

**8.2**  
**MARIJUANA DISPENSARIES ADVISORY VOTE**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** June 17, 2020 Regular Meeting  
**SUBJECT:** Marijuana Dispensaries Advisory Vote

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## **Recommendation**

[If the City Council wishes to proceed with a marijuana dispensaries advisory vote]  
Adopt resolutions entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING FOR THE PLACEMENT AND CONSOLIDATION OF ONE ADVISORY MEASURE (ADVISORY VOTE) ON THE BALLOT FOR THE TUESDAY, NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION SEEKING VOTER OPINIONS REGARDING THE ESTABLISHMENT AND OPERATION OF MARIJUANA DISPENSARIES WITHIN LAGUNA WOODS  
*(Please refer to Attachment A.)*

AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND ESTABLISHING A PROCESS FOR FILING WRITTEN ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE ADVISORY MEASURE (ADVISORY VOTE) ON THE BALLOT FOR THE TUESDAY, NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION SEEKING VOTER OPINIONS REGARDING THE ESTABLISHMENT AND OPERATION OF MARIJUANA DISPENSARIES WITHIN LAGUNA WOODS  
*(Please refer to Attachment B.)*

## **Background**

The City Council has engaged in various discussion over the years regarding the potential establishment and operation of marijuana dispensaries. The most recent discussion occurred in May 2017 and culminated in a unanimous vote to prohibit marijuana dispensaries. By that same vote, the City Council also directed staff to “agendize a City Council discussion of potential regulations permitting the establishment, location, and operation of medical and/or non-medical marijuana dispensaries should Federal laws change such that marijuana is no longer a Schedule 1 controlled substance under the Controlled Substances Act.”

At the regular meeting on May 20, 2020 – acting on a recommendation made by Mayor Pro Tem Horne – the City Council voted 3-2, with Mayor Hatch and Councilmember Moore dissenting, to direct the City Manager to draft the resolutions necessary to include an advisory vote on the November 3, 2020 ballot to solicit voter opinions on the potential authorization of marijuana dispensaries in commercial zoning districts for future consideration by the City Council.

## **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on resolutions (Attachments A and B) that, if adopted, would take actions necessary to include a marijuana dispensaries advisory vote on the November 3, 2020 ballot. Pursuant to California Elections Code Section 9603, the results of such an advisory vote would not be controlling on the City Council.

As drafted, the question posed to voters would read:

*“ADVISORY VOTE ONLY*

*Should the City of Laguna Woods allow the establishment and operation of marijuana dispensaries offering the retail sale of medical and non-medical marijuana in commercial zoning districts within the City of Laguna Woods city limits?”*

If the City Council wishes to proceed with a marijuana dispensaries advisory vote, it would also need to determine whether to write arguments for or against the ballot measure, or authorize one or more of its members to do so. If the City Council does not wish to write arguments or authorize its members to do so, staff would solicit

arguments, with preference and priority given, in the order named, to arguments of the following (California Elections Code Section 9287):

1. Bona fide associations of citizens.
  - a. Must submit a copy of one of the following:
    - i. Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.
    - ii. Letterhead containing the name of the organization and its principal officers.
    - iii. If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to California Government Code Section 84101.
2. Individual voters who are eligible to vote on the measure.

### **Fiscal Impact**

The cost of including a marijuana dispensaries advisory vote on the November 3, 2020 ballot is estimated to be \$8,500. Funds are not specifically budgeted for that purpose; however, if the City Council elects to proceed, \$8,500 could be reallocated within staff's recommended budget\* from the following line item:

*General Government – Other Projects & Services*

\$8,500 of \$25,000 (otherwise budgeted for contingency purposes)

\* Assumes adoption of the resolutions in Item 8.1

Attachments: A – Proposed Resolution (Placement and Consolidation of Advisory Measure)  
B – Proposed Resolution (Analysis and Arguments Regarding Advisory Measure)

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**RESOLUTION NO. 20-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING FOR THE PLACEMENT AND CONSOLIDATION OF ONE ADVISORY MEASURE (ADVISORY VOTE) ON THE BALLOT FOR THE TUESDAY, NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION SEEKING VOTER OPINIONS REGARDING THE ESTABLISHMENT AND OPERATION OF MARIJUANA DISPENSARIES WITHIN LAGUNA WOODS

**WHEREAS**, the City Council has called a General Municipal Election to be held on Tuesday, November 3, 2020, for the purpose of electing three (3) members of the City Council for the full term of four (4) years; and

**WHEREAS**, the City Council has requested that the Board of Supervisors of the County of Orange consent and agree to the consolidation of the General Municipal Election with the Presidential General Election on Tuesday, November 3, 2020, for the purpose of electing three (3) members of the City Council for the full term of four (4) years; and

