

MAR 05 2014

MARY CHURCH, Chief Elections Officer:
By: [Redacted]
DEPUTY CLERK

RESOLUTION NO. C-2014- 11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY CALLING FOR A MUNICIPAL ELECTION, TO BE CONSOLIDATED WITH THE JUNE 3, 2014 STATEWIDE DIRECT PRIMARY ELECTION, TO SUBMIT TO THE VOTERS A LOCAL BALLOT MEASURE ENACTING THE "MAIN STREET BRIDGE SAFETY AND ACCESSIBILITY ACT" AS THE OFFICIAL POLICY OF THE PEOPLE OF THE CITY OF HALF MOON BAY

WHEREAS, it is the desire of the City Council to place before the voters of the City of Half Moon Bay an ordinance entitled the "Main Street Bridge Safety and Accessibility Act" to establish, as official policy of the People of the City of Half Moon Bay, that any project to replace or rehabilitate the Main Street Bridge shall be performed in a manner that addresses its structural and functional safety deficiencies, including but not limited to widening the roadway to add bicycle lanes and the existing pedestrian pathways to meet the standards of the Americans with Disabilities Act ("ADA"), is most cost-effective for local taxpayers, maximizes use of available grant funds, minimizes the risk of liability arising from the bridge's structural and functional deficiencies, and minimizes impacts to nearby residents and businesses; and

WHEREAS, pursuant to Elections Code Section 9222, the City Council may submit to the voters an ordinance to allow the voters to decide if the Ordinance should be enacted; and

WHEREAS, a statewide direct primary election shall be held on Tuesday, June 3, 2014; and

WHEREAS, pursuant to Elections Code Section 14301, the City Council desires that the special election be consolidated with the June 3, 2014 statewide direct primary election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Half Moon Bay as follows:

Section 1. That pursuant to the requirements of the laws of the State of California relating to general law cities the City Council hereby calls an election, to be held on Tuesday, June 3, 2014 at which it shall submit to the qualified voters of the City of Half Moon Bay an ordinance enacting the "Main Street Bridge Safety and Accessibility Act" as the official policy of the City of Half Moon Bay.

Section 2. That the wording of the question for the Main Street Bridge Safety and Accessibility Act Ballot Measure shall be as follows:

6 6 8 4	Shall an ordinance be adopted establishing the Main Street Bridge Safety and Accessibility Act as the official policy of the people of the City of Half Moon Bay?	Yes
		No

(24)

Section 3. A majority vote of the voters is required to approve the ordinance.

Section 4. The full text of the measure to be voted upon is set forth in Exhibit A and is hereby incorporated by reference as though fully set forth herein.

Section 5. Arguments in Favor or Against the above ballot measure shall be filed with the City Clerk of the City of Half Moon Bay during regular business hours by March 14, 2014 after which no arguments for or against the City measure may be submitted to the City Clerk.

Section 6. The Mayor or his designee(s) are hereby authorized to prepare a written argument in favor of the proposed ordinance, not to exceed 300 words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

Section 7. Rebuttal arguments shall be filed with the City Clerk during regular business hours by March 24, 2014 and shall not exceed 250 words in length.

Section 8. The Mayor or his designee(s) are hereby authorized to prepare rebuttal responses to any arguments filed against the ballot measure and the impartial analysis.

Section 9. The City Clerk is hereby directed to transmit a copy of the ordinance set forth in Section 1 above to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Section 9280 of the Elections Code.

Section 10. During the period commencing March 14, 2014 and ending March 24, 2014, the City Clerk shall make available for public inspection the arguments filed For or Against the ballot measure and the impartial analysis.

Section 11. The County Election Department is hereby authorized to canvass the returns of the election. The election shall be held in all respects and if there were only one election, and only one form of ballot shall be used.

Section 12. The County Election Department is hereby requested to place this measure before or above any other Half Moon Bay ballot measure in assigning letter designations to such measures, on the ballot, and on any ballot pamphlet or other materials.

