



CITY OF MORGAN HILL

Special Meeting Agenda

City Council

Rich Constantine - Mayor
Gino Borgioli - Mayor Pro Tem
John McKay - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, December 14, 2022 7:00 PM

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

Morgan Hill City Council meetings are held in person with the option for the public to attend in-person or by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING PARTICIPATION AND PUBLIC COMMENT

City Council meetings will be live-streamed on Channel 17, the City's website, and the City's Facebook page.

Those members of the community that would like to participate in the meetings remotely may do so by joining virtually at: <https://bit.ly/MHCityCouncilMeeting> or by calling (669) 900-9128, then enter the webinar id: 873 3200 8380#. Public comment may be provided in the following ways:

- Provide public comment in-person
- Join the City Council meeting virtually via the link above. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join virtually by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov

* Please note that comments made on Facebook are not considered public comment.

SPECIAL MEETING

A Special Meeting of the City Council is called at 7:00 pm for the purpose of conducting City business.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

PUBLIC COMMENT

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

OTHER BUSINESS

1. **ADOPT RESOLUTION APPROVING NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS**
Recommendation:
Adopt resolution reciting the facts of the General Municipal Election of November

8, 2022, and declaring the results of such other matters as provided by law.

OATHS OF OFFICE

Mark Turner, Mayor
Yvonne Martínez Beltrán, Council Member District B
Marilyn Libreros, Council Member District D

ADJOURN TO RECEPTION

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.



Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.



City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives



2022-2023 Strategic Priorities

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.

December 14, 2022

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CITY COUNCIL STAFF REPORT

MEETING DATE: December 14, 2022

PREPARED BY:

Michelle Bigelow, City Clerk

APPROVED BY: City Manager

ADOPT RESOLUTION APPROVING NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS

RECOMMENDATION(S)

Adopt resolution reciting the facts of the General Municipal Election of November 8, 2022, and declaring the results of such other matters as provided by law.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Protecting the Environment and Preserving Open Space and Agricultural Land

Maintaining and Enhancing Infrastructure

Supporting our Youth, Seniors, and Entire Community

Fostering a Positive Organizational Culture

Preserving and Cultivating Public Trust

Preserving our Community History

Enhancing Diversity and Inclusiveness

Advancing Regional Initiatives

2022-2023 Strategic Priorities

Fiscal Sustainability

Affordable Housing and Homelessness

Community Outreach, Engagement, and Messaging

Economic Development

Transportation

REPORT NARRATIVE:

A General Municipal Election was held on Tuesday, November 8, 2022, for the purpose of electing a Mayor, a Council Member from District B, and a Council Member from District D. Also, on the ballot for the November 8, 2022 election, were two City Measures: Measure A (Distribution Use Ban) and Measure B (Monterey Road Lane Reduction). The Santa Clara County Registrar of Voters (ROV) Office has concluded canvassing the election returns and has furnished the City Clerk with a Certified Statement of Election Results. A resolution reciting the facts of the November 8, 2022,

Election has been prepared for Council adoption, including the certified results from the ROV (Attachment 1).

COMMUNITY ENGAGEMENT:

As a General Law City, Morgan Hill is governed by Government and Election Codes for the purpose of electing municipal officers (e.g., mayor, council members, and city treasurer) and ballot measures. Adoption of the attached resolution, which certifies the election results of the general municipal election held in Morgan Hill on November 8, 2022, memorializes how the registered voters in the City of Morgan Hill were involved in the democratic process of electing their municipal officers and deciding the outcome of City of Morgan Hill Measures A and B.

ALTERNATIVE ACTIONS:

There are no alternative actions to be taken as Article 4. Canvass of Ballots and Returns, Sections 10260 through 10266 of the California Elections Code outlines the actions to be taken/followed by the Governing Body.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Municipal elections are conducted every two years for the purpose of electing officers and presenting ballot measures to the electorate as required by law. The below-listed resolutions have been adopted by the City Council relating to the November 8, 2022, General Municipal Election:

- Resolution No. 21-016, adopted September 15, 2021, placing the Distribution Center Initiative Petition on the November 8, 2022 ballot. (Attachment 2)
- Resolution No. 22-014, adopted March 2, 2022, placing the City/MHRGC collaborative Distribution Center Measure on the November 8, 2022 ballot. (Attachment No. 3)
- Resolution No. 22-017, adopted April 6, 2022, Calling and Giving Notice of the Holding of a Consolidated General Municipal Election to be held on Tuesday, November 8, 2022 (Attachment No 4).
- Resolution No. 22-018, adopted April 6, 2022, requesting the Board of Supervisors of the County of Santa Clara for the Consolidation of the General Municipal Election and the Services of the Registrar of Voters for services in the conduct of the election, including the provision of election supplies and voters' pamphlets. (Attachment No. 5)
- Resolution No. 22-019, adopted April 6, 2022, placing the Monterey Road Lane reduction Initiative Petition on the November 8, 2022 ballot. (Attachment 6)
- Resolution No. 22-023, adopted April 20, 2022, rescinding resolution 21-016. (Attachment 7)
- Resolution No. 22-040, adopted August 3, 2022, rescinding and replacing resolution 22-019 to add language requested by the Registrar of Voter's Office. (Attachment 8)

FISCAL AND RESOURCE IMPACT:

The invoice for the General Municipal Election has not yet been received. \$321,085 has been budgeted under the Elections Budget (010.2420.42231) to cover the cost of contract services for consolidation of the election for the election of a mayor, a council member from District B, and a council member from District D, along with the inclusion of two (2) Ballot Measures, to be charged by the Registrar of Voters Office, and other related election costs. Should election costs exceed the budgeted \$321,085, staff may need to return to the Council with a budget adjustment to augment the cost of the election. Resources for the November 8, 2022 General Municipal Election were accommodated in the Elections Budget and the Council Services and Records Management Workplan.

CEQA (California Environmental Quality Act):

Not a project.

The certification of election results is not a project, as defined in Section 15378 of the State CEQA guidelines.

RESOLUTION NO. 22-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022 – DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Morgan Hill, California, on Tuesday, November 8, 2022, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Santa Clara County Registrar of Voters Office canvassed the returns of the election to this City Council, the results are received, attached and made a part hereof as “Exhibit A”.

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

SECTION 1. That the whole number of votes cast in the precincts for Mayor (including provisional ballots) was 1,204; the whole number of vote by mail voter ballots cast was 15,464, totaling 16,668 ballots cast in the City.

That the names of persons voted for at the election for Mayor are as follows:

Larry Carr
Mark Turner
Rich Constantine

SECTION 2. That the whole number of votes cast in the precincts for Council Member District B (including provisional ballots) was 322, the whole number of vote by mail voter ballots cast was 3,845, totaling 4,167 ballots cast in District B.

That the names of persons voted for at the election for Member of the City Council – District B are as follows:

Bryan Sutherland
Yvonne Martinez Beltran

SECTION 3. That the whole number of votes cast in the precincts for Council Member District D (including provisional ballots) was 347, the whole number of vote by mail voter ballots cast was 4,715, totaling 5,062 ballots cast in District D.

That the names of persons voted for at the election for Member of the City Council – District D are as follows:

John McKay
Marilyn Librers

SECTION 4. That the whole number of votes cast in the precincts for Measures A and B (including provisional ballots), was 1,205, the whole number of vote by mail voter ballots cast in was 15,480, totaling 16,685 ballots cast in the City.

That the measures voted upon at the election are as follows:

Measure A:

Shall the ordinance, changing zoning regulations through the City of Morgan Hill to prohibit buildings with characteristics that could be used for new storage and distribution uses in all areas of the City be adopted?	YES
	NO

Measure B:

Shall the Measure amending the City’s General Plan to require voter approval of any future Monterey Road lane reduction be adopted?	YES
	NO

SECTION 4. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates, and for and against the measures were as listed in Exhibit “A” attached.

SECTION 5. The City Council does declare and determine that: Mark Turner was elected as Mayor for the full term of two years; Yvonne Martinez Beltran was elected as Member of the City Council – District B for the full term of four years; and Marilyn Librers was elected as Member of the City Council – District D for the full term of four years.

That as a result of the election, a majority of the voters voting on Measure A relating to changing zoning regulations through the City of Morgan Hill to prohibit buildings with characteristics that could be used for new storage and distribution uses in all areas of the City, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure B relating to amending the City's General Plan to require voter approval of any future Monterey Road lane reduction, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 6. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) The measures voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measures; (6) The total number of votes given to each person, and for and against each measure.

SECTION 7. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a Special Meeting held on the 14th day of December 2022.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-0XX adopted by the City Council at a special meeting held on December 14, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
(408) 299-VOTE (8683) 866-430-VOTE (8683) FAX: (408) 998-7314
www.sccvote.org



December 8, 2022

Via email: michelle.bigelow@morganhill.ca.gov
angie.gonzalez@morganhill.ca.gov

Ms. Michelle Bigelow
Ms. Angie Gonzalez
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: November 8, 2022 General Election Certification of Election Results for City Contests

Dear Ms. Bigelow, et. al.:

Enclosed are the Certificate(s) of Election Results, Official Results, and Statement of Votes for the contest(s) in your jurisdiction.

