

RESOLUTION NO. 2018-071

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDDING
ESTABLISHING NOVEMBER 6, 2018, AS THE DATE FOR A GENERAL
ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER
APPROVAL OF A GENERAL BUSINESS TAX ON CANNABIS
BUSINESSES OPERATING IN THE CITY OF REDDING**

WHEREAS, the City of Redding has responsibly and proactively managed its finances and its taxpayer dollars through transparent budget and decision-making processes; and

WHEREAS, on November 8, 2016, California voters enacted Proposition 64 to legalize adult recreational use of cannabis and to allow businesses that support such cannabis use to operate legally, subject to regulations imposed by state and local public entities; and

WHEREAS, the State of California Governor's Office proposed a series of amendments to the state's regulatory structure during the budget process, known as "SB 94," "the Governor's Trailer Bill," in order to better align the requirements of the Medical Cannabis Regulation and Safety Act ("MCRSA") and Proposition 64, now known as the Medical and Adult Use Cannabis Regulation and Safety Act or "MAUCRSA;" and

WHEREAS, more than fifty (50) other California jurisdictions – typically in collaboration with cannabis businesses – have enacted local measures to impose a general tax on cannabis business for the privilege of operating within the local jurisdiction; and

WHEREAS, such business taxes are imposed on cannabis businesses, and not directly on cannabis users or consumers; and

WHEREAS, adopting such a local cannabis industry business tax measure in the City of Redding will benefit residents of the City by ensuring that cannabis businesses contribute reasonably and fairly to paying for the costs associated with allowing this emerging industry to operate while allowing the City to continue to maintain stable funding for essential City services and continued quality of life; and

WHEREAS, the City recognizes the volatility of the newly-legalized cannabis market and will therefore set limited initial tax rates to balance the financial needs of the City and the desire of the City to support and encourage the industry to engage in the regulated market; and

WHEREAS, such a tax measure will provide locally-controlled revenue that cannot be taken by the State; and

WHEREAS, the taxes which result from this measure are payable solely by the regulated cannabis businesses thereby causing no fiscal impact to those who are not participants, either as producer or consumer, in the cannabis industry; and

WHEREAS, such a tax measure will help to maintain the City's long-term financial stability, with public oversight and annual fiscal reviews; and

WHEREAS, the City of Redding wishes to continue its policy engagement and discussions with stakeholders and the public about how cannabis businesses operating in Redding should be regulated, while acting quickly and decisively to address any significant financial disruptions or impact to the City's General Fund and provision of services to Redding citizens; and

WHEREAS, the revenue from such a business tax can be spent for unrestricted general revenue purposes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDDING RESOLVES AS FOLLOWS:

SECTION 1. NOTICE AND CALL OF GENERAL ELECTION.

The City Council, pursuant to its right and authority, does call a General Municipal Election and orders submitted to the voters at a General Municipal Election to be held and consolidated with the Statewide General Election on Tuesday, November 6, 2018, the following questions:

| <u>BALLOT MEASURE #</u> | |
|---|-----|
| Shall the City of Redding adopt a business tax on cannabis cultivation businesses up to \$25 per square foot of cultivation area and on cannabis manufacturing, processing, laboratory testing, delivery, storage, distribution, and retail sale up to 10% of gross receipts, to enhance and maintain vital public safety services, reduce crime, and protect other general services with all funds to be spent for unrestricted general revenue purposes, generating approximately \$750,000 annually? | YES |
| | NO |

SECTION 2. REQUEST TO CONSOLIDATE AND CONDUCT ELECTION AND CANVASS RETURNS.

(A) The City Council of the City of Redding hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part in the territory of the City as provided in Elections Code 10400 et seq. The Redding City Clerk shall file a certified copy of this Resolution with the Shasta County Clerk/Registrar of Voters to ensure the requisite timeframes for holding the election as required by applicable law.

- (B) The City hereby requests the Board of Supervisors of the County of Shasta to consolidate the Municipal Election with the statewide election being conducted on the same date in the same territory or any territory which is in part the same, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services. Pending approval of such request, the Municipal Election will be consolidated with any election held by the County of Shasta. In any event, the Municipal Election will be held on November 6, 2018, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m. the polls will be closed, except as provided in Section 14401 of the Elections Code, and the officers of the election shall thereupon proceed to canvass the ballots cast thereat.
- (C) The election precincts, polling places, and voting booths within said City for said Municipal Election shall in every case be the same as the election precincts, polling places, and voting booths established for the statewide election, and the election officers for said Municipal Election shall be the same as those selected and designated or to be selected and designated for the statewide election.
- (D) Said Municipal Election shall be held and conducted, and the voters thereof canvassed, and the returns thereof made, all in accordance with the general election laws of the State of California and the ordinances of said City.
- (E) All persons qualified to vote at municipal elections in said City shall be qualified to vote.
- (F) Said Council shall meet forthwith after the canvass of the returns of said election and shall state in the minutes of such meeting the results of said election as ascertained by said canvass.

