




Office of the City Manager

ACTION CALENDAR
July 13, 2010

To: Honorable Mayor and Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Deanna Despain, City Clerk

Subject: Setting the Schedule, Deadlines, and Policy for the Filing of Ballot Measure Arguments: November 2, 2010 General Municipal Election

RECOMMENDATION

Adopt Resolutions placing three measures on the November 2, 2010 ballot and setting the schedule, deadlines, and policies for the filing of ballot measure arguments.

- 1) Adopt a Resolution submitting a measure regarding the Downtown Area Plan to the voters of Berkeley at the November 2, 2010 General Municipal Election.
- 2) Adopt a Resolution submitting a measure to increase the tax rate on cannabis businesses to the voters of Berkeley at the November 2, 2010 General Municipal Election.
- 3) Adopt a Resolution submitting a measure to amend the City ordinance pertaining to Medical Marijuana to the voters of Berkeley at the November 2, 2010 General Municipal Election.
- 4) Adopt a Resolution setting the schedule, deadlines, and policies to file ballot measure arguments for city measures placed on the ballot at the November 2, 2010 General Municipal Election.
- 5) Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on each measure placed on the ballot as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

Standard election costs related to placing measures on the ballot. The actual cost of placing a measure on the ballot varies by the length of the measure.

Placing Measures on the Ballot and Adopting the Deadlines and Policies
For Filing Ballot Measure Arguments - November 2, 2010 General Municipal Election

CURRENT SITUATION AND ITS EFFECTS

The City Council may place ballot measures on the ballot for consideration by the voters. Currently, there are three measures proposed for the November 2, 2010 General Election. In order to place the measures on the ballot, the Council must adopt the attached Resolutions and submit them to the Alameda County Registrar of Voters.

In a consolidated election, the timetable for submission of primary and rebuttal arguments regarding those measures is set forth by the Registrar of Voters and must be followed in order to accommodate the filing, review, and printing of the voter information pamphlet. The City may adopt specific deadlines and policies for argument format, required consent forms, withdrawal, selection of arguments, and a 25-word limit on the length of titles for signatories, provided that the county deadlines are met.

Additionally, with respect to who can author arguments about ballot measures, Elections Code Section 9282(b) provides that “the legislative body, or any member or members of the legislative body authorized by that body...may file a written argument for or against any city measure.” The City Council may authorize the Council as a whole, or members of the Council, to submit arguments in favor of any measure placed on the ballot by the Council itself and

BACKGROUND

For each of the three ballot measures to be submitted to voters, a substantive report on the proposed ballot measure is presented under a separate item. The resolutions to be adopted here are for administrative purposes pursuant to the state Elections Code and the requirements of the County Registrar of Voters.

CONTACT PERSON

Deanna Despain, City Clerk, 981-6900

Attachments:

1. Resolution: Downtown Area Plan
Exhibit A – Text of Measure
2. Resolution: Medical Marijuana Tax
Exhibit A – Text of Measure
3. Resolution: Amending the Medical Marijuana Ordinance
Exhibit A – Text of Measure
4. Resolution: Ballot Measure Argument Deadlines and Policies
Exhibit A – Selection Procedure
Exhibit B – Consent Forms for Use of Organizations Name
Exhibit C – Signature Forms

RESOLUTION NO. –N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE ADOPTING A GREEN VISION FOR THE DOWNTOWN, DESIGNATING THE DOWNTOWN PLAN AREA, ADOPTING POLICIES, AND PROVIDING GUIDANCE FOR FUTURE COUNCIL DECISION MAKING

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 2, 2010 General Municipal Election, a measure adopting a green vision for the downtown, designating the downtown plan area, adopting policies, and providing guidance for future Council decision making; and

WHEREAS, the Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Presidential General Election; and

WHEREAS, the Council desires to submit all measures to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED, that full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED, that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED, that the Registrar of Voters of Alameda County is required to perform necessary services in connection with said election.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Berkeley.

BE IT FURTHER RESOLVED, that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY TAX MEASURE	
Shall the City of Berkeley adopt policies to revitalize the downtown and make Berkeley one of the greenest cities in the United States by meeting our climate action goals; concentrating housing, jobs and cultural destinations near transit, shops and amenities; preserving historic resources; enhancing open space; promoting green buildings; and allowing 2 residential buildings and 1 hotel no taller than our existing 180 foot buildings and 2 smaller office buildings up to 120 feet?	YES
	NO

BE IT FURTHER RESOLVED, that the text of the measure be as shown on Exhibit A and attached hereto and made a part hereof.

RESOLUTION NO. ##,### - N.S.

ADOPTING A GREEN VISION FOR THE DOWNTOWN, DESIGNATING THE DOWNTOWN PLAN AREA, ADOPTING POLICIES, AND PROVIDING GUIDANCE FOR FUTURE COUNCIL DECISION MAKING.

WHEREAS, Berkeley voters overwhelmingly passed a Climate Action Plan that calls for reducing greenhouse gas by 80% by the year 2050, making Berkeley one of the greenest cities in the United States, and

WHEREAS, Downtown should be a destination neighborhood that is safe, oriented to the pedestrian, offering open space, tree-lined streets and shops, services and amenities that make it possible to meet most daily needs near where people live and work; and

WHEREAS, Downtown should build on its successful Arts District and expand the heart of Berkeley where people can experience and enjoy urban life; and

WHEREAS, Downtown should thrive economically, serving Berkeley's residents and visitors with attractive stores, parks and plazas, exceptional restaurants, and provide myriad community amenities with adequate public parking; and

WHEREAS, Downtown should celebrate its cultural, historic assets and its proximity to the University of California, renowned for its academic accomplishments and its physical beauty; and

WHEREAS, the Downtown should be the preferred locale for new, transit oriented housing, providing homes for all income levels and family sizes, thus reducing the heavy volume of commute traffic into the City of Berkeley; and

WHEREAS, Downtown buildings should be constructed to the highest green standards and provide a limited number of new structures that are no higher than what exists now.

