

RESOLUTION NO. 6678(24)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Ordering the Submission of a Measure Entitled “An Initiative
Measure to Discontinue the Public Park Use of Approximately
82 Acres of City-Owned Land Including Ken Adam Park, To
Allow For Other Educational and Recreational Uses and/or
Open Space Uses, Including a Potential Sale of the Property
for a Space-Themed Educational Center” to the Qualified
Electorate of the City of Lompoc at the General Municipal
Election to be Held on November 5, 2024**

WHEREAS, the City Council of the City of Lompoc (City) has called a General Municipal Election to be held on November 5, 2024; and

WHEREAS, the City owns an approximately 82-acre parcel (APN: 095-070-008) generally located south of Hancock Drive and west of Highway 1 (the Site), which contains open space and recreational uses and the area operated as a public park named Ken Adam Park; and

WHEREAS, the City acquired the Site by quitclaim deed from the federal government in 1984, recorded April 26, 1985, in the records of Santa Barbara County as Document No. 1985-021446, which deed specified certain restrictions on usage of the Site. On June 8, 1999, pursuant to Section 2839 of the National Defense Authorization Act for Fiscal Year 1998, Public Law No. 105-85 (111 Stat. 1629), a Correction to Quitclaim Deed was recorded amending the usage restrictions to read:

“The exact acreage and legal description of any property conveyed shall be used by Grantee

- a) for educational and recreational purposes;
- b) for open space, or;
- c) for the purposes described in subparagraphs (a) and (b)”; and

WHEREAS, pursuant to authority provided by the California Constitution and the State Elections Code, on May 31, 2024, an initiative petition was filed with the City Clerk entitled “An Initiative Measure to Discontinue the Public Park Use of Approximately 82 Acres of City-Owned Land Including Ken Adam Park, To Allow For Other Educational and Recreational Uses and/or Open Space Uses, Including a Potential Sale of the Property for a Space-Themed Educational Center”; and

WHEREAS, Elections Code 9215 provides that an initiative petition qualifies if it “is signed by not less than 10 percent of the voters of the city”; and

WHEREAS, in accordance with Elections Code 9210, it was determined that the County Clerk’s last official report of City of Lompoc voter registration to the Secretary of State was

19,940 registered voters and that 10% of said registration would require 1,994 valid signatures to qualify the initiative petition; and

WHEREAS, based on the County of Santa Barbara Elections Division Signature Verification Certificate and, in accordance with Elections Code Sections 9114-9115, the initiative petition was determined to contain at least 2,017 valid signatures and deemed to be sufficient by the City Clerk on June 20, 2024; and

WHEREAS, in accordance with Elections Code Section 9215, the Elections Official (City Clerk) certified the results of the examination to the City Council at the next regular meeting held on July 2, 2024; and

WHEREAS, pursuant to Elections Code 9215(b), the City Council elects to submit the measure to the voters of the City of Lompoc at the November 5, 2024, General Municipal Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this resolution.

SECTION 2. The City Council orders submitted to the voters at the General Municipal Election to be held on November 5, 2024, the following question:

Shall the measure, which would discontinue the public park use of the 82-acre parcel containing Ken Adam Park in order to allow other educational and recreational uses or other open space uses, or both, to be considered for establishment on the parcel, including a potential space-themed educational center, and to allow sale of the parcel for those uses, be adopted?	YES
	NO

SECTION 3. The proposed complete text of the measure to be submitted to the voters is attached hereto as Exhibit "A" (Measure). This question requires the approval of a majority of those casting votes.

SECTION 4. Pursuant to the requirements of the California Elections Code sections 306, 9222 and 1301, and Government Code section 38450, the Measure attached hereto as Exhibit A is ordered submitted to the voters of the City at the Tuesday, November 5, 2024, general municipal election. As required by Elections Code section 13247, the abbreviated form of the measure to appear on the ballot is specified above in Section 2 of this Ordinance. The City's designated elections official is hereby authorized and directed to make any changes to the text of the Measure or this resolution as required to conform to any requirements of law. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law. Pursuant to California Elections Code section 9295, the measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 7. This resolution shall become effective immediately upon its passage and adoption, and the City Clerk is directed to send certified copies of this resolution to the Santa Barbara County Board of Supervisors, to the County Clerk-Recorder, and County of Santa Barbara Election Department, as may be required.

The foregoing resolution was proposed by _____, seconded by _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on July 2, 2024, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Exhibit A: Measure – Ordinance 1710(24)

EXHIBIT "A"

ORDINANCE NO. 1710(24)

An Ordinance of the People of the City of Lompoc, County of Santa Barbara, State of California, Adopting an Initiative Measure Entitled “An Initiative Measure to Discontinue the Public Park Use of Approximately 82 Acres of City-Owned Land Including Ken Adam Park, To Allow For Other Educational and Recreational Uses and/or Open Space Uses, Including a Potential Sale of the Property for a Space- Themed Educational Center”

The People of the City of Lompoc do ordain as follows:

Section 1. Title.

This ordinance may be cited as the “Ken Adam Park Ordinance.”