**SECTION 3. PLACEMENT OF BUSINESS TAX MEASURE
ON THE NOVEMBER 6, 2018, BALLOT.**

The Ordinance authorizing the business tax to be approved by the voters is set forth in Exhibit A. The City Council hereby approves the Ordinance, the form thereof, and its submission to the voters of the City at the November 6, 2018, general election. If a simple majority of the qualified voters voting on the Ordinance shall vote in favor thereof, the Ordinance shall be deemed adopted and shall be effective in accordance with its terms. Initial cannabis business tax rates, should the proposed ballot initiative pass on November 6, 2018, shall be set as follows for a term of one (1) year beginning the day the Ordinance goes into effect:

- a. **Cultivation Initial Rate:** \$3.00 per square foot of cannabis cultivation area.
- b. **Manufacturing, Processing, Laboratory Testing, Storage, and Distribution Initial Rate:** three percent (3%) of gross receipts.
- c. **Retailer's Initial Rate:** five percent (5%) of gross receipts. Sales to persons with a state issued medical identification card, issued for medical purposes, shall be excluded from the calculation of gross

receipts for the purpose of the cannabis business tax. State issued medical identification card means a document issued by the State Department of Public Health that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, in accordance with Section 11362.71 of the Health and Safety Code.

After the term of one (1) year, the City Council of the City of Redding may, by resolution, modify the tax rates up to, but not to exceed, the amount authorized by the electorate.

SECTION 4. PUBLICATION OF MEASURES.

The City Clerk of the City of Redding is hereby authorized to sign a Notice of Election and Measure To Be Voted On in a form substantially similar to that attached hereto as Exhibit B. The City Clerk is hereby authorized and directed to publish said Notice of Election and Measure To Be Voted On at least one time not later than a week before the election in a newspaper of general circulation circulated within the City of Redding, in accordance with the provisions of Section 12111 of the Elections Code of the State of California.

SECTION 5. SUBMISSION OF BALLOT ARGUMENTS AND IMPARTIAL ANALYSIS.

- (A) The City Clerk is hereby authorized and directed to cause to be delivered, no later than June 22, 2018, (which date is not fewer than 88 days prior to the date set for the statewide election), one copy of this Resolution to the Registrar of Voters of the County.
- (B) The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. 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, and transmit such impartial analysis to the City Clerk by 12:00 p.m. on July 9, 2018.
- (C) The Finance Director of the City is hereby authorized and directed to prepare and file with the City Clerk an impartial analysis of the measure contained in Section 2 hereof covering its financial impact upon the City government by 12:00 p.m. on July 9, 2018.
- (D) Pursuant to Section 9282 of the Elections Code of the State of California, the City Council is hereby authorized to prepare a written argument in favor of the proposed measure, not to exceed 300 words. The argument may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, members of the City Council are also authorized to prepare a rebuttal argument, which may also be signed by bona fide associations or by individual voters who are eligible to vote on the measure.
- (E) The last day for submission of direct arguments for or against the measures to the City Clerk shall be by 12:00 p.m. on July 9, 2018.

(F) The last day for submission of rebuttal arguments for or against the measures to the City Clerk shall be by 12:00 p.m. on July 19, 2018.

SECTION 7. SIMPLE MAJORITY VOTE FOR PASSAGE.

This tax is a general tax requiring the approval of a simple majority of the qualified electors casting votes.

SECTION 8. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption, and the City Clerk is directed to send certified copies of this Resolution to the Shasta County Board of Supervisors and to the County Clerk by no later than June 22, 2018.

SECTION 9. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Based on all of the information presented at the City Council meeting on June 19, 2018, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under the California Environmental Quality Act ("CEQA") Guidelines sections 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), the proposed tax measure does not constitute a project under CEQA and, therefore, review under CEQA is not required.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Redding City Council on the 19th day of June, 2018, by a unanimous vote.


