

JUL 10 2018

Resolution No. C-2018-62

MA  
By: \_\_\_\_\_

DEPUTY CLERK

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ORDERING THE SUBMISSION OF ADVISORY MEASURES SEEKING PUBLIC OPINION ON WHETHER THE CITY SHOULD LICENSE AND REGULATE VARIOUS COMMERCIAL CANNABIS ACTIVITIES TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018; PROVIDING FOR WRITTEN ARGUMENTS REGARDING EACH OF THE ADVISORY MEASURES; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR EACH ADVISORY MEASURE**

**WHEREAS**, in 2015, the California Legislature approved the Medical Marijuana Regulation and Safety Act ("MRSA," Business & Professions Code § 19300 *et seq.* and related code provisions) to permit and regulate commercial medical marijuana activities starting January 1, 2018.

**WHEREAS**, in 2016, California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("Prop. 64," Health & Safety Code § 113621.1 *et seq.*; Business & Professions Code § 26000 *et seq.*, and related code provisions), which legalized under state law nonmedical marijuana possession, cultivation, and use for persons 21 years of age or older, as specified, and set up a state licensing scheme for nonmedical marijuana businesses to begin January 1, 2018.

**WHEREAS**, on June 27, 2017, the State enacted the Medical and Adult-Use of Cannabis Regulatory and Safety Act ("State Cannabis Act," Business & Professions Code § 26000 *et seq.* and related code provisions), which uses the term "cannabis" as synonymous with "marijuana," and which combines MRSA and Prop. 64 into a single state licensing scheme for both medical and adult-use cannabis. Under the State Cannabis Act, the State may license commercial cannabis activities within the City of Half Moon Bay unless the City expressly prohibits those activities.

**WHEREAS**, since the passage of Prop. 64, the City has held a number of public meetings to explore the possibility of regulating limited commercial cannabis activities in the City of Half Moon Bay. Public speakers expressed a diversity of opinions, ranging from support for fully integrated cannabis businesses on greenhouse sites to encourage economic development and access to local medical cannabis, to opposition to any commercial cannabis activities due to concerns about impacts to youth, neighboring residents, and community character.

✓ **WHEREAS**, the City Council wishes to obtain additional community input concerning the potential for various commercial cannabis businesses to be licensed and regulated within the City.

✓ **WHEREAS**, the City is authorized under California Elections Code Section 9603 to submit advisory measures to the voters of Half Moon Bay for the purpose of allowing the voters to voice their opinions on substantive issues. As provided by the Elections Code, a vote on an

advisory measure is an indication of general voter opinion and is not controlling on the City Council.

**WHEREAS**, a General Election on Tuesday, November 6, 2018 has been called by Resolution No. 2018-48 adopted on June 5, 2018.

**WHEREAS**, the City Council also desires to submit to the voters at the November 6, 2018 election questions relating to whether the City should license and regulate various types of commercial cannabis activities.

**WHEREAS**, the submission of these advisory, non-binding measures to the voters does not constitute any discretionary approval of a project under the California Environmental Quality Act ("CEQA") Public Resources Code Section 21065 or CEQA Guideline 14 C.C.R. Section 15378.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Half Moon Bay hereby resolves, declares, determines, and orders as follows:

1. Pursuant to Elections Code Section 9603, the City Council hereby submits, as advisory measures, the following ballot headings and questions to be submitted to the qualified electors of the City of Half Moon Bay at the November 6, 2018 General Election.

a.

Advisory Vote Only		
10 6 8 7 1 32	Should the City draft and adopt an ordinance to allow and regulate commercial, greenhouse cultivation of mature cannabis plants on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District?	YES
		NO

b.

Advisory Vote Only		
10 8 9 27	Should the City draft and adopt an ordinance to allow and regulate retail sales of cannabis and cannabis products at up to two locations within the city?	YES
		NO



c.

Advisory Vote Only	
10 6 9 10 6 41	Should the City draft and adopt an ordinance to allow and regulate commercial manufacturing of cannabis products on sites in the City's IND (Industrial) Zoning District and/or on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District?
	YES
	NO

✓ 2. That the vote requirement for each measure to pass is a majority (50 percent + 1) of the votes cast.

3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided in Resolution No. 2018-48, calling the November 6, 2018 General Election.

4. That the City Council has given notice of the time and place of holding the election and authorizes, instructs, and directs the City Clerk to give further or additional notice of the election in time, form, and manner as required by law.

5. That the primary arguments for and against each of the advisory measures shall be submitted to the City Clerk by 5:00 p.m. on August 13, 2018, and shall not exceed 300 words.

6. That pursuant to a separate resolution, the City Council has provided for the filing of rebuttal arguments concerning City ballot measures. Rebuttal arguments concerning each of the advisory measures shall be submitted to the City Clerk by 5:00 p.m. on August 23, 2018, and shall not exceed 250 words.

7. That all 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. No more than five signatures shall appear with any submitted argument. An organization or association submitting an argument shall submit with its argument a copy of one of the organizational documents listed in California Elections Code Section 9287(e). The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

8. That the City Council hereby directs the City Clerk to transmit a copy of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of each measure, and transmit such impartial analyses to the City Clerk. The impartial analyses shall be filed by August 13, 2018.

9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 19<sup>th</sup> day of June, 2018 by the City Council of Half Moon Bay by the following vote:


AYES, Councilmembers: EISEN, RUDDOCK, RARBACK, AND PENROSE

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:   
Jessica Blair, City Clerk

APPROVED:   
Deborah Penrose, Mayor

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of what is on file in the official book of resolutions in the City of Half Moon Bay.

  
Jessica Blair, City Clerk

June 27, 2018