Section 13. The Board of Supervisors of the County of San Mateo is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election.

Section 14. The "full text" of Ordinance No. C-2014- 11 AN UNCODIFIED ORDINANCE OF THE CITY OF HALF MOON BAY ADOPTING THE "MAIN STREET BRIDGE SAFETY AND ACCESSIBILITY ACT" AS THE OFFICIAL POLICY OF THE PEOPLE OF THE CITY OF HALF MOON BAY shall appear in the Voter Information Pamphlet.

Section 15. The City of Half Moon Bay recognizes that costs will be incurred by the County of San Mateo in connection with the election and agrees to reimburse the County for any such costs.

Section 16. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Election Department of the County of San Mateo.

Section 17. This Resolution shall take effect upon its adoption.

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting held on the 4th day of March 2014, by the following vote of members thereof:

Ayes, Councilmembers: Alifano, Kowalczyk, Patridge, Fraser and Muller

Noes, Councilmembers: _____

Absent, Councilmembers: _____

Abstain, Councilmembers: _____

ATTEST:



Melissa Thurman, Deputy City Clerk



John Muller, Mayor

Full text begins

EXHIBIT A

Ordinance No. C-2014-_____

**AN UNCODIFIED ORDINANCE OF THE CITY OF HALF MOON BAY ADOPTING
THE "MAIN STREET BRIDGE SAFETY AND ACCESSIBILITY ACT" AS THE
OFFICIAL POLICY OF THE PEOPLE OF THE CITY OF HALF MOON BAY**

BE IT ORDAINED, by the People of the City of Half Moon Bay:

SECTION 1. Title.

This ordinance shall be known and may be cited as the "Main Street Bridge Safety and Accessibility Act."

SECTION 2. Definitions.

For purposes of this ordinance, "Main Street Bridge" means the Pilarcitos Creek Bridge, also known as the Main Street Bridge, Site Number CA 0035C-25, spanning the Pilarcitos Creek, in Half Moon Bay, California.

SECTION 3. Policy of the People of the City of Half Moon Bay.

With respect to any project to rehabilitate or replace the Main Street Bridge, it shall be the official policy of the City of Half Moon Bay:

- A. To address both structural and functional safety deficiencies, including but not limited to:
 - 1. Roadway alignment and width to accommodate bicycle lanes and meet current Caltrans design safety standards;
 - 2. Width and design of walkways to fully comply with the requirements of the Americans with Disabilities Act;
- B. To pursue the option that is most cost-effective for local taxpayers, by minimizing expenditure of general fund revenue and maximizing the use of available grant funds;
- C. To construct the project in a manner that, to the maximum extent practicable:
 - 1. Avoids the peak tourist season (July through October) to the extent feasible; and
 - 2. Minimizes impacts to residents and nearby businesses.
- D. Nothing contained herein shall be construed:
 - 1. To commit the City Council to a definite course of action in regard to any such project before the City has completed all necessary environmental review and permit processes;

2. To preclude the consideration of potentially feasible alternatives to any proposed project or design as part of any necessary environmental review including, but not limited to, a “no project” alternative;
3. To preclude the consideration of potentially feasible mitigation measures that are identified during any necessary environment review process, or project modifications that are required in order to comply with any other statutory or regulatory requirements.

SECTION 4. Effective Date

In accordance with the provisions of California Elections Code section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the City Council provided, however, that if another ballot measure is placed on the same ballot as this measure and deals with the subject of the Main Street Bridge, and if both measures pass, the voters intend that the measure which obtained more votes will control and the other shall be of no further force or effect.

SECTION 5. Severability

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 6. Construction of Initiative

This Initiative shall be liberally construed to accomplish its purposes. This Initiative is not intended to preempt or conflict with any state or federal law or regulation, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision and map, and the whole of the Half Moon Bay General Plan.

SECTION 7. Amendments .

Except as expressly provided herein, this Initiative may be amended or repealed only by the voters of the City of Half Moon Bay.

full text end