

RESOLUTION 2024-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO PLACING A MEASURE SEEKING TO IMPOSE A CANNABIS BUSINESS LICENSE TAX ON THE BALLOT FOR THE GENERAL MUNICIPAL ELECTION PREVIOUSLY CALLED FOR NOVEMBER 5, 2024

WHEREAS, by Resolution 2024-075, the City Council called a general municipal election to be held on November 5, 2024 (the “Election”);

WHEREAS, the City Council desires to submit a proposed cannabis business license tax to the City’s voters at the Election (Elec. Code, § 9222);

WHEREAS, the proposed ordinance imposing that cannabis business license tax is attached hereto as Exhibit 1 (the “Ordinance”) and incorporated by this reference;

WHEREAS, the Ordinance imposes a general tax which may be approved by a majority of the City’s voters voting on the question (Cal. Const., art. XIII C, § 2(b); Gov. Code, § 53723); and

WHEREAS, the Election is a regularly scheduled statewide general election in which all of the City’s electors are entitled to vote, and in which members of the City Council are up for election or reelection (Cal. Const., art. XIII C, § 2(b); Gov. Code, § 53724(c)).

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

SECTION 1. The City Council hereby submits the Ordinance to the voters at the Election and orders the following question appear on the ballot for the Election:

Shall the measure imposing a cannabis (“marijuana”) business license tax of up to 7% of gross receipts, or \$10 per square foot of commercial grow area, lasting until voters end it, and estimated to generate \$1,500,000 to \$2,200,000 annually to provide City services such as police protection, recreational services, services to local youth and seniors, community grant programs, and for general government use, with all funds staying local and subject to audit, be adopted?	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
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SECTION 2. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the Ordinance by such deadline as the City Clerk may establish. (Elec. Code, § 9280.)

SECTION 3. The City Clerk is authorized, instructed, and directed to give further or additional notice of the Election in the time, form, and manner required by law. The Clerk is further directed to file a certified copy of this Resolution with the Contra Costa County Board of Supervisors and with the Contra Costa County Clerk-Recorder no later than 88 days before the Election. The City Council acknowledges that, pursuant to Resolution 2024-075, it has previously requested that the Contra Costa County Board of Supervisors consolidate the Election with the statewide general election to be held on November 5, 2024.

SECTION 4. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's share of costs to place the Ordinance on the ballot for the Election, and to execute any necessary agreements with Contra Costa County for the Election.

SECTION 5. The City Clerk is hereby authorized, instructed, and directed to follow all applicable procedures concerning arguments in favor of or against the Ordinance, including but not limited to Elections Code Section 9280 *et seq.* The Clerk may work with the County elections official as necessary to complete this task.

Pursuant to Elections Code Section 9282(b), the City Council hereby authorizes Mayor Ponce and Vice-Mayor Cruz to prepare and file the argument in support of the Ordinance. The City Council does not adopt the provisions of Elections Code Section 9282(b).

SECTION 6. The adoption of this Resolution is exempt from the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.* and California Code of Regulations, title 14, section 15000 *et seq.* (CEQA Guidelines). The calling of a municipal election is not a project within the meaning of CEQA Guidelines section 15378. Further, the general tax proposed by this Resolution does not "involve any commitment to any specific project which may result in a potentially significant physical impact on the environment," and adopting it is therefore not a project under CEQA Guidelines section 15378(b)(4).

SECTION 7. This Resolution shall take effect immediately upon its adoption.

SECTION 8. The City Clerk shall certify the passage and adoption of this Resolution as required by law.

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ADOPTED this 15th day of July, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Dorothy Gantt, City Clerk

Patricia Ponce, Mayor