

**Don't forget to
VOTE!**

**CITY OF RIVERBANK
GENERAL MUNICIPAL
ELECTION**

**Tuesday, November 6,
2018**



VOTER REGISTRATION

The last day to officially register to vote is
Monday, October 22, 2018

Should you miss this deadline, the State of California allows for *conditional voting*; essentially registering and casting a vote at the same time -- up until Election Day.

Conditional Voter Registration is a new safety net for Californians to vote or update their voter registration information for the November 6, 2018, General Election. Eligible citizens who missed the October 22 deadline must go to their County Registrar of Voters (ROV)/Elections office (address below) to register and vote conditionally. The ballot will be processed once the county elections office has completed the voter registration verification process.

**Voters can complete the conditional voter registration process from:
October 23 through Election Day on November 6.**

WHERE IS MY POLLING LOCATION?

- Go to www.stanvote.com (click on "Find a poll")
- Call automated polling place look-up (209) 525-5200
- Call the ROV/Elections (209) 525-5201

VOTE-BY-MAIL BALLOT

Ballots must be received by 8:00 pm on Election Day. Ballots can be returned at:

- The ROV/Elections Office (address below)
- Local Polling Location between 7:00 a.m. to 8:00 p.m. (see attached)
- **Remember to sign your envelope!**

For assistance contact or go to:

COUNTY REGISTRAR OF VOTERS/ELECTIONS

1021 I Street, Suite 101 Modesto, CA 95354

www.stanvote.com

(209) 525-5201 or (209) 525-5200

RIVERBANK POLLING LOCATIONS

Tuesday, November 6, 2018

Open from 7:00 a.m. to 8:00 p.m.

Polling Site Location:

Precinct Name: RIVERBANK 3,7,12,17

Polling Site: RIVERBANK COMMUNITY CENTER

Address: 3600 SANTA FE ST, RIVERBANK, CA 95367

[For a map
Click Here!](#)

Polling Site Location:

Precinct Name: RIVERBANK 1,13,16

Polling Site: ST FRANCES OF ROME

Address: 2827 TOPEKA ST, RIVERBANK, CA 95367

[For a map
Click Here!](#)

Polling Site Location:

Precinct Name: RIVERBANK 10,11,18,19

Polling Site: QUAIL MEADOWS MOBILE HOME PARK
CLUBHOUSE

Address: 5901 NEWBROOK CIRCLE
RIVERBANK, CA 95367

[For a map
Click Here!](#)

ATTENTION VOTE-BY-MAIL VOTERS

Remember to [sign your ballot's envelope](#)
before mailing it or dropping it in a ballot
box.

Provided by:

Annabelle Aguilar, CMC

City Clerk/Elections Official

City of Riverbank, CA

www.riverbank.org ([Elections page](#))

(209) 863-7198 or cityclerk@riverbank.org



City of Riverbank

Office of the City Clerk / Elections

6707 Third Street • Suite A • Riverbank CA 95367

Dept.: (209) 863-7122 • Direct: (209) 863-7198 • FAX: (209) 869-7100

E-mail: cityclerk@riverbank.org

NOTICE OF NOMINEES FOR PUBLIC OFFICES AND MEASURE “B” TO BE VOTED ON

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Riverbank on Tuesday, November 6, 2018, and that the following Nominees are listed in the order of which they will appear on the ballot:

For City Councilmember District #1 (Full 4-year term) – [Vote for one (1) Candidate]

Luis Uribe
Eva Nash
Vernon “Jack” Whorton Jr.

City Councilmember District #3 (Full 4-year term) – [Vote for one (1) Candidate]

Calvin “Cal” L. Campbell
Leanne M. Jones Cruz

AND

MEASURE B – CITY OF RIVERBANK BUSINESS LICENSE TAX: Shall the measure adopting an ordinance authorizing the City Council of the City of Riverbank to impose a business license tax at a rate of up to ten percent (10%) of gross receipts on cannabis businesses and dispensaries, to help fund general municipal services, be adopted?	YES
	NO

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m. on Election Day. For voter registration information go to www.riverbank.com Elections page or www.stanvote.com for the Stanislaus County Registrar of Voters or you may call the Riverbank City Clerk/Elections Official at (209) 863-7198.

