

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT: Board of Clark County Commissioners

DATE: 08/05/2013

REQUEST: Approve resolution to place an advisory vote on the November 5, 2013 general election ballot, asking voters whether the Clark County Board of Commissioners should adopt a policy further limiting the sale and use of consumer fireworks in unincorporated Clark County.

CHECK ONE: X Hearing CAO

BACKGROUND

The Board of Clark County Commissioners, as representatives of the citizens of Clark County, wants to know whether most county residents favor further limiting the sale and use of consumer fireworks within Clark County. The board only has authority to set and amend limits on the sale and use of consumer fireworks in the unincorporated areas of Clark County. If such limits are eventually enacted by the board, legally authorized use of consumer fireworks in the unincorporated area would be reduced to July 4 each year.

This vote is advisory only; it has no binding legal effect. The results will be considered by the Board of County Commissioners in deciding whether it should enact further limits on the sale and use of consumer fireworks in unincorporated Clark County. If, after the election, the board decides to consider enacting an ordinance limiting consumer fireworks use to July 4, it will provide an opportunity for citizens to testify at a public hearing before making a decision.

FISCAL IMPACTS

Yes (see attached form) No

When a jurisdiction places an advisory vote(s) on a ballot that jurisdiction shares in the cost of conducting the election. Each jurisdiction's share of the cost depends on the number of issues that are on the ballot which is unknown before the filing deadline. Based on the existing filings and anticipated filings, the following costs are Clark County's estimated costs if it places one or more issues on the 2013 general election ballot:

Freeholder Initiative(s)	\$ 82,000.00
Advisory Vote 1	\$ 57,000.00
Advisory Vote 2	\$ 6,500.00
Advisory Vote 3	\$ 6,500.00
Advisory Vote 4	\$ 6,000.00
Advisory Vote 5	\$ 6,000.00
Advisory Vote 6	\$ 5,500.00



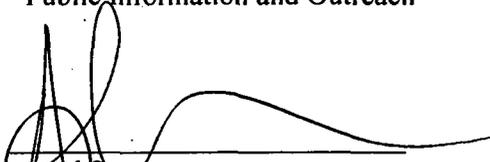
These ballot costs must be paid from the General Fund. There are additional costs for the creation, printing, and mailing of the Voters Pamphlet. To save costs, this pamphlet can be created and mailed in cooperation with the Secretary of State's Office. The estimated cost without all six of the currently proposed advisory votes is \$20,000. The increased cost with all of the advisory votes and Freeholder initiatives is approximately \$40,000.

ACTION REQUESTED

Approve resolution to place an advisory vote on the November 5, 2013 general election ballot, asking voters whether the Clark County Board of Commissioners should adopt a policy further limiting the sale and use of consumer fireworks in unincorporated Clark County.

DISTRIBUTION

Prosecuting Attorney's Office, County Administrator, Auditor's Office, Elections Department, Public Information and Outreach


Axel Swanson
Sr. Policy Analyst

Approved:


8/5/13
CLARK COUNTY
BOARD OF COMMISSIONERS

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RESOLUTION NO. 2013-07-29
FIREWORKS ADVISORY VOTE RESOLUTION

A Resolution proposing the adoption of a policy to support a change in Clark County Fireworks laws, which should be informed by an Advisory Vote in a County-wide general election.

Because the Clark County Board of Commissioners has authority to create, amend, or repeal County laws related to the use and discharge of fireworks within its jurisdiction; and

Because the Clark County Code currently provides for the sale and discharge of fireworks in a manner longer than and inconsistent with many of the cities within its jurisdiction; and

Because the Clark County fire and safety officers often patrol overlapping jurisdictions which make differing laws problematic for enforcement; and

Because the Clark County Board of Commissioners want to effectively determine citizen preferences as it relates to the use and discharge of fireworks in the form of a County-wide advisory vote; and

Because this matter was considered at a duly advertised public hearing, where the Board of County Commissioners concluded that determining the level of support for a change in fireworks ordinances would be in the best interests of the public health, safety and welfare of the Citizens, now therefore:

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

Section 1. Description of Policy. The Board proposes a change to the fireworks laws WHICH WOULD:

1. Limit the sale of fireworks to July 2, 3, and 4 of each year; and
2. Limit the discharge of fireworks to July 4.

And that such a revision to the law should be adopted if the voters agree by a majority showing in a County-wide advisory vote at the November 5, 2013 general election.

Section 2. Calling of Election. The Board requests that the Auditor of Clark County conduct an election on November 5, 2013 for the purpose of submitting to the voters of the County, for their approval or rejection, the question of whether to adopt this resolution.

Section 3. Ballot Proposition. The Secretary of the Board is authorized and directed to certify, no later than August 6, 2013, to the Auditor a copy of this resolution and the proposition to be submitted at that election in the form of ballot title as follows:

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ADVISORY VOTE #6
FIREWORKS USE AND SALE

Should Clark County enact a local ordinance, consistent with state law, which would limit the use of fireworks in the unincorporated areas of Clark County to July 4 of every year, and limit the sale of fireworks in the same area to July 2, 3, and 4?

YES NO

Section 4. Authorization of Local Voters' Pamphlet. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement and arguments advocating approval and disapproval of the ballot measure. The preparation of the explanatory statement, the appointment of pro/con committees and the preparation of arguments advocating approval and disapproval of the ballot measures is authorized as provided in RCW Chapter 29A.32 and the rules and guidelines of the County Auditor. The names of the committee members appointed shall be provided to the Auditor by August 8, 2013 and arguments for approval or disapproval of the ballot measure shall be provided to the Auditor by August 15, 2013. The explanatory statement shall be prepared by the Prosecuting Attorney and filed with the Auditor on or before August 16, 2013.

Section 5. Effective Date. This resolution shall be effective immediately after its adoption.

ADOPTED this 5th day of August, 2013.

Attest:

Rebecca Tilton
Rebecca Tilton, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Steve Stuart
Steve Stuart, Chair

Approved as to Form Only
ANTHONY GOLIK
Prosecuting Attorney

Tom Mielke
Tom Mielke, Commissioner

By Lori Volkman
Lori Volkman, Deputy Prosecuting Attorney

David Madore
David Madore, Commissioner