

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA: 5.A.8
AGENDA DATE: June 26, 2018

SUBJECT:

Approval of a Request to Consolidate the Municipal Election and a Measure Regarding Cannabis Business License Tax for the City of Riverbank with the Gubernatorial General Election to be Held on November 6, 2018

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0287

On motion of Supervisor Chiesa, Seconded by Supervisor Olsen

and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Monteith, and Vice-Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman DeMartini

Abstaining: Supervisor: None


1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA:5.A.8
AGENDA DATE: June 26, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval of a Request to Consolidate the Municipal Election and a Measure Regarding Cannabis Business License Tax for the City of Riverbank with the Gubernatorial General Election to be Held on November 6, 2018

STAFF RECOMMENDATION:

1. Approve the consolidation of the Municipal Election and a Measure Regarding Cannabis Business License Tax for the City of Riverbank with the Gubernatorial General Election to be Held on November 6, 2018.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494

ATTACHMENT(S):

1. City of Riverbank Resolution to Consolidate



City of Riverbank

Office of the City Clerk / Elections

6707 Third Street • Riverbank CA 954367

Dept.: (209) 863-7122 • Direct: (209) 863-7198 • FAX: (209) 869-7100

E-mail: aaguilar@riverbank.org

June 20, 2018

(USPS & email)

Elizabeth King
Stanislaus County
Clerk of the Board of Supervisors
1010 10th Street, 6th Floor, Suite 6700
Modesto, CA 95354

RE: Consolidation of the City's November 6, 2018, General Municipal Elections with the County's Statewide Elections

Dear Ms. King:

Pursuant to the Elections Code of the State of California, enclosed is a certified copy of City Council's Resolution No. 2018-019 calling and giving notice of the City of Riverbank's November 6, 2018, General Municipal Election, and requesting the County Board of Supervisors' approval to consolidate the City of Riverbank's General Election with the County's statewide election, in conjunction with the rendering of election services to the City by the County Elections Official.

Also enclosed pursuant to the State Elections Code, is a certified copy of City Council's Resolution No. 2018-038 to submit a ballot measure for the November 6, 2018, General Municipal Election to authorize the City to impose up to a ten-percent business license tax on gross receipts of cannabis businesses, in conjunction with the rendering of election services to the City by the County Elections Official.

We cordially request that our Resolutions provided with this letter be placed on the next agenda for consideration and approval by the Board of Supervisors. If you have any questions, please contact me directly at aaguilar@riverbank.org or (209) 863-7198.

Thank you for your assistance on this matter.

Sincerely,

Annabelle H. Aguilar, CMC
City Clerk/Elections Official

Enclosures

cc: Lee Lundrigan, Stanislaus County Clerk Recorder/Registrar of Voters – Elections Division
Kristin Olsen, District 1, Stanislaus County Board of Supervisors

CITY OF RIVERBANK

RESOLUTION NO. 2018-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE BY-DISTRICT ELECTIONS OF COUNCIL MEMBERS FOR RESIDENCY DISTRICT 1 AND DISTRICT 3 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; TO REQUEST THE COUNTY BOARD OF SUPERVISORS OF STANISLAUS TO PERMIT THE COUNTY ELECTIONS OFFICIAL TO RENDER ELECTION SERVICES TO THE CITY; AND TO REQUEST THE CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION HELD ON THE SAME DATE

WHEREAS, on December 8, 2015, the City Council adopted Ordinance No. 2015-019 changing the City of Riverbank's electoral system from "at-large" to a "by-district" system for the election of the four (4) Councilmembers, each residing within one of the four (4) established district boundaries as depicted in adopted Map G; and

WHEREAS, the transition to the by-district electoral system began with the November 8, 2016, General Municipal Elections, establishing the election of Councilmembers in the even-numbered Districts 2 and 4; and

WHEREAS, the final transition to the by-district electoral system will occur at the November 6, 2018, General Municipal Election to establish the odd-numbered Councilmember Districts of 1 and 3; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 6, 2018, for the purpose of electing the two (2) Councilmembers for residencies District 1 and District 4 of the City Council, to serve a four-year term each; and

WHEREAS, in the course of the conduct of an election it is necessary that the City request election services to be rendered by the County's Elections Division, as they are the entity equipped to conduct, canvas, and declare the results of an election in the manner provided by law; and

