

RESOLUTION NO. 18-8570

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS ENTITLED "CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE" RELATING TO THE ENACTMENT OF A CANNABIS BUSINESS TAX

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to California Elections Code section 1000, the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed ballot measure relating to the enactment of a cannabis business tax, which shall be a general tax;

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election;

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the General Election, pursuant to Santa Clara City Charter section 600.02, to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution; and

WHEREAS, the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to

the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if passed, pursuant to California Constitution Article XIII C Section 2(b), would allow the City to levy a Cannabis Business Tax.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls opened and closed, the ballots counted and returned, the returns canvassed, and all other applicable proceedings to be performed in connection with the above consolidated election, be regulated and performed by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of applicable laws regulating consolidating elections. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That the City of Santa Clara recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs, provided that no payment shall be made for services that the Registrar of Voters is otherwise required by law to perform.

6. That the City Clerk is directed to file a certified copy of this Resolution without delay with the Board of Supervisors and the County Registrar of Voters.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1	
CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE To maintain fiscal stability/essential city services, including rapid 911 emergency response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to \$25 per square foot for cultivation, generating approximately \$2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?	YES
	NO

8. That pursuant to California Elections Code section 10002, the City Council hereby requests that the Board of Supervisors authorize and direct the County Elections Department to provide such services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, including, but not restricted to, furnishing indexes and election equipment, appointing precinct workers and officials, instructing workers and officials, addressing sample ballots for said City election, issuing absentee ballots, establishing and providing early voting, conducting central counting and official canvass, and performing such other acts as may be required, or directed by the City Clerk.

9. That the City Clerk is hereby authorized and directed to reimburse the County for services performed in accordance with this resolution, when the work is completed and upon presentation to the City of a properly approved bill subject to the approval by the City Clerk.

10. That the City Clerk is hereby authorized and directed to coordinate with the County Registrar of Voters to procure and furnish the procurement of any and all official ballots, notices, printed matter, and all supplies, equipment, paraphernalia that may be necessary in order to properly and lawfully conduct the Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this Resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. Effective date. This resolution shall become effective immediately. The proposed measure shall not take effect unless and until approved by a vote of at least 50% plus one of the voters voting on the questions at the election.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16th DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

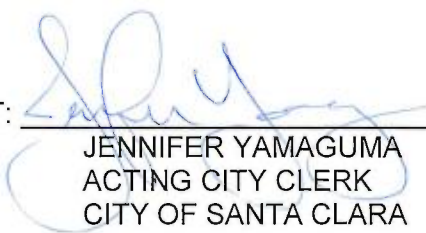
AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	None
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ABSTAINED:	COUNCILORS:	None
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ATTEST:


JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None