

RESOLUTION NO. 080555

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AMENDING RESOLUTION NO. 080461: A) CALLING AND PROVIDING FOR AN ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE PESCADERO MUNICIPAL ADVISORY COUNCIL, FOR THEIR APPROVAL, A BALLOT MEASURE REDUCING THE MEMBERSHIP OF THE PESCADERO MUNICIPAL ADVISORY COUNCIL TO FIVE MEMBERS ELECTED AT-LARGE, PROVIDING FOR THE INITIAL ELECTION OF COUNCILMEMBERS IN THE REDUCED MEMBERSHIP BODY, AND B) REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH THE NOVEMBER 5, 2024 GENERAL ELECTION

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, on July 7, 1992, pursuant to California Government Code Section 31010, this Board of Supervisors adopted Resolution No. 56280 establishing a municipal advisory council for the unincorporated areas of Pescadero, Loma Mar, South Coast, and Butano to be known as the Pescadero Municipal Advisory Council (“PMAC”), subject to the approval of the voters in those areas at a special election to be held in November 1992; and

WHEREAS, the purpose of PMAC is to advise this Board of Supervisors on matters of concern that relate to the Pescadero community, including, but not limited to, land use, public health, welfare and safety, public works, law enforcement, education, the environment, recreation, and such other matters specifically referred to PMAC by the Board for review and recommendation; and

WHEREAS, at the November 1992 election, the registered voters residing in the area covered by PMAC, which includes the unincorporated areas of Pescadero, Loma

Mar, South Coast, and Butano (the "PMAC Area"), approved the measure establishing PMAC, which measure read as follows:

Shall a thirteen (13) member Pescadero Municipal Advisory Council be established to advise the San Mateo County Board of Supervisors on matters including, but not limited to, public health, safety, welfare, public works and planning which affect the unincorporated areas of Pescadero, Loma Mar, South Coast, and Butano.

WHEREAS, Resolution No. 56280 specifies that PMAC's thirteen (13) councilmembers are elected at large by the registered voters of the PMAC Area, with six (6) members being residents of the Pescadero district; two (2) members being residents of the Loma Mar district; two (2) members being residents of the South Coast district; two (2) members being residents of the Butano district, and one (1) member being elected at-large; and

WHEREAS, PMAC elections are held every two (2) years on the first Tuesday after the first Monday in November, which is at the same time as the statewide general election, with members being selected to hold office for a term of four (4) years commencing on the first Thursday in December next succeeding their election; and

WHEREAS, in the event of a vacancy in PMAC's membership, including in situations in which no candidate or an insufficient number of candidates have filed to run for a seat or seats on the council, PMAC is authorized to appoint a successor to fill the vacancy; and

WHEREAS, since its establishment in 1992, PMAC has experienced challenges in filling its thirteen-seat membership through elections, and on numerous occasions

either no candidate or an insufficient number of candidates have filed to run for councilmember seat(s) on PMAC; and

WHEREAS, currently only six (6) of PMAC's thirteen (13) councilmember seats are filled, with no councilmembers representing the South Coast district (2 designated seats) or the Butano district (2 designated seats), and only one (1) member representing the Loma Mar district (2 designated seats); and

WHEREAS, none of PMAC's six current councilmembers were elected by the voters to terms extending past 2024; and

WHEREAS, on June 25, 2024, this Board adopted Resolution No. 080461, calling for an election on a proposal to reduce the number of PMAC councilmembers from thirteen to seven and, since that time, the County has received input from the community requesting that the prior vote of the PMAC endorsing the reduction in the number of PMAC councilmembers to five be honored which leads this Board to conclude that Resolution No. 080461 should be amended to provide for an election on a proposal to reduce the number of PMAC councilmembers from thirteen to five; and

WHEREAS, given the above-described history of vacancies among PMAC councilmembers, the increasing costs of elections, the fact that relatively few PMAC councilmembers actually run for election, and PMAC's history of filling its membership through appointment (with nearly all members representing the Pescadero district), this Board of Supervisors finds that it is in the best interest of this County to reduce PMAC's membership from a thirteen-member to a five-member, generally-elected advisory council, subject to the approval of the voters in the PMAC Area in November 2024.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. An election shall be and is hereby ordered and called to be held on November 5, 2024 (“Election”) within the PMAC Area for the purpose of submitting to the qualified electors, for their approval, a ballot measure reducing PMAC’s membership from thirteen (13) councilmembers to five (5) councilmembers; revising the election of councilmembers on the reduced five-member PMAC such that councilmembers would no longer be elected to seats based on their residency within a particular geographic district of the PMAC Area and all five (5) councilmembers would, instead, be elected at-large to serve on PMAC; and establishing the terms of the councilmembers serving on the reduced five-member PMAC (the “Measure”). The Measure passes if it receives approval from a majority (i.e., 50% + 1) of eligible voters.

