

RESOLUTION NO. 8167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF WOODLAND A MEASURE AMENDING SECTION 8.12.010 OF CHAPTER 8.12 OF THE WOODLAND MUNICIPAL CODE TO AUTHORIZE THE CITY TO ACCEPT 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, AT A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024; AND SETTING RULES AND DEADLINES FOR THE SUBMITTAL OF ARGUMENTS FOR AND AGAINST THE MEASURE

WHEREAS, Cache Creek, located north of the City of Woodland, has a long history of flooding, with more than 20 recorded events since 1900 where the Creek has overtopped its banks and levees, and poses a significant flood risk to portions of the City of Woodland today. As a result of the present risk of flooding, portions of the City have been mapped on the Federal Emergency Management Agency's ("FEMA") Special Flood Hazard Area map, which subjects properties in the floodplain to additional building restrictions and mandatory flood insurance; and

WHEREAS, it is the City's aim to develop a project that will increase public safety, provide an economically feasible and environmentally sensitive solution to alleviate flood damages, meet state and federal requirements for flood protection, and reduce the cost of flood insurance for residents and property owners; and

WHEREAS, to this end, the City has undertaken efforts to work with the United States Army Corps of Engineers, the Central Valley Flood Protection Board, the California Department of Water Resources, and local stakeholders to develop a project that would meet both the State of California's Urban Level of Flood Protection criteria and FEMA's 100-year levee certification criteria in order to reduce risks in the area; and

WHEREAS, after a study initiated in 2000 and the consideration of five different alternative plans, the City attempted to construct a flood protection system in 2003 when it approved the Lower Cache Creek Flood Barrier ("Flood Barrier"). The Flood Barrier project received public opposition for its failure to adequately address impacts to properties north of the City, where floodplain depths would increase but mitigation measures were not proposed; and

WHEREAS, in response to the Flood Barrier proposal, in 2004 the City voters adopted Measure S, which added the following provision to the Woodland Municipal Code (currently set forth in Section 8.12.010): "It shall be the policy of the City to encourage a regional flood control project. Therefore, the City shall not fund or take any action that supports the Lower Cache Creek flood barrier (flood wall) studied by the United States Army Corps of Engineers, nor shall the City fund or take any action that supports a substantially similar structure"; and

WHEREAS, in 2011, the City once again attempted to study and undertake a project in order to reduce flood risk and damage for its residents; and

WHEREAS, the City evaluated approximately 26 different alternatives to reduce flood risk to the City, some of which were modified and/or combined with other alternatives, and convened the Woodland Flood Control Advisory Committee, which met and considered the alternatives and made recommendations to the City; and

WHEREAS, following this process of evaluation the City Council adopted Resolution No. 7651, certifying the Final Environmental Impact Report and approving the Lower Cache Creek Flood Risk Management Project, also known as the Woodland Flood Risk Management Project Alternative 2A (the “Project”); and

WHEREAS, following approval of the Project, the Yolo County Farm Bureau, Nancy Lea and Eric Paulsen filed a petition for writ of mandate and complaint for declaratory and injunctive relief seeking to overturn the City Council’s approval of Resolution No. 7651, arguing that the Project is substantially similar to the 2003 Flood Barrier, and is therefore prohibited by Measure S; and

WHEREAS, on July 22, 2022, Yolo County Superior Court issued an order determining that the Project was substantially similar to the 2003 Flood Barrier and the City Council’s approval of the Project violated Measure S; and

WHEREAS, the State and Federal governments have both committed to providing funding for the Project, and Assembly Bill 896 was introduced in the State Legislature to authorize the State to provide funds, up to 99 percent of the costs, for the Woodland Flood Risk Reduction Project; and

WHEREAS, the Project is anticipated to be funded by the United States Army Corps of Engineers (the “USACE”), the California Central Valley Flood Protection Board (“CVFPB”) and the City. The USACE is expected to fund approximately 65% of the total cost of the Project, with the remaining 35% of the Project cost split between the City and CVFPB. City staff anticipates that the USACE and the CVFPB will contribute at least \$300,000,000 toward the cost of the Project; and

WHEREAS, while the City Council disagrees with and has appealed the Superior Court’s ruling finding that the Project violates Measure S, the City Council desires to obtain certainty that the City is authorized to accept federal and state funding for, and to construct and utilize local funding for the Project, and therefore desires to submit a ballot measure to the voters of the City of Woodland, expressly authorizing the City to accept federal and state funding for, and to construct and expend funds for the Project; and

WHEREAS, pursuant to California Elections Code sections 1000 and 9222, the City Council is authorized to submit this measure to the voters at a Special Municipal election to be held on March 5, 2024; and;

WHEREAS, the City Council desires to consolidate the Special Municipal Election for the ballot measure described herein with the Statewide Primary Election to be held on March 5, 2024; and

WHEREAS, the City Council further desires to set rules and deadlines for the submittal of written arguments and rebuttals for and against the measure; and

WHEREAS, the specific terms of the measure are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit “A” (the “Ordinance” or “Measure”) and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Ordinance/Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code sections 1000 and 9222, and any other

applicable requirements of the laws of the State of California relating to general law cities, hereby orders the Ordinance/Measure attached hereto as Exhibit “A” to be submitted to the qualified voters of the City at the Special Municipal Election to be held and consolidated with the Statewide Primary Election on Tuesday, March 5, 2024. The proposed Ordinance shall be in the form attached hereto as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council, pursuant to its right and authority under California Elections Code, does hereby order that the ballot question shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Special Municipal Election to be consolidated with the Statewide Primary Election on Tuesday, March 5, 2024, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

“Shall the measure authorizing the City of Woodland to accept at least \$300,000,000 in federal and state contribution, or up to 99% of the project costs, to provide flood control for the City of Woodland and authorizing construction of the Lower Cache Creek Flood Risk Management Project, as outlined in the measure, be adopted?”	YES	
	NO	

SECTION 4. Election Procedures/Request for Consolidation.