Published this 17TH day of October, 2018

/s/ Annabelle H. Aguilar, City Clerk/Elections Official, City of Riverbank

MEASURE B – CITY OF RIVERBANK CANNABIS BUSINESS LICENSE TAX: Shall the measure adopting an ordinance authorizing the City Council of the City of Riverbank to impose a business license tax at a rate of up to ten percent (10%) of gross receipts on cannabis businesses and dispensaries, to help fund general municipal services, be adopted?	YES
	NO

CITY OF RIVERBANK

ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING CHAPTER 34: TAXATION OF TITLE III:
ADMINISTRATION, BY ADDING SUBCHAPTER CANNABIS BUSINESS TAX
SECTIONS 34.70 THROUGH 34.71, IMPOSING A BUSINESS LICENSE TAX AT A
RATE OF UP TO TEN PERCENT (10%) ON THE GROSS RECEIPTS OF
COMMERCIAL CANNABIS BUSINESSES IN THE CITY**

WHEREAS, in 1996, the voters of the state of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5, and known as “The Compassionate Use Act of 1996” of “CUA”); and

WHEREAS, in 2003, the California Legislature passed SB 420 (Medical Marijuana Program Act), which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law (AB 266, AB 243, and SB 643), collectively referred to as the Medical Marijuana Regulation and Safety Act (the “MMRSA”). MMRSA set up a state licensing system for commercial medical cannabis uses while also allowing cities to maintain local control of cannabis cultivation; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the “Control, Regulate and Tax Adult Use of Marijuana Act” (“AUMA”). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age or older and the personal cultivation of up to six (6) cannabis plants within a private residence; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), which created a single regulatory scheme for both medical and adult-use cannabis businesses. MAUCRSA retains the provisions in MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, on August 22, 2017, the City Council of the City of Riverbank (“City Council”) adopted Ordinance No. 2017-007 amending the City of Riverbank’s (“City”) municipal code, thereby authorizing commercial cannabis activity in the City; and

WHEREAS, the City Council seeks authorization to enact a tax on cannabis businesses; and

WHEREAS, this Ordinance would tax businesses engaged in commercial cannabis activity at a maximum rate of up to ten percent (10%) of monthly gross receipts, as directed by the City Council by resolution; and

WHEREAS, the City Council of the City finds that it is in the best interest of the health, welfare, and safety of the public to submit this Ordinance to the qualified voters of the City at the next Statewide General Election on November 6, 2018.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF RIVERBANK DO ORDAIN AS FOLLOWS:

SECTION 1. Amending Chapter 34: Taxation of Title III: Administration, of the Riverbank Municipal Code by adding a new subsection Cannabis Business Tax Sections 34.70 through 34.71, which shall read as follows:

Cannabis Business Tax

Section

34.70 Definitions

34.71 Cannabis business tax

CANNABIS BUSINESS TAX

§ 34.70 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUSINESS means professions, trades, occupations, gainful activities, and all and every kind of calling whether or not carried on for profit.

CANNABIS or ***MARIJUANA*** has the meaning as defined in California Health and Safety Code section 11018.

CANNABIS BUSINESS means any business activity involving the commercial cultivation, distribution, and exchange of cannabis, including, but not limited to, the planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing,

wholesale and retail sales, whether fixed, mobile, permanent, or temporary, where cannabis is made available, sold, given, distributed, or otherwise provided in accordance with the existing laws of the state of California, whether for medical or non-medical reasons.

CITY means the City of Riverbank, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

COLLECTOR means the Director of Finance or other City officer or employee charged with the administration of this chapter.

FIXED PLACE OF BUSINESS means the premises occupied in the City for the particular purpose of conducting a business there and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to such business.

GROSS RECEIPTS means the total amount charged or received for the performance of any act, service, or employment of whatever nature it may be, whether or not such service, act, or employment is done as a part of or in connection with the sale of goods, wares, merchandise, for which a charge is made or credit allowed. Gross receipts shall be calculated without any deduction on account of any of the following: (i) the cost of tangible property sold or bartered; (ii) the cost of materials or products used, labor or service cost, interest paid, losses, or other expense; or (iii) transportation costs.

PERSON means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies, and individuals transacting and carrying on any business in the City.

REPORTING PERIOD means a year, quarter, or calendar month, as determined by the Collector.

§ 34.71 CANNABIS BUSINESS TAX.

(A) Every person engaged in a cannabis business shall pay an annual business license tax of up to 10 cents for each \$1.00 of gross receipts, regardless whether the City has authorized the cannabis business.

(B) The tax rate shall be set by resolution of the City Council. The City Council may, in its discretion, implement such cannabis business tax rate it deems appropriate, and may by resolution increase or lower such tax rate from time to time, provided that the cannabis business tax shall not exceed 10 cents for each \$1.00 of gross receipts.

(C) Any tax adopted by the City Council pursuant to this chapter shall apply only to those cannabis businesses operating outside the scope of a development agreement approved by the City Council. However, the tax may apply to all cannabis businesses in the event the City Council cancels the Cannabis Pilot Program.

(D) The Collector shall establish reporting periods for the periodic collection of gross receipts. The reporting period may fall under yearly, quarterly, or monthly reporting, or any reasonable reporting period established by the Collector.

(E) Failure to pay the cannabis business tax shall be subject to penalties, interest charges, and assessments as the City Council may establish by resolution, and the City may use any and all code enforcement remedies available at law to collect such payments.

(F) The payment of the cannabis business tax shall not be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner. Nothing in this section shall be applied or construed as authorizing the sale of cannabis.

