RESOLUTION NO. 2016-10-6192

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES AND FOR SUBMISSION TO THE VOTERS A QUESTION RELATING TO A TAX ON MEDICAL MARIJUANA FACILITIES

WHEREAS, under the provisions of the laws relating to charter cities in the State of California, a General Municipal Election shall be held on March 7, 2017, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to a tax on medical marijuana facilities; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of Signal Hill, California, on Tuesday, March 7, 2017, a General Municipal Election for the purpose of electing three members of the City Council for the full term of four years.

Section 2. That the City Clerk certified the sufficiency of initiative petition entitled "Signal Hill Medical Cannabis Facilities Fee Act of 2016" (Attachment A) and subsequently the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the proposed citizen's initiative measure to tax medical marijuana facilities in the City of Signal Hill, through a 10% tax on the monetary transactions as well as doubling the license taxes, with no sunset clause, and currently estimated to raise $0.00 annually because medical marijuana facilities are not presently allowed in the City of Signal Hill, be adopted?	Yes No

Section 3. That the proposed complete text of the measure (Ordinance) be submitted to the voters as follows (Attachment B).

Section 4. That the vote requirement for the measure to pass is 2/3 (0.666%) of the votes cast.

Section 5. That the ballots to be used at the election shall be in form and content as required by law.

Section 6. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed pursuant to Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

Section 8. That pursuant to Elections Code §12310, a stipend for services for the persons named as precinct board members is fixed at the sum of $150.00 for each Inspector and $125.00 for each Clerk for the election. In addition, each election officer, including alternates, shall receive $25.00 for attending a mandatory training class for poll workers.

Section 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding 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 the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 12. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted invoice.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the City Council of the City of Signal Hill, California, this 25th day of October, 2016.

LORI Y. WOODS
MAYOR

ATTEST:

ROBERT D. COPELAND
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF SIGNAL HILL)

I, ROBERT COPELAND, City Clerk of the City of Signal Hill, California, hereby certify that Resolution No. 2016-10-6192, was adopted at a Regular Meeting of the City Council of the City of Signal Hill held on the 25th day of October 2016.

AYES: MAYOR LORI Y. WOODS, VICE MAYOR TINA L. HANSEN, COUNCIL MEMBERS LARRY FORESTER, MICHAEL J. NOLL, EDWARD H.J. WILSON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ROBERT D. COPELAND
CITY CLERK

CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

CERTIFICATE OF SUFFICIENCY OF INITIATIVE PETITION

I, Robert Copeland, City Clerk of the City of Signal Hill, County of Los Angeles, State of California, hereby certify that:

The petition entitled "Signal Hill Medical Cannabis Facilities Fee Act of 2016" was filed with the City Clerk on January 28, 2016. That said petition consists of 45 sections. That each section contains signatures purporting to be signatures of qualified electors in the City of Signal Hill, California.

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition. That the affiant stated his/her own qualification, that he/she had solicited the signatures upon that Section, that all of the signatures were made in his/her presence, and that to the best of his/her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be.

That after the proponents filed this petition and based on the County of Los Angeles Registrar of Voters Signature Verification Certificate, I have determined the following facts regarding this petition:

1.	Total number of signatures filed by proponent raw count	800
2.	Total number of signatures verified	800
3.	Number of signatures found sufficient	711
4.	Number of signatures found insufficient	93
5.	Number of signatures insufficient because of duplication	14
6.	Total number of signatures required to qualify (10%/15% of voter registration)	626/939

Based on the above, the petition is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Signal Hill this 27th day of September, 2016.

[redacted]

Robert D. Copeland
City Clerk
City of Signal Hill

ATTACHMENT 'A'

SIGNAL HILL MEDICAL CANNABIS FACILITIES FEE ACT OF 2016

The People of the City of Signal Hill do ordain as follows:

SECTION 1. TITLE

This initiative shall be known as and may be cited as the Signal Hill Medical Cannabis Facilities Fee Act of 2016.

SECTION 2. FINDINGS AND DECLARATIONS

The people of the City of Signal Hill find all of the following to be true:

A. We strongly support the right of seriously ill patients to use medical Cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which Cannabis provides relief.

B. We oppose the arrest, prosecution, and incarceration of persons legally-qualified under the Compassionate Use Act of 1996, codified as California Health & Safety Code Section 11362.5 and enacted through Proposition 215, and the Medical Marijuana Program Act of 2004, as amended, codified as California Health & Safety Code Sections 11362.7 through 11362.83, inclusive, and enacted through Senate Bill 420, by local, state, or federal law enforcement.

