

County of Santa Cruz



COUNTY ADMINISTRATIVE OFFICE

701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073
 (831) 454-2100 FAX: (831) 454-3420 TDD: (831) 454-2123
 SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

July 28, 2015

Agenda: August 4, 2015

BOARD OF SUPERVISORS
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

Consider Ordinance Repealing County Ordinance 5201 Relating to the Cultivation of Cannabis

Dear Members of the Board:

Attached is a letter from the County Clerk advising the Board that the petition filed proposing a County Referendum against County Ordinance 5201 prohibiting cultivation of cannabis has been examined and found to be sufficient. As you are aware, pursuant to Elections Code Section 9145, the Board must either repeal the ordinance in its entirety or submit the ordinance to the voters for consideration. The County Clerk, in consultation with County Counsel, has determined that if the Board should choose to submit the ordinance to the voters, the referendum election would be held at either the next regularly scheduled county-wide election in June 2016 or at a Special Election. The earliest date for a Special Election would be November 2015.

The County Clerk estimates that the cost of a referendum election held in June 2016 would be approximately \$200,000. If the Board were to call a Special Election for November 2015, the cost would be approximately \$400,000. These costs would be a General Fund expense. The County's General Fund continues to be under significant pressure as we work to restore services eliminated during the Great Recession, fund unmet service and infrastructure needs, and cope with the increasing costs of doing business. Based on these considerations, we believe a repeal is appropriate at this time, which would leave in place the previously adopted cannabis cultivation ordinance.

It is therefore **RECOMMENDED** that your Board take the following actions:

1. Adopt the recommendation of the County Clerk to accept the Certification of Examination of the Referendum Petition and the Petition Result Breakdown demonstrating that the petition was signed by the requisite number of qualified signatures; and

2. Adopt in concept an Ordinance repealing Ordinance 5201 relating to the cultivation of cannabis and direct the Clerk of the Board to place the Ordinance on the next available agenda for final adoption.

Very truly yours,



Susan A. Mauriello
County Administrative Officer

Attachments

SAM/CP/s:marijuanacannabis/bos80412ordinancerepealing5201

Copy to: Sheriff-Coroner
Planning Director
County Counsel
County Clerk
Cannabis Choices Cultivation Committee



County of Santa Cruz

0885

COUNTY CLERK / ELECTIONS

701 Ocean Street, Room 210, Santa Cruz, CA 95060-4076
831-454-2060 Toll-free: 866-282-5900 FAX: 831-454-2445 TDD: 831-454-2123
E-mail: info@votescount.com Web Sites: www.sccoclerk.com & www.votescount.com

Gail L. Pellerin, County Clerk
Tricia Webber, Assistant County Clerk

Agenda: August 4, 2015

June 17, 2015

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: Results of Examination of County Referendum Petition Against Cannabis Ordinance

Dear Members of the Board:

I have examined the petitions filed in this office on May 7, 2015, proposing a County Referendum Against County Ordinance 5201 prohibiting commercial cultivation of cannabis. The result of the examination is that the petition is sufficient.

Pursuant to Elections Code Section 9145, if the board of supervisors does not entirely repeal the ordinance against which a petition is filed, the board shall submit the ordinance to the voters either at the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order.

The ordinance shall not become effective unless and until a majority of the voters voting on the ordinance vote in favor of it.

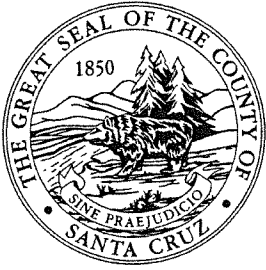
It is therefore RECOMMENDED that the Board of Supervisors accept the County Clerk's Certificate of Examination of the Referendum Petition and the Petition Results Breakdown showing that the petition contained the requisite number of qualified signatures.

Sincerely,

Gail Pellerin
County Clerk

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer



County of Santa Cruz

0886

COUNTY CLERK / ELECTIONS

701 Ocean Street, Room 210, Santa Cruz, CA 95060-4076
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Gail L. Pellerin, County Clerk
Tricia Webber, Assistant County Clerk

County Clerk's Certificate of Examination of Referendum Petition

I, Gail Pellerin, County Clerk for the County of Santa Cruz, California, hereby certify that pursuant to Elections Code Section 9144, the petitions filed in this office on May 7, 2015, proposing a **County Referendum Against County Ordinance 5201 prohibiting commercial cultivation of cannabis** has been signed by the requisite number of qualified voters. The statistical sampling shows that that number of valid signatures exceeds 110% of the number of signatures required by law.

The result of the examination is that the petition is sufficient.

The signatures on the petition have been examined as required by Section 9115 of the California Elections Code to ascertain whether or not the petition was signed by the requisite number of qualified signatures. The elections officials used the random signature technique for verification of signatures. The petition checking system used was DFM Associates Election Information Management Systems Program.



In witness whereof, I have hereunto set my hand and affixed my official seal this 17th day of June, 2015.

Gail L. Pellerin
County Clerk



Petition Result Breakdown

Ref. county 5201
Referendum against Ordinance Passed by the Board of Supervisors Ord 5201

Signatures Required	7248		
Raw Count	11,210		
Sample Size	500	<i>Percent of</i>	<i>Percent of</i>
Sigs Checked	500	<i>Sigs Checked</i>	<i>Sample Size</i>
Sigs Not Checked	0		0.0 %
Sigs Valid	385	77.0 %	77.0 %
Sigs Invalid	115	23.0 %	23.0 %
Duplicated	0	0.0 %	0.0 %
Non-duplicate Invalids	115	23.0 %	23.0 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	385	77.0 %
NotReg	Not Registered	67	13.4 %
OutOfDist	Out of District	4	0.8 %
RegLate	Registered Late	5	1.0 %
RegDiffAdd	Registered at a Different Address	37	7.4 %
CantIdentfy	Cannot Identify	1	0.2 %
NoResAdd	No Residence Address Given	1	0.2 %

The math used to determine sufficiency:

$$11,210 \times 77\% = 8,632$$

$$7,248 \times 110\% = 7,973$$

Range:

$$110\% \quad 7973$$

$$95\% \quad 6886$$

ORDINANCE NO. __

ORDINANCE REPEALING ORDINANCE NO. 5201 RELATING TO THE CULTIVATION OF CANNABIS

WHEREAS, on April 14, 2015, the Santa Cruz County Board of Supervisors adopted Ordinance No. 5201, repealing existing Chapter 7.126 and enacting new Chapter 7.126 relating to the cultivation of cannabis; and

WHEREAS, because Ordinance No. 5201 was subject to a successful referendum, Ordinance No. 5201 never went into effect, leaving in place the pre-existing Chapter 7.126; and

WHEREAS, State law allows the Board of Supervisors to entirely repeal Ordinance No. 5201;

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Ordinance No. 5201 as adopted by the Santa Cruz Board of Supervisors on April 14, 2015 is hereby repealed in its entirety.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2015 by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel