

RESOLUTION NO. 2020-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND FOR FILING OF REBUTTAL ARGUMENTS REGARDING THE CITY'S CANNABIS AND HEMP TAX MEASURE AND A CITY CHARTER AMENDMENT MEASURE RELATED TO PUBLIC WORKS CONTRACTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR EACH MEASURE

WHEREAS, A General Municipal Election is to be held in the City of San Buenaventura, California, on November 3, 2020, at which there will be submitted to the voters the following measures:

CITY OF SAN BUENAVENTURA (CITY OF VENTURA)					
MEASURE .2020					
TITLE – CANNABIS AND HEMP TAX	<table border="1"><tr><td>YES</td><td></td></tr><tr><td>NO</td><td></td></tr></table>	YES		NO	
YES					
NO					
To fund city services (public safety, roads, parks, etc.), shall the City tax cannabis (marijuana) and hemp businesses at annual rates not to exceed \$10.00 per canopy square foot for cultivation (adjustable for inflation), 8% of gross receipts for retail cannabis businesses, and 4% for all other cannabis businesses, should the city council legalize them at a future date; which will generate an unknown amount of revenue and will be levied until repealed?					

CITY OF SAN BUENAVENTURA (CITY OF VENTURA)

MEASURE - 2020

TITLE – PUBLIC WORKS CONTRACTS CHARTER AMENDMENT

YES	
NO	

In order to deliver street, park, sewer, and water improvements and other public works projects more efficiently and less expensively, shall Sections 400 and 1006 of the City Charter be amended to create more flexibility in the methods used to deliver those projects when the City Council designates, by ordinance, the methods allowed and determines that a particular project would benefit from those methods?

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council pursuant to Elections Code Section 9282(b) authorizes the following (no more than five):

- Mayor Matt LaVere
- Councilmember Lorrie Brown
- Councilmember Jim Friedman
- Councilmember Erik Nasarenko
- Deputy Mayor Sofia Rubalcava

to file a written argument not exceeding 300 words regarding the City measure as specified in Section 2 below, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the

printed name(s) and signature(s) of the author(s) submitting it or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The argument shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 2. That the following measure has been placed on the ballot by action of the City Council:

CITY OF SAN BUENAVENTURA (CITY OF VENTURA)	
MEASURE .2020 TITLE – CANNABIS AND HEMP TAX	YES
	NO
<p>To fund city services (public safety, roads, parks, etc.), shall the City tax cannabis (marijuana) and hemp businesses at annual rates not to exceed \$10.00 per canopy square foot for cultivation (adjustable for inflation), 8% of gross receipts for retail cannabis businesses, and 4% for all other cannabis businesses, should the city council legalize them at a future date; which will generate an unknown amount of revenue and will be levied until repealed?</p>	

SECTION 3. That the City Council pursuant to Elections Code Section 9282(b) authorizes the following (no more than five):

- Mayor Matt LaVere
- Councilmember Lorrie Brown
- Councilmember Jim Friedman
- Councilmember Erik Nasarenko
- Deputy Mayor Sofia Rubalcava

to file a written argument In Favor of the City measure identified in Section 4 below not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and

including the date fixed by the City Clerk after which no arguments for or against the City measure and advisory question may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 4. That the following measure has been placed on the ballot by action of the City Council:

CITY OF SAN BUENAVENTURA (CITY OF VENTURA)		
MEASURE - 2020	YES	
	NO	
TITLE – PUBLIC WORKS CONTRACTS CHARTER AMENDMENT		
<p>In order to deliver street, park, sewer, and water improvements and other public works projects more efficiently and less expensively, shall Sections 400 and 1006 of the City Charter be amended to create more flexibility in the methods used to deliver those projects when the City Council designates, by ordinance, the methods allowed and determines that a particular project would benefit from those methods?</p>		

SECTION 5. That the City Council adopts Elections Code Section 9285 which authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections.

Pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure (not exceeding 300 words each) which will be

printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor the measure immediately upon receiving the arguments.

The authors or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal argument shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final dare for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 6. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 7. That the provisions of Section 5 shall apply at the next ensuing municipal election and at each municipal election after that time, unless earlier repealed or superseded by action of the City Council.

SECTION 8. That the City Council directs the City Clerk to transmit a copy of the measures to the City Attorney, unless the organization or salaries of the Office of the City Attorney are affected.

The City Attorney shall prepare an impartial analysis of each measure not exceeding 500 words showing the effect of each measure

on the existing law and the operation of each measure. If any measure affects the organization or salaries of the Office of the City Attorney, the City Clerk shall prepare the impartial analysis.

The analysis shall include a statement indicating whether any measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point, the following: "The above statement is an impartial analysis of the measure. If you desire a copy of the measure, please call the Election Official's office at 805-658-4787 and a copy will be mailed at no cost to you."

The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 9. That the City Council recognizes that at the time this Resolution is adopted that the City is still in a state of local emergency relating to the COVID-19 pandemic and that as such it may be necessary to adjust the procedures, rules, and policies for filing of arguments for and against and rebuttal arguments thereto in order to ensure social distancing and safe practices to prevent the further spread of COVID-19. As such, the City Council hereby authorizes the City Clerk to modify the form, method, and manner of submittal of ballot arguments set forth herein should the same be necessary to prevent the further spread of COVID-19. Such modifications can include accepting electronic submittals. The authorization to the City Clerk shall not include the authority to adjust, amend, or modify the date or time by which such arguments or rebuttals are due or the length of such arguments or rebuttals.

SECTION 10. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Ventura.

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.

PASSED AND ADOPTED on this 15th day of June, 2020



Matt LaVere, Mayor

ATTEST:



Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
GREGORY G. DIAZ, City Attorney

 6/4/2020
Gregory G. Diaz Date
City Attorney

Exhibit

A – Initiative Calendar for November 3, 2020 Election

EXHIBIT A

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
County of Ventura Elections Division
2020 Presidential General Election
Initiative Calendar
November 3, 2020

May 15 172 days	Last day to file petitions regarding measures and/or initiatives.
June 30 126 days	Last day to request consolidation by delivering resolution for cities, schools and special districts for offices to be filled, including ballot question text for initiative measures.
July 6 120 days	Publish Notice of Election.
July 13 113 days	Declaration of Candidacy and Nomination period begins.
July 20 106 days	Ballot title and summary, tax rate statement, and full text of measure due to County Elections Office.
July 20 106 days	Newspaper publication of Notice of Election and Synopsis of Measures with dates of Arguments/Rebuttals. (Public examination opens for 10 days immediately upon receipt of documents.)
July 21 105 days	Measures to County Counsel (or City Attorney) to prepare Impartial Analysis.
July 21 – July 30 105-96 days	Arguments filing period. Public exam July 31 through August 9.
July 31 – August 10 95-85 days	Rebuttals filing period. Public exam August 11 through August 20.
August 7 88 days	Last day of nomination period. Last day any item may be submitted for the ballot; no arguments or rebuttals will be permitted if submitted on this date.
August 8 – August 12 87-83 days	Extension of nomination period.
August 13 82 days	Random alpha drawing for names appearing on the ballot.
August 21 74 days	Send County Voter Information Guide pages to printers.
September 7* – October 20 57-14 days	Write-in candidate filing period.
September 24 – October 13 40-21 days	Mail County Voter Information Guide to voters.
October 5 – October 27 29-7 days	Vote By Mail ballots are available.
October 19 15 days	Last day to register to vote in the November 3, 2020 Presidential General Election.
October 20 – November 3 14-0 days	Conditional Voter Registration Period. Period in which an elector can “conditionally” register and vote provisionally at the county elections office.
November 3	Election Day. Polls open 7:00 a.m. to 8:00 p.m.
November 5	Official Canvass begins.
December 3 +30 days	Completion of Official Canvass.

NOTE: Resolutions requesting consolidation for measures received after July 6 may have shortened and/or no Argument/Rebuttal periods.

* Federal holiday; Elections Division office will be closed.

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2020-029 which was duly and regularly passed and adopted by said City Council at a regular meeting held June 15, 2020, by the following vote:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann
Antoinette M. Mann, City Clerk
City of San Buenaventura, California

June 17, 2020
Date Attested