Now, therefore, the People of the City of Berkeley hereby resolve as follows:

Section 1. Green Vision for Downtown

The People of the City of Berkeley hereby adopt, as a vision for the City's Downtown Area, a Downtown that meets the City's climate action goals by concentrating housing, jobs and cultural destinations near transit, shops and amenities; preserving historic resources, enhancing open space, promoting green buildings; and allowing for 2 residential buildings and 1 hotel no higher than our existing 180 foot buildings and 2 smaller office buildings up to 120 feet, concentrating housing and jobs, thus helping to make Berkeley one of the greenest cities in the United States.

Section 2. Designation of Downtown Area

The Downtown Area is hereby designated as the area bounded by Hearst Street and Dwight Way and Oxford/Fulton Street and Martin Luther King, Jr. Way, with a Core area within one (1) block of any entrance to the Downtown BART Station.

Section 3. Policies

The People desire an updated Downtown area plan that will establish an environmentally healthy and sustainable downtown, in accordance with the vision adopted herein.

Accordingly, the People adopt the following policies as guidance for the City Council in formulating and adopting a new Downtown Area Plan.

1. Green Businesses: Promote Downtown as a destination for visitors who can witness Berkeley's innovation in green building management and construction. Encourage new green businesses to locate Downtown, and expand the number of existing businesses that go green. Promote strategies that connect Downtown residents, businesses and visitors with local sources of products, services, and healthful foods.
2. Land Use: Encourage transit oriented development, and encourage a mix of land uses that allows most daily needs to be met on foot.
3. Historic Preservation: Preserve historic buildings and provide where appropriate for their adaptive reuse and/or intensification.
4. Economic Development: Support existing and encourage new shops, restaurants, and cultural uses (such as theaters, music venues, museums, and galleries) and attract locally-serving businesses of a variety of sizes, to provide a wide variety of goods and services, with adequate public parking. Promote family-friendly uses, such as childcare and preschools, and cultural, recreational, and educational activities for children. Seek to retain and expand hotels that provide meeting and conference facilities to improve Berkeley's vitality, and its tax base.
5. Streets and Open Space/Pedestrian Priority: Make major enhancements and additions to sidewalks, parks, plazas, mid-block pedestrian walkways, streets, and other open space, and incorporate ecologically beneficial features and to give pedestrians priority in Downtown.
6. Urban Design: Encourage exceptional, high-quality new architecture, and minimize noise, wind, glare and other impacts from development.

7. Alternative Transportation Modes. Enhance and expand transit opportunities, walking and bicycle use, and other alternatives to the use and ownership of private vehicles.
8. Neighborhood Protections. Reduce pressure for development in residential areas, promote the preservation and rehabilitation of valued older structures, and conserve the scale of our neighborhoods' fabric. Avoid abrupt transitions between residential neighborhoods and new buildings.
9. Community Services. Retain and expand effective health-related services in the Downtown-for those of all income levels.
10. Environmental Development and Sustainability. Integrate and require environmentally sustainable development and practices in every aspect of the Downtown and in its future planning.
11. New Green Standard Development Requirements: Modify existing development standards to require environmentally sustainable building with the following public benefits in all cases:
 - a) Meet LEED Gold or equivalent.
 - b) Provide Car sharing opportunities, on site bike parking and Transit passes
 - c) Meet Title-24 energy requirements and the local green standards adopted by Council.
 - d) Provide on-site open space or pay into a Public Open Space Fund.
 - e) Parking spaces to be rented separate from dwelling units.
 - f) Residents in new downtown buildings would be ineligible for Residential Permit Parking Permits.
 - g) Provide on-site recycling services and ensure no new net water runoff.
 - h) Parking requirement may be reduced by paying into a Transportation Management Demand Fund to provide enhanced transit services.
12. Green Pathway Development Requirements and Review. Establish a voluntary "Green Pathway" development review process that would provide a streamlined permit process for buildings that move beyond the New Green Standard Development requirements, providing extraordinary public benefits that could not otherwise be obtained.

Green Pathway benefits for buildings at or below 75 feet would include:

- a) Provide 20% affordable rental housing onsite or in a building located in the Downtown Area, or paying a fee to the Housing Trust Fund.
- b) Waiving the right to the State Density bonus.
- c) Employing approximately 30% of a project's construction workers from Berkeley, and if qualified persons are not available in Berkeley, from cities in the East Bay Green Corridor. A contractor may gain credit for a locally hired worker who may be employed on another project.

Green Pathway streamlined entitlement process for buildings at or below 75 feet would include:

- a) Submit Landmarks application to planning staff including funds for City-conducted analysis of historical value.
- b) Submit completed analysis to Landmarks Preservations Commission (LPC) for determination. LPC shall complete its determination within 90 days. LPC determination shall be in effect while in an active pursuit of the use permit. If LPC designates a Landmark, the project reverts to standard zoning review process. LPC action appealable to City Council.
- c) Design Review Commission has up to 90 days to assess whether the project conforms to Downtown design guidelines, subject to appeal directly to City Council.
- d) Zoning Certificate is issued upon completion of this process. No Zoning Adjustment Board review required.
- e) Public Benefit and labor compliance will be monitored and verified. Violations subject to penalty.

