

June 21, 2018

2018 JUN 21 PM 1:04

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

VIA: HAND DELIVERY

CITY COUNCIL

Paula Perotte
Mayor

Stuart Kasdin
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Michael T. Bennett
Councilmember

Kyle Richards
Councilmember

CITY MANAGER
Michelle Greene

Mr. Michael Allen
County of Santa Barbara
Chief Deputy Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101

**RE: Request for Election Services for the November 6, 2018
General Election**

Dear Mr. Allen:

Enclosed please find one original and eight copies of the following:

A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of A General Municipal Election to be Held on Tuesday, November 6, 2018, for the Election of Certain Officers as Required by the Provisions of the Law of the State of California Relating to General Law Cities and for the Submission to the Voters A Question Relating to Establishing A Tax on Cannabis Businesses Operating Within The City of Goleta and A Question Relating to Mayor and Council Salaries

A Resolution of the City Council of the City of Goleta, California, Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 6, 2018 with the Statewide General Election to Be Held on that Date Pursuant to Section 10403 of the Elections Code

The above mentioned resolutions 18-31 and 18-32 were adopted by the City Council of the City of Goleta, California at a regular meeting held on the 19th day of June 2018.

At this time I am requesting that this item be placed on the July 3, 2018 Board meeting (City Request for Election Services attached). If you have any questions, please feel free to contact me at (805) 961-7505.

Sincerely,



Deborah Lopez
City Clerk

Enclosures

C: Michelle Greene, City Manager
Carmen Nichols, Deputy City Manager

REQUEST FOR PETITION VERIFICATION SERVICES

This request for services has been prepared to clarify the City's expectations of the County Elections Office in the verification of signatures on municipal initiative, referendum and recall petitions and to act as an official agreement for reimbursement of costs for county services in accordance with the County billing policy for local agency service requests. If the city requests that the County Elections Office verify the signatures on a petition, this "Request for Petition Verification Services" form must be completed and submitted to the County Elections Office prior to or at the time that the petition is submitted for verification.

| | |
|-------------|----------------------------------|
| CITY | City Name: <u>Goleta</u> |
| | City Clerk: <u>Deborah Lopez</u> |

| | |
|-------------------------|---|
| TYPE OF PETITION | <input checked="" type="checkbox"/> CITY INITIATIVE Subject/Title: <u>Council Salary / Cannabis Tax</u> |
| | <input type="checkbox"/> CITY REFERENDUM Subject/Title: _____ |
| | <input type="checkbox"/> CITY COUNCILMEMBER RECALL Officer(s) Whose Recall is Sought: _____ |

| | |
|--|--|
| | <input checked="" type="checkbox"/> NOMINATION SIGNATURES Election Date: <u>November 6, 2018</u> |
| | <input type="checkbox"/> OTHER/SPECIFY: _____ |

| | |
|--------------|----------------------------------|
| DATES | Filed with City Clerk on: _____ |
| | Delivered to Registrar on: _____ |

| | |
|-------------------------|---|
| NUMBER SUBMITTED | _____ Sections (pages) |
| | _____ Signatures |
| | _____ Number unknown; will rely on Registrar's count. |

| | |
|------------------------|---------------------------------------|
| NUMBER REQUIRED | <u>16,643</u> Registered Voters |
| | Based on: |
| | Sec. of State report of (Date): _____ |
| | Other/Specify: _____ |
| | <u>20</u> Valid Signatures Required |

| | | |
|--------------------|--|--|
| WITHDRAWALS | _____ Withdrawals Received (Date stamped by City Clerk upon receipt; must be received by the <u>day</u> before the petition is filed) | <input type="checkbox"/> None received |
|--------------------|--|--|

- Review the County Voter Information Guide page proofs for direct arguments, rebuttal arguments, impartial analysis and the full text for measures and give the County Elections Official the final approval for printing (English and Spanish).

The City Clerk shall publish:

- Notice of Election and Candidate Filing Period (EC 12101)
- Notice of Measures To Be Voted On (EC 12111)
- Publication of Official Candidates List (EC 12110)

The County Elections Official will publish on the City's behalf:

- Notice of Polling Places and Precinct Officers (EC 12106)
- Notice to Count Ballots at a Central Location (EC 12109)

The County Elections Officials will take all actions necessary to properly and lawfully conduct the election.

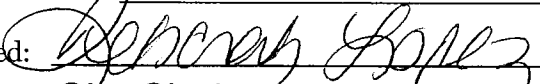
The undersigned requests the election services previously identified to be performed by the County Elections Official for the:

NOVEMBER 6, 2018 CONSOLIDATED GENERAL ELECTION

Date and Name of Election

Additionally, pursuant to Elections Code 10002, the undersigned agrees to reimburse the County their share of costs allocated in accordance with the County billing policy for consolidated elections. The City agrees to pay the full cost billed within 30 days of the invoice date. The City further understands and agrees that failure to pay within 30 days will result in an interest charge at the County's pooled interest rate commencing from the date of the election.

Print Name: Deborah Lopez

Signed: 

Title: City Clerk

City Name: Goleta

Date: 6/13/2018 Telephone: 805 961-7505

Please deliver completed form with a copy of your resolution by mail, fax, or personal delivery to the attention of Renee Bischof, Chief Deputy Registrar of Voters at:

MAIL

Santa Barbara County Elections
P. O. Box 61510
Santa Barbara, CA 93160-1510

DELIVERY

Santa Barbara County Elections
4440-A Calle Real
Santa Barbara, CA 93110

FAX

(805) 568-2209

If you have questions, contact Renee Bischof at (805) 696-8963 or Heather McCaslin at (805) 696-8953.