AYES: COUNCIL MEMBERS: McElvain, Weaver, Winter, and Schreder
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: Sullivan
ABSTAIN: COUNCIL MEMBERS: None



KRISTEN SCHREDER, Mayor

ATTEST:

FORM APPROVED:



PAMELA MIZE, City Clerk



BARRY E. DeWALT, City Attorney

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST

JUN 22 2018

PAMELA MIZE
CITY CLERK OF THE CITY COUNCIL
OF THE CITY OF REDDING, COUNTY OF SHASTA,
STATE OF CALIFORNIA

BY 

Exhibit A
Ordinance

ORDINANCE NO. _____

**ORDINANCE OF THE PEOPLE OF THE CITY OF REDDING ADDING
CHAPTER 4.10 TO THE REDDING MUNICIPAL CODE TO IMPOSE A
BUSINESS TAX ON CANNABIS BUSINESSES OPERATING IN
REDDING**

WHEREAS, the City of Redding has responsibly and proactively managed its finances and its taxpayer dollars through transparent budget and decision-making processes; and

WHEREAS, on November 8, 2016, California voters enacted Proposition 64 to legalize adult recreational use of cannabis and to allow businesses that support such cannabis use to operate legally, subject to regulations imposed by state and local public entities; and

WHEREAS, the State of California Governor's Office proposed a series of amendments to the state's regulatory structure during the budget process, known as "SB 94," "the Governor's Trailer Bill," in order to better align the requirements of the Medical Cannabis Regulation and Safety Act ("MCRSA") and Proposition 64, now known as the Medical and Adult Use Cannabis Regulation and Safety Act or "MAUCRSA;" and

WHEREAS, more than fifty (50) other California jurisdictions – typically in collaboration with cannabis businesses – have enacted local measures to impose a general tax on cannabis business for the privilege of operating within the local jurisdiction; and

WHEREAS, such business taxes are imposed on cannabis businesses, and not directly on cannabis users or consumers; and

WHEREAS, adopting such a local cannabis industry business tax measure in the City of Redding will benefit residents of the City by ensuring that cannabis businesses contribute reasonably and fairly to paying for the costs associated with allowing this emerging industry to operate while allowing the City to continue to maintain stable funding for essential City services and continued quality of life; and

WHEREAS, the City recognizes the volatility of the newly-legalized cannabis market and will therefore set limited initial tax rates to balance the financial needs of the City and the desire of the City to support and encourage the industry to engage in the regulated market; and

WHEREAS, such a tax measure will provide locally-controlled revenue that cannot be taken by the State; and

WHEREAS, the taxes which result from this measure are payable solely by the regulated cannabis businesses thereby causing no fiscal impact to those who are not participants, either as producer or consumer, in the cannabis industry, and

WHEREAS, such a tax measure will help to maintain the City's long-term financial stability, with public oversight and annual fiscal reviews; and

WHEREAS, the City of Redding wishes to continue its policy engagement and discussions with stakeholders and the public about how cannabis businesses operating in Redding should be regulated, while acting quickly and decisively to address any significant financial disruptions or impact to the City's General Fund and provision of services to Redding citizens; and

WHEREAS, the revenue from such a business tax can be spent for unrestricted general revenue purposes;

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

Section 1: The above recitals constitute a part of the findings made by the citizens in enacting this Ordinance.

Section 2. Chapter 4.10 is hereby added to Title 4 of the Redding Municipal Code to read as follows:

CHAPTER 4.10 CANNABIS BUSINESS TAX

Sections:

- 4.10.010 – Title.**
- 4.10.020 - General Excise Tax.**
- 4.10.030 – Purpose.**
- 4.10.040 – Definitions.**
- 4.10.050 – Authorized.**
- 4.10.060 – Registration of Cannabis Business.**
- 4.10.070 – Reporting and Remittance of Tax.**
- 4.10.080 – Payments and Communications – Timely Remittance.**
- 4.10.090 – Payment – When Taxes Deemed Delinquent.**
- 4.10.100 – Notice Not Required By City.**
- 4.10.110 – Delinquent Registration or Taxes – Penalties and Interest.**
- 4.10.120 – Exemptions from the Tax.**
- 4.10.130 – Enforcement.**
- 4.10.140 – Rules and Regulations.**
- 4.10.150 – Apportionment.**
- 4.10.160 – Construction.**
- 4.10.170 – Audit and Examination of Records and Equipment.**
- 4.10.180 - Other License, Permits, Taxes, Fees, or Charges.**

