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# CITY OF POMONA COUNCIL REPORT

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August 7, 2020

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Sonia Carvalho, City Attorney  
Anita Gutierrez, Development Services Director  
Rosalia A. Butler, City Clerk

Subject: **ADOPT A RESOLUTION TO ADD THE CITY COUNCIL REFERRED "COMMERCIAL CANNABIS BUSINESSES" AND "COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT" MEASURE AND THE CITIZEN INITIATIVE "POMONA REGULATE CANNABIS ACT OF 2018" MEASURE TO THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2020**

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## RECOMMENDATION:

It is recommended that the City Council adopt the following resolution (Attachment No. 1) in order to add two measures to the November 3, 2020 ballot:

**RESOLUTION NO. 2020-124 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF CERTAIN MEASURES: 1) RELATING TO THE "POMONA REGULATE CANNABIS ACT OF 2018" AND A COMPETING MEASURE 2) TO AFFIRM ORDINANCE NO. 4257 "COMMERCIAL CANNABIS BUSINESSES" AND ORDINANCE NO. 4273 "COMMERICAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT" AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-83**

## **EXECUTIVE SUMMARY:**

On June 1, 2020, City Council approved staff's recommendations to adopt Resolution No. 2020-83 (Attachment 2) to call for the General Municipal Election on November 3, 2020 for the Mayor and three (3) Members of the City Council for Districts 1, 4, and 6, and the submittal of one ballot measure regarding the Utility Users Tax to the voters of the City.

The "Pomona Regulate Cannabis Act of 2018" measure was certified in 2018 but missed the deadline to be placed on the 2018 ballot. Therefore, the measure needs to be placed on the 2020 ballot.

The City has already adopted its own ordinance and land use overlay to regulate cannabis businesses in the City. The City has also already begun to implement that ordinance by taking in applications and processing them. The City ordinance is more tailored to the community and already regulates cannabis. The City wishes to retain this regulation and desires to present the City's ordinance to the voters to be affirmed.

After the initial call of election, the deadline for placing additional measures on the November 3, 2020 ballot is August 7, 2020.

## **FISCAL IMPACT:**

The cost of the General Municipal Election for the Mayor and three (3) Members of the City Council has been estimated at approximately \$350,000, which has been appropriated in the FY 2020-21 Operating Budget line item 101-0302-52275-00000 (Registrar Services). An estimated additional cost of \$20,000 would be incurred by the City for adding a measure to the ballot and will be appropriated in the mid-year budget report when exact cost will be determined.

## **DISCUSSION:**

During the City Council meeting of August 6, 2018, Council approved the certification of an initiative measure titled "Pomona Regulate Cannabis Act of 2018" (Attachment 3). At that time, Council directed staff to prepare an Impact Analysis report consistent with California Elections Code 9212 and return it to the Council within thirty (30) days. In doing so, the initiative did not qualify for the 2018 General Municipal Election as the deadline for placing the petition on the ballot was August 10, 2018.

The Impact Analysis was brought before council at the September 10, 2018 City Council meeting (Attachment 4) as a receive and file item with the option for the council to consider adopting the proposed ordinance or direct staff to prepare the ordinance for placement on the ballot of the next general election (2020). The action taken by council was only to receive and file the report as reflected in the minutes of that meeting (Attachment 5). There was no further action taken by council at any subsequent meetings regarding this initiative measure.

The Council would like to present its cannabis regulatory ordinances to the voters too. These laws have already been adopted and are being implemented. The law provides that if two competing measures regarding the same subject are presented to the voters and are passed, the measure receiving the larger number of votes prevails. The Council desires to present the City ordinance as a competing measure.

Prepared by:

Karla Shipman  
Deputy City Clerk

**ATTACHMENT(S):**

Attachment No. 1 – Proposed Resolution No. 2020-124 Adding Two Measures to the November 3, 2020 General Municipal Election

Attachment No. 2 – Resolution No. 2020-83 Calling and Giving Notice of a General Municipal Election

Attachment No. 3 – Staff report dated August 6, 2018 certifying the initiative measure

Attachment No. 4 – Staff report dated September 10, 2018 regarding the Impact Analysis report

Attachment No. 5 – Minutes from September 10, 2018 City Council meeting