Pursuant to Elections Code Section 15400, the Governing Board should accept the Statement of Votes and Certificate of Election Results and declare the totals to be the final results of the election.

Please feel free to contact me at 408-282-3041 should you have questions or need anything further.

Sincerely,

Bren Lehr, Election Division Coordinator
Registrar of Voters
Candidate Services Division

Enclosures

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, for the **City of Morgan Hill**, on November 8, 2022 for the purpose of electing **one (1) full-term Mayor, and two (2) full-term Council Members, Districts B and D** to the Governing Board.

2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file in my office and attached hereto, shows the number of votes for each candidate for the Governing Board of the **City of Morgan Hill** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 8th day of December 2022.


Shannon Bushey, Registrar of Voters



**CERTIFICATION OF REGISTRAR OF VOTERS OF THE RESULTS OF
THE CANVASS OF THE NOVEMBER 8, 2022, GENERAL ELECTION**

**STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

I, Shannon Bushey, Registrar of Voters of County of Santa Clara, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 8th day of November, 2022,
at the County of Santa Clara



Shannon Bushey
Registrar of Voters
County of Santa Clara
State of California

1 City of Morgan Hill Mayor							
		Registered Voters	Voters Cast	Turnout (%)	LARRY CARR	RICH CONSTAN TINE	MARK TURNER
Electionwide	Precinct	28321	1204	4.25 %	207	228	682
Electionwide	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
Electionwide	Total	28321	16668	58.85 %	3792	5132	6672
18th Congressional District	Precinct	28321	1204	4.25 %	207	228	682
18th Congressional District	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
18th Congressional District	Total	28321	16668	58.85 %	3792	5132	6672
15th Senatorial District	Precinct	28321	1204	4.25 %	207	228	682
15th Senatorial District	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
15th Senatorial District	Total	28321	16668	58.85 %	3792	5132	6672
28th Assembly District	Precinct	28321	1204	4.25 %	207	228	682
28th Assembly District	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
28th Assembly District	Total	28321	16668	58.85 %	3792	5132	6672
State Board of Equalization #2	Precinct	28321	1204	4.25 %	207	228	682
State Board of Equalization #2	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
State Board of Equalization #2	Total	28321	16668	58.85 %	3792	5132	6672
1st Supervisorial District	Precinct	28321	1204	4.25 %	207	228	682
1st Supervisorial District	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
1st Supervisorial District	Total	28321	16668	58.85 %	3792	5132	6672
City of Morgan Hill	Precinct	28321	1204	4.25 %	207	228	682
City of Morgan Hill	Vote by Mail	28321	15464	54.60 %	3585	4904	5990
City of Morgan Hill	Total	28321	16668	58.85 %	3792	5132	6672
Total - Precinct		28321	1204	4.25 %	207	228	682
Total - Vote by Mail		28321	15464	54.60 %	3585	4904	5990
Contest Total		28321	16668	58.85 %	3792	5132	6672

1 City of Morgan Hill, District B Council Member						
		Registered Voters	Voters Cast	Turnout (%)	BRYAN SUTHERLAND	YVONNE MARTINEZ BELTRAN
Electionwide	Precinct	7274	322	4.43 %	184	111
Electionwide	Vote by Mail	7274	3845	52.86 %	1268	2111
Electionwide	Total	7274	4167	57.29 %	1452	2222
18th Congressional District	Precinct	7274	322	4.43 %	184	111
18th Congressional District	Vote by Mail	7274	3845	52.86 %	1268	2111
18th Congressional District	Total	7274	4167	57.29 %	1452	2222
15th Senatorial District	Precinct	7274	322	4.43 %	184	111
15th Senatorial District	Vote by Mail	7274	3845	52.86 %	1268	2111
15th Senatorial District	Total	7274	4167	57.29 %	1452	2222
28th Assembly District	Precinct	7274	322	4.43 %	184	111
28th Assembly District	Vote by Mail	7274	3845	52.86 %	1268	2111
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City of Morgan Hill	Precinct	7274	322	4.43 %	184	111
City of Morgan Hill	Vote by Mail	7274	3845	52.86 %	1268	2111
City of Morgan Hill	Total	7274	4167	57.29 %	1452	2222
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Total - Vote by Mail		7274	3845	52.86 %	1268	2111
Contest Total		7274	4167	57.29 %	1452	2222

1 City of Morgan Hill, District D Council Member						
		Registered Voters	Voters Cast	Turnout (%)	JOHN K. MCKAY	MARLYN LIBRERS
Electionwide	Precinct	8178	347	4.24 %	99	187
Electionwide	Vote by Mail	8178	4715	57.65 %	1761	2224
Electionwide	Total	8178	5062	61.90 %	1860	2411
18th Congressional District	Precinct	8178	347	4.24 %	99	187
18th Congressional District	Vote by Mail	8178	4715	57.65 %	1761	2224
18th Congressional District	Total	8178	5062	61.90 %	1860	2411
15th Senatorial District	Precinct	8178	347	4.24 %	99	187
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City of Morgan Hill	Vote by Mail	8178	4715	57.65 %	1761	2224
City of Morgan Hill	Total	8178	5062	61.90 %	1860	2411
Total - Precinct		8178	347	4.24 %	99	187
Total - Vote by Mail		8178	4715	57.65 %	1761	2224
Contest Total		8178	5062	61.90 %	1860	2411

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
(408) 299-VOTE (8683) 866-430-VOTE (8683) FAX: (408) 998-7314
www.sccvote.org



December 8, 2022

Via email: michelle.bigelow@morganhill.ca.gov
angie.gonzalez@morganhill.ca.gov

Ms. Michelle Bigelow
Ms. Angie Gonzalez
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: November 8, 2022 General Election Certification of Election Results for Measures A and B

Dear Ms. Bigelow, et. al.:

Enclosed are the Certificate(s) of Election Results, Official Results and Statement of Votes for the contest(s) in your jurisdiction.

Pursuant to Elections Code Section 15400, the Governing Board should accept the Statement of Votes and Certificate(s) of Election Results and declare the totals to be the final results of the election.

Please feel free to contact me at 408-282-3041 should you have questions or need anything further.

Sincerely,

Bren Lehr, Election Division Coordinator
Registrar of Voters
Candidate Services Division

Enclosures

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, in the **City of Morgan Hill**, on November 8, 2022 for the purpose of submitting the following measure to the voters:

A

Shall the ordinance, changing zoning regulations throughout the city of Morgan Hill to prohibit buildings with characteristics that could be used for new storage and distribution uses in all areas of the City be adopted?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure A** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 8th day of December, 2022.



Shannon Bushey
Shannon Bushey, Registrar of Voters

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, in the **City of Morgan Hill**, on November 8, 2022 for the purpose of submitting the following measure to the voters:

B Shall the measure, amending the City's General Plan to require voter approval of any future Monterey Road lane reduction be adopted?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure B** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 8th day of December, 2022.



Shannon Bushey
Shannon Bushey, Registrar of Voters

**CERTIFICATION OF REGISTRAR OF VOTERS OF THE RESULTS OF
THE CANVASS OF THE NOVEMBER 8, 2022, GENERAL ELECTION**

**STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

I, Shannon Bushey, Registrar of Voters of County of Santa Clara, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 8th day of November, 2022,
at the County of Santa Clara



Shannon Bushey
Registrar of Voters
County of Santa Clara
State of California

1 Measure A - City of Morgan Hill, Zoning Amendment						
		Registered Voters	Voters Cast	Turnout (%)	Yes	No
Electionwide	Precinct	28321	1205	4.25 %	711	393
Electionwide	Vote by Mail	28321	15480	54.66 %	10568	3794
Electionwide	Total	28321	16685	58.91 %	11279	4187
18th Congressional District	Precinct	28321	1205	4.25 %	711	393
18th Congressional District	Vote by Mail	28321	15480	54.66 %	10568	3794
18th Congressional District	Total	28321	16685	58.91 %	11279	4187
15th Senatorial District	Precinct	28321	1205	4.25 %	711	393
15th Senatorial District	Vote by Mail	28321	15480	54.66 %	10568	3794
15th Senatorial District	Total	28321	16685	58.91 %	11279	4187
28th Assembly District	Precinct	28321	1205	4.25 %	711	393
28th Assembly District	Vote by Mail	28321	15480	54.66 %	10568	3794
28th Assembly District	Total	28321	16685	58.91 %	11279	4187
State Board of Equalization #2	Precinct	28321	1205	4.25 %	711	393
State Board of Equalization #2	Vote by Mail	28321	15480	54.66 %	10568	3794
State Board of Equalization #2	Total	28321	16685	58.91 %	11279	4187
1st Supervisorial District	Precinct	28321	1205	4.25 %	711	393
1st Supervisorial District	Vote by Mail	28321	15480	54.66 %	10568	3794
1st Supervisorial District	Total	28321	16685	58.91 %	11279	4187
City of Morgan Hill	Precinct	28321	1205	4.25 %	711	393
City of Morgan Hill	Vote by Mail	28321	15480	54.66 %	10568	3794
City of Morgan Hill	Total	28321	16685	58.91 %	11279	4187
Total - Precinct		28321	1205	4.25 %	711	393
Total - Vote by Mail		28321	15480	54.66 %	10568	3794
Contest Total		28321	16685	58.91 %	11279	4187