**WHEREAS**, the City Council also desires to submit to the voters on Tuesday, November 3, 2020, one advisory measure (advisory vote) regarding the establishment and operation of marijuana dispensaries within Laguna Woods; and

**WHEREAS**, pursuant to California Elections Code Section 9603, such an advisory measure (advisory vote) is intended to allow the voters of Laguna Woods to voice their opinions regarding the ballot proposal, with the results in no manner controlling on the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Pursuant to the requirements of California Elections Code Section 10403, the City Council’s previous request of the Board of Supervisors of the County of Orange to consent and agree to the consolidation of the General Municipal Election with the Presidential General Election on Tuesday, November 3, 2020, for the purpose of the electing three (3) members of the City Council for the full term of four (4) years, is hereby amended to additionally include one

advisory measure (advisory vote) regarding the establishment and operation of marijuana dispensaries within Laguna Woods (“Election”).

**SECTION 2.** The form for the advisory measure (advisory vote) regarding the establishment and operation of marijuana dispensaries within Laguna Woods is to appear on the ballot substantially as follows:

**ADVISORY VOTE ONLY**

**Should the City of Laguna Woods allow the establishment and operation of marijuana dispensaries offering the retail sale of medical and non-medical marijuana in commercial zoning districts within the City of Laguna Woods city limits?**

Yes   
No

**SECTION 3.** Pursuant to California Elections Code Section 9603(d), the territory in which the advisory election shall be held shall consist of only the jurisdictional boundary of the City of Laguna Woods.

**SECTION 4.** The County of Orange Registrar of Voters is authorized to canvass the returns of the Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Election shall be held and conducted in accordance with the provisions of law regulating the Presidential General Election, including without limitation, California Elections Code Section 10418.

**SECTION 5.** The Board of Supervisors of the County of Orange is requested to issue instructions to the County of Orange Registrar of Voters to take any and all steps necessary for the holding of the consolidated Election.

**SECTION 6.** The City recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any costs upon presentation of a properly submitted bill.

**SECTION 7.** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors of the County of Orange and the County of Orange Registrar of Voters.



**SECTION 8.** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2020.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 20-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2020, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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**RESOLUTION NO. 20-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND ESTABLISHING A PROCESS FOR FILING WRITTEN ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE ADVISORY MEASURE (ADVISORY VOTE) ON THE BALLOT FOR THE TUESDAY, NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION SEEKING VOTER OPINIONS REGARDING THE ESTABLISHMENT AND OPERATION OF MARIJUANA DISPENSARIES WITHIN LAGUNA WOODS

**WHEREAS**, the City Council has called a General Municipal Election to be held on Tuesday, November 3, 2020, for the purpose of electing three (3) members of the City Council for the full term of four (4) years; and

**WHEREAS**, the City Council has also directed that, pursuant to California Elections Code Section 9603, the following advisory measure (advisory vote) will also appear on the ballot for the Tuesday, November 3, 2020 General Municipal Election:

**ADVISORY VOTE ONLY**

**Should the City of Laguna Woods allow the establishment and operation of marijuana dispensaries offering the retail sale of medical and non-medical marijuana in commercial zoning districts within the City of Laguna Woods city limits?**

Yes   
No

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** The City Clerk is directed to transmit a copy of the advisory measure (advisory vote) that will appear on the ballot for the Tuesday, November 3, 2020 General Municipal Election to the City Attorney. The City Attorney is then directed to prepare an impartial analysis of the advisory measure (advisory vote)

showing the effect of the advisory measure (advisory vote) on the existing law and operation of the advisory measure (advisory vote), in accordance with California Elections Code Section 9280. The analysis shall include a statement indicating that the advisory measure (advisory vote) was placed on the ballot by the City Council. The analysis shall not exceed 500 words in length.

**SECTION 2.** The filing of written arguments regarding the advisory measure (advisory vote) that will appear on the ballot for the Tuesday, November 3, 2020 General Municipal Election shall be done in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. If the City Council wishes to file a written argument for or against the ballot measure, the names of the individuals authorized to do so on behalf of the City Council and the authorized position will be noted below. Blank lines indicate that the City Council does not wish to file a written argument in favor of the ballot measure.

- Authorized Position (“For” or “Against”): \_\_\_\_\_
- Authorized Representative #1: \_\_\_\_\_
- Authorized Representative #2: \_\_\_\_\_

**SECTION 3.** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2020.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 20-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2020, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

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YOLIE TRIPPY, CMC, City Clerk

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**8.3**  
**CITY COUNCIL MEETING SCHEDULE**  
***(NO REPORT)***

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