April 4, 2011

The Honorable City Council
Palo Alto, California

City Clerk’s Report Certifying Sufficiency of the City of Palo Alto Green Energy and Compost Initiative and Direction to Call Special Election

BACKGROUND

The ordinance petition regarding the City of Palo Alto Green Energy and Compost Initiative has been checked by the Register of Voters and found to contain 5,128 valid signatures. A copy of the Certificate of Sufficiency of the Charter Amendment Petition is attached.

Palo Alto Charter Article VI, Section 2 provides that if a petition is signed by twelve (12) percent of the registered voters of the city according to the last General Municipal Election (GME) and contains a request for a Special Election, the Council must either pass the ordinance or call a Special Election. The last GME occurred on November 3, 2009 with 36,300 registered voters, which means that 4,356 signatures would be required for a Special Election.

Section 8 of the petition titled “Conditional Request for Special Election” stated: “If the required signatures are obtained, petitioners request that this Initiative be submitted to the voters in 2011.”

Both requirements for conducting a Special Election on an Initiative Measure have been satisfied. With most initiative measures the Council has the option to either pass the ordinance itself or call a Special Election. However, since the petition would require the un-dedication of parkland, Article VIII of the Charter requires a majority vote of the electorate. Therefore, Council must submit the matter to a Special Election.

Last week the Registrar of Voters provided me with an updated estimate of the costs to have an election in 2011. If we were to have a measure in November 2011 the estimated costs would be $305,100. These costs do not include the costs for reviewing the petitions for qualification, which normally run around $20,000, nor does it include the costs of legal notices that would cost approximately $15,000.

Election Code Section 1405 (a) requires that a Special Election be conducted not less than 88 nor more than 103 days after the date of the order of the election. To comply
with this provision of the Election Code, staff will need to return some time between July 28, 2011 and August 12, 2011 with a Resolution to call the Special Election.

RECOMMENDATION

The City Council is respectfully requested to direct staff to return on August 1, 2011 with a resolution calling a Special Election for November 8, 2011 on the Initiative Measure. This would meet the requirement of the petition for an election to occur in 2011, and would be the most cost effective for the budget.

Attachments:
Initiative Measure
Certificate of Sufficiency

ATTACHMENTS:

- a: Palo Alto Green Energy and Compost Initiative Petition (PDF)
- b: certificate of petition sufficiency (PDF)

Department Head: Donna Grider, City Clerk
Petition for Submission to Voters of the City of Palo Alto

The proposed ordinance reads as follows:

PAULO ALATO GREEN ENERGY AND COMPOST INITIATIVE

The people of the City of Palo Alto do ORDAIN as follows:

SECTION 1. Findings. The people find and declare that:

(a) The 126-acre Palo Alto Landfill is scheduled to close in 2012, and is currently dedicated as Byxbee Park.

(b) The closing will terminate the current composting operation at the landfill. Ceasing local composting will cause significant environmental impacts, as Palo Alto ("the City" herein) will have to haul yard trimmings and food waste to locations outside the City for disposal or composting, thereby generating greenhouse gases and depriving Palo Altans of both yard trimming drop-off and local compost.

(c) The incineration of sewage sludge residues at Palo Alto's regional wastewater treatment plant also generates significant greenhouse gases and creates a hazardous ash residue now disposed of in the Central Valley.

(d) These adverse environmental impacts can be substantially reduced by a facility converting organic wastes by biological or other equally environmentally protective means.

(e) Such technologies would also generate renewable energy and high-quality compost, as well as achieve substantial savings by avoiding the cost of natural gas to operate the incinerator.

(f) Revenue for the City could be generated through the sale of renewable energy and compost, fees for receipt of organic materials, and savings in fuel purchases. Funding for construction could come from sources other than the General Fund.

(g) Locating the facility next to the wastewater treatment plant, as recommended by Palo Alto's Compost Blue Ribbon Task Force, would avoid transport of sewage sludge and allow other savings. There is no other suitable location in the City.

(h) The facility would require that a small portion of the former landfill not yet developed as usable parkland, approximately ten acres, be removed from park dedication.

(i) Other areas of equal or greater acreage are available to be converted to parkland at the Council's discretion.

(j) No funding currently exists for development of Byxbee Park. The Council could use the revenue generated as described in Finding (f) for that purpose.