Green Pathway buildings over 75 feet would have the following additional requirements and limitations:

- a) Buildings with more than 100 units of housing or office buildings above 75' will pay prevailing wages for construction workers and employ approximately 16% apprentices from State Certified Apprenticeships with a record of graduating apprentices.
- b) Hotels above 75 feet will pay prevailing wages for hotel employees.
- c) Green Pathway Project applications will receive priority status to meet approval deadlines.
- d) New process for submitting application to determine landmark status, with final determination by Landmarks Preservation Commission within 90 days, with possible option to pay for City-conducted analysis of historical value. If LPC issues negative determination, it shall be in effect while in an active pursuit of the use permit. If LPC designates a positive determination, the project reverts to standard zoning review process. LPC action appealable to City Council.
- e) Design Review Commission and Zoning Adjustment Board (ZAB) process not to exceed a combined total of 210 days; ZAB action appealable to City Council.
- f) Public Benefit and labor compliance will be monitored and verified. Violations subject to penalty.

Section 4. Guidance for Council Decision-Making

- A. In order to advance Berkeley's green future, and foster needed economic development and revitalization, the People of the City of Berkeley hereby advise the City Council that planning efforts for the Downtown should include consideration of a limited number of new buildings, as follows:

1. A maximum height in the Downtown Area of 5 stories (60 feet).
 2. Exceptions to maximum height of 60' include:
 - a) A total of 5 new buildings in the Downtown Area as follows:
 - 1) 2 -residential buildings in the **Core**, with commercial on the ground floor, no taller than existing 180 foot buildings;
 - 2) 1 hotel with conference facilities in the **Core** not to exceed 180 feet; and
 - 3) 2 buildings not to exceed 120 feet, which may be mixed-use (residential/commercial ground floor) or office buildings.
 - b) Buildings up to 75 feet with a use permit on Shattuck Avenue from Hearst Avenue to Haste Street.
 3. On Martin Luther King Jr. Way, limit height of new buildings adjacent to or confronting existing residential buildings to 45' at the sidewalk, and 55' with a 10' set-back on the 5th floor.
- B. The City Council shall regularly evaluate any Plan adopted as a result of this measure for its impacts on environmental goals, aesthetics, livability, economic vitality, housing growth and affordability, sustainability, and other factors, and shall consider adjustments to the Plan's policies and development regulations to better attain desirable outcomes and address unacceptable negative impacts.

RESOLUTION NO. –N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE AMENDING CHAPTER 9.04 OF THE BERKELEY MUNICIPAL CODE TO INCREASE THE TAX RATE ON CANNABIS BUSINESSES

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 2, 2010 General Municipal Election, a measure amending chapter 9.04 of the Berkeley Municipal Code to increase the tax rate on cannabis businesses; and

WHEREAS, the Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Presidential General Election; and

WHEREAS, the Council desires to submit all measures to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED, that full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED, that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED, that the Registrar of Voters of Alameda County is required to perform necessary services in connection with said election.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Berkeley.

BE IT FURTHER RESOLVED, that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY TAX MEASURE	
Shall a tax be authorized on medical cannabis businesses of up \$25 per \$1000 of gross receipts phased in over two years, on non-profit medical cannabis businesses of up to \$25.00 per square foot for the first 3000 square feet and \$10 per foot thereafter, and on non-medical cannabis businesses of \$100 per \$1000 gross receipts, and shall the City's appropriations limit be increased to permit expenditure of these tax proceeds?	YES
	NO

BE IT FURTHER RESOLVED, that the text of the measure be as shown on Exhibit A and attached hereto and made a part hereof.

ORDINANCE NO. #,### - N.S.

AMENDING CHAPTER 9.04 OF THE BERKELEY MUNICIPAL CODE TO INCREASE THE TAX RATE ON CANNABIS BUSINESSES

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. That a new Section 9.04.136 of the Berkeley Municipal Code is adopted to read as follows:

9.04.136 Cannabis Businesses.

A. 1. Every Medical Cannabis Business that is not a Nonprofit Organization as defined in Section 9.04.305, and every Non-Medical Cannabis business, shall pay an annual tax for each thousand dollars of gross receipts as provided in Section 9.04.240. If the “Regulate, Control and Tax Cannabis Act of 2010”, on the November 2010 state ballot passes and takes effect, the maximum gross receipts rate that may be applied to Medical Cannabis Businesses shall be reduced to 1.8%, or \$18 per \$1000.

2. Except as provided in paragraph 1 of this subdivision, the tax on Medical Cannabis Businesses that is imposed by this Section shall be phased in as follows:

a. The tax payable in 2011 shall be \$18 per \$1000 of gross receipts after June 30, 2010.

b. The tax payable in 2012 shall be \$25 per \$1000 of gross receipts after June 30, 2011.

c. The tax payable in subsequent years shall be \$25 per \$1000 of gross receipts during the preceding calendar year.

<u>Year tax payable</u>	<u>Based on gross receipts in year</u>	<u>Tax per \$1000</u>	<u>Percent</u>
<u>2011</u>	<u>2010</u>	<u>\$18</u>	<u>1.8%</u>
<u>2012</u>	<u>2011</u>	<u>\$25</u>	<u>2.5%</u>

B. For purposes of this Chapter:

1. “Medical Cannabis Business” means any activity regulated or permitted by Chapter 12.26 or Title 23 that involves planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant Cannabis sativa L. or any of its derivatives, pursuant to Health & Safety Code sections 11362.5 and 11365.7-11362.83.

2. “Non-Medical Cannabis Business” means any of the activities described in the preceding paragraph that are not conducted pursuant to Health & Safety Code sections 11362.5 and 11365.7-11362.83, but are otherwise authorized by state law.

