



Legislation Details (With Text)

File #: 16-0633 **Version:** 1 **Name:** CC - Certification of Medical Marijuana Petition
Type: Agenda Item **Status:** Approved
File created: 7/8/2016 **In control:** City Council
On agenda: 7/12/2016 **Final action:** 7/12/2016

Title: Recommendation to request City Council to receive and file the certification of the petition regarding the Regulation of Medical Marijuana Businesses; and approve one of the following three alternative actions, as required by the California Elections Code Section 9215 and the Long Beach City Charter Section 2000, to either:

- 1) Adopt the Initiative Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
- 2) Submit the Initiative Ordinance, without alteration, to the voters to be held on November 8, 2016; or
- 3) Order a report pursuant to California State Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented; and when the report is presented to the legislative body, the legislative body shall either adopt the Initiative Ordinance within 10 days or order an election.

Sponsors: City Clerk

Indexes:

Code sections:

Attachments: 1. 071216-NB-16sr&att.pdf

Date	Ver.	Action By	Action	Result
7/12/2016	1	City Council	approve recommendation	Pass

Recommendation to request City Council to receive and file the certification of the petition regarding the Regulation of Medical Marijuana Businesses; and approve one of the following three alternative actions, as required by the California Elections Code Section 9215 and the Long Beach City Charter Section 2000, to either:

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to the legislative body, the legislative body shall either adopt the Initiative Ordinance within 10 days or order an election.

On June 1, 2016, proponents of the Regulation of Medical Marijuana Businesses submitted petitions to the Office of the City Clerk for signature verification in order to determine whether the initiative would qualify for placement upon the November 8, 2016, Statewide General Election ballot.

Upon a prima facie review, the Office of the City Clerk determined that the petitions contained 35,009 signatures from which a random sample verification of 1,051 signatures would be conducted pursuant to Elections Code Section 9115.

For the petition to be deemed sufficient pursuant to Elections Code Section 9115, the random sample needed to yield, on a projected basis, 27,402 valid signatures of Long Beach registered voters.

Based on the Section 9115 authorized random sample, the Office of the City Clerk determined that the petition contains a projected 28,436 valid signatures; and is therefore certified as sufficient, as authorized by Elections Code Section 9115(f).

With certification of the initiative petition by the Office of the City Clerk, Elections Code Section 9215 and Charter Section 2000, provides that City Council shall take one of the following actions:

Alternative 1 Adopt the Initiative Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;

Alternative 2 Submit the Initiative Ordinance, without alteration, to the voters to be held on November 8, 2016; or

Alternative 3 Order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the Initiative Ordinance within 10 days or order an election.

On July 12, 2016 as required by Elections Code Section 9215, the City Council shall execute Alternative 1, Alternative 2, or Alternative 3 as mentioned above.

If Alternative 1 is adopted, a first reading of the ordinance is effective on the same date. Subsequent to first reading, a second reading would take place on July 19, 2016.

Approval of Alternative 2 means that the Initiative Ordinance will appear on the ballot for the Statewide General Election to be held on November 8, 2016. With approval of Alternative 2, staff would prepare the necessary election consolidation resolutions and date milestones for the appointment of argument writers and argument submission deadlines. Resolutions calling

upon the Los Angeles County Registrar-Recorder/County Clerk to consolidate our election as a part of the Statewide General Election must be adopted by the City Council no later than August 2, 2016.

Approval of Alternative 3, invokes the provisions of Elections Code Section 9212, which provides that the City Council may refer the proposed initiative measure to any City agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.

Under Alternative 3, the requested report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than August 11, 2016.

Placement of the Initiative Ordinance on the November 8, 2016 Statewide General Election ballot is estimated at \$509,000.

The cost of a study pursuant to Elections Code Section 9212 cannot be determined at this time.

Approve recommendation.

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MARIA DE LA LUZ GARCIA
CITY CLERK