- 4.10.190 – Successor’s and Assignee’s Responsibility.**
- 4.10.200 – Payment of Tax Does Not Authorize Unlawful Business.**
- 4.10.210 – Deficiency Determinations.**
- 4.10.220 – Failure to Report – Nonpayment.**
- 4.10.230 – Tax Assessment – Notice Requirements.**
- 4.10.240 – Appeal Procedure.**
- 4.10.250 – Conviction for Chapter Violation – Taxes no Waived.**
- 4.10.260 – Violation Deemed Misdemeanor.**
- 4.10.270 – Actions to Collect.**
- 4.10.280 – Remedies Cumulative.**
- 4.10.290 – Amendment.**
- 4.10.300 – Others Taxes and Fees.**
- 4.10.310 – California Environmental Quality Act Requirements.**
- 4.10.320 – Revenue Collected.**

4.10.010. Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

4.10.020. General Excise Tax.

The cannabis business tax is enacted solely to raise revenue and not to regulate cannabis activity; regulation of that activity remains the province of the City Council. The cannabis business tax is an excise tax on the privilege of engaging in cannabis business activity in the City; it is not a sales or use tax. All of the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund and used for general governmental purposes.

4.10.030. Purpose.

This ordinance is adopted to achieve the following purposes, among others, and shall be interpreted to accomplish those purposes:

- A. To impose an excise tax on certain businesses engaged in the cannabis industry operating within the City of Redding pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), the Adult Use of Marijuana Act (AUMA) which was approved by the state’s voters on November 8, 2016, and/or any other enabling legislation or regulation, or in violation of such legislation, and notwithstanding whether such state laws use the term "marijuana" or "cannabis;" and
- B. To specify the type of tax and maximum rate of tax that may be levied and the method of collection; and
- C. To comply with all requirements to impose a general excise tax, such tax to become operative only if and to the extent implemented by the City Council by resolution.

4.10.040. Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter unless the context plainly requires otherwise:

- A. "Business" means professions, trades, occupations and all and every kind of calling, whether or not carried on for profit.
- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. In addition, and without limiting the foregoing, "Cannabis" also means cannabis as defined by Section 26001 of the Business and Professions Code, as may be amended from time to time, and all other applicable state law.
- C. "Cannabis business" or "cannabis industry" means any business activity in the City relating to cannabis (whether medical or adult-use recreational), including but not limited to cultivation (including nurseries), transportation, processing, distribution, manufacture, compounding, conversion, processing, preparation, laboratory testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.
- D. "Cannabis cultivation area" means the total aggregate area(s) of cannabis cultivation by a cannabis business as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, excluding non-production areas, as determined by the Development Services Director or designee.
- E. "Cannabis business tax" means the tax due pursuant to this Chapter for engaging in cannabis business in the City of Redding.
- F. "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division.
- G. "Cannabis product" means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in Section 11018.1 of the California Health and Safety Code.
- H. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether the areas are contiguous or noncontiguous. The plant canopy

need not be contained to a single parcel of land in determining the total square footage that will be subject to tax under this Chapter.

- I. "City" means the City of Redding, either the entity or its territorial limits, as the context requires.
- J. "City Council" or "Council" means the City Council of the City of Redding.
- K. "Collector" means the City Director of Finance or designee.
- L. "Commercial cannabis cultivation" means cultivation conducted by, for, or as part of a cannabis business. Commercial cannabis cultivation does not include personal medical cannabis cultivation, or cultivation for personal recreational use as authorized under the AUMA and as amended by MAUCRSA, for which the individual receives no compensation whatsoever.
- M. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or any part thereof. "Cultivation" also includes nurseries. In addition, and without limiting the foregoing, "cultivation" includes "cultivation" as defined in California Business and Professions Code section 26001 and any successor statute, as may be adopted and amended from time to time.
- N. "Distributor" means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a Retailer. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- O. "Employee" means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.
- P. "Evidence of doing business" means when any person shall by use of signs, circulars, cards, telephone book, internet, advertisement or newspapers, advertise, hold out, or represent that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, or when such person fails to deny by a sworn statement given to the Collector that he is not conducting a business in the City, after being requested to do so by the Collector, then these facts shall be considered prima facie evidence that he or she is conducting a business in the City.
- Q. "Gross receipts" means the total amount actually received or receivable from all sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions,

dividends, and gains realized from trading in stocks or bonds, however designated. "Gross receipts" shall include all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.