3. “Cannabis Business” includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.

4. A Cannabis Business shall be deemed a “Business” under Section 9.04.010 and as that term is used in this Chapter.

C. For purposes of this Section and Section 9.04.305.A.2, "gross receipts" includes any monetary consideration for medical cannabis whatsoever, including but not limited to: membership dues; reimbursement pursuant to Health & Safety Code sections 11362.5 and 11365.7-11362.83; and any money received for wholesale or retail sales.

D. 1. The annual tax rate imposed by Section 9.04.240 on Non-Medical Cannabis Businesses shall apply to the sum of gross receipts as defined in Section 9.04.025 and this Section.

2. The City Council may impose the tax authorized by this Section at a lower rate, and may establish an exemption for Cannabis Businesses whose gross receipts are below a specified amount. The Council may adopt different rates and exemption levels for Medical and Non-Medical Cannabis Businesses. No action by the Council under this paragraph shall prevent it from subsequently increasing the tax rate for any type of Cannabis Business to the maximum specified in this Section and Section 9.04.240 or from modifying or eliminating any exemption.

E. In order to aid in the City's collection of taxes due under this Chapter and ensure that all Cannabis Businesses are taxed consistently to the best of the City's ability, beginning January 1, 2011, in any Cannabis Business, that obtains any product containing Cannabis sativa L. or any of its derivatives for monetary consideration that constitutes gross receipts under subdivision (C) for the provider of that Cannabis sativa, shall either:

1. report quarterly to the City all such transactions, the monetary consideration involved, and the identity and contact information of the person or entity to whom or to which monetary consideration was provided; or

2. collect the tax that would be payable as a result of the transaction from the person or entity to whom monetary consideration was provided and remit it to the City.

F. The City Manager may promulgate regulations to implement and administer this Section, including allowing Medical Cannabis Businesses to remit taxes more frequently than annually.

Section 2. That Section 9.04.240 of the Berkeley Municipal Code is amended to read as follows:

9.04.240 Rates--General.

The base rate for gross receipts business license taxes is established at one dollar and twenty cents for each one thousand dollars gross receipts per year.

Industry Classification Category	Tax Basis	Base Rate Factor	Per Year Tax Rate for \$1,000	Section Reference
Administration headquarters	Gross payroll	1.0	1.20	9.04.190
Business personnel and repair services	Gross receipts	1.5	1.80	9.04.160
<u>Medical Cannabis Business</u>	<u>Gross receipts</u>	<u>20.83</u>	<u>25.00</u>	<u>9.04.136</u>
<u>Non-Medical Cannabis Business</u>	<u>Gross receipts</u>	<u>83.25</u>	<u>100.00</u>	<u>9.04.136</u>
Construction contractor	Gross receipts	1.5	1.80	9.04.180

Firearms and firearm ammunition	Gross receipts	125.0	150.00	9.04.177
Grocer (retail or wholesale)	Gross receipts	0.5	0.60	9.04.140
Manufacturing	Value added	1.0	1.20	9.04.185
Miscellaneous business	Gross receipts	2.0	2.40	9.04.220
Motor vehicle sales	Gross receipts	1.0	1.20	9.04.145
Nonprofit organizations	Gross receipts	0.5	0.60	9.04.305
Private rubbish haulers	Gross receipts	125.0	150.00	9.04.176
Private franchised/recycling rubbish haulers	Gross receipts	1.5	1.80	9.04.176
Professional-Semiprofessional	Gross receipts	3.0	3.60	9.04.165
Professional sports events	Gross receipts	83.33	100.00	9.04.175
Recreation and entertainment	Gross receipts	3.75	4.50	9.04.170
Rental of real property	Gross receipts	9.0	10.81	9.04.195
Retail trade	Gross receipts	1.0	1.20	9.04.135
Wholesale trade	Gross receipts	1.0	1.20	9.04.150

Section 3. That Section 9.04.305 of the Berkeley Municipal Code is amended to read as follows:

9.04.305 Business license charge on large ~~n~~Nonprofit ~~e~~Organizations and Cannabis Businesses.

A. 1. Notwithstanding section 9.04.300, there is imposed on every large nonprofit organization exempted under Article XIII, Section 26 of the California Constitution from local taxes or fees measured by income or gross receipts, a tax charge of fifty-one cents per square foot on all business improvements over the first one hundred twenty thousand square feet of business improvements occupied by that large nonprofit organization. For purposes of this section, all of the square feet of business improvements owned, rented, leased or otherwise occupied by a given nonprofit organization within the City shall be cumulated.

2. a. Notwithstanding section 9.04.300, there is imposed on every Cannabis Business that is a Nonprofit Organization and that generates gross receipts, including all of its ancillary locations, regardless of the number of square feet it occupies, a tax on each square foot on all business improvements occupied by that Cannabis Business as follows:

<u>Taxable Square Feet</u>	<u>Maximum Tax Rate</u>
<u>First 3000 square feet</u>	<u>\$25 per square foot</u>
<u>All square feet over 3000</u>	<u>\$10 per square foot</u>

b. If the "Regulate, Control and Tax Cannabis Act of 2010", on the November 2010 state ballot passes and takes effect, the foregoing tax rates shall be reduced as follows:

<u>Taxable Square Feet</u>	<u>Maximum Tax Rate</u>
<u>First 3000 square feet</u>	<u>\$12.50 per square foot</u>
<u>All square feet over 3000</u>	<u>\$5 per square foot</u>

c. For purposes of this Section, all of the square feet of business improvements owned, rented, leased or otherwise occupied or used by a Cannabis Business within the City shall be cumulated.

