

## **RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020 FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF COMMERCE ELEVEN (11) REFERENDUM MEASURES REGARDING ORDINANCE NOS. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 AND 746; SETTING DEADLINES FOR FILING WRITTEN ARGUMENTS FOR AND AGAINST THE REFERENDUM MEASURES, AND REBUTTALS THEREOF; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND RELATED MATTERS TO SAID SPECIAL MUNICIPAL ELECTION**

**WHEREAS**, the City Council of the City of Commerce on January 7, 2020, adopted Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746 (also, "Ordinances"); and

**WHEREAS**, the Ordinances were published as required by law; and

**WHEREAS**, pursuant to authority provided by Division 9, Chapter 3, Article 2 (commencing at 9235) of the Election Code of the State of California, eleven Referendum Petitions were filed with the City of Commerce City Clerk, signed by more than ten percent (10%) of the registered voters of the City to repeal Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746, or submit them to a vote of the voters; and

**WHEREAS**, the City of Commerce has received a certificate from the County of Los Angeles Registrar of Voters certifying the results of the Registrar's examination of the numbers of signatures and verification of the signatures affixed to the eleven Petitions for eleven referendum measures to City of Commerce Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746; and

**WHEREAS**, said certification shows that the eleven Referendum Petitions were signed by not less than 10 percent of the voters of the City according to the report of registration by the County Elections Official to the Secretary of State pursuant to Elections Code §2187; and

**WHEREAS**, Elections Code §9241 provides that in those circumstances where the above-stated facts exist, as they do here, the City Council must either: (a) entirely repeal the Ordinances; (b) submit the Ordinances to the voters at the next regular municipal election occurring not less than 88 days after the order of the legislative body; or (c) submit the Ordinances to the voters at a special election called for that purpose occurring not less than 88 days after the order of the legislative body; and

**WHEREAS**, the submittal of an Ordinance to a vote of the electorate is exempt from California Environmental Quality Act (CEQA) review (CEQA Guidelines Section 15378(b)(3)); and

**WHEREAS**, the City Council has not voted in favor of repeal of the Ordinances; and

**WHEREAS**, the City Council is authorized and directed by statute to submit the Ordinances to the voters; and

**WHEREAS**, on July 21, 2020, the City Council opted to call for a Special Municipal Election, not less than 88 days after the City Council's order, to submit eleven (11) referendum measures regarding Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746 to the voters of the City of Commerce; and

**WHEREAS**, the date selected for the Special Municipal Election is November 3, 2020, and on August 3, 2020, City Council also adopted Resolution No. \_\_\_\_\_ requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City of Commerce relating to conducting the Special Municipal Election on Tuesday, November 3, 2020.

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

**SECTION 1.** That under the provisions of the Elections Code, there is called and ordered to be held in the City of Commerce, California, on Tuesday, November 3, 2020 a special municipal election for the purpose of submitting eleven (11) referendum measures to consider Ordinance No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746.

**SECTION 2.** That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Commerce, California, on Tuesday, November 3, 2020 a Special Municipal Election for the purpose of submitting the following questions to the voters regarding Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and 746:

**City of Commerce Ordinance No. 736:** Shall Ordinance No. 736 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 726 [also identified as Commercial Cannabis Permit I.D No. 18-026] between the City of Commerce and VK Labs, LLC [a California Limited Liability Company] for the transfer of ownership of said Development Agreement to operate a previously approved commercial cannabis business from VK Labs, LLC to Decano Laboratories, LLC; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 737:** Shall Ordinance No. 737 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 717 [also identified as Commercial Cannabis Permit I.D No. 18-017] between the City of Commerce and 2SBK, Inc. [a California Corporation] for the relocation of a previously approved commercial cannabis business to 6445 Bandini Boulevard; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption. be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 738:** Shall Ordinance No. 738 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 715 [also identified as Commercial Cannabis Permit I.D No. 18-059] between the City of Commerce and Commerce Concentrates, LLC [a California Limited Liability Company] for the change of membership and ownership of Commerce Concentrates, LLC, addition of cultivation and non-storefront retail delivery as license types, and relocation of a previously approved commercial cannabis business to 2700 Yates; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 739:** Shall Ordinance No. 739 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 722 [also identified as Commercial Cannabis Permit I.D No. 18-052] between the City of Commerce and DJCC Corporation [a California Corporation] for the relocation of a previously approved commercial cannabis business to 5333 E. Slauson; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 740:** Shall Ordinance No. 740 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 720 [also identified as Commercial Cannabis Permit I.D No. 18-047] between the City of Commerce and Summit Manufacturing, LLC [a California Limited Liability Company] for the addition of cultivation as a license type to a previously approved commercial cannabis business; making findings consistent with and pursuant to Government Code

Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 741:** Shall Ordinance No. 741 of the City Council of the City of Commerce approving and adopting First Amendment to Development Agreement No. 733 [also identified as Commercial Cannabis Permit I.D No. 18-023] between the City of Commerce and A&E Investment Group, LLC [a California Limited Liability Company] for the change of membership and ownership of A&E Investment Group, LLC, previously approved to operate a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 742:** Shall Ordinance No. 742 of the City Council of the City of Commerce approving and adopting Development Agreement No. 742 [also identified as Commercial Cannabis Permit I.D No. 18-006] between the City of Commerce and California Green World, LLC [a California Limited Liability Company] for a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 743:** Shall Ordinance No. 743 of the City Council of the City of Commerce approving and adopting Development Agreement No. 743 [also identified as Commercial Cannabis Permit I.D No. 18-013] between the City of Commerce and RD Commerce, LLC [a California Limited Liability Company] for a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 744:** Shall Ordinance No. 744 of the City Council of the City of Commerce approving and adopting Development Agreement No. 744 [also identified as Commercial Cannabis Permit I.D No. 18-053] between the City of Commerce and RS Innovations, Inc. [a California Corporation] for a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 745:** Shall Ordinance No. 745 of the City Council of the City of Commerce approving and adopting Development Agreement No. 745 [also identified as Commercial Cannabis Permit I.D No. 18-005] between the City of Commerce and HENG XIN INT’L, Corporation [a California Corporation] for a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**City of Commerce Ordinance No. 746:** Shall Ordinance No. 746 of the City Council of the City of Commerce approving and adopting Development Agreement No. 746 [also identified as Commercial Cannabis Permit I.D No. 18-046] between the City of Commerce and Septem Leaf, Corp. [a California Corporation] for a commercial cannabis business; making findings consistent with and pursuant to Government Code Section 65867.5; and making findings of a CEQA categorical exemption be adopted?

Yes\_\_\_\_\_/ No\_\_\_\_\_/

**SECTION 3.** That the vote requirements for the measures to pass is a majority (50%+1).

**SECTION 4.** That the ballots be used at the election shall be in form and content as required by law.

**SECTION 5.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed material and supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 6.** That the polls shall be open at seven o’clock a.m. of the day of the election and shall remain open continuously from the time until 8 p.m. o’clock p.m. of the same day when polls shall be closed, pursuant to Election Code 10242, except as provided in 14401 of the Elections Code of the State of California.

**SECTION 7.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 8.** That notice of the time and place of holding the election is 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 9.** That the City Council hereby authorizes written arguments for and against each of the Referendums, to be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument. Written arguments for and against each of the Referendums shall be filed with the City Clerk's Office, by July 21, 2020, before 5:30 p.m.

**SECTION 10.** That the City Council directs the City Clerk to transmit a copy of the of the Referendum measures to the City Attorney and directs the City Attorney to prepare an impartial analysis of each of the Referendums, consistent with the requirements of Elections Code Section 9289, including:

- a. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure.
- b. The 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 governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."
- d. The impartial analysis shall be filed by August 3, 2020, before 5:30 p.m. with the City Clerk.

**SECTION 11.** That the City Council hereby authorizes rebuttal arguments to be filed with the City Clerk. That pursuant to Section 9285 of the Elections Code, rebuttal arguments shall be submitted and processed as follows:

- a. When the elections official has selected the arguments for and against the measure, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.
- b. The author or a majority of the authors of an argument 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.

- c. The rebuttal arguments shall be filed with the City Clerk, signed, with 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, no later than August 3, 2020, before 5:30 p.m. the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.
- d. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

**SECTION 12.** The City Council hereby establishes July 22, 2020 through through July 31 2020, as the ten (10) calendar day examination period required by Elections Code Section 9295 for review of the ballot arguments for and against, and the impartial analysis, which voters may examine on the City's website at [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us), and in the City Clerk's office at 2535 Commerce Way, Commerce, CA 90040, between the hours of 8 a.m. to 6 p.m.

**SECTION 13.** The City Council hereby establishes August 4,, 2020 through August 13, 2020, as the ten (10) calendar day examination period required by Elections Code Section 9295 for review of the rebuttal arguments for and against, and the impartial analysis, which voters may examine on the City's website at [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us), and in the City Clerk's office at 2535 Commerce Way, Commerce, CA 90040, between the hours of 8 a.m. to 6 p.m.

**SECTION 14.** A statement shall be printed in the ballot pursuant to Elections Code Sections 9243 and 9223 advising voters that they may obtain a full copy of Ordinances No. 736, 737, 738, 739, 740, 741, 742, 743, 744, 745 and No. 746, at no cost, upon request to the City Clerk.

**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.

PASSED, APPROVED AND ADOPTED ON July 7, 2020

ATTEST:

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Ivan Altamirano, Mayor

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Lena Shumway, City Clerk