

JUN 16 2022



CITY OF

BIG BEAR LAKE *California*BY My DEPUTY
REGISTRAR OF VOTERS**RESOLUTION NO. 2022-69**

RESOLUTION SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BIG BEAR LAKE ON THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION BALLOT AN INITIATIVE MEASURE AMENDING THE CITY'S MUNICIPAL CODE TO LIMIT THE NUMBER OF VACATION RENTAL LICENSES AND RENTAL CONTRACTS IN THE CITY AND TO ENACT ADDITIONAL LIMITATIONS AND REGULATIONS ON VACATION RENTALS; REQUESTING THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION OF EVEN DATE; AND SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE MEASURE

WHEREAS, pursuant to Chapter 4.01 of Title 4 of the Big Bear Lake Municipal Code (B.B.L.M.C. §§4.01.010 through 4.01.110), the City currently licenses owners of certain residential dwelling units within the City to lease all or some of their property as vacation rentals, for a term of 28 or fewer consecutive days, subject to those conditions and regulations as provided in Chapter 4.01; and

WHEREAS, pursuant to authority provided by the California Elections Code, a petition has been filed with the City Council of the City of Big Bear Lake, seeking to enact an initiative measure/ordinance which would amend Chapter 4.01 to limit the number of vacation rental licenses and rental contracts in the City and to enact additional limitations and regulations on vacation rentals (the "Measure" or "Ordinance"); and

WHEREAS, pursuant to California Elections Code section 9215, an initiative petition must be in filed with the City in valid form and signed by not less than ten percent (10%) of the registered voters of the City in order to qualify the Measure for the ballot; and

WHEREAS, according to San Bernardino County voter records, the minimum signature requirement in order to qualify the Measure for the ballot is 295 registered City voters; and

WHEREAS, the City Clerk, through the San Bernardino County Registrar of Voters, has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, has ascertained that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the Elections Code; and

WHEREAS, the City Council has not voted in favor of adoption of the Measure without alteration; and

WHEREAS, the City Council is therefore authorized and required by California Elections Code Sections 1405 and 9215 to submit the proposed Measure to the voters at its "next regularly scheduled election occurring not less than 88 days after the date of the order of election"; and

WHEREAS, the next "regularly scheduled election" is the City's General Municipal Election to be held on Tuesday, November 8, 2022; and

WHEREAS, the specific terms of the Measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date, that within the City the precincts, polling places, voting centers and election officers of the two elections be the same, that the San Bernardino County election department canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election; and

WHEREAS, it is also desirable to establish deadlines and rules for the submission of written arguments and rebuttals for and against the Measure in accordance with applicable California Elections Code procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, and are incorporated herein and by this reference are made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code Sections 1405 and 9215, hereby orders the Measure attached hereto as Exhibit “A” to be submitted to the qualified voters of the City at a General Municipal Election to be held on **Tuesday, November 8, 2022**. The proposed Measure shall be in the form attached hereto as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

"Shall a measure be adopted to amend the Big Bear Lake Municipal Code to limit the number of vacation rental licenses the City may issue to a maximum of 1,500 and limit the number of vacation rental contracts to 30 per year per property, excluding home-sharing arrangements, limiting duplexes, triplexes and four-plexes to one vacation rental per property, and enacting additional further limitations and regulations for vacation rentals?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of submitting to the voters the questions relating to the City's Measure.
- C. The election services which the City of Big Bear Lake requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots; the establishment or appointment of precincts, polling places, voting centers and election officers; the preparation, printing, mailing and furnishing of vote-by-mail ballots; making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths, and other necessary supplies or materials for polling places or voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Big Bear Lake; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish, or cause to be procured and furnished through the County of San Bernardino, any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- E. The polls, voting centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of San Bernardino, except as otherwise provided in the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- G. 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.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The San Bernardino County Registrar of Voters is hereby authorized to canvass the returns of said election.

- J. The City Clerk of the City of Big Bear Lake shall receive the canvass from the County as it pertains to the election on the Measures, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Impartial Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, which arguments may be changed until and including **Monday July 25, 2022**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted 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.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments as set forth in Subsection 5(A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the Ordinance or Measure, please call the election official’s office at (909) 866-5831 and a copy will be mailed at no cost to you.”**
- D. The provisions of this Section 5 shall apply only to the election to be held on November 8, 2022, and shall then be repealed.

SECTION 6. Rebuttals.

- A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the

argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Friday July 29, 2022**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

- B. The provisions of this Section 6 shall apply only to the election to be held on November 8, 2022, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Measure shall be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of the Measure at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Measure attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of San Bernardino County and to the Registrar of Voters of San Bernardino County.

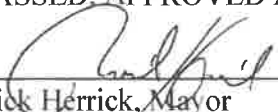
SECTION 9. Public Examination. Pursuant to California Elections Code section 9295, the Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 10. CEQA. The City Council hereby finds and determines that placement of the Measure on the ballot is not a discretionary action of the City Council within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines and is, therefore, not subject to CEQA review. *See, Tuolumne Jobs and Small Business Alliance v. Superior Court*, (2014) 59 Cal. 4th 1029.

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of June, 2022.


Rick Herrick, Mayor

ATTEST:

Erica Stephenson
Erica Stephenson, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing resolution, being Resolution No. 2022-69 was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a regular meeting of the said City held on the 6th day of June, 2022 and that the same was so passed and adopted by the following vote:

AYES: Mote, Putz, Melnick, Herrick
NOES: None
ABSTAIN: None
EXCUSED: Lee

Erica Stephenson
Erica Stephenson, City Clerk