SEE REVERSE SIDE

RESOLUTION NO. 18-31

2018 JUN 21 PM 1:08

COUNTY OF SAN
CLERK OF THE
BOARD OF SUPERVISORS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAW OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ESTABLISHING A TAX ON CANNABIS BUSINESSES OPERATING WITHIN THE CITY OF GOLETA AND A QUESTION RELATING TO MAYOR AND COUNCIL SALARIES

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 6, 2018, for the election of Municipal Officers; and

WHEREAS, the City Council desires to submit to the voters at the election a Question Relating to a Proposed Ordinance Establishing a Tax on Cannabis Businesses Operating within the City of Goleta and a Proposed Ordinance Relating to Council Compensation;

WHEREAS, the City Council desires to submit to the voters an amendment to the Goleta Municipal Code to establish a maximum 10% general tax on the gross receipts received by cannabis business through their operations in the City; and

WHEREAS, the proposed cannabis business tax will be a general tax the proceeds of which are deposited into the City's general fund. The general fund pays for important City services such as police protection, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)), an election for the approval of a new or increased general tax must generally be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, the next regularly scheduled general election at which City Council members are to be elected is November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1.

Findings. The City Council finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

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 Goleta, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing a Mayor for the full term of two years and two Members of the City Council for the full term of four years.

SECTION 3.

Submission of Measure. Pursuant to California Constitution, Article XIII C, Section 2(b), California Government Code Section 53724 and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, **by a 2/3 supermajority vote**, hereby orders the following proposed Measure/ordinance to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018

SECTION 4.

The ballot measure shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the City General Municipal Election to be held on Tuesday, November 6, 2018, in addition to any other matters required by law, there shall be printed substantially the following:

| | |
|--|-----|
| <i>"Shall an ordinance be adopted establishing a Cannabis Business Tax on gross receipts of cannabis businesses from the sale of cannabis and related products, whether at wholesale or retail, at a rate not to exceed 10%, with initial rates of 5% (retailers), 2% (manufacturers), 4% (cultivators), and 1% (distributors and nurseries) estimated to raise \$334,000 to \$1,423,000 to fund unrestricted general revenue purposes, such as street repair, parks and police, until ended by voters?"</i> | Yes |
| | No |

SECTION 5.

That the proposed complete text of the measure (Ordinance No.18-XX submitted to the voters is attached as Exhibit "A".

SECTION 6.

That the vote required for the measure to pass is a majority (50+1) of the votes cast.

SECTION 7.

Submission of Measure. Pursuant to its right and authority, hereby orders the following proposed Measure/ordinance to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018

| | |
|--|-----|
| <i>"Shall an ordinance be adopted establishing an annual salary for members of the City Council set at seventy-five percent (75%) of the nonfamily household median income for the City of Goleta as determined by the United States Census Bureau (resulting in a salary of \$42,134) and for the Mayor at ninety percent (90%) of the nonfamily household median income for the City of Goleta (resulting in a salary of \$50,561)?"</i> | Yes |
| | No |

SECTION 8.

That the proposed complete text of the measure (Ordinance No.18-XX submitted to the voters is attached as Exhibit "B".

SECTION 9.

That the vote required for the measure to pass is a majority (50+1) of the votes cast.

SECTION 10.

That in the event a majority of City Electors voting on the ballot measure set forth above vote in favor thereof, Ordinance No.18-__ shall be automatically adopted and shall amend the Goleta Municipal Code to read as set forth in Exhibit "A and B", effective ten (10) days following the certification of the election results with no further action by the Council.

SECTION 11.

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

SECTION 12.

The City Clerk is authorized, instructed and directed to coordinate with the County of Santa Barbara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 13.

That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to

Election Code Section 10242, except as provided in section 14401 of the Elections Code of the State of California.

SECTION 14.

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 15.

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 16. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 6, 2018, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of Santa Barbara, State of California, a certified copy of this Resolution.

SECTION 17. Public Examination. Pursuant to California Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

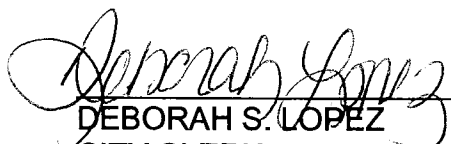
SECTION 18 That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill. .

PASSED, APPROVED AND ADOPTED this 19th day of June, 2018.



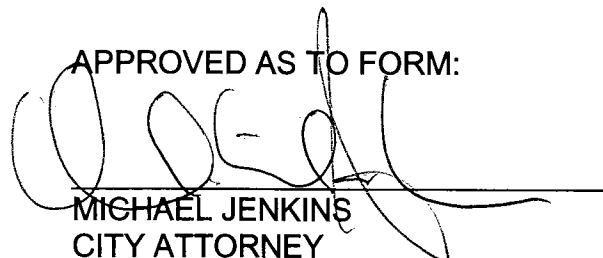
PAULA PEROTTE,
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 18-30 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19th day of June 2018, by the following vote of the Council:


AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE KASDIN,
 COUNCILMEMBERS ACEVES, BENNETT AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK

ORDINANCE NO. 2018-_____

MEASURE “ _____ ”

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF GOLETA,
CALIFORNIA, ADDING CHAPTER 3.08 TO TITLE 3 (REVENUE
AND FINANCE) OF THE GOLETA MUNICIPAL CODE
ESTABLISHING A TAX ON CANNABIS BUSINESSES
OPERATING WITHIN THE CITY OF GOLETA.**

**THE PEOPLE OF THE CITY OF GOLETA, CALIFORNIA DO HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 3.08 is hereby added to Title 3 (Revenue and Finance) of the Goleta Municipal Code and shall read as follows:

**“CHAPTER 3.08
CANNABIS BUSINESS TAX.**

3.08.010 – Definitions.