1 Measure B - City of Morgan Hill, General Plan Amendment						
		Registered Voters	Voters Cast	Turnout (%)	Yes	No
Electionwide	Precinct	28321	1205	4.25 %	844	272
Electionwide	Vote by Mail	28321	15480	54.66 %	10924	3564
Electionwide	Total	28321	16685	58.91 %	11768	3836
18th Congressional District	Precinct	28321	1205	4.25 %	844	272
18th Congressional District	Vote by Mail	28321	15480	54.66 %	10924	3564
18th Congressional District	Total	28321	16685	58.91 %	11768	3836
15th Senatorial District	Precinct	28321	1205	4.25 %	844	272
15th Senatorial District	Vote by Mail	28321	15480	54.66 %	10924	3564
15th Senatorial District	Total	28321	16685	58.91 %	11768	3836
28th Assembly District	Precinct	28321	1205	4.25 %	844	272
28th Assembly District	Vote by Mail	28321	15480	54.66 %	10924	3564
28th Assembly District	Total	28321	16685	58.91 %	11768	3836
State Board of Equalization #2	Precinct	28321	1205	4.25 %	844	272
State Board of Equalization #2	Vote by Mail	28321	15480	54.66 %	10924	3564
State Board of Equalization #2	Total	28321	16685	58.91 %	11768	3836
1st Supervisorial District	Precinct	28321	1205	4.25 %	844	272
1st Supervisorial District	Vote by Mail	28321	15480	54.66 %	10924	3564
1st Supervisorial District	Total	28321	16685	58.91 %	11768	3836
City of Morgan Hill	Precinct	28321	1205	4.25 %	844	272
City of Morgan Hill	Vote by Mail	28321	15480	54.66 %	10924	3564
City of Morgan Hill	Total	28321	16685	58.91 %	11768	3836
Total - Precinct		28321	1205	4.25 %	844	272
Total - Vote by Mail		28321	15480	54.66 %	10924	3564
Contest Total		28321	16685	58.91 %	11768	3836

RESOLUTION NO. 21-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF MORGAN HILL TO PROHIBIT CERTAIN NEW STORAGE AND DISTRIBUTION USES IN ALL AREAS OF THE CITY AND AMENDING THE REVIEW PROCESS FOR LARGE-SCALE DEVELOPMENT PROJECTS

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 1 (commencing at S 9200) of the Elections Code of the State of California, a petition has been filed with the City Council of the City of Morgan Hill signed by more than ten percent (10%) of the registered voters of the City, according to the Santa Clara County Registrar of Voters last official report of registration to the Secretary of State, to submit a proposed ordinance to the voters changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects; and

WHEREAS, the City Clerk, though the Santa Clara County Registrar of Voters, has examined the records of voter registration and ascertained that, pursuant to California Elections Code section 9215, the petition was signed by the requisite number of voters, and has so certified; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby calls a General Municipal Election for Tuesday, November 8, 2022 (the "Election") and orders, pursuant to Section 9222 of the Elections Code, that the Initiative Petition ordinance changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects be submitted to the voters at that election.

Section 3. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

Shall the Initiative ordinance, changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects be adopted?	YES	
	NO	

Section 4. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 5. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 6. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 7. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter's Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 8. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors.

Section 9. Analysis and Argument. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 10. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above, shall not be placed in the voter information sample ballot and instead there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California Adding Chapter 5.06 (Cannabis Business Tax) to Title 5 of the

Morgan Hill Municipal Code. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271 and a copy will be mailed or e-mailed at no cost to you.”

Section 11. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 16, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

Section 12. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with 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, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

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.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 23, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 13. Effective Date. This Resolution shall be effective immediately upon adoption.

Section 14. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

City of Morgan Hill
Resolution No. 21-016
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PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 7th day of April 2021 by the following vote:

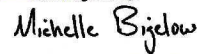
AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:

02EAF5B057884E7...
RICH CONSTANTINE, Mayor

ATTEST:

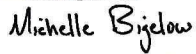
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C0FCB7EAB7C4C8...
MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-016 adopted by the City Council at the meeting held on the 7th day of April 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 9/15/2021

DocuSigned by:

C0FCB7EAB7C4C8...
MICHELLE BIGELOW, City Clerk

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE: Citizens' initiative changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects.

SUMMARY OF MEASURE: The measure is proposed to prohibit new uses that meet the definition of a "fulfillment center" in all areas of Morgan Hill and to require Planning Commission review of all discretionary permits for large-scale development projects.

If approved, the measure would define the term "fulfillment center" to include any structure with greater than 75,000 square feet of floor area that has more than 1 dock-high-door per 25,000 square feet and a clear ceiling height of more than twenty-four (24) feet over more than 25 percent of its floor area. Any such structure would be classified as a fulfillment center regardless of actual use.

The measure would prohibit uses and structures that meet the definition of a fulfillment center in all zones within the City. Existing uses and structures would be allowed to continue as legal-nonconforming. Legal-nonconforming uses would be unable to expand their current use. Property owners would not be allowed to make substantial modifications to legal-nonconforming buildings.

The measure would define the term "dock-high-door" to mean an opening to the outside of a building with a raised elevation of twenty-four (24) inches or more to allow for the loading and unloading of trucks. "Clear ceiling height" would be defined as the distance from the floor to the lowest-hanging ceiling object, beam, joist, or truss.

In addition, the measure would make changes to the development review process. Specifically, the measure would require all discretionary development permits for large-scale development projects to be approved by the Planning Commission. A large development project would be defined as a project that includes more than 75,000 square feet of new floor area, or is a new building or an addition to an existing building that is more than 35 feet in height, regardless of use.

NOTICE OF INTENTION TO CIRCULATE INITIATIVE PETITION AND STATEMENT OF REASONS

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Morgan Hill for the purpose of amending the Zoning Code (Article 18) of the City of Morgan Hill Municipal Code. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The purpose of this ordinance is to preserve the small-town feel and family-friendly character of Morgan Hill, to protect the health and safety of its residents, and to support the viability of local businesses by enacting legislation that will enable our city to remain distinctive in the midst of the rapidly changing logistics and distribution industry.

This ordinance safeguards our General Plan and land use entitlement process, allowing it to evolve in a sustainable manner that encourages high quality job growth and meets the needs of our residents and visitors.

This ordinance updates the Morgan Hill Zoning Code to include Fulfillment Center (commonly known as Distribution Center) as a defined land use, and to distinguish this use from traditional Warehouse & Distribution associated with manufacturing or static storage buildings that already exist in Morgan Hill. This ordinance will strictly prohibit Fulfillment Centers as a permitted land use anywhere within the City limits of Morgan Hill.

The proposed ordinance also changes the review and decision-making authority for administering the Zoning Code to allow Morgan Hill residents, through their elected officials and appointed planning commissioners, to have a voice in deciding whether large-scale development projects are permitted in the City.

The intent of this ordinance is to allow responsible growth for job-generating land use in our City, consistent with the General Plan, Zoning Code and Economic Blueprint while preserving public health and safety and Morgan Hill's special character and unique quality of life for generations to come.

Signed: /s/ Joseph Baranowski 16600 Monterey ST #67 Morgan Hill CA 95037, /s/ Andrew Plant 7660 Fay Ave Suite N, La Jolla, CA 92037, and /s/ Rick Kent 18735 Madrone Parkway Morgan Hill CA 95037.

