

**FILED**

JUL 28 2016

BY DM DEPUTY  
REGISTRAR OF VOTERS



I hereby certify, the foregoing instrument to be a full, true and correct copy of the original on file.

Date: 7-28-16 Attest: B. Lopez  
Office of the City Clerk  
Deputy

**RESOLUTION NO. 16-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO TO SUBMIT A PROPOSITION TO THE VOTERS TO AUTHORIZE THE CITY COUNCIL TO IMPOSE EXCISE TAXES ON COMMERCIAL MARIJUANA ACTIVITIES**

**WHEREAS**, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, and dispensing of medical marijuana, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such marijuana activity.

**WHEREAS**, the City of Adelanto ("City") wishes to comply with California law and allow for the cultivation, manufacturing, testing, distribution/transportation, and dispensing of marijuana in accordance with applicable State laws.

**WHEREAS**, it is the purpose and intent of the City to regulate marijuana in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such marijuana activities.

**WHEREAS**, the City retains its right and authority to assess fees and taxes on business activities related to marijuana pursuant to: California Constitution, article XI, section 5; Business and Professions Code section 19320(d); and Adelanto Municipal Code sections 17.80.080(d)(1)(O) and 17.80.080(d)(3)(G).

**WHEREAS**, California Constitution, article XIII C, section 2, requires the City to obtain voter approval in order to impose any new general tax.

**WHEREAS**, the City shall hold a General Municipal Election on November 8, 2016 in accordance with Adelanto Municipal Code section 1.15.010(A).

**WHEREAS**, Elections Code sections 10201 and 9222 authorize the City Council for the City to submit by resolution a proposition for the enactment of any ordinance to the voters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES RESOLVE AS FOLLOWS:**

**SECTION 1:** The above recitals are true and correct and are incorporated herein.

**SECTION 2:** Pursuant to Elections Code sections 10201 and 9222, the City Council hereby submits the following proposition to the voters at the General Municipal Election on November 8, 2016:

Measure _____—Commercial Marijuana Activities Excise Taxes	YES
Shall the Adelanto City Council be authorized to impose excise taxes in the amount of not more than five percent on each type of commercial marijuana activity in the City of Adelanto?	NO

**SECTION 3:** Pursuant to Elections Code section 10403, the City Council requests that the Board of Supervisors of the County of San Bernardino consolidate the City's General Municipal Election with the statewide election to be held on Tuesday, November 8, 2016. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

**SECTION 4:** Pursuant to Elections Code 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure showing its effect on existing law and the operation of the measure.

**SECTION 5:** Pursuant to Elections Code section 10403, the City Clerk is hereby directed to file a certified copy of this Resolution with the San Bernardino County Board of Supervisors and the Elections Office of the Registrar of Voters promptly upon adoption of this Resolution, but in no event later than August 12, 2016.

**SECTION 6:** Pursuant to Elections Code sections 9282(b), the City Council hereby reserves the right to file a written argument in favor of the measure to be printed with the ballot and submitted to the voters.

**SECTION 7:** The City Council determines, based on the entire record, that this Resolution and the proposed ballot measure do not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing regulations, this activity is not subject to CEQA. (Cal. Pub. Res. Code, § 21000 et seq.; 14 Cal. Code Regs., §§ 15060(c)(2), 15378(a).)

**SECTION 8:** If any section, subsection, or other provision of this Resolution is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Resolution shall remain in full force and effect.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of Adelanto on this 13<sup>th</sup> day of July, 2016.



Richard Kerr, Mayor

Attest:



Cindy M. Herrera, City Clerk MMC

Approved as to Form



Curtis R. Wright, City Attorney

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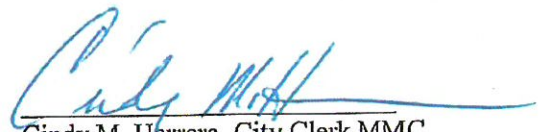
I, Cindy M. Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Resolution No. 16-47 was duly adopted at a regular meeting of the City Council of the City of Adelanto held on the 13<sup>th</sup> day of July, 2016, by the following votes:

AYES: Council Members Camargo, Glasper, Woodard, Mayor Pro Tem Wright, and Mayor Kerr

NOES: None

ABSENT: None

ABSTAIN: None



Cindy M. Herrera, City Clerk MMC





I hereby certify, the foregoing instrument to be a full, true and correct copy of the original on file.

