petition for signatures and filed the Initiative petition with the Town Elections Official (Town Clerk Linda Lopez) on August 19. The Election Code requires that the petition receive signatures from at least 10% of registered voters in Ross (162 valid signatures in this case) to be able to be placed on the ballot. The Town Elections Official has 30 days (excluding weekends and holidays) to verify the requisite number of signatures. The signatures are currently being verified by the Registrar of Voters office. After completion of the signature verification, the Elections Official shall certify the results to the Council at their next regular meeting.

If the petition has sufficient signatures, the Council must submit the ordinance, without alteration, to the voters or order a report at the regular meeting at which the certification of the petition is presented. If the Council orders a report, Town staff shall have 30 days to prepare and present the report to the Council. The report may include, amongst other factors, the following:

the initiative measure's fiscal impact, general plan consistency, effect on the use of land, and/or impacts on transportation, schools, traffic, and parks. Following receipt of the report, the Council must submit the ordinance, without alteration, to the voters.

The Council has the option, at its September 12 or October 10 Town Council meeting, of referring Branson's initiative measure to staff to prepare the report described above. If the Council wishes to do this, staff will present the report to the Town Council within the time prescribed by the Council, but no later than 30 days after the City Clerk certifies to the Town Council the sufficiency of the petition (Elections Code 9212).

If the ballot initiative passes with a majority of yes votes from the voters, Branson does not automatically get to increase the enrollment cap of the school. The passage of the Initiative causes the Town's Municipal Code to be changed to allow there to be up to 420 students instead of being capped at 320 students. Any future increase above the existing 320 student limit requires Council approval of a new or amended Use Permit, which is a discretionary action of the Council. In addition, if any new facilities are needed to accommodate the increased enrollment, then Branson would need to apply and receive any other entitlements and/or development permits (such as design review, a nonconformity permit, and/or a variance). The Use Permit and potential needed development permits would require environmental analysis pursuant to CEQA.

Fiscal, resource and timeline impacts

Just staff time related to preparing this report.

Alternative actions

This is a discussion item only.

Environmental review (if applicable)

None

Attachments

None