

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING A CANNABIS BUSINESS TAX MEASURE TO THE CITY OF POMONA'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AUTHORIZING RELATED ACTIONS INCLUDING DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE AND AUTHORIZING ARGUMENTS AND REBUTTALS ON THE MEASURE**

**WHEREAS**, Sections 37101 and 37100.5 of the California Government Code authorize the City to levy a license tax, for revenue purposes, upon business transacted in the City;

**WHEREAS**, as a result of recent voter-approved changes to State law, cannabis businesses have shown a very strong interest in operating in the City;

**WHEREAS**, cannabis businesses are likely to create demands upon City services, and the City does not currently impose any taxes upon cannabis businesses, aside from generally applicable municipal taxes;

**WHEREAS**, the City Council desires to seek to impose a supplemental license tax upon cannabis businesses, to be known as the "Cannabis Business Tax";

**WHEREAS**, the Cannabis Business Tax cannot be imposed without voter approval;

**WHEREAS**, on June 4, 2018, the City Council adopted Resolution No. 2018-60, calling a General Municipal Election, and requesting consolidation of the General Municipal Election with the Statewide General Election to be held on November 6, 2018;

**WHEREAS**, the City Council desires to submit to the voters of the City of Pomona a cannabis business tax measure in the General Municipal Election to be held on November 6, 2018, which is consolidated with the Statewide General Election;

**WHEREAS**, pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the cannabis business tax measure;

**WHEREAS**, pursuant to Elections Code Section 9281 and 9285, the City Council authorizes arguments and rebuttals for and against the cannabis business tax measure; and

**WHEREAS**, the proposed Cannabis Business Tax is more completely described in the ordinance attached hereto as Attachment "A" and incorporated herein by reference (the "Tax Ordinance").

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

1. That the City Council finds and determines that the above recitals are true and correct.
2. That, at the City's General Municipal Election called for by Resolution No. 2018-60, there shall be submitted to the qualified voters of the City a local cannabis business tax measure (the "Measure") to implement a cannabis business tax.
3. That the text of the ordinance to implement the local cannabis business tax is attached hereto as Attachment "A", and incorporated herein by this reference.
4. That the procedures for voting for and against the Measure shall be established by Los Angeles County Registrar-Recorder/County Clerk, and the question shall be printed in substantially the following form at the November 6, 2018 General Election, or as otherwise determined by the City Council upon its adoption of this Resolution:

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|--|------------|--|
| <b>CANNABIS BUSINESS TAX MEASURE</b><br><br>To fund City services such as police/ fire protection, crime prevention, City roads and recreation, and other general services, shall the City tax cannabis (marijuana) businesses at annual rates up to \$10.00 per canopy square foot for cultivation, and up to 6% of gross receipts for all other cannabis businesses, which is expected to generate an estimated \$400,000 to \$500,000 annually, until repealed by the voters? | <b>YES</b> |  |
|  | <b>NO</b>  |  |

5. That the ballots to be used at the November 6, 2018, General Election shall be in the form, and include the content, required by law.
6. That the Measure shall be consolidated with the election for three members of the City Council and any other measures to be submitted to the voters at said election. The Board of Supervisors of Los Angeles County shall cause the precincts, polling places and elections officers for said election to be established and cause the returns of said election to be canvassed and to certify the same to the City Council of the City of Pomona.
7. That only the City's qualified electors are entitled to vote at said election on the proposed Measure, and the Measure shall pass upon approval by a majority of the votes cast on the measure (50% plus 1).
8. That the City Clerk shall request a letter designation for the above-referenced Measure from the Register-Recorder / County Clerk of Los Angeles County.

9. That the City agrees to reimburse the Los Angeles County Registrar-Recorder/County Clerk for all expenses incurred for services requested by this Resolution.
10. That the polls for the election shall be open at seven (7) o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight (8) o'clock p.m. on the same day when the polls shall be closed pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.
11. That the City Clerk shall transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code Section 9280. The impartial analysis shall not exceed 500 words showing the effect of the Measure on the existing law and the operation of the Measure. The analysis shall include a statement indicating that the Measure was placed on the ballot by the City Council. If the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you." The impartial analysis shall be filed with the City Clerk in accordance with the deadline(s) established by law.
12. That, pursuant to Elections Code Section 9286, the City Clerk is authorized and directed to fix and determine a reasonable date prior to the election for the submission to the City Clerk of arguments in favor of or against the Measure. The arguments shall comply with Elections Code Sections 9282 and 9283.
13. That the City Council hereby authorizes any of its members to file a written argument not exceeding 300 words in support of the Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting the argument, pursuant to Elections Code Section 9282. No more than five signatures shall appear with any argument. If any argument is signed by more than five authors, then the signatures of the first five shall be printed.
14. That, if more than one argument in favor or more than one argument against a Measure is submitted within the time prescribed, then the City Clerk shall select one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters, in accordance with Elections Code Section 9287. Pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure which will be distributed to the voters, the City Clerk shall send copies of the arguments in favor of the Measure to the authors of the arguments against, and copies of the arguments against to the authors of the arguments in favor.
15. That, pursuant to Elections Code Section 9285, the City Council authorizes rebuttal arguments, and the City Clerk shall print and distribute such rebuttal arguments in the same manner as the direct arguments, with each rebuttal argument printed immediately following the direct argument which it seeks to rebut.

**16.** That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, manner, and substance as required by law, with such authority including but not limited to fixing and determining the date prior to the election for the submission to the City Clerk of arguments in favor of or against the Measure.

**17.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions and is directed to transmit a certified copy of this Resolution to the Board of Supervisors and the County Clerk of the County of Los Angeles.

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

**APPROVED AND ADOPTED THIS 6th DAY OF AUGUST 2018.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Marie Macias, Interim City Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

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Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 6th day of August 2018 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Marie Macias, Interim City Clerk