

RESOLUTION NO. 02-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEED
CALLING A SPECIAL MUNICIPAL ELECTION
FOR JUNE 5, 2018 TO SUBMIT A GENERAL TAX MEASURE

WHEREAS, Elections Code section 9222 authorizes the City Council to submit a measure to the voters to levy a tax for general purposes to be approved or rejected by a majority of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council proposes to the City's voters an ordinance to impose a general tax on commercial cannabis activity in the City (the "Ordinance"), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Ordinance imposes a gross receipts tax of up to ten percent (10%) of proceeds or fractional part thereof and a cultivation tax of ten dollars (\$10.00) per square foot of outdoor cultivation area, eighteen dollars (\$18.00) per square foot of mixed-light cultivation area, and twenty-six dollars (\$26.00) per square foot of indoor cultivation area (the "Tax") to be collected as set forth in the Ordinance; and

WHEREAS, California Constitution, article XIII C, section 2, subdivision (b) requires a majority of voters to approve the Tax if it is to be effective; and

WHEREAS, on January 25, 2018, the City Council adopted this Resolution to call a Special Municipal Election for June 5, 2018 (the "Election") to present the Ordinance to voters so they may determine whether to impose a general tax on the commercial cannabis activity in the City; and

WHEREAS, the City Council desires to submit the Tax to the electorate at the Election.

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

1. CALL OF SPECIAL MUNICIPAL ELECTION. Pursuant to Elections Code sections 356 and 10201, the City Council of the City of Weed hereby calls and notices a Special Municipal Election to be held on the same date and at the same time as the Statewide Primary Election to be held on Tuesday, June 5, 2018, to submit the following measure:

Shall the measure to impose a marijuana business tax of up to 10% of gross receipts and \$10 to \$26 per square foot of grow area, to raise approximately \$50,000 a year until voters decide otherwise, to fund such City purposes as police and fire services and street maintenance be adopted?	YES
	NO

A majority of those casting ballots in favor shall be sufficient to adopt the Measure.

2. REQUEST TO CONSOLIDATE, CONDUCT ELECTION AND CANVASS RETURNS. The Siskiyou County Board of Supervisors is hereby requested to authorize the Siskiyou County Registrar of Voters to render services necessary for the conduct of the Special Municipal Election called by this Resolution. Pursuant to Elections Code section 10403, the City Council hereby requests that the Siskiyou County Board of Supervisors consolidate the Special Municipal Election with the Statewide Primary Election to be held on June 5, 2018 and order the Special Municipal Election to be conducted by the Siskiyou County Registrar of Voters. The City Council acknowledges and requests that the consolidated election be held and conducted in the manner prescribed in Elections Code section 10418. The ballots to be used in the election shall be in form and content as required by law.

The City Clerk is authorized and directed to work with the Siskiyou County Registrar of Voters and to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia as needed 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. Pursuant to Elections Code section 10002, the City will reimburse Siskiyou County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due.

The notice of the time and place of holding the election is hereby given, and the City Clerk and Siskiyou County Registrar of Voters are authorized to give further notice of the election, as required by law, and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Siskiyou County Board of Supervisors not later than 88 days before June 5, 2018.

3. IMPLEMENTATION. The City Clerk is directed to file with the Siskiyou County Board of Supervisors certified copies of this Resolution, with a copy to the Siskiyou County Registrar of Voters, pursuant to Elections Code section 10403. The City Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and related to the election.

4. IMPARTIAL ANALYSIS. The City Clerk shall transmit a copy of the Measure 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 within ten (10) days of the adoption of this Resolution.

5. BALLOT ARGUMENTS. Any and all members of the City Council are hereby authorized to prepare a written argument in favor of the measure on behalf of the City Council, not to exceed 300 words, as specified in section 9282 of the California Elections Code.

Arguments against the Measure may not exceed 300 words and must be submitted to the City Clerk in compliance with sections 9282 and 9283 of the California Elections Code by the deadline established by the City Clerk.

Rebuttal arguments are authorized and may not exceed 250 words and must be submitted to the City Clerk as specified in section 9285 of the California Elections Code.

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). 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 Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

7. FISCAL EMERGENCY. California Constitution, article XIII C, section 2, subdivision (b) requires general taxes to appear on general election ballots "except in case of emergency declared by a unanimous vote of the governing body." Accordingly, the City Council hereby declares that a fiscal emergency justifies a special election on this measure: The City has licensed marijuana businesses in light of California voters' approval of Proposition 64. It is now experienced significant unanticipated costs to regulate licensees and to provide municipal services to those licenses. In particular, these costs greatly exceed the \$10,000 licensing fee the City has imposed, three appeals are now pending before the City as to licensing decisions requiring unanticipated staff and legal counsel services, and litigation is threatened which, if realized, will require unbudgeted resources for litigation defense. Accordingly, the City Council by a unanimous vote of those present declares a fiscal emergency to justify placing this measure on a special election ballot rather than awaiting the general election ballot.

8. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Resolution and enter it in the book of original Resolutions.

I HEREBY CERTIFY the foregoing resolution was introduced and adopted at a regular meeting of the City Council held the 8TH day of February, 2018 by the following vote, to wit:

AYES: Council Members Green, Hall, Palfini, Tavalero

NOES: None

ABSENT: Council Member Greene

s/Ken Palfini, Mayor

ATTEST:

s/Deborah Salvestrin, City Clerk

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the City of Weed City Council held on February 8, 2018.

City Clerk, City of Weed