

FILED

AUG 10 2018

BY *[Signature]* DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 2018-227

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN BERNARDINO ON NOVEMBER 6, 2018 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN ORDINANCE REGULATING COMMERCIAL CANNABIS ACTIVITIES; REQUESTING THAT THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED ON THE SAME DATE AND TO PERMIT THE REGISTRAR OF VOTERS TO PROVIDE ELECTION SERVICES; AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID MEASURE

WHEREAS, the Mayor and City Council have identified seven goals and objectives for the City of San Bernardino, including providing for the safety of City residents and businesses, creating, maintaining, and growing jobs and economic value in the City, ensuring development of a well-planned, balanced and sustainable City, improving City government operations, and operating in a fiscally responsible and business-like manner; and

WHEREAS, voter-approved regulations on commercial cannabis activities will address these goals by regulating an industry that has resulted in serious public health and safety issues in the community, create new jobs, and lessen the strain on government operations caused by the illicit cannabis industry; and

WHEREAS, pursuant to Section 9222 of the California Elections Code, the Mayor and City Council have the authority to place propositions on the ballot at a general or special municipal election; and

WHEREAS, the City Council would like to submit to the voters a measure amending and reenacting Chapter 5.10 of the San Bernardino Municipal Code related to the regulation of commercial cannabis activities; and

WHEREAS, pursuant to the Charter of the City of San Bernardino, §800, the next regular election for the City of San Bernardino is the City's general election set for the same day as the State General Election, which is the first Tuesday after the first Monday in November of each even-numbered year. Therefore, the next regularly scheduled general election for the City will be held on Tuesday, November 6, 2018; and

WHEREAS, the Mayor and City Council desire to consolidate the election for the ballot measure described herein with the Statewide General Election to be held on November 6, 2018; and

1 **WHEREAS**, pursuant to California Elections Code, the Mayor and City Council further
2 desire to establish rules and regulations for the preparation, submittal and printing of arguments
3 and rebuttals for and against the measure described herein; and

4 **WHEREAS**, the specific terms regulating commercial cannabis activities are contained
5 in the ordinance to be considered by the qualified voters, attached hereto as Exhibit “A” (the
6 “Ordinance”) and by this reference made an operative part hereof, and in accordance with all
applicable laws.

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

9 **SECTION 1. Recitals.** The Mayor and City Council hereby find and determine that the
10 foregoing recitals are true and correct, are incorporated herein and by this reference made an
11 operative part hereof.

12 **SECTION 2. Submission of Ballot Measure.** Pursuant to the Charter of the City of San
13 Bernardino §§300, 304, Section 9222 of the Elections Code, and any other applicable
14 requirements of the laws of the State of California relating to charter cities, the Mayor and City
15 Council, by a simple majority vote, hereby call and order to be held in the City of San Bernardino
16 on Tuesday, November 6, 2018, an election for the purpose of submitting the Ordinance attached
17 hereto as Exhibit “A” and incorporated herein by this reference to the qualified electors of the
18 City (the “Measure”) with said election to be held on the same day as the City’s general
19 municipal election and consolidated with the Statewide General Election on Tuesday, November
20 6, 2018.

21 **SECTION 3. Ballot Measure.** The Mayor and City Council, pursuant to their right and
22 authority, do hereby order that the Measure shall be presented and printed upon the ballot
23 submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot
24
25
26
27

1 to be submitted to the qualified voters at the election to be held at the City's general municipal
2 election to be consolidated with the Statewide General Election on Tuesday, November 6, 2018,
3 in addition to any other matters required by law, there shall be printed substantially the
4 following:
5

6 "Shall an ordinance amending and reenacting Chapter 7 5.10 of the San Bernardino Municipal Code, to 8 regulate commercial cannabis businesses, be 9 adopted?"	YES	
	NO	

10 **SECTION 4. Election Procedures.**

11 A. The Mayor and City Council consent to the consolidation of the election on this
12 Measure with all other elections being held in the same territory on November 6, 2018, and to
13 hold and conduct the consolidated election in the manner prescribed in Elections Code Section
14 10400, *et seq.*
15