- R. "Manufacturer" means a person who conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or who packages or repackages cannabis or cannabis products or labels or re-labels its container. In addition, and without limiting the foregoing, "manufacturer" includes "manufacturer" as defined in California Business and Professions Code section 26001 and any successor statute, as may be adopted or amended from time to time.
- S. "Nursery" means a person who produces cannabis clones, immature plants, and/or seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of cannabis. In addition, and without limiting the foregoing, "nursery" includes "nursery" as defined in California Business and Professions Code section 26001 and any successor statute, as may be adopted or amended from time to time.
- T. "Person" shall have the meaning set forth in Section 6.12.010.
- U. "Personal medical cannabis cultivation" means cultivation, by either a qualified patient who cultivates cannabis exclusively for his or her personal medical use or by a caregiver who cultivates cannabis exclusively for medical use by qualified patients and who is exempt from State licensing requirements under MAUCRSA .
- V. "Retailer" means a business where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including a business that engages in delivery of cannabis or cannabis products as part of a retail sale.
- W. "Sale" means the transfer, in any manner or by any means whatsoever, of title to real or personal property for a consideration; the serving, supplying, or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The definitions in this subsection shall be deemed to include any transaction which is or which, in effect, results in a sale within the contemplation of law.
- X. "State" means the State of California.
- Y. "State license" means a state license issued pursuant to California Business & Professions Code Sections 26000 et seq. or other applicable state law.
- Z. "Vertically Integrated Business" means a cannabis business with a Type 12 license or any

cannabis business holding two or more license types that internally transfers products between cultivation, manufacturing, distribution, or retail operations without a recorded sale to determine gross receipts for purposes of the cannabis business tax.

4.10.050. Authorized.

A cannabis business tax is hereby imposed on every person who is engaged in cannabis business in the City as prescribed herein, from and after the effective date of a City Council resolution implementing the tax. It is unlawful for any person to transact or carry on any cannabis business in the City without paying, in accordance with this Chapter, the cannabis business tax imposed by this section.

A. Tax on Commercial Cannabis Cultivation.

1. There is hereby imposed on every person engaged in commercial cannabis cultivation in the City, an annual tax at a rate established by resolution of the City Council which rate shall not exceed \$25 per square foot of cannabis cultivation area. The maximum square foot tax shall be adjusted annually each January 1st based on the year-over-year percentage change in Bureau of Labor Statistics San Francisco/Oakland/San Jose Consumer Price Index – All Urban Consumers (CPI-U) October to October comparison, or if such index is discontinued, a comparable successor consumer price index as determined by the City Council. The tax imposed under this Subsection (A)(1) shall be due and payable in quarterly installments as provided in Section 4.10.070 of this Chapter. The tax imposed under this Subsection (A)(1) shall not be implemented unless and until the City Council acts by resolution to do so.
2. The City Council may by resolution, in its discretion, implement a tax rate lower than the maximum rates set forth in Subsection (A)(1) for all persons engaged in commercial cannabis cultivation in the City or establish differing tax rates for different categories of commercial cannabis cultivation. For example, and without limitation, the City Council may set different tax rates for cannabis cultivation for medical or adult recreational use, or for indoor rather than outdoor or mixed light cultivation. The City Council may, by resolution, also decrease or increase any such tax rate from time to time, provided that the tax rate shall not, at any time, exceed the maximum tax rates established in Subsection (A)(1). Tax rates shall be set for a minimum term of one (1) year.

B. Tax on Cannabis Manufacturers, Processors, Laboratory Testers, Storers, Distributors, and Retailers.

1. There is hereby imposed on every person engaged in a cannabis business in the City as a manufacturer, processor, laboratory tester, storer, distributor or a retailer an annual tax at a rate established by resolution of the City council which rate shall not exceed ten percent (10%) of annual gross receipts. The tax imposed under this Subsection (B)(1) shall be due and payable in quarterly

installments as provided in Section 4.10.070 of this Chapter. The tax imposed under this Subsection (B)(1) shall not be implemented unless and until the City Council acts by resolution to do so.

2. The City Council may by resolution, in its discretion, implement a tax rate lower than the maximum rate established in Subsection (B)(1) for all persons engaged in a cannabis business in the City as a manufacturer, processor, laboratory tester, storer, distributor or a retailer, or establish differing tax rates for different categories of cannabis business. For example, and without limitation, the City Council may set different rates for businesses serving medical or adult recreational use, or for different types of manufacturers, distributors or retailers. The City Council may, by resolution, also decrease or increase any such tax rate from time to time, provided that the tax rate shall not, at any time, exceed the maximum tax rate established in Subsection (B)(1). Tax rates shall be set for a minimum term of one (1) year.

- B. No further voter approval shall be required for the adoption or increase of a tax under the authority granted by Section 4.10.050 of this Chapter, it being the intent of the People of the City of Redding to authorize such a tax up to and including the maximum rates set forth above whenever implemented by the City Council by resolution hereafter.

