



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

For the meeting of: August 9, 2016

Date: August 3, 2016
To: Board of Supervisors
From: Supervisor Estelle Fennell

Subject: 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 of Rio Dell; and requesting the Board of Supervisors consolidate said election with the Statewide General Election

RECOMMENDATION(S): That the Board of Supervisors approve the request for consolidation and the inclusion of the Advisory Ballot Measure with the condition that the City of Rio Dell reimburse the County for costs incurred pursuant to this request, and notify the Elections Department of the County to take any and all steps necessary for the holding of the consolidated election.

SOURCE OF FUNDING: City of Rio Dell

DISCUSSION: On August 2, 2016, the Rio Dell City Council passed Resolution # 1305-2016 (D) requesting that Humboldt County include the City of Rio Dell in the Statewide General Election to be held on November 8, 2016, and submitting to the voters an Advisory Ballot Measure to allow the voters to indicate their approval or disapproval of permitting commercial cannabis activity within the City of Rio Dell. The City of Rio Dell is requesting consolidation pursuant to Election Code Section 10403 and agrees to reimburse the County for all costs associated with the consolidated election.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: City of Rio Dell.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Resolution # 1305-2016 (D)

Prepared by Kathy Hayes

Signature

REVIEW: Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor
And unanimously carried by those members present,
The Board hereby adopts the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

Dated: _____
Ana Hartwell, Deputy Clerk of the Board

By: _____

RESOLUTION NO. 1305-2016(D)



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 if that activity is subject to local taxation?	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 August 2, 2016 by the following vote:

AYES: Wilson, Thompson, Ganes and Thompson
NOES: Marks
ABSENT: None
ABSTAIN: None


Frank Wilson, Mayor

Attest:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1305(D)-2016 adopted by the City Council of the City of Rio Dell on August 2, 2016.



Karen Dunham, Rio Dell City Clerk