

CITY OF OJAI

RESOLUTION NO. 20-31

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OJAI AMENDING THE BALLOT LABEL FOR THE
GENERAL CANNABIS TAX MEASURE TO BE
SUBMITTED TO THE QUALIFIED ELECTORS OF THE
CITY OF OJAI AT THE GENERAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 3, 2020**

WHEREAS, Elections Code section 9222 authorizes the City Council to submit a measure to the voters to levy a tax for general purposes to be approved or rejected by a simple majority of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council proposed to the City's voters an ordinance to impose a general tax on commercial cannabis activity in the City (the "Ordinance"), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the general tax on commercial cannabis activity shall be used for any lawful purpose, including public safety, roads and transportation, parks and recreation, as well as other general City services; and

WHEREAS, the Ordinance imposes a general tax of up to ten percent (10%) of gross receipts on commercial cannabis activity, with the rate to be set by the City Council by Resolution within the ten percent limit, to be collected as set forth in the Ordinance; and

WHEREAS, under California Constitution, article XIII C, section 2, subdivision (b) and Government Code section 53723, no local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, the qualified voters of the City of Ojai have the authority under Article XIII C, section 2 of the California Constitution to approve general tax proposals such as a tax on cannabis manufacturing, distribution, retail, and other related commercial cannabis activities within the City; and

WHEREAS, California Constitution, article XIII C, section 2, subdivision (c) requires the approval of a simple majority of voters to approve this general tax if it is to be effective; and

WHEREAS, on June 11, 2019, the City Council adopted a Resolution presenting the Ordinance to voters at the General Election for November 3, 2020 (the “Election”) so they may determine whether to impose a general tax on the commercial cannabis activity in the City; and

WHEREAS, the City Council desires to amend the previously adopted ballot label, contained in Resolution No. 19-29, for the Tax for consideration by the electorate at the Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. All of the foregoing recitals are true and correct.

SECTION 2. General Municipal Election. Pursuant to Elections Code sections 324 and 10201, the City Council of the City of Ojai hereby amends the ballot label for a measure submitted to the City’s voters, by Resolution No. 19-29, for consideration at the General Municipal Election to be held on November 3, 2020 to now read as follows:

Shall the measure approving an immediate 3% tax on cannabis businesses, which will potentially add \$465,000 - \$1,550,000 annually to fund general city services, and approving authority for the City of Ojai to increase the tax on cannabis businesses up to 10% of gross receipts in the future, until the voters decide otherwise, be adopted??	YES
	NO

SECTION 4. Implementation. The City Clerk is directed to file with the Ventura County Board of Supervisors certified copies of this Resolution, with a copy to the Ventura County Registrar of Voters, pursuant to Elections Code section 10403. The City Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and complete all necessary tasks related to the election.

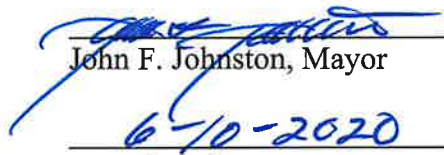
SECTION 5. Environmental Determination. The City Council determines this Resolution is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. Amending the ballot label for a tax to be considered at a General Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

SECTION 6. 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 26th day of May 2020 by the following vote:

AYES: Blatz, Francina, Haney, Johnston, Weirick
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF OJAI, CALIFORNIA



John F. Johnston, Mayor
6-10-2020

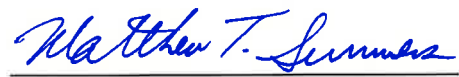
Date signed

ATTEST:



Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew T. Summers, City Attorney