RESOLUTION SUBMITTING THE HELEN LIMA BALCAO AGRICULTURAL PROTECTION INITIATIVE ORDINANCE MEASURE TO AMEND STOCKTON'S MUNICIPAL CODE TO THE CITY'S QUALIFIED VOTERS AT THE NOVEMBER 2, 2004 GENERAL MUNICIPAL ELECTION; REQUESTING THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS TO PROVIDE FOR THE CONSOLIDATION OF A MUNICIPAL MEASURE ELECTION WITH THE STATE'S DIRECT GENERAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE THE NECESSARY FUNDS FOR THE COST OF PLACING THE MEASURE ON THE ELECTION BALLOT; AND DIRECTING THE CITY CLERK TO TAKE THE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT

WHEREAS, on March 10, 2004, Helen Lima Balcao ("Proponent") filed a Notice of Intent to Circulate an Initiative Petition to amend the City of Stockton's Municipal Code by the adoption of an ordinance to create a Greenbelt between the City of Stockton and City of Lodi to protect the right of farmers to continue farming without interference from urban development; and

WHEREAS, on June 15, 2004, the Proponent filed the Petition with the City Clerk's office. Upon prima facie review of the Petition, the Clerk's office determined the Petition contained 10,206 raw signatures. The Petition was then delivered by the Clerk's office to the San Joaquin County Registrar of Voters for verification of signatures on June 18, 2004; and

WHEREAS, on July 13, 2004, the Registrar of Voters completed verification of signatures. The number of signatures verified is 5,153, which is more than the 5,145 valid signatures required to qualify this matter on a general election ballot. Based on the verification of signatures issued by the Registrar of Voters, the City Clerk executed a Certificate of Sufficiency regarding this petition on July 14, 2004; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. That the City Council hereby submits the initiative measure to adopt an Agricultural Protection Ordinance amending the City of Stockton's Municipal Code to the qualified electors of the City of Stockton at the November 2, 2004 General Municipal election in the form attached hereto as Attachment 1.
Section 2. Pursuant to Article 2 of the State Constitution and Elections Code section 9215, the City Council hereby orders that the following question shall be submitted to the qualified electors of the City of Stockton at the General Election of November 2, 2004:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Agricultural Protection Ordinance Measure</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Shall an Ordinance be approved to amend the Stockton Municipal Code to create a Greenbelt between Stockton and Lodi and to provide regulations to protect and promote farming operations?&quot;</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Section 3. The San Joaquin County Board of Supervisors is requested to provide for the consolidation of a municipal measure election with the State’s November 2, 2004 direct general election.

Section 4. The City Clerk is authorized to call for arguments and the filing of rebuttal arguments for or against the measure (deadline for direct arguments: August 13, 2004 at 5 p.m.; deadline for rebuttal arguments: August 23, 2004 at 5 p.m.).

Section 5. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measure. The impartial analysis shall be limited to 500 words or less.

Section 6. The City Manager is directed to appropriate the funds necessary to pay the City’s cost of placing the measure on the election ballot.

Section 7. The City Clerk is directed to take the steps necessary to place the measure on the ballot and cause the measure to be printed.

PASSED, APPROVED and ADOPTED JUL 27 2004

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

GARY A. PODESTA
Mayor of the City of Stockton
Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon, of their intention to circulate the petition within the City of Stockton to protect existing farming operations by creating a Greenbelt, protect farms from new and oppressive regulations, promote the agricultural economy and preserve open space. This initiative is known as The Stockton Family Farmers' Sponsored Greenbelt and Agricultural Lands Protection Initiative.

A statement of the reasons for the proposed action as contemplated in the petition is as follows:

- To protect and strengthen our area's rich and vital agricultural heritage and economy by assuring farmers the continued and uninterrupted right to farm without interference from urban encroachment.
- To promote a community separator between Lodi and Stockton, assuring farmers the right to continue farming without interference from urban encroachment and unfair government regulations.
- To enhance Stockton’s open space opportunities by assuring farmers that they may continue farming without interference from new residential development and potential complaints from city residents from ordinary farming operations.
- To protect farmers from oppressive regulations that take away their rights and forces them to quit farming and prematurely sell their property to developers.

Signed by: [Signature]

Dated: Mar. 16th, 2004

3824 Monte Circle
Stockton CA95219
To the Honorable Clerk of the City of Stockton: We, the undersigned, members of
the farming community, registered and qualified voters of the City of Stockton, hereby
propose an initiative measure to protect existing farming operations by creating a
Greenbelt between Stockton and Lodi, to protect farms from new and oppressive
regulations, and to promote the agricultural industry and open space. We petition you
to submit this measure to the City Council for adoption without change, or for the
submission of the measure to the voters of the City of Stockton at the earliest regular
or special election for which it qualifies.