~~— B. The charge imposed by this section shall be operative on January 1, 1999.~~

~~CB. 1. The charge imposed by this sSection may shall be increased or decreased annually for the following year in May, by the greater of the increase in the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics according to the cost of living in the immediate San Francisco Bay Area.~~

2. In addition to any other reductions permitted or required by this Section, the City Council may impose the tax authorized by this Section at a reduced rate in the event that one or more permitted Medical Cannabis Businesses taxable under this Section significantly expand in square footage. It is the intent of the voters in adopting this provision that the total tax burden on Medical Cannabis Businesses not be unreasonably increased solely by virtue of expansions in square footage that do not increase their receipts. The Council may adopt different rates for Medical and Non-Medical Cannabis Businesses.

~~DC.~~ For purposes of this sSection, the following terms shall have the following meanings:

"Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."

"Business improvements" means square footage used, on a regular basis, for the operation of a nonprofit organization as defined in Article XIII Section 26 of the California Constitution, regardless of whether it is owned or leased.

"Improvements" means all buildings or structures erected or affixed to the land.

"Large nonprofit organization" means any nonprofit organization exempted under Article XIII, Section 26 of the California Constitution from local taxes or fees measured by gross receipts, which occupies over one hundred twenty thousand square feet of business improvements in the City, but excludes any Cannabis Business.

"Nonprofit Organization" means any association, corporation or other entity that is exempt from taxation measured by income or gross receipts under Article XIII, Section 26 of the California Constitution.

"Square foot" and "square footage" means the horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main

walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.

2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

~~ED.~~ Pursuant to California Constitution Article XIII B, the appropriation limit for the City is increased by the aggregate sum authorized to be levied by this ordinance for each of the four fiscal years from 2011-2012 ~~1998-1999~~ through 2014-2015 ~~02-03~~.

~~FE.~~ The City Council may repeal the ordinance codified in this section, or amend it in a manner which does not result in an increase in the charge imposed herein, without further voter approval. If the City Council repeals said ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the charge imposed herein.

F. The City Manager may promulgate regulations to implement and administer this Section, including allowing Medical Cannabis Businesses to remit taxes more frequently than annually.

RESOLUTION NO. –N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE AMENDING ORDINANCE PERTAINING TO MEDICAL CANNABIS BY AMENDING SECTIONS 12.26.030, 12.26.040. 12.26.110, 12.26.130 AND 23E.16.070 OF THE BERKELEY MUNICIPAL CODE, ADDING SECTIONS 12.26.150 AND 23E.72.040 TO THE BERKELEY MUNICIPAL CODE, AND GRANTING THE CITY COUNCIL AUTHORITY TO MAKE AMENDMENTS

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 2, 2010 General Municipal Election, a measure amending ordinance pertaining to medical cannabis by amending sections 12.26.030, 12.26.040. 12.26.110, 12.26.130 and 23e.16.070 of the Berkeley Municipal Code, adding sections 12.26.150 and 23e.72.040 to the Berkeley Municipal Code, and granting the City Council authority to make amendments; and

WHEREAS, the Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Presidential General Election; and

WHEREAS, the Council desires to submit all measures to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED, that full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED, that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED, that the Registrar of Voters of Alameda County is required to perform necessary services in connection with said election.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Berkeley.

BE IT FURTHER RESOLVED, that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY MEASURE	
Shall the Berkeley Municipal Code be amended to: allow residential medical cannabis collectives, with up to 200 square feet of cultivation; allow ten locations in the Manufacturing District for cultivation; allow a fourth dispensary; require dispensaries to be at least 600' from public and private schools and other dispensaries; permit new and relocated dispensaries only in C districts; change the makeup of the Medical Cannabis Commission; and permit the Council to adopt other amendments?	YES
	NO

BE IT FURTHER RESOLVED, that the text of the measure be as shown on Exhibit A and attached hereto and made a part hereof.

ORDINANCE NO #,### - N.S.

AMENDING ORDINANCE PERTAINING TO MEDICAL CANNABIS BY AMENDING SECTIONS 12.26.030, 12.26.040, 12.26.110, 12.26.130 AND 23E.16.070 OF THE BERKELEY MUNICIPAL CODE, ADDING SECTIONS 12.26.150 AND 23E.72.040 TO THE BERKELEY MUNICIPAL CODE, AND GRANTING THE CITY COUNCIL AUTHORITY TO MAKE AMENDMENTS

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. That subdivisions (D) and (E) of Section 12.26.030 of the Berkeley Municipal Code are amended, and a new subdivision (F) is added, to read as follows:

D. "Medical cannabis collective" shall mean a cooperative, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients, the purpose of which is to provide education, referral, or network services to qualified patients, and to facilitate or assist in the cultivation and manufacture or acquisition of medical cannabis for qualified patients. Except as permitted by Section 12.26.130 or Title 23, medical cannabis collectives shall not be located in commercial or manufacturing districts, and shall only be allowed as incidental to residential use.

E. "Medical cannabis dispensary" shall mean any medical cannabis collective that is allowed under Section 12.26.130 to dispense medical cannabis at a non-residential location. Such a dispensary may also provide other services to its members, cultivate, acquire, bake, store, process, test, and transport medical cannabis. In dispensing medical cannabis to its qualified patients or their primary caregivers, a dispensary may be reimbursed for the cost of its services and materials. ~~person or entity that dispenses, cultivates, stores or uses medical cannabis except where such cultivation, storage or use is by a patient or that patient's caregiver, incidental to residential use by such patient, and for the sole use of the patient who resides there.~~

F. "Medical cannabis organization" includes both Medical cannabis collectives and Medical cannabis dispensaries.

Section 2. That subdivision (D) of Section 12.26.040 of the Berkeley Municipal Code is amended to read as follows:

D. Amount of Dried Cannabis and Plants.

1. Medical Cannabis Collectives may possess a reasonable quantity of dried cannabis and cannabis plants to meet the needs of their patient members. Medical Cannabis Collectives shall not accumulate more cannabis than is necessary to meet the personal medical needs of their Qualified Patients.

