

AUG 23 2016

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CITY OF MILPITAS

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE "I"

The City of Milpitas General Plan governs the direction of future land use and development within the City of Milpitas. The General Plan Land Use Element, Section 2.6, Land Use Implementing Policies 2.a I-2.1 and 2.a I-2.2 prohibit the construction or provision of any City service or City service extension to any property or people in the area located outside of the Urban Growth Boundary and outside of the City of Milpitas city limits, except under limited circumstances listed in Policy 2.a I-2.1, and require the City to take necessary actions to apply to the Santa Clara County Local Agency Formation Commission to relocate the City's Urban Service Area boundary to be coterminous with the City's Urban Growth Boundary.

On November 3, 1998, a majority of the eligible voters voting on the ballot measure approved Ordinance No. 38.742 to, among other things, amend the City of Milpitas General Plan Land Use Element, Section 2.6, Policy No. 2.a I-2.1 to provide that, until December 31, 2018, any amendments to the Urban Growth Boundary require voter approval except under limited circumstances provided in Policy No. 2.a I-2.1, and to add Policy No. 2.a I-2.2.

On June 22, 2016, the Milpitas City Council approved the placement of Measure I on the ballot for consideration by the voters.

If approved, Measure I would amend the Milpitas General Plan as follows:

- Policy No. 2.a I-2.1 would be amended to provide that, until December 31, 2038, any amendments to the Urban Growth Boundary would require voter approval except under limited circumstances provided in Policy No. 2.a I-2.1.
- Repeal Policy No. 2.a I-2.2.

If Measure I is not approved, the current General Plan provision requiring that any amendments to the Urban Growth Boundary be subject to voter approval would expire on December 31, 2018. After December 31, 2018, the Urban Growth Boundary may be amended at any time by the City Council or the voters by initiative measure.

Measure I requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure "I". If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/

CHRISTOPHER J. DIAZ
City Attorney

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CITY OF MILPITAS

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE "J"

In September of 1992, the City Council adopted Ordinance No. 38,672, generally known as the "Hillside Ordinance." The primary regulations of the Hillside Ordinance are set forth in Section 45 of Chapter 10 of Title XI of the Milpitas Municipal Code, which section is entitled "H" Hillside Combining District, although the Hillside Ordinance also made several conforming changes to other provisions of the Milpitas Municipal Code. The stated purpose of the Hillside Ordinance is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including but not limited to geologic problems, slope, safe access and visibility.

The City of Milpitas General Plan governs the direction of future land use and development within the City of Milpitas. The General Plan designates certain property within the hillside area of the City as "Hillside Very Low, Hillside Low, and Hillside Medium."

On November 2, 2004, a majority of the eligible voters voting on the ballot measure approved Ordinance No. 264 to mandate that, until December 31, 2018, any amendments or modifications to the Hillside Ordinance or the land subject to the Hillside Ordinance, under the General Plan, require voter approval.

Measure J would amend Ordinance No. 264 to extend the termination date of December 31, 2018 to December 31, 2038. On June 21, 2016, the Milpitas City Council approved the placement of Measure J on the ballot for consideration by the voters.

If approved, Measure J would require any amendments or modifications to the Hillside Ordinance or the land subject to the Hillside Ordinance, under the General Plan, to require voter approval until December 31, 2038.

If Measure J is not approved, the current requirement that any amendments or modifications to the Hillside Ordinance or the land subject to the Hillside Ordinance, under the General Plan, be subject to voter approval would expire on December 31, 2018. After December 31, 2018, the Hillside Ordinance or the land subject to the Hillside Ordinance, under the General Plan, may be amended at any time by the City Council or the voters by initiative measure.

Measure J requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure "J". If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/

CHRISTOPHER J. DIAZ
City Attorney

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CITY OF MILPITAS

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE "K"

The City of Milpitas General Plan governs the direction of future land use and development within the City of Milpitas. The General Plan Land Use Map designates each area of Milpitas for a particular use, such as residential, commercial or industrial. Certain areas of Milpitas are designated on the General Plan Land Use Map as "Parks and Open Space (POS)."

On August 2, 2016, the Milpitas City Council approved the placement of Measure "K" on the ballot for consideration by the voters.

If approved, Measure "K" would amend the Milpitas General Plan as follows:

- Prohibit any construction of any residential, commercial or industrial buildings or structures on any land designated on the General Plan Land Use Map as "Parks and Open Space (POS)" unless the proposed construction is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election
- Prohibit any land designated on the General Plan Land Use Map as "Parks and Open Space" from being redesignated for any other land use unless the proposed redesignation of that land is first approved by a two-thirds vote of the voters of Milpitas at a general or special municipal election.

If Measure "K" is not approved, land in Milpitas that is currently designated on the General Plan Land Use Map as "Parks and Open Space (POS)" will stay under this designation. This designation may be amended at any time in the future by the City Council or the voters by initiative measure.

Measure "K" requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure "K". If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/

CHRISTOPHER J. DIAZ
City Attorney

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CITY OF MILPITAS

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE "L"

On March 15, 2016, the City Council adopted Resolution No. 8532 awarding a solid waste disposal franchise agreement to Waste Management, Inc., for disposal services at the Guadalupe Landfill in San Jose. In compliance with the California Elections Code, the City Clerk received a petition for a referendum on Resolution No. 8532 and determined that the referendum obtained sufficient petition signatures to qualify for the ballot. Resolution No. 8532 was immediately suspended through the referendum process as required by the Elections Code. Resolution No. 8532 is the subject of Measure L.

A "yes" vote on Measure L will approve Resolution No. 8532 and award a solid waste disposal franchise agreement to Waste Management, Inc.

A "no" vote on Measure L will not approve Resolution No. 8532 and void the City Council's approval of awarding the solid waste disposal franchise agreement to Waste Management, Inc.

Measure L requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure L. If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/

CHRISTOPHER J. DIAZ
City Attorney