

RESOLUTION NO. 2013-33

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 19, 2013 FOR THE SUBMISSION OF AN INITIATIVE MEASURE (“DALE EVANS PARKWAYS COMMERCIAL SPECIFIC PLAN”) TO THE QUALIFIED VOTERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, on May 14, 2013, pursuant to the California Elections Code, a petition to qualify a local initiative measure (“Measure”) for the ballot was duly submitted by the Measure’s proponent, Dennis Patrick Orr, a resident and qualified voter in the Town of Apple Valley; and

WHEREAS, the Measure seeks to amend the Town’s General Plan, repeal Chapter 9.40 and add Chapter 9.41 to the Town Development Code, in order to establish the “Dale Evans Parkway Commercial Specific Plan” (“Specific Plan”). The Specific Plan would establish site-specific development standards for an approximately 30.19 acre site located north of Happy Trails Highway (SR-18), at the southeasterly corner of the intersection of Dale Evans Parkway and Thunderbird Road; and

WHEREAS, on July 15, 2013, the Elections Office of the San Bernardino County Registrar of Voters, on behalf of the Town Clerk, completed the examination of signatures and determined that the petition contained valid signatures from at least 15% of the registered voters in the Town of Apple Valley; and

WHEREAS, the proponent has requested that the Measure be submitted to the voters through a special election ballot; and

WHEREAS, under the provisions of the California Elections Code, the Town Council desires to hold a Special Municipal Election on November 19, 2013 in order to submit the Measure to the qualified voters of the Town of Apple Valley.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Town Council finds that all of the preceding recitals are true and correct.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Apple Valley, California, on **Tuesday, November 19, 2013**, a Special Municipal

Election for the purpose of submitting the following Measure to the qualified voters of the Town of Apple Valley:

"Shall a General Plan Amendment be adopted, and shall Chapter 9.40 be repealed and Chapter 9.41 be added to the Town Development Code to enact the "Dale Evans Parkway Commercial Specific Plan" in order to allow a proposed commercial development in the Town of Apple Valley located on approximately 30 acres of undeveloped property north of Happy Trails Highway (SR-18), at the southeasterly corner of the intersection of Dale Evans Parkway and Thunderbird Road?"	YES
	NO

SECTION 3. The text of the Measure to be submitted to the qualified voters is attached hereto as Exhibit "A".

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the San Bernardino County Elections Office of the Registrar of Voters is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The Town of Apple Valley recognizes that additional costs will be incurred by the County by reason of this request and agrees to reimburse the County for any costs.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

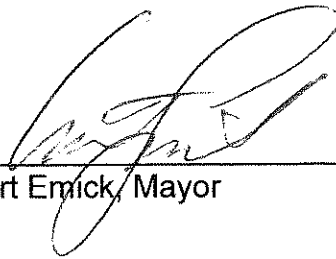
SECTION 8. Notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. Pursuant to California Elections Code Section 9280, the Town Council hereby directs the Town Clerk to transmit a copy of the Measure to the Town Attorney. The Town Attorney shall prepare an impartial analysis of the Measure, not to

exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the Town Clerk within ten (10) days following the adoption of this Resolution.


SECTION 10. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 13th day of August, 2013.



Curt Emick, Mayor

ATTEST:



La Vonda M-Pearson, Town Clerk

(SEAL)