

FILED

AUG 09 2018

BY *[Signature]* DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 18-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AMENDING CHAPTER 3.60 OF TITLE 3 (REVENUE AND FINANCE) OF THE ADELANTO MUNICIPAL CODE, WITH RESPECT TO A TAX ON CANNABIS BUSINESSES OPERATING WITHIN THE CITY OF ADELANTO.

WHEREAS, pursuant to California Government Code sections 37100.5 and 37101, the City of Adelanto has the authority to establish a local business excise tax upon cannabis businesses that engage in business in the City; and

WHEREAS, pursuant to California Elections Code section 9222, the City Council has authority to place measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council desires to submit to the voters an amendment to the Adelanto Municipal Code to update the general business excise tax on cannabis businesses operating in the City; and

WHEREAS, the cannabis business tax is a general tax the proceeds of which are deposited into the City's general fund. The general fund pays for City services such as police protection, fire and paramedic services, street and sidewalk operations and maintenance, parks and recreation services and general municipal services to the public; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIIC), an amendment to the State Constitution that requires that all general taxes that are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIIC, §2(b)), an election for the approval of a new or increased general tax must generally be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, pursuant to section 1.15.010 of the Adelanto Municipal Code, the City's regular municipal elections for officers are held on the first Tuesday after the first Monday in November of each even-numbered year. Therefore, the next regularly scheduled General Municipal Election for the election of members of the City Council will be held on Tuesday, November 6, 2018; and

WHEREAS, pursuant to Government Code section 53724 ("Proposition 62"), a two-thirds (2/3) vote of the membership of the City Council is required to place the Measure on the November 8, 2016 ballot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Findings. The City Council finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Submission of Measure. Pursuant to California Constitution, Article XIII C, Section 2(b), California Government Code section 53724 and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, by a 2/3 supermajority vote, hereby orders the following proposed Measure/ordinance to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018.

SECTION 3. The ballot measure shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the City General Municipal Election to be held on Tuesday, November 6, 2018, in addition to any other matters required by law, there shall be printed substantially the following:

<p>"Shall the City of Adelanto adopt an ordinance enacting a tax on cannabis businesses of up to \$5.00 per square foot of space utilized for cannabis cultivation and nurseries, and up to 5% of gross receipts from the retail sale, delivery, manufacturing, processing, testing and distribution of cannabis and related products, generating approximately \$2,500,000 annually for general City services, such as police and emergency response, parks and youth/senior services, and street repair, until ended by voters?"</p>	<p>YES</p>
	<p>NO</p>

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Voter Approval Threshold. This measure requires the approval of the majority of the votes cast at the General Municipal Election.

SECTION 6. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Impartial Analysis. Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure as set forth herein to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk not later than end of business on **August 20, 2018**. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure “___”. If you desire a copy of the ordinance or measure, please call the election official’s office at (760) 246-2300 ext. 11122 and a copy will be mailed at no cost to you.”**

SECTION 8. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 9. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 6, 2018, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of San Bernardino, State of California, a certified copy of this Resolution.

SECTION 10. Public Examination. Pursuant to California Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.


[signatures on next page]

PASSED, APPROVED and ADOPTED this 8th day of August, 2018.



Rich Kerr, Mayor

ATTEST:



Cynthia M. Herrera, MMC, City Clerk

APPROVED AS TO FORM:



Ruben Duran, City Attorney
Best Best & Krieger

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF ADELANTO)

I HEREBY CERTIFY that the foregoing Resolution No. 18-49 was duly adopted by the City Council of the City of Adelanto at a regular meeting thereof, held on the 8th day of August, 2018, by the following vote of Council:

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

NOES: Council Member Camargo

ABSENT: None

ABSTAIN: None


Cynthia M. Herrera, MMC, City Clerk