The measure provides as follows: The Stockton Family Farmers' Sponsored
Greenbelt and Agricultural Lands Protection Initiative. The people of the City of
Stockton do hereby ordain as follows:

Section 1. Purpose and Findings.

A. Purpose. The purpose of this Initiative is to facilitate a Greenbelt between
Stockton and Lodi by providing meaningful protections to existing farming operations
from new and oppressive regulations that will force farmers to prematurely sell their
property to developers for urban development.

B. Findings. The People of the City of Stockton find that the adoption of The
Stockton Family Farmers' Sponsored Greenbelt and Agricultural Lands Protection
Initiative will protect agricultural lands and agricultural operations, promote a Greenbelt
between Stockton and Lodi and facilitate the preservation of open space. The People
further find that the Initiative will promote the health, safety, welfare, and quality of
life of the residents of Stockton, based upon each of the following:

1. Protecting Stockton's Agricultural Economy. The Agricultural economy is a
vital and important part of Stockton's economic well-being. Increased cost of operating
farms, due to introducing urban uses near farming operations, makes it more difficult
for farm families to continue to live on the land and produce the foods that we eat.
The loss of these family farms will harm our local economy.

2. Promote a Greenbelt between Stockton and Lodi. The initiative protects
farming operations and discourages the premature conversion of agricultural land to
urban uses. Stockton is encouraged to work with other governmental agencies,
including Lodi, to promote the Greenbelt by funding conservation easements, acquiring
farmland and permanent open space.

3. Protecting Family Farms. A major problem facing the agricultural community
is the difficulty posed by farming near new housing projects. This is causing the cost of
farming to skyrocket and makes farming less attractive. As a result farmers are forced
to discontinue their farming operations and sell their land for urbanization. This
Initiative will allow farmers to continue to farm without the constraints caused by new
urban development. It is unfair that family farmers are required to change, at great expense to them, their customary farming practices because new housing is built near their farms.

4. **Reasonably Establishing Greenbelts, Preserving Farmland and Family Farms and Promoting Open Space.** A directly conflicting initiative would add excessive regulations to farming operations and would force farmers to quite farming. It would also force the City of Stockton to pay millions of dollars to farmers because this rival initiative takes away the farmers' Constitutional rights. The money that would be needed to pay the farmers for the damage caused by these new regulations would be taken from the budgets for police and fire protection. The People find that the Stockton Family Farmers' Sponsored Greenbelt and Agricultural Lands Protection Initiative is a superior way to establish Greenbelts, preserve farmland and family farms, and promote open space.

C. **Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Stockton Municipal Code.

**Section 2. Amendment of Municipal Code.**

**SEC. 16-013.2 NUISANCE** of the Stockton Municipal Code is hereby amended and shall be as follows:

**SEC. 16-013.2: NUISANCE:**

No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner generally consistent with recognized minimum customs and standards, as established and followed by similar agricultural operations, shall be or become a nuisance, private or public, due to any changed conditions in or about any land proximately located to any farming operation.

**SEC. 16.013.3 DISCLOSURE** of the Stockton Municipal Code is hereby amended and shall be as follows:

**SEC. 16.013.3 CONCLUSIVE PRESUMPTION:**

A conclusive presumption shall apply in any administrative, civil or criminal action or proceeding arising directly or indirectly from a decision by the City of Stockton to convert proximately located land from agriculture to urban uses that all persons or entities enjoying or occupying the converted land had full knowledge of existing or future agricultural activity and operation and as a condition of enjoying, directly or indirectly, the benefits conferred by the land use decision of the City of Stockton specifically waived any objection, complaint or disagreement to the agricultural operator's right to continue conducting farming existing and future agricultural activities and farming operations.
SEC. 16.013.4 is hereby added to the Stockton Municipal Code and shall be as follows:

SEC. 16.013.4 DEED RESTRICTION:
Each tentative subdivision map approved or use permit issued to convert proximately located land from agriculture to urban uses shall contain a condition requiring the landowner record a deed restriction waiving any right to complain about or file any action concerning farming operations and practices. The Stockton City Attorney shall approve the form of the deed restriction.

SEC. 16.013.5 is hereby added to the Stockton Municipal Code and shall be as follows:

SEC. 16.013.5 COOPERATION:

The City of Stockton shall cooperate with the City of Lodi and other governmental agencies concerning the funding and purchasing of conservation easements for lands located between the two cities.

Section 3. Implementation.

As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council.

Section 4. Severability and Interpretation.

This Initiative shall be interpreted so as to be consistent with, all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person, or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

Section 5. Conflict with other Initiatives.

This Initiative is intended to fully conflict with the so-called "Stockton Greenbelt and Agricultural Lands Protection Initiative". In the event both initiatives are approved by the voters this Initiative shall take precedence over the other initiative and the other initiative shall be of no force or effect.
Section 6. Amendment or Repeal.

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Stockton.