Section 2. Ken Adam Park Ordinance.

The City of Lompoc Municipal Code is hereby amended by adding Title 12, Chapter 12.10, consisting of sections 12.10.010 through 12.10.100 to read as follows:

Chapter 12.10. Ken Adam Park

Section 12.10.010. Title

This Chapter shall be known and may be cited as the “Ken Adam Park Ordinance” (hereinafter the “Ordinance”).

Section 12.10.020. Findings.

The people of the City of Lompoc have determined that:

- A. The park commonly known as Ken Adam Park and land to the west should be discontinued and abandoned in favor of other uses.
- B. This ordinance will permit the land to be used for what it was originally intended for nearly 40 years ago, a modern-day space-themed educational center. The Military Construction Authorization Act of 1985 (Public Law 98-407) transferred this land from the Department of the Army to Lompoc via a quitclaim deed in October 1984. Congressional legislation specifically dedicated or require this land to be a permanent site for the Western Spaceport Museum and Science Center and include educational and recreational purposes related to a permanent space science museum. In 1992, the City approved a Grant Deed to the Western Spaceport Museum & Science Center. However, because of a lack of local, state, federal and private funding, that project was ultimately unsuccessful after the west coast Space Shuttle program was cancelled, and in 1998 the land was returned to the City of Lompoc. Rather than return the land as required to the Department of the Army if not used for its original intended purpose, legislation in Congress modified the permitted uses of the property to include educational and recreational purposes, and open space uses in 1999.

- C. One proposed use for Ken Adam Park is the construction of a modern-day space-themed educational center. The federal use restrictions on this land for educational and recreational purposes, or open space (or both), remain in place.

Section 12.10.030. Abandonment of Ken Adam Park.

- A. There are approximately 82 acres currently comprising what is commonly known as Ken Adam Park, located south of Hancock Drive and west of Highway 1 (APN Parcel 095-070-008). Ken Adam Park is adjacent to the Allan Hancock College campus and is typically described as a 42 acre parcel within the 82 acre APN total. Its GPS Coordinates are 34.6791261N, 120.4603028W.
- B. Pursuant to California Public Resources Code Section 38440 et seq., the park commonly known as Ken Adam Park is hereby discontinued and abandoned.
- C. The City of Lompoc hereby holds Ken Adam Park in fee, and at any time may sell, lease, or otherwise transfer its interest in Ken Adam Park to any entity for any purpose not prohibited by law.

Section 12.10.040. Amendment.

The City Council may not amend or repeal any provisions of this Ordinance unless it is submitted to, and approved by, a majority of the voters of the City of Lompoc. However, the City Council may make other changes to this Ordinance provided the changes further the purposes of the Ordinance via a majority vote of the City Council in favor of such changes.

Section 12.10.050. Severability

If any provision of this Ordinance, or any section, phrase, or word thereof, or the applicability of any provision, section, part, phrase, or word to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions, sections, parts, phrase or words shall not be affected, but shall remain in full force and effect, and to this end the provisions, sections, parts, phrases and words of this Ordinance are severable.

Section 12.10.060. Legal Defense

The People of the City of Lompoc desire that this Ordinance, if approved by the voters and thereafter challenged in court, be defended by the City. The People, by approving this Ordinance, hereby declare that the proponent(s) of this Ordinance have a direct and personal stake in defending this Ordinance from constitutional or statutory challenges to the Ordinance's validity or implementation. In the event that the City fails to defend this Ordinance, or the City fails to appeal an adverse judgment against the constitutionality, statutory permissibility, or implementation of this Ordinance, in whole or in part, in any court of law, the Ordinance's proponents shall be entitled to assert their direct personal stake by defending the Ordinance's validity and implementation in any court of law and shall be empowered by the People through this Ordinance to act as agents of the People. The City shall indemnify the proponents for reasonable expenses and any losses incurred by the proponents, as agents, in defending the validity and/or implementation of the challenged Ordinance. The rate of indemnification shall be no more than the amount it would cost the City to perform the defense itself.

Section 12.10.070. Conflicting Measures.

- A. This measure is intended to be comprehensive. It is the intent of the people of Lompoc that in the event this measure and one or more measures relating to the abandonment and discontinuance of Ken Adam Park appear on the same ballot, whether placed on the ballot through a citizens initiative or by the City Council, the provisions of the other measure or measures shall be deemed to be in conflict with this measure.
- B. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall remain null and void.
- C. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative vote than any other measure appearing on the same ballot regarding the abandonment and discontinuance of Ken Adam Park, provisions of this measure shall take effect to the extent that they are not in conflict with other said measure or measures.
- D. If this measure is approved by the voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

Section 12.10.080. Municipal Affairs.

The People of Lompoc hereby declare that the abandonment and discontinuance of Ken Adam Park constitutes a municipal affair.

Section 12.10.090. Liberal Construction.

This Ordinance shall be liberally construed to effectuate its purposes.

Section 12.10.100. Effective Date.

This Ordinance shall become effective upon its approval by a simple majority of electors voting on this Ordinance.