For purposes of this Chapter:

A. “Cannabis” means all parts of the plant *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 cannabis. “Cannabis” also means the term as defined in California Health and Safety Code Section 11018 and is not limited to medical 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 defined by Section 11018.5 of the California Health and Safety Code.

B. “Cannabis business” means any business, organization or facility, regardless of form, whether operating for profit or not for profit, that cultivates, processes, stores, tests, packages, labels, distributes, transports, and/or sells, dispenses or delivers cannabis, cannabis products and/or devices for the use of cannabis or cannabis products. “Cannabis business” does not include personal medical or adult use cannabis cultivation authorized by State law and this Code. A cannabis business shall not be considered to be a religious, social or charitable organization exempt from the payment of business taxes under this Chapter.

C. "Cannabis cultivation" means the seeding, planting, watering, warming, cooling, growing, harvesting, drying, curing, grading or trimming of cannabis.

D. "Cannabis distribution" or "Cannabis transport" means any activity involving the commercial procurement, sale, transfer and/or transport of cannabis and cannabis products from one cannabis business to another cannabis business for purposes authorized pursuant to state law.

E. "Cannabis nursery" means a cannabis business that produces only clones, immature plants, seeds and other agricultural products used specifically for cannabis cultivation.

F. "Cannabis processing/manufacturing" shall mean any activity involving the holding, storing, sorting, preparation, labeling and packaging of raw cannabis for retail sale; or involving the production, preparation, propagation, labeling, packaging or compounding of cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis.

G. "Cannabis product" means 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 cannabis products as defined by California Health and Safety Code Section 11018.1 and is not limited to medical cannabis products.

H. "Cannabis testing" means any activity involving the testing of cannabis or cannabis products by a facility that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
2. Registered with the California State Department of Public Health.

I. "Engaged in a cannabis business" means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate, franchise or other business powers, whether done as owner, or by means of an officer, agent, manager, employee, or other representative, within the City, whether operating from a fixed location within the City or coming into the City from an outside location to engage in cannabis business activities. By way of example, a person shall be deemed "engaged in cannabis business" within the City if such person or the person's officer, agent, manager, employee, or other representative acting on behalf of such person:

1. maintains a fixed place of cannabis business within the City;
2. owns, leases or otherwise has the legal right to occupy real property within the City for cannabis business purposes;
3. regularly maintains a stock of tangible personal property within the City in the ordinary course of cannabis business;

4. performs work or renders cannabis business services to other cannabis businesses or to retail cannabis customers located within the City.

J. "Gross receipts" means, except as otherwise provided in this Chapter, the total amount of monetary consideration actually received or receivable by a cannabis business for performance of any act or service in providing, at wholesale or retail, cannabis and/or cannabis products, for which a charge is made or credit allowed including, but not limited to: membership dues, the value of monetary and in-kind contributions, payments, reimbursement of fees for cultivation, processing/manufacturing, distribution, delivery, retail, storing, exchanging, delivering, making available, or transmitting of cannabis or cannabis products, any payments made, and anything else of value obtained by a cannabis business. Included in "gross receipts" shall be all receipts, cash, credits, and property of any kind without deduction of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Gross receipts shall not include the following:

1. Cash discounts where allowed and taken on sales;
2. Sales or other applicable state or local tax required by law to be added to the purchase price of cannabis or cannabis products and collected from the purchaser;
3. Such part of the sales price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts; or
4. Whenever there are included within gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectable in a subsequent year, those amounts may be excluded from gross receipts in the year they prove to be uncollectable, provided, however, if all or any portion of such amounts excluded as uncollectible are subsequently collected they shall be included in gross receipt for the period when they are recovered.

K. "Medical cannabis retail" means any cannabis business activity involving the retail sale or dispensing to qualified patients or their qualified caregivers of cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, for the ultimate consumption or use by qualified patients in accordance with California Health and Safety Code Sections 11362.7 et. seq., the California Medical Marijuana Program Act ("MMPA"), and any other applicable State law authorizing activities related to the medical possession and use of cannabis. "Medical cannabis retail" shall include any medical cannabis delivery to a customer as part of a retail sale.

L. "Non-medical cannabis retail" means any cannabis business activity involving the retail sale or dispensing to customers of cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any

combination; for any purpose other than medical cannabis retail. "Non-medical cannabis retail" shall include any non-medical cannabis delivery to a customer as part of a retail sale.

M. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, which is conducting itself as a cannabis business.

N. "State" means the State of California.

O. "Tax Administrator" is the City's Director of Finance, or his or her designee.

3.08.020 – Purpose of Tax.

This tax is a general tax, the revenues from which may be used for unrestricted general revenue purposes of the City.

3.08.030 – Imposition of Tax.

A. Every person engaged in a cannabis business within the City of Goleta, and regardless of whether such business has a permit to operate pursuant to the Goleta Municipal Code, shall pay a cannabis business tax at the following initial rates:

1. Non-medical cannabis retail – 5% of gross receipts;
2. Medical cannabis retail – 0% of gross receipts;
3. Cannabis cultivation – 4% of gross receipts;
4. Cannabis processing/manufacturing – 2% of gross receipts;
5. Cannabis testing – 0% of gross receipts;
6. Cannabis nursery – 1% of gross receipts;
7. Cannabis distribution/transport – 1% of gross receipts.
8. Multiple Operations. In no event shall any person conducting multiple of the above operations pay more tax than 10% of gross receipts.

