

**RESOLUTION NO. 18-75**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO ESTABLISH A TAX ON COMMERCIAL CANNABIS ACTIVITIES AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018**

**WHEREAS**, pursuant to Section 9222 of the California Elections Code the City Council may submit the Ordinance directly to the voters; and

**WHEREAS**, pursuant to section 1.16.010 of the Benicia Municipal Code, the City shall hold its general municipal election on the first Tuesday after the first Monday in November of each even-numbered year; and

**WHEREAS**, the City Council desires to submit to the voters at the general municipal election scheduled for Tuesday, November 6, 2018 (the "Election"), a measure establishing a tax on commercial cannabis activities; and

**WHEREAS**, the ordinance attached hereto as Exhibit "A" and incorporated herein by reference (the "Ordinance") would impose a business license tax on persons engaged in commercial activity involving cannabis and cannabis products in the City.

**NOW, THEREFORE, the City Council of the City of Benicia resolves:**

**Section 1.** That pursuant to Government Code section 36503, and Benicia Municipal Code section 1.16.010, there is called and ordered to be held in the City of Benicia a general municipal election.

**Section 2.** The City Council orders submitted to the voters a measure for the approval of the Ordinance establishing a tax on commercial cannabis activities at such general municipal election. The type, rate, and method of collection of the tax are set forth in the Ordinance, the full text of which shall be printed and made available to voters pursuant to Section 9223 of the California Elections Code.

**Section 3.** The complete text of the measure to be submitted to the voters for approval is attached to this Resolution as Exhibit "A," and that the City Clerk shall maintain a copy of the measure and shall make the same available for public inspection upon request. The City Council hereby approves the ordinance attached to this Resolution as Exhibit "A," the form thereof, and its submission to the voters of the City at the November 6, 2018 election.

**Section 4.** The measure shall be designated by letter by the Solano County Elections Department. The question to appear on the ballot for voter consideration shall be as follows:

<p>Shall the measure establishing a City of Benicia cannabis business tax at annual rates not to exceed \$10.00 per canopy square foot for commercial cannabis cultivation (adjustable for inflation) and 6% of gross receipts for all other cannabis businesses, and estimated to generate approximately \$1.46 million annually in tax revenue until ended by voters, to be spent for unrestricted general revenue purposes, including police, fire and emergency services, parks, recreation, and street maintenance, be adopted?</p>	YES
	NO

**Section 5.** Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority of those casting ballots on the measure unless another threshold is otherwise required by law.

**Section 6.** The Mayor is authorized to select two members of the City Council to prepare a written argument, not to exceed 300 words, in favor of the measure on behalf of the City Council, as specified in section 9282 of the California Elections Code. At the discretion of the Mayor, the argument may also be signed by members of the City Council or citizen associations or individual voters, subject to sections 9282 and 9283 of the California Elections Code. If an argument is filed against the Measure, the Mayor is also authorized to select two members of the City Council to prepare a written rebuttal, not to exceed 250 words, which also may be signed by members of the City Council or citizen associations or individual voters, subject to sections 9282 and 9283 of the California Elections Code.

**Section 7.** Ballot arguments and rebuttals shall be filed in accordance with the following:

- A. 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 County elections official as authorized by law.
- B. Rebuttal arguments are hereby authorized and may not exceed 250 words and must be submitted to the City’s elections official as specified in section 9285 of the California Elections Code.

**Section 8.** The City Clerk is hereby directed to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Section 9280 of the California Elections Code, and to file that analysis no later than the deadline established by the Solano County elections official.

**Section 9.** The Board of Supervisors of Solano County is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election and to consolidate this ballot measure with any other applicable election conducted on the same day in the City. The Board of Supervisors is further requested to order the County Clerk to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the measure and to mail with the

sample ballots to the electors printed copies of the full text of the Ordinance, together with the arguments and rebuttal arguments (if any) for and against the measure.

**Section 10.** Notice of the Election is hereby given and the City Clerk shall give such further notice of the election as required by law.

**Section 11.** The City Clerk is hereby directed to file a certified copy of this Resolution with the Solano County Board of Supervisors and the Solano County Elections Department.

**Section 12.** The City Clerk is authorized and directed to take all other steps necessary to conduct the election on the Measure.

**Section 13.** The City Manager is authorized and directed to appropriate the funds necessary to fund the cost of the Election.

**Section 14.** This Resolution shall take effect upon its adoption by at least two-thirds of the City Council.

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On motion of Council Member **Hughes**, seconded by Council Member **Young**, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 19<sup>th</sup> day of June 2018, and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Young, and Mayor Patterson**

Noes: **None**

Absent: **None**

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Elizabeth Patterson, Mayor

ATTEST:

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Lisa Wolfe, City Clerk

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Date

**EXHIBIT "A"**

**SEE NEXT PAGE**