

Resolution No. 20-____

RESOLUTION AND ORDER OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, CALLING AND PROVIDING FOR A BALLOT MEASURE TO BE CONSOLIDATED WITH THE NOVEMBER 3, 2020, GENERAL ELECTION REGARDING THE LIMITATIONS OF ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XXXIV of the Constitution of the State of California (“Article 34”) provides that no low-rent housing project shall be developed, constructed, or acquired in any manner by any state public body until a majority of the qualified electors of the county in which it is proposed to develop, construct, or acquire the project, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election; and

WHEREAS, this Board of Supervisors (“Board”) recognizes that housing in the County of Humboldt, State of California (“County”) has become increasingly scarce and expensive, to the point that it is now out of reach for many low-income residents, including, but not limited to, the elderly, persons experiencing homelessness, persons with disabilities, and other vulnerable populations; and

WHEREAS, the most recent Point-In Time Count, conducted January 23, 2019, identified 1,702 men, women and children who are homeless, living on the streets in the Humboldt county region; and

WHEREAS, on March 1, 2016, by Resolution 16-30, the Board adopted the Homeless Strategy and Implementation Plan-phase 1 and the model of Housing First as the policy for reducing homelessness throughout Humboldt County, which depends on the provision of housing as an essential prerequisite to the provision of supportive services, to ensure success in transiting from the streets, back into permanent housing; and

WHEREAS, the Regional Housing Needs Assessment (“RHNA”) for 2014 through 2018, identified a housing need of 347 housing units for very low and low income ranges, and only 160 housing units were produced in the unincorporated area the County during this period. Of these 160 units, only 79 are deed-restricted and assured to be affordable to tenants; and

WHEREAS, the County’s adopted 2019 Humboldt County Housing Element (“Housing Element”) incorporates the RHNA for 2019 through 2027, which identifies a housing need of 1,413 housing units of which 574 are targeted for very low and low income ranges; and

WHEREAS, the County’s Housing Element incorporates policies and implementation measures including providing support to assist private developers to build low income and supportive housing for special needs populations which include the homeless, veterans, seniors, persons with disabilities and lower income families, and Implementation Measure H-IM26 directs the County to seek local Article 34 authorization as part of the November 3, 2020, General Election; and

WHEREAS, voter approval of the authority for the County to develop, construct, or acquire, either directly or through assisting private projects, up to 2.5% of the total number of housing units

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existing in the unincorporated area is consistent with the County’s General Plan Housing Element goals and policies, and implements measure H-IM26; and

WHEREAS, placing a ballot measure to allow the County to obtain state and federal funding to develop, construct, or acquire housing affordable to lower income households is not a Project under California Environmental Quality Act (“CEQA”) because it is not an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Nor does the ballot measure allocate any additional land use or zoning beyond what already exists, it does not authorize issuance of any permits, nor result in development beyond what is already planned; and

WHEREAS, the Board hereby determines that there is a need for housing for low-income persons, households, and families, and persons with a disability throughout the unincorporated area of the County; and

WHEREAS, the development of affordable housing will provide jobs for the region, and enable residents to live affordably, thus strengthening our local economy; and

WHEREAS, voter approval of the ballot measure does not increase local taxes, has no fiscal impact, and does not grant approval for any specific project, as each must be consistent with the Humboldt County General Plan, zoning and building regulations, and CEQA as applicable; and

WHEREAS, the Board, having received input and support from the community, now desires to submit to the voters of the unincorporated area of Humboldt county at the November 3, 2020, General Election a measure allowing the County to obtain state and federal funding to construct, develop, or acquire housing for low income families, seniors, and people with disabilities within unincorporated areas, either directly or through assisting private projects, up to 2.5% of the total number of housing units existing in unincorporated Humboldt County, without raising taxes.

NOW, THEREFORE, THIS BOARD OF SUPERVISORS OF HUMBOLDT COUNTY HEREBY DOES HEREBY RESOLVE, DECLARE AND ORDERS AS FOLLOWS:

SECTION 1. The Board hereby finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Board of Supervisors hereby calls an election (“Election”) throughout the unincorporated area of the County at the next General Election, to be held November 3, 2020, and order the following measure (“Measure”) be submitted to the qualified electors of the unincorporated area of the County for their approval, such approval to constitute the approval required by Article XXXIV of the Constitution of the State of California:

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1. Shall a measure be approved allowing Humboldt County to obtain state and federal funding to construct, develop, or acquire housing for low income families, seniors, and people with disabilities within unincorporated areas, either directly or through assisting private projects, up to 2.5% of the total number of housing units existing in unincorporated Humboldt County, without raising taxes?	YES
	NO

SECTION 3. The Humboldt County Clerk, Recorder, Registrar of Voters is requested to cause the exact wording of the Measure set forth in SECTION 2 of this Resolution to appear on the ballot and in the voter information pamphlet to be distributed to voters. The Board hereby submits the Measure to the qualified electors of the unincorporated area of the County at the Election in the form set forth above.

SECTION 4. The Election shall be held and conducted, the votes received and canvassed, and the results ascertained and determined all in the same manner as the statewide election to be held on that date and in conformity with the election laws of the State of California. Only qualified electors of the unincorporated area of the County may vote on the Measure. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law.

SECTION 5. The provisions of Elections Code Section 9160 et seq., relating to arguments concerning county measures, shall apply to the Measure submitted at the Election. County Counsel is hereby authorized and directed to prepare and file with the Humboldt County Clerk, Recorder, Registrar of Voters an impartial analysis of the Measure by such deadline as the Humboldt County Clerk, Recorder, Registrar of Voters may establish.

SECTION 6. The Chair of the Board, or any member or members of the Board as the Chair shall designate is hereby authorized, but are not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the Measure as provided by Elections Code Section 9162 et seq., which shall be considered the official ballot argument of the Board for the Measure.

SECTION 7. The Election is ordered to be consolidated with the statewide general election to be held on November 3, 2020.

SECTION 8. The Board hereby declares, and the voters by approving the Measure concur, that every section, and clause of the Measure has independent value, and the Board and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of the Measure by the voters, should any part be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law.

SECTION 9. The County Auditor-Controller is hereby authorized to appropriate the funds necessary to pay County's cost of placing the measure on the Election ballot.

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SECTION 10. The Clerk of the Board shall provide the Clerk, Recorder, Registrar of Voters with documents showing the board took action, and the Clerk, Recorder, Registrar of Voters shall take steps necessary to place the measure on the Election ballot and to cause the measure to be printed, and to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

SECTION 11. This Resolution and Order relating to an election shall take effect immediately.

The motion was made by Supervisor _____ and seconded by Supervisor, _____ with the following vote.

- AYES: Supervisor:
- NOES: Supervisor:
- ABSTAIN: Supervisor:
- ABSENT: Supervisor:
- DECISION:

Dated: _____, 2020

 Estelle Fennell, Chair
 Humboldt County Board of Supervisors

STATE OF CALIFORNIA)
) SS.
 County of Humboldt)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

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Date: _____, 2020

By _____
Deputy