RESOLUTION NO. 6346

A RESOLUTION OF THE CITY COUNCIL CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE SUBMITTED BY PETITION

Intent of the Parties and Findings

(i)   Pursuant to authority provided by statute a petition has been filed with the legislative body of the City of Upland, California, signed by fifteen percent (15%) of the number of registered voters of the city to submit a proposed ordinance entitled: An Initiative Repealing Existing City Code Provisions Prohibiting Medical Marijuana Dispensaries and Adopting Regulations Permitting and establishing Standards for the Operation of Marijuana Dispensaries within the City; and

(ii)   The City Clerk has caused to be examined, through the office of the San Bernardino County Registrar of Voters, the records of registration and is in receipt of that certain "Certificate as to Verification of Signatures on Petition," from the San Bernardino County Registrar of Voters attached hereto, and has accepted as true and correct the findings contained therein and, thereby, ascertained that the petition is signed by the requisite number of voters; and

(iii)   The City Council has not voted in favor of the adoption of the proposed ordinance, and is required by law to submit the same to the voters of the City of Upland.

NOW, THEREFORE, THE Upland City Council hereby finds, determines, and resolves as follows:

Section 1. The foregoing recitals are true, correct, and adopted by the City Council as if set forth in full.

Section 2.   That pursuant to the requirements of the laws of the State of California relating to general law cities the General Municipal Election for the purpose of submitting the following proposed ordinance:

Measure ___: An Ordinance to Allow Medical Marijuana Dispensaries Within the City of Upland.	Response	Vote
Shall the voters approve an ordinance to allow operation of three medical marijuana businesses in the City of Upland?	Yes	
	No	

Section 3.   That the proposed complete text of the ordinance submitted to the voters is attached.

Section 4.   That the ballots to be used at the election shall be in the form and content as required by law.

Section 5.   That the City Clerk is authorized, instructed, and directed to coordinate with the San Bernardino County Registrar of Voters 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 6.   That the polls for the election shall be open at 7 a.m. of the day of the election and shall remain open continuously from that time until 8 p.m. of the same day when said polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

Section 7.   That the San Bernardino County Registrar of Voters is authorized to canvass the returns of the General Municipal Election.

Section 8.   That in all particulars not recited in this resolution, said election shall be held and conducted in accordance with the provisions of law regulating general elections and the holding of municipal elections.

Section 9.   That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give such further or additional notice of the election, in the time, form, and manner required by law.

Section 10.   The Upland City Council hereby requests that the San Bernardino County Registrar of Voters conduct all necessary services related to the Upland General Municipal Election.   Pursuant to Elections Code Section 10002, the Deputy City Manager, or his/her designee, is hereby authorized to reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

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.

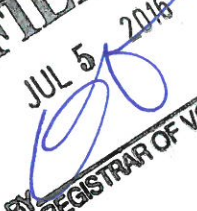PASSED, APPROVED and ADOPTED this 27th day of June, 2016.

Ray Musser, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27th day of June, 2016, by the following vote:

AYES: Mayor Musser, Councilmembers Bozar, Filippi, Stone, Timm
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:

Jeannette Vagnozzi, City Clerk

RESOLUTION NO. 6347

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING WRITTEN ARGUMENTS FOR OR AGAINST THE PROPOSED ORDINANCE SUBMITTED BY PETITION

Intent of the Parties and Findings

(i) A General Municipal Election is to be held in the City of Upland, California, on November 8, 2016, at which there will be submitted to the voters the following measure:

Measure ___: An Ordinance to Allow Medical Marijuana Dispensaries in the City of Upland.	Response	Vote
Shall the voters approve an ordinance to allow three medical marijuana businesses in the City of Upland?	Yes	
	No	

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follows:

Section 1. City Council affirms for measures placed on the ballot by petition, the persons filing the initiative petition, pursuant to Elections Code Section 9282(a) may file a written argument in favor of the ordinance, not exceeding 300 words, and the legislative body may submit an argument against the initiative.

Section 2. The City Council authorizes the following member(s) of the City Council member(s)

_____ (Mayor Against)
__X_ (Mayor Pro Tem Against)
_____ (Council Member Against)
_____ (Council Member Against)
__X_ (Council Member Against)

(being no more than two members) of the argument on behalf of City Council member(s) which is **Against the Measure** in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

Section 3. 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 measure may be submitted to the City Clerk.
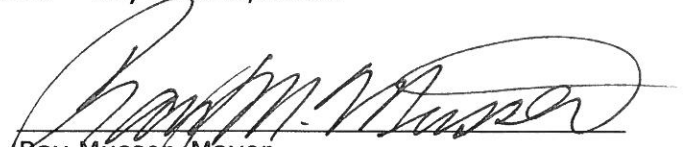
The arguments shall be filed with the City Clerk by Monday, July 11, 2016, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal 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 (Attachment 1).

Section 4. If more than one argument for a measure is received from individuals or groups with the same preference and priority, the authors will be asked to witness a random drawing by a designee of the city elections official to determine which argument will be published.

Section 5. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney is affected. The City Attorney shall prepare an impartial analysis of the proposed Ordinance not exceeding 500 words showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be due by July 11, 2016. If a 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 the 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 type, the following: "The above statement is an impartial analysis Of Ordinance or Measure." If you desire a copy of the ordinance or measure, please call the election official's office at 909-931-4120 and a copy will be mailed at no cost. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on the 27TH day of June, 2016.

Ray Musser / Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27th day of June, 2016, by the following vote:

AYES: Mayor Musser, Councilmembers Bozar, Filippi, Stone, Timm
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:

Jeannette Vagnozzi, City Clerk

FORM OF STATEMENT TO BE FILED BY
AUTHORS OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent (s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot proposition (name or number) at the Special Municipal election for the City of Upland to be held on _____ , hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name_ _____ __Signature_ _____ _

Title _____ _ ___ Date_ _____

Print Name_ _____ __Signature_ _____ _

Title _____ _ ___ Date_ _____

Print Name_ _____ __Signature_ _____ _

Title _____ _ ___ Date_ _____

Print Name_ _____ __Signature_ _____ _

Title _____ _ ___ Date_ _____

Print Name_ _____ __Signature_ _____ _

Title _____ _ ___ Date_ _____

All Authors must print his/her name **and sign this form** (Election Code § 9600)
AND
Print his/her name **and sign the Argument itself** (Election Code § 9283)
AND
Print his/her name **and sign the Rebuttal Argument itself** (Election Code § 9285)

Further, pursuant to Election Code § 9282, printed arguments submitted to the voters shall be titled either "Argument In Favor Of Measure _ " or "Argument Against Measure _ ".

Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure _ " or "Rebuttal to Argument Against Measure _ ".