

**CITY OF CLOVERDALE  
CITY COUNCIL**

**RESOLUTION NO. 051-2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION ON NOVEMBER 8, 2022, TO CONSIDER THE CITY OF CLOVERDALE MEASURE TO PROHIBIT FIREWORKS, INCLUDING SAFE AND SANE FIREWORKS; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE ELECTION, AND REQUESTING THAT THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION AND PREVIOUSLY CALLED MUNICIPAL ELECTION TO BE HELD ON THE SAME DATE AND DIRECT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION**

**WHEREAS**, the City of Cloverdale currently allows the sale and use of Safe and Sane Fireworks, as defined and classified in Sections 12529 and 12562 of the Health and Safety Code, around the Fourth of July holiday; and

**WHEREAS**, the use of fireworks, including Safe and Sane Fireworks, poses a significant public health, safety, and welfare risks to those that discharge the fireworks as well as members of the public in the surrounding areas; and

**WHEREAS**, the use of fireworks of any kind creates a significant fire danger, which is exacerbated by ongoing drought conditions within the City; and

**WHEREAS**, the use of illegal and legal fireworks has increased in recent years, which has increased the significant public health, safety, and welfare risks such fireworks cause; and

**WHEREAS**, the City Council desires to submit a Measure to the voters of the City of Cloverdale to decide whether or not to prohibit the sale and use of all Fireworks, including Safe and Sane Fireworks, within the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cloverdale does hereby find, determine, and declare as follows:

1. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Pursuant to Elections Code section 9222, the City Council of the City of Cloverdale hereby calls an election at which it shall submit to the qualified voters of the City the Cloverdale Fireworks Ban Measure, which, if approved, would prohibit the sale and use of all Fireworks, including Safe and Sane Fireworks, within the City. The City Council hereby requests that the election be consolidated with the statewide election to be held on November 8, 2022, and the previously called municipal election. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Election Code section 10418.
3. The question to be presented to the voters shall be as set forth below. This question requires the approval of a majority of qualified electors casting votes:

<p>City of Cloverdale Fireworks Prohibition.</p> <p>Shall an ordinance be adopted that prohibits the sale and use of all fireworks, including “safe and sane” fireworks, within the City, with an exception for permitted public fireworks displays?</p>	<p><b>YES</b></p>	
	<p><b>NO</b></p>	

4. The full text of the proposed Ordinance to be submitted to the voters is attached as Exhibit A (the “Measure”) hereto and shall be made available to the public upon request to the Office of the City Clerk. The Measure shall be completely printed in the voter pamphlet. If a simple majority of the qualified voters voting on the Measure vote in favor therefore, the Ordinance shall be approved and the Measure shall be deemed adopted upon the City Council’s declaration of the results of the election.

5. The City Clerk is authorized, instructed, and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

6. The Board of Supervisors is requested to instruct the Office of the Registrar of Voters to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one (1) election. The City recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City’s cost of placing the measure on the election ballot.

7. Arguments; Impartial Analysis; Deadlines

- a. The last day for submission of primary arguments for or against the measure shall be by 5 p.m. on June 8, 2022.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5 p.m. on June 20, 2022.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.
- f. Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City

Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by June 20, 2022.

8. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma, together with the attached ballot measure.

9. The approval of this Resolution is exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to under the general rule in CEQA Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed ordinance is a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

11. This Resolution shall become effective immediately upon its passage and adoption.

**REGULARLY PASSED AND ADOPTED** by the City Council of the City of Cloverdale on this 25<sup>th</sup> day of May, 2022 by the following vote:

**AYES: (4) Vice Mayor Wolter, and Councilmembers: Bagby, Cruz, Palla**

**NOES: (1) Mayor Lands**

**ABSTAIN: (0)**

**ABSENT: (0)**

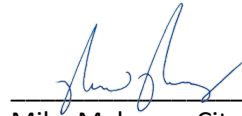
APPROVED:

*Todd Lands*

Todd Lands (Jun 15, 2022 09:54 PDT)

\_\_\_\_\_  
Todd Lands, Mayor

ATTEST:



\_\_\_\_\_  
Mike Maloney, City Clerk

# 051-2022

Final Audit Report

2022-06-15

Created:	2022-06-15
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## "051-2022" History

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