C. The provision of medical Cannabis should occur in a safe and orderly manner in order to protect patients and the community. In the absence of clear guidelines, there has been a lack of consistency in the permitting and regulation of medical Cannabis dispensing.

D. The people of the City of Signal Hill further find and declare that we enact this initiative pursuant to the powers reserved to the State of California, the City of Signal Hill, and its people under the Tenth Amendment to the United States Constitution.

SECTION 3. AMENDMENTS TO TITLE 5 OF THE SIGNAL HILL MUNICIPAL CODE

Chapter 5.04, entitled, "General Licensing Provisions and Taxes," of Title 5, entitled "Business Taxes, Licenses, and Regulations," of the Signal Hill Municipal Code is amended to add the following sections which shall read as follows:

ATTACHMENT 'B'

Section 5.04.135. Exemption not applicable to Medical Cannabis Facilities.

Notwithstanding the requirement that all Medical Cannabis Facilities and Medical Cannabis Collectives operate as nonprofits, as required by California Health & Safety Code section 11362.765, the exemption applicable to nonprofit enterprises contained in Section 5.04.130 shall not apply to Medical Cannabis Facilities.

For the purposes of this Section, "Medical Cannabis Facilities" shall mean any activity that involves, but is not limited to planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging or testing, any part of the plant cannabis sativa L, or any of its derivatives.

Section 5.04.485. Medical Cannabis Facilities.

Every person who in this city engages in a business operating a Medical Cannabis Facility shall pay an annual license tax which shall be in the same amount and computed in the same manner as the annual license tax specified in Section 5.04.550, except that (a) the dollar amounts in Section 5.04.550 shall be increased 200%, (b) 25% of the annual license tax shall be directed exclusively for the use by the Signal Hill Police Department, and (c) 25% of the annual license tax shall be directed exclusively for the use by the Long Beach Unified School District for schools located in the City of Signal Hill.

For the purposes of this Section, "Medical Cannabis Facilities" shall mean any activity that involves, but is not limited to planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging or testing, any part of the plant cannabis sativa L, or any of its derivatives.

Section 5.04.486. Medical cannabis transaction fees.

Every monetary transaction between a Medical Cannabis Facility and a Qualified Patient or Primary Caregiver shall be subject to a fee of ten percent (10%) of the total amount of the transaction. It shall be the responsibility of the individual who obtained the business license on behalf of the Medical Cannabis Facility to collect, record, and submit the City of Signal Hill all such transaction fees. All transaction fees shall be reported and paid to the City of Signal Hill not less than every 90 days after the issuance of the business license to the Medical Cannabis

Facility. All transaction fees collected by the City of Signal Hill shall be directed as follows: (a) 50% to the City of Signal Hill's general fund, (b) 25% exclusively to the Signal Hill Police Department, and (c) 25% exclusively to the Long Beach Unified School District for use in schools located in the City of Signal Hill.

For the purposes of this Section, "Medical Cannabis Facility" shall mean any activity that involves, but is not limited to planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging or testing, any part of the plant cannabis sativa L, or any of its derivatives.

SECTION 4. SPECIAL OR REGULAR ELECTION

The Voters of the City of Signal Hill hereby expressly request that this initiative ordinance be set for a special or regular election at the earliest time allowable by law.

SECTION 5. SEVERABILITY

If any provision of this initiative, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this initiative that can be given without the invalid provision or application; and to this end, the provisions or applications of this initiative are severable.

SECTION 6. MODIFICATION, REPEAL, OR AMENDMENT.

The City Council may not repeal this initiative if it becomes law, or amend it in any manner, without further voter approval.

SECTION 7. STATEWIDE REGULATION.

This initiative, and the provisions herein, shall be read consistent with any statewide regulation of Medical Marijuana or legalization of Marijuana for adult use that is promulgated by the legislature or by voter approval in the future.

SECTION 8. EFFECTIVE DATE.

The provisions of this measure shall go into effect at the earliest time allowable by law after election results approving this law's enactment by the voters.

SECTION 9. LEGAL DEFENSE

The People of Signal Hill desire that the Act, if approved by the voters, and thereafter challenged in court, be defended by the City of Signal Hill.