



# Agenda Report

DATE: SEPTEMBER 16, 2019

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY CLERK  
**SUBJECT:** CERTIFICATION OF SUFFICIENCY OF AN INITIATIVE PETITION TO ALLOW OPERATION OF CANNABIS BUSINESSES THAT PREVIOUSLY OPERATED ILLEGALLY, IN VIOLATION OF THE PASADENA MUNICIPAL CODE

**RECOMMENDATION:** It is recommended that the City Council:

- (1) Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") and in accordance with State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) Receive and accept the certification (Attachment A) of the sufficiency of an initiative petition to allow operation of cannabis businesses that previously operated illegally, in violation of the Pasadena Municipal Code, as confirmed by the examination and verification of signatures by the Los Angeles County Registrar-Recorder/County Clerk's Office;
- (3) Pursuant to California Elections Code (EC) Section 9215, the City Council shall do one of the following:
  - (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
  - (b) Submit the ordinance, without alteration, to the voters.
  - (c) Direct City staff to prepare a report on the impacts of the proposed initiative measure within 30 days of the certification of the petition. When the report is presented, the City Council shall either adopt the ordinance within 10 days or order an election.

**BACKGROUND:**

On March 6, 2019, proponents submitted a Notice of Intention to circulate an initiative petition measure to the City Clerk's Office seeking to adopt an ordinance to allow operation of cannabis businesses in the City that previously operated illegally, in violation of the Pasadena Municipal Code. On July 31, 2019, the proponents submitted approximately 12,900 signatures in support of the initiative petition. Having met the 180-day filing requirement and following a prima facie review of signatures submitted, the City Clerk's Office sent the petition to the Los Angeles County Registrar-Recorder/County Clerk (RRCC) for examination and verification of signatures to determine the sufficiency of the petition.

EC Section 9114 states, "the elections official shall certify the results of the examination to the [City Council] at the next regular meeting...."

EC Section 9215 states, "If the initiative petition is signed by not less than 10 percent of the voters of the city..., the legislative body shall do one of the following:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters pursuant to EC Section 1405.
- (c) Order a report pursuant to EC 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 ordinance within 10 days or order an election pursuant to subdivision (b)."

The official number of the registered voters of the City of Pasadena based on the latest report to the Secretary of State is 85,416 (February 10, 2019). Therefore, the minimum number of signatures needed to qualify the initiative petition at the required 10% threshold is 8,542 signatures. On September 11, 2019, the LA County Registrar reported that County staff reviewed 12,930 submitted petition signatures and validated 9,138 to be the signatures of registered voters in the City of Pasadena. This amount exceeds the minimum 10% threshold required for the initiative petition to be deemed sufficient.

In accordance with EC Section 9212, the City Council can direct City staff to prepare a report on the impacts of the proposed measure on any of the following topics:

- The proposed measure's fiscal impact.
- 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.
- 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.
- 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.
- Its impact on the community's ability to attract and retain business and employment.
- Its impact on the uses of vacant parcels of land.
- Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- Any other matters the legislative body requests to be included in the report.

EC Section 9212(b) states, "The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition." Taking into consideration the City Council's meeting schedule and the 30 day timeframe for City staff to return with the requested information, the report will be due back to the City Council on October 7, 2019. Upon receipt of the report, the City Council shall either:

- (a) Adopt the ordinance, without alteration, within 10 days after it is presented, or
- (b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

If the City Council decides to submit the ordinance to the voters, Election Code Section 1405 states, "The election for a municipal or district initiative that qualifies pursuant to Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election." The next regular municipal election will occur on March 3, 2020.

**FISCAL IMPACT:**

It is anticipated that the cost for signature verification services provided by the Los Angeles County Registrar-Recorder/County Clerk will be approximately \$10,000. The exact amount will be billed by the County, with the City Clerk's Office to utilize funds available in the FY 2020 Election Budget, Account No. 10113002. In addition, the City will incur additional election related expenses to add this measure to the March 3, 2020 ballot, including the printing of ballot language, arguments, and the impartial analysis in the voter guide. The City Clerk's Office will provide an updated election cost estimate to the City Council as part of the report and resolutions calling the March 3, 2020 Primary Nominating Municipal Election.

Respectfully submitted,



---

Mark Jonsky, CMC  
City Clerk

Attachment A – Certification of the Sufficiency of the Initiative Petition  
Attachment B – City Attorney's Ballot Title and Summary  
Attachment C – Proposed Initiative Ordinance