

AUG 17 2016

BY  DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 2016-178

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO ORDERING THE SUBMISSION OF A PROPOSED INITIATIVE MEASURE TO THE ELECTORS OF SAID CITY AT A SPECIAL ELECTION TO BE CONSOLIDATED WITH THE PRESIDENTIAL ELECTION OF NOVEMBER 8, 2016

WHEREAS, there is scheduled a statewide Presidential Election for November 8, 2016; and

WHEREAS, on July 5, 2016 the Mayor and Common Council requested that the City Attorney prepare a marijuana regulatory ordinance for consideration at the meeting of August 1, 2016; and

WHEREAS, pursuant to authority provided by Elections Code Section 9222 and the Charter of the City of San Bernardino, the Mayor and Common Council desires to submit to the qualified electors of said City an initiative measure proposing to replace Chapter 5.05 and repeal Section 19.06.026 of the San Bernardino Municipal Code relating to commercial marijuana activities; and

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

SECTION 1. That pursuant to Elections Code 9222 and the Charter of the City of San Bernardino, it is hereby ordered that the following initiative measure proposing to replace Chapter 5.05 and repeal Section 19.06.026 of the San Bernardino Municipal Code be submitted to the qualified electors of said City at a Special Election to be consolidated with the Presidential Election of November 8, 2016.

SECTION 2. 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 new Marijuana Regulatory Ordinance as set forth in Exhibit "A" attached hereto.

SECTION 3. Request for Consolidation of Elections. Pursuant to Section 10400 of the California Elections Code, the Mayor and Common Council of the City of San Bernardino

1 request that the Board of Supervisors of the County of San Bernardino consolidate the City's
2 special municipal election with the statewide general election to be held on November 8, 2016.

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

7 **SECTION 4.** The full text of the measure is set forth in Exhibit "A" to this resolution
8 and is incorporated herein by this reference. Said measure shall appear upon the ballots for said
9 Special Election in substantially the following form:
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MEASURE _____	YES	NO
COMMERCIAL MARIJUANA ACTIVITY. Shall San Bernardino Municipal Code Chapter 5.05 and Section 19.06.026, which prohibit the sale, possession, cultivation, use, and/or distribution of marijuana be replaced and repealed and allow the City of San Bernardino to regulate commercial marijuana activity?		

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

18 **SECTION 5. Canvass of Returns.** The Registrar of Voters of the County of San
19 Bernardino is hereby authorized to canvas the returns of the special municipal election in all
20 respects as if there were only one election with only one form of ballot. Results of said special
21 election shall be certified by the Mayor and Common Council of the City of San Bernardino.
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23 **SECTION 6. Notice of Election.** The City clerk is hereby directed to publish a notice of
24 the special municipal election which shall contain the following:
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26 A. The date of the election;

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

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

7 The City Clerk is directed to make arrangements to accept arguments and to arrange for
8 sample ballots, which shall include the text of the proposed Charter, in accordance with the
9 California Elections Code. This notice may be combined with a notice of any other municipal
10 election to be held on the same date.
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12 **SECTION 7. Conduct of Election.** The special municipal election so called shall be held
13 in such precincts and at such polling places as shall be determined by the Registrar of Voters of
14 the County of San Bernardino. The Board of Supervisors of the County of San Bernardino is
15 hereby requested to issue instructions to the Registrar of Voters to take all steps necessary for the
16 holding of the consolidated election. The City Manager is hereby authorized to execute a
17 contract for services necessary for conducting the special municipal election. The City of San
18 Bernardino recognizes that additional costs will be incurred by the County by reasons of this
19 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 Measure.** Pursuant to the California Elections
27 Code, the City Clerk is hereby directed to transmit a copy of the Marijuana Regulatory Ordinance
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1 Ballot Measure, and all other necessary documents, to the City Attorney for purposes of
2 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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7 **SECTION 11.** CEQA. The Mayor and Common Council of the City of San
8 Bernardino hereby find that the submission of this ballot measure to the voters is covered by the
9 general rule that CEQA applies only to projects which have the potential for causing a significant
10 effect on the environment. It can be seen with certainty that there is no possibility that this project
11 may have a significant effect on the environment, therefore, the activity is not subject to CEQA
12 under State CEQA Guidelines sec. 15061(b)(3).
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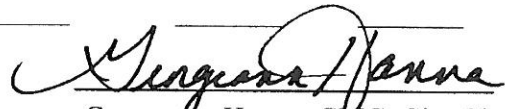
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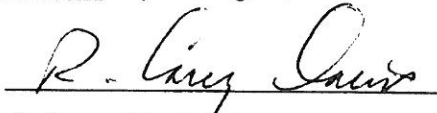
1 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**
2 **BERNARDINO ORDERING THE SUBMISSION OF A PROPOSED INITIATIVE**
3 **MEASURE TO THE ELECTORS OF SAID CITY AT A SPECIAL ELECTION TO BE**
4 **CONSOLIDATED WITH THE PRESIDENTIAL ELECTION OF NOVEMBER 8, 2016**

5 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and
6 Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the
7 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>
MARQUEZ	<u>X</u>	_____	_____	_____
BARRIOS	<u>X</u>	_____	_____	_____
VALDIVIA	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
NICKEL	<u>X</u>	_____	_____	_____
RICHARD	<u>X</u>	_____	_____	_____
MULVIHILL	<u>X</u>	_____	_____	_____

17 
18 Georgeann Hanna, CMC, City Clerk

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

20 
21 R. Carey Davis, Mayor
22 City of San Bernardino

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

25 By: 