16 B. The ballots to be used at the election shall be in the form and content as required
17 by law.

18 C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors
19 of San Bernardino County is hereby requested to consent to the consolidation of this election
20 with the Statewide General Election on the same date and have the Registrar of Voters render
21 such election services to the City of San Bernardino as may be requested by the City Clerk of
22 said City. The County of San Bernardino will be reimbursed in full for such services as are
23 performed.
24
25
26
27

1 D. The election services which the City of San Bernardino requests the Registrar of
2 Voters, or such other official as may be appropriate, to perform and which such officer is hereby
3 authorized and directed to perform, if said Board of Supervisors consents, include: the
4 preparation, printing and mailing of sample ballots and polling place cards; the establishment or
5 appointment of precincts, polling places, and election officers, and making such publications as
6 are required by law in connection therewith; the furnishing of ballots, voting booths and other
7 necessary supplies or materials for polling places; the canvassing of the returns of the election
8 and the furnishing of the results of such canvassing to the City Clerk of the City of San
9 Bernardino; and the performance of such other election services as may be requested by the City
10 Clerk.
11

12
13 E. In all particulars not recited in this Resolution, the election shall be held and
14 conducted as provided by law for holding municipal elections in the City.
15

16 F. Notice of the time and place of holding the election is given and the City Clerk is
17 authorized, instructed and directed to give further or additional notice of the election, in time,
18 form, and manner as required by law.

19 G. All ballots shall be tallied at a central counting place and not at the precincts. Said
20 central counting place shall be at a County center as designated by the Registrar of Voters.
21

22 H. The San Bernardino County Registrar of Voters is hereby authorized to canvass
23 the returns of said election.

24 I. The City Clerk of the City of San Bernardino shall receive the canvass as it
25 pertains to the election on the measure, and shall certify the results to the Mayor and City
26 Council, as required by law.
27

1 **SECTION 5. Primary Arguments and Impartial Analysis.**

2 A. Primary Arguments. The Mayor and City Council authorize (i) the Mayor and/or
3 any member(s) of the City Council, (ii) any individual voter eligible to vote on the above
4 measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and
5 associations, to file a written argument in favor of or against the Measure, accompanied by the
6 printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4,
7 Chapter 3, Division 9 of the Elections Code of the State of California, and to change the
8 argument until and including the date fixed by the City Clerk, after which no arguments for or
9 against the City measure may be submitted to the City Clerk.
10

11 B. The deadline to submit arguments for or against the Measure pursuant to this
12 Resolution is declared by the City Clerk to be Wednesday, August 23, 2018 at or before 5:00
13 p.m. at the Office of the City Clerk, 215 N. "D" Street, 3rd Floor, San Bernardino, California.
14 Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and
15 include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on
16 behalf of an organization, the name of the organization, and the printed name and signature of at
17 least one of its principal officers who is the author of the argument.
18

19 C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City
20 Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an
21 impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the
22 measure on the existing law and the operation of the measure. The City Attorney shall transmit
23 such impartial analysis to the City Clerk, who shall cause the analysis to be published in the
24 ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall
25
26
27

1 be filed by Thursday, August 16, 2018 at or before 5:00 p.m. at the Office of the City Clerk, 215
2 N. "D" Street, 3rd Floor, San Bernardino, California. The impartial analysis shall include a
3 statement indicating that the measure was placed on the ballot by the Mayor and City Council. In
4 the event the entire text of the measure is not printed on the ballot, nor in the voter information
5 portion of the sample ballot, there shall be printed immediately below the impartial analysis, in
6 no less than 10-font bold type, the following: "The above statement is an impartial analysis of an
7 ordinance or measure. If you desire a copy of the Ordinance or Measure, please call the Office of
8 the City Clerk and a copy will be mailed at no cost to you."
9

10
11 **SECTION 6. Rebuttals.**

12 A. Pursuant to Section 9285 of the Elections Code of the State of California, when
13 the Clerk has selected the arguments for and against the Measure which will be printed and
14 distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to
15 the authors of the argument against, and copies of the argument against to the authors of the
16 argument in favor. The authors or persons designated by them may prepare and submit rebuttal
17 arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk
18 not later than Monday, August 27, 2018 at or before 5:00 p.m. at the Office of the City Clerk,
19 215 N. "D" Street, 3rd Floor, San Bernardino, California. Rebuttal arguments shall be printed in
20 the same manner as the direct arguments. Each rebuttal argument shall immediately follow the
21 direct argument which it seeks to rebut.
22
23

24 B. That all previous resolutions providing for the filing of rebuttal arguments for City
25 measures are repealed.
26
27

1 C. That the provisions herein shall apply only to the election to be held on November
2 6, 2018, and shall then be repealed.