B. The rates set forth above may be adjusted by the City Council from time to time, by ordinance or resolution, pursuant to Section 3.08.050 below, subject to a maximum rate of ten percent (10%) of gross receipts.

C. If a cannabis business is engaged in retail sales and/or delivery of both medical and a non-medical cannabis, it shall pay the higher applicable business tax rate between the two classes, unless the cannabis business identifies to the City, by reasonable and verifiable standards, the portions of its activities that are tied to medical cannabis retail and those that are tied to non-medical cannabis retail, through the cannabis business' books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not specifically created and maintained for tax purposes. The cannabis business has the burden of proving the proper apportionment of taxes under this subsection (C).

D. If a cannabis business is engaged in both retail sales and/or delivery and cannabis cultivation, processing/manufacturing, nursery, testing or distribution, it shall pay the highest business tax rate for any class that applies to that cannabis business, unless the cannabis business identifies to the City, by reasonable and verifiable standards, the portions of its activities that are tied to cannabis retail and those that are tied to cultivation, processing/manufacturing, nursery, testing or distribution, through the cannabis business' books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not specifically created and maintained for tax purposes. The cannabis business has the burden of proving the proper apportionment of taxes under this subsection (D). No cannabis business engaged in both retail sales and/or delivery and cannabis cultivation, processing/manufacturing, nursery, testing or distribution shall pay more than the maximum 10% rate on gross receipts from its combined activities as set forth in subsection (B) above.

E. No cannabis business shall be deemed to be exempt from the payment of the taxes identified above by any other provision of this Code, unless expressly exempted under this Chapter.

3.08.040 – Payment Obligation.

All taxpayers subject to this Chapter must pay the full tax imposed by this Chapter regardless of any rebate, exemption, incentive, or other reduction set forth elsewhere in this Code, except as required by California or Federal law. Failure to pay the tax shall be subject to penalties, interest charges, and assessments as the City Council may establish and the City may use any or all other code enforcement remedies provided in this Code. No provision in this Code can lower the tax rate set forth in this Chapter or otherwise reduce the amount of taxes paid hereunder unless the provision specifically states that the reduction applies.

3.08.050 – City Council Authorization to Adjust Tax Rate and/or Methodology.

This Chapter authorizes a maximum business tax rate of ten percent (10%) for each of those classes of cannabis business identified in Section 3.08.030(A)(1) through (7) above. The City Council may, by ordinance or resolution, upwardly or downwardly adjust the rate of the tax imposed by this Chapter and may otherwise repeal or amend this Chapter without a vote of the People. However, as required by California Constitution Article XIII C (Proposition 218), voter approval is required for any amendment that would increase the ten percent (10%) maximum rate or methodology of any tax levied pursuant to this Chapter. The People of the City of Goleta affirm that the following actions shall not constitute an increase of the maximum rate or methodology of the tax requiring subsequent voter approval:

A. The upward adjustment of the tax rate applicable to any or all classes of cannabis business, provided the rate does not exceed the ten percent (10%) maximum set forth by this voter-approved Chapter;

B. The restoration of the rate of the tax to a rate that is no higher than the ten percent (10%) maximum set by this voter-approved Chapter, if the City Council has previously acted to reduce the rate of the tax;

C. 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;

D. The establishment of a class of person or service that is exempt or excepted from the tax or the discontinuation of any such exemption or exception; and

E. Resuming collection of the tax imposed by this Chapter, even if the City had, for some period of time, either suspended collection of the tax or otherwise failed to collect the tax, in whole or in part.

3.08.060 – Payment of Tax Does Not Authorize Illegal Activity.

The payment of the tax required pursuant to 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 Chapter implies or authorizes that any activity connected with the distribution or possession of cannabis is legal unless otherwise authorized and allowed in strict and full conformance to the provisions of State law and this Code.

3.08.070 – Cannabis Business Tax Is Not a Sales Tax.

The tax provided for under the provisions of this Chapter is not a Sales, Transactions or Use Tax and shall not be calculated or assessed as such. The tax established under this Chapter shall not be separately identified or otherwise specifically assessed or charged to any customer or client of a cannabis business.

3.08.080 – Amendments and Administration.

A. This Chapter was submitted to the voters for approval. Any amendment to this Chapter to increase the tax above the maximum rate expressly provided in Section 3.08.030(B) shall not become effective until such amendment is approved by the voters. The voters expressly authorize the City Council to amend, modify, change, or revise any other provision of this Chapter as the City Council deems in the best interest of the City, as set forth in Section 3.08.050.

B. The Tax Administrator shall promulgate rules, regulations and procedures to implement and administer this Chapter to ensure the efficient and timely collection of the tax imposed by this Chapter, including without limitation, formulation and implementation of penalties and interest to be assessed for failure to pay the tax as provided.

C. Pursuant to California Constitution Article XIII B, the appropriation limit

for the City is increased to the maximum extent over the maximum period of time allowed under law consistent with the revenues generated by the tax established by this Chapter.

3.08.090 – Returns and Remittances.

The Tax shall be due and payable as follows:

A. The tax established by this Chapter shall be collected quarterly. Each person owing tax shall prepare and file a tax return to the Tax Administrator setting out the total amount of tax owed for the preceding calendar quarter during which the tax was in effect. The return shall be filed not later than thirty (30) calendar days following the last day of the preceding each calendar quarter. At the time the tax return is filed, the full amount of the tax owed for the preceding calendar quarter shall be remitted to the Tax Administrator.

