

FILED

JUL 19 2018

BY *[Signature]* DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 2018-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A QUESTION RELATING TO ESTABLISHMENT OF A CANNABIS BUSINESS TAX AND REQUESTING THAT THE COUNTY OF SAN BERNARDINO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, AND CONDUCT THE ELECTION ON THE CITY'S BEHALF

WHEREAS, the City of Hesperia ("City") is a general law city located in the County of San Bernardino ("County"), State of California ("State"); and

WHEREAS, a California Statewide General Election is to be held on November 6, 2018 (hereinafter the "Statewide Election"); and

WHEREAS, a general municipal election is also to be held on November 6, 2018, for the election of municipal officers of general law cities throughout the State; and

WHEREAS, on June 19, 2018, the City's City Council ("City Council") adopted Resolution Nos. 2018-38 and 2018-39 calling a general municipal election to be held on November 6, 2018, for the election of certain members of the City Council, and requesting that said election be consolidated with the Statewide Election; and

WHEREAS, pursuant to Article XIV of Chapter 16.16 of Title 16 of the Hesperia Municipal Code ("HMC"), the City currently prohibits all commercial cannabis activities within its boundaries, with the exception of delivery of medicinal cannabis pursuant to an M-Type 9 (Non-Storefront Retailer) State license; and

WHEREAS, the City Council has prepared, and seeks to submit to the voters of the City, an ordinance that would establish taxes applicable to all commercial cannabis operations in the City, whether or not such operations are currently allowed, authorized or permitted pursuant to the HMC (the "Cannabis Business Tax Ballot Measure"); and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10002, the City Council may by resolution request the County Board of Supervisors to permit the County elections official to render specified services to the City relating to the conduct of an election, and said resolution shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, unless other arrangements satisfactory to the County have been made, the City shall reimburse the County in full for the services performed upon presentation of a bill to the City; and

WHEREAS, the City Council desires to call an election on the Cannabis Business Tax Ballot Measure, and to consolidate said election with the general municipal election and Statewide

Election to be held on November 6, 2018, and to request the County Board of Supervisors to direct the County's designated elections official (hereinafter the "County Elections Official") to take any and all necessary steps to conduct said consolidated election within the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. That the foregoing recitals are true and correct and are set forth herein by reference.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the general municipal election to be held and consolidated with the Statewide Election on Tuesday, November 6, 2018, the following question:

MEASURE ___, CANNABIS BUSINESS TAX

Shall the measure establishing a permanent tax of 1% to 6% of revenues on all commercial cannabis businesses, excepting cultivation, and a tax of up to \$15 per square foot of space used for commercial cannabis cultivation per fiscal year as may be increased annually by increases in the consumer price index, to raise approximately \$154,000 annually to be spent for unrestricted general revenue purposes, including public safety services and public works improvements, be adopted?	Yes
	No

Section 3. That the proposed complete text of the Cannabis Business Tax Ballot Measure to be submitted to the voters is attached hereto as Exhibit A, and is hereby approved and adopted and incorporated herein by this reference.

Section 4. That the City Council hereby orders an election be called on the Cannabis Business Tax Ballot Measure, and that said election be held and conducted on November 6, 2018.

Section 5. That, pursuant Elections Code Sections 10401 and 10403, the County Board of Supervisors is hereby requested to consent and agree to, and to order, the consolidation of the election on the Cannabis Business Tax Ballot Measure with the general municipal election and Statewide Election to be held on November 6, 2018, and to authorize and direct the County Elections Official to take any and all necessary steps to conduct and hold the consolidated election, and that the County Elections Official is hereby authorized and requested to do so.

Section 6. That the election, as consolidated, be held in all respects as if there were only one election, that only one form of ballot be used, and that the consolidated election be held and conducted in accordance with the provisions of law regulating the Statewide Election.