4.10.060. Registration of Cannabis Business.

All persons engaging in a cannabis business, whether an existing, newly-established or acquired business, shall register with the Collector within thirty (30) days of commencing operation or by January 1, 2019, whichever is later, and shall annually renew such registration by January 1 of each year thereafter. In registering, such persons shall furnish to the Collector a sworn statement, upon a form provided by the Collector, setting forth the following information:

- (1) The name of the business;
- (2) The names and addresses of each owner;
- (3) The exact nature or kind of business;
- (4) The place where such business is to be carried on; and
- (5) Any further information which the Collector may require.

4.10.070. Reporting and Remittance of Tax.

The cannabis business tax imposed by this Chapter shall be due and payable as follows:

- A. Each person subject to tax under this Chapter, except a cannabis cultivation tax based on square footage, shall, on or before the last day of the month following the close of each calendar quarter, prepare and submit a tax return and remit to the Collector the tax due for that quarter. At the time the return is filed, the full amount of the tax due for the prior quarter shall be remitted to the Collector.
- B. Each person subject to a cannabis cultivation tax based on a square footage shall, on or before the last day of the month following the close of each calendar quarter, prepare and

submit a tax return and remit to the Collector the tax due for that quarter. The tax shall be calculated in accordance with rules and regulations established by the Collector pursuant to Section 4.10.160. The tax return may include a request for adjustment of the tax due to crop loss or periods without cultivation, along with evidence substantiating the crop loss or fallow periods. If the cultivation begins sixty days or more after January 1 or terminates sixty days or more before December 31 of the calendar year, a request to prorate the tax may be submitted with evidence supporting the timing of the cultivation. The decision to prorate or adjust the tax will be made at the sole discretion of the Collector. At the time the return is filed, the full amount of the tax due for the prior quarter shall be remitted to the Collector.

- C. All tax returns shall be completed on forms prescribed by the Collector.
- D. Tax returns and payments for all outstanding taxes owed the City under this Chapter are immediately due and payable to the City of Redding upon cessation of business for any reason.

4.10.080. Payments and Communications – Timely Remittance.

Whenever any payment, return, report, request or other communication is due under this Chapter, it must be received by the Collector on or before the due date. A postmark will not be accepted as timely remittance. If the due date falls on Saturday, Sunday or a City holiday, the due date shall be the next regular business day on which the City is open to the public.

4.10.090. Payment – When Taxes Deemed Delinquent.

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 received by the City of Redding on or before the due date as specified in Section 4.10.070.

4.10.100. Notice Not Required By City.

The City of Redding is not required to send a delinquency or other notice or bill to any person subject to this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty or interest due under this Chapter.

4.10.110. Delinquent Taxes – Penalties and Interest.

A penalty in the amount of ten percent (10%) of the tax due shall be applied when a delinquency occurs. All amounts due shall be considered general accounts receivable, and there shall be assessed interest on all such amounts as determined by the City Council.

4.10.120. Exemptions from the Tax.

- A. Nothing in this Chapter shall be deemed or construed to apply to any person transacting and carrying on any business that is exempt from the payment of such taxes as are herein

prescribed by virtue of the Constitution or applicable statutes of the United States or of the State.

- B. Any person claiming an exemption pursuant to this Section shall file a sworn statement with the Collector stating the facts upon which exemption is claimed. Unless and until the Collector determines in writing that such person is exempt from tax under this Chapter, such person shall be liable for the payment of the tax imposed by this Chapter.

4.10.130. Enforcement.

It shall be the duty of the Collector to enforce each and all of the provisions of this Chapter.

4.10.140. Rules and Regulations.

The Collector may adopt rules and regulations not inconsistent with the provisions of this Chapter as may be necessary or desirable to aid in the implementation and enforcement of the provisions of this Chapter. A copy of any such rules and regulations shall be available for public inspection in the Collector's office.

4.10.150. Apportionment.

If a cannabis business subject to a cannabis business tax is operating both within and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. The Collector may adopt administrative procedures for apportionment pursuant to section 4.10.140 of this Chapter.

4.10.160. Construction.

- A. This tax is intended to be applied in a manner consistent with the United States and California Constitutions, state and local law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution, state or local law.
- B. This Chapter shall be construed and implemented consistent with the provisions of Chapter 6.12 of this code except as this Chapter or other law otherwise requires or the Collector otherwise determines in writing as authorized under this code.

4.10.170. Audit and Examination of Records and Equipment.

- A. The Collector shall have the power to audit and examine all books and records of any person engaged in cannabis business in the City, including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis business, and, where necessary, all equipment of any

person engaged in cannabis business in the City, for the purpose of ascertaining the amount of cannabis business tax, if any, required to be paid under this Chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this Chapter. If such person, after written demand by the Collector, refuses to make available for audit, examination or verification such books, records or equipment as the Collector requests, the Collector may, after full consideration of all information within his or her knowledge concerning the cannabis business and activities of the person so refusing, make an assessment against the cannabis business of the taxes estimated to be due under this Chapter.