B. All tax returns shall be completed on forms provided by the Tax Administrator.

C. Tax returns and payments for all outstanding taxes owed the City are immediately due to the Tax Administrator upon cessation of business for any reason.

D. Whenever any payment, statement, report, request or other communication received by the Tax Administrator is received after the time prescribed by this Section for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this Section for the receipt thereof, or whenever the Tax Administrator is furnished substantial proof that the payment, statement, report, request, or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the Tax Administrator may regard such payment, statement, report, request, or other communication as having been timely received. If the due date falls on Friday, Saturday, Sunday, or a holiday, the due date shall be the next regular business day on which the City Hall is open to the public.

E. Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not paid on or before the due date specified in Subsection (A) of this Section.

F. The Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

3.08.100 – Failure to Pay Tax.

A. Any person who fails or refuses to pay any tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to twenty-five percent (25%) 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 a rate established by resolution of the City Council; and

2. An additional penalty equal to twenty-five percent (25%) of the amount of the tax if the tax remains unpaid for a period exceeding one calendar month beyond the due date, plus interest on the unpaid tax and interest on the unpaid penalties calculated at the rate established by resolution of the City Council.

B. Whenever a check is submitted in payment of a tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the tax amount due plus penalties and interest as provided for in this Section plus any amount allowed under State law.

C. The tax due shall be that amount due and payable from January 1, 2019 or the first date on which the cannabis business first engaged in business in the City, whichever date occurred last, together with applicable penalties and interest calculated in accordance with Subsection (A) of this Section.

D. The Tax Administrator may waive the first and second penalties of twenty-five percent (25%) each imposed upon any person if:

1. The person provides evidence satisfactory to the Tax Administrator that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent tax and accrued interest owed the City prior to applying to the Tax Administrator for a waiver.

2. The waiver provisions specified in this Subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during any twenty-four (24) month period.

3.08.110 – Refunds.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in this Section.

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

C. Whenever the amount of any tax, penalty, or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this Chapter, such amount may be refunded to the person who paid the tax provided that a written claim for refund is timely filed with the City, pursuant to this Code. The

period for filing a claim for refund shall be one (1) year from the time the tax was paid or erroneously or illegally collected; provided however, that in no event shall the period to file such claim expire prior to the shortest period allowable for filing a tax refund claim under Government Code Section 911.2. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto, and must clearly set forth the facts and legal theories under which the claimant believes he or she has right to a refund. Where the amount of any individual refund claim is in excess of the amount set by ordinance or resolution of the City Council relating to the settlement of general liability claims against the City by the City Manager, City Council approval shall be required.

D. The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon.

E. The Tax Administrator 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.

F. Any person entitled to a refund of taxes paid pursuant to this Chapter may elect in writing to have such refund applied as a credit against a cannabis business's taxes for the next calendar quarter.

G. In the event that the tax was erroneously paid and the error is attributable to the City, the amount of the tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the City shall retain the amount set forth in this Chapter from the amount to be refunded to cover expenses.

H. The Tax Administrator shall initiate a refund of any tax which has been overpaid or erroneously collected whenever the overpayment or erroneous collection is uncovered by a City audit of tax revenues.

3.08.120 – Enforcement.

A. It shall be the duty of the Tax Administrator to enforce each and all of the provisions of this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator, with the concurrence of the City Attorney, may from time to time promulgate administrative rules and regulations.

C. The Tax Administrator shall have the power to audit and examine all books and records of cannabis businesses as well as persons engaged in the operation of cannabis businesses, including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of or the transaction prices charged by a cannabis business or persons engaged in the operation of a cannabis business, for the

purpose of ascertaining the amount of tax, if any, required to be paid by the provisions of this Chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this Chapter. If such cannabis business or person, after written demand by the Tax Administrator, refuses to make available for audit, examination or verification such books, records, or equipment as the Tax Administrator requests, the Tax Administrator may, after full consideration of all information within the Tax Administrator's knowledge concerning the cannabis business and its business and activities of the person so refusing, make an assessment in the manner provided in Section 3.08.130.

D. The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any State law requiring the payment of all taxes.

E. Any person violating any of the provisions of this Chapter or any regulation or rule passed in accordance herewith, or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the a cannabis business certificate or permit from the City shall be deemed guilty of a misdemeanor.

3.08.130 – Debts, Deficiencies and Assessments.

A. The amount of any tax, penalties, and interest imposed by the provisions of this Chapter shall be deemed a debt to the City and any person operating a cannabis business without having paid any applicable tax, penalties, and interest shall be liable in an action in the name of the City in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed on such cannabis business.

B. If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, the Tax Administrator may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a cannabis business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, notice shall be given to the person concerned in the same manner as notices of assessment are given under Subsections (C), (D), and (E) of this Section.

C. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter:

1. If the person has not filed any statement or return required under the provisions of this Chapter;

2. If the person has not paid any tax due under the provisions of this Chapter;

3. If the person has not, after demand by the Tax Administrator, filed a corrected statement or return, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement or return already filed, or paid any additional amount of tax due under the provisions of this Chapter;

4. If the Tax Administrator determines that the nonpayment of any tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter.

5. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

D. The notice of assessment shall be served upon the person either by handing it to him or her personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the cannabis business appearing on the face of the business license issued under this Code, or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no business license issued and should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

E. Within ten (10) calendar days after the date of service the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive.

F. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be held within thirty (30) calendar days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person to produce specific records at such hearing, such notice may designate the records requested to be produced.

G. At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to the person owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 3.08.140 of this Chapter.

H. Unless appealed, payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) calendar day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be at the rates set forth herein, along with interest at the rate as set forth by resolution of the City Council, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Section shall commence from the date of delinquency as provided in this subsection.