- A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on March 5, 2024, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10403 of the Elections Code, the Board of Supervisors of Yolo County is hereby requested to consent to consolidation of the election on this Measure with the Statewide Primary Election and all other elections being held in the same territory on March 5, 2024, and to having the Registrar of Voters render such election services to the City of Woodland as may be requested by the City Clerk’s Office of said City, the County of Yolo to be reimbursed in full for such services as are performed.
- D. The election services which the City of Woodland requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and voter information guides; the establishment or appointment of precincts, voting centers, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk’s Office of the City of Woodland; and the performance of such other election services as may be requested by the City Clerk.
- E. The City Clerk’s Office, in coordination with the Yolo County Registrar of Voters, is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia, or cause such actions to be made, that may be necessary in order to properly and lawfully conduct the election.

- F. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the Special Municipal Election shall be the same as those utilized by the County of Yolo; and
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- H. Notice of the time and place of holding the election is given and the City Clerk's Office is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Yolo County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The City Clerk's Office of the City of Woodland shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (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, to file a written argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **Tuesday, November 21, 2023 at 5:00 p.m.** after which no arguments for or against the measure may be submitted to the City Clerk. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument 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.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk's Office to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk's Office, who shall cause the analysis to be published in the ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of the impartial analysis of **November 11, 2023**. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters of by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis**

of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official's office at (530) 666-8133 and a copy will be mailed at no cost to you."

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk's Office has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk's Office shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk's Office not later than **December 1, 2023 at 5:00 p.m.** Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on March 5, 2024, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance shall not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this ordinance, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk's Office.

SECTION 8. Delivery of Resolution to County. The City Clerk's Office shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk's Office to deliver copies of this Resolution, including the Ballot Ordinance attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Yolo County and to the Registrar of Voters of Yolo County not later than 125 days prior to the Special Municipal Election.


SECTION 9. CEQA. The City Council hereby finds and determines that an environmental impact report ("EIR") has been certified for the Flood Risk Management Project ("Project") referenced in the Measure pursuant to the California Environmental Quality Act ("CEQA") by adoption of Resolution No. 7651. There have been no changes proposed to the Project since the EIR was certified, and there are no substantial changes with respect to the circumstances under which the Project may be undertaken that would require major revisions of the previously certified EIR for the Project. The Project's environmental impacts have been analyzed in the EIR, and no subsequent EIR is necessary under State CEQA Guidelines section 15162.

SECTION 10. Public Examination. Pursuant to California Elections Code Section 9295, this Resolution and the attached ballot Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide.

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Woodland, California, at a regular meeting held on this 17th day of October, 2023.


VICKY FERNANDEZ, MAYOR

CERTIFICATION FOR RESOLUTION NO. 8167

I, Ana Gonzalez, City Clerk of the City Council of the City of Woodland, California, do hereby certify that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Woodland on the 17th day of October, 2023, by the following vote:

AYES: Members Garcia-Cadena, Lansburgh, Stallard, Vega and Mayor Vicky Fernandedz
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST:

APPROVED AS TO FORM:


ANA B. GONZALEZ
CITY CLERK


ETHAN WALSH
CITY ATTORNEY

EXHIBIT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF WOODLAND, CALIFORNIA, AMENDING SECTION 8.12.010 OF CHAPTER 8.12 OF THE WOODLAND MUNICIPAL CODE TO AUTHORIZE THE CITY TO ACCEPT 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

NOW THEREFORE, THE PEOPLE OF THE CITY OF WOODLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of Woodland at the scheduled election so designated by the City Council in a separate resolution placing this proposal on the ballot for such election, Section 8.12.010 of Chapter 8.12 of the Woodland Municipal Code is amended to shall read as follows:

[NOTE: deletions are identified in ~~strikeout text~~ and additions are identified in *bold italics*]

"TITLE 8: HEALTH AND SAFETY

CHAPTER 8.12 FLOOD CONTROL

8.12.010 Flood control policy.

A. It shall be the policy of the City to encourage a regional flood control project. Therefore, the City shall not fund or take any action that supports the Lower Cache Creek flood barrier (flood wall) studied by the United States Army Corps of Engineers, nor shall the City fund or take any action that supports a substantially similar structure, *except that the City is authorized to accept and utilize at least \$300,000,000 in federal and state contribution, or up to 99% of the project costs for the construction and associated costs of the Lower Cache Creek Flood Risk Management Project, also known as the Woodland Flood Risk Management Project Alternative 2A, as approved by the City Council on February 16, 2021 by Resolution No. 7651, as it may be amended from time to time by the City Council (the "Authorized Flood Project"), and that the City is further authorized to construct the Authorized Flood Project and to utilize City funds to fund the remainder of the project costs exclusive of federal and state funding.*

B. This chapter shall not be repealed or amended except by a vote of the people of the City."

SECTION 2. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 3. To the fullest extent allowed by law, the provisions of this Ordinance shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of Woodland which are in conflict with any provision of this Ordinance.

SECTION 4. This section shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at a General Municipal Election, or at a special municipal election called for that purpose.

SECTION 5. This Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Woodland voting at a Special Municipal Election to be held on March 5, 2024, and shall take effect ten (10) days after the City Council has certified the results of the Special Municipal Election by resolution.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on March 5, 2024, by signing where indicated below.

I hereby certify that the foregoing Ordinance was passed, approved and adopted by the People of the City of Woodland on the 5th day of March, 2024.

Dated: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

ANA B. GONZALEZ
CITY CLERK

ETHAN WALSH
CITY ATTORNEY