- Section 7. That, pursuant to Elections Code Section 320, the City hereby designates its City Clerk, or her designee, as the City's Elections Official for purposes of the election and its related processes.
- Section 8. That the County Board of Supervisors is hereby requested to authorize and permit the County Elections Official to canvass the returns of the election and to furnish the results of such canvassing to the City Clerk, as provided by law, and the County Elections Official is hereby authorized and requested to do so.
- Section 9. That the City Council recognizes that additional costs will be incurred by the County by reason of the consolidation requested herein, and agrees to reimburse the County for its share of the costs, upon presentation of a properly detailed invoice to the City Clerk, in accordance with Elections Code Section 10002.
- Section 10. That the polls for the election shall be opened at seven o'clock a.m. (7:00 a.m.) on the day of the election, November 6, 2018, and shall remain open continuously from said time until eight o'clock p.m. (8:00 p.m.) on the same day, when said polls shall be closed, except as provided in Section 14401 of the Elections Code.
- Section 11. That the City Council requests the County Board of Supervisors to authorize, direct and permit the County Elections Official to perform the following specified services to conduct the election: preparation, printing and mailing of sample ballots and polling place cards; establishment or appointment of precincts, polling places and election officers; furnishing of ballots, voting booths and other necessary supplies or materials for polling places; and performance of such other election services as may be requested by the City Clerk and as necessary in order to properly and lawfully conduct the election.
- Section 12. That the ballots to be used at the election shall be in form and content as required by law.
- Section 13. That the City Clerk is authorized, instructed and directed to coordinate with the County Elections Official 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 14. That the City Council hereby requests the County Board of Supervisors to authorize and permit the County Elections Official to provide any and all services necessary for conducting the consolidated election on the Cannabis Business Tax Ballot Measure, and agrees to pay for said services.
- Section 15. That arguments in favor of and in opposition to the Cannabis Business Tax Ballot Measure and rebuttal arguments shall be permitted and accepted in accordance with Elections Code Sections 9282 and 9285(a). The deadline for submittal of direct arguments to the City Clerk shall be August 10, 2018. The deadline for rebuttal arguments to the City Clerk shall be August 20, 2018. After the expiration

of said deadlines, the City Clerk shall transmit all arguments received to the County Elections Official as soon as practicable, but in no event later than August 15, 2018 for direct arguments and August 25, 2018 for rebuttal arguments, or earlier if necessary to comply with any deadlines established by the County Elections Official.

- Section 16. That in the event that more than one argument for or against the Cannabis Business Tax Ballot Measure is timely submitted, the City Clerk shall give preference and priority first, to arguments submitted by member(s) of the City Council, as authorized by this Resolution, and second, to individual voters, bona fide associations, or a combination thereof, in the order set forth at California Elections Code Section 9287.
- Section 17. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City, and that pursuant to Elections Code Section 10403, the City Council hereby acknowledges that the consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.
- Section 18. That, pursuant to Elections Code Section 9280, the City Clerk is hereby directed, immediately upon adoption of this Resolution, to transmit a copy of the Cannabis Business Tax Ballot Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Cannabis Business Tax Ballot 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 the City Attorney, by the close of business on August 10, 2018, shall transmit said impartial analysis to the City Clerk for submission to the County Elections Official. The analysis shall include a statement indicating that the Cannabis Business Tax Ballot Measure was placed on the ballot by the City Council. In the event the entire text of the Cannabis Business Tax Ballot Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office/city clerk at (760) 947-1007 and a copy will be mailed at no cost to you."
- Section 19. That the County Elections Official is requested to [Check one of the following]:
 Print the attached measure text exactly as filed or indicated on the filed document in the Voter Information Guide for the November 6, 2018 election. Cost of printing and distribution of the measure text will be paid for by the City.
 Not to print the measure text in the Voter Information Guide, but send a copy to voters upon request at the cost of the City. The contact number to be printed in the Voter Information Guide is (760) 947-1007 (Elec. Code §§ 9160, 9312, 9280).
- Section 20. That the City Clerk is hereby directed to file a certified copy of this Resolution with the County Board of Supervisors, and a certified copy with the County Elections Official.


- Section 21. That notice of time and place of holding the consolidated election on the Cannabis Business Tax Ballot Measure is hereby given, and the City Clerk is authorized, instructed and directed to give such further or additional notice of the election, in time, form and manner as required by law.
- Section 22. The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. §§ 15000 *et seq.* ("CEQA Guidelines"). The calling and noticing of a general municipal election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The Cannabis Business Tax Ballot Measure submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.
- Section 23. That the City Clerk and City Manager are hereby authorized to take all actions as necessary to effectuate the purposes of this resolution and the election.
- Section 24. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 17 day of July, 2018.



William J. Holland, Mayor

ATTEST



Melinda Sayre
City Clerk