(G) The Collector or his or her designee shall annually audit any cannabis business taxes imposed by this section to verify that tax revenues have been properly expended in accordance with the law.

(H) The cannabis business tax is not a sales tax and shall not be assessed as such.

(I) This section was submitted to the qualified voters of the City for approval. Any amendment to the maximum tax rate therefore may 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 provisions of this section as the City Council deems in the best interest of the City. The City Council or City Manager may promulgate rules, regulations and procedures to implement this section and to ensure the efficient and timely collection of any taxes or any related penalties imposed by this section.

SECTION 2. This is a City Council sponsored initiative ordinance that shall only be amended by the qualified voters of the City as provided in

the ordinance. The City Council reserves the right and authority to amend the ordinance as authorized, or at any time after a state or federal law is enacted, which requires amendments in order for the ordinance to be in compliance with such law or laws.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The People of the City hereby declare that they would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. After its adoption by the voters, this ordinance shall be in full force and effect ten (10) days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400, and as provided by law.

PASSED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the ___ day of _____, 2018; motioned by _____, seconded by _____; moved said ordinance by a City Council roll call vote of ___:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Riverbank Cannabis Business License Tax

Impartial Analysis of Measure B

Measure B has been placed on the ballot by the Riverbank City Council. Measure B, if approved, would enact an Ordinance authorizing the Riverbank City Council to impose a business license tax of up to ten percent (10%) of the gross receipts of any cannabis-related business.

The state of California voters approved Proposition 64 at the November 8, 2016, election, legalizing cannabis for recreational or other non-medical uses. On August 22, 2017, the City adopted Ordinance No. 2017-007 amending its Municipal Code and authorizing certain commercial cannabis activity in the City. The ordinance authorized commercial cannabis cultivation, dispensaries, and testing laboratories subject to approval of a development agreement and a conditional use permit.

If the City's voters approve Measure B, the City Council will be authorized, but not required, to impose a business license tax on cannabis businesses operating in the City. The term cannabis businesses includes all entities engaged in the commercial cultivation, distribution, and exchange of cannabis, whether for medical or non-medical reasons. The tax would not apply to those cannabis businesses that have entered into a development agreement with the City.

Measure B also authorizes the City Manager to establish procedures for collecting tax and authorizes the Finance Director to audit any business engaged in commercial cannabis activity. The City will also establish penalties and fines to enforce the payment of the cannabis business license taxes.

The proposed cannabis business license tax is a general tax because the revenues would be deposited into the City's general fund for general municipal services, such as improving the City's streets and sidewalks, and funding public safety services. Under the California Constitution, general taxes must be approved by a majority vote of the City's electorate.

A "YES" vote, by a majority of the voters, would approve proposed amendments to the Riverbank Municipal Code to establish a business license tax of up to 10% of the gross receipts of a cannabis business in Riverbank.

A "NO" vote would disapprove proposed amendments to the Riverbank Municipal Code to authorize the City Council to establish a business license tax of up to 10% to be paid by an authorized cannabis business in Riverbank.

/s/ Thomas P. Hallinan, City Attorney
City of Riverbank

If you desire a copy of the measure, please call the City Clerk at (209) 863-7198 and a copy will be mailed at no cost to you.

Arguments in support or opposition of the proposed laws are the opinions of the authors.

ARGUMENT IN FAVOR OF MEASURE B

In November 2016, California voters legalized cannabis for recreational and non-medical use through Proposition 64.

On August 22, 2017, the City Council adopted an ordinance authorizing commercial cannabis cultivation, dispensaries, manufacturing, and testing laboratories subject to a valid development agreement and conditional use permit from the City. Subsequently, the City Council approved two development agreements with cannabis dispensaries which regulates their businesses and generates revenue through a Public Benefit fee. The Public Benefit fee can be used to fund additional services provided by the City, such as police and code enforcement. However, once the current development agreements expire, the City may need a cannabis taxing mechanism in place to ensure a continued revenue stream. The tax will also serve as an enforcement mechanism and detract illegal operators from operating a cannabis business without City approval.

The proposed cannabis business license tax would authorize the Riverbank City Council to impose a local tax of up to 10% on cannabis businesses operating outside of a development agreement. The tax could provide significant revenue, which could fund valuable public services in the future.

The City Council believes taking a proactive stance on the regulation of this industry is in the best interests of Riverbank. In addition, we believe that this tax can help the City address future issues that may be encountered as a result of Prop 64.

Members of the Riverbank City Council therefore urge all Riverbank voters to vote in favor of the proposed cannabis business license tax.

Now is the time to Act! Vote Yes on Measure B!

/s/ Darlene Barber-Martinez, Councilmember

/s/ Richard D. O'Brien, Mayor

**THERE WAS NO ARGUMENT
AGAINST MEASURE B SUBMITTED.**