2. Except as permitted in Title 23, cultivation of medical cannabis by a medical cannabis collective that is not a Medical cannabis dispensary may only be incidental to a residential use. Cultivation occupying more than the lesser of 200 square feet or 25% of building square footage shall not be considered incidental, and is prohibited.

3. For purposes of this subdivision, "square feet" and "square footage" means the horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof).

Section 3. That Section 12.26.110 of the Berkeley Municipal Code is amended to read as follows:

12.26.110 Medical Cannabis Peer Review Commissiontee.

The purpose of this Section is to ensure that medical cannabis provision in Berkeley is conducted in a safe and orderly manner to protect the welfare of Qualified Patients and the community.

A. A medical cannabis commission is established. The commission shall consist of nine members. Appointments to the commission shall be made, and vacancies on the commission shall be filled, by council members, in accordance with the provisions of Sections 2.04.030 through 2.04.130. At least one commissioner shall be a member of a medical cannabis dispensary, one shall be a member of a collective that is not a dispensary, and one shall be a cultivator who is not primarily associated with a single dispensary and provides medical cannabis to more than one dispensary. ~~Peer Review Committee. The Medical Cannabis Collectives and dispensaries in operation at the time this Chapter becomes effective shall each designate no more than two spokespeople to serve on a peer review committee that shall meet at least one time each month for the purpose of overseeing the operation of Medical Cannabis Collectives and dispensaries and ensuring their compliance with operational and safety standards published annually by the committee.~~

B. ~~New Dispensaries.~~ The commission peer review committee shall recommend to the City operational and safety standards for Medical Cannabis Collectives and Dispensaries, and shall consult with any individual, organization, affiliation, collective, cooperative or other entity which seeks to open a new Medical Cannabis Collective or dispensary in Berkeley or to relocate an existing Medical Cannabis Collective or dispensary. The commission peer review committee shall advise the City as to whether ~~certify that the proposed Medical Cannabis Collective or dispensary has a strategy for compliance with the published safety and operational standards before the new Medical Cannabis Collective or dispensary commences lawful operation.~~

C. ~~New Members on the Peer Review Committee.~~ Upon commencing lawful operation in Berkeley, each new Medical Cannabis Collective or dispensary shall designate no more than two spokespeople to serve on the peer review committee.

D. ~~Operational Oversight.~~ The commission peer review committee will monitor the compliance of all Medical Cannabis Collectives and/or dispensaries in Berkeley for the purpose of correcting any violations of the safety and operational standards. Medical Cannabis Collectives or dispensaries found to be in willful or ongoing violation of the standards shall be removed from membership on the peer review committee and shall be deemed in violation of this Chapter and referred to the City for appropriate action.

E. ~~Immunity.~~ Individuals operating Medical Cannabis Collectives or dispensaries represented on the peer review committee shall be deputized by the City of Berkeley as Drug Control Officers for the purpose of providing immunity under the provisions of

Section 885(d) of Title 21 of the United States Code. (Ord. 7068 NS § 3 (part), 12/08/08)

Section 4. That Section 12.26.130 of the Berkeley Municipal Code is amended to read as follows:

12.26.130 Medical cannabis ~~organizations~~ dispensary.

A. ~~No more than Four~~ three medical cannabis dispensaries shall be allowed located within the limits of the City of Berkeley, in locations and subject to the requirements specified in Title 23. ~~No such dispensary shall be located within a 1000 foot range of another such dispensary, nor within 1000 feet of a public elementary, middle or high school. Any dispensary existing at the time this ordinance becomes effective, may continue at its current location, notwithstanding its violation of the de-concentration requirements of this section.~~

B. All medical cannabis facilities and organizations shall maintain contemporaneous financial and operational records sufficient to show compliance with this Chapter and state law governing medical cannabis, which shall be subject to inspection by the City. Such records shall protect the confidentiality of their members.

C. The City Manager may issue regulations to implement this ~~s~~Section.

Section 5. That Section 12.26.150 is added to the Berkeley Municipal Code to read as follows:

12.26.150 Violations of square footage limitations not punishable as public offenses.

Notwithstanding anything to the contrary, violations of square footage limitation in Section 12.26.040.D shall not be punishable as public offenses to the extent that doing so would conflict with state law.

Section 6. That Section 23E.16.070 of the Berkeley Municipal Code is amended to read as follows:

23E.16.070 Medical Cannabis UsesCollectives

- A. 1. ~~As proper regulation is crucial to the safety of our community, medical cannabis collectives that operate dispensaries from which~~ **Subject to the licensing requirement of paragraph 3,** four medical cannabis dispensaries as defined in Section 12.26.030 ~~is dispensed to members shall be permitted as of right with a Zoning Certificate in C-prefixed zones if they comply with the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police. issued a Zoning Certificate for as long as it complies with Chapter 12.26. This section does not apply in districts where retail sales uses are prohibited.~~ When applicable, Zoning Certificates for medical cannabis ~~uses~~dispensaries shall be issued without undue delay and following normal and expedient consideration of the permit application.
2. Medical cannabis dispensaries may not be located within 600 feet of another medical cannabis dispensary or a public or private elementary, middle or high

school. It is the intent of the voters that the Council not adopt buffer zones from additional uses absent a compelling necessity.

