

ORDINANCE NO. _____

ORDINANCE OF THE PEOPLE OF THE CITY OF SANTA ROSA REPEALING PORTIONS OF ORDINANCE NO. 4072 FOLLOWING A REFERENDUM PETITION FILED ON SEPTEMBER 26, 2016 CHALLENGING ASPECTS OF ORDINANCE NO. 4072

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

WHEREAS, Ordinance 4072 was introduced by the Council of the City of Santa Rosa on August 16, 2016 and adopted on August 30, 2016; and

WHEREAS, on September 26, 2016, a Petition for Referendum Against an Ordinance Passed by the City Council (Referendum Petition) was filed with the City Clerk challenging Ordinance No. 4072 which established rent stabilization and eviction control in the City of Santa Rosa; and

WHEREAS, the Referendum Petition challenged all provisions of Ordinance 4072 except for Section 2 which repealed Ordinance Nos. 4067 and 4069 (the 90-day moratorium on rent increases that took effect on July 7, 2016) and Ordinance No. 4070 (the Just Cause Eviction Ordinance that took effect on September 16, 2016); and

WHEREAS, the Sonoma County Registrar of Voters determined the Referendum Petition was to be sufficient on December 21, 2016; and

WHEREAS, the Council adopted a Resolution accepting the City Clerk's Certificate of Sufficiency on January 10, 2017; and

WHEREAS, Section 1-16.010 of the Santa Rosa City Code specifies that except as otherwise provided by Charter, the exercise of a referendum is governed by the provisions of the California Elections Code and California Government Code; and

WHEREAS, California Elections Code §§ 1410 and 9241 provide that upon certification of the sufficiency of a referendum petition, the Council must repeal the ordinance challenged by the referendum, place the challenged ordinance on the next regular municipal election or call a special election to consider it.

Section 1. The Council of the City of Santa Rosa does hereby repeal all provisions of Ordinance No. 4072 except Section 2 of the Ordinance which was the only provision of the Ordinance that was not challenged by the Referendum Petition.

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on January 10, 2017.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney