



City of Santa Clara

The Center of What's Possible

BALLOT MEASURE GUIDE SPECIAL ELECTION NOVEMBER 6, 2018

City of Santa Clara
City Clerk's Office
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2220
clerk@santaclaraca.gov

USE OF THIS GUIDE

Please note: Much of this document is taken directly from the Santa Clara County Registrar of Voters' guide. The content herein for general information only and does not have the force and effect of law, regulation, or rule. It is made available with the understanding that the City of Santa Clara and Registrar of Voters are not rendering legal advice and this document is not to be a substitute for legal counsel for the individual using it. In case of conflict, the law, regulation, or rule will apply. Before beginning any effort, the proponents should get the most current information available because of possible changes in law or procedure since the publication of this information.

BALLOT MEASURE ELECTION CALENDAR
City of Santa Clara
November 6, 2018 Special Election

August 10, 2018
Friday

ASSIGNMENT OF LETTERS TO LOCAL BALLOT MEASURES

Assignment of letters to local ballot measures will be made

August 14, 2018
Tuesday

BALLOT ARGUMENT DEADLINE

Limited to 300 words, August 14, 2018 at **12:00 PM (noon)** is the last date at which pro and con ballot arguments will be accepted by the City Clerk's Office.

August 21, 2018
Tuesday
12:00 PM (noon)

CITY ATTORNEY IMPARTIAL ANALYSIS DUE

The City Attorney's impartial analyses will be submitted to the City Clerk's Office no later than August 21, 2018 at **12:00 PM (noon)**.

August 21, 2018
Tuesday
12:00 PM (noon)

REBUTTAL ARGUMENT DEADLINE

Limited to 250 words, August 21, 2018, at **12:00 PM (noon)** is the final date at which rebuttal arguments will be accepted by the City Clerk's Office.

October 10, 2016
Monday

FIRST DAY FOR MAILING VOTE BY MAIL BALLOTS

First day vote by mail ballots are mailed to voters.

November 8, 2016
Tuesday

ELECTION DAY

Polls are open 7:00 AM to 8:00 PM

December 8, 2016
Thursday

OFFICIAL CANVASS OF VOTE

Registrar of Voters to certify election results by this date.

NOTE: Dates may be subject to change.

Information for City of Santa Clara Ballot Measures November 6, 2018 Special Election

Resolution Calling for Election

On July 16, 2018, the City of Santa Clara adopted resolutions requesting the special election for November 6, 2018 to consider two ballot measures to be consolidated with the General Municipal Election held on the same date. These resolutions contained the ballot questions of no more than 75 words, the full text of the proposed measures, and set dates and priorities for the impartial analyses, arguments and rebuttal arguments.

Impartial Analysis

Impartial analyses are prepared by the City Attorney. The City Clerk's Office will forward the text of the final measures to the City Attorney for preparation of the impartial analyses. The analyses 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 governing body of the district (Elections Code Sections 9313 and 9500). The analysis will be returned directly to City Clerk's Office by Tuesday, August 21, 2018 at 12:00 PM (noon) and provided to the Registrar of Voters to be printed in the Voter Information Pamphlet portion of the sample ballot.

Arguments

Arguments for and against the measures may be submitted pursuant to Elections Code Sections 9501 and 9162. The legislative body of the district or any member or members of the legislative body, or a principal officer of a bona fide association of citizens, or any individual voter who is eligible to vote on the measure, or any combination of such voters and associations may author a written argument in favor or against any measure not to exceed 300 words in length. So, any person signing an argument must have in their title appearing in the sample ballot pamphlet, one of the above criteria for that measure. Multiple titles in the title are acceptable as long as one title meets the criteria for that measure. Author names and titles must be TYPED on the forms.

Arguments will be printed in the Voter Information Pamphlet portion of the sample ballot. The deadline for submission of arguments is Tuesday, August 13, 2018 at 12:00 PM (noon).

If only one argument in favor or against any measure is submitted then the argument will be printed in the sample ballot pamphlet distributed to voters. If more than one argument in favor or more than one argument against any measure is submitted to the elections official, the elections official shall select one of the arguments in favor and one of the arguments against the measure for printing in the sample ballot pamphlet distributed to voters.

In selecting the argument the county elections official shall give preference and priority in the order named to the arguments of the following:

- 1) The governing board of the district or a member or members of the board.
- 2) The individual voter, or bona fide associations of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- 3) Bona fide associations of citizens.
- 4) Individual voters who are eligible to vote on the measure.

All arguments measures shall be accompanied by the following form statement, to be signed by each author of the argument:

“The undersigned author(s) of the argument **(in favor of or against)** ballot Measure **(letter)** at the **(title of election)** election for the **(name of jurisdiction)** to be held on **(election date)** hereby state that such argument is true and correct to the best of **(his/her/their)** knowledge and belief.”

Signature _____ Date _____

No more than five author signatures shall be accepted on an argument. Authors can sign on separate pages as long as the above required wording is on each page that an author signs. If you have authors sign on separate pages, number the names in the order they are to appear.

An author’s name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the “Print Name as Signature will appear in VIP*” line must match the signature line. Only the author’s name will be printed on the name line. Titles, such as, Mr., Mrs., Dr., M.B.A., etc. may be included on the title line. Again, we will print the author’s name and title **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be TYPED on the forms.

The residential address line is not required to be completed unless the author is signing based on being a voter who is eligible to vote on the measure. Residential addresses will not be printed in the sample ballot pamphlet.

Arguments are limited to 300 words. You may refer to the section in this guide titled “Rules for Counting Words” for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may bold, italicize and underline text.

After the argument filing deadline, arguments chosen will be sent to opposing authors.

Arguments filed with the county elections official are confidential until after the deadline for the filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

All signatures on arguments and any other related documents must be original signatures. Faxed or photocopied signatures will not be accepted.

Notwithstanding any other provisions of the Elections Code, whenever any arguments in favor or against a measure submitted to the voters are authorized, these arguments may be

withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments. Arguments may be changed up until the filing deadline for the argument.

Rebuttal Arguments

In contrast to the arguments, those permitted to sign rebuttal arguments need **not** meet any criteria except that those who sign the rebuttal argument must either have signed the original argument or be authorized in writing from the authors of the argument to sign the rebuttal argument. The written authorization allowing a person to sign a rebuttal argument must be filed at the time of filing the rebuttal argument. You may use the form titled "Rebuttal Signer Authorization" in this guide to authorize a different author to sign a rebuttal argument.

Rebuttal arguments will be printed in the Voter Information Pamphlet portion of the sample ballot. The deadline for submission of rebuttal arguments is Tuesday, August 21, 2018 at 12:00 PM (noon).

All rebuttal arguments measures shall be accompanied by the following form statement, to be signed by each author of the rebuttal argument:

"The undersigned author(s) of the rebuttal to the argument (**in favor of or against**) ballot Measure (**letter**) at the (**title of election**) election for the (**name of jurisdiction**) to be held on (**election date**) hereby state that such argument is true and correct to the best of (**his/her/their**) knowledge and belief."

Signature _____

Date _____

No more than five author signatures shall be accepted on a rebuttal argument. Authors can sign on separate pages as long as the above required wording is on each page that an author signs. If you have authors sign on separate pages, number the names in the order they are to appear.

An author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the "Print Name as Signature will appear in voter information pamphlet" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as, Mr., Mrs., Dr., M.B.A., etc. may be included on the title line. Again, we will print the author's name and title **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be TYPED on the forms.

All signatures on rebuttal arguments, authorizations or any other related documents must be original signatures. Faxed or photocopied signatures will not be accepted.

Rebuttal arguments are limited to 250 words. You may refer to the section in this guide titled "Rules for Counting Words" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may bold, italicize and underline text.

Rebuttal arguments filed with the City elections official are confidential until after the deadline for the filing of those rebuttal arguments. The next business day after the deadline, rebuttal arguments may be viewed by the public or photocopies purchased.

Formatting of Measure Documents

The Office of the Registrar of Voters uses standard typefaces, font sizes, headers and bullets in all measure related documents. In addition, measure related documents use the following formatting standards: 1) indent increments will be set at 0.25", 2) spacing will be standardized to language-appropriate number of spaces following periods, colons, commas, and semicolons, 3) tabs will be used for numbered and/or bulleted indented text, and 4) signers will be formatted as conformed signatures with titles below the name. All submitted measure related documents will be formatted to the prescribed standards.

Fair Political Practices Commission (FPPC) Financial Compliance and Forms

There are various financial forms that are required to be filed in connection with a measure committee. You may obtain the necessary forms and manuals at the City Clerk's Office or on the Fair Political Practices Commission (FPPC) website at www.fppc.ca.gov. The City Clerk's Office is your local filing officer. Additional information may be sought by calling the Fair Political Practices Commission at 866-ASK-FPPC.

Measure Letter Designations

Local measures shall be designated by a letter selected by the Registrar of Voters. The Registrar of Voters will assign the measure letters based on the sequential filing order of the resolutions in the following district order: Statewide, Countywide, Cities, County Board of Education, College, Unified Schools, High Schools, Elementary Schools and Special Districts. This selection is completed after the 88-day resolution deadline. In order to allow for the most efficient use of space, the county elections official may vary the order of the measures. The letter designation will be printed on the left margin of the square containing the abbreviated statement, commencing with the letter "A" and continuing in alphabetical order, one letter for each of the measures appearing on the ballot.