Date: 7/28/16 Attest: [Signature]  
Office of the City Clerk

**FILED**

JUL 28 2016

BY [Signature] DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 16-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO AMENDING RESOLUTION NO. 16-47 AND SUBMITTING AN ARGUMENT IN FAVOR OF THE CITY'S PROPOSITION TO AUTHORIZE IMPOSITION OF EXCISE TAXES ON COMMERCIAL MARIJUANA ACTIVITIES**

**WHEREAS**, the City of Adelanto ("City") is holding a General Municipal Election to be consolidated with the statewide election on November 8, 2016 in accordance Adelanto Municipal Code section 1.15.010.

**WHEREAS**, City Council Resolution No. 16-47 ("Resolution 16-47") submits a measure to voters at the November 8, 2016 authorizing the imposition of excise taxes on commercial marijuana activities within the City.

**WHEREAS**, Elections Code section 9282 authorizes the City Council to file a written argument in favor of the commercial marijuana activity tax measure.

**WHEREAS**, the City Council retained the right to file an argument in favor of the City's commercial marijuana activity tax measure in Resolution 16-47.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO RESOLVES AS FOLLOWS:**

**SECTION 1:** The above recitals are true and correct and are incorporated herein.

**SECTION 2:** Pursuant to Elections Code section 13119(b), the City Council hereby amends Resolution 16-47, Section 2, to read as follows:

Pursuant to Elections Code sections 10201 and 9222, the City Council hereby submits the following proposition to the voters at the General Municipal Election on November 8, 2016:

Measure _____—Commercial Marijuana Activity Excise Tax	YES
Shall the Adelanto City Council be authorized to impose excise taxes, with no termination date, on each commercial marijuana activity business licensed or operating within the City of Adelanto in an amount of not more than five percent of the gross revenue attributable to that business's revenue earned from within the City of Adelanto, potentially generating millions of dollars annually in additional tax revenue for the City of Adelanto?	NO

**SECTION 3:** Pursuant to Elections Code section 9282(b) and City Council Resolution 16-47, section 6, the City Council hereby submits the following argument in favor of the measure for a Commercial Marijuana Activity Excise Tax:

**Argument In Favor Of Measure \_\_\_\_\_  
Commercial Marijuana Activity Excise Tax**

Submitted by the City Council for the City of Adelanto

The City of Adelanto ("City") faces a significant budget deficit that threatens the viability of this great City. Despite every effort to cut costs and raise revenue, the City still faces deficits that undermine essential services and threaten the health and of safety of the People of Adelanto. The City is at a cross-roads and must find additional sources of revenue or risk facing the potentially severe consequences of municipal bankruptcy.

The State of California recently adopted the Medical Marijuana Regulation and Safety Act that authorizes and regulates commercial medical marijuana activities within the State. The Adelanto City Council has determined that the medical marijuana industry will generate a significant source of revenue that is taxable by the City.

As one of the first cities in the State to authorize and regulate commercial medical marijuana activities, the City of Adelanto is on the cutting edge of this industry. The City's own safeguards, coupled with State regulations, will create a safe and profitable environment for businesses in the medical marijuana industry to flourish. Consequently, the adoption of these taxes will provide the City with a significant and much needed source of tax revenue without having to tax the City's citizens directly.

In its ongoing efforts to address the City's budget deficits, the City Council unanimously supports these new taxes and respectfully requests that the People of Adelanto vote in favor of this measure.

**This is not a tax on the People of Adelanto.**

City Council of the City of Adelanto

\_\_\_\_\_  
Richard Kerr, Mayor

\_\_\_\_\_  
Jermaine Wright Sr., Mayor Pro Tem

\_\_\_\_\_  
Ed Camargo, Council Member

\_\_\_\_\_  
Charley B. Glasper, Council Member

\_\_\_\_\_  
John Woodard Jr., Council Member

**SECTION 4:** Pursuant to Elections Code section 9285, the City Council hereby authorizes Richard Kerr, Mayor for the City of Adelanto, to submit a rebuttal argument to any argument submitted against the measure for a commercial marijuana activity excise tax.

