

RESOLUTION NO. 19-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA CALLING FOR THE PLACEMENT OF TWO ADVISORY MEASURES ON THE BALLOT FOR THE MARCH 3, 2020 GENERAL MUNICIPAL ELECTION SEEKING VOTER OPINION REGARDING THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY

WHEREAS, the City of Avalon Municipal Code currently permits only medical cannabis delivery services to operate and prohibits all other forms of cannabis businesses from operating within the City's limits (A.M.C. §5-20.040); and

WHEREAS, the next regularly scheduled general election at which City Council members are to be elected is March 3, 2020; and

WHEREAS, pursuant to California Elections Code §9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, pursuant to California Elections Code §9603, the City Council is authorized to submit to the voters advisory measures to obtain an indication of voter opinion regarding substantive issues concerning the City; and

WHEREAS, pursuant to California Elections Code §9603, the results of any advisory vote will in no manner be binding on the City Council; and

WHEREAS, based on the above, the City Council desires to submit the following advisory measures to the voters at the March 3, 2020 General Municipal Election:

- An advisory measure seeking the voters' opinion as to whether the City of Avalon should permit adult use/recreational cannabis delivery services to operate within the City's limits in addition to medical cannabis delivery services which are already permitted; and
- An advisory measure seeking the voters' opinion as to whether the City of Avalon should permit cannabis dispensaries (storefronts) to operate within the City's limits in addition to medical cannabis delivery services which are already permitted (collectively, the "Advisory Measures"); and

WHEREAS, all other prerequisites to placing the Advisory Measures on the March 3, 2020 General Municipal Election ballot have been satisfied.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Submission of Advisory Measures. Pursuant to California Elections Code §9222 and §9603 and any other applicable requirements of the laws of the State of California

relating to the City, the City Council, by simple majority vote, hereby orders the Advisory Measures to be submitted to the voters of the City at the General Municipal Election to be held on **Tuesday, March 3, 2020.**

SECTION 3. The City Council, pursuant to California Elections Code §9222 and §9603 hereby orders that the Advisory Measures shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, March 3, 2020, in addition to any other matters required by law, there shall be printed substantially the following advisory ballot questions:

<u>Advisory Vote Only</u>	YES
Should the City of Avalon expand its current cannabis ordinance from medical delivery only to allow for adult use/recreational delivery sales within the City of Avalon city limits?	NO

<u>Advisory Vote Only</u>	YES
Should the City of Avalon expand its current commercial cannabis ordinance to allow for a cannabis business storefront location or dispensary within the City of Avalon city limits?	NO

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Advisory Measures to the City Attorney. The City Attorney shall prepare an impartial analysis of the Advisory Measures, not to exceed 500 words in length, showing the effect of the Advisory Measures on the existing law and the operation of the Advisory Measures, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Advisory Measures. The impartial analysis shall include a statement indicating that the Advisory Measures were placed on the ballot by the City Council.

SECTION 6. Notice of the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Placement on the Ballot. The full text of the Advisory Measures shall be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Elections Code §9223 advising voters that they may obtain a copy of this Resolution, at no cost, upon request made to the City Clerk.

SECTION 8. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, March 3, 2020, file with the Board of

Supervisors and the County Clerk – Registrar of Voters of the County of Los Angeles, State of California, a certified copy of this Resolution.

SECTION 9. Public Examination. Pursuant to California Elections Code §9295, the Advisory Measures will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 10. The City Council hereby finds and determines that the Advisory Measures relate to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore are not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 12. This Resolution shall become effective upon its adoption.

SECTION 13. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Avalon this 15th day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, Mac-Gugan-Cassidy, and Olsen.

NOES: None


ABSTAIN: None

ABSENT: None



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones, Deputy City Clerk


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-52 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 15, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 16th day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California

RESOLUTION NO. 19-53

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL
MUNICIPAL ELECTION TO BE HELD ON MARCH 3, 2020 WITH THE
STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE
PURSUANT TO §10403 OF THE ELECTIONS CODE**

WHEREAS, on October 15, 2019, the City Council of the City of Avalon adopted Resolution No. 19-52, calling a General Municipal Election to be held on March 3, 2020; for the purpose of submitting to the voters two advisory measures relating to commercial cannabis businesses operating within the City; and

WHEREAS, it is therefore desirable that the General Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the election department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide Primary Election on Tuesday, March 3, 2020, for the purpose of submitting to the voters the following two advisory measures relating to commercial cannabis businesses operating within the City.

Section 2. Measure Language. Two measures are to appear on the ballot as follows:

ADVISORY VOTE ONLY	Yes
“Should the City of Avalon expand its current commercial cannabis ordinance from medical delivery only to allow for adult use/recreational delivery sales within the City of Avalon city limits?”	No

and

ADVISORY VOTE ONLY	Yes
“Should the City of Avalon expand its current commercial cannabis ordinance to allow for a cannabis business storefront location or dispensary within the City of Avalon city limits?”	No

Section 3. Canvass of Returns. The County election department is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General 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. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide Primary Election.

Section 4. Necessary Steps. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

Section 5. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide Primary Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill. The City Manager of the City of Avalon is authorized and directed to pay for the expenses incurred after receiving a statement from the County of Los Angeles.

Section 6. Filing of Resolution. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of Los Angeles.

Section 7. Certification. 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 15th day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy, and Olsen.

NOES: None

ABSTAIN: None

ABSENT: None


Ann H. Marshall, Mayor

ATTEST:


Gabrielle Morones, Deputy City Clerk/Sr. Administrative Assist.


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-53 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 15, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 16th day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California

RESOLUTION NO. 19-54

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,
CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND
REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING
OF WRITTEN ARGUMENTS REGARDING CITY ADVISORY
MEASURES TO BE SUBMITTED AT THE MARCH 3, 2020
GENERAL MUNICIPAL ELECTION**

WHEREAS, a General Municipal Election is to be held in the City of Avalon, California on March 3, 2020, at which there will be submitted to the voters the following two advisory measures:

ADVISORY VOTE ONLY	
“Should the City of Avalon expand its current commercial cannabis ordinance from medical delivery only to allow for adult use/recreational delivery sales within the City of Avalon city limits?”	Yes
	No

and

ADVISORY VOTE ONLY	
“Should the City of Avalon expand its current commercial cannabis ordinance to allow for a cannabis business storefront location or dispensary within the City of Avalon city limits?”	Yes
	No

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Primary Arguments. That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above advisory measures, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the advisory measures, 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, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The deadline to submit arguments for or against the advisory measures pursuant to this Resolution is declared by the City Clerk to be **Friday, December 13, 2019, at 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include 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.

Section 2. Rebuttal Arguments. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and against each advisory measure which will be printed and distributed to the voters, the Clerk shall send copies of the primary argument in favor of each advisory measure to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Monday, December 23, 2019, at 12:00 p.m.** Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

Section 3. March 3, 2020 Election. That the provisions of Sections 1 and 2 shall apply only to the election to be held on March 3, 2020, and shall then be repealed.

Section 4. Certification. 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 15th day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy, and Olsen.

NOES: None

ABSTAIN: None

ABSENT: None



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones, Deputy City Clerk/Sr. Administrative Assistant


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-54 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 15, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 16th day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California