Pursuant to Registrar of Voters' policy, in the event that a measure proponent or district governing board believes that a specific letter designation would cause voter confusion in successive elections, the proponent or individual authorized by the district governing board may complete and submit a request or a Measure Lettering Justification Form notifying the elections official of possible voter confusion if the measure is assigned a specific letter. The request must conform to the requirements of the Registrar of Voters' policy, including:

- Must be submitted by either the official measure proponent or the governing board of the district to which the measure relates;
- Must be received by the Registrar of Voters no later than 5:00 p.m. on the 88th day preceding the election;
- Must be signed under penalty of perjury by the individual submitting the request that the individual is the official measure proponent or authorized by the governing board of the district;
- Must identify the letter(s) that may cause voter confusion if assigned; and
- Must state the reason(s) that voter confusion could result from the letter(s) identified.

Forms received pursuant to this policy will be processed in the order in which they are received and are honored at the discretion of the Registrar of Voters. If the Registrar of Voters agrees that voter confusion could result from the measure being assigned a specific letter, then the Registrar will make a good faith effort to begin assigning measure letters with a letter other than A and continuing alphabetically such that the measure does not receive the specified letter(s). The full Registrar of Voters' policy on measure letter designations may be downloaded at <https://www.sccgov.org/sites/rov/Info/Documents/ROV%20Measure%20Letter%20Policy.pdf>.

Legal Examination and Writ of Mandates

The elections official shall make the arguments and rebuttal arguments available for public examination for a period of 10 calendar days immediately following the filing deadline for submission of those documents.

Pursuant to Elections Code Section 13314:

- 1) Any elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of any name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.
- 2) A peremptory writ of mandate shall issue only upon proof of both of the following: (A) that the error, omission, or neglect is in violation of this code or the Constitution, and (B) that issuance of the writ will not substantially interfere with the conduct of the election.

Any person desiring to file an ex parte application for a writ of mandate may wish to consult the California Rules of Court, Rules 3.1200 through 3.1207, in addition to any other relevant rules or statutes, for the proper procedure. The California Rules of Court may be located online at the California Judicial Council's website: <http://www.courtinfo.ca.gov/rules>.

Ex parte applications in Santa Clara County are heard at 8:30 a.m., Monday – Friday, at the Santa Clara County Superior Court located at 191 N. First Street, San Jose.

Political Signs/Outdoor Advertising

CITY OF SANTA CLARA ORDINANCE NO. 1687 REGARDING TEMPORARY SIGNS (INCLUDING POLITICAL SIGNS)

DEFINITION

Examples of temporary signs include, but are not limited to, any sign, display board, handbill, poster, banner, pennant, streamer, whirligig, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials.

LOCATION

Temporary signs are prohibited on public property and in the public right-of-way including any public building, or fences surrounding public property, sidewalk, crosswalk, curb, curbstone, fence, wall, public playground equipment and/or facilities, street lamp post, traffic light poles, guy lines, horizontal struts, City barricades, hydrant, tree, shrub, tree stake or guard, railroad trestle, pole for electric light or power or telephone or telegraph or trolley wire or upon any fixture of the fire alarm or police telegraph system, public bridge, drinking fountain, street sign or traffic sign, planter strips and in City facilities such as parks, City Hall, libraries, fire stations, and corporation yards. The public right-of-way generally extends behind the sidewalk, if one is present.

CIVIC EVENTS

Council approval is required for the hanging of banners and temporary signs on public property for civic, political, charitable, educational, religious, festivals or patriotic events.

POLITICAL SIGNS

The City has four primary concerns with respect to the placement of political signs. The City's first concern is that political signs are not placed at a location or with an attachment method which renders the sign an immediate peril to persons or property. The City's second

concern is that City property is not destroyed, damaged or defaced by the placement of political signs. The City's third concern is to avoid the appearance that the City is supporting a particular candidate, proposition, measure or political message by virtue of the sign's location at a City facility. The City's fourth concern is that there be an orderly and thorough removal of political signs after the election process is completed.

DEFINITION: A "Political Sign" is a sign announcing, supporting or opposing a candidate or issue in connection with any national, state or local election. No sign permit is required for political signs.

LOCATION: Political signs may be placed on private property with the consent of the property owner provided he or she does not obstruct either vehicular or pedestrian traffic.

SIZE: The maximum display area for a political sign is sixteen (16) square feet per sign face. There is no limit on the number of signs placed on a parcel.

DURATION: No political sign may be erected or maintained more than ninety (90) days prior to the day of the pertinent election (August 10, 2016). All signs are to be removed within ten (10) days (November 18, 2016) after the election. In the event that the election is a primary election, the successful candidates for the later election may leave their signs in place to be removed within ten (10) days after the general or run-off election.

REMOVAL PROCEDURES

Any sign which is posted in violation of the Ordinance shall be subject to removal by the candidate, property owner, or people advocating the vote inscribed on the sign and may be removed without notice by a City employee or authorized volunteer. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof. Any removed sign shall be stored for a period of ten (10) days and may be retrieved after payment of the actual cost of the sign removal.

Rules for Counting Words

The following guidelines are for computing the word count for arguments. The author's titles and signatures are not counted in the word count, only the text. Punctuation does **not** count as a word. The Elections Official will make final determination of the word count.

	<u>Word(s)</u>
Punctuation	Free
Dictionary words "I", "the", "and", etc. are counted as individual words.	One
Abbreviations/Acronyms Examples: SJSU, PTA, U.S.M.C., S.J.P.D.	One
Geographical name Examples: San Jose - 1 word County of Santa Clara - 1 word	One
Numbers/Numerical Combinations/E-Mail Addresses	
Digits (1, 10, or 100, etc.).....	One
Spelled out (one, ten, or one hundred)	One for each word
50%, 1/2, etc.....	One
Internet/E-mail addresses (www.sccvote.org/johndoe@vote.com)	One
Number or letter used to identify a portion of text	One
Examples: (1), (a) will be counted as one word	
Dates:	
All digits (01/01/15).....	One
Words and digits (January 1, 2015)	One
Characters used in place of word or number (& or #)	One
Proper Noun	One

Hyphenated words that appear in any generally available dictionary, printed in the United States within the past 10 years, shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words.

Example: mother-in-law = 1 word
one-half = 2 words

ARGUMENT
DECLARATION BY AUTHOR(S) OR PROPONENT(S)
(Elections Code § 9161, 9164, 9501, 9501.5, 9600)

The undersigned author(s) of the argument **in favor of/against** ballot measure _____

(circle one)

(indicate which)

at the Special Election for the City of Santa Clara to be held on November 8, 2016 in consolidation with the General Municipal Election, hereby state that such argument is true and correct to the best of _____ knowledge and belief. (his / her / their)

1. _____
Signature Date Residential Address

Type Title to Appear on Argument M / F
Print Name as Signature will appear in VIP*

Author meets criteria of: Gov. Bd. Member Principal Officer of Bona Fide Assoc. Reg. Voter in Dist.

2. _____
Signature Date Residential Address

Type Title to Appear on Argument M / F
Print Name as Signature will appear in VIP*

Author meets criteria of: Gov. Bd. Member Principal Officer of Bona Fide Assoc. Reg. Voter in Dist.

3. _____
Signature Date Residential Address

Type Title to Appear on Argument M / F
Print Name as Signature will appear in VIP*

Author meets criteria of: Gov. Bd. Member Principal Officer of Bona Fide Assoc. Reg. Voter in Dist.

4. _____
Signature Date Residential Address

Type Title to Appear on Argument M / F
Print Name as Signature will appear in VIP*

Author meets criteria of: Gov. Bd. Member Principal Officer of Bona Fide Assoc. Reg. Voter in Dist.

5. _____
Signature Date Residential Address

Type Title to Appear on Argument M / F
Print Name as Signature will appear in VIP*

Author meets criteria of: Gov. Bd. Member Principal Officer of Bona Fide Assoc. Reg. Voter in Dist.

* VIP = Voter Information Pamphlet

Contact Person **Telephone #** **Fax #**

ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- Authors meet criteria to sign
- Author's title as signed meets criteria
- Check which criteria author is signing pursuant to
- Residential address completed if author meets eligible voter criteria to sign
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author's name on name line
- Only author's TYPED title on title line
- Author's TYPED name as Signature will appear in Voter Information Pamphlet
- Author's gender identified
- All signatures are original signatures
- Contact information supplied
- Not more than 300 words
- File argument by deadline

REBUTTAL ARGUMENT
DECLARATION BY AUTHOR(S) OR OTHER PERSON(S) AUTHORIZED BY AUTHOR
(Elections Code § 9164, 9167, 9504, 9600)

The undersigned author(s) of the rebuttal argument **in favor of/against** ballot measure _____
(circle one) (indicate which)
at the Special Election for the City of Santa Clara to be held on November 8, 2016 in consolidation with the General
Municipal Election, hereby state that such argument is true and correct to the best of _____
knowledge and belief. (his / her / their)

1. _____
Signature Date

Type Title to Appear on Rebuttal

Print Name as Signature will appear in voter information pamphlet
M / F
2. _____
Signature Date

Type Title to Appear on Rebuttal

Print Name as Signature will appear in voter information pamphlet
M / F
3. _____
Signature Date

Type Title to Appear on Rebuttal

Print Name as Signature will appear in voter information pamphlet
M / F
4. _____
Signature Date

Type Title to Appear on Rebuttal

Print Name as Signature will appear in voter information pamphlet
M / F
5. _____
Signature Date

Type Title to Appear on Rebuttal

Print Name as Signature will appear in voter information pamphlet
M / F

Contact Person _____ **Telephone #** _____ **Fax #** _____

REBUTTAL ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- If different authors, submit Rebuttal Signer Authorization form
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author's name on name line
- Only author's title TYPED on title line
- Author's TYPED name Signature will appear in Voter Information Pamphlet
- Author's gender identified
- All signatures are original signatures
- Not more than 250 words
- Contact information supplied
- File rebuttal argument by deadline

REBUTTAL SIGNER AUTHORIZATION

The author of an argument may sign the rebuttal argument or may authorize in writing any other person to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument but instead has another person sign in their place. All required signatures must be original signatures.

Date of Election _____

As a signer on the Argument *in favor of / against* Measure _____
(circle one)

in the _____, I authorize
(Jurisdiction)

_____ to sign the rebuttal argument in my place.
(new rebuttal signer)

Signature

Printed Name

Date of Election _____

As a signer on the Argument *in favor of / against* Measure _____
(circle one)

in the _____, I authorize
(Jurisdiction)

_____ to sign the rebuttal argument in my place.
(new rebuttal signer)

Signature

Printed Name

RESOLUTION NO. 18-8571

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ORDERING THE SUBMISSION OF A BALLOT MEASURE
ENTITLED "CITY OF SANTA CLARA COMMERCIAL CANNABIS
ACTIVITY MEASURE" TO THE QUALIFIED ELECTORS OF THE
CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON
NOVEMBER 6, 2018, REGARDING PROPOSED CANNABIS
BUSINESS TAX

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City Council prioritizes services that keep Santa Clara an excellent place to live, work, and raise a family;

WHEREAS, Sacramento has taken millions of dollars in locally-controlled funds over the last decade, hurting the City's ability to continue to provide vital city services;

WHEREAS, Santa Clara needs a source of locally controlled funding that is required by law to stay local and cannot be taken by the state, keeping taxpayer dollars local to address local needs;

WHEREAS, a reliable, locally-controlled funding source is needed to help maintain essential city services identified by the public such as maintaining rapid 911 emergency response times, preventing cuts to the number of firefighters and police officers, repairing streets and fixing potholes, maintaining youth and senior recreation programs, and protecting neighborhood library services;

WHEREAS, when any resident dials 911, every second counts--fast emergency response times are critical to save lives;

WHEREAS, funds generated by this measure will ensure that our paramedics, firefighters, and police officers are ready to help when you need them the most;

WHEREAS, the Santa Clara Fire Department receives nearly 10,000 calls per year – a 14% increase from a decade ago;

WHEREAS, this measure will help support our local fire department and ensure that they have the tools needed to respond to calls quickly and save lives;

WHEREAS, Safe neighborhoods and parks, libraries, programs for children, youth, and seniors, and well-maintained roads all lead to a better quality of life;

WHEREAS, this measure funds the vital city services that make Santa Clara a better place to live, work, and raise a family;

WHEREAS, regardless of whether one supports or opposes the use of cannabis, it is now legal in the State of California;

WHEREAS, the cannabis industry should pay its fair share for the right to conduct business within our city to support essential services our residents rely on, such as police, fire 9-1-1 emergency response, street maintenance, and youth and senior programs;

WHEREAS, this measure will NOT increase taxes for local Santa Clara residents who are not commercial cannabis proprietors, as proceeds will only be paid by those who are in the business of providing cannabis products and/or services;

WHEREAS, this measure will protect Santa Clara's local funding sources and allows for independent audits and reports back to the community;

WHEREAS, all funds from this measure will stay local for the benefit of Santa Clara residents and the vital services our residents prioritize;

WHEREAS, these accountability measure will ensure that funds are spent properly;

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, California Constitution Article XIII C, Section 2(b) requires a proposed tax to be submitted to voters at a general municipal election;

WHEREAS, the City Council intends to submit a ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to applicable state law including Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no

later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk or designee, and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk or designee; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby proposes to add a new Chapter 3.60 ("Cannabis Business Tax") to Title 3 ("Revenue and Finance") of "The Code of the City of Santa Clara, California" as set forth in Exhibit A, attached hereto and incorporated herein by reference (with additions to and deletions from the current text indicated thereon); and the City Council hereby approves and orders the proposed measure to be submitted to the qualified electors of the City of Santa Clara at a Special Municipal Election on November 6, 2018, to be consolidated with the general election of the same date. If the measure is approved by a majority of voters, SCCC shall be amended to add a new Chapter 3.60 ("Cannabis Business Tax") to Title 3 ("Revenue and Finance") as set forth in the measure, and the amendment shall be effective on the date that the City Council declares the results of the special municipal election.

2. That in order to submit the proposed measure described herein to the voters, the City Council hereby approves and orders the following ballot question to be submitted to the qualified electors of the City of Santa Clara at the Special Municipal Election on November 6, 2018:

MEASURE 1	
<p>CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE To maintain fiscal stability/essential city services, including rapid 911 emergency response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to \$25 per square foot for cultivation, generating approximately \$2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?</p>	YES
	NO

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.


4. That the City Clerk or designee is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16th DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



 JENNIFER YAMAGUMA
 ACTING CITY CLERK
 CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A – Proposed Cannabis Business Tax

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA,
AMENDING TITLE 3 “REVENUE AND FINANCE” OF “THE CODE
OF THE CITY OF SANTA CLARA, CALIFORNIA” TO ADD A NEW
CHAPTER 3.60 ENTITLED “CANNABIS BUSINESS TAX”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), on November 8, 2016, legalized personal recreational use of cannabis and cannabis products by persons 21 and over, and regulated commercial activities related to cannabis;

WHEREAS, the State legislature then passed Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), unifying regulations on medical and non-medical commercial cannabis activities and the personal use of cannabis;

WHEREAS, both Proposition 64 and MAUCRSA allow for Cities to enact regulations related to commercial cannabis activities and to impose local taxes on same;

WHEREAS, in November 2017, the City Council passed and adopted Ordinance No. 1973 amending Chapter 18.102 of the Code of the City of Santa Clara (“SCCC”) to temporarily ban all commercial cannabis activities until January 1, 2019, such that a regulatory and taxation scheme for such commercial activity could be studied and developed;

WHEREAS, the City Council has determined that enacting, implementing, and maintaining a new regulatory scheme overseeing commercial cannabis activities, including enforcement of such a scheme, has significant cost implications for the City’s general fund which cannot be matched by revenue from the City’s existing general business tax ordinance; and

WHEREAS, the Cannabis Business Tax was approved by the voters of the City of Santa Clara on November 6, 2018.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That a new Chapter 3.60 (“Cannabis Business Tax”) is added to Title 3 (“Revenue and Finance”) of “The Code of the City of Santa Clara, California” (“SCCC”) as follows:

“Chapter 3.60

Cannabis Business Tax

Sections:

- 3.60.010 Title.
- 3.60.020 General tax.
- 3.60.030 Purpose.
- 3.60.040 Intent.
- 3.60.050 Cannabis-related definitions.
- 3.60.060 Tax imposed.
- 3.60.070 Reporting and remittance of tax.
- 3.60.080 Delinquencies.
- 3.60.090 Penalties and interest.
- 3.60.100 Action to collect.
- 3.60.110 Appeal process.
- 3.60.120 Refunds.
- 3.60.130 Administration.
- 3.60.140 Audit and examination of records.
- 3.60.150 Payment of tax does not authorize unlawful business or activity.
- 3.60.160 Other Licenses, Permits, Taxes, Fees or Charges
- 3.60.170 Severability.
- 3.60.180 Modification, amendment or repeal.

3.60.010 Title.

This chapter shall be known as the Cannabis Business Tax.

3.60.020 General Tax.

The cannabis business tax is a general tax and not for specific purposes. All the proceeds from the tax imposed by this Chapter shall be placed in the City’s general fund to be used for any legal municipal purpose. The Cannabis Business Tax set forth in this chapter is not a sales and use tax, a tax upon income, or a tax upon real property

3.60.030 Purpose

- A. To impose a tax on the privilege of cultivation, manufacturing, processing, storage, laboratory testing, labeling, packaging, transportation, distribution, delivery, and/or sale of commercial cannabis and cannabis products and accessories by cannabis businesses in the

City of Santa Clara, in accordance with State law.

- B. To specify the type of tax and rate of tax to be levied and the method of collection.
- C. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

3.60.040 Intent.

The intent of this Ordinance is to levy a tax on all cannabis businesses that operate in the City. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

3.60.050 Definitions

The following definitions shall apply to this chapter:

- A. "Business" shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.
- B. "Calendar year" means January 1st through December 31st, inclusive.
- C. "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medicinal cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin

extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

- D. "Cannabis accessory" is any device intended to aid in the use of or consumption of Cannabis or Cannabis product, but which does not itself consist in all or part of cannabis or cannabis product.
- E. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.
- F. "Cannabis business" means any commercial business activity relating to cannabis, regardless of whether or not the activity is conducted for profit, including but not limited to cultivating, manufacturing, processing, storing, laboratory testing, labeling, packaging, transporting, distributing, delivering or sale of adult-use and medicinal cannabis or cannabis product, except as related to Business and Professions Code Section 19319, and as they may be amended or Health and Safety Code Sections 11362.1 through 11362.45.
- G. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- H. "Cannabis distribution" means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medical and Adult Use of Cannabis Regulation and Safety Act and any subsequent State of California legislation regarding the same. "Distribution" means engaging in that conduct and "distribution facility" is any real estate, whether or not improved, used in such conduct.
- I. "Cannabis manufacturing" means any aspect of extraction, infusion, processing, preparing, holding, storing, packaging, labeling, or other preparation of cannabis products. Cannabis

manufacturing also includes any processing, preparing, holding, or storing of components and ingredients. "Manufacturer" also holds the same meaning as set forth in Business and Professions Code section 19300.5, as that statute may be amended or renumbered.

