

**RESOLUTION NO. 15-04**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 2, 2015, FOR THE SUBMISSION TO THE VOTERS OF THE TOWN A PROPOSED MEASURE ALLOWING A LIMITED NUMBER OF MEDICAL MARIJUANA DISPENSARIES IN TOWN LIMITS AND REQUESTING THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE THE TOWN'S SPECIAL ELECTION WITH THE SPECIAL AND GENERAL MUNICIPAL ELECTIONS HELD WITHIN SAN BERNARDINO COUNTY ON THAT DATE**

**FILED**

MAR 11 2015

REGISTRAR OF VOTERS

**WHEREAS**, On September 8, 2014, the Town received a voter Initiative petition from Proponents Daniel Zanercik and Serena Elsasser. As required by law, the Town provided a ballot title and summary, which denominated the voter petition as “The Medical Marijuana Authorization and Regulation Initiative” (the “Citizen Initiative”); and

**WHEREAS**, On November 20, 2014, the Proponents submitted the signed Citizen Initiative petitions. The Town Clerk conducted a prima facie review and raw count of the petition and determined that there were sufficient numbers of signatures to proceed; and

**WHEREAS**, On November 21, 2014 the Citizen Initiative petitions were submitted to the County of San Bernardino Registrar of Voters for signature verification. The Registrar of Voters promptly began the process of verifying the signatures contained on the petitions; and

**WHEREAS**, Based on County verification of signatures contained on the petitions, the Citizen Initiative petition met the 15% threshold (or 1,442 votes) requisite for placement on a special election ballot (Elections Code § 9214.); and

**WHEREAS**, Given all options available to it under the Elections Code, at its regular January 20, 2015, meeting the Council requested a study be prepared analyzing the effect of the Citizen Initiative. The Council also directed that the Town’s Medical Marijuana Ad Hoc Subcommittee (the “Subcommittee”) work with the Proponents to prepare an amended measure that could be supported by the Town and the Citizen Initiative Proponents to go forward as a ballot measure, and to prepare a tolling agreement suspending the requirement to place the Citizen Initiative on the ballot as submitted (“Tolling Agreement”). Such a Tolling Agreement has been reached between the Proponents and the Town and was executed between the parties by February 17, 2015; and

**WHEREAS**, In recent weeks, the Proponents and Subcommittee have reached concurrence on a negotiated measure proposed as the “Yucca Valley Medical Marijuana Dispensary Authorization and Regulation Act” (the “Negotiated Measure”). The Negotiated Measure is substantially similar to the Citizen Measure, excepting that the Negotiated Measure contains heightened regulations for the protection of public health, safety and welfare, and provides for the Town’s recovery of certain fees and costs attributable to law enforcement and other Town operational expenses affected by dispensaries.

**WHEREAS,** Under the terms of the Tolling Agreement, Proponents agree that if the Town Council takes action to place the Negotiated Measure on the ballot, they will at the regular Town Council meeting where that action is taken, immediately and publicly withdraw the Citizen Measure and endorse passage of the Negotiated Measure, as well as immediately memorialize such withdrawal of the Citizen Measure by written communication to the Town.

**WHEREAS,** The Town Council Subcommittee believes that the terms of the Negotiated Measure attached hereto as **Exhibit “A”** have been found acceptable to the Proponents and the Subcommittee recommends that the Negotiated Measure now be placed upon the ballot for a June 2, 2015, special election. Such call of the election would trigger Proponents’ obligation to withdraw the Citizen Measure as required by the Tolling Agreement.

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** Pursuant to the requirements of the California Elections Code, Sections 9214, 92222 and 1405, there is called and ordered to be held in the Town of Yucca Valley, California, on Tuesday, June 2, 2015, a Special Municipal Election for the purpose of submitting to the voters of the Town of Yucca Valley the Negotiated Measure. It is the intent of the Town Council that the Negotiated Measure be submitted to the voters of Yucca Valley at the aforementioned Special Election. The full text of the Negotiated Measure is attached hereto and marked as Exhibit “A”. The San Bernardino County Registrar of Voters is requested to print the full text of the Measure contained on Exhibit “A” in the sample ballot pamphlet. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is specific below in Section 2. The Town Clerk is hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of the San Bernardino County Registrar of Voters.

**Section 2.** The Town Council hereby orders the following measure be submitted to the voters at the aforementioned Special Election:

MEASURE

Shall the Medical Marijuana Dispensary Authorization and Regulation Initiative Measure be enacted to allow the operation of medical marijuana dispensaries in the jurisdictional boundaries of the Town of Yucca Valley at a rate of one dispensary per every 10,000 residents, and attendant provisions regulating such operations?	YES
	NO

**Section 3.** The ballots to be used at the election shall be in form and content as required by law. The Town Clerk is hereby directed to provide the full text of the Negotiated Measure to the Town Attorney and the Town Attorney is directed to prepare an “impartial analysis” thereof in accordance with the timeframes and requirements of the Elections Code.

**Section 4.** The Town Clerk is authorized, instructed and directed to procure and furnish 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.

**Section 5.** Pursuant to Sections 10402 and 10403 of the Elections Code, the San Bernardino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the Special Election with the election conducted by San Bernardino County to be held on Tuesday, June 2, 2015. If the County does not hold a countywide election for Tuesday, June 2, 2015, then the Town Council hereby directs the Town Clerk to take all actions to process the Special Election as a stand-alone municipal election, and authorization to coordinate same with the County.

**Section 6.** The San Bernardino County Registrar of Voters is authorized to canvass the returns of the Special Election. The election shall be held in all respects as if there were only one election. If the number of affirmative votes cast represents the majority of the electorate of the Town of Yucca Valley in accordance to the California Elections Code, the Medical Marijuana Dispensary Authorization and Regulation Initiative Measure will be considered successful.

**Section 7.** The San Bernardino County Board of Supervisors is requested to issue instructions to the San Bernardino County Registrar of Voters to take any and all necessary steps for the holding of this consolidated election.

**Section 8.** The Town of Yucca Valley recognizes additional costs will be incurred by San Bernardino County by reason of this consolidation and agrees to reimburse San Bernardino County for those costs.

**Section 9.** The Town Clerk is directed to file a certified copy of this resolution with the San Bernardino County Board of Supervisors, the San Bernardino County Registrar of Voters and enter this resolution into the book of Original resolutions.

**Section 10.** The Town Council authorizes the Town Clerk to administer the election, including but not limited to, contracting with the County of San Bernardino, and otherwise take all reasonable necessary steps to ensure the proper handling and conduct of the Special Election authorized by this Resolution, and all reasonable and actual election expenses shall be paid by the Town upon presentation of a properly submitted bill.

**Section 11.** This Resolution shall be effective immediately upon passage and adoption.

**PASSED AND ADOPTED** by the Yucca Valley Town Council at a regular meeting thereof held on the 3<sup>rd</sup> day of March, 2015, by the following vote:

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George Huntington, Mayor

ATTESTED:

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Lesley Copeland, Town Clerk