- B. The cannabis business being audited shall be liable for the cost of the audit and all reasonable City administrative expenses related to the audit.
- C. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Collector shall have the right to inspect at all reasonable times.

4.10.180. Other Licenses, Permits, Taxes, Fees, or Charges.

Except as expressly provided in this Chapter, nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other title or Chapter of this code to any permits, licenses, taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the permits, licenses, taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this code unless otherwise expressly provided.

4.10.190 Successor's and Assignee's Responsibility.

- A. If any person, while liable for any amount under this Chapter, sells, assigns or otherwise transfers the cannabis business, whether voluntarily or involuntarily, the person's successor, assignee or other transferee, or other person or entity obtaining ownership or control of the business ("Transferee"), shall satisfy any tax liability owed to the City associated with the business when due hereunder. Failure to do so for the benefit of the City will result in the Transferee being personally liable to the City for the full amount of the unpaid tax liability, interest and penalties. The Transferee shall notify the Collector of the date of transfer at least thirty (30) days before the transfer date; or if the agreement to sell, transfer, or otherwise dispose of the business was made less than thirty (30) days before the date of transfer, notice shall be provided immediately upon the existence of the agreement.

- B. The Transferee shall be deemed to have complied with the requirement of this section to satisfy the unpaid tax liability if the Transferee complies with the requirements of California Revenue and Taxation Code Section 7283.5 by withholding from the purchase price, for the benefit of the City, an amount sufficient to cover the tax liability, or by otherwise paying the tax liability and obtaining from the Collector a "Tax Clearance Certificate" showing that all outstanding tax liability has been paid and stating that no amount is due through the date of transfer.
- C. The Collector, within ninety (90) days of receiving a written request from a Transferee, may issue a "Tax Clearance Certificate" stating either the amount of tax liability due and owing for the business, or stating that there is no tax liability due and owing for the business through a stated date. The Collector may also request financial records from the current or former owner or operator to audit the tax that may be due and owing. The Collector shall issue a Tax Clearance Certificate within thirty (30) days of completing the audit, stating the amount of the tax liability owed, if any, unless the Collector determines that the records provided in connection with the audit are insufficient to determine whether taxes are due and owed or in what amount. If the Collector determines that the records are insufficient, the Collector may rely on the facts and information available to estimate any tax liability. The Collector may issue a Tax Clearance Certificate stating the amount of the tax liability, if any, based on such facts and information available. Unless an appeal is filed in accordance with Section 4.10.240, the Tax Clearance Certificate shall serve as conclusive evidence of the tax liability associated with the property through the date stated on the certificate.

4.10.200. Payment of Tax Does Not Authorize Unlawful Business.

- A. The payment of a tax required by this Chapter, and its acceptance by the City, shall not entitle any person to engage in any cannabis business unless the person has complied with all of the requirements of this code and all other applicable state or local laws.
- B. No tax paid under this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any state or local laws.

4.10.210. Deficiency Determinations.

If the Collector is not satisfied that any tax return or other statement filed as required under this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the facts contained in the tax return or statement or any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable, or such later date as allowable by law. 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 business, a deficiency determination may be made at any time within three (3) years thereafter, or such later date as allowable by law, 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, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 4.10.230.

4.10.220. Failure to Report – Nonpayment.

- A. Under any of the following circumstances and at any time, the Collector 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 a complete return or statement required under this Chapter;
 2. If the person has not timely paid any tax, fee, interest and/or penalties due under of this Chapter; or
 3. If the person has not, after demand by the Collector, filed a corrected return or statement, or furnished to the Collector adequate substantiation of the information contained in a return or statement filed previously.
- B. The notice of assessment shall separately set forth the amount of any tax, fee, interest and/or penalties known by the Collector to be due or estimated by the Collector, after consideration of all information within the Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter.

4.10.230. Tax Assessment – Notice Requirements.

The notice of assessment shall be served upon the person liable for the tax under this Chapter either by personal delivery, 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 business or to such other address as he or she shall register with the Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Collector 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.