**SECTION 5:** All arguments submitted pursuant to this Resolution shall be submitted to the San Bernardino Elections Office of the Registrar of Voters in accordance with the Elections Code and other applicable laws.


**SECTION 6:** The City Council determines that this Resolution does not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing regulations, this activity is not subject to CEQA. (Cal. Pub. Res. Code, § 21000 et seq.; 14 Cal. Code Regs., §§ 15060(c)(2), 15378(a).)

**SECTION 7:** If any section, subsection, or other provision of this Resolution is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Resolution shall remain in full force and effect.

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PASSED, APPROVED, AND ADOPTED by the City Council of the City of Adelanto on this 27<sup>h</sup> day of July, 2016.

  
Richard Kerr, Mayor

Attest:

  
Cindy M. Herrera, MMC, City Clerk

Approved as to Form

  
Curtis R. Wright, City Attorney





I hereby certify, the foregoing instrument to be a full, true and correct copy of the original on file.

Date: 6-11-16 Attest: [Signature]  
Office of the City Clerk  
[Signature]

**FILED**

AUG 12 2016

BY [Signature] DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 16-57**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, AMENDING RESOLUTION 16-47 TO INDICATE THE VOTING REQUIREMENT TO PASS THE MEASURE AND PROVIDE REIMBURSEMENT TO THE COUNTY FOR COSTS INCURRED AS A RESULT OF THE CONSOLIDATED ELECTION**

**WHEREAS**, the City of Adelanto ("City") is holding a General Municipal Election to be consolidated with the statewide election on November 8, 2016 in accordance Adelanto Municipal Code section 1.15.010.

**WHEREAS**, City Council Resolution 16-47 submits a measure to voters at the November 8, 2016 authorizing the imposition of excise taxes on commercial marijuana activities within the City.

**WHEREAS**, the San Bernardino County Elections Office of the Registrar of Voters requests that the City indicate the voting requirements to pass Measure \_\_\_\_—Commercial Marijuana Activity Excise Tax and provide for reimbursement to the County for costs incurred as a result of the consolidated election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES RESOLVE AS FOLLOWS:**

**SECTION 1:** The above recitals are true and correct and are incorporated herein.

**SECTION 2:** The City Council hereby amends Resolution 16-47 by adding Section 9 to read as follows:

**SECTION 9:** Pursuant to California Constitution, article 13C, section 2(b), Measure \_\_\_\_—Commercial Marijuana Activity Excise Tax shall pass and be adopted upon receiving a majority vote of the voting electorate in favor of the measure.

**SECTION 3:** The City Council hereby amends Resolution 16-47 by adding Section 10 to read as follows:

**SECTION 10:** The City recognizes that additional costs will be incurred by the County as a result of the City consolidating its General Municipal Election with the statewide election pursuant to Elections Code section 10403. Therefore, the City agrees to reimburse the County of San Bernardino for costs incurred due to the consolidation of the election.

**SECTION 4:** The City Council determines, based on the entire record, that this Resolution does not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environment Quality Act ("CEQA") and its implementing regulations,

this activity is not subject to CEQA. (Cal. Pub. Res. Code, § 21000 et seq.; 14 Cal. Code Regs., §§ 15060(c)(2), 15378(a).)

**SECTION 5:** If any section, subsection, or other provision of this Resolution is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Resolution shall remain in full force and effect.

**PASSED, APPROVED, AND ADOPTED** this 10<sup>th</sup> day of August, 2016.

  
Richard Kerr, *Mayor*  
Cindy M. Herrera, MMC, *City Manager/*  
*City Clerk*

I, Cindy M. Herrera, City Manager/City Clerk of the City of Adelanto, California do hereby certify that the foregoing Resolution No. 16-57 was duly and regularly adopted at a regular meeting of the City Council of the City of Adelanto held on this 10<sup>th</sup> day of August, 2016, by the following vote to wit:

AYES: Council Members Camargo, Glasoer, Woodard, Mayor Pro Tem Wright, and Mayor Kerr

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 10<sup>th</sup> day of August, 2016.

  
Cindy M. Herrera, MMC, City Manager/  
City Clerk