3. No new medical cannabis dispensary may be approved under this Section until the City Council adopts a **licensing** process and standards for **medical cannabis approval of new** dispensaries. Such standards may include, but shall not be limited to, whether proposed dispensaries will provide a percentage of all usable product dispensed at no cost to very low income patients and will provide product that is produced using organic methods; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality medical cannabis to their members.

- B. A medical cannabis dispensary existing and authorized as of January 1, 2010 that does not comply with this Section, may continue at its current medical cannabis dispensing location and shall be considered a legal nonconforming use. **Notwithstanding Section 23C.04.060, the Zoning Officer may approve an Administrative Use Permit to allow the expansion of a legal nonconforming medical cannabis dispensary use on any parcel where a dispensary was located as of July 1, 2010.**

- C. Uses such as, but not limited to, testing, processing, and food preparation, that involve medical cannabis as defined in Chapter 12.26 but do not involve **dispensing, client, patient or member services, or cultivation (other than for testing),** shall be evaluated and regulated under this Title without regard to the fact that they involve medical cannabis, **except that no facility used for medical cannabis food preparation may be used for the preparation of any other type of food.**

Section 7. That Section 23E.72.040 is added to the Berkeley Municipal Code to read as follows:

23E.72.040 Medical Cannabis Cultivation

- A. **Notwithstanding anything to the contrary in this Chapter, cultivation of medical cannabis as defined in Chapter 12.26, shall be permitted as a matter of right with a Zoning Certificate at 10 locations in the M District, subject to the following limitations:**
 1. **Such locations shall be limited to licensed medical cannabis organizations.**
 2. **Medical cannabis may not be dispensed, and client, patient or member services are prohibited, at such locations.**
 3. **The total area used for cultivation and associated uses may not exceed 180,000 square feet.**
 4. **No single space used for cultivation and associated uses by a licensee may exceed 30,000 square feet, except that separate spaces used by different licensees may be aggregated on the same site.**

- B. Such locations shall comply with security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and shall not be subject to any buffer or deconcentration requirements. Such locations may include testing, processing, manufacturing and food preparation.

C. No medical cannabis uses may be approved under this Section until the City Council adopts a licensing process and standards for approving such uses. Such standards shall include a requirement indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed facilities will provide a percentage of all usable product cultivated at no cost to very low income patients pay for an energy offset through a program specified by the City to offset the net increased energy that is used by the facility as compared to a regular industrial facility, and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality medical cannabis to their members.

Section 8. The City Council may amend Chapter 12.26 and Title 23 or adopt other ordinances and regulations, as it deems appropriate in its sole discretion to: license medical cannabis organizations; provide for the continued safe and adequate supply of medical cannabis at a fair price for Berkeley medical cannabis patients in a manner consistent with state law; refine land use regulations pertaining to medical cannabis-related uses; protect against unfair or monopolistic practices in the medical cannabis industry; and prevent and/or remedy any threats to public health, safety or welfare, or nuisance conditions, that arise as a result of the cultivation or dispensing of medical cannabis or other activities related to medical cannabis. In addition, nothing in this measure grants the City Council the authority in any way limits the City Council's ability to amend any provision of Title 23 of the Berkeley Municipal Code as it deems appropriate in its sole discretion.

RESOLUTION NO –N.S.

ESTABLISHING THE SCHEDULE AND POLICY PROVIDING FOR THE FILING OF BALLOT ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

WHEREAS, up to three measures will qualify for the November 2, 2010 ballot; and

WHEREAS, it is necessary to establish a schedule and policy for the filing of ballot arguments.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following policy is hereby adopted for the November 2, 2010 General Municipal Election:

Section 1. The Primary Argument filing period opens at 8:00 a.m. on August 6, 2010 and closes at 12:00 p.m. on August 13, 2010. The Rebuttal Argument filing period opens at 4:00 p.m. on August 13, 2010 and closes at 12:00 p.m. on August 20, 2010.

Section 2. The 10-day public review period for all ballot materials opens at 4:00 p.m. on August 20, 2010 and closes at 5:00 p.m. on August 30, 2010.

Section 3. Primary Arguments for or against ballot measures shall not exceed 300 words in length. Rebuttal Arguments for or against ballot measures shall not exceed 250 words in length (*EC 9282, 9285*). Word count will be determined using the standards set forth in Elections Code Section 9.

Section 4. If more than one argument is submitted on a measure, the City Clerk shall select the argument and shall give preference, in the order named, to arguments of the following: (*EC 9287*)

- a) The legislative body, or member or members of the legislative body authorized by that body.
- b) The individual voter or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure.
- c) Bona fide associations of citizens.
- d) Individual voters eligible to vote on the measure.

If more than one argument from the same level of standing is submitted, the argument to be printed will be determined by the procedure in Exhibit A.

Section 5. Each ballot argument must be accompanied by the printed name(s) and signature(s) of the person or persons 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 (*EC 9283*). The consent form in Exhibit B must be

submitted in order to use an organization name for the title of a signor or as an endorser in the argument text.