SECTION 2. Amendment of Comprehensive Plan.
The land-use designation of the property described below (the "Property" herein) in the Comprehensive Plan shall be changed from Public Parks to Major Institutions/Public facilities:

"All that certain real property situated in the City of Palo Alto, County of Santa Clara, State of California and more particularly described as follows; commencing at a four by four fence post as shown on that Record of Survey filed with the Santa Clara County Recorder in book 258 page 4 and 5 on August 15th 1969; thence from said four by four fence post, South 88° 58' 50" East 415.54 feet; to a point on the southerly line of the Sewage Treatment Plant Parkland exclusion as said exclusion is shown on Exhibit A-2 of Section 22.08.020 of the Palo Alto Municipal Code, said point also being the True Point of Beginning for this description; thence from said True Point of Beginning the following four (4) courses and distances; south 36° 42' 20" East 209.06 feet; south 41° 31' 45" East 276.48 feet; south 53° 12' 33" East 180.61 feet; north 50° 22' 18" East 652.20 feet; thence

PAULO ALATO GREEN ENERGY AND COMPOST INITIATIVE Page 1 of 4
INITIATIVE TO BE SUBMITTED TO THE VOTERS OF PALO ALTO

North 41° 35' 41” West 633.72 feet to a point on said southerly line of the Sewage Treatment Plant Parkland exclusion; thence along said Sewage Treatment Plant Parkland exclusion, South 52° 42' 10” West 671.94 feet, to the True Point of Beginning.”

SECTION 3. Amendment of Baylands Master Plan.
The current language in the Section on page 78 of the Baylands Master Plan entitled “Composting Operation” is amended as follows:
(a) The second and third paragraphs under “Background and Function” are deleted.
(b) The section entitled “Future of the Composting Operation” is amended to read as follows:

“Like the Recycling Center, the original composting operation was located in the Landfill Area and must vacate its current site to accommodate the landfill’s final grading and conversion to (1) a 10-acre site for conversion of organic wastes by biological and/or other equally environmentally protective technology; and (2) pastoral park in the remaining area.”
(c) Page 71 of the Plan is amended to add the following immediately above ‘Mayfield Slough Remnant Marsh’: ‘Revision of the final grading plan may be required to accommodate the new facility referenced on page 78.’
(d) Any language elsewhere in the Plan inconsistent with this ordinance shall be inoperative.

SECTION 4. Amendment of Zoning Ordinance.
The last line of the first box under PUBLIC/QUASI-PUBLIC FACILITY USES in Table 1 of Section 18.28.040 of the Zoning Ordinance is amended to read as follows:

“...other government agency, or leased by any such agency to another party.”

SECTION 5. Removal from Parkland.
The Property shall be removed from dedication as parkland, for the exclusive purpose of building a facility (“Facility” herein) for converting yard trimmings, food waste, other municipal organics and/or sewage sludge from the regional wastewater treatment plant by biological and/or other environmentally equally protective technology. An illustration of the Property in relation to Byxbee Park is attached as Exhibit “A.”

SECTION 6. Mitigation.
(a) The Facility shall include all feasible methods for mitigating any significant environmental impacts identified during environmental review, including visual, sound and odor.
(b) To avoid impacts on Byxbee Park, access to the Facility shall be by Embarcadero Way.

SECTION 7. Reversion.
Ten years from the passage of this Initiative, the City Council may rededicate any portion of the Property not utilized for the purposes of this Initiative to parkland.

If the required signatures are obtained, petitioners request that this Initiative be submitted to the voters in 2011.

If any section of this initiative ordinance or part hereof is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such section or part hereof shall be deemed severable from the remaining sections and shall in no way affect the validity of the remaining sections.
CERTIFICATE OF SUFFICIENCY OF THE PALO ALTO GREEN ENERGY AND COMPOST INITIATIVE

I, Donna J. Grider, City Clerk, City of Palo Alto, do hereby certify:

1) that an initiative petition regarding Palo Alto Green Energy and Compost was received in this office on September 20, 2010;

2) that said petition containing 6,051 was delivered to the Registrar of Voters of Santa Clara County for verification of signatures;

3) that the Registrar of Voters of Santa Clara County has issued his certificate dated March 22, 2011, stating that after examining 6,051 signatures, 5,128 signatures were placed on the petition by registered voters of the City of Palo Alto.

4) that in accordance with Palo Alto City Charter, Article VI, Section 2, Initiative, the proposed petition is signed by twelve (12) percent of the registered voters as of the last General Municipal Election (36,300 which is 4,356) and therefore, said petition is found to be sufficient in that it contains the qualified signatures.

Witness my hand and official seal
this 24th day of March 2011

[Signature]
DONNA J. GRIDER
City Clerk, MMC
City of Palo Alto

P.O. Box 10250
Palo Alto, CA 94303
650.329.2571
650.328.3631 fax
CLERK’S CERTIFICATE TO INITIATIVE PETITION

I, JESSE DURAZO, Registrar of Voters of the County of Santa Clara, State of California, hereby certify:

That the "City of Palo Alto Green Energy and Compost Initiative" charter amendment petition has been filed with this office on March 15, 2011.

That said petition consists of 339 sections;

That each section contains signatures purporting to be the signatures of qualified electors of this county;

That attached to this petition at the time it was filed was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purportive dates of such of signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent (raw count) 6,051
2. Number of signatures verified 6,051
   a. Number of signatures found SUFFICIENT 5,128
   b. Number of signatures found NOT SUFFICIENT 923

1. NOT SUFFICIENT because DUPLICATE 438

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of March, 2011.

Jesse Durazo
Registrar of Voters

By: [Signature]
Deputy