3.08.140 - Appeals.

A. The provisions of this section apply to any deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision, deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. [See Government Code Section 935(b).]

B. If any person is aggrieved by any deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within ten (10) calendar days of the date of the deficiency determination, assessment, or administrative ruling of the Tax Administrator which aggrieved the person.

C. If the person requests an appeal, the City Clerk shall cause the matter to be set for hearing, which shall be held within thirty (30) calendar days after receipt of the written request for appeal. Notice of the time and place of the appeal hearing shall be mailed by the City Clerk to such person at least ten (10) calendar days prior to the hearing, and, if the City Manager desires said person to produce specific records at such hearing, such notice may designate the records requested to be produced. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

D. At the time fixed for the hearing, the City Manager shall hear all relevant testimony and evidence, *de novo*, including that of any other interested parties. At the discretion of the City Manager, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time

following the conclusion of the hearing, the City Manager shall issue a final decision confirming, modifying or rejecting the Tax Administrator's deficiency determination, and shall mail a copy of such final decision to the person owing the tax. The City Manager's decision shall be final and subject only to judicial review shall be pursuant to California Code of Civil Procedure Section 1094.6. Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) calendar day following the date of receipt of the City Manager's decision.

3.08.150 – No Injunction/Writ of Mandate.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this City or against any officer of the City to prevent or enjoin the collection under this Chapter of any tax or any amount of tax required to be collected and/or remitted.

3.08.160 – Future Amendment to Cited Statute.

Unless specifically provided otherwise, any reference to a state or federal statute in this Chapter shall mean such statute as it may be amended from time to time; provided, that such reference to a statute herein shall not include any subsequent amendment thereto, or to any subsequent change of interpretation thereto by a state or federal agency or court of law, to the extent that such amendment or change of interpretation would require voter approval under California law, or to the extent that such change would result in a tax decrease. Only to the extent voter approval would otherwise be required or a tax decrease would result, the prior version of the statute (or interpretation) shall remain applicable. For any application or situation that would not require voter approval or would not result in a decrease of a tax, provisions of the amended statute (or new interpretation) shall be applicable to the maximum possible extent. To the extent that the City's authorization to collect or impose any tax imposed under this Chapter is expanded or limited as a result of changes in state or federal law, no amendment or modification of this Chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the authorization up to the full amount of the tax imposed under this Chapter."

SECTION 2. Effective Date. Pursuant to California Constitution Article XIII C §(2)(b) and California Elections Code §9217, if a majority of the qualified voters voting in the election on Measure "___" vote in favor of the adoption of such Measure, this ordinance shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date.

SECTION 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Goleta hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof,

irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4. Certification/Summary. Following the City Clerk's certification that the citizens of Goleta have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City; and shall cause the same, or a summary thereof, to be published as required by law.

PASSED, APPROVED and ADOPTED by the People of the City of Goleta this 6th day
of November, 2018.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GOLETA
ADJUSTING THE SALARY FOR CITY COUNCIL
MEMBERS AND AMENDING THE GOLETA
MUNICIPAL CODE

The People of the City of Goleta do hereby ordain as follows:

Section 1. Findings.

- a. Municipal Code Section 2.01.080 establishes a salary for City Councilmembers in the amount allowed by California Government Code Section 36516(a).
- b. In accordance with subparagraph (b) of Section 36516, Councilmembers' salary may be increased beyond the amounts allowed Section 36516(a) by majority vote of the electorate.
- c. The City's Public Engagement Commission recommended to the City Council that a measure be placed on the ballot for consideration by the electorate for an increase in Councilmember salary in order to enhance community participation in City governance.
- d. Accordingly, on June 19, 2018, the City Council adopted Resolution No. 18-31 to place this ordinance before the electorate at the November 6, 2018 election.

Section 2. Section 2.01.080 of Title 2, Chapter 2.01 of the Goleta Municipal Code is amended in its entirety to read as follows:

2.72.040 Mayor and City Council Salary.

In accordance with Section 36516(b) of the Government Code of the State of California, the salary for the Mayor shall be 90% of the nonfamily household median income for the City of Goleta as published annually by the United States Census Bureau and the salary for each member of the City Council shall be 75% of the nonfamily household median income for the City of Goleta as published annually by the United States Census Bureau. The foregoing salaries will be adjusted annually to conform to the median income amounts published by the United States Census Bureau.

Section 3. The increased salary provided for by Section 2 of this Ordinance shall first be paid for the first pay period following the date that councilmembers elected in the November, 2018 election are sworn into office. Annual

adjustments will be made in the first pay period of December of each year,
beginning in December, 2020.

Section 4. Ordinance No. 16-05 is hereby repealed.

PASSED, APPROVED AND ADOPTED BY THE PEOPLE OF THE CITY OF
GOLETA AT AN ELECTION HELD this 6th day of November 2018.

MAYOR

Attest:

Deborah S. Lopez
City Clerk

RESOLUTION NO. 18-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Goleta called a General Municipal Election to be held on November 6, 2018, for the purpose of the election of a Mayor for a two-year full term and for two members of the City Council for four-year full terms; and

WHEREAS, the City Council is submitting to the voters the Question Relating to Cannabis Business Tax and City Council Compensation; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Santa Barbara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election (Santa Barbara County Request for Election Services – Exhibit A).

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

SECTION 1.

That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of the election of two Members of the City Council for four-year full terms and one Member of the City Council for Mayor for a two-year term.

2018 JUN 21 PM 1:07
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

SECTION 2.

That a measure is to appear on the ballot as follows:

| | |
|---|-----|
| "Shall an ordinance be adopted establishing a Cannabis Business Tax on gross receipts of cannabis businesses from the sale of cannabis and related products, whether at wholesale or retail, at a rate not to exceed 10%, with initial rates of 5% (retailers), 2% (manufacturers), 4% (cultivators), and 1% (distributors and nurseries) estimated to raise \$334,000 to \$1,423,000 to fund unrestricted general revenue purposes, such as street repair, parks and police, until ended by voters?" | Yes |
| | No |

SECTION 3.

That the proposed complete text of the measure submitted to the voters is attached as Exhibit A.

SECTION 4.

That the vote requirement for the measure to pass is a majority (50+1) of the votes cast.

SECTION 5.

That a measure is to appear on the ballot as follows:

| | |
|---|-----|
| "Shall an ordinance be adopted establishing an annual salary for members of the City Council set at seventy-five percent (75%) of the nonfamily household median income for the City of Goleta as determined by the United States Census Bureau (resulting in a salary of \$42,134) and for the Mayor at ninety percent (90%) of the nonfamily household median income for the City of Goleta (resulting in a salary of \$50,561)?" | Yes |
| | No |

SECTION 6.

That the proposed complete text of the measure submitted to the voters is attached as Exhibit B.

SECTION 7.

That the vote requirement for the measure to pass is a majority (50 +1) of the votes cast.

SECTION 8.

That the County Election Division is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 9.

That the Board of Supervisors is requested to issue instructions to the County Election Division to take any and all steps necessary for the holding of the consolidated election.

SECTION 10.

That the City of Goleta recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for such costs.

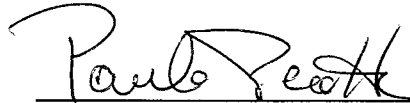
SECTION 11.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Division of the County of Santa Barbara.

SECTION 12.

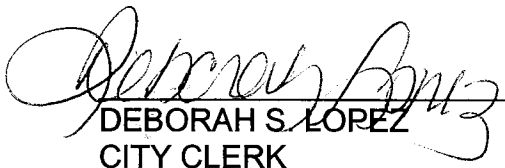
That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 19th day of June, 2018.



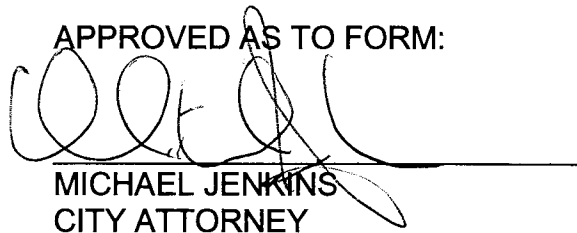
PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 18-32 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19th day of June, 2018, by the following vote of the Council:

AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE KASDIN,
 COUNCILMEMBERS ACEVES, BENNETT AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK

City Request for Consolidated Election Services

This checklist has been prepared to clarify the roles of the County Elections Office and the City in conducting the City's consolidated election and to act as an official agreement for reimbursement of costs for county services in accordance with the County billing policies on elections. If the city requests that the County Elections Office conduct their consolidated election, this "City Request for Consolidated Election Services" form must be completed and returned to the Elections Office at the time that the resolution is submitted to the Board of Supervisors, pursuant to Elections Code Sections 10403 or 10002.

The County Elections Official will:

- Prepare a calendar of events and due dates for the election.
- Publish the precinct officers and polling places information and provide the City Clerk with a copy of the publication.
- Establish polling places, and recruit and train election officers.
- Verify nomination petitions for city candidates, if the City has not been setup with access to EIMS.
- Arrange for the Spanish translation of all materials provided to the voters.
- Prepare and arrange for the printing of County Voter Information Guides and official ballots.
- Print candidate statements exactly as submitted by the City. The county elections official is not responsible for any errors in punctuation, spelling, and grammar.
- Provide the City Clerk with County Voter Information Guide page proofs for candidate statements, and direct arguments, rebuttal arguments, impartial analysis and full text information for measures, if applicable (English & Spanish) for their review and final approval.
- Provide the City Clerk with the official ballot proofs (English & Spanish) for their review and final approval.
- Manage vote-by-mail process.
- Tally votes at polling locations and/or vote-by-mail ballots at the County Elections Office.
- Conduct election canvass procedures.
- Provide a copy of the election certification and final results.
- Prepare and mail invoice to the City for costs of the election.

The City Clerk Official will:

- Prepare and process nomination documents for city candidates, resolve ballot designation issues and ensure all other related legal requirements are met.
- Provide the County Elections Official with a certified list of candidates, including ballot designations and candidate statements if a candidate filed a statement to appear in the County Voter Information Guide.
- Review the Voter Information Guide page proofs for candidate statements and give the County Elections Official the final approval for printing (English and Spanish).
- Review the official ballot proofs and give the County Elections Official the final approval for printing (English and Spanish).
- In the case of a tie vote, the City will determine the method to resolve the tie vote.
- Prepare and furnish Oaths of Office for candidates.

If a city measure is to be consolidated with the election, the City Clerk official will:

- Be responsible for the procedures relative to their measures including publishing the "Notice of Election" and the "Notice to Submit Arguments"; accepting and selecting direct arguments; processing rebuttal arguments; preparing the impartial analysis; the 10-Day public exam period and all other related legal requirements.
- Submit **electronic copies** of direct arguments, rebuttal arguments, impartial analysis and the full text of measures by the printing deadline established by the county elections official.

- Review the County Voter Information Guide page proofs for direct arguments, rebuttal arguments, impartial analysis and the full text for measures and give the County Elections Official the final approval for printing (English and Spanish).

