

Agenda Item: ID#18-0750 (4-D)

Date: 6/14/18

REC'D JUN 14 '18 PM 3:37
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#18-0750 (4-D)

Contents of Supplement: REVISED Resolution
(This document was distributed during the Council Meeting)

Item(s)

HEARING to consider submission of a Cannabis Business License Tax to the voters of the City of Fresno.

(1) *** RESOLUTION - Calling a general municipal election to be held on November 6, 2018; approving ballot measure text to be submitted to the voters of the City of Fresno imposing a Cannabis Business License Tax; requesting the assistance of the County of Fresno in connection with that election; and requesting consolidation of that election with any other election held on that date. (Subject to Mayor's veto)

Sponsors: City Councilmember Olivier, City Councilmember Baines III and City Councilmember Caprioglio

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO CALL A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; TO APPROVE BALLOT MEASURE TEXT TO BE SUBMITTED TO THE VOTERS OF THE CITY IMPOSING A CANNABIS BUSINESS LICENSE TAX; TO REQUEST THE ASSISTANCE OF THE COUNTY OF FRESNO IN CONNECTION WITH THAT ELECTION; AND TO REQUEST CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, the Charter of the City of Fresno (City), Article XIV, Section 1400, authorizes the City Council to call a general municipal election; and

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; and

WHEREAS, as a result of recent voter-approved changes to state law, there has been a very strong interest by cannabis businesses to open in the City; and

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 license tax upon cannabis businesses, to be known as the "Cannabis Business License Tax"; and

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

WHEREAS, the City Council desires to submit a Cannabis Business License Tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018, and to be consolidated with any other election to be held on that date; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: _____

Resolution No. _____

SECTION 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

SECTION 2. The City Council hereby proposes the Cannabis Business License Tax.

SECTION 3. The City Council hereby calls a General Municipal Election for Tuesday November 6, 2018 (the "Election") and orders, pursuant to Section 9222 of the Elections Code, that the Tax Ordinance be submitted as a ballot measure to the City voters.

SECTION 4. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot in the form set forth as follows:

To fund unrestricted general revenue purposes, including combating gangs, drug abuse, human trafficking and homelessness, and funding police, fire, roads, and parks (90%) and fund a Community Benefit Fund allocated as recommended by a citizens' commission (10%), shall the measure to tax cannabis cultivation up to \$12 per canopy square-foot and up to 10% of gross receipts for medical dispensaries and all other cannabis businesses, generating up to \$10 million annually until repealed, be adopted?	YES	
	NO	

SECTION 5. Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to cause a synopsis of the proposed measure to be published.

SECTION 6. The full text of the ordinance submitted to the voters is attached as Exhibit A. The full text of the measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Fresno City Clerk.

SECTION 7. The City of Fresno requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of Fresno County is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Councilmembers voting in the majority for this resolution

and the Mayor are authorized, but not required, to file arguments in favor of the proposed measure. They are also authorized to provide input to the Fresno County Clerk/Registrar in determining a letter designation for this measure. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 10. Pursuant to Section 2(d) of Article XIII C of the Constitution, this measure requires approval by a two-thirds (2/3) vote.

SECTION 11. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law.

SECTION 12. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file with the Fresno County Clerk/Registrar of Voters.

SECTION 13. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters by August 10, 2018, to ensure the requisite timeframes for holding the special election as required by applicable law.

SECTION 14. This Resolution shall be effective immediately upon adoption.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 14th day of June, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney

Attachment: Exhibit A – Cannabis Business License Tax Ordinance