RESOLUTION NO. 6388

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, CALLING AND GIVING NOTICE FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION IN ACCORDANCE WITH ELECTIONS CODE SECTION 9215 TO BE HELD ON JUNE 6, 2017, FOR THE SUBMISSION TO THE VOTERS THE QUESTION WHETHER TO ADOPT AN ORDINANCE OF THE PEOPLE OF THE CITY OF UPLAND, CALIFORNIA, REPEALING CHAPTER 9.48 OF TITLE 9 OF THE CITY OF UPLAND MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 9.48 PROHIBITING MARIJUANA-RELATED USES AND ACTIVITIES AND AMENDING RELATED PROVISIONS OF TITLE 17 (THE ZONING CODE) PROHIBITING THE DEVELOPMENT OF MARIJUANA-RELATED USES

Intent of the Parties and Findings

(i)   On or about September 26, 2016, the City Council of the City of Upland adopted Ordinance No. 1910 which prohibited the cultivation, dispensing, transporting (by an unlicensed company), distribution, manufacture, processing, labeling and testing of marijuana in the City of Upland; and

(ii)   A citizens' group submitted to the Upland City Clerk, signatures in excess of ten percent (10%) of registered voters of the following, "An Initiative Repealing Existing City Code Provisions Prohibiting Medical Marijuana Dispensaries and Adopting Regulations Permitting and establishing Standards for the Operation of Marijuana Dispensaries within the City" ("Referendum Petition"); and

(iii)   The City Clerk has caused to be examined, through the office of the San Bernardino County Registrar of Voters, the "Certificate as to Verification of Signatures on Petition" attached hereto, certifying that the Referendum Petition was signed by the requisite number of registered voters of the City of Upland in accordance with Elections Code §§ 9210 9114, 9115, 9237, 9239 & 9240; and

(iv)   At the meeting held on January 23, 2017, the City Council did not repeal Ordinance No. 1910, and directed that staff bring back the required resolutions, etc. in order to submit the question to the voters whether Ordinance No. 1910 should be adopted.

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. The foregoing recitals are true, correct, and adopted by the City Council as if set forth in full.

Section 2.   In accordance with Elections Code Section 9215, the City Council hereby calls and gives notice for the holding of a special municipal election to be held on June 6, 2017 to submit the following question to the voters:

Measure ___: An ordinance repealing Chapter 9.48 of the City of Upland Municipal Code and replacing it with a new Chapter 9.48 prohibiting marijuana-related uses and activities in the city.	Response	Vote
Shall the voters of the City of Upland adopt an ordinance prohibiting marijuana-related uses and activities in the city?	Yes	
	No	

Section 3.   The proposed complete text of the ordinance submitted to the voters is attached.

Section 4.   The ballots to be used at the election shall be in the form and content as required by law.

SECTION 5. The City Clerk is authorized, instructed, and directed to coordinate with the San Bernardino County Registrar of Voters 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 6.   The polls for the election shall be operated as required by the California Elections Code and/or other applicable provisions.

Section 7.   That the San Bernardino County Registrar of Voters is authorized to canvass the returns of the Special Municipal Election.
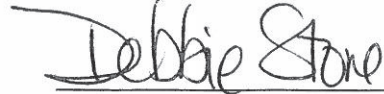
Section 8.   In all particulars not recited in this resolution, said election shall be held and conducted in accordance with the provisions of law regulating special elections and the holding of municipal elections.

Section 9.   Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give such further or additional notice of the election, in the time, form, and manner required by law.

Section 10. The Upland City Council hereby requests that the San Bernardino County Registrar of Voters conduct all necessary services related to the Upland Special Municipal Election. Pursuant to Elections Code Section 10002, the Deputy City Manager, or his/her designee, is hereby authorized to reimburse the County of San Bernardino for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

Section 11. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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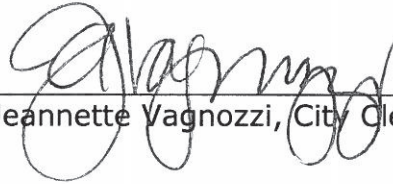PASSED, APPROVED and ADOPTED this 27TH day of February, 2017.

Debbie Stone
Debbie Stone, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27TH day of February, 2017, by the following vote:

AYES: Mayor Stone, Councilmembers Filippi, Elliott, Robinson, Timm
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST: _Jeannette Vagnozzi_
Jeannette Vagnozzi, City Clerk

I, Keri Johnson , Deputy City Clerk in and for the City of Upland, County of San Bernardino, hereby certify that the attached ORDINANCE NO. _____ RESOLUTION NO. 6388 MINUTES dated February 27 , 20 17 is a true and correct copy of the original on file in the City Clerk's Office.

Keri Jer
Deputy City Clerk of the City of Upland, California

Executed on March 1 , 20 17