

RESOLUTION NO. 22-63

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A CITIZEN INITIATIVE TO ALLOW CERTAIN CANNABIS BUSINESSES WITHIN THE CITY, TO ESTABLISH AN EXCISE TAX ON THE RETAIL SALE OF CANNABIS AND EDIBLES, AND TO REGULATE PERSONAL CANNABIS USE; AND, IN ACCORDANCE THEREWITH, REQUESTING THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE SUBMISSION OF THIS MEASURE AT THE CITY'S GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

**WHEREAS**, a citizen sponsored initiative entitled "AN INITIATIVE MEASURE TO PERMIT AND REGULATE CANNABIS DISPENSARIES, CULTIVATION, TESTING, AND MANUFACTURING/DISTRIBUTION OF CANNABIS PRODUCTS BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OF AGE, AND COMMERCIAL SALES OF CANNABIS BY STATE-LICENSED RETAILERS IN THE CITY OF SOUTH EL MONTE; TO IMPOSE A 6% EXCISE SPECIAL TAX ON RETAIL SALES OF CANNABIS AND EDIBLES; AND TO REGULATE PURCHASE, POSSESSION, AND USE OF CANNABIS AND CANNABIS PRODUCTS FOR PERSONAL CONSUMPTION" (the "Measure") was filed with the City Clerk for the City of South El Monte on April 14, 2020; and

**WHEREAS**, on December 8, 2020, the City's Elections Official certified to the City Council of the City of South El Monte that the Measure contains the sufficient number of valid signatures pursuant to Elections Code Sections 9215 and 9114; and

**WHEREAS**, Elections Code Section 9215 provides that the City Council is required to take one of the following actions: request a report on the proposed ordinance, submit the proposed ordinance to the voters at an election pursuant to Elections Code Section 1405, or adopt the proposed ordinance without alteration; and

**WHEREAS**, Elections Code Section 1405 by default provides that the Measure is to be submitted to the City's next General Municipal Elections; and

**WHEREAS**, the City Council of the City of South El Monte desires to submit the Measure to the voters at a General Municipal Election on November 8, 2022; and

**WHEREAS**, the City Council of the City of South El Monte is authorized and directed by statute to submit to the voters the Measure, and the City Council therefore wishes to have the voters consider the same at a General Municipal Election to be held on November 8, 2022 pursuant to Elections Code Sections 9215 and 1405; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That pursuant to the requirements of the California Elections Code Sections 306, 9215, 9222, 1405, and 1301, there is called and ordered to be held in the City of South El Monte, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of submitting to the voters of the City of South El Monte a voter initiative to permit and regulate certain cannabis businesses within the City, impose an excise tax upon the retail sale of cannabis and edibles, and to regulate personal cannabis use. As required by Elections Code Section 13247, the abbreviated form of the initiative to appear on the ballot is specified below in Section 2 of this Resolution. The voter initiative shall be entitled the “South El Monte Citizen Initiative Cannabis Measure.” The City’s elections official is hereby authorized and directed to make any changes to this proposition, text of the ballot label below or this resolution as required to conform to any requirements of law.

**Section 2.** That the City Council of the City of South El Monte hereby orders the following voter initiative be submitted to the voters at the aforementioned general municipal election:

Shall the measure, permitting/regulating limited cannabis businesses (5 dispensaries, 2 cultivation, 1 testing facility, 2 manufactures/distributors); regulating personal cannabis use; establishing a maximum 6% special excise tax on retail cannabis/edibles sales generating approximately \$126,000 annually until ended by voters for implementation costs, clinical trials, municipalities where cannabis business are located, senior/youth programs, infrastructure (streets/roads/sidewalks), public safety (sheriffs/fire department), existing/future commercial, industrial, and affordable housing developments, be adopted?	YES
	NO

**Section 3.** That the text of the proposed ordinance as provided above that is to be submitted to the voters is attached as Exhibit A of this Resolution (“Ordinance”), and the City Council hereby approves its submission to the voters at the November 8, 2022, general municipal election.

**Section 4.** That the vote requirement for the Measure to pass is a majority (50%+1) of the votes cast.

**Section 5.** That the City's elections official is authorized, instructed and directed 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 ballots to be used at the election shall be in form and content as required by law, and that the election shall be held and conducted in the manner prescribed by law.

**Section 7.** Pursuant to California Election Code Section 10242, the polls for the General Municipal Election shall open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as otherwise provided in California Election Code Section 14401.

**Section 8.** That in all particulars not recited in this Resolution, the General Municipal Election shall be held and conducted in accordance with the provisions of law regulating municipal and statewide elections, including, without limitation, Section 10418 of the Elections Code.

