OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 18, 2011 REPORT NO.: 11-02

SUBJECT: DOCKETING OF REFERENDARY PETITION –ORDINANCE O-20042

On May 27, 2011, a representative of proponent Abigail Houston filed with my office a referendary petition to repeal Ordinance O-20042, an ordinance amending the San Diego Municipal Code related to medical marijuana consumer cooperatives. The petition was filed "within thirty calendar days after the exercise of the final legislative act by the City Council," as required by Municipal Code section 27.1117.

Upon completion of a prima facie review, the petition was accepted as filed, in accordance with Municipal Code section 27.1119, and delivered to the Registrar of Voters for signature verification. From the point that the petition was accepted as filed, Ordinance O-20042 is suspended per Municipal Code section 27.1130(a).

On Tuesday, July 12, 2011, the Registrar of Voters completed its verification of the petition signatures and provided the City Clerk with formal certification of the results. The Registrar of Voters found the petitions contain the valid signatures of over five percent of the City's registered voters at the last general election, as required by Charter section 23. This qualified the legislative act for either: (1) repeal by the City Council, or (2) direct submission to the electorate at a special election (see attached City Clerk Certificate).

The Council's possible actions on a referendary petition are set forth in Municipal Code section 27.1131. That section states in part that if the petition is presented to the City Council by the City Clerk at a Council meeting, the City Council "shall within ten business days reconsider the legislative act in question." Municipal Code section 27.1132 provides that if the City Council refuses to grant the referendary petition to repeal the legislative act, or fails to reconsider the act within the prescribed time frame, the Council shall, within ten business days of the date of refusal or of the deadline for action, whichever is earlier: (a) adopt a resolution of intention to submit the matter to the voters at a special election; and (b) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.

The timing of such a special election is discussed in Municipal Code section 27.1133. That section specifies that the special election must be held within eleven months of the adoption of the resolution of intention to submit the matter to the voters. It also provides that the special election may be consolidated with any other City-wide election scheduled to be held within that time. The next City-wide election is scheduled to be held June 5, 2012.

The Council would need to hold another hearing to call the election, which must be done at least three months before the election to comply with state law. Based on the most recent estimate from the Registrar of Voters, we anticipate that the cost of a 5-page ballot measure placed on the June 5, 2012 ballot would be between $556,000 - $649,000. It appears that this ballot measure would be closer to 10 pages, which would increase the cost and run between $748,000 - $841,000.

If the Council chooses to call a special stand-alone election, we anticipate that the cost of a 10-page ballot measure placed on a stand-alone special polls election ballot would be between $3.1 million and $3.7 million.

In summary, when a referendary petition is presented to Council by the Clerk at a Council meeting, the Council may, within ten business days:

1. Grant the referendary petition to repeal the legislative act in question; or

2. Reject the petition to repeal the legislative act, adopt a resolution of intention to hold a special election, and direct the City Attorney to prepare an ordinance calling an election to place the matter on the ballot. The election must be held within eleven months from the date the Council adopts the resolution of intention to submit the matter to the voters; or

3. Take no action within ten business days of the Clerk's presentation of the petition to the Council at a Council meeting. If this occurs, the Council has ten business days from the date of its refusal of the referendary petition or its deadline to take action to reconsider the act, to then adopt a resolution of intention to submit the matter to the voters, and direct the City Attorney to prepare an ordinance to call a special election.

If you have questions, please contact me at (619) 533-4080 or my Deputy Director, Bonnie Stone, at 533-4060.

Sincerely,

Elizabeth Maland
City Clerk

Attachment (City Clerk's Certificate)
cc: City Attorney
Chief Operating Officer

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

CERTIFICATE OF CITY CLERK

I, ELIZABETH MALAND, City Clerk of The City of San Diego, California, DO HEREBY CERTIFY the following results of the examination of the petition filed on behalf of Abigail Houston on May 27, 2011, EXHIBIT A, attached.

(a) That the petition contained 44,106 signatures.

(b) That three (3) percent of signatures from the petition in a random sampling were examined in accordance with California Elections Code section 9115, and the projected total of signatures of qualified electors of the City of San Diego fell within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient.

(c) That, per California Elections Code section 9115(b), if the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed.

(d) That for qualification, a referendary petition shall be signed by at least five (5) percent of the registered electors in the City at the last preceding General Municipal Election. The basic qualification criterion for this petition is 31,029 signatures.

(e) That 31,029 signatures have been verified as valid on the petition.

(f) That since the number of valid signatures on the petition meets the basic qualification criterion, the petition qualifies for submission to the voters of the City.

Elizabeth Maland
ELIZABETH MALAND, City Clerk

(SEAL)

Dated at San Diego, California
this 13th day of July, 2011