City of Morgan Hill
Resolution No. 21-016
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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

TEXT OF PROPOSED INITIATIVE

The people of the City of Morgan Hill, California, do hereby ordain and enact as follows:

ARTICLE I: FINDINGS, PURPOSE, AND INTENT OF INITIATIVE

Section 1.1. Findings. The People of the City of Morgan Hill ("City") find and declare as follows:

A. The Morgan Hill General Plan represents the collective vision of the community and serves as the primary policy document governing land use in the City. The MORGAN HILL 2035 GENERAL PLAN ("General Plan") represents countless hours of collaborative work by City staff and residents to develop a collective vision for what Morgan Hill will look and feel like through the year 2035. The overarching goal of the General Plan is to "maintain Morgan Hill's family-friendly character and strong sense of community while the community grows and prospers." In accordance with Government Code Section 65032, the General Plan defines a framework of detailed goals and policies intended to provide clear guidance for decision makers in the areas of land use, circulation, housing, conservation, open space, noise, and safety. Residents want the City to respect and follow the principles of the General Plan.

i. Preserve the City's unique character and quality of life: Often called the "hidden gem" of Silicon Valley, Morgan Hill has long been known for its pastoral valley and hillsides, quaint downtown, and family-friendly atmosphere. These qualities are eloquently expressed in the General Plan as: "strong connections between Morgan Hill's developed neighborhoods, natural setting, and agricultural surroundings establish the feeling of a traditional, family-oriented, high quality, progressive, and active small town removed, although easily accessible, from the crowded, fast-paced Silicon Valley communities to the north."

ii. Adhere to principles for responsible growth in all land use decisions. Incorporated in 1906, Morgan Hill has slowly evolved from an agrarian area into a small suburban community, yet its small-town charm has not been lost, even as the population has grown to over 45,000 residents. This ideology is further affirmed by the General Plan: "Morgan Hill is proud of its small town character, strong sense of community, abundant access to open space and recreational amenities and ever growing participation in the Silicon Valley economy, and seeks to promote these desirable qualities through thoughtful land use planning." As we go forward, "the City seeks to build upon its previous success by maintaining a steady, well-defined, and responsible rate of growth."

iii. Protect environmental resources for future generations. The residents of Morgan Hill declare that irresponsible development cannot easily be undone. The General Plan has "safety, services, and infrastructure" policies intended to "protect people from detrimental impacts associated with development". Residents want the City to make the most conscientious land use decisions based on these elements to protect the pastoral

landscape and family-friendly atmosphere for years to come, as these qualities make Morgan Hill a beautiful place to visit and an extraordinary place to live.

B. The Morgan Hill Zoning Code regulates land use in the City by implementing policies of the General Plan to protect public health, safety, and welfare. Codified as Title 18 in the Morgan Hill Municipal Code, the Zoning Code of the City of Morgan Hill (the "Zoning Code") implements the General Plan through detailed land use and development regulations. The Zoning Code establishes a Zoning Map with zoning districts that apply to all property in Morgan Hill. The Zoning Code identifies which specific land uses are permitted in each zoning district and establishes development standards for each zoning district. As set forth in Section 18.04.040 of the Morgan Hill Municipal Code, the City's Zoning Code aims to achieve each of the following purposes:

- i. "Preserve and enhance Morgan Hill's small-town feel and family friendly character."
- ii. "Protect and enhance the quality of life in residential neighborhoods."
- iii. "Support a vibrant, diverse, and dynamic local economy."
- iv. "Protect environmental resources and promote a sustainable development pattern."

C. Morgan Hill Zoning Code contains outdated definitions related to land use for Warehousing and Distribution. Revisions to the Zoning Code have not kept pace with the evolution of e-commerce and fails to adequately distinguish characteristics of traditional "warehouse and distribution" from modern-day Fulfillment Centers. Many industry and government organizations recognize and clearly define the differences between traditional warehouses and Fulfillment Centers and this initiative updates the Zoning Code to do the same.

i. Current Zoning Code describes a traditional warehouse facility only. The Zoning Code describes Warehousing and Distribution under Industrial Land Uses (18.124.050) as "a use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies." This description characterizes a traditional warehouse facility but not a modern Fulfillment Center.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

ii. **Current Zoning Code does not presently include a definition for Fulfillment Center.** Fulfillment Centers and Distribution Centers have revolutionized the way e-commerce companies meet the demands of their customers. The most common term for these facilities is "Distribution Center", also labeled as Fulfillment Center, Ecommerce Center, Logistics Center, Parcel Hub, Cold Storage Facility, High Cube Warehouse, Last-Mile Distribution Facility, and many other names that describe these specialized facilities in the logistics and distribution industry. The term "Fulfillment Center" was selected for the purpose of this ordinance, rather than "Distribution Center", because the Morgan Hill Zoning Code already contains the defined term "Warehouse and Distribution Facility" to refer to traditional uses associated with manufacturing, wholesaling, and other business-to-business commerce, none of which are affected by this proposed ordinance. It was determined that allowing "Distribution Facility" and "Distribution Center" to refer to two different types of land uses in the Zoning Code, would create unnecessary confusion. Therefore, "Fulfillment Center" is used to represent all related facilities.

iii. **The function of a Fulfillment Center is vastly different from a traditional warehouse.** Driven primarily by the massive growth in e-commerce over the past decade, the role of warehousing has been radically transformed in the supply chain and logistics industry. While many different types of Fulfillment Centers have evolved to meet the demands of e-commerce, they share each of the following characteristics which differentiate them from traditional warehouses.

a. **Primary role:** While traditional warehouses are used for more static long-term storage of manufactured goods, Fulfillment Centers are used for short-term storage, fast intake and rapid shipment of goods driven by customer demand.

b. **Operations:** A typical warehouse has fairly simple everyday operations that include organizing stored goods, shipping pallets of goods, and replenishing stock at periodic intervals. Fulfillment Centers usually ship individual products directly to customers making operations much more complex when they are managing tens of thousands of unique products, or stock keeping units (SKUs). To meet customer demand, product flow, volume and velocity are also much greater in Fulfillment Centers.

c. **Technology:** Technology is an integral part of the order fulfillment process for all e-commerce companies. Unlike traditional warehouses, in order to handle the high volume and rapid movement of products, Fulfillment Centers use advanced technology for functions such as warehouse management, transportation management, package identification, sorting, picking, packaging, labeling, etc. many of which are becoming fully automated using robots and computer-controlled automated systems. These value-added services are designed to reduce inventory carrying costs and act as a bridge between a supplier and its customers.

iv. **Design specifications for a Fulfillment Center differ from those for a traditional warehouse.** Because of the dynamic

nature of its operations, modern Fulfillment Centers have different building requirements than traditional warehouse and distribution facilities in order to optimize the high-volume product flow. While there are many types of Fulfillment Centers being built across the country, they share each of the following physical characteristics which distinguish them from a traditional warehouse:

a. **Floor area and ceiling heights:** Fulfillment Centers usually require more square footage of available floor area (75,000 square feet or more) and higher clear ceiling heights (greater than 24 feet) that are geared for high volume and velocity of modern e-commerce distribution.

b. **Service Doors and Docks:** A dock-high door is a loading dock that is not at ground level but rather is elevated in order to align with the standard tractor-trailer height for loading or unloading goods without a change in elevation. The number of dock-high doors is a key characteristic of modern Fulfillment Centers. The Dock-High-Door-to-Square-Foot Ratio (DHDSFR) is the ratio of the total number of dock-high doors to the building's total square feet of floor area. Fulfillment Centers have a higher ratio of DHDSFR $>1:25,000$ (i.e. more than one dock-high door for every 25,000 square feet of available floor area) than traditional warehouses. The number of dock-high doors is an indicator of the anticipated truck traffic that will be generated by a Fulfillment Center.

c. **Located for convenient highway access:** Whereas traditional warehouses are typically located in urban industrial areas, Fulfillment Centers are located along interstate highways in rural or urban periphery areas. With explosive e-commerce growth and competition to offer shorter delivery times (same-day and even one-hour delivery are becoming common), many Fulfillment Centers are moving into urban and suburban areas located along major highways where available land offers convenient highway access.

D. **Fulfillment Centers are unsuitable for land use in our city due to the relatively few quality jobs generated.** The General Plan establishes that land use should "support the development of office and industrial facilities to meet local demand, compete for regional growth opportunities, and create high-quality jobs." City leaders and residents recognize the need to diversify and expand employment opportunities in Morgan Hill. The City's Economic Blueprint states that "attracting high-quality jobs that are well-suited to the skills and preferences of local workers, may increase the number of people who can both live and work in Morgan Hill." However, permitting Fulfillment Centers on parcels allocated for "vibrant job centers" is not consistent with the General Plan or Economic Blueprint, and does not ensure the long-term economic strength of the City.

i. **Residents want City planners to be mindful of the limited supply of commercial and industrial land available for development in Morgan Hill.** But, with little or no public input, City staff approved a 503,400 square foot Fulfillment Center for the Shoe Palace Expansion project. City staff was also asked to review and recommend approval of a proposal for General Plan and Zoning Code amendments to permit the development of the

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Morgan Hill Technology Center, designed as a 1,040,000 square foot Fulfillment Center. The City has also submitted documents to organizations collectively known as Bay Area Metro, identifying 797 acres of land to be classified as a Priority Production Area (PPA) with "last mile production and distribution" as the key industry envisioned for expansion within the PPA area.

ii. **Fulfillment Centers do not provide an influx of quality jobs.** Studies show that the number of jobs created per square foot of building or per acre of land, called the 'employment density', differs depending on the land use. In 2020, Kent, Washington, which has a substantial number of Fulfillment Centers and advanced manufacturing, flex, and engineering buildings, reported the number of jobs created per square foot of development is almost five times higher for advanced manufacturing than for Fulfillment Centers. They stated, "with market forces strongly favoring storage and pass-through operations for goods produced elsewhere, there is a need for a deliberate, proactive approach to preserve and grow the manufacturing sectors in Kent's industrial lands." Fulfillment Center jobs also generally have a lower pay scale than manufacturing jobs. Fulfillment Center jobs are highly repetitive and workers experience both physical and psychological stress with the demands of the work environment - bending, twisting, running, and lifting boxes in a high-pressure setting that prioritizes line speed over employee health.

iii. **Automation is displacing Fulfillment Center jobs.** Most jobs at Fulfillment Centers involve repetitive tasks, so to increase efficiency and reduce costs, many e-commerce companies have begun to reduce their human work force by deploying automation technology. Sorting, picking, labeling and even janitorial work can be done by robots. Experts in automation at Cornell University and University of Redlands predict this trend will accelerate and 75% to 90% of Fulfillment Center jobs will be displaced in the near future. As automation increases, so too will the disparity in the number of jobs created per square foot of land use. If the predicted number of job displacements does occur, land developments for advanced manufacturing and research & development are forecast to support 20 to 50 times more jobs per square foot than Fulfillment Centers.

