



CITY OF LONG BEACH

R-10

DEPARTMENT OF THE CITY CLERK

333 W. Ocean Blvd. Long Beach, CA 90802 (562) 570-6101 FAX (562) 570-6789

ELECTIONS BUREAU

January 2, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

That the City Council receive and file the certification of the referendum petition regarding the Superstore Ordinance No. ORD-06-0040; and approve one of the following three alternative actions, as required by the California Elections Code and the Long Beach City Charter, to either:

[1] Request the City Attorney to prepare an ordinance which repeals Ordinance No. ORD-06-0040; or

[2] Request City Attorney to prepare a resolution calling for a special election to consider the re-adoption of Ordinance No. ORD-06-0040; or

[3] Request City Attorney to prepare a resolution placing the question of the re-adoption of Ordinance No. ORD-06-0040 on the ballot for the regularly scheduled election on June 3, 2008."

DISCUSSION

Ordinance ORD-06-0040 pertaining to "superstores" was adopted by the City Council on October 3, 2006. Pursuant to Election Code Section 9235, et. Seq., municipal ordinances are subject to the process of referendum.

On November 2, 2006, Long Beach Consumers for Choice (LBCFC) filed with the City Clerk Department the abovementioned referendum. Upon a prima facie examination of the filing, staff determined that the petition contained 33,391 signatures. As this signature total exceeded the "prima facie" raw count required to proceed with signature verification, the LBCFC were advised (by letter) on November 6, 2006, that the referendum was accepted for filing.

On December 18, 2006, the City Clerk Department concluded the signature verification process. On the same date, the attorney representing LBCFC was notified that the petition was sufficient and that this certification would be presented to the City Council on January 2, 2007.

A certificate declaring the results of the signature verification process is attached. Council is now being requested to approve that certification.

The Elections Code provides that "If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. Under the provisions of the City Charter, the next regular election is June 3, 2008.

As a result of the City Clerk Department certification of December 18, 2006, the ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it.

If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters."

FISCAL IMPACT

The cost to verify the petitions is estimated at \$28,000. The 2007 City Clerk Department budget did not include appropriations for signature verification. Therefore, these costs will be absorbed.

The cost to conduct a stand-alone special election at the next regular municipal election as defined by the City Charter (in June 2008) is estimated to range from \$950,000 to \$1,100,000.

The estimated cost of the April 2008 Primary is \$739,780. Consolidating (adding) a special election on the referendum to the estimated cost of the April 2008 Primary Election would require an additional \$394,631. If the April 2008 Primary and a special election are consolidated, total April 2008 costs are estimated at \$1,134,410.

SUGGESTED ACTION:

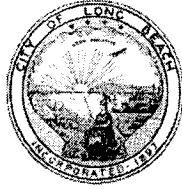
Approve recommendation.

Respectfully submitted,



LARRY HERRERA
CITY CLERK

Attachment: City Clerk's Certification on a Referendum Petition Against City Council Ordinance (No. ORD-06-0040) Relating to Superstores (December 18, 2006)



CITY OF LONG BEACH
CITY CLERK'S CERTIFICATE ON A REFERENDUM PETITION AGAINST CITY
COUNCIL ORDINANCE (No.ORD-06-0040) AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE
BY AMENDING TABLES 32-1 AND 33-2; AND BY ADDING SECTION 21.15.2985,
RELATING TO SUPERSTORES.

State of California)
County of Los Angeles)
City of Long Beach)

I, Larry Herrera, City Clerk of the City of Long Beach, do hereby certify that:

1. On November 2, 2006, Randy Gordon and Long Beach Consumers for Choice timely submitted to this office a Petition entitled: "Referendum Against an Ordinance Passed by the City Council Ordinance No.ORD-06-0040" An Ordinance of the City Council of the City of Long Beach Amending the Long Beach Municipal Code by Amending Tables 32-1 And 33-2; And by Adding Section 21.15.2985, Relating To Superstores;
2. In accordance with California Elections Code § 9114, and as reported to the Secretary of State on October 23, 2006, I determined that there were 206,136 registered voters within the City of Long Beach;
3. In accordance with California Election Code § 9237, I determined that 10% of said registration would require not less than 20,613 valid signatures to qualify for certification;
4. In accordance with California Elections Code §9114, I examined and accepted the Petition for filing upon determining that it prima facie contained 33,391 signatures;
5. In accordance with Elections Code §9237, I determined, based on examination 33,391 signatures, that the Petition contained the signatures of 21,214 registered voters of the City of Long Beach and, it is thereby deemed sufficient to suspend the effective date of Ordinance No. ORD-06-0040.

In witness whereof, I hereby set my hand and affix my official seal this 18th day of December of the year 2006.

Larry Herrera
City Clerk, City of Long Beach

Date: 12-18-2006