3 **SECTION 7. Placement on the Ballot.** The full text of the Ballot Ordinance shall be
4 printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section
5 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the
6 Ordinance and/or Measure, at no cost, upon request made to the City Clerk.
7

8 **SECTION 8. Delivery of Resolution to County.** The City Clerk shall certify to the
9 passage and adoption of this Resolution. The Mayor and City Council direct the City Clerk to
10 deliver copies of this Resolution, including the Ordinance attached hereto as Exhibit "A", to the
11 Clerk of the Board of Supervisors of San Bernardino County and to the Registrar of Voters of
12 San Bernardino County.
13

14 **SECTION 9. CEQA.** The Mayor and City Council of the City of San Bernardino,
15 California, hereby find and determine that this Resolution is not subject to environmental review
16 under the California Environmental Quality Act pursuant to Title 14 of the California Code of
17 Regulations Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable
18 indirect physical change in the environment); Section 15060(c)(3) (the activity is not a project as
19 defined in Section 15378) because it has no potential for resulting in a physical change of the
20 environment, directly or indirectly; and Business and Professions Code Section 26055(h) because
21 the Ordinance being submitted to the voters requires the discretionary review of permits to
22 include any applicable environmental review pursuant to Division 13 (commencing with Section
23 21000) of the Public Resources Code.
24
25
26
27

1 **SECTION 10. Severability.** If any provision of this Resolution or the application thereof
2 to any person or circumstance is held invalid, such invalidity shall not affect other provisions or
3 applications of the Resolution which can be given effect without the invalid provision or
4 application, and to this end the provisions of this Resolution are severable. The City Council
5 hereby declares that it would have adopted this Resolution irrespective of the invalidity of any
6 particular portion thereof.
7

8 **SECTION 11. Effective Date of Resolution.** This Resolution shall take effect
9 immediately upon its adoption.
10

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///


24 ///

25 ///

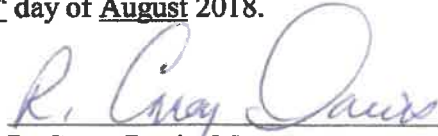
1 **RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN**
 2 **BERNARDINO, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO**
 3 **BE HELD IN THE CITY OF SAN BERNARDINO ON NOVEMBER 6, 2018 FOR THE**
 4 **PURPOSE OF SUBMITTING TO THE VOTERS AN ORDINANCE REGULATING**
 5 **COMMERCIAL CANNABIS ACTIVITIES; REQUESTING THAT THE SAN**
 6 **BERNARDINO COUNTY BOARD OF SUPERVISORS CONSOLIDATE SAID**
 7 **ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED**
 8 **ON THE SAME DATE AND TO PERMIT THE REGISTRAR OF VOTERS TO**
 9 **PROVIDE ELECTION SERVICES; AND SETTING RULES FOR ARGUMENTS AND**
 10 **REBUTTALS FOR AND AGAINST SAID MEASURE**

11 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and
 12 City Council of the City of San Bernardino at a Joint Regular Meeting thereof, held on the 1st day
 13 of August 2018, 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>	<u>_____</u>	<u>_____</u>	<u>_____</u>
BARRIOS	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
VALDIVIA	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>_____</u>
SHORETT	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
NICKEL	<u>X(S)</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
RICHARD	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
MULVIHILL	<u>X(M)</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

18
 19 
 20 Georgeann Hanna, CMC, City Clerk

21 The foregoing Resolution is hereby approved this 1st day of August 2018.

22
 23 
 24 R. Carey Davis, Mayor
 25 City of San Bernardino

26 Approved as to form:
 27 Gary D. Saenz, City Attorney

28 By: 