E. **Fulfillment Centers generate intense truck activity around the clock, increasing both highway and surface street traffic, and causing significant damage to roadways.** The City General Plan establishes the importance of an effective Transportation System and recognizes that "congestion in Morgan Hill can be substantially affected by regional traffic if Highway 101 capacity does not meet demand, as regional travelers attempt to decrease travel times by using local roads". The most recent 10th Edition of the Institute of Transportation Engineers' Trip Generation manual, a compilation of traffic generation studies, shows that Fulfillment Centers are likely to generate significantly more peak hour and overall more traffic on a daily or weekly basis than traditional warehouses. A 2016 study by the Institute of Transportation Engineers (High-Cube Warehouse Vehicle Trip Generation Analysis) found that Fulfillment Centers of four different types generate between

forty-five (45) and four hundred (400) daily truck trips per 100,000 gross square feet of building area. Residents of Morgan Hill are concerned how traffic could intensify at the Cochrane Road interchange, known as the "choke point" of South County, if Fulfillment Centers are built in that area. As Morgan Hill residents have declared, "Traffic on Hwy 101 is barely tolerable now, it would become absolute gridlock for anyone traveling through this region of the Bay Area." It is likely that intense trucking activity from Fulfillment Centers would cause significantly more wear and tear on our roadways. Relevant news articles and government documents describe unexpected economic repercussions of Fulfillment Centers, including effects on roadways and other infrastructure. The *American Association of State Highway and Transportation Officials* estimate that one big-rig truck results in street maintenance costs that are equivalent to approximately seven thousand (7,000) passenger cars. In Kent, Washington, the city's long-range planning manager, in her report to the city council stated, "One truck is equal to about eight thousand (8,000) cars when it comes to impact on our pavement. And those costs are borne by the city, which puts us in a difficult fiscal situation to keep that infrastructure maintained." The City of Morgan Hill already struggles to fund these repairs to infrastructure as evident by more than \$2.0 million in general fund needs for pavement rehabilitation and street maintenance that are unfunded as of year-end 2019.

F. **Fulfillment Centers can produce a significant amount of pollution that would have a detrimental impact on the health and safety of residents.** The General Plan establishes that "protecting environmental resources for future generations" and making development decisions that "contribute to the overall health and well-being of Morgan Hill Residents" should be priorities. The General Plan also defines policies for "safety, services, and infrastructure" that "intends to protect people from detrimental impacts associated with development, including noise impacts." Fulfillment Centers in Morgan Hill would result in neighborhoods congested with trucks queued up for loading docks while polluting the air with diesel emissions. Onsite equipment like forklifts, and large numbers of robots inside open dock doors, produce continuous sounds that travel a considerable distance, especially at night. There are many articles in the news that describe air pollution, noise pollution, and serious health effects from fulfillment centers developed too close to schools and residential areas. The Union of Concerned Scientists, stated in a 2017 report: "Driven by the fast-paced e-commerce industry, warehousing construction has grown dramatically over the past 10 years in the US and bringing with it, big negatives like air pollution, noise, traffic safety and road damage. Developers are searching for locations with low land rent, low-wage labor pool, weak political power, and favorable public policies. The exposure of residents, especially, the young and elderly, to truck emissions, like NOx and particulate matter, causes asthma and other serious respiratory issues." Another article, by Carlos De La Cruz of Sierra Club's My Generation campaign states: "Trucks generate more than three-fourths the nitrogen oxides emissions statewide. These contribute to ozone, which damages the lungs, lowers resistance to diseases and causes wheezing and chest pain. For such a small segment (of the overall number of vehicles), they present a big health risk."

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G. Fulfillment Centers will negatively impact the General Plan Goals for Retail and Tourism. It is widely reported by industrial real estate firms that rapid e-commerce growth is expected to continue, driving the insatiable demand for Fulfillment Centers for the foreseeable future. This is true for all types of Fulfillment Centers and especially last-mile Fulfillment Centers where developers and investors are expanding their search for available land to secondary and tertiary markets near population centers. Space for last-mile distribution has become so valuable that, in cities which have allowed it, office buildings are being torn down and the land repurposed as Fulfillment Centers. Not only is a high percentage of Morgan Hill's vacant land located adjacent to Highway 101, but such land is less expensive than comparable properties in other Bay Area cities. The land that is now associated with the proposed Morgan Hill Technology Center was purchased in 2019 at a significant discount on a per acre basis compared to land in Fremont which was purchased in 2018 for a large Fulfillment Center development. If allowed, developers will almost certainly build more Fulfillment Centers in Morgan Hill and they will target areas adjacent to highway exits. They are likely to request zoning amendments to convert parcels currently zoned for Commercial uses as is the case for the proposed Morgan Hill Technology Center. Given the large footprint, high building heights and number of dock-high doors with resulting trucking activity, the Morgan Hill General Plan goals to "support the development of regional retail facilities that are visible and accessible from the City's freeway exits, to provide easy access by local residents as well as shoppers traveling from the City" and to support "a vibrant, enhanced, visible, and well-promoted tourist industry that draws on Morgan Hill's unique character and variety of amenities" will certainly not be met.

H. This Initiative encourages development of advanced manufacturing, research and development, and engineering facilities on industrial land. Other jurisdictions who sought to bring more advanced manufacturing into their industrial employment areas, such as robotics and industrial R&D, recognize that limiting dock-high doors for truck loading to a ratio of one dock-high door per 25,000 square feet of building area discourages trucking-intensive uses such as Fulfillment Centers while providing the flexibility that modern advanced manufacturing facilities need. Because some, albeit a low percentage, of advanced manufacturing operations require more grade-level truck docks or service doors, no limitations are put on grade-level doors which are understood not to facilitate trucking intensive operations.

I. This initiative promotes democracy in land use planning, ensuring that citizens have a voice in deciding whether large development projects should be permitted. Despite the protections in our General Plan, our community is facing new, imminent threats. Residents have noticed that City planners, under the sway of developers and under the pressure of an ongoing budget crisis, are taking steps to radically change our town and open it up to development that is not consistent with the General Plan. Allowing large-scale development projects to be approved by one person, without review oversight and approval (voting) by the Planning Commission and City Council is not responsible land use planning. Morgan Hill residents, through their elected officials and appointed planning commissioners, should have a voice in deciding whether large development projects, that could radically alter the character of our community and have significant long term fiscal impacts, are approved.

J. This initiative proposes Fulfillment Centers not be permitted as a land use in the City of Morgan Hill. Fulfillment Centers should not be permitted due to their adverse impacts on the health and safety of residents, detrimental effect to existing and future retail businesses and tourism, inability to generate high-quality jobs, and impact on regional traffic and transportation. Fulfillment Centers would erode the small-town character of Morgan Hill and forever change our quality of life here.

K. This Initiative proposes regulations that will prevent new Fulfillment Centers from being established in Morgan Hill that are also consistent with the Morgan Hill General Plan, Zoning Code, and Economic Blueprint.

i. The proposed amendments to the Morgan Hill Municipal Code will implement the goals, objectives, and policies of the General Plan.

ii. The proposed amendments are consistent with the purposes of the Zoning Ordinance.

iii. The proposed amendments to the Morgan Hill Municipal Code are reasonably related to the public interest, and that public necessity, convenience and general welfare require the proposed amendments.

