

**RESOLUTION NO. 2018-83**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A QUESTION RELATING TO ESTABLISHMENT OF A COMMERCIAL CANNABIS TAX AND REQUESTING THAT THE COUNTY OF SOLANO CONSOLIDATE THE ELECTION WITH THE ESTABLISHED STATEWIDE ELECTION TO BE HELD ON NOVEMBER 6, 2018, AND CONDUCT THE ELECTION ON THE CITY'S BEHALF**

**WHEREAS**, the City of Suisun City (“City”) is a general law city located in the County of Solano (“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 resolutions 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**, on May 29, 2018, the City Council adopted Ordinance No. 750, adding Chapter 18.49 to the Suisun City Code to establish a commercial cannabis regulatory program in the City, whereby certain types of cannabis businesses may legally operate in the City subject to issuance of the required State license and City-issued commercial cannabis business permit; 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 appropriately permitted pursuant to Suisun City Code Chapter 18.49 (the “Cannabis 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

1 that is in part the same, they may be consolidated upon the order of the governing body or  
2 bodies or officer or officers calling the elections; and

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

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

10 **WHEREAS**, the City Council desires to call an election on the Cannabis Tax Ballot  
11 Measure, and to consolidate said election with the general municipal election and Statewide  
12 Election to be held on November 6, 2018, and to request the County Board of Supervisors to  
13 direct the County elections official (the Registrar of Voters) (hereinafter the "County  
14 Registrar") to take any and all necessary steps to conduct said consolidated election within the  
15 City.

16 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY,**  
17 **CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER**  
18 **AS FOLLOWS:**

19 **SECTION 1.** That the foregoing recitals are true and correct and are set forth herein  
20 by reference.

21 **SECTION 2.** That the City Council, pursuant to its right and authority, does order  
22 submitted to the voters at the general municipal election to be held and consolidated with the  
23 Statewide Election on Tuesday, November 6, 2018, the following question:  
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MEASURE \_\_\_, COMMERCIAL CANNABIS TAX

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Californians voted to impose taxes on the cannabis industry. Shall the measure, imposing a local general tax on	<b>Yes</b>
cannabis businesses at rates not exceeding 15% of gross receipts and \$25 per square foot of space used for commercial cannabis activities (annually adjusted by CPI) to pay for general City services, including essential public safety, street maintenance and other City services for Suisun City residents, estimated to generate \$2,000,000 annually until repealed by voters, be adopted?	<b>No</b>

**SECTION 3.** That the proposed complete text of the Cannabis 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 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 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 Registrar to take any and all necessary steps to conduct and hold the consolidated election, and that the County Registrar 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.

1           **SECTION 7.** That, pursuant to Elections Code Section 320, the City hereby designates  
2 its City Clerk, or his or her designee, as the City’s Elections Official for purposes of the election  
3 and its related processes.

4           **SECTION 8.** That the County Board of Supervisors is hereby requested to authorize  
5 and permit the County Registrar to canvass the returns of the election and to furnish the results  
6 of such canvassing to the City Clerk, as provided by law, and the County Registrar is hereby  
7 authorized and requested to do so.

8           **SECTION 9.** That the City Council recognizes that additional costs will be incurred by  
9 the County by reason of the consolidation requested herein, and agrees to reimburse the County  
10 for its share of the costs, upon presentation of a properly detailed invoice to the City Clerk, in  
11 accordance with Elections Code Section 10002.

12           **SECTION 10.** That the polls for the election shall be opened at seven o’clock a.m. (7:00  
13 a.m.) on the day of the election, November 6, 2018, and shall remain open continuously from  
14 said time until eight o’clock p.m. (8:00 p.m.) on the same day, when said polls shall be closed,  
15 except as provided in Section 14401 of the Elections Code.

16           **SECTION 11.** That the City Council requests the County Board of Supervisors to  
17 authorize, direct and permit the County Registrar to perform the following specified services to  
18 conduct the election: preparation, printing and mailing of sample ballots and polling place  
19 cards; establishment or appointment of precincts, polling places and election officers;  
20 furnishing of ballots, voting booths and other necessary supplies or materials for polling places;  
21 and performance of such other election services as may be requested by the City Clerk and as  
22 necessary in order to properly and lawfully conduct the election.

23           **SECTION 12.** That the ballots to be used at the election shall be in form and content as  
24 required by law.

25           **SECTION 13.** That the City Clerk is authorized, instructed and directed to coordinate  
26 with the County Registrar to procure and furnish any and all official ballots, notices, printed  
27 matter and all supplies, equipment and paraphernalia that may be necessary in order to properly  
28 and lawfully conduct the election.

1           **SECTION 14.** That the City Council hereby requests the Board of Supervisors to permit  
2 the County Registrar to provide any and all services necessary for conducting the consolidated  
3 election on the Cannabis Tax Ballot Measure and agrees to pay for said services.

