

AUG 5 2016

**CITY OF SAN MATEO  
RESOLUTION NO. 75 (2016)**

By MARK CHURCH, Chief Elections Officer  
DEPUTY CLERK

**CALLING A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2016 FOR  
THE PURPOSE OF SUBMITTING A PROPOSED SAN MATEO CITY CHARTER  
AMENDMENT TO REVISE CITY CHARTER SECTION TO ELIMINATE THE  
REQUIREMENT THAT THE CITY MAINTAIN ITS OWN, SEPARATE FIRE DEPARTMENT**

WHEREAS, the City of San Mateo, the City of Foster City, and the Belmont Fire Protection District currently provide fire services to their respective communities through a series of agreements encompassing shared management and administration staff, fire prevention services, and various items of equipment; and

WHEREAS, the City of San Mateo, the City of Foster City, and the Belmont Fire Protection District wish to explore formally consolidating their respective Fire Departments and establishing single agency that would be responsible for providing fire services to all three communities; and

WHEREAS, the San Mateo City Charter requires that the City maintain its own, separate Fire Department; and in order for the City of San Mateo to dissolve its Fire Department and contract with another agency for the provision of fire services, the City Charter must be amended; and

WHEREAS, the San Mateo City Council has determined to place on the ballot a measure to amend the City Charter to eliminate the requirement that the City maintain its own, separate Fire Department;

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of San Mateo, California, on Tuesday, November 8, 2016, a Special Municipal Election for the purpose of submitting the following proposed charter amendment:

"Shall the Charter amendment eliminating the requirement that the City maintain its own separate Fire Department, thereby allowing the City to enter into an agreement with other agencies to form a new entity for the provision of fire services be adopted?"	6	YES
	8	
	8	
	10	
	9	NO

(41 words)

SECTION 2. That the text of the charter amendment submitted to the voters shall read as follows:

Full text  
begins

Section 4.02. Administrative Departments. Generally.

The city council may provide by ordinance for the organization, conduct, creation, and operation of the departments of the city, and for their consolidation, alteration, or abolition. When the positions are not incompatible the city council may combine in one person the powers and duties of two or more officers. There shall be a separate Police Department and Free Public Library, each of which shall remain as a separate department with its own department head, provided, however, that the city council may enter into agreements with other agencies for the joint provision of police or library services.

The city council may assign additional functions or duties to offices, departments or agencies.

No office provided by this Charter to be filled by appointment by the city manager may be consolidated with an office to be filled by appointment by the city council.

Subject to the provisions of this Charter, the city council shall provide for the number, titles, qualifications, powers, duties, compensation, benefits, and other conditions of employment of all officers and employees. Salaries shall be fixed by resolution.

Full text  
ends

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. This amendment shall become effective immediately upon certification of the election results by the City Council.

SECTION 5. That the full text of the measure be printed in the voter information pamphlet.

SECTION 6. The City Clerk is directed to forward the proposed measure to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the Elections Code.

SECTION 7. Arguments for and against the proposition may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the proposition shall be Friday, August 19, 2016. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be Monday, August 29, 2016. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

SECTION 8. The City Council authorizes its members either collectively or individually, or any San Mateo voter or association of San Mateo resident, to file written arguments in favor or against the proposition, and to change the argument until and including the date fixed by the City Clerk after

which no arguments for or against the proposition maybe be submitted to the City Clerk. Any argument filed for or against said proposition not exceeding 300 words shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if filed 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 9. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 10. That Registration for such election shall close on October 24, 2016.

SECTION 11. The polls for said election shall be opened at seven o'clock a.m. of the day of said election and shall remain open continuously from said time until eight o'clock p.m. of the same day, when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 12. The municipal election hereby called for November 8, 2016 shall be, and is hereby, ordered consolidated with the county election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the countywide election and as specified herein.

SECTION 13. The Board of Supervisors of the County of San Mateo is hereby requested to permit the County Elections Official to render specified services to the city relating to the conduct of the election, and is hereby authorized to canvass the returns of said municipal election, and said election shall be held in all respects as if there were only one election and only one form of ballot. The County shall certify the results of the canvass of the returns of said election to the City Council of this City which shall thereafter declare the results thereof.

SECTION 14. 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 15. 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 16. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill and the City Clerk is authorized to execute the Service Agreement for the Provision of Election Services in substantially the form presented as Exhibit B.

SECTION 17. The City Clerk and other City officers are directed to do all things necessary to meet the requirements of law for the November 8, 2016, municipal election.

SECTION 18. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 18. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 75 (2016) adopted by the City Council of the City of San Mateo, California, at a regular meeting held on August 1, 2016, by the following vote of the City Council:

AYES: Council Members Goethals, Bonilla and Papan  
NOES: None  
ABSENT: Freschet, Lim

ATTEST:



Patrice M. Olds, City Clerk



Joe Goethals, Mayor

**SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES  
BETWEEN THE CITY OF SAN MATEO AND  
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR - COUNTY CLERK - RECORDER**

This agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of San Mateo (the "Municipality") and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the "Chief Elections Officer");

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Municipality has asked the Chief Elections Officer to conduct an election on November 8, 2016.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

**SERVICES TO BE PERFORMED BY THE MUNICIPALITY:**

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 8, 2016, and will request the services of the Chief Elections Officer in relation to that election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the titles and exact number of offices to be voted on, the names and ballot designations of the candidates for those offices, and/or the exact ballot measure wording to be voted on by the 85<sup>th</sup> day prior to the election, or by the 81<sup>st</sup> day prior to the election if Sections 10225, 10229 and 10407 of the Elections Code become applicable.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries.

**SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:**

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.
- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant voting centers and polling places, publish any required notices and conduct the election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.

- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the election.
- 8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the election beyond those directly involved with conducting the election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the election, those duties remain duties of the Municipality.

**TERMS**

This agreement shall be in effect for the performance of all services incident to the preparation and conduct of the election to be held on November 8, 2016.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this agreement.

This agreement can be terminated by either party upon 30 days written notice.

**COST FOR SERVICES**

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the election, including all such services and supplies.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

**MUNICIPALITY**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**COUNTY**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_