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Section 1.2. Statement of Purpose. In establishing this Act, the people of the City do hereby declare it is their purpose and intent to:

- A. Preserve our community's unique small-town character and protect the safety and health of our residents and the environment by adopting provisions that will ensure our city remains unique in the midst of a rapidly changing logistics and distribution industry, while at the same time ensuring the City's land use entitlement process continues to evolve in a sustainable manner that encourages high quality job growth and meets the needs of our residents and visitors.
- B. Update the City of Morgan Hill Municipal Code to identify and prohibit proposed developments that exceed threshold Dock-High-Doors-to-Square-Foot Ratios (DHDSFR) and are therefore indicative of Fulfillment Centers.
- C. Update the City of Morgan Hill Municipal Code to distinguish between traditional Warehouse & Distribution facilities and modern Fulfillment Centers.
- D. Prevent new Fulfillment Centers from being built anywhere in the City.
- E. Ensure thoughtful accountable long-term planning by requiring Planning Commission review and approval for large-scale developments.
- F. Ensure that no member of City staff, whose compensation is funded, in whole or in part, by the payment of fees by the applicants whose applications are requiring approval, has discretionary authority to grant land use entitlements for a proposed Large-Scale Development within the City.

ARTICLE II: AMENDMENT OF CITY OF MORGAN HILL ZONING CODE

Section 2.1. Amendments to City of Morgan Hill Land Use Regulations. Title 18 – ZONING, Division I. – Zoning Code, of the City of Morgan Hill Municipal Code, is amended as follows:

Section 2.1.1. Definition of Dock-High Door and Dock-High-Door-to-Square-Foot-Ratio. Chapter 18.12 ("Rules of Measurement") of Part 1 ("General Provisions") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code is amended to insert a new Section 18.12.045 ("Dock-High-Door-and-Dock-High-Door-to-Square-Foot-Ratio"), which reads, in its entirety, as follows (language in bold double underline text is inserted, language in ~~strikeout text~~ is deleted):

§18.12.045 - Dock-High-Door-and-Dock-High-Door-to-Square-Foot-Ratio.

A. Dock-High-Door means an opening to the outside of a building used to interface with trucks for the loading and/or unloading of goods, products, merchandise or wares of any type and where the bottom of the opening is not at ground level but rather elevated by twenty-four (24) inches or more. Dock-High-Doors are used so that the bed of a truck and/or shipping container will match the building slab elevation at

the opening. The typical configuration allows a semi-truck to back up to a building and directly align the back doors of the truck with a loading dock door. The elevation of the dock apron, the approach pavement area, is lower than the building slab elevation so that the bed of the truck will match the building slab elevation. The typical offset is forty-eight (48) inches and the typical loading dock door is nine (9) feet wide by ten (10) feet tall. (Dock-High-Doors are also sometimes known as loading dock doors.)

B. Dock-High-Door-to-Square-Foot Ratio (DHDSFR) means the ratio of the total number of Dock-High-Doors that a building has to the total square feet of building floor area.

Section 2.1.2. Definition of Clear Ceiling Height. Section 18.12.060 ("Height") of Chapter 18.12 ("Rules of Measurement") of Part 1 ("General Provisions") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code is amended to insert a new Paragraph B ("Clear Ceiling Height").

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which reads, in its entirety, as follows (language in bold double underline text is inserted, language in ~~strikeout text~~ is deleted):

A. Building Height.

B. Clear Ceiling Height. Distance from the floor to the lowest hanging ceiling member or hanging objects, beams, joists or truss work descending down into a substantial portion of the area. This measure of the interior height of an industrial building defines the minimum height of usable space within the structure. Also known as clear height, clear headway, or clearance.

B. C. Number of Stories.

Section 2.1.3. Definition of Large-Scale Development. Chapter 18.12 ("Rules of Measurement") of Part 1 ("General Provisions") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code is amended to insert a new Section 18.12.065 ("Large-Scale Development"), which reads, in its entirety, as follows (language in bold double underline text is inserted, language in ~~strikeout text~~ is deleted):

§18.12.065 – Large-Scale Development. Large-Scale Development means any development which proposes the construction and/or addition of more than seventy-five thousand (75,000) square feet of new floor area, or a new building or addition to an existing building which is more than thirty-five (35) feet in height.

Section 2.1.4. Amendment of Chapter 18.92 ("Supplemental Standards"). Chapter 18.92 of Part 3 ("CITYWIDE STANDARDS") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code is amended to include a new Section 18.92.105 ("Fulfillment Centers"), which reads, in its entirety, as follows (language in bold double underline text is inserted):

Chapter 18.92 – Supplemental Standards.

§18.92.100 – Mini-Storage

§18.92.105 – Fulfillment Centers

Fulfillment Centers, as defined in Section 18.124.050, are prohibited uses in all Zoning Districts and Overlay Zones in the City of Morgan Hill. Fulfillment Centers lawfully existing prior to the effective date shall not be affected by this section.

Section 2.1.5. Amendment of Section 18.124.050 ("Industrial Uses"). Section 18.124.050 "Industrial Uses" of Chapter 18.124 ("LAND USE DEFINITIONS") of Part 5 ("GLOSSARY") of Division 1 ("Zoning Code") of Title 18 ("ZONING") of the City of Morgan Hill Municipal Code is amended to insert a new Paragraph H ("Fulfillment Center"), which reads in its entirety, as follows (language in bold double underline text is inserted):

§18.124.050 – Industrial Uses

G. Warehousing and Distribution

H. Fulfillment Center. Any structure, building or other facility that has all of the following three attributes: (1) a floor area of seventy-five thousand (75,000) square feet or greater, and (2) a clear ceiling height of twenty-four (24) feet or greater over more than twenty-five (25) percent of the floor area, and (3) more than one dock-high door per 25,000 square feet of floor area (i.e., a proposed or as built DHDSEF greater than 1:25,000). For purposes of this section, "Fulfillment Center" shall include, but not be limited to, the following structures, buildings, and facilities: distribution center, sortable fulfillment center, e-commerce center, non-sort fulfillment center, transload facility, parcel hub, cold storage facility, short-term storage facility, high-cube warehouse, cross-dock facility, bulk break center, package handling center, order fulfillment center, logistics center or facility, receive center, sortation center, delivery station, specialty facility, last-touch facility, last-mile facility, last-mile distribution facility, city distribution facility, multi-market distribution facility, gateway facility, warehousing center, or any building, structure, or other facility, provided it has all three attributes listed above.

Section 2.1.6. Amendment of Table 18.26-2 INDUSTRIAL ZONING DISTRICT DEVELOPMENT STANDARDS. Table 18.26-2, which is set forth in Section 18.26.030 "Development Standards" of Chapter 18.26 ("INDUSTRIAL ZONING DISTRICTS") of Part 2 ("ZONING DISTRICTS") of Division 1 ("Zoning Code") of Title 18 ("ZONING") of the City of Morgan Hill Municipal Code is amended to insert a reference ("I2") to the "Structure Requirements" table cell and a Note ("I2"), which read in their entirety, as follows (language in bold double underline text is inserted):

Table 18.26-2: INDUSTRIAL ZONING DISTRICT DEVELOPMENT STANDARDS.

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Structure
Requirements [2]

[2] Fulfillment Center structures, as defined in Section 18.124.050, are prohibited per Section 18.92.105.

Notes:

[1] An FAR of 0.6 is allowed for industrial uses. An FAR of 0.5 is allowed for non-industrial uses.

Section 2.2. Amendments to Specific Permit Requirements. Title 18 – ZONING, Division I. – Zoning Code, Part 1 – GENERAL PROVISIONS, Chapter 18.08 – INTERPRETATION OF ZONING CODE, and Part 4 - PERMITS AND ADMINISTRATION, Chapter 18.100 – ADMINISTRATION RESPONSIBILITY, and Chapter 18.108 - SPECIFIC PERMIT REQUIREMENTS, of the Zoning Code of the City of Morgan Hill Municipal Code are amended as follows:

Section 2.2.1. **Amendment of Review Authority and Notice Requirements for Administrative Use Permits.** Paragraph C (“Review Authority”) and Paragraph D (“Public Notice and Hearing”) of Section 18.108.020 (“Administrative Use Permits”) of Chapter 18.108 (“Specific Permit Requirements”) of Part 4 (“Permits and Administration”) of Division I (“Zoning Code”) of Title 18 (“Zoning”) of the City of Morgan Hill Municipal Code are amended to read, in their entireties, as follows (language in **bold double underline text** is inserted, language in ~~strikeout text~~ is deleted):

18.108.020 – Administrative Use Permits.