The City Clerk shall publish:

- Notice of Election and Candidate Filing Period (EC 12101)
- Notice of Measures To Be Voted On (EC 12111)
- Publication of Official Candidates List (EC 12110)

The County Elections Official will publish on the City's behalf:

- Notice of Polling Places and Precinct Officers (EC 12106)
- Notice to Count Ballots at a Central Location (EC 12109)

The County Elections Officials will take all actions necessary to properly and lawfully conduct the election.

The undersigned requests the election services previously identified to be performed by the County Elections Official for the:

NOVEMBER 6, 2018 CONSOLIDATED GENERAL ELECTION

Date and Name of Election

Additionally, pursuant to Elections Code 10002, the undersigned agrees to reimburse the County their share of costs allocated in accordance with the County billing policy for consolidated elections. The City agrees to pay the full cost billed within 30 days of the invoice date. The City further understands and agrees that failure to pay within 30 days will result in an interest charge at the County's pooled interest rate commencing from the date of the election.

Print Name: Deborah Lopez

Signed: _____

Title: City Clerk

City Name: Goleta

Date: 6/13/2018 Telephone: 805 961-7505

Please deliver completed form with a copy of your resolution by mail, fax, or personal delivery to the attention of Renee Bischof, Chief Deputy Registrar of Voters at:

MAIL

Santa Barbara County Elections
P. O. Box 61510
Santa Barbara, CA 93160-1510

DELIVERY

Santa Barbara County Elections
4440-A Calle Real
Santa Barbara, CA 93110

FAX

(805) 568-2209

If you have questions, contact Renee Bischof at (805) 696-8963 or Heather McCaslin at (805) 696-8953.

REQUEST FOR PETITION VERIFICATION SERVICES

This request for services has been prepared to clarify the City's expectations of the County Elections Office in the verification of signatures on municipal initiative, referendum and recall petitions and to act as an official agreement for reimbursement of costs for county services in accordance with the County billing policy for local agency service requests. If the city requests that the County Elections Office verify the signatures on a petition, this "Request for Petition Verification Services" form must be completed and submitted to the County Elections Office prior to or at the time that the petition is submitted for verification.

| | |
|-------------|----------------------------------|
| CITY | City Name: <u>Goleta</u> |
| | City Clerk: <u>Deborah Lopez</u> |

| | |
|---|--|
| TYPE OF PETITION | <input checked="" type="checkbox"/> CITY INITIATIVE |
| | Subject/Title: <u>Council Salary / Cannabis Tax</u> |
| | <input type="checkbox"/> CITY REFERENDUM |
| | Subject/Title: _____ |
| <input type="checkbox"/> CITY COUNCILMEMBER RECALL | |
| Officer(s) Whose Recall is Sought: _____ | |

| | |
|--------------|--|
| DATES | <input checked="" type="checkbox"/> NOMINATION SIGNATURES |
| | Election Date: <u>November 6, 2018</u> |
| | <input type="checkbox"/> OTHER/SPECIFY: _____ |

| | |
|-------------------------|---|
| NUMBER SUBMITTED | _____ Sections (pages) |
| | _____ Signatures |
| | _____ Number unknown; will rely on Registrar's count. |

| | |
|------------------------|---------------------------------------|
| NUMBER REQUIRED | <u>16,643</u> Registered Voters |
| | Based on: |
| | Sec. of State report of (Date): _____ |
| | Other/Specify: _____ |
| | <u>20</u> Valid Signatures Required |

| | |
|--------------------|--|
| WITHDRAWALS | _____ Withdrawals Received |
| | (Date stamped by City Clerk upon receipt; must be received by the <u>day</u> before the petition is filed) |
| | <input type="checkbox"/> None received |

VERIFICATION METHOD

Random Sample (3% or 500 signatures whichever is greater for initiative and referendum petitions; 5% or 500 signatures whichever is greater for recall petitions)

100%; verify every signature

Stop process when required number are verified as valid

SIGNER QUALIFICATIONS

Use the "Petition Verification Guidelines" which was produced in a joint effort between the Secretary of State and the Petition Sub-Committee of the Elections Legislative Committee and any relevant Elections Code Sections in the verification of petition signatures.

Exceptions (attach additional pages, if necessary): Use Santa Barbara Counsel 's Opinon for verification

CIRCULATOR QUALIFICATIONS

Verify that the circulators meet the qualifications of Elections Code Section 9209 and 104.

Other: _____

RETURN OF PETITION Elections Office will contact the City Clerk to make arrangements

DELIVERY TO REGISTRAR OF VOTERS

Delivered by: _____

Accepted by: _____ Date: _____

The undersigned requests that the County Elections Official verify the petition as indicated on this request form. Additionally, the undersigned agrees to reimburse the County for the full cost of providing this service in accordance with the County billing policy for local agency service requests. The undersigned agrees to reimburse the County within 30 days of the invoice date. Failure to pay within 30 days will result in an interest charge at the County's pooled rate commencing from the date of the certificate of petition results.

City Name: Goleta

Signed: _____ Date: 6/13/2018

Printed Name: Deborah Lopez

Job Title: City Clerk

Telephone: 805 961-7505 Fax: 805 685-2635 Email: dlopez@cityofgoleta.org

Please deliver this completed form with your petition to:

SANTA BARBARA COUNTY ELECTIONS
4440-A Calle Real
Santa Barbara, CA 93110

SANTA MARIA BRANCH OFFICE
511 East Lakeside Pkwy
Santa Maria, CA 93455

MAILING ADDRESS:

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