

FILED

AUG 17 2016

RESOLUTION NO. 2016-176

BY  DEPUTY
REGISTRAR OF VOTERS

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO CALLING A SPECIAL ELECTION FOR THE PURPOSE OF CONSIDERING THE SAN BERNARDINO MEDICAL CANNABIS RESTRICTIONS AND LIMITATIONS ACT, REQUESTING THAT THE SPECIAL ELECTION BE CONSOLIDATED WITH THE PRESIDENTIAL GENERAL ELECTION CONDUCTED ON NOVEMBER 8, 2016 AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE ELECTION.

WHEREAS, on June 14, 2016 Kathrine Redmon ("Proponent"), a resident of the City of San Bernardino, filed a Notice of Intent to Circulate a Petition, attached hereto as Exhibit "A" and incorporated herein by this reference, with the City Clerk for the San Bernardino Medical Cannabis Restrictions and Limitations Act (the "Initiative"); and

WHEREAS, on June 27, 2016 the City Attorney transmitted to the City Clerk a Ballot Title and Summary, attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, on July 25, 2016 the Proponent turned in signed petitions to the City Clerk for certification; and,

WHEREAS, the City Clerk, having reviewed the signatures, has issued her certification that the petition has the number of signatures required to submit an initiative to the Mayor and Common Council pursuant to Section 120 of the Charter of the City of San Bernardino; and

WHEREAS, the Mayor and Common Council, having reviewed the initiative, has decided to submit the issue directly to the voters instead of adopting the measure without alteration.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. That the recitals and findings set forth above are hereby adopted and incorporated herein by this reference.

SECTION 2. That the San Bernardino Medical Cannabis Restrictions and Limitations Act shall be submitted to the voters at a Special Election.

SECTION 3. Special Municipal Election Called. A special municipal election is hereby called and will be held in the City of San Bernardino on Tuesday, November 8, 2016, for the purpose of submitting to the qualified electors of the City, for their approval or disapproval, the

1 San Bernardino Medical Cannabis Restrictions and Limitations Act as set forth in Exhibit "A"
2 attached hereto.

3 **SECTION 3. Request for Consolidation of Elections.** Pursuant to Section 10400 of the
4 California Elections Code, the Mayor and Common Council of the City of San Bernardino
5 request that the Board of Supervisors of the County of San Bernardino consolidate the City's
6 special municipal election with the statewide general election to be held on November 8, 2016.

7
8 The polls for said election shall be open at 7:00 a.m. of the day of said election and shall
9 remain open continuously from said time until 8:00 p.m. of the same day when said polls shall be
10 closed, except as provided in Section 14401 of the California Elections Code.

11
12 **SECTION 4.** The full text of the measure is set forth in Exhibit "A" to this resolution
13 and is incorporated herein by this reference. Said measure shall appear upon the ballots for said
14 Special Election in substantially the following form:

MEASURE ____ COMMERCIAL MARIJUANA ACTIVITY. Shall the San Bernardino Medical Cannabis Restrictions and Limitations Act be enacted in the City of San Bernardino?	YES	NO

15
16
17
18
19 The measure shall be designated on the ballot by a letter printed on the left margin of the
20 square containing the description of the measure as provided in the California Elections Code.

21 **SECTION 5. Canvass of Returns.** The Registrar of Voters of the County of San
22 Bernardino is hereby authorized to canvas the returns of the special municipal election in all
23 respects as if there were only one election with only one form of ballot. Results of said special
24 election shall be certified by the Mayor and Common Council of the City of San Bernardino.

25
26 **SECTION 6. Notice of Election.** The City clerk is hereby directed to publish a notice of
27 the special municipal election which shall contain the following:
28

- 1 A. The date of the election;
- 2 B. The hours the polls will be open;
- 3 C. That the last day for receipt of primary arguments for or against the measure has been
- 4 established as 5:00 p.m. on August 24, 2016 in the City Clerk's Office, Second Floor,
- 5 City Hall, 300 North "D" Street, San Bernardino, California;
- 6
- 7 D. That the last day for receipt of rebuttal arguments is 5:00 p.m. on September 6, 2016
- 8 in the City Clerk's Office at the above location.
- 9

10 The City Clerk is directed to make arrangements to accept arguments and to arrange for

11 sample ballots, which shall include the text of the San Bernardino Medical Cannabis Restrictions

12 and Limitations Act, in accordance with the California Elections Code. This notice may be

13 combined with a notice of any other municipal election to be held on the same date.

14

15 **SECTION 7. Conduct of Election.** The special municipal election so called shall be held

16 in such precincts and at such polling places as shall be determined by the Registrar of Voters of

17 the County of San Bernardino. The Board of Supervisors of the County of San Bernardino is

18 hereby requested to issue instructions to the Registrar of Voters to take all steps necessary for the

19 holding of the consolidated election. The City Manager is hereby authorized to execute a

20 contract for services necessary for conducting the special municipal election. The City of San

21 Bernardino recognizes that additional costs will be incurred by the County by reasons of this

22 consolidation and agrees to reimburse the County for any such costs.

23

24 **SECTION 8. Filing of Resolution.** The City Clerk of the City of San Bernardino is

25 directed to file a certified copy of this Resolution with the Board of Supervisors of the County of

26 San Bernardino and to file a copy of this Resolution with the Registrar of Voters.

27

28

1 **SECTION 9. Transmission of Ballot Initiative.** Pursuant to the California Elections
2 Code, the City Clerk is hereby directed to transmit a copy of the San Bernardino Medical
3 Cannabis Restrictions and Limitations Act Ballot Initiative, and all other necessary documents, to
4 the City Attorney for purposes of preparation of an Impartial Analysis.
5

6 **SECTION 10.** That the City Clerk is authorized to expend the funds necessary to
7 effectuate the purposes of this resolution.

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN
2 BERNARDINO CALLING A SPECIAL ELECTION FOR THE PURPOSE OF
3 CONSIDERING THE SAN BERNARDINO MEDICAL CANNABIS RESTRICTIONS
4 AND LIMITATIONS ACT, REQUESTING THAT THE SPECIAL ELECTION BE
5 CONSOLIDATED WITH THE PRESIDENTIAL GENERAL ELECTION CONDUCTED
6 ON NOVEMBER 8, 2016 AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR
7 THE ELECTION.

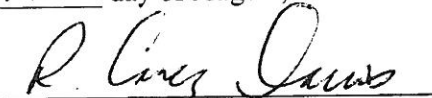
8 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and
9 Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the
10 15th day of August, 2016, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
11 MARQUEZ	<u>X</u>	_____	_____	_____
12 BARRIOS	<u>X</u>	_____	_____	_____
13 VALDIVIA	<u>X</u>	_____	_____	_____
14 SHORETT	<u>X</u>	_____	_____	_____
15 NICKEL	<u>X</u>	_____	_____	_____
16 RICHARD	<u>X</u>	_____	_____	_____
17 MULVIHILL	<u>X</u>	_____	_____	_____

18
19 

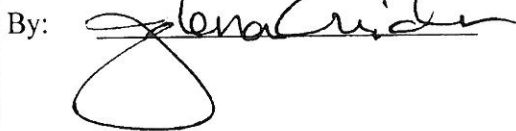
20 Georgeann Hanna, CMC, City Clerk

21 The foregoing Resolution is hereby approved this 16th day of August, 2016.

22
23 

24 R. Carey Davis, Mayor
City of San Bernardino

25 Approved as to form:
Gary D. Saenz, City Attorney

26 By: 
27
28