C. **Review Authority.** The Community Development Director takes action on **shall review and act on all** Administrative Use Permit applications. ~~The Community Development Director may refer any Administrative Use Permit application to the Planning Commission for review and final decision~~ **other than applications relating to Large-Scale Developments; provided, however, that the Community Development Director may refer any Administrative Use Permit application to the Planning Commission for review and final decision. The Planning Commission shall review and act on all Administrative Use Permit applications, which: (1) relate to Large-Scale Developments; and/or (2) are otherwise referred to the Planning Commission by the Community Development Director pursuant to this paragraph.**

D. **Public Notice and Hearing.** Public notice of a pending action on an Administrative Use Permit application **other than applications relating to Large-Scale Developments** shall be provided in compliance with Section 18.104.100 (Notice of Pending Action). The Community Development Director shall hold a public hearing for a minor use permit application only upon

receiving a written request for a public hearing as provided in Section 18.104.090. **The Planning Commission shall review and act on an Administrative Use Permit application related to Large-Scale Developments or an application otherwise referred to the Planning Commission at a noticed public hearing in compliance with Chapter 18.104 (Common Permit Requirements).**

Section 2.2.2. **Amendment of Definitions, Review Authority, and Notice Requirements for Design Permits.** Paragraphs B (“Review Authority”), C. (“When Required”), D (“Significant Projects”), E (“Sensitive Sites”), and G (“Public Notice and Hearing”) of Section 18.108.040 (“Design Permit”) of Part 4 (“Permits and Administration”) of Division I (“Zoning Code”) of Title 18 (“Zoning”) of the City of Morgan Hill Municipal Code are amended as follows (language in **bold double underline text** is inserted, language in ~~strikeout text~~ is deleted):

18.108.040 – Design Permit

B. Review Authority:

1. The Community Development Director shall review and act on all Design Permit applications **other than applications relating to Large-Scale Developments; provided, however, that the Community Development Director may refer any Design Permit application to the Planning Commission for review and final decision. The Planning Commission shall review and act on all Design Permit applications, which: (1) relate to Large-Scale Developments; and/or (2) are otherwise referred to the Planning Commission by the Community Development Director pursuant to this paragraph.**

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2. ~~The Community Development Director may refer any Design Permit application to the Planning Commission for review and final decision.~~

3. The City Council shall review and act on all Design Permit applications for new City projects (e.g., new municipal buildings, parks) determined by the Community Development Director to be significant in accordance with Subsection D below.

C. When Required. The following types of projects require a Design Review permit:

12. Other projects determined by the Community Development Director to be significant in accordance with Paragraph D below, or which may adversely affect the environment or adjacent development or otherwise be considered a sensitive site in accordance with Paragraph E below.

D. Significant Projects.

2. The Community Development Director's determination that a project is or is not significant may be appealed to the Planning Commission in accordance with Chapter 18.112 (Appeals).

E. Sensitive Sites

2. The Community Development Director's determination that a site is or is not sensitive and that a Design Permit is required may be appealed to the Planning Commission in accordance with Chapter 18.112 (Appeals).

Section 2.2.3. Blanket Prohibition of City Staff Authority to Grant Discretionary Land Use Approvals. Section 18.08.020 ("Authority") of Chapter 18.08 ("Interpretation of the Zoning Code") of Part 1 ("General Provisions") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code is amended to read, in its entirety, as follows (language in bold double underline text is inserted, language in ~~strikeout text~~ is deleted):

18.08.020 - Authority.

The City Council delegates to the Community Development Director and the director's designees the authority to interpret the meaning and applicability of all provisions in the Zoning Code; provided, however that, notwithstanding any other provision of this code, in no event shall any staff employee of the City of Morgan Hill have authority to approve a land use application for a Large-Scale Development project which requires environmental review under the California Environmental Quality Act (Public Resources Code Section 21000, et seq., as amended), including without limitation, any application for a "project" (as defined in 14 CCR §15378) requiring discretionary approval (as defined in 14 CCR §15357). All such authority having been vested in the City Council of the City of Morgan Hill and/or the Planning Commission of the City of Morgan Hill, as appropriate.

Section 2.2.4. Amendment of Table 18.100-1 - Review and decision-making authority. Table 18.100-1, which is set forth in Section 18.100.030 (Review and Decision-Making Authority.) of Part 4 ("Permits and Administration") of Division 1 ("Zoning Code") of Title 18 ("Zoning") of the City of Morgan Hill Municipal Code shall be amended as necessary to update the information presented in Table 18.100-1 consistent with the terms and conditions of the various provisions of this Act.

ARTICLE III: MISCELLANEOUS

Section 3.1. Effective Date. As used herein, "effective date" shall mean the date on which this initiative measure has been adopted by the City Council of the City of Morgan Hill or the date upon which it shall have been approved by the voters of the City of Morgan Hill in accordance with applicable laws, whichever shall occur first.

Section 3.2. Exemptions for Certain Projects. This initiative shall not be construed to apply to any application or development, property, or contemplated use that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

Section 3.3. No Interference with State Law Housing Obligations. Nothing in this initiative shall be construed or

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applied to prevent the City from complying with its housing obligations under state law. The City Council may, without voter ratification, approve a change to the amendments of the General Plan or Zoning Ordinance set forth in this initiative for the sole purpose of complying with the City's housing obligations if it (1) makes a finding that such change is necessary to comply with the City's housing obligation under the laws of the United States of America or the State of California and there is no suitable land available elsewhere in the City that may be used to satisfy the obligation; and (2) makes such a change or approves a project only to the extent necessary to comply with the applicable state law housing obligation.

Section 3.4. Liberal Construction. The provisions of this Act shall be liberally construed to effectuate its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in compliance with all required permits in force before the effective date of this Act. This Act shall be interpreted and applied in as far as is possible in a manner that is consistent with all federal, state, and local laws, rules, and regulations. If any provision of this Act or any portion thereof, or any application thereof, is, for any reason held to be invalid or unconstitutional or otherwise unenforceable, the remaining sections and applications shall not be affected but shall remain in full force and effect, and

to this end, the provisions of this Act are severable.

Section 3.5. Interpretation. If this initiative measure and another measure on the same subject matter should appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding, and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 3.6. Amendment. This Act may be amended only by a vote of the People at a future municipal election conducted in accordance with laws governing initiative measures then in effect.

Section 3.7. Judicial Enforcement. Any aggrieved person or City of Morgan Hill registered voter shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or to enforce the duties imposed on the City by this Act.

RESOLUTION NO. 22-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA SUBMITTING TO THE VOTERS OF THE CITY AN ORDINANCE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF MORGAN HILL TO PROHIBIT BUILDINGS WITH CHARACTERISTICS THAT COULD BE USED FOR NEW STORAGE AND DISTRIBUTION USES IN ALL AREAS OF THE CITY

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 1 (commencing at S 9200) of the Elections Code of the State of California, a petition was filed with the City Council of the City of Morgan Hill signed by more than ten percent (10%) of the registered voters of the City, according to the Santa Clara County Registrar of Voters last official report of registration to the Secretary of State, to submit a proposed ordinance to the voters changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects; and

WHEREAS, the qualified initiative was placed on the November 8, 2022 ballot on April 7, 2021

WHEREAS, a collaborative discussion of the goals of the initiative was held between the City and the Morgan Hill Responsible Growth Coalition to examine the potential for non-conforming designations on existing buildings and a revised ordinance was developed and adopted as Urgency Ordinance 2320 on April 7, 2021; and

WHEREAS, Urgency Ordinance 2320 was adopted and ratified as a permanent ordinance on March 2, 2022; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby calls a General Municipal Election for Tuesday, November 8, 2022 (the “Election”) and orders, pursuant to Section 9222 of the Elections Code, that Ordinance 2329 changing zoning regulations throughout the city of Morgan Hill to prohibit building with characteristics that could be used for new storage and distribution uses in all areas of the City.

Section 3. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

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Shall the ordinance, changing zoning regulations throughout the city of Morgan Hill to prohibit buildings with characteristics that could be used for new storage and distribution uses in all areas of the City be adopted?	YES	
	NO	

Section 4. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 5. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 6. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 7. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter's Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 8. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors.

Section 9. Analysis and Argument. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 10. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above, shall not be placed in the voter information sample ballot and instead there shall be printed immediately below the impartial analysis, in no less than 10- point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California changing zoning regulations throughout the city of Morgan Hill to prohibit building with characteristics that could be used for new storage and distribution uses in all areas of the City. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271 and a copy will be mailed or e-mailed at no cost to you."

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Section 11. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 16, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument to be provided by the City Clerk.

Section 12. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with 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, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

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.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 23, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 13. Effective Date. This Resolution shall be effective immediately upon adoption.

Section 14. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

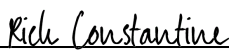
City of Morgan Hill
Resolution No. 22-014
Page 4 of 4

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 2nd day of March 2022 by the following vote:

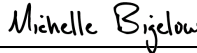
AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:


RICH CONSTANTINE, Mayor

DocuSigned by:


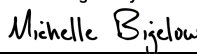
MICHELLE BIGELOW, City Clerk

∞ **CERTIFICATION** ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-014, adopted by the City Council at the meeting held on March 2, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 3/7/2022

DocuSigned by:


MICHELLE BIGELOW, City Clerk

RESOLUTION NO. 22-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, CALLING, AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held on Tuesday, November 8, 2022, for the election of Municipal Officers.

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

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Morgan Hill, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing a Mayor for the full term of two-years a Member of the City Council from District "B", and a Member of the City Council from District "D", for the full term of four-years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed, and directed to coordinate with the Registrar of Voters of the County of Santa Clara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.

