



Legislation Text

File #: 13-0786, **Version:** 1

Recommendation to request City Attorney to brief the City Council on the outcome and impact of the court hearing involving the Long Beach Citizens' and Patients' Rights PAC on September 9, 2013;

Request City Attorney to brief the City Council on the U.S. Department of Justice Memorandum titled "Guidance Regarding Medical Marijuana", issued on August 29, 2013; and

Request City Attorney to prepare for approval by the City Council a ballot measure providing for the regulation of medical marijuana collectives for the Primary Nominating Election April 8, 2014, giving voters in the City of Long Beach an opportunity to determine the extent to which medical marijuana is regulated within city limits.

In February, 2013, Mr. Jeremy Coltharp and Ms. Edith Frazier filed a 43,159-signature petition to authorize the City of Long Beach to regulate and tax medical-marijuana dispensaries and request a special election. The City Clerk estimated the cost of a special citywide election to be approximately \$1.5 million. Shortly thereafter, the City Clerk determined through the County of Los Angeles Registrar-Recorder/County Clerk petition and signature verification system and Elections Code Section 9115 that the petition failed to meet the threshold of valid signatures for a special election [see attached Certificate of Insufficiency]. Thus, only 31,294 signatures were deemed to be valid, while 33,543 valid signatures were required (i.e. 15% of the City's registered voters in special elections).

Believing that their petition contained sufficient voter signatures to qualify for a special election, the Petitioners requested that all 43,159 signatures be reviewed. Alternatively, in the spirit of compromise, the petitioners asked the City Clerk to certify that the Petition qualified for the City's April 8, 2014 Primary Nominating Election, given that their Petition was signed by more than 10 percent of the voters. However, both requests were denied after review of the Elections Code and consultation with the City Attorney.

Therefore, Long Beach Citizens' and Patients' Rights PAC and its lawyers filed a federal lawsuit on the basis that the City should have to consider the petition for the April 8, 2014, Primary Nominating Election because it qualified with more than 10% of registered voters per city code. However, the City Attorney cites the Elections Code and contends that no further action is necessary after signatures are counted and deemed insufficient for a particular election requested by the petitioner. Secondly, the petitioners contend there are 14 signatures that should be valid but were discounted due to address issues.

With over 30,000 valid signatories, this petition would easily qualify for the Primary Nominating Election and its 10% threshold. City Council should consider the spirit in which this petition was submitted and the most appropriate path for the regulation of medical marijuana collectives to be considered by the voters of Long Beach on April 8, 2014.

The City Clerk estimates the cost to be between \$208,726 and \$243,933 to include this measure on the election ballot of April 8, 2014.

Approve recommendation.

Councilmember Suja Lowenthal
Second District