

CITY OF HEALDSBURG

RESOLUTION NO. 83-2016

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ESTABLISHING NOVEMBER 8, 2016 AS THE DATE FOR A MUNICIPAL ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER APPROVAL TO CEASE FLUORIDATING ITS WATER SUPPLY; REQUESTING THE SONOMA COUNTY CLERK TO CONDUCT SUCH AN ELECTION; AND REQUESTING THE CITY ATTORNEY TO PREPARE AND FILE AN IMPARTIAL ANALYSIS OF THE PROPOSED BALLOT MEASURE

WHEREAS, on May 11, 2016, 184 petition sections with 952 signatures were submitted in the office of the City Clerk (the "Petition"); and

WHEREAS, in order to qualify, the Petition must contain valid signatures totaling not less than 10% of the last official report of registration to the Secretary of State at the time that the petition is filed; and

WHEREAS, based on the last report of 5,972 registered voters, a minimum of 597 valid signatures were needed to qualify; and

WHEREAS, the signatures were verified by the Sonoma County Registrar of Voters who determined that based on the random sample of signatures that were verified, the petition contained 709 valid signatures of registered voters in the City of Healdsburg; and

WHEREAS, the Petition seeks to institute a moratorium on the City of Healdsburg's fluoridation of all municipal water until certain informational requirements regarding the fluoridating chemical are met; and

WHEREAS, City staff conducted research into the City's ability to obtain the information required to lift the moratorium. A report to the City Council prepared by City staff, dated July 28, 2016, determined that the City could not meet two of the three conditions and may not be able to meet the third. If the City is unable to obtain the information required by the initiative and its conditions remain unmet, the moratorium on fluoridating the City's water supply would be permanent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Healdsburg as follows:

Section 1. Recitals. The foregoing recitals and true and correct and hereby incorporated by reference.

Section 2. Call for Election. Pursuant to California Elections Code Section 9215, the City Council hereby calls an election at which it shall submit to the qualified voters of the City of Healdsburg a measure that, if approved, would require the City to cease fluoridation of its water supply. This measure shall be designated by letter by the Sonoma County Registrar of Voters. Pursuant to California Elections Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 8, 2016.

Section 3. Ballot Language. The ballot language for the proposed measure shall be as follows:

| MEASURE:   |     | FLUORIDATION OF WATER SUPPLY |  |
|--|-----|------------------------------|--|
| “Shall the City of Healdsburg stop fluoridating its water supply?” | YES |                              |  |
|  | NO  |                              |  |

Section 4. Proposed Ordinance. The ordinance requiring the City to cease fluoridation of its water supply is as set forth in Exhibit 1 attached hereto. The full text of the proposed ordinance shall be published in the voter information guide for the November 8, 2016 election.

Section 5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Healdsburg, in accordance with Section 12111 of the California Elections Code and Section 6061 of the California Government Code.

Section 6. Request to Consolidate and Conduct Election and Canvass Returns.

(a) The City Council hereby requests that the Sonoma County Board of Supervisors consolidate the election called by this Resolution with the statewide election to be conducted on November 8, 2016 and order the election to be conducted by the Registrar of Voters. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of Sonoma County and the Registrar of Voters of Sonoma County on or before August 12, 2016.

(b) The election on the measure set forth in Section 2 shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State of California. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418.

(c) The election on the measure set forth in Section 2 shall be held in Sonoma County in the City of Healdsburg on November 8, 2016, as required by law, and the Board of Supervisors of Sonoma County is authorized to canvass the returns of the election with respect to the votes cast in the City of Healdsburg and certify the results to the City Council of the City of Healdsburg.

(d) At the next regular meeting of the City Council of the City of Healdsburg occurring after the returns of the election for the measure set forth in Section 2 have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 7. Submission of Ballot Arguments and Impartial Analysis.

(a) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on Monday, August 22, 2016.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Thursday, September 1, 2016.

(c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(d) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments.

(e) The City Attorney shall prepare, by Monday, August 22, 2016, an impartial analysis of the measure showing the effect of the measure.

(f) If more than one argument for or more than one argument against the measure is submitted to the City Clerk within the time prescribed, she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

- (i) The legislative body, or member or members of the legislative body authorized by that body.
- (ii) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

- (iii) Bona fide associations of citizens.
- (iv) Individual voters who are eligible to vote on the measure.

(g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against it, and copies of the argument against it to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Section 8. Services of City Clerk. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Healdsburg this 1<sup>st</sup> day of August, 2016 by the following vote:

AYES: Councilmembers: (4) McCaffery, Plass, Ziedrich and Mayor Chambers

NOES: Councilmembers: (1) Mansell

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED:

ATTEST:

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Thomas L. Chambers, Mayor

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Maria Curiel, City Clerk

**EXHIBIT 1**

**CITY OF HEALDSBURG**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HEALDSBURG  
PLACING A MORATORIUM ON FLUORIDATION OF THE  
CITY'S WATER SUPPLY**

Now therefore, the People of the City of Healdsburg, do hereby ordain as follows:

**Article I. Initiative Provisions**

**Part I. Purpose and Findings.**

The people of the City of Healdsburg, hereinafter called "the City" or "Healdsburg", find and declare as follows:

In 2014 the people voted on Healdsburg municipal water fluoridation after being assured by a local dentist that water fluoridation is safe and effective.

Recent studies strongly indicate that fluoridated water, acting as a neurotoxin, has adverse effects on early childhood brain development, including ADHD (Malin & Till 2015). Fluoridated water also plays a role in hypothyroid condition, and in certain cancers.

Particularly concerning, fluoridation chemical certification deals only with average concentrations per contaminant. "However...each raw additive batch supplied to water facilities does not come labeled with concentrations per contaminant. This omission distorts exposure profiles and the risks associated with accidents and routine use."- From "A new perspective on metals and other contaminants in fluoridation chemicals" (Mullenix 2014).

**Part II. Action.**

1. If adopted, the Initiative Measure would put an immediate moratorium on City of Healdsburg's fluoridation of its municipal water.
2. The moratorium would remain in effect unless and until the manufacturer supplying the fluoridating chemical provides to the public the documents specified in the Initiative Provisions.
3. If these documents are provided, the moratorium will be lifted and the City of Healdsburg would resume fluoridating the water.
4. If these documents do not exist or the manufacturer chooses not to provide them, the moratorium will continue and the water would not be fluoridated.

**Part III. Existing Law.**

The City of Healdsburg does not fall under the mandatory fluoridation provisions of California AB733 (1995), or California Health and Safety Code, Section 116410 (a).

**Part VI. Amendments and Additional Requirements.**

None.

IT IS HEREBY CERTIFIED that the foregoing Ordinance was APPROVED by the following vote of the People of the City of Healdsburg on November 8, 2016:

Yes: \_\_\_\_\_ No: \_\_\_\_\_ Total: \_\_\_\_\_

IT IS HEREBY FURTHER CERTIFIED that the foregoing Ordinance was adopted by Declaration of the November 8, 2016 election results by the City Council of the City of Healdsburg on \_\_\_\_\_, 2016, by the following vote, to wit:

AYES: Councilmembers: ( )

NOES: Councilmembers: ( )

ABSENT: Councilmembers: ( )

ABSTAINING: Councilmembers: ( )

SO ORDERED:

ATTEST:

\_\_\_\_\_  
Thomas L. Chambers, Mayor

\_\_\_\_\_  
Maria Curiel, City Clerk