- J. "Cannabis nursery" means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- K. "Cannabis retail" means business, other than a business all of whose sales constitute Cannabis Distribution, where medicinal and adult-use cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for sale, whether for profit or not, including an establishment that delivers cannabis or cannabis products as part of a sale.
- L. "Cannabis testing" means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, offers no service other than testing, sells no products other than testing supplies and materials, and is accredited as operating to ISO standard 17025 by an accrediting body, licensed and registered with the applicable State agency in accordance with all applicable laws.
- M. "Canopy" means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.
- N. "Delivery" means the commercial transfer of cannabis or cannabis product to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.
- O. "Distributor – Transport Only" means a person involved in Distribution as limited by the

Business and Professions Code and Title 16 California Code of Regulations Section 5315, as may be amended.

- P. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager, independent contractor, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.
- Q. "Engaged in business" means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities, and whether operated for profit or not. A person shall be deemed engaged in business within the city if:
1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
 2. Such person or person's employee owns or leases real property within the City for business purposes;
 3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
 4. Such person or person's employee regularly conducts solicitation of business within the City;
 5. Such person or person's employee performs work or renders services in the of City;
and
 6. Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in

business."

- R. "Gross receipts", means the total amount actually received or receivable from all cannabis sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit is allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in "gross receipts" shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, or losses or other expenses
- S. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- T. "Sale" means and includes any sale, exchange, or barter.
- U. "State" means the State of California.
- V. "State license", "license", or "registration" means a State license issued pursuant to California Business and Professions Code Section 26000 et seq. or other applicable State law.
- W. "Tax Administrator" means the Finance Director of the City of Santa Clara or his or her designee.
- X. "Transporter" has the same meaning as under State laws and regulations including, but not limited to, Business and Professions Code section 19300.5.

3.60.060 Tax Imposed.

- A. Tax on Cannabis Businesses by Gross Receipts and/or Square Footage: Every person who is engaged in a cannabis business in the City of Santa Clara shall pay to the City a cannabis business tax at the initial rates established as follows, should the City allow such activity.

Taxpayers engaged in one or more of the following commercial activities shall pay the tax rate applicable to each such activity:

1. Retail: 5% of gross receipts; and
 2. Manufacturing: 5% of gross receipts; and
 3. Cultivation: \$6 per sq. ft. of canopy, or 5% of gross receipts, whichever is greater; and
 4. Distribution: 3% of gross receipts; and
 5. Nurseries: 3% of gross receipts; and
 6. Testing: 3% of gross receipts; and
 7. Transportation: 3% of gross receipts.
- B. The City Council may at its discretion, at any time by resolution, but not more than once per calendar year, increase or decrease the rates for the different categories of cannabis business. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate. The maximum rate for all commercial cannabis businesses shall be set at ten percent (10%) of gross receipts and/or \$25 per square foot area of cultivation.

3.60.070 Reporting and Remittance.

- A. The cannabis business tax imposed by this chapter is a tax payable in quarterly, or monthly, installments for all commercial cannabis activities other than retail. Cannabis business tax for retail activities must be paid monthly. The tax year for purposes of this chapter is a Calendar Year. No later than the last day of the month following the end of each calendar quarter or month, each person owing cannabis business tax shall file with the Tax Administrator a statement of the tax owed for that calendar quarter or month, whichever is applicable, and the basis for calculating that tax. The tax shall be due and payable on the same date that the statement for the calendar quarter is due. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator.
- B. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due

date shall be the next regular business day on which the City is open to the public.

- C. The quarterly, or monthly, installment (for all cannabis taxes other than cultivation tax paid on a square footage basis) shall be no less than the amount calculated by applying the relevant tax rate to the actual gross receipts for the quarter or month.
- D. The quarterly or monthly installment for cultivation tax paid on a square footage basis shall be calculated based upon a presumption that the maximum square footage of canopy allowed under the cultivation permit issued to the cannabis business by the City was used. This maximum square footage shall be multiplied by the then-applicable tax per square foot, and prorated for the period of the installment, in order to calculate the amount of the installment payment due.
- E. Upon cessation of a cannabis business, for any reason, tax statements and tax payments shall be immediately due and payable for all calendar quarters up to and including the calendar quarter during which cessation occurred.
- F. The Tax Administrator may require that tax payments be remitted via cashier's check, money order, wire transfer, or similar instrument.
- G. The Tax Administrator need not send a delinquency or other notice or bill to any person subject to a tax or fee imposed by this chapter and failure to send such notice or bill shall not affect the validity of any tax, fee, interest or penalty due under this chapter.
- H. Any quarterly, or monthly, installment or final tax payment that is not timely made shall be subject to the penalties and interest set forth in Section 3.60.090.

3.60.080 Delinquencies.

The taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Section 3.60.070.

3.60.090 Penalties and interest.

- A. Any person who fails or refuses to pay the cannabis business tax pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
 2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
 3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.
- B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.
- C. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.60.100 Action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, in exercise of its prosecutorial discretion under SCCC 1.05.070, and to seek any remedies available at law or equity, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter, or the failure to comply with any of the provisions of this Chapter.

3.60.110 Appeal process.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Manager, or designee, by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The notice of appeal shall state the name of the person submitting the appeal, telephone number and mailing address for the person submitting the appeal, and the basis for the appeal. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and shall give notice of same in writing to the person submitting the appeal at the address stated on the notice of appeal. The finding of the City Manager, or designee, shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.60.120 Refunds.

- A. Whenever the amount of any cannabis business tax, delinquency amount or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.
- B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.
- C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

- D. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business or operation.

3.60.130 Administration.

- A. The Tax Administrator is authorized to collect the taxes, delinquency amounts, interest, penalties and fees, and perform the duties required by this Chapter.
- B. The Tax Administrator shall promulgate administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter to ensure the efficient and timely collection and enforcement of the cannabis business tax.
- C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:
 - 1. Provide to all cannabis business tax payers forms for the reporting of the tax;
 - 2. Provide information to any taxpayer concerning the provisions of this Chapter;
 - 3. Receive and record all taxes remitted to the city as provided by this Chapter;
 - 4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
 - 5. Conduct audits of taxpayer records pursuant to this Chapter;
 - 6. Assess delinquency amounts and interest to taxpayers pursuant to this Chapter; and
 - 7. Determine amounts owed and enforce collection pursuant to this Chapter.

3.60.140 Audit and examination of records.

- A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of the tax calculation, the Tax Administrator shall have the power to inspect any location where cannabis business occurs and to audit and examine all books and records of persons engaged in cannabis business. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.
- B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all

records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

- C. If, based upon the audit and examination of records, the Tax Administrator finds that previous cannabis tax statements incorrectly computed the tax due, then the Tax Administrator shall issue a written notice to the taxpayer setting forth the amount of the underpayment, including penalties and interest as set forth in 3.60.090, and demanding immediate payment. Such demand for payment may be made by the Tax Administrator within three (3) years of the date the tax was originally due. If the taxpayer disputes the calculation, then the taxpayer may file a notice of appeal pursuant to the process set forth in 3.60.110.

3.60.150 Payment of tax does not authorize unlawful business or activity.

The cannabis business tax is enacted solely for the stated purposes and not for any other regulatory purposes. The payment of any commercial cannabis business tax required under the provisions of this Chapter shall not be construed as authorizing the conduct or continuance of any illegal business, or of a legal business in an illegal manner. Nothing in this section implies the lawfulness of, or authorizes, any activity otherwise deemed unlawful under any applicable law.

3.60.160 Other Licenses, Permits, Taxes, Fees or Charges.

- A. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provisions of Federal, State or local law.
- B. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any other tax or fee or other charge imposed, assessed or required by any provisions of Federal, State or local law.
- C. Timely payment of cannabis business tax is a prerequisite to grant of or renewal of a cannabis business permit. Failure to timely remit payment of a cannabis business tax may

result in revocation of an active cannabis business permit.

3.60.170 Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of the Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

3.60.180 Modification, amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter. The people of the City of Santa Clara affirm that the following actions shall not constitute an increase of a tax:

- A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that maximum rate set by this Chapter, if the City Council has acted to reduce the rate of the tax;
or
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
- C. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax.”

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Effective date. This ordinance shall take effect at the later of ten (10) days after the vote is declared by the City Council pursuant to Elections Code Section 9217, or when cannabis business is made a legal land use by the City Council.

Attachments incorporated by reference: None.

RESOLUTION NO. 18-8574

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, CALLING AND GIVING NOTICE OF THE
HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD
ON TUESDAY, NOVEMBER 6, 2018, FOR AN ADVISORY
MEASURE ON WHETHER TO ENGAGE THE VOTERS
REGARDING DISTRICT ELECTIONS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one advisory measure on the ballot to ask the voters whether the City should engage the voters in a public process to draft an amendment to the City Charter to change the method of elections from at-large to by-district for City Council Members only.

2. That the ballot question read as follows:

MEASURE 1	
ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS. Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?	YES
	NO

3. That in accordance with Section 700 of the City Charter, sections 12101 and 12111 of the California Elections Code, and section 6061 of the California Government Code, the Acting City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara and hereby designated for that purpose by the City Council of Santa Clara.

4. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 16th DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Davis, Mahan, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: Kolstad

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None