



Legislation Text

File #: 06-1386, **Version:** 1

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 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." (Citywide)

Ordinance ORD-06-0040 pertaining to "superstores" was adopted by the City Council on October 3, 2006. Pursuant to Election Code Section 9235, e1. 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."

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.

Approve recommendation.

NAME Larry Herera
TITLE City Clerk

APPROVED:

GERALD R. MILLER
CITY MANAGER