



Staff Report

File #: REPORT 22-0175, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of March 22, 2022

**CERTIFICATION OF RESULTS OF SIGNATURE VERIFICATION
OF AN INITIATIVE PETITION PROPOSING FOR THE HERMOSA BEACH CANNABIS
REGULATION AND PUBLIC SAFETY MEASURE**
(Interim City Clerk Susan Morrow)

Recommended Action:

Staff recommends City Council provide direction:

1. If the City Council desires a report from staff on the impacts of the measure, direct staff to return with such a report within 30 days. If not, either adopt the ordinance within 10 days or order that it be placed on the November 8, 2022 Municipal Election; and
2. Receive and file the Certificate of Sufficiency.

Executive Summary:

The signature verification qualifies the Cannabis Initiative filed by Colton Chacker to be placed on the November 8, 2022 Municipal Election ballot. The attached Certificate of Sufficiency is presented to Council pursuant to Elections Code section 9215. Upon receipt of the Certificate of Sufficiency the 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 pursuant to Section 1405; or (c) order a report pursuant to Election 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 ordinance within 10 days or order an election pursuant to subdivision (b).

Background:

A Notice of Intention to circulate this petition was filed with the City Clerk on November 17, 2021 (**Attachment 1**). The ballot title and summary prepared by the City Attorney were provided to the proponent on December 2, 2021. The notice was published in the Easy Reader on December 16, 2021, and the petition was then circulated for signatures of registered voters. The signed petition was submitted to the City Clerk's office on March 3, 2022 and was sent to the Los Angeles County Registrar of Voters for signature verification on the same day, based on the City Clerk's determination that the submitted number of signatures, prima facie, exceeded the minimum number required. The Los Angeles County Registrar of Voters verified and completed the verification on March 4, 2022 and received confirmation on March 15, 2022 (**Attachment 2**).

Staff requests City Council receive and file the Certificate of Sufficiency for the Initiative Ordinance submitted by petition entitled Hermosa Beach Cannabis Regulation and Public Safety Measure (**Attachment 3**). This sufficiency represents 10 percent of registered voters required to sign the petition or 1,421 signatures. The number of registered voters last reported by Los Angeles County to the Secretary of State pursuant to Elections Code § 2187 effective at the time the notice as specified in Elections Code § 9202 was published was 14,214. Since the number of valid signatures exceeds the number required (1,650), the petition does qualify to be placed on the ballot for the November 8, 2022 General Municipal Election.

Past Council Actions

Meeting Date	Description
November 23, 2021	Mayor Detoy requested a future agenda item on the proposed Initiative be addressed. Staff was directed to prepare a staff report for the next City Council meeting.
December 14, 2021	City Council directed the City Manager to form an advisory group, subject to the Brown Act, with the task of advising Council on a potential ballot measure for City Council consideration that would be placed on the ballot as an alternative to the <u>Chacker</u> Initiative and any other recommendations from the Cannabis Advisory Group.

Discussion:

Once the Initiative's signatures are verified, the City Council must take action according to Election Code § 9215:

- Option 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.
- Option B Submit the ordinance, without alteration, to the voters pursuant to Section 1405.
- Option C Order a report pursuant to Election Code § 92121 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 (Option A) or order an election (Option B) pursuant to subdivision (b).

Should the City Council choose to have an election, the following actions must be taken.

For measures placed on the ballot by petition, Elections Code § 9282 gives priority to the measure's proponent to file an argument in favor of the ordinance and priority to the City Council to submit an argument against the ordinance. Should the City Council wish to file the argument against the measure, Council should authorize one or more members to write the argument. If the City Council

opts to not authorize one or more of its members to prepare and file a written argument against the ordinance, State law requires the City Clerk to select if more than one argument is submitted, based on the priorities established in Elections Code § 9287. It has been traditional in the past to allow for rebuttal arguments.

In regard to the November 8, 2022 Municipal Election, City Council needs to decide whether or not to consolidate with the Los Angeles County Registrar of Voters. The deadline to the County of Los Angeles, is June 19, 2022; however, it is anticipated to have resolutions and an estimated cost from the County of Los Angeles to the City Council no later than its May 10, 2022 City Council meeting.

General Plan Consistency:

This report and the associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element

Goal 2. The Community is active and engaged in decision-making processes.

Policy:

- **2.4 Public participation guidelines.** Establish parameters and guidelines to ensure public participation is promoted through diverse methods

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Attachments:

1. Initiative submitted to City Clerk on November 17, 2021
2. Letter of Findings from the Los Angeles County Registrar of Voters dated March 15, 2022
3. Certificate of Sufficiency
4. Link to December 14, 2021 City Council Staff Report
<<https://hermosabeach.legistar.com/LegislationDetail.aspx?ID=5357005&GUID=CEC33D49->

Respectfully Submitted by: Susan Morrow, Interim City Clerk

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager