

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

COUNTY OF BUTTE
MEASURE D

D COUNTY ORDINANCE PROHIBITING GROWING OF GENETICALLY ENGINEERED ORGANISMS. Shall the "County Ordinance Prohibiting Growing of Genetically Engineered Organisms" be adopted?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE D

The Butte County Counsel has prepared the following impartial analysis of Measure "D" pursuant to Elections Code Section 9160. This analysis is not an argument for or against the measure.

The proposed ordinance would prohibit growing genetically engineered organisms in Butte County. The proposed ordinance declares that the propagation, cultivation, raising and growing of genetically engineered organisms in Butte County constitutes a public nuisance pursuant to existing Butte County Code Section 32A-2(a)(1). Further, the proposed ordinance provides that the growing, etc. of genetically engineered organisms does not constitute "Legitimate Agricultural Operations," which are exempted from the type of activities that can be designated as a public nuisance, pursuant to existing Butte County Code Section 32A-2(a)(1).

The proposed ordinance defines "genetically engineered organism" as an organism or the offspring of an organism, the DNA of which has been altered or amended through genetic engineering. The proposed ordinance would exempt the following activities from the prohibition against the growing of genetically engineered organisms: (1) scientific research or education using genetically engineered organisms conducted by a fully accredited college or university, under secure, enclosed laboratory conditions, taking precautions to prevent contamination of the outside environment; and (2) diagnosis, care or treatment provided for any patient, by any licensed health care practitioner.

The proposed ordinance would designate the Butte County Agricultural Commissioner as the County official authorized to enforce its provisions. The proposed ordinance provides that the procedural provisions of existing Chapter 32A of the Butte County Code would govern all enforcement proceedings held pursuant to the ordinance. The provisions of existing Chapter 32A include: (1) a noticed administrative hearing, wherein a hearing officer determines whether a suspected violator has violated the ordinance, (2) an appeal to the Butte County Board of Supervisors from the hearing officer's decision, and (3) a process for the removal or abatement of objects which have been found, pursuant to a hearing, to pose a threat to public health, safety or the general welfare of Butte County residents.

The proposed ordinance provides that upon a final determination that the ordinance has been violated, the Agricultural Commissioner shall immediately thereafter cause to be confiscated for public safety any such organisms as are determined to have been grown in violation of the ordinance, and shall take such other measures as the Commissioner may deem necessary or appropriate to (1) prevent human or animal consumption of the organisms or any products derived from the organisms, (2) prevent contamination of the gene pool by material from the organisms, and (3) ameliorate any other harmful effects which might result from the violation. Any genetically engineered plants or plant products are to be destroyed. Any genetically engineered animals are to be killed, if necessary, or otherwise disposed of in such a manner as to ensure that they will never be consumed, sold, or permitted to reproduce.

Bruce S. Alpert, Butte County Counsel

s/ By: Robert W. MacKenzie, Chief Deputy County Counsel

The above statement is an impartial analysis of Measure "D". If you desire a copy of the initiative ordinance which would be adopted by the measure, please call the elections official's office at (530) 538-7761 and a copy will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE D

Measure D Supports Healthy Farms In Butte County

The unproven technology of genetically engineered (GE) crops threatens Butte County's well-being. Genetic engineering, forcing DNA from one organism into another in laboratories, is radically different from traditional plant and animal breeding. Examples of GE include rice engineered with human DNA, and goats with spider DNA. Manufactured by the makers of toxic chemicals such as Agent Orange, many GE "food crops" -- the plants themselves -- are classified as pesticides by the EPA.

Measure D Supports Our Local Economy

Farm groups such as the National Family Farmers Association report that GE crops have been financially disastrous. American farmers have lost billions of dollars in exports since the introduction of GE crops, the Farm Bureau agrees. Our county's major export markets, such as Japan and Europe, reject GE crops. The Japan Rice Retailers Association states that if GE rice is commercialized, it "shall strongly request the Japanese government to take necessary measures not to import any Californian rice to Japan." Biotech organizations admitted to Mendocino County's Board of Supervisors that GE-free counties may have an "economic advantage" over counties growing GE crops. Why not keep our advantage?

Measure D Supports Our Right To Grow Healthy, Uncontaminated Food

GE crops cannot be contained. Wind, bees and birds spread pollen and seed. Farmers who can't prevent their fields from being contaminated by GE pollen or seed are often sued by corporations for allegedly violating corporate patents. Biotech corporations sing the praises of GE crops, yet refuse to accept liability for the genetic contamination of farmers' fields and the environment. By allowing GE crops to grow in Butte County, citizens would jeopardize their right to buy healthy, locally grown produce free of genetic contamination.

Vote Yes On Measure D: Good For What We Grow, Good For What We Eat!

s/Bill Knudsen, Co-Founder, Knudsen Juices

s/Philip La Rocca, Farmer/Vintner, La Rocca Vineyards

s/Michael Mc Ginnis, Former Mayor, City of Chico

s/Carl Rosato, Owner, Woodleaf Farm

s/Scott S. Wolf, Co-founder, Citizens for a GE-Free Butte

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

The National Academy of Sciences, the American Medical Association and the World Health Organization understand the value and opportunities of genetic engineering (GE). This precise technology has been extensively studied and recommended for use by these groups in the fields of medicine, environmental enhancement and farming.

Our farmers and ranchers strive to put a healthy breakfast, lunch and dinner on the table for American families. They too consume the products they produce and strive to build strong families.

Butte County farmers will be left on the sidelines as the demand for GE products increases! If producers are left at a competitive disadvantage the only alternative may be to sell land for development.

Farmers are not going to produce for a market that doesn't exist. Export markets, like China, are continuing to expand, while more and more countries are opening their doors to the same United States GE crops.

We must not allow emotions and false science to create barriers for Butte County farmers! Scientists at universities around the world, over the last 30 years, have developed tools used by Butte County farmers to remain competitive. To eliminate these proven technologies would be foolish!

CONT. NEXT PAGE

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REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D, CONT.

Butte County families and farmers overwhelmingly oppose this measure! The unknown costs are too broad and too dangerous to ignore. It is estimated that if Measure D is passed it could squander tax dollars threatening funding for fighting crime and fire protection.

Measure D is a risky scheme that Butte County citizens cannot afford!

Save our Farms!

Vote No on Measure D!

s/David E. Lundberg, Farmer

s/Bob Linscheid, President/CEO, Chico Economic Planning Corp.

s/Frederick S. Montgomery, Chairman Emeritus Blue Diamond Growers

s/Steve Lambert, Former Mayor of Paradise & Community Volunteer

s/Karl H. Johansson, MD

ARGUMENT AGAINST MEASURE D

Measure D is an unfunded mandate that could increase taxes and cause the loss of vital services!

Providing a well trained police and fire department to make sure our neighborhoods are safe and secure and that emergency services are available when we need them are important to Butte County. Measure D would threaten funding for firefighters and could remove sheriff's deputies from our streets.

Measure D will not make food safe!

Butte County farmers and researchers are making sure that the food we grow and eat is safe, not only for ourselves, but also for the people we sell it to around the world. Measure D will halt research work.

Measure D could push the production of important crops overseas, increasing the risk of bioterrorism to our food supply.

Measure D could jeopardize our food export markets around the world!

United States farmers have increased export sales of biotech crops by over \$3 Billion. If Measure D passes, Butte County farmers could be considered criminals for growing these crops.

Measure D will not improve the environment!

The truth is, Measure D will deny farmers in Butte County the technology that allows them to grow safer food using fewer pesticides which also improves our water and air quality. The loss of this technology will halt many environmentally friendly practices being implemented on farms throughout Butte County.

Measure D denies improvements in health care!

Researchers have found a way to combat the deadly West Nile Virus through the use of genetic engineering. This technology is also leading to reduced costs for many medications and helping in the battle to find a cure for deadly diseases such as diabetes, Parkinson's, AIDS, and cancer. This technology is significantly benefiting all of our families.

Measure D is bad for Butte County's economy and our families!

Vote no on Measure D!

s/Doug La Malfa, Assemblyman, 2nd District

s/Les Heringer, Jr., Butte Co. Farmer/Butte Creek Watershed Conservancy Director

s/Doug Rudd, Butte County Farm Bureau President

s/Tod Kimmelshue, Past President Chico Chamber of Commerce and parent

s/W. Howard Isom, Chairman Blue Diamond Growers

REBUTTAL TO ARGUMENT AGAINST MEASURE D

Incredibly, the opposition appears to be confused and/or lacking knowledge of Measure D's actual contents. Measure D specifically authorizes research work on GE crops; Measure D has no criminal penalties; and Measure D explicitly allows patients and doctors access to any medicines produced through GE.

Has the opposition, whose official contact person is a lobbyist from Sacramento, even read the text of Butte County's initiative?

Measure D will not increase taxes or cut services. Only Butte County voters can raise taxes by voting on that separately. Why is the opposition trying to scare voters with lost firefighters and police, and bioterrorism-issues that have nothing to do with Measure D? Counties with legislation like Measure D have not had to pay one cent in extra taxes, nor have they lost any jobs or services because of the legislation.

Measure D guarantees an economic advantage for Butte County farmers and taxpayers. Three billion dollars of GE crops may have been sold, but at what cost? They have caused U.S. farmers to lose approximately \$12 billion, as major markets have rejected GE crops. Taxpayers pay the difference in subsidies. The math tells the story.

Measure D keeps our environment clean. Dr. Charles Benbrook's comprehensive study (www.biotech-info.net/Technical_Paper_6.pdf), using the USDA's statistics, demonstrates that in 8 years GE crops have increased pesticide use by 50,000,000 pounds. Why? Because the same chemical companies that manufacture GE crops make the pesticides that go with them!

Vote Yes on Measure D for a healthy Butte County future!

s/Sharon Casey, Farmer/Co-owner, Towani Farm

s/Tom Gagne, Real Estate Associate

s/Michael Perelman, Ph. D., Agricultural Economics, CSUC Professor

s/Matthew C. Martin, Farmer/Owner, Pyramid Farms

s/Deborah F. Gagne, Fitness and Wellness Specialist, Beyond Fitness

**BUTTE COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL**

COPY

CLERK OF THE BOARD USE ONLY
MEETING DATE: _____
AGENDA ITEM: _____

AGENDA TITLE: Proposed County Ordinance Prohibiting Growing Of Genetically Engineered Organisms in Butte County

DEPARTMENT: Clerk-Recorder
Elections Division

DATE: 6-28-2004

MEETING DATE REQUESTED: 7-13-04

CONTACT: Candace Grubbs *[Signature]*

PHONE: 538-7654

REGULAR x **CONSENT** _____

DEPARTMENT SUMMARY:
Elections Code Section 9101 requires any proposed ordinance may be submitted to the Board of Supervisors by filing an initiative petition with the county elections official, signed by not less than the number of voters specified in the article for county initiatives. To be valid, an initiative petition must be signed by 10% of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election (Nov 2002).

On June 1, 2004 proponent Susan Sullivan filed a proposed countywide initiative petition titled "County Ordinance Prohibiting Growing Of Genetically Engineered Organisms" with the Butte County Elections Office (see attached copy of petition, ballot title and summary prepared by county counsel and the notice of intention containing the ordinance language).

The County Clerk has verified that there are sufficient valid signatures on the petition, as set forth in the attached "County Clerk's Certificate To Initiative Petition" dated June 14, 2004.

Pursuant to California Elections Code Section 9118, the Board has three options as follows:

- (a) Adopt the Ordinance without alteration at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) ~~Submit the Ordinance, without alteration, to the voters pursuant to subdivision (b) of Section 1405, at the next statewide election occurring not less than 88 days after the date of the Board of Supervisor's order to call election.~~
- (c) Order a report pursuant to California Elections Code Section 9111 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Board of Supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b). See attached copy of Elections Code Section 9111.

- REQUESTED BOARD ACTION:**
1. Accept the certification of sufficiency.
 2. Pass the ordinance, without alteration; or
 3. Direct staff to prepare a resolution to place the proposed ordinance on the November 2, 2004 General Election ballot; or
 4. Request a report pursuant to Section 9111.

**AGENDA ITEM SUBMITTALS REQUIRE THE ORIGINAL (1) AND TWELVE (12) COPIES
ATTACH EXPLANATORY MEMORANDUM AND OTHER BACKGROUND INFORMATION AS NECESSARY**

<p>Budgetary Impact: Yes <u> x </u> No _____</p> <p>If yes, complete Budgetary Impact Worksheet on back</p> <p>Budget Transfer Requested: Yes _____ No <u> x </u></p> <p>If yes, complete Budget Transfer Request Worksheet on back. (Deadline is one business day prior to normal agenda deadline.)</p> <p>Will Proposal Require an Agreement: Yes _____ No <u> x </u></p> <p>Auditor-Controller's Number (if required): _____</p> <p>County Counsel's Approval: Yes _____ No <u> x </u></p> <p>Will Proposal Require Additional Personnel: Yes _____ No <u> x </u></p> <p>Number of Permanent: _____ Temp _____</p> <p>Extra Help _____</p>	<p>CAO OFFICE USE ONLY</p> <p>Administrative Office Review _____</p> <p>Administrative Office Staff Contact _____</p> <p>4/5/s Vote Required: Yes: ___ No: ___</p> <p>Date Received by Clerk of the Board: _____</p>
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Previous Board Action Date: 5-11-2004

Additional Information Attached: Yes x No _____

Describe: Certification, Elections Code §9111, Copy of Petition, Ballot Title & Summary, Notice of Intent and Proposed Ordinance

REPORT ON EFFECT OF PROPOSED INITIATIVE TO BOARD OF SUPERVISORS

California Elections Code Section 9111

(a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116 or Section 9118, the board of supervisors may refer the proposed initiative measure to any county agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
 - (2) Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
 - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - (5) Its impact on the community's ability to attract and retain business and employment.
-
- (6) Its impact on the uses of vacant parcels of land.
 - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - (8) Any other matters the board of supervisors request to be in the report.

(b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.



CANDACE J. GRUBBS
COUNTY CLERK-RECORDER-REGISTRAR OF VOTERS
25 County Center Drive, Suite I
Oroville, CA 95965-3375

COUNTY CLERK'S CERTIFICATE TO INITIATIVE PETITION

I, Candace J. Grubbs, County Clerk-Recorder/Registrar of Voters, of the County of Butte, State of California, hereby certify:

That the **Proposed Measure: County Ordinance Prohibiting Growing of Genetically Engineered Organisms** has been filed with this office on **June 1, 2004**. Said petition consists of **1,441 sections**;

That each section contains signatures purporting to be the signatures of qualified electors in the County of Butte;

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

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

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

Method of Verification: Random Signature Verification

1. Number of verified signatures	500
a. Number of signatures found sufficient _____	420
b. Number of signatures found not sufficient _____	80
(1) Not sufficient because of duplicate _____	0
2. Number of unverified signatures filed by proponent (raw count)	9,502
a. Projected number of valid signatures _____	7,981
b. Number of signatures required _____	6,146

Therefore, this petition has been found to be sufficient.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 14th day of June, 2004.

Candace J. Grubbs

CANDACE J. GRUBBS
County Clerk-Recorder/Registrar of Voters

COPY



OFFICE OF COUNTY COUNSEL FILED BUTTE COUNTY

COUNTY OF BUTTE
25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95965-3380
PHONE (530) 538-7621
FAX (530) 538-6891
countycounsel@buttecounty.net

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Aime Cassady
CLEAR - RECORDER

ASSISTANT COUNTY COUNSEL
DAVID M. MCCLAIN

CHIEF DEPUTY COUNTY COUNSEL
ROBERT W. MACKENZIE

DEPUTY COUNTY COUNSEL
FELIX WANNENMACHER
ELIZABETH MCGIE
BRAD J. STEPHENS

BRUCE S. ALPERT
COUNTY COUNSEL

April 12, 2004

Candace Grubbs
Butte County Elections Official
Butte County Administration Building
25 County Center Drive
Oroville, CA 95965

Re: Proposed County Ordinance Prohibiting Growing of Genetically Engineered Organisms

Dear Ms. Grubbs:

Below, please find the ballot summary and title of the above, as required by Elections Code Section 9105.

TITLE

County Ordinance Prohibiting Growing of Genetically Engineered Organisms

SUMMARY

The proposed ordinance states that, due to the fact that genetically engineered life forms and products are being developed and introduced into the market with precipitous speed, before the potential risks and long term effects of these products have been studied, the danger that they may contaminate and thereby reduce the economic value of neighboring crops creates a serious economic threat to farmers.

The proposed ordinance would prohibit growing genetically engineered organisms in Butte County. The proposed ordinance would declare that the propagation, cultivation, raising and growing of genetically engineered organisms in Butte County constitutes a public nuisance pursuant to existing Butte County Code Section 32A-2(a)(1). Further, the proposed ordinance would provide that the growing, etc.. of genetically engineered organisms does not constitute "Legitimate Agricultural Operations," which are exempted from the type of activities that can be designated as a public

nuisance, pursuant to existing Butte County Code Section 32A-2(a)(1).

The proposed ordinance would define "genetically engineered organism" as an organism or the offspring of an organism, the DNA of which has been altered or amended through genetic engineering. The proposed ordinance would exempt the following activities from the prohibition against the growing of genetically engineered organisms: (1) scientific research or education using genetically engineered organisms conducted by a fully accredited college or university, under secure, enclosed laboratory conditions, taking precautions to prevent contamination of the outside environment; and (2) diagnosis, care or treatment provided for any patient, by any licensed health care practitioner.

The proposed ordinance would designate the Butte County Agricultural Commissioner as the County official authorized to enforce its provisions. The proposed ordinance would provide that the procedural provisions of existing Chapter 32A of the Butte County Code would govern all enforcement proceedings held pursuant to the ordinance. The provisions of existing Chapter 32A include: (1) a noticed administrative hearing, wherein a hearing officer determines whether a suspected violator has violated the ordinance, (2) an appeal to the Butte County Board of Supervisors from the hearing officer's decision, and (3) a process through which objects which pose a threat to public health or safety are removed or abated.

The proposed ordinance would provide that upon a final determination that the ordinance has been violated, the Agricultural Commissioner shall immediately thereafter cause to be confiscated for public safety any such organisms as are determined to have been grown in violation of the ordinance, and shall take such other measures as the Commissioner may deem necessary or appropriate to (1) prevent human or animal consumption of the organisms or any products derived from the organisms, (2) prevent contamination of the gene pool by material from the organisms, and (3) ameliorate any other harmful effects which might result from the violation. Any genetically engineered plants or plant products are to be destroyed. Any genetically engineered animals are to be killed, if necessary, or otherwise disposed of in such a manner as to ensure that they will never be consumed, sold, or permitted to reproduce.

If you have any questions or wish to discuss this matter, please do not hesitate to call me at 7621.

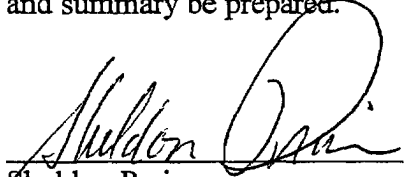
Very truly yours,

BRUCE S. ALPERT
Butte County Counsel

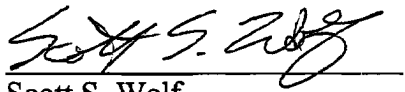
By 
Robert W. MacKenzie,
Chief Deputy County Counsel

Notice of Intent

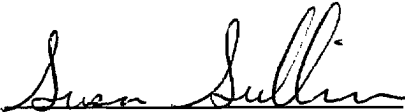
Notice is hereby given by the persons whose names appear hereon of their intention to submit to the County of Butte an initiative for the purpose of placing an initiative measure on the November 2, 2004 ballot. These persons hereby request that a ballot title and summary be prepared.



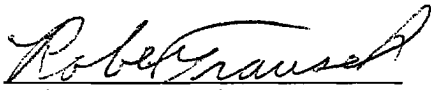
Sheldon Praiser
2300 Estes Road
Chico, CA 95928



Scott S. Wolf
250 Pacific Drive
Paradise, CA 95969



Susan Sullivan
1197 Honey Run Road
Chico, CA 95928



Robert J. Trausch
2310 Estes Road
Chico, CA 95928

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BUTTE COUNTY
RECORDED
MAR 30 PM 3:53
Sheldon Praiser

STATEMENT ON PROHIBITING GROWING GENETICALLY
MODIFIED ORGANISMS IN BUTTE COUNTY

Genetically modified organisms (GMOs) are being released into the environment without democratic debate, without public awareness, and without a sound regulatory monitoring system, at the expense of agricultural, ecological, economic, and human health. Genetically engineered (GE) rice has already been developed and will soon enter Butte County. Scientists are working feverishly to develop GE almond and walnut trees.

Genetic engineering is an imprecise science by which a gene from one organism is spliced into the DNA of another organism. This is done to create new characteristics. For example, a gene from a fish might be spliced into a tomato to make the tomato more resistant to cold, or crops may be genetically engineered to make them resistant to pests or herbicides. Genetic engineering is NOT the same as hybridization, which has been done successfully and safely for hundreds of years. Genetic engineering generally involves crossing species boundaries, sticking genes from animals or bacteria into plants in many cases. Such a process could never occur naturally.

While such developments might seem beneficial at first glance, a closer look reveals a host of dangers accompanying them. First, once GMOs have been planted and reproduction has begun, their containment and/or recall becomes impossible as pollen spreads and the plants interbreed with natural crops and/or weedy relatives. For farmers this can mean involuntary contamination of their crops with unwanted genetic material, making their produce worthless in the many overseas markets that limit or prohibit GMOs or organisms contaminated by GMOs.

Spreading of pollen can also lead to the unintended creation of pest- or herbicide-resistant "superweeds," which become ever more difficult to eradicate from farmlands and forests alike. GMOs themselves frequently reduce crop yields and cause increased, rather than decreased, herbicide and insecticide usage. Researchers know little about what harm GMOs might do to native ecosystems, soil microorganisms, and beneficial insects, but more insecticides and herbicides ensure environmental degradation.

Additionally, the health of Butte County residents may be put at risk by GMOs. Pollution of our food crops by GMOs, particularly those engineered to produce insecticides, vaccines, and medicines, may have detrimental health consequences, especially to our still-developing children. The effects of ingesting GE food products have not been studied in any comprehensive way. Research indicates that some GMOs increase allergenicity, again putting children, who have 3-4 times the allergies of an adult, at risk. Our food and water supplies will also suffer from increased applications of herbicides and insecticides.

In conclusion, there is simply not enough research that has been done to justify an uncontrolled release of GMOs into the environment of Butte County. Available information suggests potential for great harm to our agriculture, natural environment, economy, and health, with minimal benefits. For all these reasons, the undersigned citizens of Butte County call for a ban on the propagation, cultivation, raising, and growing of genetically modified organisms in our county.

COUNTY ORDINANCE PROHIBITING GROWING
OF GENETICALLY ENGINEERED ORGANISMS

Section 1. Findings and Purpose. The People of the County of Butte, desiring to protect our agricultural industry, our natural environment, the private property rights of our citizens, and the health and safety of our People, deem it advisable and appropriate to restrict the introduction into our County of genetically engineered crops, livestock, and other organisms. Genetically engineered life forms and products are being developed with precipitous speed, and have been introduced into the marketplace, often without the consumers' knowledge, before the potential risks and long term effects of these products have been studied. In addition, because many companies and foreign markets do not accept genetically engineered food products, the danger of contaminating and thereby reducing the value of neighboring crops by genetically engineered crops creates a serious economic threat to farmers. Finally, the impact on our natural environment from genetically engineered organisms and contamination from such is unpredictable, ultimately uncontrollable, and has received little study. For all of these reasons, the People of County of Butte find and declare that the propagation, cultivation, raising, and growing of genetically engineered organisms in Butte County constitutes a public nuisance under Chapter 32A-2(a)(1) of the Butte County Code, and shall not be deemed "Legitimate Agricultural Operations".

Section 2. Prohibitions. It is unlawful for any person to propagate, cultivate, raise, or grow genetically engineered organisms in Butte County, and any act in violation of this provision is declared to constitute a public nuisance. However nothing in this Ordinance shall make it unlawful for (1) a fully accredited college or university to engage in scientific research or education using genetically engineered organisms under secure, enclosed laboratory conditions, taking precautions to prevent contamination of the outside environment, or (2) any licensed health care practitioner to provide any diagnosis, care or treatment to any patient.

Section 3. Definitions.

- (a) "Genetically engineered organism" means an organism or the offspring of an organism the DNA of which has been altered or amended through genetic engineering. Such organisms are also sometimes referred to as "genetically modified organisms" or "GMO's".
- (b) "Genetic engineering" means altering or amending DNA using recombinant DNA technology such as gene deletion, gene doubling, introducing a foreign gene, or changing the position of genes, and includes cell fusion, microencapsulation, macroencapsulation, gene splicing, and other similar processes. Genetic engineering does not include traditional selective breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.
- (c) "DNA" means deoxyribonucleic acid, the material naturally found within living cells which contains the genetic code and transmits hereditary patterns.

- (d) "Organism" means any living thing, exclusive of human beings and human fetuses.
- (e) "Commissioner" means the Agricultural Commissioner of Butte County.
- (f) "Person" means an individual, partnership, corporation, or organization of any kind.

Section 4. Enforcement.

(a) The Agricultural Commissioner is hereby designated to enforce this Ordinance and may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Ordinance.

(b) Whenever the Commissioner has reason to suspect a violation of this provision, he or she shall give notice in the manner provided in Chapter 32A-5, for a hearing to be set no less than 14 days, and no more than 21 days from the date of notice. Five days prior to the date set for hearing, the suspected violator shall submit to the Commissioner any documentary evidence the person would like to have considered in the person's defense.

(c) Except as otherwise provided herein, the selection of the hearing officer, the manner in which the hearing is held, the appeal process, the abatement process, and all related proceedings shall be conducted, insofar as possible, according to the provisions of Chapter 32A.

(d) The hearing officer or Board shall make a decision no later than 15 days after the hearing.

(e) Upon final determination that there has been a violation of this Ordinance, the Commissioner shall immediately thereafter cause to be confiscated for the public safety any such organisms as are determined to have been propagated, cultivated, raised or grown in violation of this Ordinance, and shall take such other measures as the Commissioner may deem necessary or appropriate to (1) prevent human or animal consumption of the genetically engineered organisms or any products derived from the genetically engineered organisms, (2) prevent contamination of the gene pool by genetic material from the genetically engineered organism, and (3) ameliorate any other harmful effects which might result from the violation. Any genetically engineered plants or plant products are to be destroyed. Any genetically engineered animals are to be killed, if necessary, or otherwise disposed of in such a manner as to ensure that they will never be consumed, sold, or permitted to reproduce.

(f) Any person or persons knowingly and willfully responsible for a violation of this Ordinance shall be responsible for administrative and abatement costs, as provided in Chapter 32A. Costs of enforcement shall not be imposed upon any person whose violation is not knowing and willful, nor shall costs be imposed for enforcement for crops planted or animals possessed in the County prior to the effective date of this Ordinance.

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pg 5 of 1

(g) The provisions of this Ordinance are cumulative, and nothing in this Ordinance affects any other remedies any individual or government entity may have against any person resulting from a violation of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

**EL MEDIO FIRE PROTECTION DISTRICT
MEASURE G**

G

Shall Measure G, which calls for a rate increase for fire protection and prevention for the benefit of the residents of the El Medio Fire Protection District, be approved?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE G

The Butte County Counsel has prepared the following impartial analysis of Measure "G" pursuant to Elections Code Section 9313. This analysis is not an argument for or against the measure.

This measure is being submitted to the voters within the El Medio Fire Protection District (the "District"), pursuant to the requirements of Proposition 218, which was approved by California voters in November 1996. Proposition 218 prohibits a special tax increase within the District unless and until the increase is submitted to the voters within the District and approved by a two-thirds vote.

This measure would authorize an increase in the special tax within the District for fire protection and prevention, as specified in Resolution R-04-003, adopted by the Board of Directors of the District on July 7, 2004. If the measure is approved by two-thirds or more of the votes cast on the measure, the increase in the special tax will be imposed on real property in the District for fiscal year 2005-06 and each fiscal year thereafter. The amount of the special tax increase for each parcel of real property would be based upon the classification of improvements and uses of the property, as specified below:

- a. Unimproved parcels: An additional Twenty-five Dollars (\$25.00) per parcel up to and including five (5) acres; plus an additional One Dollar (\$1.00) for each additional acre or fraction thereof.
- b. Improved parcels:
 - i. Residential. An additional Sixty Dollars (\$60.00) per residential dwelling unit. In the case of mobile home parks, courts and sites, the tax will be based upon the number of mobile home spaces (units), whether occupied or not, plus an additional unit for common facilities.
 - ii. Commercial: An additional One Hundred Twenty-five Dollars (\$125.00) for the first 1,000 square feet, or fraction thereof, under roof, plus an additional Five Dollars (\$5.00) for each additional 1,000 square feet or fraction thereof, under roof.
 - iii. Commercial, involving significantly higher risk of fire damage or hazards: An additional Two Hundred Dollars (\$200.00) for the first 1,000 square feet, or fraction thereof, under roof, plus an additional Five Dollars (\$5.00) for each additional 1,000 square feet or fraction thereof, under roof.

After notice and hearing, the classification of the improvement and use of each parcel of real property would be determined as of June 15th of each year for the succeeding fiscal year. Any landowner could appeal the determination with respect to the landowner's parcel by filing written notice at the District office.

The special tax increase would not be imposed upon real property owned by the Federal or State governments or another local district.

The special taxes imposed by the District could not be increased in the future unless another election were held in the District approving the increase by two-thirds or more of the votes cast.

The amount of the tax imposed each year would appear as a separate item on each tax bill and would be collected on behalf of the District by the County in the same manner and at the same time as property taxes.

The revenues generated from the special tax could only be used for fire protection and prevention within the District.

Bruce S. Alpert, Butte County Counsel

CONT. NEXT COLUMN

IMPARTIAL ANALYSIS OF MEASURE G, CONT.

s/By: Robert W. MacKenzie, Chief Deputy County Counsel

The above statement is an impartial analysis of Measure "G". If you desire a copy of the special tax resolution adopted by the Board of Directors of the El Medio Fire Protection District (Resolution R-04-003) and referred to in the above analysis, please call the elections official's office at (530) 538-7761 and a copy will be mailed at no cost to you.

**NO ARGUMENT WAS SUBMITTED IN FAVOR OF,
NOR AGAINST, MEASURE G**

VOTER'S PAMPHLET
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CITY OF CHICO
MEASURE H

H **MEASURE REGARDING THE MINIMUM AGE FOR COUNCIL CANDIDATES.** Shall Section 403 of the City Charter, which now requires that candidates for City Council be city residents, over the age of 21 and registered to vote, be amended to reduce the minimum age for a candidate from 21 to 18?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE H

Section 403 of the Charter of the City of Chico now requires a candidate for city council to be over the age of 21 years.

If Measure H is approved, Section 403 of the Charter will be amended to reduce the minimum age for council candidates to 18 years.

If Measure H is not approved, section 403 of the Charter will not be amended and the reduction in the minimum age for a city council candidate, as described above, will not occur.

s/David R. Frank, City Attorney, City of Chico

The above statement is an impartial analysis of Measure H. If you desire a copy of the measure, please call the City Election Official's office at 895-4811, and a copy of the measure will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE H

The Chico City Council appointed a diverse and impartial 13-member Charter Review Committee to review the existing Charter. During the course of its review, the Charter Review Committee recommended a number of changes which the Committee believes should be made to the Charter.

One such change is lowering the age requirement for eligibility of a council candidate from 21 years to 18 years old. When this requirement was placed in the Charter, the legal age for voting was 21 years old. Since its original adoption, the voting age has been lowered to 18 years old statewide and it is the recommendation of the Charter Review Committee that the age for eligibility for Council candidacy be changed to stay in conformity with the voting age.

This is a common sense change which will not cost the City of Chico or its residents anything.

The Charter Review Committee recommends a "yes" vote on Measure H.

s/John Dougherty, Vice Chair, Charter Review Committee

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE H

CITY OF CHICO
MEASURE I

I **MEASURE REGARDING THE SALARIES OF COUNCIL MEMBERS AND THE MAYOR.** Shall Section 601 of the City Charter, which sets the monthly remuneration of councilmembers at not more than \$60 and the monthly remuneration of the mayor at an additional \$25, be amended to set a salary for councilmember at the same level as that authorized under state law for councilmembers in general law cities and to provide for the mayor to receive an additional salary of 20 percent of the salary of a councilmember?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE I

Section 601 of the Charter of the City of Chico now provides that a councilmember be paid fifteen dollars (\$15) for each council meeting attended, but not more than a total of sixty dollars (\$60) for all meetings attended in any month. Section 601 of the Charter also provides that the mayor be paid twenty-five dollars (\$25.00) per month, in addition to the remuneration received by the mayor for service as a councilmember.

If Measure I is approved, Section 601 of the Charter will be amended to set the salary of a councilmember at the maximum salary authorized under state law for councilmembers in general law cities with the same population as the City of Chico. The amount currently authorized by general law as the maximum salary for councilmembers in cities with a population between 50,000 and 75,000 persons is five hundred dollars (\$500) per month.

If Measure I is approved, the mayor would receive the salary of councilmember plus an additional monthly salary of twenty percent (20%) of the salary of a councilmember.

If Measure I is not approved, Section 601 of the City Charter will not be amended, and changes in the salaries of councilmembers and the mayor, as described above, will not occur.

s/David R. Frank, City Attorney, City of Chico

The above statement is an impartial analysis of Measure I. If you desire a copy of the measure, please call the City Election Official's office at 895-4811, and a copy of the measure will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE I

The Charter Review Committee unanimously agreed that the most important change needed in the current Charter was the section dealing with the remuneration of councilmembers. Since the 1960 Charter, councilmembers receive \$15 per City Council meeting, with a maximum of \$60 a month per councilmember. The Mayor receives an additional \$25 per month.

In addition to the numerous meetings they must attend each month, councilmembers are required to do extensive studying and research of a variety of complex issues. All of this requires a tremendous time commitment. In addition to normal council duties, the Mayor must chair all the meetings and represent the City at numerous events and functions.

Therefore, the Charter Review Committee unanimously declares that it is only fair and deserving that Chico councilmembers receive the same remuneration as councilmembers in General Law cities. That remuneration is based on population. The City's current population equates to a rate of \$500 per month. The Charter Review Committee recognizes that qualified individuals do not run for the remuneration, but the Committee believes that it is important to let our public servants know we appreciate and recognize their commitment and service at least as much as other cities in the State. The Charter Review Committee recommends a "yes" vote on Measure I.

s/John Dougherty, Vice Chair, Charter Review Committee

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE I

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CITY OF CHICO
MEASURE J

J **MEASURE REGARDING THE FILLING OF VACANCIES ON THE COUNCIL.** Shall Section 406 of the City Charter, which provides that a council vacancy be filled by appointment during the first 30 days and thereafter by special election, be amended to provide that the vacancy be filled by appointment during the first 30 days or by special election, unless the term of the vacant office expires in less than six months and the election cannot occur at least 42 days before the next general municipal election?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J

Section 406 of the Charter of the City of Chico now provides that a vacancy in the office of councilmember shall be filled by appointment of the city council and that the appointee shall hold office until a successor is elected at the next general municipal election. Section 406 of the Charter further provides that if the council fails to make such an appointment within 30 days after the vacancy occurs, the council shall cause an election to be held forthwith to fill the vacancy.

If Measure J is approved, Section 406 of the City Charter will be amended to provide that:

1. Any vacancy on the council shall be filled for the remainder of the unexpired term by a special election called by the council to fill the vacancy;
2. The council may choose not to call a special election, if the term of the vacant office ends less than six months from the date of the vacancy and an election cannot be held earlier than six weeks before the next general municipal election for election of councilmembers; and
3. During the first 30 days of any vacancy, the council may fill the vacancy by appointment of a person qualified to be a candidate for city council. In that case, a special election would not be called to fill the vacancy, and the appointee would hold office until the appointee's successor is elected at the next general municipal election.

If Measure J is not approved, Section 406 of the Charter will not be amended, and the changes in the procedures for and manner of filling vacancies on the city council, as described above, will not occur.

s/David R. Frank, City Attorney, City of Chico

The above statement is an impartial analysis of Measure J. If you desire a copy of the measure, please call the City Election Official's office at 895-4811, and a copy of the measure will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE J

The recent death of a councilmember pointed out a glaring weakness in Section 406 of the Charter, which provides for the filling of a vacant council seat. As currently written, Section 406 requires that if the city council cannot agree upon a selection to fill the vacancy a special election must be held, even if the timing is such that the winner of the special election would be in office less than a month prior to a General Election. Ballot Measure J provides for the filling of a vacant council seat in the same manner as currently found in the Charter, but also provides that the seat does not need to be filled when the vacancy occurs so close to an upcoming election that it is not practical, feasible or cost-effective to hold a special election to fill the vacant seat.

Although Section 406 originally was not recommended for change by the Charter Review Committee, the Committee believes that the Ballot Measure is both wise and fiscally prudent and the Charter Review Committee recommends a "yes" vote on Measure J.

s/John Dougherty, Vice Chair, Charter Review Committee

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE J

CITY OF CHICO
MEASURE K

K **MEASURE REGARDING THE CITY BUDGET.** Shall Sections 1102 and 1103 of the City Charter, which now provide for the preparation and adoption of an annual city budget, be amended to provide for the preparation and adoption of either an annual or a biennial city budget, at the option of the city council, all as set forth in council Resolution No. 09 04-05?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

Section 1102 of the Charter of the City of Chico now requires the city manager, on or before the first day of June in each year, to prepare and present to the city council a proposed budget for the next fiscal year. Currently, the fiscal year for the city of Chico begins on July 1st of each year and ends on June 30th of the following year.

Section 1103 of the Charter of the City of Chico now requires the city council to consider and adopt a tentative budget during June of each year and adopt a final budget at the first regular council meeting in July of each year.

If Measure K is approved, Sections 1102 and 1103 of the Charter will be amended to provide that the council, by a resolution adopted before January 1st in any fiscal year, may designate the next city budget as a two-year budget, instead of an annual budget. In that case, the city manager would prepare and present to the council a proposed budget for the next two fiscal years on or before the first day of the month preceding the two-year budget period. The council would be required to (1) consider and adopt a preliminary budget for the next two fiscal years during the month immediately preceding the two-year budget period and (2) adopt a final budget for the two-year period at or before the council's first regular meeting at the beginning of the two-year budget period.

Measure K also amends Sections 1102 and 1103 of the Charter to authorize the city council to decide before January 1 of any fiscal year to return to an annual budget process instead of a two-year budget process. In that case, the city manager would prepare and present to the council a proposed budget for the next fiscal year on or before the first day of the month preceding that fiscal year. The council would be required to (1) consider and adopt, during that month, a preliminary budget for the next fiscal year and (2) adopt a final budget for that fiscal year at or before the council's first regular meeting in that fiscal year.

If Measure K is not approved, the amendments to Sections 1102 and 1103 of the Charter and the changes to the city budget process, as described above, will not occur.

s/David R. Frank, City Attorney, City of Chico

The above statement is an impartial analysis of Measure K. If you desire a copy of the measure, please call the City Election Official's office at 895-4811, and a copy of the measure will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE K

Each year, a great deal of city personnel resources are needed to prepare and present the annual fiscal budget to the City Council. Ballot Measure K would allow the City Manager to prepare and present a two-year budget.

Preparation of a two-year budget would save personnel time over the life of the budget, allowing the resources to be utilized on other important city tasks.

Individual councils would have the choice of utilizing either a one-year or two-year budget. There would be no change in reporting or auditing practices mandated by the state, and accountability and control would remain at its current high level.

Passage of Measure K would provide flexibility and a better utilization of dwindling City personnel resources and the Charter Review Committee recommends a "yes" vote on Measure K.

s/John Dougherty, Vice Chair, Charter Review Committee

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE K

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CITY OF CHICO
MEASURE L

L **MEASURE REGARDING TECHNICAL, NONSUBSTANTIVE AMENDMENTS TO THE CHARTER.** Shall Sections 106, 502, 608, 614, 1004, 1005, 1106, 1113, 1114, and 1505 of the City Charter be amended; Section 504, 910 and 1112 of the City Charter be repealed; and a new Section 1112 be added to the City Charter to make technical, nonsubstantive amendments, all as set forth in council Resolution No. 09 04-05?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE L

If Measure L is approved, the following technical and nonsubstantive amendments will be made to the Charter of the City of Chico:

1. Section 106 - amended to delete obsolete references to the city treasurer, an office replaced by the finance director.
2. Section 502 - amended to delete obsolete references to processes for holding city elections.
3. Section 504 - repealed to delete obsolete references to processing returns in city elections.
4. Sections 608 - revised to clarify provisions disqualifying councilmembers from (1) service on any city board or commission, (2) holding any other city office or any city employment for compensation paid from city funds, and (3) election or appointment to any city office for one year after expiration of a councilmember's term.
5. Section 614 - amended to delete the requirement that the council act by resolution to purchase or lease real property.
6. Section 910 - repealed to delete an obsolete prohibition against any councilmember or other city officer having a financial interest in any contract, sale, purchase, lease or transfer of real property or personal property to which the city is party, except under certain narrow circumstances. Current provisions of state law regulating financial conflicts of interest of city officers and employees and prohibiting contracts between the city and city officers or employees will continue to apply to officers and employees of the City of Chico.
7. Sections 1004 and 1005 - amended to make technical changes to provisions regarding compensation of members of boards and commissions and vacancies on those boards and commissions.
8. Section 1106 - amended to delete the reference to majority-vote approval of special taxes. Currently, the California Constitution requires approval of special taxes by a two-thirds vote of the voters.
9. Section 1112 - repealed to delete an obsolete provision regarding progressive payments on public works contracts.
10. New Section 1112 - added to expressly reaffirm that the subject of public works contracts is a municipal affair. Under the California Constitution, the regulation of city public works contracts has historically been viewed as a "municipal affair." A municipal affair is a matter for which a charter city's authority preempts state laws on the same subject.
11. Section 1113 - amended to simplify the requirement that the council adopt an ordinance governing centralized purchasing of supplies and equipment by the city.
12. Section 1114 - amended to simplify and clarify the requirements for the annual bidding on and award of contracts for publication of city legal notices and official advertisements.
13. Section 1505 - amended to (1) authorize the fine for an infraction violation of a city ordinance or resolution to be set by ordinance, as an alternative to the one-thousand dollar (\$1000) maximum fine now provided in the Charter, and (2)

CONT. NEXT COLUMN

IMPARTIAL ANALYSIS OF MEASURE L, CONT.

provide that the maximum penalty for a misdemeanor violation of a city ordinance or resolution shall not exceed the maximum penalty allowed under the general laws of California for misdemeanor violations of state laws.

If Measure L is not approved, the various amendments to the Charter, as described above, will not occur.

s/David R. Frank, City Attorney, City of Chico

The above statement is an impartial analysis of Measure L. If you desire a copy of the measure, please call the City Election Official's office at 895-4811, and a copy of the measure will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE L

The Charter Review Committee found the current Charter has served the citizens of Chico well. The Committee does not believe the Charter is in need of a total revision. However, the Committee did find some areas which were outdated, or which actually created extra steps and layers for the City Council and/or City staff in administering to the needs of the City. Measure L is a clean-up measure.

All of the changes proposed in this measure are considered routine in nature. They are noncontroversial and will provide the tools for the City Council and city staff to better serve the needs of the citizens of Chico.

The Charter Review Committee recommended that these items all be gathered into one measure.

The Charter Review Committee recommends a "yes" vote on Measure L.

s/John Dougherty, Vice Chair, Charter Review Committee

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE L

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THERMALITO UNION SCHOOL DISTRICT
MEASURE M

M SCHOOL BOND MEASURE. To provide funding for a new library/media center, adding and expanding science labs, relocating music room and equipping facilities at Nelson Avenue Middle School; to improve student safety by rehabilitating student loading zones, sidewalks, and parking areas at all schools; and to provide new playground equipment and bleachers at District schools, shall the Thermalito Union School District issue bonds of \$2,050,000 at legal interest rates, with an independent citizen oversight committee and no money for administrative salaries?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE M
(Prepared pursuant to Elections Code Section 9500)

The Thermalito Union School District ("District") Bond Measure is being submitted to the voters in the District pursuant to existing law. It would not change the law.

If fifty-five (55) percent or more of the votes cast on the measure are "Bonds-Yes", the measure will be approved, and the District will be authorized to incur a bonded indebtedness in the principal amount of up to \$2,050,000.00.

The bonds would bear interest at a rate not exceeding the maximum allowable under state law at the time of their sale. The current maximum rate is 12% per year. The actual interest rate would be determined when the bonds were offered for sale and could be less than the maximum allowable.

If the bond measure is approved and bonds are issued, taxes will be levied annually on the real property and the improvements thereon in the District, based on the taxable value of such property and improvements, in an amount sufficient to pay the principal and interest on the bonds.

Proposition 13, approved in 1978, amended the California Constitution by adding Article 13A limiting ad valorem taxes on real property to 1% of the full cash value of the property. Article 13A was amended in 1986 by adding an exception providing that the 1% limitation does not apply to taxes used to pay interest and redemption charges on certain bonds. Taxes levied to pay the interest and principal of these District Bonds would be within this exception and not subject to the 1% limitation.

The funds derived from the sale of these bonds could be expended by the District only for the purposes specified in the ballot measure, namely for a new library/media center, adding and expanding science labs, relocating music room and equipping facilities at Nelson Avenue Middle School; to improve student safety by rehabilitating student loading zones, sidewalks and parking areas at all schools; and to provide new playground equipment and bleachers at District schools, and not for any other purpose, including teacher or administrator salaries or other school operating expenses.

If Measure M is approved, the District would be obligated to appoint an independent citizens oversight committee and the District would be required to conduct annual independent financial and performance audits to ensure that the bond funds have been used only for the school facilities purposes listed in the full ballot text. These purposes are contained in the one measure and are to be voted upon as one single proposition.

Bruce Alpert, Butte County Counsel
s/By Robert W. MacKenzie, Chief Deputy County Counsel

The above statement is an impartial analysis of Measure M. If you desire a copy of the measure, please call the Elections Official's Office at 1-800-894-7761 or (530) 538-7761 and a copy will be mailed to you at no cost.

TAX RATE STATEMENT

An election will be held in the Thermalito Union School District (the "District") on November 2, 2004, to authorize the sale of up to \$2,050,000 in bonds of the District to finance school facilities as described in the proposition. If such bonds are authorized and sold it is expected that the bonds will be sold in one series, and principal and interest on the bonds will be payable from the proceeds of tax levies

made upon the taxable property in the District. The following information is provided in compliance with sections 9400-9404 of the California Elections Code.

1. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 2.89 cents per \$100 (\$28.90 per \$100,000) of assessed valuation in fiscal year 2005-06.

2. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, 2.99 cents per \$100 (\$29.90 per \$100,000) of assessed valuation in fiscal year 2014-15.

The average tax rate is expected to be 2.94 cents per \$100 (\$29.40 per \$100,000) of assessed valuation over the life of the bonds.

Voters should note that the estimated tax rate is based on the ASSESSED VALUE of taxable property on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

s/Gregory Kampf, Superintendent, Thermalito Union School District

ARGUMENT IN FAVOR OF MEASURE M

The students of the Thermalito Union School District need your YES vote for Measure M ! The facts in support of this measure speak for themselves.

The facts are: Nelson Avenue Middle School needs to expand to meet academic program needs. A science laboratory for seventh grade, an expanded science laboratory for eighth grade, an expanded music room and a new library/media center will promote higher student achievement.

Student and public safety concerns will be remedied. Each district school will be provided with adequate sidewalks, bus loading zones, parking and upgraded safety features.

The reorganization to Kindergarten - 5th grade neighborhood schools requires playground equipment to be updated and age appropriate.

The Thermalito Union School District has secured \$16 million of state school construction funding to build Plumas Avenue Elementary School, a gymnasium at Nelson Avenue Middle School and the modernization of Poplar Avenue, Sierra Avenue and Nelson Avenue Middle School. This was done with a cost of \$265,000 in local general funds.

A valuable investment: State law requires that all Measure M funds be used for school construction and renovation projects. None can be used for employee salaries or operating expenses. The school district has worked extremely hard to bring home our state bond dollars. Help us to finish the job. Thermalito students deserve quality facilities at each school. Let's give the children of Thermalito the science labs, libraries, equipment and safe schools they need to prepare for the working world.

Vote Yes on Measure M !

s/Cindy Dubie, School Board President
s/Stanley Huston, Retired
s/Robert L. McGaha, Business Partner
s/Richard Meyer, Classified Association President
s/Stu Shaner, Retired Ironworker

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Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE M

FULL TEXT OF MEASURE M

Pursuant to sections 5304, 5322, 15100 *et seq.*, and section 15266 of the California Education Code, an election shall be held within the boundaries of the Thermalito Union School District on November 2, 2004, for the purpose of submitting to the registered voters of the District the following proposition:

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Thermalito Union School District shall be authorized to issue and sell bonds of up to \$2,050,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the Thermalito Union School District may be assured that their money will be spent wisely to address specific facilities needs of the Thermalito Union School District, all in compliance with the requirements of Article XIII A, section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at section 15264 *et seq.* of the California Education Code).

Evaluation of Needs. The Board of Trustees has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the Thermalito Union School District, and to determine which projects to finance from a local bond at this time. The Board of Trustees hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List contained in Exhibit A.

Independent Citizens' Oversight Committee. The Board of Trustees shall establish an independent Citizens' Oversight Committee (section 15278 *et seq.* of the California Education Code), to ensure bond proceeds are expended only for the school facilities projects listed in Exhibit A. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board of Trustees.

Annual Performance Audits. The Board of Trustees shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A.

Annual Financial Audits. The Board of Trustees shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Trustees shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board no later than January 1 of each year, commencing January 1, 2005, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A shall be considered a part of the ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

The Bond Project List, which is an integral part of this proposition, lists the specific projects the Thermalito Union School District proposes to finance with proceeds of the Bonds. Listed repairs, rehabilitation projects and upgrades will be completed

as needed. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Therefore the Board of Trustees cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to section 53410 of the California Government Code.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest will be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than 25 years (if issued pursuant to the provisions of the California Education Code) or 40 years (if issued pursuant to the provisions of the California Government Code) from the date borne by that bond.

EXHIBIT A
BOND PROJECT LIST

Nelson Avenue Middle School

1. Science lab & expansion
2. Relocate band/music room (due to #1) & upgrade
3. Build new library/media center
4. Move portable/rehook up (due to #3)
5. Equipment for #1-3
6. Completion of bleachers for gymnasium

Student and Public Safety

7. Nelson Avenue Middle School
 - 6th Street sidewalks
 - student loading zone
 - separate bus/car parking
8. Poplar Avenue
 - parking lot improvement/expansion
9. Sierra Avenue
 - improve student bus loading area, curbs & gutters
10. Plumas Avenue
 - complete parking lot, curbs & sidewalks

Playground Equipment

11. Sierra Avenue School
12. Poplar Avenue School
13. Plumas Avenue School

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

TOWN OF PARADISE
MEASURE N

N **INITIATIVE MEASURE TO ENACT A TOWN OF PARADISE ORDINANCE RELATING TO AN ANIMAL CONTROL PARCEL TAX.** Shall the Ordinance imposing a \$1.00 per month tax on every parcel within the Town of Paradise jurisdiction to fund the operation and maintenance of the animal control services and shelter be approved?

TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE N

On June 22, 2004, the Town Council of Paradise approved Ordinance No. 423 adding Chapter 3.26 to the Paradise Municipal Code, which would impose a \$1.00 per month tax on every parcel within the Town of Paradise for the sole purpose of funding the operation and maintenance of the Town's animal control services and shelter.

According to the Town Finance Director, if this measure is approved by the voters, it would result in approximately \$144,000 of additional revenue to the Town per year. All revenues generated by the tax increase would be deposited in a special fund and would be allocated for animal control purposes.

Under the California Constitution, a yes vote on this special tax measure by two-thirds of the voting electors is necessary for the ordinance to become effective.

The above statement is an impartial analysis of ballot Measure N. If you desire a copy of the ordinance, please call the Town Clerk of Paradise, California at (530) 872-6976, and a copy will be mailed to you at no cost.

s/Dwight L. Moore, Town Attorney

ARGUMENT IN FAVOR OF MEASURE N

State funding cutbacks have forced severe reductions in Animal Control and Animal Shelter services. Measure N will place a \$1 per month property tax on each Town of Paradise parcel or lot. A yes vote on Measure N will allow the Shelter to stay open and maintain Animal Control operations.

A yes vote on Measure N will place money into a special fund that can only be used for Animal Control and Shelter operations. The size, or use of a property would have no effect on funds collected. A mobile home park, an apartment complex, a single family home each pay only \$12 per year.

A yes vote on Measure N would enable Animal Control and the Shelter to increase their services and hours of operation. Money from Measure N, along with dog licensing and pet adoptions would allow increased staffing and provide improved services by Animal Control and extended hours of operation for the Shelter

Animal Control and Shelter services include more than picking up and housing strays. It helps keep Paradise a healthy, safe, and pleasant place to live. It provides for Rabies control, dead animal disposal, housing for the animals, investigation of animal bites, barking dog complaints, control and removal of dangerous animals, and reports of animal abuse.

Some residents remember when walkers had to fight off dog attacks with clubs. If Animal Control is discontinued, this could again become a problem. Dead animal removal lessens the potential for disease and makes Paradise more visually pleasing for residents and visitors. Shelter animals are housed in a safe and clean environment. They are socialized, spayed or neutered, and made ready for adoption. Measure N would allow longer hours for shelter operation. This allows for more adoptions.

Vote yes on Measure N; help both the animals and the residents of Paradise.

- s/Alice R. Smith, Former Mayor
- s/Daniel Wentland, Former Mayor
- s/Barbara E. Allen, Past President, Chamber of Commerce
- s/Scott Lotter, Vice Mayor
- s/Loretta M. Griffin

NO ARGUMENT WAS SUBMITTED AGAINST MEASURE N

FULL TEXT OF MEASURE N
ORDINANCE NO. 423

AN ORDINANCE ADDING CHAPTER 3.26 TO TITLE 3 OF THE PARADISE MUNICIPAL CODE RELATING TO THE ANIMAL CONTROL PARCEL TAX

THE TOWN COUNCIL OF THE TOWN OF PARADISE, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.26 is hereby added to Title 3 of the Paradise Municipal Code as follows:

Chapter 3.26

ANIMAL CONTROL PARCEL TAX

- 3.26.010 Title of Ordinance
- 3.26.020 Imposed Rate
- 3.26.030 Who Shall Pay
- 3.26.040 Administration by County

3.26.010 Title of Ordinance. The Ordinance codified in this Chapter shall be known as, and for all purposes may be referred to as, the "Animal Control Parcel Tax".

3.26.020 Imposed Rate. For the privilege of Animal Control Services and Animal Control Shelter in the Town, there is imposed, on each and every parcel of record in the jurisdiction of the Town of Paradise, a tax at the rate of one dollar (\$1.00) per month per year for an annual tax of twelve dollars (\$12.00). Monies generated from this special tax shall be placed in a fund separate from the General Fund and exclusively dedicated for the animal control services and animal shelter expenses and operations.

3.26.030 Who Shall Pay. The tax imposed shall be paid by any person or entity who is the owner of record of any parcel of record within the jurisdiction of the Town of Paradise as shown on the Butte County Assessor's tax rolls.

3.26.040 Administered by County. The Butte County Assessor's Office shall administer the provisions of this chapter in conformity with the provisions of the Revenue and Taxation Code and the provisions of any County ordinances adopted pursuant thereto.

SECTION 2. The tax imposed by Section 3.26.020 of the Paradise Municipal Code is a special tax. Pursuant to the California Constitution Article 13C, this ordinance shall not become effective until it is approved by a 2/3 vote of the voters voting within the jurisdiction of the Town of Paradise on November 2, 2004, at the General Municipal Election.

SECTION 3. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 22nd, day of June, 2004, by the following vote:

AYES: Melvin "Sam" Dresser, Scott Lotter, Daniel Wentland, Alan White and Ray Dalton, Mayor
NOES: None
ABSENT: None
NOT VOTING: None
s/Ray Dalton, Mayor

ATTEST:
s/Frankie Rutledge, CMC, Town Clerk

APPROVED AS TO FORM:
s/Dwight L. Moore, Town Attorney

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

TOWN OF PARADISE
MEASURE O

O **REFERENDUM RELATING TO ADOPTION OF TOWN OF PARADISE RESOLUTION NO. 04-23 AMENDING THE 1994 PARADISE GENERAL PLAN (GR-01-2-FHK COMPANIES).** Shall Town of Paradise Resolution No. 04-23, A Resolution of the Town Council Amending the Land Use Map of the 1994 General Plan (GR-01-2-FHK Companies) be approved?

TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE O

On June 3, 2004, the Town Council of the Town of Paradise approved Resolution No. 04-23 amending the land use map of the 1994 Town of Paradise General Plan. This referendum has suspended the effective date of Resolution No. 04-23.

The resolution would amend the 1994 Town General Plan by changing the land use designation for 59.22 acres of the real property (site) shown as Exhibit "A" to Resolution No. 04-23 from Agricultural/Residential to Open Space/Agricultural and Town Commercial.

If the resolution is approved by the voters, the 1994 Town General Plan would be amended in a manner which would permit the pre-zoning of the 59.22 acres to Community Commercial, Planned Development Combining and Resource Conservation, Planned Development Combining Zone. Thereafter, an annexation application could be processed to annex the site to the Town of Paradise.

Upon annexation of the 59.22 acres, development of the site would be subject to the terms of a development agreement. Pursuant to the agreement, approximately 29 acres of the site would remain as open space and approximately 30 acres could be developed with retail, hotel, restaurant and office uses.

The development agreement provides that the Town Council would have the power to approve the architectural and landscaping features of any project on the site. The architectural features of the retail portion would be in a village setting, avoiding the appearance of a warehouse-style commercial configuration.

In addition, the development agreement would require the property owner to:

- Complete a hotel feasibility study and to pursue all commercially feasible means to locate a hotel as part of the site's development.
- Finance or construct traffic improvements associated with the development of the site.
- Dedicate three acres of the site to the Town as open space located on the bluff overlooking Little Butte Creek.
- Construct a monument water feature at the southern portion of the site.
- Improve and dedicate a bicycle/pedestrian access way connecting the southeast portion of the site to the southwest portion.
- Provide landscaping within parking areas equaling 20% of the portion of the development of the site.
- Consent to the formation of an assessment district requiring the property owner to pay all the Town's costs, in perpetuity, to maintain all public improvements associated with development of the site.
- Enter into a twenty-year rent-free lease with the Town for a 750 square-foot satellite community Town Hall Annex on the site that would be used by the Town as a police and/or fire substation, alternative public safety and emergency operations center, and/or for Town administration.
- Pay the Town an additional fee for each square foot of building constructed on the site for the cost of police and fire protection services and equipment.

A yes vote on this measure by a majority of the voting electors is necessary for Resolution No. 04-23 to become effective.

The above statement is an impartial analysis of ballot Measure O. If you desire a copy of the measure, please call the Town Clerk of Paradise, California at (530) 872-6976, and a copy will be mailed to you at no cost.

s/Dwight L. Moore, Town Attorney

ARGUMENT IN FAVOR OF MEASURE O

When it comes to the proposed Skyway Plaza Shopping Center Paradise voters have a clear choice on November 2.

The choice is between protecting Town control of this project (Yes on Measure O), or losing project control to the county (No on Measure O).

The choice is between an attractive, historic-style, pedestrian-scale retail village under the Town (Yes on Measure O), or a county approved typical warehouse-type shopping center (No on Measure O).

The choice is between the Town reaping the economic and financial benefits of this project (Yes on Measure O), or losing them to the county (No on Measure O).

The choice is between free market competition that will drive down retail prices in Paradise (Yes on Measure O), or keeping prices artificially higher than they should be (No on Measure O).

The choice is between increased local discount shopping opportunities (Yes on Measure O), or forcing Paradise consumers to spend more on ever increasing expensive fuel to travel to Chico (No on Measure O).

The choice is between more local job opportunities for working families, seniors on fixed incomes, and students (Yes on Measure O), or continuing to suffer from a limited local job market (No on Measure O).

The choice is between reducing the drain of retail sales dollars from Paradise to Chico that hurts our businesses and deprives our Town of adequate funding for police and fire protection (Yes on Measure O), or allowing this huge loss of retail dollars to continue to benefit Chico at Paradise's expense (No on Measure O).

The choice is clear! Your support of Measure O means real benefits for you and your family as citizens, consumers and taxpayers!

Join us in casting a vote for Paradise by voting Yes on Measure O on November 2.

- s/Mark Benedict Di Duca, Retired Businessman
- s/Melvin C. Dresser, Councilmember
- s/Scott Lotter, Vice Mayor/Businessman
- s/William R. Mannel, Business Manager
- s/Alice R. Smith, Community Volunteer

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE O

The out-of-town developer is threatening Paradise residents by saying you had better approve this project or he will have the County approve it. A "Yes" vote gives in to this misleading threat.

This is also an insult to our County officials who he assumes will automatically approve this project. In fact, the Paradise General Plan requires mutual cooperation with the County to protect the Skyway from over-development.

The "historic-style pedestrian-scale retail village" that the developer describes is still a 184,000 square foot big-box and strip-mall with a gigantic parking lot.

"Reaping the economic and financial benefits of this project" translates to less than 1% of the Town's annual budget, at full build-out some 10 or more years from now.

"Free market competition" by some large retailer means squashing local businesses and paying such low wages that the community has to pick up the tab for their employees' health care and other social services.

The "job opportunities" that the developer promises will come at the expense of quality local jobs as Paradise's small, community-based businesses.

In some communities, public safety budgets increase due to increased crime and police calls to large retailers.

CONT. NEXT PAGE

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE O, CONT.

The only guarantees of a "Yes" vote are an irreversible eyesore at the scenic entrance to our Town, increased traffic congestion and sprawl, and the destruction of the unique small-town character of our community.

Don't Pave Paradise. Vote "No on Measure O."

s/Thea Max
s/Mary J. Ryan
s/Ellis Harms
s/Eugene Even
s/Paul Lyons, Owner-Express Lube

ARGUMENT AGAINST MEASURE O

A big box superstore at the scenic entrance to our town will not only be an eyesore, it will create traffic congestion and sprawl, and will change the character of our community. It will literally pave the road for what we are to become.

Allowing a big box superstore along the skyway will lead to sprawl and increased traffic. And, the developer won't make road improvements to mitigate the increased congestion. Traffic and safety will only get worse on the Skyway Building a big box superstore along the Skyway is contrary to our General Plan and wastes the tax dollars already invested in our downtown. A superstore with fast food outlets will destroy our local economy and ruin many of the approximately 80 businesses located here.

A recent report by an independent consulting firm said the shopping center could siphon \$26.7 million from local businesses annually, including \$2 million from those downtown. Moreover, additional town expenses and losses in sales tax revenue caused by the bankruptcy of local businesses would offset any new sales tax revenue generated by the project.

Our future is at stake and the choice is clear. We have invested in intelligent long-term planning that preserves our small town character while providing for sensible economic development.

Don't pave Paradise. Vote "No" on Measure O.

s/Thea Max
s/Ellis Harms
s/Mary Ryan
s/Eugene Even
s/Paul Lyons, President, Paradise Business Association

REBUTTAL TO ARGUMENT AGAINST MEASURE O

The benefits of the shopping center for Paradise are far too many to ignore or reject. They include:

A project that benefits the Town and not the county; forces certain large, local retailers to lower their high prices; keeps more sales dollars local to benefit our businesses; and that creates 500 more jobs.

The benefits also include a minimum, net increase of \$500,000 in annual tax revenues for the Town; more funding for police and fire protection from increased tax revenues and Town-mandated contributions from the developer; and major water and fire line upgrades that improves fire protection for Paradise residents living in that area.

Additional benefits include major traffic improvements; a 3-acre park with picnic and parking facilities that provides accessible canyon views off the Skyway for the public; an attractive, low-density, retail center with only 26 of the 59-acres developed for retail stores and parking, with the balance open space and landscaping; and a hotel or conference center with restaurants overlooking the canyon.

Furthermore, the developer must pay for all public improvements including their continuing maintenance so they never become a cost to the Town's taxpayers.

CONT. NEXT COLUMN

REBUTTAL TO ARGUMENT AGAINST MEASURE O, CONT.

The stakes are high. Paradise can't afford the wishful, politically naive thinking of those who believe the county won't grab this project for themselves if the Town's voters reject it.

Paradise can't lose this project or its benefits.

Your vote protects Paradise, your families, and your household budgets.

Vote Yes on Measure O.

s/Daniel Wentland, Former Mayor
s/Bill Hartley, Business Owner
s/Alice R. Smith, Community Volunteer
s/Alan White, Council Member/Local Businessman
s/Barbara Allen, Redevelopment Committee Member

FULL TEXT OF MEASURE O

TOWN OF PARADISE RESOLUTION NO. 04-23
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AMENDING THE LAND USE MAP OF THE 1994 PARADISE GENERAL PLAN
(GR-01-2 - FHK COMPANIES)

WHEREAS, the Paradise Planning Commission and the Paradise Town Council have conducted public hearings, pursuant to California planning and zoning law concerning a proposed amendment to the land use map of the 1994 Paradise General Plan; and

WHEREAS, said public hearings also included a review of potential environmental impacts associated with said amendment to the Paradise General Plan, pursuant to requirements of the California Environmental Quality Act; and

WHEREAS, Section 65358 of the California Government Code allows a legislative body to amend its General Plan; and

WHEREAS, the action of the Town Council follows the requirements of Government Code Sections 65090, 65355 and 65856; and

WHEREAS, the Town Council has considered the analysis and recommendations of the Community Development Department; has received and considered the recommendation of denial of the Planning Commission via its failure to adopt Planning Commission Resolution No. 04-08; and has considered the comments made at a public hearing conducted by the Council; and on the basis thereof has determined pursuant to Section 65358 of the Government Code that a certain amendment of the 1994 Paradise General Plan is in the public interest; and

WHEREAS, the Town Council has determined that the proposed General Plan (land use map) amendment is appropriate and reasonable because it will assign General Plan land use designations affecting the subject property in a manner intended to accommodate the possible future establishment of the proposed "Skyway Plaza Shopping Center" planned development project.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Council hereby adopts said amendment to the 1994 Paradise General Plan known as GR-01-2 affecting the General Plan land use map designation for a land area located due west and abutting the Skyway Crossroad, identified as AP 011-280-097 et al. and as set forth in Exhibit "A" and attached hereto and made a part hereof by reference.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 3rd day of June, 2004 by the following vote:

AYES: Melvin "Sam" Dresser, Scott Lotter, Alan White, Daniel Wentland,

NOES: Ray Dalton, Mayor

ABSENT: None

NOT VOTING: None

s/Ray Dalton, Mayor

ATTEST:

By: s/Frankie Rutledge, CMC, Town Clerk

APPROVED AS TO FORM:

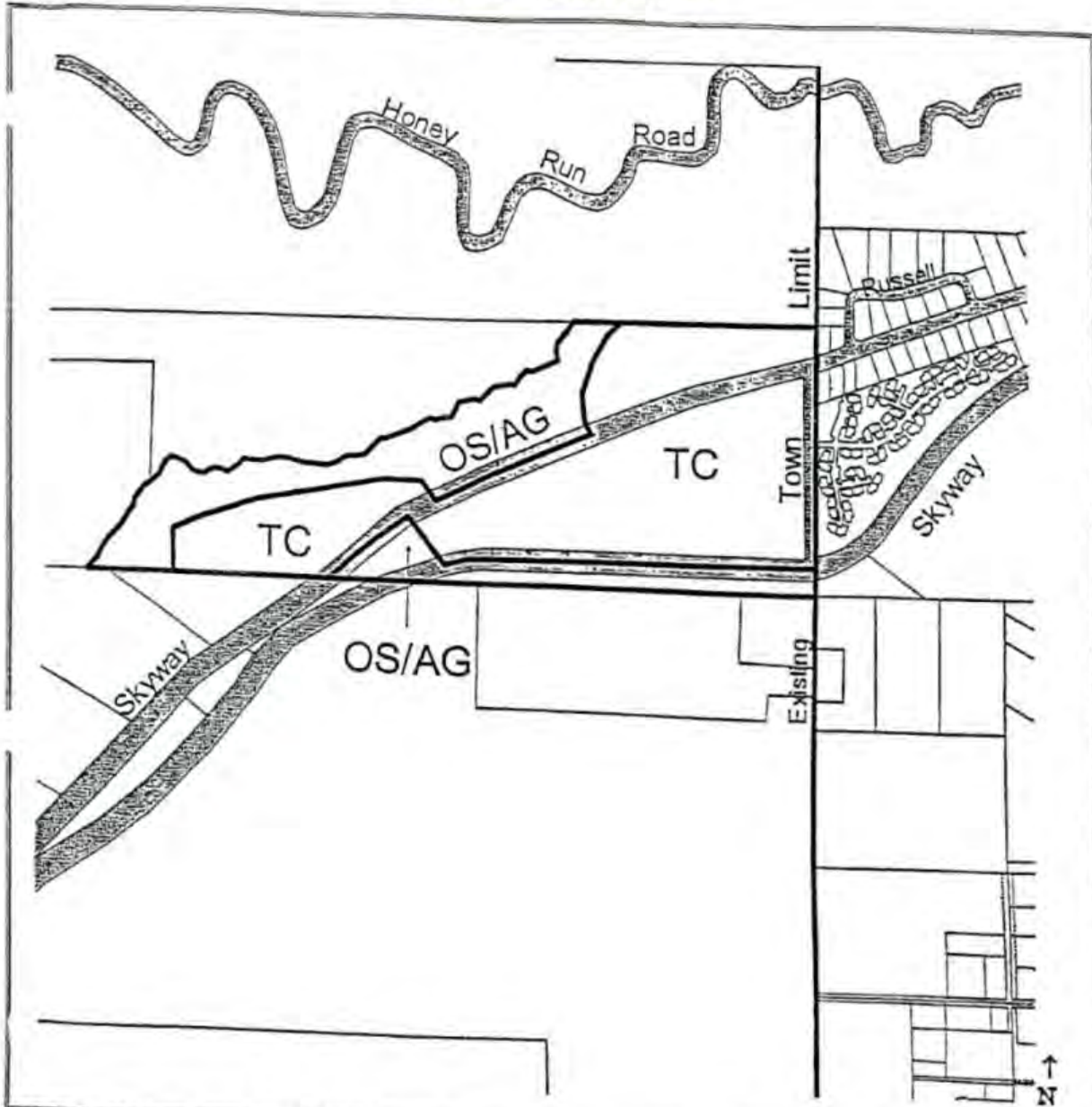
s/Dwight L. Moore, Town Attorney

VOTER'S PAMPHLET
 MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

EXHIBIT "A" TO RESOLUTION 04-23



APPLICANT: THE FHK COMPANIES		ADDRESS: DUE WEST AND ABUTTING THE SKYWAY CROSSROAD
OWNER: THE FHK COMPANIES		
REQUEST: PARADISE GENERAL PLAN AMENDMENT AFFECTING A 59.22-ACRE PROPERTY. CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM "AR" TO PORTIONS "OS/AG" [OPEN SPACE/AGRICULTURAL] AND "TC" [TOWN COMMERCIAL]		
ZONING: AR-1	GENERAL PLAN: AR	FILE NO. GR-01-2
ASSESSOR PARCEL NO. 011-280-097		MEETING DATE: 6-3-04

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

CITY OF OROVILLE
MEASURE P

P **INCREASE TO EXISTING TRANSIENT OCCUPANCY TAX.** Shall the Ordinance imposing an increase of the existing Transient Occupancy Tax on the guests of hotels within Oroville from 9% to 12% for general municipal purposes be approved?

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE P

Currently, the City of Oroville imposed a nine percent (9%) transient occupancy tax on the guests of hotels, motels and like-kind establishments doing business in the City.

On June 15, 2004, the City Council of the City of Oroville approved Ordinance No. 1701 amending Code section 24-104 by increasing the amount of transient occupancy tax from nine percent (9%) to twelve percent (12%). The transient occupancy taxes paid by the guests of motels, hotels and like-kind establishments within the City.

According to the City Finance Director, if this measure is approved by the voters, it would result in approximately \$9,000 of additional revenue to the City per year. All revenues generated by the tax increase would be deposited in the City's general fund and would be allocated for general municipal purposes.

A yes vote on this measure by a majority of the voting electors is necessary for the ordinance to become effective.

The above statement is an impartial analysis of Ordinance No. 1701. If you desire a copy of the ordinance, please call the City Clerk of Oroville, California at (530) 538-2405, and a copy will be mailed to you at no cost.

s/Dwight L. Moore, City Attorney

NO ARGUMENT WAS SUBMITTED IN FAVOR OF,
NOR AGAINST, MEASURE P