2. The form of the ballot question for the Measure as it is to appear on the ballot is as follows:

<p>Shall the Pescadero Municipal Advisory Council’s membership be reduced from thirteen councilmembers to five councilmembers, all five of whom to be elected at-large to serve four-year terms, except that, for those councilmembers elected at the November 5, 2024 election, the three candidates receiving the highest number of votes to serve initial four-year terms commencing January 1, 2025, and the two candidates receiving the next highest number of votes to serve initial two-year terms commencing January 1, 2025?</p> <p>Yes _____ No _____</p>
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3. (a) Should the Measure be approved by a majority (i.e., 50% +1) of voters, councilmembers shall be elected at-large, meaning that all councilmembers will

be elected to serve on PMAC regardless of their residency within any specific geographic district of the PMAC Area, and the following language in Resolution No. 56280 shall no longer apply: “Six (6) members of the Council shall be residents of the Pescadero area; two (2) members shall be residents of the Loma Mar area; two (2) members shall be residents of the South Coast area; two (2) members shall be residents of the Butano area[;] and one member shall be elected at large.”

(b) Should the Measure be approved by a majority (i.e., 50% + 1) of voters, any councilmembers elected at the Election shall be elected for four (4) year terms, except that the initial terms of two (2) of the councilmembers shall be two (2) years. The determination of which councilmembers shall have initial terms of four (4) years and which shall have initial terms of two (2) years shall be based on the number of votes received, with the three (3) candidates receiving the highest number of votes serving four (4) year terms initially, and the next two (2) candidates receiving with the next highest number of votes serving two (2) year terms initially, with all terms commencing on January 1, 2025. In the event there are fewer than three (3) candidates elected as councilmembers at the Election, the Board of Supervisors shall appoint as many councilmembers as are necessary in order for PMAC to reach three (3) members and those councilmembers, upon assuming office, shall then fill the remaining two (2) positions pursuant to PMAC’s established appointment process. In the event that there are either three (3) or four (4) candidates elected as councilmembers at the Election, PMAC’s elected councilmembers shall fill the remaining council position(s) pursuant to PMAC’s established appointment process.

(c) In addition, should the Measure be approved by a majority (i.e., 50% + 1) of voters, PMAC’s councilmembers, upon assuming office, shall amend PMAC’s

bylaws consistent with its reduced membership and the elimination of PMAC's geographic areas/districts.

4. The County's Chief Elections Officer shall publish a notice of the Election in accordance with the Elections Code and give any other notices required for the Election.

5. (a) The Election shall be held and conducted, the returns canvassed, and the result declared in the same manner as provided for general elections.

(b) The Election will be held on November 5, 2024, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m., the polls will be closed except as provided in Elections Code Section 14401.

(c) The County's Chief Elections Officer shall prepare and mail to each eligible voter in the PMAC Area a sample ballot and a voter's pamphlet containing the complete text of the Measure, which shall include the recitals (i.e., "**WHEREAS**" clauses) and Paragraphs 1, 2, and 3, above.

(d) The County's Chief Elections Officer shall designate the polling places and provide election officers at the Election in accordance with applicable election laws of the State of California.

(e) The election on the Measure shall be consolidated with any and all other elections to be held on the November 5, 2024 General Election.

6. Pursuant to Elections Code Section 10002, this Board of Supervisors hereby permits the County's Chief Elections Officer to render all services specified by Elections Code Section 10418 relating to the Election, to include the publication of notices of Election and the mailing of the sample ballot. The County will pay for all such services performed by the County's Chief Elections Officer related to the Election.

7. This Board of Supervisors hereby requests that the County's Chief Elections

Officer, and/or designee(s), take all actions which are necessary or appropriate in connection with the Election, including, but not limited to, printing and mailing sample ballots, arguments, and applications for absentee ballots, canvassing election returns, and certifying the results of the election to the Board of Supervisors. The County Attorney's Office shall prepare the impartial analysis of the Measure.

8. The Clerk of the Board is hereby authorized and directed to deliver a copy of this Resolution to the County's Chief Elections Officer, or other appropriate elections officials of San Mateo County, no later than 88 days prior to the Election, and to give notice of the Election by causing the County's Registration & Elections Division to publish the text of the Measure and other items, not later than 15 days before the date of the Election.

9. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this resolution which can be given effect without the severed portion.

10. The members of this Board of Supervisors are hereby authorized, but not directed, to prepare and file with the County's Registration & Elections Division, a ballot argument in favor of the Measure within the time established by County's Registration & Elections Division.

11. The County Executive, or designee(s), is hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

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