4           **SECTION 15.** That direct arguments in favor of and in opposition to the Cannabis Tax  
5 Ballot Measure and rebuttal arguments shall be permitted and accepted in accordance with  
6 Elections Code Sections 9282 and 9285(a). The deadline for submittal of direct arguments in  
7 favor of and in opposition to the Cannabis Tax Ballot Measure to the City Clerk shall be August  
8 10, 2018. The deadline for submittal of rebuttal arguments to the City Clerk shall be August 14,  
9 2018. The City Clerk shall gather all of the direct and rebuttal arguments received and, after the  
10 expiration of the respective deadlines, shall transmit them to the County Elections Official as  
11 soon as practicable, but in no event later than the stated County deadlines of August 17, 2018  
12 for direct arguments and August 21, 2018 for rebuttal arguments, or earlier if necessary to  
13 comply with any alternative deadlines established by the County Elections Official.

14           **SECTION 16.** That in the event that more than one argument for or against the  
15 Cannabis Tax Ballot Measure is timely submitted, the City Clerk shall give preference and  
16 priority first, to arguments submitted by member(s) of the City Council, as authorized by this  
17 Resolution, and second, to individual voters, bona fide associations, or a combination thereof,  
18 in the order set forth at California Elections Code § 9287.

19           **SECTION 17.** That in all particulars not recited in this Resolution, the election shall be  
20 held and conducted as provided by law for holding municipal elections in the City, and that  
21 pursuant to Elections Code Section 10403, the City Council hereby acknowledges that the  
22 consolidated election shall be held and conducted in the manner prescribed in Elections Code  
23 Section 10418 and in accordance with the provisions of law regulating the Statewide Election.

24           **SECTION 18.** That, pursuant to Elections Code Section 9280, the City Clerk is hereby  
25 directed, immediately upon adoption of this Resolution, to transmit a copy of the Cannabis Tax  
26 Ballot Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis  
27 of the Cannabis Tax Ballot Measure, not to exceed 500 words in length, showing the effect of  
28 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 Registrar. The analysis shall include a statement indicating that

1 the Cannabis Tax Ballot Measure was placed on the ballot by the City Council. In the event the  
2 entire text of the Cannabis Tax Ballot Measure is not printed on the ballot, nor in the voter  
3 information portion of the sample ballot, there shall be printed immediately below the impartial  
4 analysis, in no less than 10-point bold type, a legend substantially as follows: “The above  
5 statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the  
6 ordinance or measure, please call the elections official's office/city clerk at (707) 421-7300 and  
a copy will be mailed at no cost to you.”

7           **SECTION 19.** That the County Registrar is requested not to print the full text of the  
8 Cannabis Tax Ballot Measure in the Voter Information Guide for the consolidated election, but  
9 to send a copy to voters upon request at the cost of the City. The contact number to be printed  
10 in the Voter Information Guide is (707) 421-7300 (Elec. Code §§ 9160, 9312, 9280).

11           **SECTION 20.** That the City Clerk is hereby directed to file a certified copy of this  
12 Resolution with the County Board of Supervisors, and a certified copy with the County  
13 Registrar.

14           **SECTION 21.** That notice of time and place of holding the consolidated election on the  
15 Cannabis Tax Ballot Measure is hereby given, and the City Clerk is authorized, instructed and  
16 directed to give such further or additional notice of the election, in time, form and manner as  
17 required by law.

18           **SECTION 22.** The adoption of this Resolution is exempt from the California  
19 Environmental Quality Act, Public Resources Code §§ 21000 *et seq.* (“CEQA”) and 14 Cal.  
20 Code Reg. §§ 15000 *et seq.* (“CEQA Guidelines”). The calling and noticing of a General  
21 Municipal Election for the submission of a ballot measure to voters is not a project within the  
22 meaning of CEQA Guidelines Section 15378. The Cannabis Tax Ballot Measure submitted to  
23 the voters is a general tax that can be used for any governmental purpose; it is not a commitment  
24 to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the  
25 tax is not a project within the meaning of CEQA because it creates a government funding  
26 mechanism that does not involve any commitment to any specific project that may result in a  
27 potentially significant physical impact on the environment.

28           **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.


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**SECTION 24.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 17<sup>th</sup> day of July 2018, by the following vote:

<b>AYES:</b>	Councilmembers:	<u>Day, Hudson, Segala, Wilson, Sanchez</u>
<b>NOES:</b>	Councilmembers:	<u>None</u>
<b>ABSENT:</b>	Councilmembers:	<u>None</u>
<b>ABSTAIN:</b>	Councilmembers:	<u>None</u>

**WITNESS** my hand and the seal of said City this 17<sup>th</sup> day of July 2018.

  
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Donna Pock, CMC  
Deputy City Clerk