

**FILED**

AUG 17 2016

BY  DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 2016-177**

**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 REGULATE MARIJUANA ACT OF 2016, 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 April 6, 2016 Vincent Guzman ("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 Regulate Marijuana Act of 2016 (the "Initiative"); and

**WHEREAS**, on April 21, 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 June 8, 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 by this reference.

**SECTION 2.** That the San Bernardino Regulate Marijuana Act of 2016 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

1 purpose of submitting to the qualified electors of the City, for their approval or disapproval, the  
2 San Bernardino Regulate Marijuana Act of 2016 as set forth in Exhibit "A" 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.

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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.

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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 ____	YES	NO
<b>COMMERCIAL MARIJUANA ACTIVITY.</b> Shall the San Bernardino Regulate Marijuana Act of 2016 be enacted in the City of San Bernardino?		

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

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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.

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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 A. The date of the election;

1 B. The hours the polls will be open;

2 C. That the last day for receipt of primary arguments for or against the measure has been  
3 established as 5:00 p.m. on August 24, 2016 in the City Clerk's Office, Second Floor,  
4 City Hall, 300 North "D" Street, San Bernardino, California;

5  
6 D. That the last day for receipt of rebuttal arguments is 5:00 p.m. on September 6, 2016  
7 in the City Clerk's Office at the above location.

8 The City Clerk is directed to make arrangements to accept arguments and to arrange for  
9 sample ballots, which shall include the text of the San Bernardino Regulate Marijuana Act of  
10 2016, in accordance with the California Elections Code. This notice may be combined with a  
11 notice of any other municipal election to be held on the same date.  
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13 **SECTION 7. Conduct of Election.** The special municipal election so called shall be held  
14 in such precincts and at such polling places as shall be determined by the Registrar of Voters of  
15 the County of San Bernardino. The Board of Supervisors of the County of San Bernardino is  
16 hereby requested to issue instructions to the Registrar of Voters to take all steps necessary for the  
17 holding of the consolidated election. The City Manager is hereby authorized to execute a  
18 contract for services necessary for conducting the special municipal election. The City of San  
19 Bernardino recognizes that additional costs will be incurred by the County by reasons of this  
20 consolidation and agrees to reimburse the County for any such costs.  
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22 **SECTION 8. Filing of Resolution.** The City Clerk of the City of San Bernardino is  
23 directed to file a certified copy of this Resolution with the Board of Supervisors of the County of  
24 San Bernardino and to file a copy of this Resolution with the Registrar of Voters.  
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26 **SECTION 9. Transmission of Ballot Initiative.** Pursuant to the California Elections  
27 Code, the City Clerk is hereby directed to transmit a copy of the San Bernardino Regulate  
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1 Marijuana Act of 2016 Ballot Initiative, and all other necessary documents, to the City Attorney  
2 for purposes of preparation of an Impartial Analysis.

3           **SECTION 10.**       That the City Clerk is authorized to expend the funds necessary to  
4 effectuate the purposes of this resolution.  
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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 REGULATE MARIJUANA ACT OF 2016,**  
4 **REQUESTING THAT THE SPECIAL ELECTION BE CONSOLIDATED WITH THE**  
5 **PRESIDENTIAL PRIMARY ELECTION CONDUCTED ON NOVEMBER 8, 2016 AND**  
6 **AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE ELECTION.**

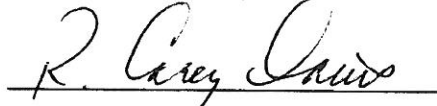
7 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and  
8 Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the  
9 15<sup>th</sup> day of August, 2016, by the following vote, to wit:

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

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19 Georgeann Hanna, CMC, City Clerk

20 The foregoing Resolution is hereby approved this 16<sup>th</sup> day of August, 2016.

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23 R. Carey Davis, Mayor  
24 City of San Bernardino

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

27 By:   
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