

**RESOLUTION NO. 22-037**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE  
AUTHORIZING AN ADVISORY MEASURE TO BE PLACED ON THE BALLOT FOR THE  
CITY OF PACIFIC GROVE, ORDERING AN ELECTION, REQUESTING CONSOLIDATION  
OF THE ELECTION WITH THE GENERAL AND STATEWIDE CONSOLIDATED ELECTION  
TO BE HELD ON NOVEMBER 8, 2022**

**WHEREAS**, Proposition 64 of 2016, approved by California voters in November 2016, legalized adult recreational use of cannabis; and

**WHEREAS**, Pacific Grove Municipal Code (PGMC or Code) Chapter 11.100, enacted in 2017, prohibits cannabis activities and makes it unlawful for any person to sell cannabis or cannabis products within city limits; and

**WHEREAS**, PGMC section 11.100.040 also prohibits sale or provision of medicinal cannabis within city limits; and

**WHEREAS**, This Resolution shall place a non-binding advisory ballot measure before Pacific Grove voters at the November 8, 2022, election to determine if there is support or opposition for the City Council to amend the PGMC to create a licensing process that would allow cannabis retail sales at a single licensed and regulated commercial cannabis establishment; and

**WHEREAS**, The ballot measure referenced in this Resolution shall have no independent force or effect, and shall not require the City Council to take action or withhold action based on the results of the election; and

**WHEREAS**, This Resolution is exempt from the CEQA, Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378, 15061).

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of the City of Pacific Grove requests the Board of Supervisors of Monterey County to permit Monterey County Elections to provide any and all services necessary for conducting an election on November 8, 2022, for purposes of placing a ballot measure before the electorate; and

**WHEREAS**, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable; and

**WHEREAS**, pursuant to Elections Code Section 10002 the City shall reimburse the county in full for the services performed upon presentation of a bill; and

**WHEREAS**, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election;

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

**WHEREAS**, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the law for holding elections.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AND ORDER** that the Whereas provisions set forth above are an integral part of this Resolution and are adopted as if set forth in their entirety.

**BE IT FURTHER RESOLVED AND ORDERED** the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held on **November 8, 2022** insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400, 10401 and 10403.

**BE IT FURTHER RESOLVED AND ORDERED** that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

**BE IT FURTHER RESOLVED AND ORDERED** that the Monterey County Elections Department shall conduct the election to be held on November 8, 2022 and submit to the electorate the following question:

ADVISORY MEASURE ( )

Should the Pacific Grove City Council be authorized to amend the Municipal Code to allow retail sales of medical or recreational cannabis, limited to one single

location within the City, at a location no closer than 1000 feet from any existing licensed Daycare/Preschools, Youth Center, and Schools, to engage in commercial cannabis activities?

Yes ( )

No ( )

**BE IT FURTHER RESOLVED AND ORDERED** that the City Council directs the City Clerk to take all actions necessary to submit the measure to the Registrar of Voters for placement on the November 8, 2022 ballot and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of that election.

**BE IT FURTHER RESOLVED** that the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with the California Elections Code. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be signed and filed with the City Clerk and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022. Authors of any argument in favor or in opposition may prepare and submit rebuttal arguments not exceeding 250 words, in the same manner as the direct arguments. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 25, 2022.

**BE IT FURTHER RESOLVED** that in the interest of providing relevant information to the voters on the potential effect of the measure, the City Council requests that Exhibit A – a Cannabis Map dated July 20, 2022 be included in the voter guide as an example as of the date of the map where cannabis businesses could be allowed should the City Council implement the measure as authorized.

**BE IT FURTHER RESOLVED** that the City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. Submittal of the Impartial Analysis is to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022.

**BE IT FURTHER RESOLVED** that that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

**BE IT FURTHER RESOLVED THAT** voter approval requirement is by majority vote of people of the City of Pacific Grove.

**BE IT FURTHER RESOLVED** that that this Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Pacific Grove on this 20<sup>TH</sup> day of July, 2022 by the following vote:

AYES: Mayor Peake, Councilmembers Coletti, McAdams, Poduri, Smith, and Tomlinson.  
NOES: Mayor Pro Tem Amelio.  
ABSENT: None.

