RESOLUTION NO. 2019-104

A RESOLUTION OF NAPA COUNTY, STATE OF CALIFORNIA, CALLING A SPECIAL ELECTION AND CONSOLIDATING IT WITH THE MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION FOR THE PURPOSE OF ENABLING THE PEOPLE OF NAPA COUNTY TO VOTE ON THE QUESTION OF WHETHER THE NAPA COUNTY CANNABIS REGULATION INITIATIVE, KNOWN AS MEASURE J, SHOULD BE ADOPTED, AMENDING THE NAPA COUNTY CODE TO (1) ADD COMMERCIAL CANNABIS CULTIVATION TO THE DEFINITION OF AGRICULTURE; (2) ALLOW COMMERCIAL CANNABIS ACTIVITIES IN THE AGRICULTURAL PRESERVE, AGRICULTURAL WATERSHED AND AIRPORT ZONING DISTRICTS UNDER SPECIFIED CONDITIONS; AND (3) IMPOSE AN ANNUAL TAX ON COMMERCIAL CANNABIS ACTIVITIES

WHEREAS, the initiative process is available to adopt changes to county ordinances; and

WHEREAS, on or about April 12, 2019 Eric Sklar, Stephanie Honig, Marc Hauser, Mary Flynn, and Zack Crafton (hereafter collectively “initiative proponent”), presented to the Election Division of the Napa County Assessor-Recorder-County Clerk Department (hereafter the “Election Division”) a Notice of Intention to Circulate a County Initiative Petition (hereafter referred to as the “Notice of Intent”) entitled the “Napa County Cannabis Regulation Initiative” relating to commercial cannabis cultivation (hereafter referred to as the “Initiative”); and

WHEREAS, the Initiative was referred to the Napa County Counsel, who prepared the required Ballot Title and Summary within the time required by law, all pursuant to Elections Code section 9105; and

WHEREAS, the Notice of Intent and Ballot Title and Summary prepared by the Napa County Counsel was published in a newspaper of general circulation in the County in the manner required by subsection (b) of Elections Code section 9105 and proof of publication was filed with the Election Division on or about May 1, 2019; and

WHEREAS, the Election Division has determined that the number of votes cast within the County for all candidates for Governor at the last gubernatorial election preceding the publication of the Notice of Intent was 56,347; and

WHEREAS, prior to the expiration of the circulation period the initiative proponent filed the requisite number of signatures with the Election Division; and

WHEREAS, the Election Division subsequently filed a report certifying that sufficient valid signatures had been gathered by the initiative proponent equal to more than 10% of the total persons who voted for all candidates for Governor at the last
WHEREAS, on July 23, 2019, the Board accepted said certification and ordered a report pursuant to section 9111 of the Elections Code for presentation to the Board within thirty days; and

WHEREAS, at the public meeting of the Board of Supervisors on August 20, 2019, staff presented, and the Board received, the Elections Code section 9111 report; and

WHEREAS, under Elections Code section 9118, the Board is now required either to adopt the Initiative without a vote of the people or to adopt a resolution calling an election and consolidating it with the next statewide election for purposes of enabling the people of Napa County to approve or reject the Initiative; and

WHEREAS, the next regularly scheduled statewide election is the March 3, 2020 Presidential Primary election and sufficient time remains to enable the Board to place the Initiative on said ballot; and

WHEREAS, the Board has concluded that adopting a resolution calling an election and placing the Initiative on the ballot for March 3, 2020 Presidential Primary election is the most appropriate manner in which to proceed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Napa County, State of California, pursuant to the provisions of Elections Code section 12001, hereby orders and proclaims that the question of whether the Initiative should be adopted, shall be submitted to the voters of Napa County as Measure “J,” to be held and conducted on the 3rd day of March, 2020, and that the polls shall be open from the hours of 7:00 a.m. to 8:00 p.m. on said election day. The manner of holding the election and the procedure for voting for and against the question presented shall be as set forth in the Elections Code for a local special election, which is consolidated with the Presidential Primary election.

BE IT FURTHER RESOLVED that said special election shall be, and it is, hereby consolidated with the Presidential Primary election to be held on said day, and all precincts established and all election officers appointed for said primary election shall be the precincts and election officers for said special election, and said election officers shall conduct said election and make return thereof according to law.

BE IT FURTHER RESOLVED that Elections Code section 9160, et seq., shall apply to this special election.

BE IT FURTHER RESOLVED that, in accordance with section 13119 of the Elections Code, Measure “J” be submitted on the ballot at said Presidential Primary
election, and that the Registrar of Voters be, and hereby is, instructed to place the same on the ballot at said election in the following form:

Shall Napa County Ordinance No. 2019-02 be adopted? (Amending the Napa County Code to (1) add commercial cannabis cultivation to the definition of agriculture; (2) allow commercial cannabis activities in the Agricultural Preserve, Agricultural Watershed and Airport zoning districts under specified conditions; and (3) impose an annual tax on commercial cannabis activities.)

BE IT FURTHER RESOLVED that the impartial analysis by the County Counsel in the form required by Elections Code section 9160 shall be prepared and filed with the Registrar on or before 5:00 p.m., on December 6, 2019 and included in the official ballot materials.

BE IT FURTHER RESOLVED that notice be, and it hereby is, given that the final date for submission to the Registrar of Voters of arguments not to exceed 300 words in length for or against Measure J shall be Friday December 13, 2019, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 1st St. Ste E, Napa, California, 94559, no later than 4:30 p.m. on said day.

BE IT FURTHER RESOLVED that the final date for submission to the Registrar of Voters of rebuttal arguments for or against Measure J to the extent rebuttal arguments are permitted by section 9167 of the Elections Code, shall be December 20, 2019, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 1st St. Ste E, Napa, California, 94559, no later than 4:30 p.m. on said day.

BE IT FURTHER RESOLVED that the entire text of Measure J shall not be printed on the ballot, but shall be printed in the voter information portion of the sample ballot.

BE IT FURTHER RESOLVED that a fiscal impact statement by the County Auditor which is authorized by Elections Code section 9160 (c) is not required.

BE IT FURTHER RESOLVED that the official conducting the election may publish a notice of the election in a newspaper of general circulation within the County of Napa not later than fifty (50) days prior to the election.

The foregoing resolution was duly and regularly adopted at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 20th day of August, 2019, by the following vote:
AYES: SUPERVISORS WAGENKNECHT, PEDROZA, DILLON, RAMOS and GREGORY

NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

NAPA COUNTY, a political subdivision of the State of California

By:

RYAN GREGORY, Chair of the Board of Supervisors

APPROVED AS TO FORM
Office of County Counsel
By: S. Darbinian
Deputy County Counsel
Date: August 14, 2019

APPROVED BY THE
NAPA COUNTY
BOARD OF SUPERVISORS
Date: August 20, 2019
Processed By:

Deputy Clerk of the Board

ATTEST: JOSE LUIS VALDEZ
Clerk of the Board of Supervisors

By: [Signature]