

**AGENDA**  
**RIO DELL CITY COUNCIL**  
**SPECIAL MEETING - 6:30 P.M.**  
**TUESDAY, JULY 26, 2016**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE**

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

E. SPECIAL MEETING MATTERS/PUBLIC HEARINGS

- 1) 2016/0726.01 - Discussion and possible action approving Resolution No. 1305-2016 (version A, B, C, or D) Submitting to the Voters an Advisory Measure Related to Commercial Cannabis and Requesting the Humboldt County Board of Supervisors Authorize Placing the Measure on the November 8, 2016 Statewide General Election Ballot  
**(DISCUSSION/POSSIBLE ACTION)**

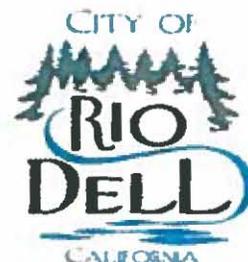
F. ADJOURNMENT



*In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532.*

*Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.*

*The next regular City Council meeting is scheduled for Tuesday, August 2, 2016 at 6:30 p.m.*



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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

July 26, 2016

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager / Russell Gans, City Attorney

SUBJECT: Discussion and Possible Action Approving Resolution No. 1305-2016(A, B, C, or D) Submitting to the Voters an Advisory Measure With A Related Request To The Board Of Supervisors Of Humboldt County To Consolidate Said Election With The Statewide General Election; Further Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution No. 1305-2016 A, B, C, or D.

BACKGROUND AND DISCUSSION

On the evening of July 19, 2016 Councilmember Debra Games made a motion to call this special meeting to place an advisory measure on the ballot for the November 8, 2016 General Election. The motion pertained to the question "Should Rio Dell Allow Commercial Medical Cannabis Activity within the City?"

It is important to note that an advisory measure is completely non-binding and serves as a tool for the Council to hear from city voters.

The City Attorney has drafted the appropriate language for Council consideration. Unlike a tax proposal, an advisory measure is relatively simple. The main question for the council is to consider the language of the question itself, and the phrasing of that question is important.

Options include:

- A. Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the area of the City that is located to the north of the Eel River and commonly referred to as the Sawmill Annexation Area? (Proposed Resolution No. 1305-2016A)

- B. Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the City? (Proposed Resolution No. 1305-2016B)
- C. Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the City if that activity is subject to local taxation? (Proposed Resolution No. 1305-2016C)
- D. Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the area of the City that is located to the north of the Eel River and commonly referred to as the Sawmill Annexation Area if that activity is subject to local taxation? (Proposed Resolution No. 1305-2016D)

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RESOLUTION NO. 1305-2016A



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL SUBMITTING TO THE VOTERS AT THE GENERAL ELECTION ON NOVEMBER 8, 2016, AN ADVISORY BALLOT MEASURE TO ALLOW THE VOTERS TO INDICATE THEIR APPROVAL OR DISAPPROVAL OF PERMITTING COMMERCIAL CANNABIS ACTIVITY WITHIN THE CITY; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION; AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.**

**WHEREAS**, on October 9, 2015, Governor Brown approved a package of three bills enacted by the legislature on September 11, 2015, i.e., SB 643, AB 243, and AB 266, providing for comprehensive, concurrent regulation and licensing by state and local governments of medical cannabis as an agricultural product, including its cultivation, processing, testing, manufacture, distribution, transportation, dispensing, and delivery; and

**WHEREAS**, the City Council of the City of Rio Dell has extensively studied and considered regulating the commercial cultivation, processing, manufacturing and distribution of Cannabis use within the City;

**WHEREAS**, the City Council has found that many citizens of the City of Rio Dell hold strong and passionate opinions in favor of or against the subject and have voiced such opinions during meetings of the City Council;

**WHEREAS**, before the City Council takes further action on the subject, given its importance, the City Council wants to better understand the desire of the citizenry by allowing the qualified voters to indicate their approval or disapproval at the Statewide General Election to be held on November 8, 2016; and

**WHEREAS**, accordingly, the City Council desires to place on the ballot an advisory measure, posing the question set forth below in Section 3 to the qualified voters.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell:

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

2. Call Election; Placement of Measure on the Ballot. Pursuant to California Elections Code Section 9603, the City Council of the City of Rio Dell hereby calls an advisory election at which it shall submit to the qualified voters of the City and advisory ballot measure, to allow the voters to indicate their approval or disapproval of the ballot proposal set forth in Section 3, below. The measure shall include the heading: "Advisory Vote Only". This measure shall be designated by letter by the Humboldt County Registrar of Voters. Pursuant to Election Code Section 9603(e) and 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 8, 2016, and be held and conducted in the manner prescribed by Elections Code Section 10418.

3. Ballot Language. The question to be presented to the voters is as follows:

**ADVISORY VOTE ONLY**

Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the area of the City that is located to the north of the Eel River and commonly referred to as the Sawmill Annexation Area?	YES	
	NO	

4. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Rio Dell, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide

General Election on Tuesday, November 8, 2016, for the purpose of placing the ballot proposal set forth in Sections 3 on the ballot.

- (b) The County of Humboldt Registrar of Voters is authorized to canvass the returns of the municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
- (c) The Board of Supervisors is requested to issue instructions to the Humboldt County registrar of voters take any and all steps necessary for the holding of the consolidated election.
- (d) The City of Rio Dell recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County for any costs.

6. Submission of Ballot Argument and Impartial Analysis.

- (a) The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
- (b) The last day for submission of direct arguments for or against the measure shall be by August 17, 2016.
- (c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- (d) The City Attorney shall prepare an impartial analysis of the measure by August 29, 2016.

7. Effective Date. This Resolution shall become effective immediately upon its adoption and the City Clerk is directed to send certified copies of the Resolution to the Humboldt County Board of Supervisors and the Humboldt County Registrar of Voters.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell, State of California, on July 26, 2016, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Frank Wilson, Mayor

Attest: \_\_\_\_\_  
Karen Dunham, Rio Dell City Clerk

**RESOLUTION NO. 1305-2016B**



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL SUBMITTING TO THE VOTERS AT THE GENERAL ELECTION ON NOVEMBER 8, 2016, AN ADVISORY BALLOT MEASURE TO ALLOW THE VOTERS TO INDICATE THEIR APPROVAL OR DISAPPROVAL OF PERMITTING COMMERCIAL CANNABIS ACTIVITY WITHIN THE CITY; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION; AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.**

**WHEREAS**, on October 9, 2015, Governor Brown approved a package of three bills enacted by the legislature on September 11, 2015, i.e., SB 643, AB 243, and AB 266, providing for comprehensive, concurrent regulation and licensing by state and local governments of medical cannabis as an agricultural product, including its cultivation, processing, testing, manufacture, distribution, transportation, dispensing, and delivery; and

**WHEREAS**, the City Council of the City of Rio Dell has extensively studied and considered regulating the commercial cultivation, processing, manufacturing and distribution of Cannabis use within the City;

**WHEREAS**, the City Council has found that many citizens of the City of Rio Dell hold strong and passionate opinions in favor of or against the subject and have voiced such opinions during meetings of the City Council;

**WHEREAS**, before the City Council takes further action on the subject, given its importance, the City Council wants to better understand the desire of the citizenry by allowing the qualified voters to indicate their approval or disapproval at the Statewide General Election to be held on November 8, 2016; and

**WHEREAS**, accordingly, the City Council desires to place on the ballot an advisory measure, posing the question set forth below in Section 3 to the qualified voters.

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3. Ballot Language. The question to be presented to the voters is as follows:

**ADVISORY VOTE ONLY**

Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the City?	YES	
	NO	

4. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Rio Dell, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2016, for the purpose of placing the ballot proposal set forth in Sections 3 on the ballot.

- (b) The County of Humboldt Registrar of Voters is authorized to canvass the returns of the municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
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**PASSED AND ADOPTED** by the City Council of the City of Rio Dell, State of California, on July 26, 2016, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Frank Wilson, Mayor

Attest: \_\_\_\_\_  
Karen Dunham, Rio Dell City Clerk

RESOLUTION NO. 1305-2016C



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL SUBMITTING TO THE VOTERS AT THE GENERAL ELECTION ON NOVEMBER 8, 2016, AN ADVISORY BALLOT MEASURE TO ALLOW THE VOTERS TO INDICATE THEIR APPROVAL OR DISAPPROVAL OF PERMITTING COMMERCIAL CANNABIS ACTIVITY WITHIN THE CITY; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION; AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.**

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**ADVISORY VOTE ONLY**

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	NO	

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AYES:

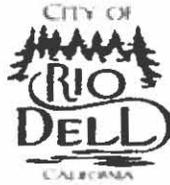
NOES:

ABSENT:

\_\_\_\_\_  
Frank Wilson, Mayor

Attest: \_\_\_\_\_  
Karen Dunham, Rio Dell City Clerk

RESOLUTION NO. 1305-2016D



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NOES:

ABSENT:

\_\_\_\_\_  
Frank Wilson, Mayor

Attest: \_\_\_\_\_  
Karen Dunham, Rio Dell City Clerk