

JUL 26 2022

RESOLUTION NO. 31-2022

MARK [REDACTED] Officer
By: [REDACTED]
DEPUTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA CALLING AND GIVING NOTICE FOR HOLDING A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY AN ADVISORY MEASURE REGARDING THE SALE AND USE OF STATE-APPROVED "SAFE AND SANE" FIREWORKS IN THE CITY AND REQUESTING SAN MATEO COUNTY TO CONSOLIDATE THE CITY'S GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 8, 2022 STATEWIDE GENERAL ELECTION AND TO PROVIDE ELECTION SERVICES

WHEREAS, the County of San Mateo will be conducting a statewide general election in Pacifica on November 8, 2022; and

WHEREAS, it is in the best interest of the City of Pacifica to consolidate the City election with the County election to be conducted on November 8, 2022; and

WHEREAS, pursuant to Elections Code Section 10002, the City Council of the City of Pacifica hereby requests the County Clerk of San Mateo County to provide election services that normally are provided to the City of Pacifica; and

WHEREAS, the City Council of the City of Pacifica desires to submit to the voters at a municipal election an advisory ballot question to advise the City Council regarding possible amendment to the City's municipal code to prohibit the sale and use of all State-approved fireworks in the City of Pacifica; and

WHEREAS, the City Council is authorized by statute to submit this advisory measure to the voters of the City pursuant to Section 9603 of the Elections Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA DOES RESOLVE, DECLARE, AND ORDER AS FOLLOWS:

Section 1. Pursuant to the requirement of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Pacifica, California on Tuesday, November 8, 2022, a Municipal Election for the purpose of submitting to the voters of the City of Pacifica, the advisory measure specified in Section 2 below. Pursuant to Elections Code Section 9222 and Section 9603, it is the intent of the City Council that the measure be submitted to the voters of Pacifica at the aforementioned Municipal Election.

Section 2. The question to be put to the voters of the City shall read as follows, after the heading "Advisory Vote Only" as provided by Elections Code section 9603(b):

Measure ____: The City of Pacifica Sale and Use of Fireworks Advisory Measure	YES	
Shall the City of Pacifica amend its municipal code to prohibit the ignition, use, discharge, or sale of all State-approved "Safe and Sane" fireworks in the City of Pacifica?	NO	

Section 4. Pursuant to Elections Code Sections 1002, 10400 and 10403, the City Council hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2022 within the same territory and requests the Board of Supervisors of the County of San Mateo to permit the County Elections Officer to provide any and all services necessary for conducting the election called in Section 1 of this Resolution. The County of San Mateo and its staff are authorized and instructed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and other necessary items in order to properly and lawfully conduct the election; the County of San Mateo is authorized to canvass the returns of the election, which shall be held in all respects as if there were only one election, and only one form of ballot shall be used; and the City Council recognizes that additional cost will be incurred by the County of San Mateo by reason of the conduct of the election called in Section 1 of this Resolution, and agrees to reimburse the County of San Mateo for any costs that are not reimbursed by the State, and the City Council hereby authorizes the City Manager to pay the County of San Mateo for said services in full.

Section 5. The ballots to be used at the election shall be in form and content as required by law.

Section 6. The City Council hereby directs the City Clerk to take necessary actions to ensure the placement of the measure on the November 8, 2022 ballot; and (iii) coordinate with the County of San Mateo and take all necessary actions to oversee and certify the November 8, 2022 election process as required by Elections Code.

Section 7. 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. That the City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed by section 10418 of the Elections Code.

Section 9. The City Clerk is directed to forward copies of the measure to be voted on at the general municipal election to the City Attorney for the preparation of an impartial analysis in compliance with applicable law.

Section 10. That ballot arguments and rebuttals shall be filed in accordance with the following:

- a. That the primary arguments for and against this ballot measure shall be submitted to the City Clerk by 5:00 p.m. on August 19, 2022.
- b. That rebuttal arguments shall be submitted to the City Clerk by 5:00 p.m. on August 29, 2022.
- c. That all arguments shall be filed with the City Clerk, signed, with printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Section 11. That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Election Department, each a certified copy of this resolution.

Section 12. 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 13. That notice of the time and place of holding the election is 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.

Section 14. The City Clerk shall certify the passage and adoption of this resolution and enter into the book of original resolutions.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of June 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstycck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a



 Mary Bier (Jun 17, 2022 12:59 PDT)

 Mary Bier, Mayor

ATTEST:



 Sarah Coffey, City Clerk

APPROVED AS TO FORM:



 Michelle Kenyon, City Attorney



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

540 Crespi Drive • Pacifica, California 94044-3422
www.cityofpacifica.org

MAYOR
Mary Bier

MAYOR PRO TEM
Tygarjas Bigstycck

COUNCIL
Mike O'Neill
Sue Vaterlaus
Sue Beckmeyer

July 19, 2022

Mark Church
San Mateo County Assessor-County Clerk-Recorder and Chief Elections Officer
San Mateo County Registration & Elections Division
40 Tower Road
San Mateo, CA 94402

Re: Ballot Question Format for City of Pacifica Resolution No. 31-2022 For Submission of An Advisory Measure Regarding the Sale and Use of Fireworks for the November 8, 2022 Election

Dear Mr. Church:

On July 12, 2022, the City of Pacifica enclosed certified copies of the City of Pacifica's Resolutions calling for the General Municipal Election to be held Tuesday, November 8, 2022 for the election of City Councilmembers for Districts 2, 3 and 5 and for the placement of two municipal Ballot Measures. A question arose with respect to the formatting of the ballot measure set forth in City of Pacifica **Resolution No. 31-2022** and the City of Pacifica has agreed to make the following formatting change to the ballot question as provided in Section 2 of Resolution No. 31-2022 for the purpose of complying with the San Mateo County Elections Division standard formatting for ballot measures:

- **Resolution No. 31-2022** "A Resolution of the City Council of the City of Pacifica Calling and Giving Notice for Holding a General Municipal Election on Tuesday, November 8, 2022, for Submission to the Qualified Voters of the City an Advisory Measure Regarding the Sale and Use of State-Approved "Safe And Sane" Fireworks in the City and Requesting San Mateo County to Consolidate the City's General Municipal Election with the November 8, 2022 Statewide General Election and to Provide Election Services" adopted June 13, 2022
- **Amended Section 2:**
"Section 2. The question to be put to the voters of the City shall read as follows, after the heading "Advisory Vote Only" as provided by Elections Code section 9603(b):



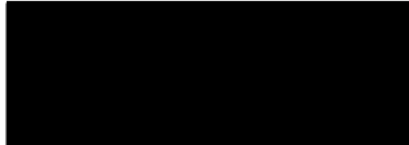
The City of Pacifica Sale and Use of Fireworks Advisory Measure. Shall the City of Pacifica amend its municipal code to prohibit the ignition, use, discharge, or sale of all State-approved "Safe and Sane" fireworks in the City of Pacifica?	YES
	NO

This is a non-substantive formatting change shall not necessitate an amendment to Resolution No. 31-2022 as submitted to the San Mateo County Elections Division.

Furthermore, the City of Pacifica confirms that there shall be no approval rate / threshold specified for the advisory ballot measure and there is no full text of the advisory ballot measure as set forth by City of Pacifica Resolution No. 31-2022.

Please contact me should you have any questions. I can be reached at 650-738-7307 or by email to: scoffey@pacificagov.

Sincerely,



Sarah Correy
City Clerk, City of Pacifica