4.10.240. Appeal Procedure.

Any taxpayer aggrieved by any decision of the Collector with respect to the amount of tax, fee, interest and penalties, if any, due under this Chapter may appeal to the City manager by filing a written appeal with the City Clerk of the Redding City Council within fifteen (15) calendar days of the mailing of the decision or determination. The City Clerk shall schedule the appeal and give fifteen (15) days' written notice to the appellant of the time and place of hearing by serving the notice personally or by depositing in the United States Post Office in the City, postage prepaid, addressed as shown on the appeal papers or, if none, such other address as is known to the City or, absent any address, by publication in a newspaper of general circulation in the City. The City Manager shall have authority to determine all questions raised on such appeal. The determination

of the City Manager shall be final.

4.10.250. Conviction for Chapter Violation – Taxes not Waived.

The conviction and punishment of any person for failure to pay a required tax, fee, penalty and/or interest under this Chapter shall not excuse or exempt such person from any civil action for the amounts due under this Chapter. 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.

4.10.260. Violation Deemed Misdemeanor.

Any person who violates any provision of this Chapter or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in Chapter 1.12 of the Redding Municipal Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury.

4.10.270. Actions to Collect.

The amount of any tax, fee, penalty and/or interest imposed pursuant to this Chapter shall be deemed a debt owed to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent tax, fees, penalties and interest thereon.

4.10.280. Remedies Cumulative.

All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

4.10.290. Amendment.

As required by Article XIIC of the California Constitution, any amendment that increases the maximum rates of tax beyond the levels authorized in Section 4.10.050 above shall not take effect unless approved by a vote of the People. The City council may, by resolution, implement a tax under this Chapter in any amount or at any rate that does not exceed the maximum rates set forth in Section 4.10.050.

4.10.300. Other Taxes and Fees.

Except as provided herein, persons required to pay a tax for transacting and carrying on any business under this Chapter shall not be relieved from the payment of any license tax, permit, charge, assessment, or fee for the privilege of doing such business required under other laws or regulations of the City, and shall remain subject to the provisions of such other laws and regulations.

4.10.310. Revenue Collected.

The revenue collected as a result of this Chapter can be spent for unrestricted general revenue purposes.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The People of the City of Redding hereby declare that they would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 4. Effective and Operative Dates. This ordinance shall take effect ten (10) days after the election result is certified as provided by Elections Code section 9127, but the taxes imposed by this ordinance shall take effect only when and to the extent implemented by resolution of the City Council.

Section 5. Certification; Publication. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

Date of Certification: _____

City of Redding City Clerk

Exhibit B
Notice of Election and Measure To Be Voted On

**CITY OF REDDING
NOTICE OF MUNICIPAL ELECTION
AND MEASURE TO BE VOTED ON**

NOTICE IS HEREBY GIVEN that a Municipal Election will be held in the City of Redding on Tuesday, November 8, 2018, at which there will be submitted to the voters the following measures:

| <u>BALLOT MEASURE #</u> | |
|---|-----|
| Shall the City of Redding adopt a business tax on cannabis cultivation businesses up to \$25 per square foot of cultivation area and on cannabis manufacturing, processing, laboratory testing, delivery, storage, distribution, and retail sale up to 10% of gross receipts, to enhance and maintain vital public safety services, reduce crime, and protect other general services with all funds to be spent for unrestricted general revenue purposes, generating approximately \$750,000 annually? | YES |
| | NO |

Said Municipal Election has been consolidated with the Statewide General Election to be held in the City of Redding on November 8, 2018. The election precincts within the City of Redding for said Municipal Election shall be the regular election precincts established for said Statewide General Election, and the polling places and officers of election within the City of Redding for said Municipal Election shall be the same as those selected and designated or to be selected and designated for said Statewide General Election.

NOTICE IS FURTHER GIVEN pursuant to Article 4, Section 9282 of the Elections Code of the State of California, the legislative body of the City of Redding, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(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, for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed July 9, 2018, by 12:00 p.m., as the date after which no arguments for or against the City measure may be submitted to the Clerk for printing and distribution to the voters as provided in Article 4.

Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the person(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, at the Redding City Hall, 777 Cypress Avenue, Redding, California. No more than five signatures may appear on the argument.

NOTICE IS FURTHER GIVEN that the City Clerk of the City of Redding has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk by July 19, 2018, by 12:00 p.m., accompanied by the printed names(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. No more than five signatures may appear on the rebuttal.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's office between the hours of 8:00 a.m. and 5:00 p.m., from July 10, 2018, to July 19, 2018. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office between the hours of 8:00 a.m. and 5:00 p.m., from July 20, 2018, to July 30, 2018.

The polls will be open on Election Day between the hours of 7:00 a.m. and 8:00 p.m.

Pamela Mize
Clerk of the City of Redding
City Elections Official

Dated: _____

Publish: GC 36933 publication