APPROVED:

DocuSigned by:  
*Bill Peake*  
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BILL PEAKE, Mayor

ATTEST: **7/25/2022**  
DATED: \_\_\_\_\_

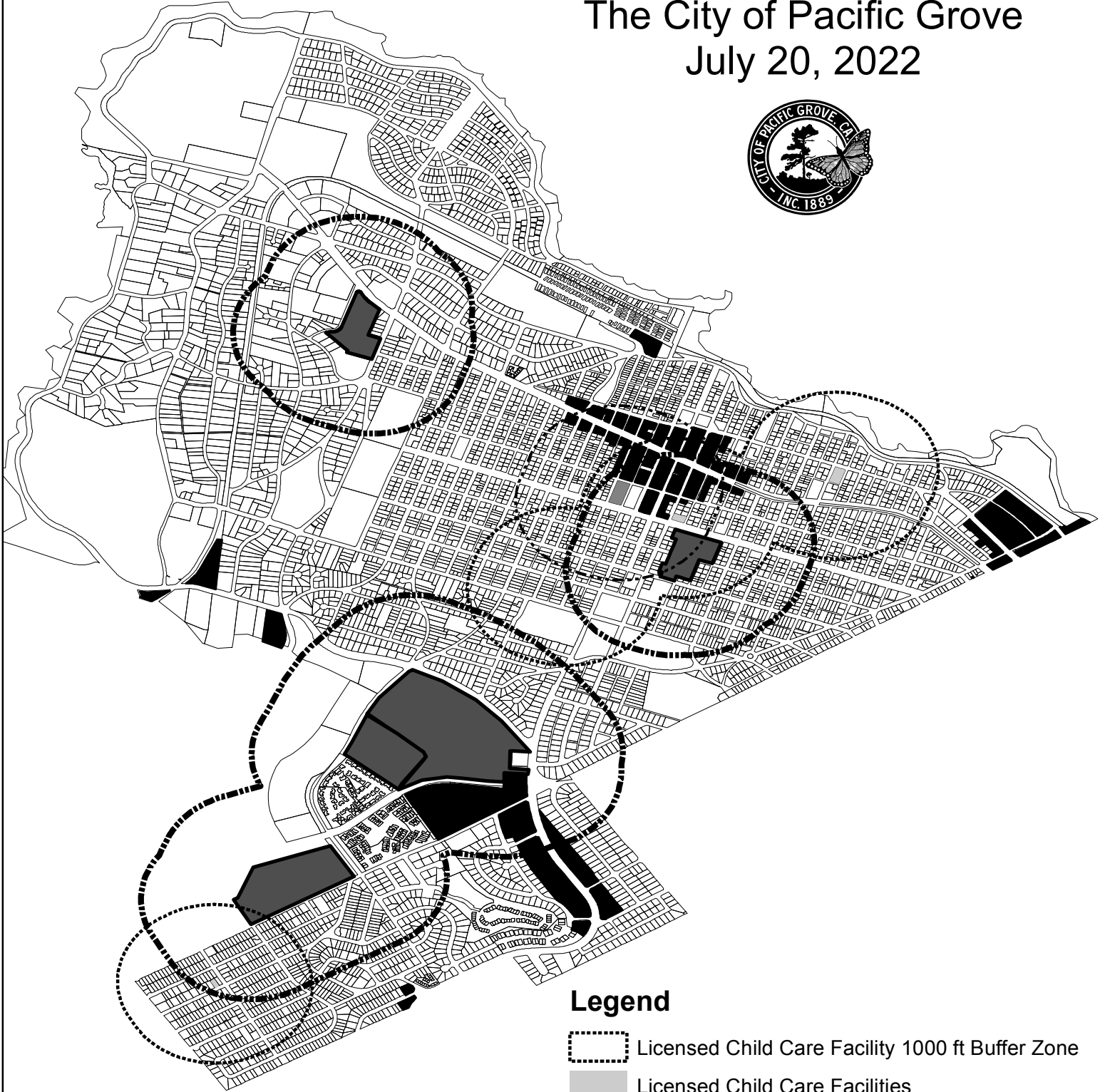
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*Sandra Kandell*  
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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:









DocuSigned by:  
*Brian Pierik*  
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BRIAN A. PIERIK, City Attorney

# EXHIBIT A

# Map of Cannabis Buffer Zones The City of Pacific Grove July 20, 2022



## Legend

-  Licensed Child Care Facility 1000 ft Buffer Zone
-  Licensed Child Care Facilities
-  Pacific Grove Youth Center 1000 ft Buffer Zone
-  Pacific Grove Youth Center
-  Pacific Grove Schools 1000 ft Buffer Zone
-  Pacific Grove Schools
-  Commercial Zone
-  Pacific Grove Parcels

0 1,000 Feet

