

REPORT TO THE CITY COUNCIL

City of Salinas, California

DATE: July 12, 2016

FROM: Patricia M. Barajas, City Clerk

SUBJECT: **JUNE 7, 2016 SPECIAL MUNICIPAL ELECTION CANVASS AND
REPEAL OF FIREWORKS SOCIAL HOST ORDINANCE**

RECOMMENDATION:

It is recommended that the City Council approve a Resolution declaring the results of the June 7, 2016 election and adopt the Ordinance establishing Measure B, Salinas Charter Amendment, and Measure C, “Safe and Sane” Fireworks Initiative. It is also recommended that the City Council introduce an ordinance repealing social host ordinance related to illegal fireworks enforcement.

DISCUSSION:

The Registrar of Voters has certified the attached results of the June 7, 2016 election.

Measure B, an amendment to the Salinas city Charter, passed by 55.29%.

Measure C, an ordinance allowing for the possession, use, storage, sale and display of safe and sane fireworks, passed by 58.35%.

Approving the resolution, and declaring the results of the election, conditionally approves the Charter amendment approved by the voters for Measure B, and approves the Ordinance that was approved by the voters for Measure C. Measure B, the Salinas Charter amendment, shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to Government Code Section 34459 and 34460. Measure C, an ordinance allowing safe and sane fireworks, shall become effective ten days after the City Council declares the results of the election, pursuant to Elections Code 9217.

In May 2016, the Salinas City Council added language to Chapter 13A of the Salinas City Code allowing for enforcement of illegal fireworks activity under a “social host” theory of liability, where the owner of private property could be notified and cited for illegal fireworks activity occurring on their property. The fireworks initiative passed by the voters also includes provisions relating to civil and/or criminal liability for property owners where illegal fireworks are discharged from their private property. Because of duplicative and possibly confusing language in the two social host sections, staff is proposing an ordinance repealing sections of 13A relating to the social host enforcement provisions.

ISSUE:

Shall the City Council approve the attached Resolution declaring the results of the June 7, 2016 election for Measure B and Measure C? Shall the City Council introduce and subsequently adopt the ordinance repealing the “social host ordinance” relating to fireworks enforcement in Chapter 13A of the City Code?

ALTERNATIVES/IMPLICATIONS:

Elections Code Section 10262 calls for the City Council to declare the results no later than July 12, 2016, the next regularly scheduled City Council meeting following the Registrar of Voters' presentation of the canvass of the votes.

The ordinance approved by the voters at the June 7, 2016 election, pursuant to California Elections Code Section 9217, shall become effective ten (10) days after the City Council declares the results of the election and shall continue indefinitely unless repealed or amended by a majority of the voters of the city.

The City Council may opt not to introduce and adopt the proposed ordinance relating to a repeal of the "social host" ordinance and provide further direction to staff.

Back Up Pages:

Statement of Votes Cast

Resolution

Charter Amendment

Fireworks Initiative Ordinance

Proposed Repeal of Fireworks Social Host Ordinance