

OCT 15 2019

RESOLUTION NO. 4975-2019

BY *[Signature]* DEPUTY
REGISTRAR OF VOTERS

A RESOLUTION OF THE CITY OF BARSTOW CALLING A SPECIAL MUNICIPAL ELECTION FOR MARCH 3, 2020 TO SUBMIT A SPECIAL CANNABIS TAX MEASURE TO THE QUALIFIED ELECTORS OF THE CITY OF BARSTOW AND REQUESTING SAN BERNARDINO COUNTY TO PROVIDE SPECIFIED ELECTION SERVICES

WHEREAS, Elections Code section 9222 authorizes the City Council to submit a measure to the voters to levy a tax for special purposes to be approved or rejected by two-thirds 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 special tax on commercial cannabis activity in the City (the "Tax Ordinance"); and

WHEREAS, the revenue from the proposed special tax on commercial cannabis activity shall be used by the City as follows: fifty percent for law enforcement and fifty percent for any lawful purpose; and

WHEREAS, the Tax Ordinance imposes a gross receipts tax of up to fifteen percent (15%) annually on proceeds on commercial cannabis activity excluding cultivation, and a tax of up to thirty dollars (\$30) per square foot of cultivation space per fiscal year for commercial cannabis cultivation businesses, to be collected as set forth in the Tax Ordinance; and

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

WHEREAS, the City Council desires to adopt this Resolution to call a Special Municipal Election for March 3, 2020 (the "Election") to present the Tax Ordinance to voters so they may determine whether to impose a special tax on commercial cannabis activity in the City; and

WHEREAS, on October 7, 2019, the City Council introduced an ordinance permitting and regulating certain commercial cannabis business (the "Cannabis Land Use Ordinance"), which will take effect only if the voters approve the Tax Ordinance by a two-thirds majority of voters; and

WHEREAS, the City Council desires to submit the Tax Ordinance to the electorate at the Election; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BARSTOW CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Recitals. All of the foregoing recitals are true and correct.

SECTION 2. Call for Special Municipal Election. Under Elections Code section 10201, the City Council of the City of Barstow hereby calls and notices a Special Municipal

Election to be held on March 3, 2020 in the City of Barstow for the purpose of presenting voters with a proposed special tax on cannabis businesses.

SECTION 3. Submission of Measure to Voters. Under Elections Code sections 9222 and 10201, the City Council hereby orders the following question regarding the adoption of an ordinance to be submitted to the voters at the special municipal election called for March 3, 2020:

Shall the measure imposing a cannabis special tax of up to 15% of cannabis businesses gross receipts and up to \$30 per square foot of cultivation space to raise approximately \$100,000 a year until voters decide otherwise, with fifty percent of the proceeds used for law enforcement and fifty percent for other city services, be adopted, with voter approval also approving commercial cannabis businesses as a regulated land use in the City of Barstow?	YES
	NO

This measure, adopting the Tax Ordinance, requires the approval of two-thirds of the votes cast. If two-thirds of the voters approve the Tax Ordinance, then the separate Land Use Ordinance shall become effective pursuant to City Council action.

Section 4. Ordinance. The Ordinance being submitted to the voters pursuant to Section 3 of this Resolution is Ordinance No. 961-2019 of the City of Barstow, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Request to Conduct Election and Canvass Returns. The San Bernardino County Board of Supervisors is hereby requested to authorize the San Bernardino County Registrar of Voters to render services necessary for the conduct of the Special Municipal Election called by this Resolution. 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 San Bernardino 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 San Bernardino 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 San Bernardino County Registrar of Voters are authorized to give further notice of the election, as required by law.

SECTION 4. Implementation. The City Clerk is directed to file with the San Bernardino County Board of Supervisors certified copies of this Resolution, with a copy to the San Bernardino County Registrar of Voters, under 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.

SECTION 5. 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.

SECTION 6. 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.

SECTION 7. Rebuttal Arguments. Under Elections Code Section 9285, when the elections official has selected the arguments for and against the measure, not exceeding 300 words each, which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of the selected argument against the measure and a copy of an argument against the measure to the authors of the selected argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to Be Filed by Author of Argument, available upon request from the City Clerk. Rebuttal arguments shall be

printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 8. Environmental Determination. The City Council determines this Resolution is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. The calling and noticing of a Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

SECTION 9. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 7th day of October 2019 by the following vote:


Julie Hackbarth-McIntyre, Mayor

ATTEST:


JoAnne Cousino, City Clerk

I, JoAnne Cousino, City Clerk of the City of Barstow, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 7th day of October, 2019, by the following vote to wit:

**AYES: COUNCILMEMBERS NOBLE, SILVA, HARPOLE, MAYOR PRO TEM
HERNANDEZ AND MAYOR HACKBARTH-MCINTYRE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


JoAnne Cousino, City Clerk