**Section 9.** That notice of the time and place of holding the General Municipal Election is hereby given and the City's elections official is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner required by law.

**Section 10.** That pursuant to Sections 10402 and 10403 of the Elections Code, the Los Angeles County Board of Supervisors is hereby requested to consent and agree to the consolidation of the General Municipal Election with the election conducted by Los Angeles County to be held on Tuesday, November 8, 2022.

**Section 11.** That the Los Angeles County Registrar of Voters is authorized to canvass the returns of 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.

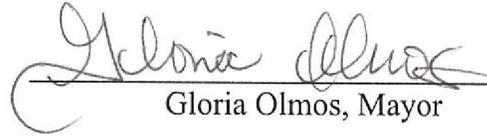
**Section 12.** That the Los Angeles County Board of Supervisors is requested to issue instructions to the Los Angeles County Registrar of Voters to take any and all necessary steps for the holding of this consolidated election.

**Section 13.** That the City of South El Monte recognizes that additional costs will be incurred by Los Angeles County by reason of this consolidation and agrees to reimburse Los Angeles County for any costs.

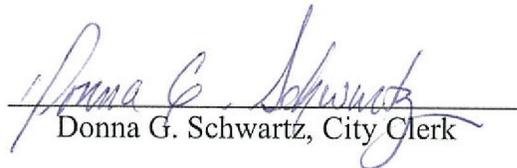
**Section 14.** That the elections official is hereby directed to file a certified copy of this resolution with the Los Angeles County Board of Supervisors and the Los Angeles County Registrar of Voters.

**Section 15.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED AND ADOPTED this 26th day of July 2022.

  
Gloria Olmos, Mayor

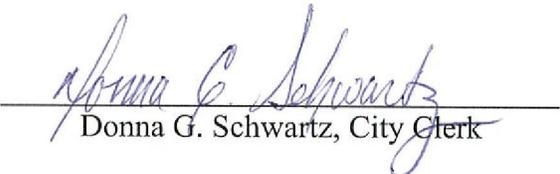
ATTEST:

  
Donna G. Schwartz, City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF SOUTH EL MONTE     )

I, Donna G. Schwartz, City Clerk of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 22-63 was duly passed and approved by the City Council of the City of South El Monte, at a regular meeting of said Council held on the 26<sup>th</sup> day of July, 2022, and that said Resolution was adopted by the following vote:

AYES:            Councilmember(s): Angel, Delgado, Retamoza, Mayor Pro Tem Acosta, and Mayor Olmos  
NOES:            None

  
Donna G. Schwartz, City Clerk

**Exhibit A**

**Ordinance/Text of Measure**

# CITIZENS FOR A STRONGER SOUTH EL MONTE ECONOMY

Ballot Language-

Proposal XX-X

A proposed initiated law to remove the ban on Cannabis (Marijuana) dispensaries, legalize cultivation, testing, and manufacturing/distribution of cannabis products by individuals who are at least 21 years of age and older, and commercial sales of Cannabis through state-licensed retailers.

Proposal would:

To stimulate the economy of the City of South El Monte, the sale of Cannabis would be taxed like any other retail food products as determined by the state and municipalities. The City would have the authority to spend those tax dollars as they see fit.

Retail sales of Cannabis and edibles shall be subject to not more than 6% excise tax, dedicated to implementation costs, clinical trials, roads, and municipalities where marijuana businesses are located.

The tax revenue created by the sales of Cannabis shall be used to improve the quality of life of the residents of the City of South El Monte. By improving/creating needed programs for Seniors/Youths, fixing needed infrastructure (Streets, Roads & Sidewalks), and subsidizing public safety (Sheriffs and Fire Department), existing/future commercial, industrial, and affordable housing developments for residents of the City.

Allow only individuals 21 and older to purchase, possess, and use cannabis and cannabis-infused edibles, for personal consumption.

The act does not require an employer to permit or accommodate the use of Cannabis on the job.

It does not restrict the right of employers to maintain a drug-free workplace or to have policies restricting the use of the drug by workers or job applicants.

It also "does not allow driving, flying, or boating while impaired to even the slightest degree by Cannabis.

It states the act does not allow cannabis use in public places like restaurants or open spaces like City parks.

No cannabis products resembling humans, animals, insects, fruit, toys, or cartoon characters, meaning gummy bears and gummy worms, would be prohibited.

The number of dispensaries shall be limited to five (5) retail stores, two (2) cultivation, two (2) manufacturing/distribution, and one (1) testing facility in the City of South El Monte  
Should this proposal be adopted?

YES

NO

351 words