City of Morgan Hill
Resolution No. 22-017
Page 2 of 2

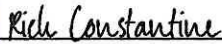
SECTION 7. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 6th day of April 2022 by the following vote:

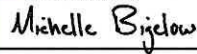
AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:


RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:


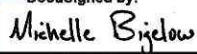
MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No.22-017, adopted by the City Council at the meeting held on April 6, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 4/11/2022

DocuSigned by:


MICHELLE BIGELOW, City Clerk

RESOLUTION NO. 22-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 WITH THE GUBERNATORIAL STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Morgan Hill called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of the election of a Mayor, a Member of the City Council from District "B", and a Member of the City Council from District "D" and;

WHEREAS, it is desirable that the General Municipal Election be consolidated with the statewide Gubernatorial General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters Office of the County of Santa Clara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

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

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide Gubernatorial General Election on Tuesday, November 8, 2022, for the purpose of the election of a Mayor, a Member of the City Council from District B, and a Member of the City Council from District D.

SECTION 2. That the Board of Supervisors of the County of Santa Clara is requested to issue instructions to the Registrar of Voters Office to take any and all steps necessary for the holding of the consolidated election.

SECTION 3. That the Registrar of Voters of the County of Santa Clara is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide/general election.

SECTION 4. That the City of Morgan Hill recognizes that additional costs will be incurred by the County of Santa Clara by reason of this consolidation and agrees to reimburse the County for any costs.

City of Morgan Hill
Resolution No. 22-018
Page 2 of 3

SECTION 5. Candidates' Statements. Candidates shall not be permitted to submit materials other than the candidate's statement with the sample ballot and voter's pamphlet. The Candidates' statement shall be two hundred (200) words or less.

SECTION 6. Candidates' Statement Fee. Pursuant to City Council Resolution No. 16-005, adopted January 20, 2016, candidates will be required to pay half of the costs charged by the Santa Clara County Registrar of Voters Office to submit and publish a Candidate Statement at the time the candidate statement is filed with the City Clerk.

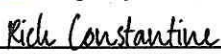
SECTION 7. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters Office of the County of Santa Clara.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

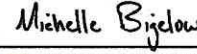
PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 6th day of April 2022.

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:

MICHELLE BIGELOW, City Clerk

City of Morgan Hill
Resolution No. 22-018
Page 3 of 3

CERTIFICATION

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-018, adopted by the City Council at a regular meeting held on April 6, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 4/11/2022

DocuSigned by:
Michelle Bigelow
MICHELLE BIGELOW, City Clerk

RESOLUTION NO. 22-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 1 (commencing at S 9200) of the Elections Code of the State of California, a petition has been filed with the City Council of the City of Morgan Hill signed by more than ten percent (10%) of the registered voters of the City, according to the Santa Clara County Registrar of Voters last official report of registration to the Secretary of State, to submit a proposed ordinance to the voters amending the City's General Plan to require voter approval of any future Monterey Road lane reduction; and

WHEREAS, the City Clerk, though the Santa Clara County Registrar of Voters, has examined the records of voter registration and ascertained that, pursuant to California Elections Code section 9215, the petition was signed by the requisite number of voters, and has so certified; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby orders, pursuant to Section 9222 of the Elections Code, that the Initiative Petition ordinance amending the General Plan to require voter approval of any future Monterey Road Lane reduction be submitted to the voters at the November 8, 2022 General Municipal Election.

Section 3. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

Shall the measure, amending the City's General Plan to require voter approval of any future Monterey Road lane reduction be adopted?	YES	
	NO	

Section 4. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

City of Morgan Hill
Resolution No. 22-019
Page 2 of 4

Section 5. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors.

Section 6. Analysis and Argument. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 7.In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above, shall not be placed in the voter information sample ballot and instead there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California Amending the General Plan to Require Voter Approval of Any Future Lane Reduction on Monterey Road. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271 and a copy will be mailed or e-mailed at no cost to you."

Section 8.The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 16, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

Section 9. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

City of Morgan Hill
Resolution No. 22-019
Page 3 of 4

The rebuttal arguments shall be filed with the City Clerk, signed with 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, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

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.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 23, 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

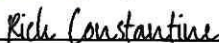
Section 10, Effective Date. This Resolution shall be effective immediately upon adoption.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 6th day of April 2022 by the following vote:

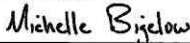
AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:


RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:


MICHELLE BIGELOW, City Clerk

City of Morgan Hill
Resolution No. 22-019
Page 4 of 4

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No.22-019 adopted by the City Council at the meeting held on the 6th day of April 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 4/11/2022

DocuSigned by:
Michelle Constantine
MICHELLE BIGELOW, City Clerk

RESOLUTION NO. 22-023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MORGAN HILL RESCINDING RESOLUTION NO. 21-
016**

WHEREAS, On March 3, 2021 the City Council certified the sufficiency of an initiative measure changing zoning regulations throughout the City of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development; and

WHEREAS, in response to the initiative measure, the City Council adopted Resolution No. 21-016 placing the measure on the ballot for the November 2022 general election; and

WHEREAS, the City has received a request, signed by both proponents of the measure, asking to withdraw the initiative measure; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL THAT:

1. Resolution No. 21-016 is hereby rescinded.
2. The City Clerk or designee is hereby authorized and directed to provide a copy of this resolution to and work with the Santa Clara County Registrar of Voters to remove the initiative measure certified on March 3, 2021 from the November general election ballot.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the April 20, 2022

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:
Rich Constantine
02EAF5B067884E7...
RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:
Michelle Bigelow
68F6B7EABA76468...
MICHELLE BIGELOW, City Clerk

City of Morgan Hill
Resolution No. 22-023
Page 2 of 2

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-023, adopted by the City Council at a regular meeting held on April 20, 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 8/18/2022

DocuSigned by:
Michelle Bigelow
C0FCB7EABA7C4C8...
MICHELLE BIGELOW, City Clerk

RESOLUTION NO. 22-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, RESCINDING AND REPLACING RESOLUTION 22-019, SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 1 (commencing at §9200) of the Elections Code of the State of California, a petition has been filed with the City Council of the City of Morgan Hill signed by more than ten percent (10%) of the registered voters of the City, according to the Santa Clara County Registrar of Voters last official report of registration to the Secretary of State, to submit a proposed ordinance to the voters amending the City's General Plan to require voter approval of any future Monterey Road lane reduction; and

WHEREAS, the City Clerk, though the Santa Clara County Registrar of Voters, has examined the records of voter registration and ascertained that, pursuant to California Elections Code section 9215, the petition was signed by the requisite number of voters and has so certified; and

WHEREAS, the Santa Clara County Registrar of Voters (ROV) required revisions to Resolution 22-019 originally adopted by City Council on March 2, 2022; and

WHEREAS, this resolution rescinds and replaces Resolution 22-019 adopted on March 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Election. The City Council hereby orders, pursuant to Section 9222 of the Elections Code, that the Initiative Petition ordinance amending the General Plan to require voter approval of any future Monterey Road Lane reduction be submitted to the voters at the 8th day of November 2022 General Municipal Election.

Section 3. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

City of Morgan Hill
Resolution No. 22-040
Page 2 of 4

Shall the measure amending the City's General Plan to require voter approval of any future Monterey Road lane reduction be adopted?	YES	
	NO	

Section 4. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 5. Consolidation. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 6. Canvass. The Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 7. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter's Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 8. Filing with County. The City Clerk shall file a certified copy of this resolution with the Board of Supervisors.

Section 9. Analysis and Argument. The City Council authorizes all members of the City Council to file written Argument (s) In Favor of or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk, after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one Argument is submitted for the measure or more than one Argument against the measure, the City Clerk shall select the Argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 10. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above shall not be placed in the voter information sample ballot and; instead, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California Amending the General Plan to Require Voter Approval of Any

City of Morgan Hill
Resolution No. 22-040
Page 3 of 4

Future Lane Reduction on Monterey Road. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271, and a copy will be mailed or emailed at no cost to you.”

Section 11. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on the 16th day of August 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By the Author(s) of Argument to be provided by the City Clerk.

Section 9. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an Argument in Favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in Favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure, may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with 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, not more than ten (10) days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the Argument.

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.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on the 23rd day of August 2022 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 10. Effective Date. This resolution shall be effective immediately upon adoption.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

City of Morgan Hill
Resolution No. 22-040
Page 4 of 4

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 3rd day of August 2022 by the following vote:

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	John McKay

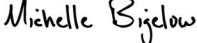
APPROVED:

DocuSigned by:

02EAF5B057884E7

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:

C0ECB7EABA7C4C8

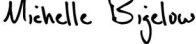
MICHELLE BIGELOW, City Clerk

∞ **CERTIFICATION** ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.22-040 adopted by the City Council at the meeting held on the 3rd day of August 2022.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 8/10/2022

DocuSigned by:

C0ECB7EABA7C4C8

MICHELLE BIGELOW, City Clerk