WHEREAS, pursuant to the Election Code of the State of California, Section 10002, the City of Riverbank has traditionally submitted a resolution to the County Board of Supervisors to permit the County Elections Official to render election services to the City relating to the conduct of the election; and

WHEREAS, the City Council of the City of Riverbank desires to call the November 6, 2018, General Municipal Election and, pursuant to the Election Code of the State of California, Section 10403, shall file a resolution with the County Board of Supervisors and a copy with the County Elections Official requesting that its general municipal election be consolidated with the statewide general election to be held on the same date, and have the County Elections Official perform specified election services for the City of Riverbank; and

WHEREAS, the City recognizes additional costs may be incurred by the County by reason of this consolidation and agrees to reimburse the County for such costs.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, DOES HEREBY DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Riverbank, California, on Tuesday, November 6, 2018, a General Municipal Elections for the purpose of submitting to the qualified voters a ballot for the by-district election of two (2) Councilmembers for residencies District 1 and District 3 for a full four-year term per seat.

Section 2. That pursuant to the Elections Code of the State of California, Section 10400, et seq. the Board of Supervisors of the County is hereby requested to consent and agree to the consolidation of the City of Riverbank's General Municipal Elections with the Statewide General Elections to be held on Tuesday, November 6, 2018.

Section 3. That pursuant to the requirements of the Elections Code of the State of California, Section 10002, the City Council, as the governing body of the City of Riverbank, is requesting by resolution, that the Board of Supervisors of Stanislaus County permit the County Elections Official to render specified services to the City relating to the conduct of the said election.

Section 4. That the specified services requested by the City Council are all applicable procedural requirements, and any other processes incidental to and connected with the conduct of the election, performed by the County Elections Official in accordance with the provisions of law regulating a regularly scheduled election in order to properly and lawfully conduct, canvass, and certify the results of the election.

Section 5. That pursuant to the Elections Code of the State of California, Section 10418, the Board of Supervisors of Stanislaus County is hereby requested to issue instructions to the County Elections Official to take any and all steps necessary for the holding of a consolidated November 6, 2018, election.

Section 6. That pursuant to the Elections Code of the State of California, Section 10002, the City Council recognizes that consolidation of Riverbank's General Municipal Elections with the Statewide General Elections, conducted by the County, provides the City an opportunity to share its costs of conducting its elections with other jurisdictions and therefore shall reimburse the County, upon completion of the work performed and upon presentation of an invoice to the City, for the City's share of costs incurred.

Section 7. That the polls for the election shall open at seven o'clock a.m (7:00 a.m.). of the day of the election and shall remain open continuously from that time until eight o'clock p.m. (8:00 p.m.), except as provided in Section 14401 of the Elections Code of the State of California.

Section 8. CANDIDATE'S STATEMENT (Election Code Section 13307)

A. Pursuant to the State of California Elections Code, candidates shall be required to pay a deposit of \$700.00 at the time of filing the nomination papers, for the pro rata cost of printing, handling, translating, mailing, and including the candidate statement in the voter pamphlet.

B. Depending on the actual cost, the City Clerk is directed to bill candidates for any additional expenses incurred in excess of the \$700.00 deposit or refund any overage paid to the City.

C. The candidate statement will be limited to no more than 200 words.

Section 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for the holding of municipal elections.

Section 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.


Section 11. That in the event of a tie vote, if any two or more persons receive an equal and the highest number of votes for an office, as certified by the Election Official, County of Stanislaus Registrar-Recorder/County Clerk, the City Council, in accordance with Election Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear, and will determine the tie by lot.


Section 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 13. That the City Clerk is hereby directed to file a certified copy of this resolution with the Stanislaus County Board of Supervisors and with the County Elections Official.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12nd day of June, 2018; motioned by Councilmember Leanne Jones Cruz; seconded by Councilmember Cal Campbell, and upon roll call was carried by the following City Council vote of 5-0:

AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None
ABSENT: None
ABSTAINED: None

ATTESTED:

Annabelle H. Aguilar, CMC
City Clerk / Elections Official

APPROVED:

Richard D. O'Brien
Mayor

CERTIFICATION
I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.

CITY CLERK
DATED 06/20/2018

CITY OF RIVERBANK

RESOLUTION NO. 2018-038

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, SUBMITTING A BALLOT MEASURE TO THE CITY'S QUALIFIED
VOTERS AT THE NOVEMBER 6, 2018, STATEWIDE GENERAL ELECTION,
AUTHORIZING THE CITY TO IMPOSE A BUSINESS LICENSE TAX ON THE GROSS
RECEIPTS OF CANNABIS BUSINESSES IN AN AMOUNT NOT TO EXCEED
TEN PERCENT**

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age or older and the personal cultivation of up to six (6) cannabis plants within a private residence; and

WHEREAS, on August 22, 2017, the City Council of the City of Riverbank ("City Council") adopted Ordinance No 2017-007 amending the City of Riverbank's ("City") municipal code, thereby authorizing commercial cannabis activity in the City; and

WHEREAS, the City Council seeks authorization to enact a tax on the gross receipts of cannabis businesses located in the City; and

WHEREAS, pursuant to Elections Code section 9222 and Government Code section 53724, the City Council desires to submit a measure to the qualified electors of the City at the next Statewide General Election on November 6, 2018, asking for authorization to impose a business license tax on cannabis businesses in an amount not to exceed ten percent (10%); and

WHEREAS, pursuant to Government Code section 53724, the City Council must approve this resolution by a two-thirds vote to submit the Measure to the City's qualified voters; and

WHEREAS, pursuant to Elections Code section 10400 et seq., the City Council finds it necessary and desirable to request consolidation of this measure with the Stanislaus County Board of Supervisors and Registrar of Voters.

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

1. The foregoing recitals are true and correct and are hereby incorporated by reference.

2. Pursuant to California Elections Code section 9222, the City Council hereby calls an election to be held during the Statewide General Election on Tuesday, November 6, 2018, and orders that the following question be submitted to the voters at such election:

Shall the measure adopting an ordinance authorizing the City Council of the City of Riverbank to impose a business license tax at a rate of up to ten percent (10%) of gross receipts on cannabis businesses and dispensaries, to help fund general municipal services, be adopted?	YES	
	NO	

3. Pursuant to Elections Code sections 10002 and 10403, the City Council hereby requests that the Stanislaus County Board of Supervisors consolidate the election of this measure with the Statewide General Election, to be conducted on November 6, 2018, and that the consolidated election be held and conducted in the manner prescribed by Elections Code section 10418.

4. The City Council hereby requests that the Stanislaus County Board of Supervisors authorize the Stanislaus County Registrar of Voters to provide any and all services necessary to conduct the election, and the City agrees to pay for said services.

5. The City Council hereby directs the City Clerk to deliver certified copies of this Resolution to the Clerk of the Stanislaus County Board of Supervisors and the Stanislaus County Registrar of Voters on or before July 1, 2018.

6. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Election Code section 9280, to be submitted to the City Elections Official on or before July 23, 2018.

7. The City Council is hereby authorized and directed to form a two (2) member subcommittee to formulate, execute, and submit the argument in favor of the measure, limited to 300 words, and shall include up to five (5) signatures, pursuant to Elections Code sections 9282 and 9283. The argument in favor shall be submitted to the City elections official on or before July 23, 2018.


8. The two (2) member subcommittee shall be authorized to formulate, execute, and submit a rebuttal to any argument submitted against the measure, limited to 250 words, and to include up to five (5) signatures, pursuant to Elections Code sections 9285 and 9283, to be submitted to the City elections official on or before July 30, 2018.

9. The City Clerk and other City officers and employees are hereby authorized and directed to take all other actions that are necessary to have the City's measure properly submitted to the City voters at the Statewide General Election on November 6, 2018.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 12nd day of June, 2018; motioned by Councilmember Cal Campbell; seconded by Councilmember District 2 Cindy Fosi, and upon roll call was carried by the following City Council vote of 5-0:

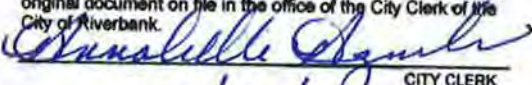
AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor O'Brien
NAYS: None
ABSENT: None
ABSTAINED: None

ATTESTED:


Annabelle H. Aguilar, CMC
City Clerk

APPROVED:


Richard D. O'Brien
Mayor

CERTIFICATION
I hereby certify the foregoing is a true and correct copy of the original document on file in the office of the City Clerk of the City of Riverbank.

CITY CLERK
DATED: 06/20/2018