

**CITY OF HERMOSA BEACH
RESOLUTION NO. 22-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT AND REBUTTAL ARGUMENT REGARDING A PROPOSED ORDINANCE ADDING CHAPTER 3.44 TO TITLE 3 (REVENUE AND FINANCE) OF THE HERMOSA BEACH MUNICIPAL CODE, ESTABLISHING A LOCAL BUSINESS TAX ON CANNABIS BUSINESSES OPERATING WITHIN THE CITY OF HERMOSA BEACH TO BE SUBMITTED TO VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 8, 2022, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election will be held in the City of Hermosa Beach, California, on Tuesday, November 8, 2022, at which there will be submitted to the voters the following question:

Shall an ordinance be adopted enacting a local business tax on cannabis/hemp businesses up to \$20.00 per square foot for cultivation and up to 15% of gross receipts for all other cannabis/hemp businesses, estimated to generate \$1,050,000 - \$2,250,000 annually (assuming two retail stores operating and taxed at maximum rate), until ended by voters, for general governmental use, subject to independent audits, to be effective only if cannabis business operations are allowed in the City?	YES
	NO

WHEREAS, the State of California Elections Code section 9282 and 9287 contains the following priority provision for written arguments:

- (b) For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

WHEREAS, if more than one argument for or against any measure is submitted, the State of California Elections Code Section 9287 authorizes the elections official (City Clerk) to select the argument for printing and distributing to the voters, giving preference and priority as specified by law.

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

SECTION 1. Argument Writer(s). That the Hermosa Beach City Council hereby authorizes [REDACTED] to prepare and file a written argument in favor of the measure placed by the legislative body adding chapter 3.44 to title 3 (Revenue and Finance) of the Hermosa Beach Municipal Code, establishing a tax on cannabis businesses operating within the City of Hermosa Beach

SECTION 2. Arguments. That arguments for the measures specified above shall not exceed 300 words and must be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, and Division 9 of the Elections Code of the State of California.

Arguments may be changed or withdrawn until and including the date fixed by the City Clerk (**6:00 p.m., Tuesday, August 9, 2022**), after which no arguments for or against the measures may be submitted to the City Clerk.

Arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them 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. Arguments shall be accompanied by a "Form of Statement To Be Filed By Author(s) of Arguments."

SECTION 3. Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial 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 City Council. The full text of the Measure shall not be printed in the Sample Ballot Booklet. Printed immediately below the impartial analysis, in no less than 10-font bold type, will be: **"The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk at (310) 318-0204 or at cityclerk@hermosabeach.gov and a copy will be mailed at no cost to you."**

The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments (**6:00 p.m., Tuesday, August 9, 2022**).

SECTION 4. Rebuttal Arguments. That pursuant to Sections 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall immediately send a copy of the argument in favor of the measure to the author(s) of the argument against the measure, and a copy of the argument against the measure to the author(s) of the argument in favor of the measure.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors. Each rebuttal argument shall be accompanied by a "Form of Statement To Be Filed By Author(s) of Argument."

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them 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, not more than 10 days after the final date for filing direct arguments. The deadline for filing rebuttal arguments will be **6:00 p.m., Tuesday, August 23, 2022**, in order to meet the deadline of August 29, 2022 set forth by the County of Los Angeles for inclusion in the Official Sample Ballot.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

SECTION 5. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 6. That the provisions of Section 1 shall apply only to the election to be held on November 8, 2022, and shall then be repealed.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter it into the book of original Resolutions, and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

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

Mayor Michael Detoy
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Michael Jenkins
City Attorney