Section 6. No more than five signatures shall appear with any argument. In case any argument is signed by more than five persons, the signatures of the first five shall be printed. *(EC 9283)*

Section 7. The City Clerk, upon receipt of arguments and after the filing deadline, will immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period shown above. At least one of the signatories of the argument must sign the rebuttal. *(EC 9285)*

Section 8. Arguments may be changed or withdrawn up to 12:00 p.m., August 13, 2010. Rebuttal arguments may be changed or withdrawn up to 12:00 p.m., August 20, 2010. Arguments received prior to the deadline are confidential until the deadline. *(EC 9286)*

Section 9. Only those person(s) whose argument has been selected by the City Clerk in accordance with Election Code 9287 may file a rebuttal argument. *(EC 9285)*

Section 10. Primary and Rebuttal arguments must be typed or printed from a computer. Hand written arguments will not be accepted. If prepared on a computer, submit the primary/rebuttal argument in electronic format in addition to the required hard copy.

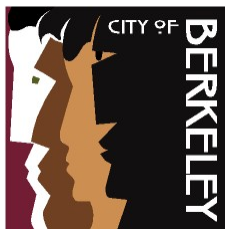
Section 11. The certification of the author(s) and proponent(s) in Exhibit C must be submitted at the time the primary argument or rebuttal argument is filed. *(EC 9600)*

Section 12. For proponents of ballot arguments whose name and title shall appear with the argument in the voter pamphlet, the title of said proponent is limited to 25 words. Words will be counted in accordance with Elections Code Section 9.

Section 13. The name and title will be printed exactly as it appears on the consent form in Exhibit C.

Section 14. The Consent Form for Use of Organization Name for Ballot Argument/Rebuttal Statements shown in Exhibit B is required for any proponent and/or signatory that uses the name of any organization in their title. Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.

BE IT FURTHER RESOLED that these provisions, excluding the date specific deadlines, shall remain in effect for all future elections until superseded.



**CITY OF BERKELEY
CITY CLERK DEPARTMENT**

**Selection Procedure
Multiple Ballot Measure Arguments**

Elections Code Section 9287 establishes a hierarchy for the submission of arguments to determine whose argument has priority.

9287. If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city elections official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The legislative body, or member or members of the legislative body authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

The Elections Code does not define “bona fide association of citizens” nor does it state who may be a member, or if any, or all of the members must live in the jurisdiction that is voting on the measure. Similarly, the code does not require that the signors of the argument, when filed by a bona fide association of citizens, must reside or be registered to vote in the jurisdiction that is voting on the measure.

If the argument is being filed by a bona fide association, Election Code Section 9283 requires that “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” must accompany the argument.

In order to be considered a “bona fide association” for filing an argument for a city measure, the organization or association must submit one of the following: articles of

incorporation, letterhead with the name of the organization and its principal officers, or some other written document indicating the same.

The code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to any arguments filed later, but before the deadline. All arguments filed before the deadline are considered equal in priority.

The code clearly states that only one argument for and one argument against may be printed (**EC Sec. 9287**). If two or more parties filing an argument for or against a measure fall under the same classification, then the Elections Official shall select one argument to print. The Elections Official will determine the most appropriate procedure to select the argument to be printed.

The Berkeley Municipal Code and the City Charter do not stipulate a method for selecting arguments if multiple arguments of equal standing are filed. Therefore, state law is followed to make the determination.

The procedure to determine the winning candidate in the case of a tie vote is by drawing of lots (**EC Sec. 15651**). The Elections Official may determine that the drawing of lots, as outlined below, is the most appropriate means to select the argument to be printed.

Procedure for Drawing of Lots

The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed.

The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.

Arguments for a measure and arguments against a measure will each have their own drawing process.

The results will then be posted in the City Clerk Department.

Dated: 1/10/08

CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ PRIMARY ARGUMENT ◀

I hereby consent that my organization's name may be referred to as an endorser either within the text of the primary argument or in the title of the signatory listed below for city ballot measure _____ at the City of Berkeley
(subject or measure letter)

General Municipal Election to be held on November 2, 2010.

To be completed by _____
Organization Principal: Signature of Principal

Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name

CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ REBUTTAL ARGUMENT ◀

I hereby consent that my organization's name may be referred to as an endorser either within the text of the rebuttal argument or in the title of the signatory listed below for city ballot measure _____ at the City of Berkeley
(subject or measure letter)

General Municipal Election to be held on November 2, 2010.

To be completed by _____
Organization Principal: Signature of Principal

Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name

SIGNATURE FORM FOR PROPONENTS
► PRIMARY ARGUMENT ◀

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

The undersigned proponent(s) or author(s) of the ballot argument in favor of or
 against ballot measure _____ at the
(subject of measure)

General Municipal Election for the City of Berkeley to be held on November 2, 2010,
hereby states that such argument is true and correct to the best of his/her/their
knowledge and belief:

Signed: _____ Date: _____

Printed Name: _____

Full Title: _____
(Title will be printed exactly as written on this line – limit 25 words)

Address: _____

Phone Number: _____

- *For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.*
- *Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.*
- *The name of the signor will be printed exactly as it appears in the "Printed Name" line.*
- *If using more than one organization name in the full title(s), a separate consent form is required for each organization.*

SIGNATURE FORM FOR PROPONENTS
▶ REBUTTAL ARGUMENT ◀

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

The undersigned proponent(s) or author(s) of the ballot argument in favor of or
 against ballot measure _____ at the
(subject of measure)

General Municipal Election for the City of Berkeley to be held on November 2, 2010,
hereby states that such argument is true and correct to the best of his/her/their
knowledge and belief:

Signed: _____ Date: _____

Printed Name: _____

Full Title: _____
(Title will be printed exactly as written on this line – limit 25 words)

Address: _____

Phone Number: _____

- *For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.*
- *Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.*
- *The name of the signor will be printed exactly as it appears in the "Printed Name" line.*
- *If using more than one organization name in the full title(s), a separate consent form is required for each organization.*

