

RESOLUTION NO. 2022-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 8, 2022 FOR THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE BANNING THE SALE OF FIREWORKS IN THE CITY OF SANTA ANA AND PROVIDING FOR THE FILING OF ARGUMENT AND REBUTTAL STATEMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. By Resolution No. 2022-\_\_\_\_\_, the City Council has declared that a General Municipal Election shall be held on November 8, 2022 for the election of municipal officers.

Section 2. The California Elections Code directs the City Council approve the form of the ballot question to be submitted to the voters and the City of Santa Ana desires, on its own motion, to submit to the voters a question of whether the City should place on the ballot a measure for a proposed Ordinance regarding a ban on the sale of fireworks within the City of Santa Ana, to be submitted to the voters at the General Election to be held on Tuesday, November 8, 2022.

Section 3. The ballot question for the proposed Ordinance shall be as follows, with identification as determined in accordance with the California Elections Code:

<u>MEASURE #</u>	Yes
Shall Chapter 14 of the Santa Ana Municipal Code be amended to ban the sale and use of fireworks within the City of Santa Ana?	No

Section 3. Should said measure be approved by the requisite vote, the Ordinance repealing and reenacting Article II of Chapter 14 attached hereto as Exhibit A and incorporated by this reference shall be enacted.

Section 4. That the text of the Ordinance to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated herein by this reference ("Ordinance").

Section 5. That pursuant to Elections Code Section 9280, the City Council hereby directs the Clerk of Council to transmit a copy of the Ordinance to the City Attorney to prepare an impartial analysis of the Ordinance which shall not exceed 500 words in length.

Section 6. That pursuant to Elections Code Section 9282, the City Council, or a member or members of the City Council authorized by the City Council, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens or combination of voters and associations, may file a written argument for or against any the Ordinance in accordance with Article 4, Chapter 3, Division 9 of the Elections Code. An argument shall not exceed 300 words in length.

Section 7. That pursuant to Elections Code Section 9287, if more than one argument for or more than one argument against the Ordinance is submitted to the Clerk of Council within the time prescribed by law, he or she shall select one of the arguments in favor and one of the arguments against the Ordinance for printing and distribution to the voters, giving preference in such selection in the following order:

1. The City Council, or a member or members of the City Council authorized by the City Council.
2. Bona fide association of citizens.
3. Individual voters who are eligible to vote on the measure.

Section 8. That pursuant to Elections Code Sections 9220 and 9285, when the Clerk of Council has selected the arguments for and against the Ordinance which will be printed and distributed to the voters, the Clerk of Council shall send copies of the argument in favor of the Ordinance to the author or authors of the argument against, and copies of the argument against the Ordinance to the author or authors of the argument in favor. The author or authors may submit a rebuttal argument to the direct argument not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments and shall immediately follow the direct argument, which it seeks to rebut. All previous resolutions providing for the filing of rebuttal arguments for City measures are repealed, and this Section shall only apply to the election on the Ordinance to be held on November 8, 2022.

Section 9. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more

sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

Section 10. Pursuant to California Elections Code section 9295, this Resolution and the attached Ordinance will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The examination period will end on the day that is seventy-five (75) days prior to the date set for the election.

Section 11. This Resolution shall take effect immediately upon its adoption by a majority of the City Council.

Section 12. The Clerk of Council of the City of Santa Ana is hereby directed to certify to the passage and adoption of this Resolution and to file a certified copy of this Resolution with the Board of Supervisors of Orange County and the Registrar of Voters of Orange County at least eighty-eight (88) days before the date of the election.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022:

\_\_\_\_\_  
Vicente Sarmiento  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: \_\_\_\_\_  
Laura A. Rossini  
Chief Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
NOT PRESENT: Councilmembers \_\_\_\_\_

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022 -XXX to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana

INFORMATIONAL ITEM: DISCUSSION PURPOSES ONLY